

MONTANA LIVESTOCK LOSS REDUCTION AND MITIGATION PROGRAM

Gray wolves are firmly established in Montana. The long-term presence of wolves in Montana depends on implementing a comprehensive program that carefully balances the complex biological, social, economic, and political aspects of wolf management. One challenge that must be addressed in seeking this balance is that gray wolf recovery has and will continue to result in the loss of personal property and income to some livestock producers.

As a part of the comprehensive wolf program implemented by Montana Fish, Wildlife & Parks (FWP) and its cooperators, the Montana Livestock Loss Reduction and Mitigation Program will address economic losses due to wolf predation and create incentives for producers to take proactive, preventive steps to decrease the risk of loss.

PURPOSE & PHILOSOPHY

The purposes of the Montana Livestock Loss Reduction and Mitigation Program (program) are to acknowledge the importance of economic viability and sustainability of individual livestock operators in Montana who are negatively affected by wolf recovery and to ensure a viable, well-distributed gray wolf population that meets recovery goals and is managed similar to other large carnivores. The program is created to fulfill the compensation provisions of the **Montana Gray Wolf Conservation and Management Plan** implemented in the FWP's Record of Decision in May 2004. More specifically, the purposes of the loss reduction and mitigation programs are:

1. to proactively apply prevention tools and incentives to decrease the risk of wolf-caused losses;
2. to minimize the number of livestock killed by wolves through active management of the wolf population and proactive livestock management strategies and defense of property provisions of federal regulations prior to delisting and state laws upon delisting;
3. to provide financial reimbursements to producers for losses caused by wolves based on the program criteria.

The program is based on the belief that both government and livestock producers want to take reasonable and cost-effective measures to reduce losses, the acknowledgement that it is not possible to prevent all losses, and that livestock producers should not incur disproportionate impacts as a result of recovery of Montana's wolf population.

Developed by a diverse cross section of about 30 Montana citizens, agencies, and others, the mission statement and guiding principles are as follows.

Mission Statement: To help support Montana livestock communities by reducing the economic impacts of wolves on individual producers by reimbursing their confirmed and probable wolf-caused losses and helping to reduce their losses by approving projects and funding programs that will discourage wolves from killing livestock.

Guiding Principles

- We believe in a program that promotes existence of sustainable wolf populations.

- We recognize the importance of economic viability and sustainability of individual livestock operators in Montana.
- We recognize the complex interactions between wolves and livestock.
- We believe that those interactions have the potential to negatively impact some individual livestock operators and that livestock owners have the right to protect their livestock and their livelihoods.
- We understand that wolf depredations on livestock are lower in the presence of healthy ungulate populations.
- We value a broad spectrum of options to reduce conflicts and potential depredations.
- We recognize that “one size” might not fit all situations, locations, and/or populations.
- We believe that any “compensation” program should be both uniform and flexible.
- We believe in fair and equitable treatment of all those involved.
- We seek a broad range of funding sources to meet the need to provide long-term, viable “compensation” solutions.

This document summarizes the three elements of the program intended to achieve the three purposes noted above. It outlines creation of a quasi-judicial board under Montana statutes. The board, in collaboration and in conjunction with FWP and its cooperators, will administer a grants program that will address and finance efforts to proactively apply prevention tools and incentives to decrease risk of loss. The quasi-judicial board also administers and provides the financial reimbursement payments to livestock producers. FWP is the entity with the primary responsibility for wolf conservation and management and implementation of the state’s federally-approved plan. It works with a variety of cooperating agencies and tribes.

PROACTIVE LOSS PREVENTION AND REIMBURSEMENT

1. Montana Livestock Loss Reduction & Mitigation Board

Montana Livestock Loss Reduction and Mitigation Board (Board): The Montana Livestock Loss Reduction and Mitigation Board is an independent, entity or “trust” created to help minimize wolf-caused livestock losses and to reimburse producers for losses. It is chartered under the laws of Montana by the Montana Legislature and exists as a quasi-judicial board under the Montana Department of Administration. The Board consists of 7 knowledgeable citizen members who represent a balance of diverse interests (i.e., agriculture (wool and stock growers) environment (wildlife, conservation), Tribes, taxpayers, victims, the general public, etc.). The Board administers a grants program to cost-share preventative measures and makes reimbursement payments for confirmed and probable livestock losses as outlined below in the Claims Section.

A. Composition of the Board

The Board shall consist of seven members, appointed by the governor, as follows:

1. three members from a list of names recommended by the Board of Livestock
2. three members from a list of names recommended by the FWP Commission
3. one member of the general public

The Montana Board of Livestock and the FWP Commission will be encouraged to ensure that their recommendations include interests of cattle producers, woolgrowers, and wildlife conservation in a balanced way.

The livestock loss reduction and mitigation board is designated as a quasi-judicial board for the purposes of MCA 2-15-124, except that no member of the board must be an attorney licensed to practice law in this state.

B. General Requirements for Board Members

1. Each Board member shall (deleted residency requirement) possess knowledge of or have experience in at least one of the following:
 - a. Raising Livestock in Montana
 - b. Livestock marketing, valuations, sales, breed associations
 - c. Wolf interaction with livestock, livestock mortality due to wolves
 - d. Wildlife conservation
 - e. Administration
 - f. Fund raising

C. Terms of Service:

Board members shall serve for four-year terms, and the terms will be staggered. Members can be reappointed to another term of service. Three of the FWP appointments would be staggered with a 2, 3, 4-year appointment cycle. Three from the Board of Livestock would be staggered at 2, 3, 4. The Governor's appointment would serve a 4-year term.

D. Duties of the Board:

1. The Board shall administer the "compensation" provisions of the Montana Gray Wolf Conservation and Management Plan by implementing and overseeing a Loss Reduction Program and a Loss Mitigation Program. The Board shall strive to honor the intent and the spirit of the citizens' ongoing collaborative process that resulted in the successful completion of the Montana Gray Wolf Conservation and Management Plan. The board is acting under the conditions set forth by the Montana plan and operating procedures shall be in compliance with state statutes.
2. The Board would have the ability to make an agreement with a Tribe so that losses on tribal lands within reservation boundaries would be eligible for grants and reimbursement payments if the Tribe adopted a plan that was consistent with the state plan.
3. In fulfilling its duty, the board shall:
 - a. meet at regular intervals (e.g. quarterly) by conference call or in person to conduct the business of the program
 - b. craft and approve strategic plans on a 3-5 year cycle
 - c. establish an annual budget for the prevention and mitigation elements
 - d. hire and supervise the staff claims adjuster and administrative support
 - e. approve proactive loss reduction grant requests, review effectiveness of grants at end of their term to ascertain which preventive measures are most successful in achieving their goal
 - f. hear and make final decisions on appeals; adjudicate claims not resolved by the staff adjuster
 - g. work with FWP, state, federal, and local governments, the Montana Governor's Office, the Montana Congressional delegation, the Montana Legislature, non-government organizations, and other interested parties to assure adequate funds for the proactive loss reduction grant program and the reimbursement element
 - h. investigate alternative or enhanced funding sources including possible funding agreements with wildlife organizations that already have compensation programs

- i. coordinate and share information with other agencies, including: Montana Fish, Wildlife & Parks, Montana Department of Livestock, Montana Department of Agriculture, USDA Montana Wildlife Services, US Forest Service, US Fish and Wildlife Service, USDA Natural Resources and Conservation Service, local working groups, etc.
- j. complete a annual written report that outlines program goals, accomplishments, budgets, expenditures, etc. The report will be presented to the Montana Governor's Office, the Montana Legislature, the Montana congressional delegation, the Montana Board of Livestock, the Montana Fish, Wildlife & Parks Commission. It will also be made available to the general public
- k. perform periodic performance audits and review expenditures of program staff
- l. review prevention grants and mitigation payments at least quarterly

E. Funding

1. Securing adequate funding for the mitigation and reimbursement elements is shared by state, federal, and local governments, non-governmental organizations, the Montana Legislature, the Montana Governor's office, the Montana Congressional delegation, and other interested parties.
2. Sources could include donations from private citizens, agricultural, or wildlife organizations. More than one account may need to be established to separate public and private (potentially tax deductible donations) funds.
3. The Board will work with the Montana Board of Investments to assure that industry-standard acceptable accounting practices are followed.
4. The Board will be able to accept federal funds and private funds

F. Support Staff

1. Two staff adjusters and/or one staff adjuster plus one administrative support staff may be necessary depending on the work load and travel required to process claims. Staff needs will be determined depending on the work load and travel required to process claims.
2. The staff adjuster is the sole "employee" of the Board. This role may be also fulfilled by a volunteer, at the discretion of the Board.
3. Duties Include:
 - a. process claims
 1. receive claim forms and investigative reports from producers
 2. review claim forms and reports
 3. determine value of animal lost, date of loss, basis price for reimbursement, appropriate "multiplier" if indicated
 4. issue check for payment along with a written explanation of payment.
 - b. keep complete records
 1. submit monthly (or quarterly) and annual reports to the Board summarizing claims and expenditures
 2. maintain files of all claims received, supporting documentation, and results of action taken
 - c. provide information to the Board on claims that are appealed to the Board, implement any final decisions of the Board
 - d. prepare recommendations at the end of the fiscal year for multiplier payments if funds are available
 - e. provide proper documentation of staff time and expenditures.
 - f. other duties as assigned by the board

2. *Ad Hoc* Board

In the interim period until the first official Board is appointed, the continuing subcommittee members will serve as an *ad hoc* board. The *ad hoc* board will draft suggested legislation that creates the board, outlines the criteria and make up of the board, and describes the board's responsibilities in general terms. The *ad hoc* board will also draft more detailed administrative rules that outlining board and staff responsibilities and program parameters as reflected in this document.

Board duties and program parameters drafted by the *ad hoc* board will be finalized through the Montana administrative rule making process by the first officially appointed board.

A. Duties of the *Ad Hoc* Board:

1. Design and approve eligibility requirements for a grants program to cost-share implementation of prevention measures to reduce livestock losses.
2. Establish eligibility criteria and rules for use of a multiplier payment system, if funding permits, to account for undocumented losses based on confirmed losses in situations where confirmation of all losses may be very difficult due to terrain or other factors.
3. Establish eligibility criteria and the rules for a "bonus" payment, if funding permits, for losses when a producer utilizes prevention tools but still incurs wolf-caused losses.
4. Identify potential sources of funding, solicit funding and private donations, and seek grants to get the program underway.
5. Create a process for evaluating and addressing chronic depredation situations.
6. Create an appeals process; hear appeals; adjudicate claims not resolved by the staff adjuster.
7. Record and maintain any claims for mitigation of losses as stipulated in the Montana Gray wolf Conservation and Management Plan in the interim period until funding is available to reimburse said losses.

3. Loss Reduction Program

The loss reduction program is intended to minimize wolf depredation on livestock. This program includes preventative measures to decrease risk. A variety of preventative measures may help reduce the risk of wolf-caused livestock losses. Some measures currently used include: night penning, guard dogs, increased human presence (herders, riders), use of alternative pastures, delayed turnouts, fladry, etc. To date, there has been limited funding for, coordination of, or scientific evaluation of the effectiveness of these measures. In designing and implementing this program, the Board will seek input from FWP staff and other wildlife organizations which have experience in attempting to use proactive preventive measures to reduce losses.

The board, in collaboration and in conjunction with FWP and its cooperators, will administer a grants program that will address and finance efforts to proactively apply prevention tools and incentives to decrease risk of loss.

A second facet of reducing the potential for wolf depredation on livestock entails active management of wolf numbers and distribution through implementation of tools outlined in Montana's federally-approved management plan and state statutes. FWP is the agency responsible for its implementation and not the Board. Therefore, this facet is addressed in a separate section below (Montana Wolf Conservation and Management Plan).

A. Roles & Responsibilities to decrease risk:

1. **FWP and Tribes** (entities bearing primary responsibility for wolf conservation and management): lead and coordinate loss reduction efforts; implement, document, and evaluate preventive measures; work closely with other state and federal agencies, NGO's, and livestock producers to identify and implement projects; seek grants from the Board and utilize other funding sources; research into wolf-livestock interactions
2. **Wildlife Services and MDOL:** work closely with FWP, Tribes, and producers in the areas of technical assistance; implementation, documentation, and evaluation of prevention measures; ongoing research
3. **NRCS:** work closely with FWP, Tribes, WS and MDOL; technical assistance to identify and evaluate projects, EQIP funding; research
4. **Other state and federal agencies, NGO's, Universities, Extension Service:** technical assistance and support to identify projects, implement prevention measures, evaluate efficacy; fundraising as appropriate; research.
5. **Local/Community Working Groups or Foundations:** facilitate implementation of prevention measures; serve as a forum to share information and exchange ideas; develop grant requests for the Board and EQIP program; fund raising
6. **Montana Livestock Loss Reduction and Mitigation Board:** administer a grants program to cost-share implementation of preventative measures; fund raising
7. **Livestock owners:** take advantage of cost-effective measures (cost-effectiveness may be affected by cost-sharing with NGO's or federal agencies)

B. Funding: Funding for the proactive implementation of preventive measures designed to reduce losses will initially come from donations by private citizens, agricultural/wildlife organizations, or federal and/or state appropriations for this purpose. The Board may explore any additional alternative sources of funding that might be applicable for this program in the future. The Board shall examine the possibilities of engaging in a cooperative effort with other wildlife organizations or other state/federal agencies which have loss reduction programs in place to meet the funding needs of this program.

C. Grant Program to Cost Share Prevention Measures

1. **Eligibility requirements:** All Montana livestock producers are eligible to apply for grants to cost share prevention measures. However, grants will be awarded on the basis of the grant priority basis listed below and on the availability of funds at that time.
2. **Grant Priority Basis**
 - a. **Chronic depredation** –Producer experiencing continuing repeated confirmed depredation with geographical/habitat considerations that favor continued livestock-wolf conflicts.
 - b. **Multiple depredation incidents** –Producer experiencing more than one confirmed wolf-livestock conflict.
 - c. **Single depredation incident** –Producer with a single confirmed depredation incident.
 - d. **Potential high risk geographical/habitat location** –Producer located in area of high wolf density or in area of desired wolf habitat with a high risk of future wolf-livestock conflicts but does not have previous history of loss.
3. **Grant guidelines:** The Board shall consider each application for cost sharing prevention measures on an individual basis and shall have flexibility in structuring the terms of assistance to achieve the best chance of success. The Board shall seek technical advice from FWP staff and/or other wildlife organizations with experience in preventive measures prior to approving a grant. Grants for prevention measures shall be available for use on both public and private lands.
 - a. **Terms** – assistance may be granted for one or more years.
 - b. **Cost Share** –The cost share of prevention measures shall normally be 50% grant-50% producer. The producer's contribution can be in cash or in appropriate services as labor to

install preventive measures. The Board shall have to flexibility to adjust the cost share ratio in chronic or multiple depredation cases in extenuating circumstances.

c. Preventive measure – may include but is not limited to fencing materials, fladry, guard dogs, herders/riders, horses/ mules/llamas, hay/dog food, rental of private ground/other allotment. The Board shall have the flexibility to try new or different measure as additional information on successful prevention measures become available.

d. Obligation of producer –The obligations of the producer shall be clearly spelled out in a Grant Agreement with the Board. Participate in the evaluation process.

e. Review of grant effectiveness –At the end of the Term of the preventive program, each grant shall be reviewed as to its effectiveness in loss reduction. The staff person shall write a summary about the effectiveness of the grant. The staff member may consult with management agencies and the producer while doing the summary. The Board shall periodically review grants summary to ascertain which preventive procedures are most effective in achieving their goals.

4. LOSS MITIGATION PROGRAM

The loss mitigation program is intended to indemnify livestock producers for losses due to wolf depredation.

Confirmed and probable losses have first priority for the funding available. Indirect losses and costs are not directly covered. However, if sufficient funding is available, a “multiplier” may be applied to each payment for confirmed losses to acknowledge additional economic impacts in those situations where documentation of losses may be difficult due to terrain, etc. Further, if sufficient funding is available and if a producer has implemented preventative measures satisfactory to the Board, an additional “bonus” payment may be made for each probable or confirmed loss.

A. Eligibility: All livestock producers are eligible for coverage for losses of livestock as identified in the Montana Wolf Conservation and Management Plan (cattle, calves, hogs, pigs, horses, mules, sheep, lambs, goats, guarding animals) on state, federal, private, or tribal lands if the state and tribe choose to enter into an agreement. Losses on fee title lands within reservation boundaries would be automatically eligible for grants and reimbursements. Producers are eligible for losses occurring after the Montana Gray Wolf Conservation and Management Plan was implemented in May, 2004. The board may wish to consider whether or not a producer is eligible for reimbursement if livestock were not lawfully present at the site of an attack due to gross and in

B. Coverage for direct losses: veterinary bills for livestock confirmed injured by wolves at 100% (full payment if animal dies); livestock killed by wolves (confirmed and probable) at 100% of “fair market value” (see below). This program pays veterinary bills (capped at the fair market value of the animal) for livestock injured by wolves. If the animal is injured and treated by a vet and dies subsequently, the program will pay for the vet bills and for the animal at fair market value which are documented by WS as confirmed or probable wolf-caused losses according to definitions currently used by WS (see below).

1. Confirmed: reasonable physical evidence that an animal was actually attacked and/or killed by a wolf. The primary confirmation would ordinarily be the presence of bite marks and associated subcutaneous hemorrhaging and tissue damage, indicating that the attack occurred while the livestock was alive, as opposed to simply feeding on an already dead animal. Spacing between canine tooth punctures, feeding pattern on the carcass, fresh tracks, scat, hairs rubbed of on fences or brush, and/or eye witness accounts of the attack may help identify the specific species or individual responsible for

the depredation. Predation might also be confirmed in the absence of bite marks and associated hemorrhaging (i.e. if much of the carcass has already been consumed by the predator or scavengers) if there is other physical evidence to confirm predation on the live animal. This might include blood spilled or sprayed at a nearby attack site or other evidence of an attack or struggle. There may also be nearby remains of other victims for which there is still sufficient evidence to confirm predation, allowing reasonable inference of confirmed predation on the animal that has been largely consumed.

2. Probable: having some evidence to suggest possible predation, but lacking sufficient evidence to clearly confirm predation by a particular species, a kill may be classified as Probable depending on a number of other factors such as: (1) has there been any recently confirmed predation by the suspected depredating species in the same or nearby area? (2) how recently had the livestock owner or his employees observed the livestock? (3) is there evidence (telemetry monitoring data, sightings, howling, fresh tracks, etc.) to suggest that the suspected depredating species may have been in the area when the depredation occurred? All of these factors, and possibly others, should be considered in the investigator's best professional judgment.

C. Multiplier for unprovable and indirect losses:

A "multiplier" may be applied in certain circumstances to the fair market value for each confirmed or probable loss in recognition that:

1. It is impossible to confirm and document all wolf depredations. Terrain, weather, and other factors may make it impossible to document legitimate losses due to wolves.
2. There are other indirect losses and increased costs resulting from wolf/livestock conflicts.
3. The Board shall establish and adjust the amount of the multiplier through time and based on availability of funds and research results. The Board shall have flexibility in applying a different multiplier in different situations in consideration of the difficulty of loss verification due to terrain, a history of chronic depredation, wolf density, and other pertinent factors.
4. "Multiplier" payments will be made if sufficient funding is available after payments are made for all confirmed and probable losses, and therefore will be made at the end of the Board's fiscal year.
5. Eligibility: Producers with confirmed or probable losses due to wolf predation.
6. Procedure: A producer who believes that he/she had additional unproveable wolf losses shall request a multiplier payment. The producer should present all pertinent facts to support his request, including description of terrain where losses occurred, previous loss rates vs. present loss rates, etc.

D. "Bonus" for Preventive Measures: Livestock producers who implement preventative measures that meet criteria established by the Board may be eligible for a "bonus" payment for each probable or confirmed loss. The Board shall establish the eligibility criteria. The Board will also establish and adjust the amount of the bonus through time and based on availability of funds.

E. "Fair market value" is determined as follows:

1. Commercial sheep and lambs: For sheep over 1 year of age, the average price of similar age/sex sheep at the most recent sale at the Billings Livestock Sale ring, PAYS, or other ring as determined by the Board. For lambs, average market weaning value.
2. Registered sheep: average price paid to the specific breeder for similar age/sex animals during the past year at public and/or private sales for that registered breed.
3. Commercial cattle and calves: For cattle over 1 year of age, the average price of similar age/sex animals at the most recent sale at the Billings Livestock Sale ring, PAYS, or other ring as determined by the Board; For calves, average market weaning value.
4. Registered cattle: The average price paid preferably to the owner during the past year at public and/or private sales for similar age/sex animals of that registered breed.

5. Other livestock: Average price paid at the most recent public auction for the type of animal lost, or replacement price as determined by the Board. In the case of registered stock, the price of average price at public and/or private sale paid to the producer for similar age/sex animals
6. A producer may provide documentation that a registered animal has a "fair market" value in excess of the "average" price, as in the case of a donor cow or a bull contracted to a national semen sales company. In such cases, the board shall seek additional verification of the value of the animal from independent sources. The burden of proof of extraordinary value lies with the producer. If a value of an animal is determined to be above the "average" price as described above, then the increased value shall be accepted as the fair market value for that animal.

F. Staff Adjuster: The staff adjuster is the sole "employee" of the Board. This role may be also be fulfilled by a volunteer, at the discretion of the Board. Duties include:

1. Process claims: receive claim forms and investigative reports from producers, review claim forms and reports, determine type of animal lost, date of loss, basis price for reimbursement, and whether the claim qualifies for "bonus" or multiplier payments
2. If documentation is incomplete, staff adjuster will ask for more information from USDA Wildlife Services before rejecting payments.
3. Provide immediate payments for confirmed and probable losses along with a written explanation of payment.
4. Compile qualified applications for multiplier and bonus payments which will be forwarded to the board for authorization of payment.
5. Reporting and Record Keeping: submit monthly (or quarterly) and annual reports to the Board summarizing claims and expenditures, maintain files of all claims received, supporting documentation, and results of action taken.
6. Appeals: provide information to the Board on claims that are appealed to the Board, implement any final decision by the Board.
7. Prepare annual budget for Board
8. Provide proper documentation of staff time and expenditures

[NOTE: two staff adjusters and/or 1 adjuster plus 1 administrative support staff member may be necessary, depending on work load and travel requirements.]

G. Funding: Funding for loss mitigation payments will initially come from donations, state or federal appropriations for this purpose. The Board will explore any alternative sources of funding that might be applicable for this program in the future. The Board shall examine the possibilities of engaging in a cooperative effort with other wildlife organizations which have loss mitigation programs in place to meet the funding needs of this program.

H. Claim Process: When a livestock producers suffers a loss for which wolves may be responsible, the following process will be used to document and process the claim:

1. The livestock producer will contact FWP, Wildlife Services or the Tribe to notify them of the loss. If the loss occurs on federal, state or private land, FWP and Wildlife Services will coordinate the response. If the loss occurs on lands under Tribal jurisdiction, the Tribe and Wildlife Services will coordinate the response.
2. Initial investigation of incidents on state, federal or private land will be led by Wildlife Services unless Wildlife Services staff cannot respond and requests FWP take the lead. Wildlife Services will be responsible for determining whether the loss is "confirmed" or "probable." FWP will also make a site visit with respect to prevention measures, to provide information, and to coordinate and direct additional agency response.
3. All investigators will use a standard form, developed jointly by FWP, Wildlife Services and the Tribe in consultation with the Board, that includes the information necessary to document the

circumstances of the incident, determine the role, if any, of wolves and provide the basis for adjusting the claim. Photos may also be taken to supplement the documentation of the area where the loss occurred, the loss itself, and supporting evidence. If the producer indicates that the value of the animal lost was in excess of \$10,000, blood or tissue samples may be taken for DNA testing to validate identification of the animal. The form will also note prevention strategies employed at the time of loss and recommendations for follow up.

4. Each investigation report form shall be completed in quadruplicate, with copies distributed within 10 working days as follows:
 - a. Original: to FWP
 - b. Copy #1: to Wildlife Services
 - c. Copies #2 & 3: to the landowner.
5. The investigator shall inform the producer how to submit a claim and shall provide a claim form, developed by the Board, to the producer along with 2 copies of the investigation report.
6. The producer shall complete the claim form and submit it, along with one copy of the investigation report, to the staff adjuster. If the claim is for a registered purebred animal, the producer must submit the signed actual registration certificate for the animal to the staff adjuster along with the claim documents. Adjuster shall notify the breed association of the loss of that registered animal and shall retain the registration certificate in the Board's files. All claims shall be submitted within 60 days of the receipt of the investigative report.
7. Claims will not be paid for injured or dead livestock for which compensation is provided by other means or providers.
8. On the claim form, the producers will certify that the animals have not been insured or reimbursed from any other sources.
9. The staff adjuster shall acknowledge receipt of the claim by phone, fax or email within 3 business days. For confirmed and probable claims, the adjuster will determine the value of the claim and issue a check and letter explaining the basis of the settlement to the producer within 30 days following receipt of all required claim documents from the producer. Since payment of "multiplier" and bonus payments are dependent on sufficient funding, payment for those types of claims may be delayed until the end of the year to insure that all confirmed and probable claims have been satisfied.
10. If the producer is not satisfied with the determination of the adjuster, he/she may appeal the decision to the Board within 30 days.
11. The Board will consider all appeals within 90 days. The decision of the Board on any appeal is final.

I. Appeal Process

1. A producer can appeal a staff adjuster's decision by notifying the staff adjuster and Board in writing of his appeal, stating the reasons for his appeal, and provide any documentation supporting the appeal.
2. The Board shall conduct a hearing on the appeal within 90 days of the receipt of the written notice to appeal.
3. The Board shall give opportunity for both the staff adjuster and the producer to present their positions. Because the Board may want to seek additional independent information concerning the matter, the Board shall have up to thirty days to render a decision. The producer shall be notified in writing of the Board's decision.
4. The Board cannot accept any appeals on whether the loss was or was not a confirmed or probable loss. That decision lies solely with Wildlife Services, and the Board cannot change the final determination of a loss status by WS.
5. A producer can appeal a staff adjuster's decision by notifying the adjuster and board in writing of his appeal, stating the reasons for his appeal, and provider any documentation supporting the appeal.

6. If the documentation is incomplete, the board may consult with WS - it will be returned to WS for completion of the form.

MONTANA GRAY WOLF CONSERVATION AND MANAGEMENT PLAN

The Montana Wolf Management Plan provides direction to FWP to conserve and manage gray wolves similar to other wildlife species. Based on adaptive management principles, the plan guides decisions based on the status of the wolf population statewide and the local setting. The plan allows wolves to find their place on the landscape while at the same time calls for resolution of conflicts where and when they occur. A variety of management tools, including lethal and non-lethal, allow FWP to fine tune wolf numbers and distribution to balance the benefits and costs of wolf recovery. Prior to delisting, FWP will implement as much of the state plan as allowed by federal regulations. After delisting, FWP will implement the remaining portions that had been prohibited by the Endangered Species Act.

Montana's Indian tribes have jurisdiction on tribal lands and may choose to develop and implement wolf management plans for their reservations. Montana invites the tribes to collaborate and enter into an agreement for the purposes of implementing this framework.

A. Agency Roles & Responsibilities:

1. **USFWS:** Prior to delisting, annually review FWP's wolf conservation and management program to assure compliance with federal law, provide funding to support state fulfillment of federal requirements; after delisting, periodically review FWP management of wolves to ensure relisting is not required.
2. **FWP:** Prior to delisting and through a cooperative agreement lead wolf conservation and management activities in Montana; implement as much of the Montana Wolf Management Plan as possible, given federal constraints; after delisting implement the remaining portions of the Montana Wolf Management Plan
3. **Tribes:** Develop and implement wolf management plans for reservations.
4. **USDA Wildlife Services:** conduct investigations of injured and dead livestock; implement variety of lethal and non-lethal management responses to address problem wolves

B. Defense of Property by Private Citizens: One way to minimize losses is to allow livestock producers to haze and/or kill wolves that actively harass, chase, molest or attack livestock. While wolves are listed under the ESA, take by private citizens is prohibited in the endangered area. In the Montana experimental area, livestock producers can take wolves under some circumstances under a special 10(j) rule. Once wolves are delisted, state law will govern taking of wolves in defense of livestock. State statute will allow citizens to haze or kill wolves threatening or attacking livestock anywhere in Montana except where prohibited otherwise (e.g. national parks and national wildlife refuges).

1. Roles & Responsibilities:

- a. **USFWS:** Prior to delisting, law enforcement will investigate all taking of wolves and take appropriate action based on results, train FWP employees; after delisting, provide assistance as requested by FWP
- b. **FWP:** Prior to delisting, provide information on 10(j) rule and other ESA restrictions to private citizens, assist with USFWS law enforcement investigations upon request; after delisting provide information on state laws to private citizens; lead investigations and take appropriate action based on results
- c. **Tribes:** same role as FWP but on lands under Tribal jurisdiction.

- d. **USDA Wildlife Services:** conduct investigations of injured and dead livestock to determine cause of injury or death, as requested by law enforcement

C. Agency Lethal Control: Lethal control by government agents will be necessary in some circumstances to remove problem wolves that repeatedly attack livestock. While wolves are listed, control decisions will be guided by the federal regulations and the Montana Wolf Conservation and Management Plan. After delisting, control decisions will be guided by the state plan in the absence of federal regulations.

1. Roles & Responsibilities

- a. **Livestock owners:** on private, state and federal land, notify FWP and WS of losses; on reservations, notify Tribal authorities; assist agency or tribal personnel in identification and resolution of problems.
- b. **FWP:** on private, state and federal land decide on appropriate management response; implement actions or direct actions of Wildlife Services; monitor and evaluate effects of control and efficacy of prevention measures
- c. **Tribes:** decide on appropriate response on reservation lands; implement actions or direct actions of Wildlife Services; monitor effects of control and efficacy of prevention measures
- d. **Wildlife Services:** respond to depredation complaints and remove wolves under FWP or Tribal authorization.

Conceptual Diagram of the Loss Reduction and Mitigation Program

