

SENATE BILL NO. 83

INTRODUCED BY T. MURPHY

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CRITERIA FOR THE TRANSPLANTATION OF MOUNTAIN SHEEP; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Criteria for transplantation of mountain sheep -- legislative intent. (1)

It is the legislature's intent that the requirements of this section ensure that mountain sheep transplantation projects:

(a) are implemented in areas where transplantation is likely to be successful for the species, with an emphasis on avoiding conflicts in existing land management practices and competition between mountain sheep and other species that may be detrimental to the success of the project;

(b) incorporate sound science, public and local government involvement and cooperation, and adequate planning;

(c) are conducted in a manner that respects and preserves private property rights; and

(d) are implemented only after it is determined that transplantation of mountain sheep will not jeopardize existing domestic sheep grazing allotments and after proper protections are made to ensure that the department assumes financial responsibility for efforts to keep mountain sheep and domestic sheep separate.

(2) Land on which the department is proposing to transplant mountain sheep must:

(a) be located within historic mountain sheep habitat as identified by the department in its most recent mountain sheep conservation strategy;

(b) contain sufficient winter and other seasonal range capacity to support the anticipated population size; and

(c) be at least 65% publicly owned or managed.

(3) The department may not transplant mountain sheep:

(a) if domestic sheep or domestic goat operations exist within the proposed transplantation area or in the immediate surrounding area;

(b) if transplantation would negatively impact existing multiple uses of public land in the transplantation

1 area, including grazing; or

2 (c) without preparing a comprehensive management plan that:

3 (i) clearly identifies the proposed transplantation area;

4 (ii) provides for the expeditious removal of mountain sheep that commingle with domestic sheep or
5 domestic goats;

6 (iii) provides for the expeditious removal or relocation of mountain sheep that cause damage to private
7 property or agriculture or livestock operations;

8 (iv) provides for the expeditious removal or relocation of mountain sheep that become permanently
9 established outside of their designated transplantation area; and

10 (v) identifies a long-term, stable funding source to be used for future management actions related to the
11 transplantation effort.

12 (4) When proposing the transplantation of mountain sheep, the department shall prepare an
13 environmental review pursuant to Title 75, chapter 1, part 2, including a public scoping process. As part of the
14 public scoping process, the department shall:

15 (a) consult and coordinate with county commissioners in the affected counties;

16 (b) hold a public meeting in each county in which the transplantation would occur; and

17 (c) give written notification of the proposed transplantation to all landowners within the proposed
18 transplantation area. The notice must include information about opportunities for submitting public comment and
19 list all public meetings scheduled in the affected county or counties.

20 (5) In addition to the requirements of Title 75, chapter 1, part 2, and subsection (4) of this section, any
21 environmental review prepared for the proposed transplantation of mountain sheep must include:

22 (a) disease surveillance and demographic modeling data for the mountain sheep herd from which sheep
23 would be transplanted; and

24 (b) analysis of the impacts of the comprehensive management plan prepared pursuant to subsection
25 (3)(c).

26 (6) Before transplantation of mountain sheep is approved, the department shall:

27 (a) obtain written permission from:

28 (i) landowners holding 80% of the private land located within the proposed transplantation area; and

29 (ii) landowners whose property is specifically identified or utilized by the proposed transplantation project;

30 and

1 (b) consult and coordinate with the department of agriculture and the department of livestock if the
2 transplantation will impact agriculture or livestock operations in the transplantation area or the surrounding area.

3
4 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
5 integral part of Title 87, chapter 5, part 7, and the provisions of Title 87, chapter 5, part 7, apply to [section 1].

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7 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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