

SENATE BILL NO. 185

INTRODUCED BY M. PHILLIPS

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE HUNTING AND TRAPPING OF WOLVES IN CERTAIN HUNTING DISTRICTS; AMENDING SECTIONS 87-1-304 AND 87-1-901, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may:

- (a) fix seasons, bag limits, possession limits, and season limits;
- (b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101;
- (c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf in those areas;
- (d) subject to the provisions of 87-1-301(6), restrict areas and species to hunting with only specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences; and
- (e) declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property. In determining to whom special licenses must be issued, the commission may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system must be

1 determined by the commission.

2 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during
3 special archery seasons.

4 (3) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may divide
5 the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state.
6 The commission may declare a closed season for hunting, fishing, or trapping in any of those districts and later
7 may open those districts to hunting, fishing, or trapping.

8 (4) The commission may declare a closed season on any species of game, fish, game birds, or
9 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or
10 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited
11 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking
12 waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds,
13 and nongame birds. The commission may open the area or district upon consent of a majority of the property
14 owners affected.

15 (5) The commission may authorize the director to open or close any special season upon 12 hours'
16 notice to the public.

17 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15
18 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and
19 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers
20 advisable and consistent with its policies relating to fishing.

21 (7) ~~It~~ Except as provided in 87-1-901(4), in an area immediately adjacent to a national park, the
22 commission may not:

23 (a) prohibit the hunting or trapping of wolves; or

24 (b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the commission
25 for that area has been met."

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27 **Section 2.** Section 87-1-901, MCA, is amended to read:

28 **"87-1-901. Gray wolf management -- rulemaking -- reporting.** (1) Except as provided in subsection
29 (2), the commission shall establish by rule hunting and trapping seasons for wolves. For game management
30 purposes, the commission may authorize:

- 1 (a) the issuance of more than one Class E-1 or Class E-2 wolf hunting license to an applicant; and
2 (b) the trapping of more than one wolf by the holder of a trapping license.
- 3 (2) The commission shall adopt rules to allow a landowner or the landowner's agent to take a wolf on
4 the landowner's property at any time without the purchase of a Class E-1 or Class E-2 wolf license when the wolf
5 is a potential threat to human safety, livestock, or dogs. The rules must:
- 6 (a) be consistent with the Montana gray wolf conservation and management plan and the adaptive
7 management principles of the commission and the department for the Montana gray wolf population;
- 8 (b) require a landowner or the landowner's agent who takes a wolf pursuant to this subsection (2) to
9 promptly report the taking to the department and to preserve the carcass of the wolf;
- 10 (c) establish a quota each year for the total number of wolves that may be taken pursuant to this
11 subsection (2); and
- 12 (d) allow the commission to issue a moratorium on the taking of wolves pursuant to this subsection (2)
13 before a quota is reached if the commission determines that circumstances require a limitation of the total number
14 of wolves taken.
- 15 (3) Public land permittees who have experienced livestock depredation must obtain a special kill permit
16 authorized in 87-5-131(3)(b) to take a wolf on public land without the purchase of a Class E-1 or Class E-2
17 license.
- 18 (4) The commission may not allow hunting or trapping of wolves in wolf management units that border
19 Yellowstone national park if more than one-half of the unit lies within Park County.
- 20 ~~(4)(5)~~ The department shall report annually to the environmental quality council regarding the
21 implementation of 87-5-131, 87-5-132, and this section."

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

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