

SENATE BILL NO. 249

INTRODUCED BY DEBBY BARRETT

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO WILDLIFE MANAGEMENT DECISIONS; DEFINING CONSULTATION WHEN MAKING MANAGEMENT DECISIONS INVOLVING LARGE PREDATORS AND LARGE GAME SPECIES; REQUIRING THE FISH, WILDLIFE, AND PARKS COMMISSION TO COMPLY WITH, ADOPT POLICIES THAT COMPLY WITH, AND ENSURE THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IMPLEMENTS STATE WILDLIFE MANAGEMENT PLANS; AND AMENDING SECTIONS 87-1-217 AND 87-1-301, MCA."

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

**Section 1.** Section 87-1-217, MCA, is amended to read:

**"87-1-217. Policy for management of large predators -- legislative intent.** (1) In managing large predators, the primary goals of the department, in the order of listed priority, are to:

- (a) protect humans, livestock, and pets;
  - (b) preserve and enhance the safety of the public during outdoor recreational and livelihood activities;
- and
- (c) preserve citizens' opportunities to hunt large game species.

~~(2) As used in this section:~~

- ~~— (a) "large game species" means deer, elk, mountain sheep, moose, antelope, and mountain goats; and~~
- ~~— (b) "large predators" means bears, mountain lions, and wolves.~~

~~(3)(2)~~ With regard to large predators, it is the intent of the legislature that the specific provisions of this section concerning the management of large predators will control the general supervisory authority of the department regarding the management of all wildlife.

~~(4)(3)~~ For the management of wolves in accordance with the priorities established in subsection (1), the department may use lethal action to take problem wolves that attack livestock if the state objective for breeding pairs has been met. For the purposes of this subsection, "problem wolves" means any individual wolf or pack of wolves with a history of livestock predation.

~~(5)(4)~~ The department shall work with the livestock loss board and the United States department of



1 agriculture wildlife services to establish the conditions under which wolf carcasses or parts of wolf carcasses are  
 2 retrieved during wolf management activities and when those carcasses or parts of carcasses are made available  
 3 to the livestock loss board for sale or auction pursuant to 2-15-3113.

4 ~~(6)(5)~~ The department shall ensure that county commissioners and tribal governments in areas that have  
 5 identifiable populations of large predators have the opportunity for consultation and coordination with state and  
 6 federal agencies prior to state and federal policy decisions involving large predators and large game species.

7 (6) As used in this section:

8 (a) "consultation" means to seek both written and verbal advice, information, and guidance from and to  
 9 have regard for the interest of a county or tribal government, including interests of public health, safety, and  
 10 welfare, when making a management decision or any change in management involving large predators and large  
 11 game species ACTIVELY SEEK ADVICE, INFORMATION, AND GUIDANCE FROM PROVIDE INFORMATION TO A COUNTY OR  
 12 TRIBAL GOVERNMENT IN ALL REGARDING PROPOSED POLICY DECISIONS ON MATTERS THAT MAY HAVE A HARMFUL EFFECT  
 13 ON AGRICULTURAL PRODUCTION OR LIVESTOCK OPERATIONS OR THAT MAY POSE A RISK TO HUMAN HEALTH OR SAFETY  
 14 IN THAT COUNTY OR ON THOSE TRIBAL LANDS AND TO SEEK INFORMATION AND ADVICE FROM COUNTIES OR TRIBAL  
 15 GOVERNMENTS ON THESE MATTERS;

16 (b) "large game species" means deer, elk, mountain sheep, moose, antelope, and mountain goats; and

17 (c) "large predators" means bears, mountain lions, and wolves."

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19 **Section 2.** Section 87-1-301, MCA, is amended to read:

20 **"87-1-301. Powers of commission.** (1) Except as provided in subsection (7), the commission:

21 (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,  
 22 fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment  
 23 of all other responsibilities of the department as provided by law;

24 (b) shall establish the hunting, fishing, and trapping rules of the department;

25 (c) except as provided in 87-1-303(3), shall establish the rules of the department governing the use of  
 26 lands owned or controlled by the department and waters under the jurisdiction of the department;

27 (d) must have the power within the department to establish wildlife refuges and bird and game preserves;

28 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as  
 29 provided in 87-1-209(4);

30 (f) shall review and approve the budget of the department prior to its transmittal to the budget office;

1 (g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but  
2 less than \$5,000; and

3 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided  
4 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as  
5 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider  
6 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular  
7 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal  
8 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting  
9 district where a restriction on elk hunting on public property is proposed.

10 (i) shall comply with, adopt policies that comply with, and ensure the department implements in each  
11 region the provisions of state wildlife management plans adopted following an environmental review conducted  
12 pursuant to Title 75, chapter 1, parts 1 through 3.

13 (2) The commission may adopt rules regarding the use and type of archery equipment that may be  
14 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in  
15 archery equipment change.

16 (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons,  
17 conditions, programs, or other provisions that the commission considers appropriate to promote or enhance  
18 hunting by Montana's youth and persons with disabilities.

19 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

20 (i) separate deer licenses from nonresident elk combination licenses;

21 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the  
22 deer tag;

23 (iii) condition the use of the deer licenses; and

24 (iv) limit the number of licenses sold.

25 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and  
26 appropriate to regulate the harvest by nonresident big game combination license holders:

27 (i) for the biologically sound management of big game populations of elk, deer, and antelope;

28 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

29 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321  
30 through 87-1-325.

1 (5) (a) Subject to the provisions of 87-2-115, the commission may adopt rules establishing license  
2 preference systems to distribute hunting licenses and permits:

3 (i) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant  
4 who has been unsuccessful for a shorter period of time; and

5 (ii) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(a), "qualifying  
6 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by  
7 the commission.

8 (b) The commission shall square the number of points purchased by an applicant per species when  
9 conducting drawings for licenses and permits.

10 (6) (a) The commission may adopt rules to:

11 (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

12 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting  
13 districts.

14 (b) The commission shall consider, but is not limited to consideration of, the following factors:

15 (i) harvest of lions by resident and nonresident hunters;

16 (ii) history of quota overruns;

17 (iii) composition, including age and sex, of the lion harvest;

18 (iv) historical outfitter use;

19 (v) conflicts among hunter groups;

20 (vi) availability of public and private lands; and

21 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

22 (7) The commission may not regulate the use or possession of firearms, firearm accessories, or  
23 ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

24 (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the  
25 establishment of special archery seasons;

26 (b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including  
27 bows and arrows, traditional handguns, and muzzleloading rifles;

28 (c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

29 (d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

30 (e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h)."

31 - END -