



Via E-Mail

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Henry Warsech, Director
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Fish and Wildlife Commission
Montana Department of Fish, Wildlife and Parks
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Re: Extreme Wolf Killing under Montana's Wolf Hunting and Trapping Legislation Would Make the State Ineligible for Pittman-Robertson Act Funds

Dear Director Warsech and Montana Fish and Wildlife Commission:

On behalf of the Center for Biological Diversity, we ask that you use your rulemaking authority to limit the adverse consequences of Senate Bill 314, which could result in the extermination of 80 percent of the state's wolf population. Senate Bill 314 authorizes hunters and trappers to kill an unlimited number of wolves through baiting, trapping, and night hunts that utilize night vision scopes and spotlighting on private land. Allowing the Bill's proposed methods and reduction in the wolf population to go forward could result in state ineligibility for funds under the Pittman-Robertson Act. The Center is a nonprofit organization dedicated to the protection and restoration of biodiversity.

Senate Bill 314 could potentially authorize the death of more than 680 of the state's wolves, out of a population of approximately 833.¹ Moreover, House Bill 224 allows trapping license

¹Senate Bill 314, amending Montana Code § 87-1-901, available at <https://leg.mt.gov/bills/2021/billpdf/SB0314.pdf>; Montana Department of Fish, Wildlife and Parks, Montana Gray Wolf Conservation and Management 2019 Annual Report, at 7, available at <https://leg.mt.gov/content/Committees/Interim/2019-2020/EQC/Meetings/sept-2020/fwp-wolf-2020-report.pdf>.

holders to trap or snare multiple wolves while House Bill 225 expands the trapping season for wolves by four weeks.² Costs that wolf hunters and trappers incur during this prolonged season may be reimbursed pursuant to Senate Bill 267.³

This flurry of legislation reveals a comprehensive and harmful approach that could easily reduce the wolf population to levels that could trigger a return to protection under the Endangered Species Act, 16 U.S.C. § 1531 et seq. In addition, permitting single license holders to kill an unlimited number of wolves is contrary to the Fish Wildlife and Park’s conservation mission and will likely result in excessive mortality, as it did in Wisconsin. Such drastic measures to control wolf populations would result in history repeating itself, destroying decades of progress recovering wolves, and reducing their populations to a level that robs the state of the species’ beauty and ecological importance.

The rationale cited behind this legislation often centers on protecting vulnerable cattle, sheep, elk and moose populations, but the science does not support that contention. For example, since wolves were reintroduced to Montana in 1995, state elk populations have dramatically increased and surpassed objectives.⁴ Furthermore, in 2019 wolves only accounted for .003% of all livestock deaths in Montana.⁵ As for moose, Montana FWP’s own ten-year study indicated that decreasing numbers were due to parasites, like arterial worms, not wolves.⁶

Through the Pittman-Robertson Act and Sport Fish Restoration Act, Congress has authorized the Secretary of the Interior to distribute funds to states to support critical conservation and outdoor recreation projects.⁷ Federal regulations implementing the Acts provide that a state “becomes ineligible to receive the benefits” of the Acts if it “passes legislation contrary to the Acts.”⁸ Because Senate Bill 314 aims to reduce Montana’s wolf population to the brink of extinction, it is contrary to the Pittman-Robertson Act, which prioritizes wildlife conservation.⁹ Indeed, the purpose of the Act is to “assure sound conservation policies” “for the benefit of a diverse array of wildlife” “in recognition of the primary role of the States to conserve all wildlife.”¹⁰

² House Bill 224, amending Montana Code § 87-1-901, available at <https://leg.mt.gov/bills/2021/billpdf/HB0224.pdf>; House Bill 225, amending Montana Code § 87-1-304, available at <https://leg.mt.gov/bills/2021/billpdf/HB0225.pdf>.

³ Senate Bill 267, amending Montana Code § 87-6-214, available at <https://leg.mt.gov/bills/2021/billpdf/SB0267.pdf>.

⁴ Montana Department of Fish, Wildlife and Parks, Elk Population Status, 2008-2020, available at <https://fwp.mt.gov/conservation/species/elk/population-and-distribution>.

⁵ Montana Gray Wolf Conservation and Management 2019 Annual Report, at 12, available at <https://fwp.mt.gov/binaries/content/assets/fwp/conservation/wildlife-reports/wolf/2019-mt-wolf-annual-report-final-9.9.2020all.pdf> (confirming that wolves killed 69 cattle and 21 sheep in 2019); National Agriculture Statistics Service, Montana Agricultural Facts 2019 (Apr. 2020), available at https://www.nass.usda.gov/Statistics_by_State/Montana/Publications/Special_Interest_Reports/MT-Montana-Ag-Facts-04222020.pdf (reporting that as of January 2019, there were 215,000 sheep and lamb and 2.50 million cattle and calves in Montana).

⁶ Tom Dickson, *Solving Montana’s Moose Mysteries*, available at <https://fwp.mt.gov/binaries/content/assets/fwp/montana-outdoors/moose.pdf>.

⁷ Federal Aid in Wildlife Restoration Act (“Pittman-Robertson Act”), 16 U.S.C. §§ 669-669i; Federal Aid in Sport Fish Restoration Act (“Dingell-Johnson Act”), 16 U.S.C. §§ 777-777k.

⁸ 50 CFR § 80.11.

⁹ See, e.g., 16 U.S.C. § 669 (requiring states to “have passed laws for the conservation of wildlife”); 16 U.S.C. § 669a (defining “conservation” as “the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife”); 16 U.S.C. § 669c(e)(1)(B)(i) (requiring states to have a plan to develop and implement “wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife”).

¹⁰ Pub. L. 106-553, §1(a)(2) [title IX, §902(a), (b)] (Dec. 21, 2000).

Last year, the State of Montana received more than 24.4 million dollars in funding authorized by the Acts, and it received more than 99.2 million dollars from 2015 to 2019.¹¹ The 4.1 million in total funds generated from wolf hunting licenses between 2009 and 2019 pales in comparison.¹²

As Commissioners, you have the power and duty to ensure that state wildlife, including wolves, are wisely managed. Because Senate Bill 314 risks exterminating Montana's wolf population, we ask that you utilize your rulemaking authority to implement the Bill in a way that avoids this detrimental outcome and the loss of vital Pittman-Robertson Act funds.

Sincerely,



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cc:

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¹¹ U.S. Fish and Wildlife Service, *Press Release: Sportsmen and Women Generate Nearly \$1 Billion in Conservation Funding* (March 19, 2020), available at [https://www.fws.gov/news/ShowNews.cfm?ref=sportsmen-and-women-generate-nearly-\\$1billion-in-conservation-funding-&_ID=36532](https://www.fws.gov/news/ShowNews.cfm?ref=sportsmen-and-women-generate-nearly-$1billion-in-conservation-funding-&_ID=36532); Congressional Research Service, *PittmanRobertson Wildlife Restoration Act: Understanding Apportionments for States and Territories* (April 5, 2019), available at <https://fas.org/sgp/crs/misc/R45667.pdf>.

¹² Montana Gray Wolf Conservation and Management 2019 Annual Report, at 10, available at <https://leg.mt.gov/content/Committees/Interim/2019-2020/EQC/Meetings/sept-2020/fwp-wolf-2020-report.pdf>.

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