Program Evaluation

Nongame, Threatened, Endangered, and Candidate Species

DFWP Wildlife Division

Legislative Services Division

ENVIRONMENTAL QUALITY COUNCIL

January 13, 2015

Authored by: Hope Stockwell

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Introduction

The Environmental Quality Council is required to evaluate programs within the Department of Fish, Wildlife, and Parks (DFWP) pursuant to 75-1-324, MCA. That law requires in part that the EQC "review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, MCA, for the purpose of determining the extent to which the programs and activities are contributing to the achievement of the policy and make recommendations to the governor and the legislature with respect to the policy".

The policy reads as follows:

> The legislature, recognizing the profound impact of human activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, recognizing the critical importance of restoring and maintaining environmental quality to the overall welfare and human development, and further recognizing that governmental regulation may unnecessarily restrict the use and enjoyment of private property, declares that it is the continuing policy of the state of Montana, in cooperation with the federal government, local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which humans and nature can coexist in productive harmony, to recognize the right to use and enjoy private property free of undue government regulation, and to fulfill the social, economic, and other requirements of present and future generations of Montanans.

At its June 2015 meeting, the Council allocated 272 hours of staff time, or about 45 hours apiece, to evaluate six programs within the DFWP Wildlife Division. In September 2015, the EQC began this review with a look at Wildlife Conflict Management. The EQC continues this work in January 2016 with a review of Hunting Access and Nongame, Threatened, and Endangered Species.

This report focuses on Nongame, Threatened, and Endangered Species.

Overview

Montana's Nongame and Endangered Species Conservation Act was enacted in 1973. The legislative history available for House Bill No. 205 is minimal, but according to House Fish and Game Committee Minutes[1], the bill was based on model legislation proposed by the International Association of Fish and Game and 38 states had similar legislation.

Proponents of the bill were the League of Conservation Voters, the Sierra Club, the Montana Wilderness Association, the University of Montana Wildlife Club, and the Montana Wool Growers Association. There were no opponents.

[1] January 29, 1973.

What was happening nationally at the time provides more context. [2]

- In 1966, Congress passed the Endangered Species Preservation Act (ESPA), providing a means for listing native animal species as endangered and giving them limited protection.
- In 1969, Congress amended the ESPA to provide additional protection to species in danger of "worldwide extinction" by prohibiting their importation and subsequent sale in the United States. This ESPA called for an international meeting to adopt a convention to conserve endangered species.
- In 1973, an international conference signed an agreement to monitor and restrict international commerce in plants and animals believed to be harmed by trade.
- Later in 1973, Congress passed the Endangered Species Act (ESA) of 1973.

The role of the states in the protection and conservation of wildlife, of which states traditionally are the chief stewards, was recognized by the ESA in its authorization of cooperative agreements with states that establish "adequate and active" programs of protection.[3] The ESA also provided matching funds to those states.

Prior to the ESA, 16 states enacted legislation protecting certain wildlife as endangered and restricting their trade.[4]

The Montana law of 1973 clarified that the DFWP manages nongame and endangered wildlife in addition to game animals. As defined in 87-5-102, MCA, "management" means:

> the collection and application of biological information for the purposes of conserving populations of wildlife consistent with other uses of land and habitat. The term includes the entire range of activities that constitute a modern scientific resource program, including but not limited to research, census, law enforcement, habitat improvement, control, and education. The term also includes the periodic protection of species or populations as well as regulated taking.

Financial Snapshot

In FY 2015, the DFWP Wildlife Division spent $2,702,066 on nongame and threatened, endangered, and candidate species. Charts on the next page show funding sources for those expenditures.

Federal Pittman-Robertson (P-R) dollars[5] provide the biggest piece of the funding pie for both groups of species, accounting for 33% of nongame expenditures and 52% of expenditures for threatened, endangered, and candidate species. Together, they account for about 9.8% of the total P-R funds received by the DFWP in FY 2015.

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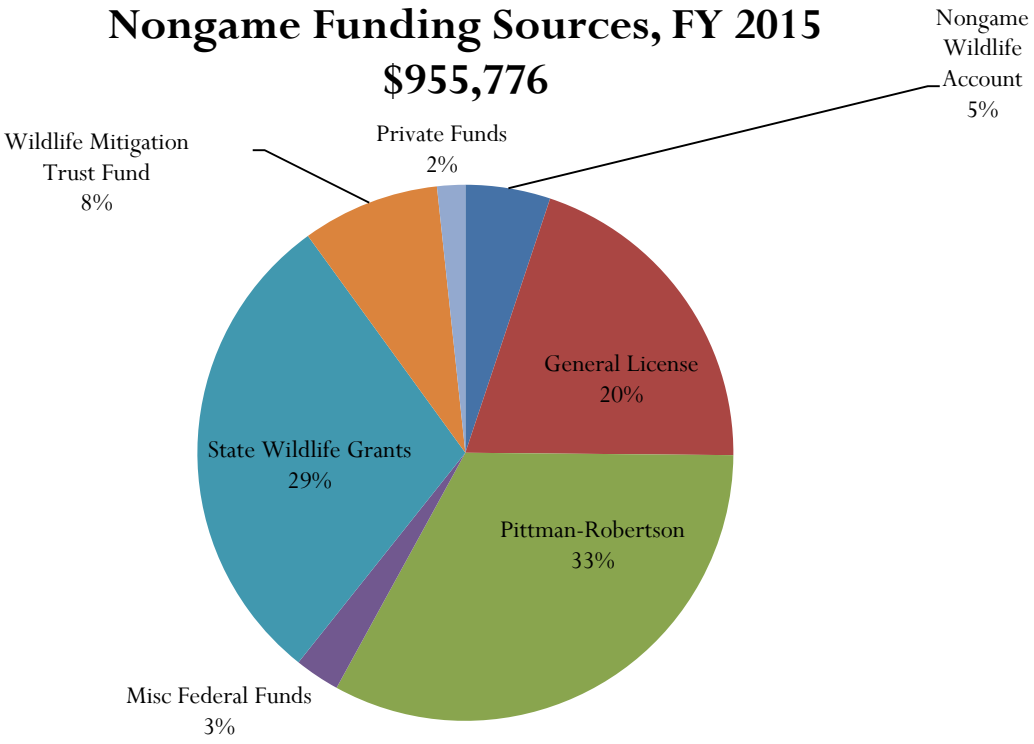
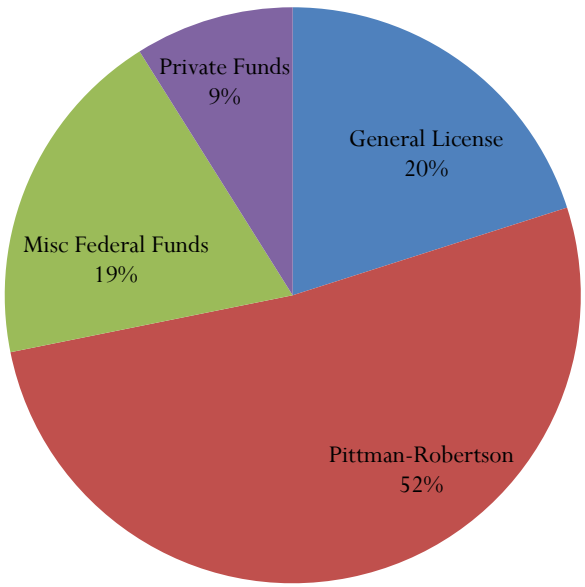
[2] A History of the Endangered Species Act, U.S. Fish & Wildlife Service, August 2011, page 1.
[3] State Endangered Species Acts, George, Susan and William J. Snape III, Endangered Species Act Law, Policy, and Perspectives, Second Edition, American Bar Association, 2010, page 345.
[4] Ibid, page 346.
[5] Pittman-Robertson funds are generated by federal excise taxes on sporting firearms, handguns, pistols, revolvers, ammunition, bows, arrows, and archery equipment.

Nongame Funding Sources, FY 2015
$955,776



Threatened, Endangered, and Candidate Species Funding Sources, FY 2015
$1,746,290



Nongame

Background

The Fish and Wildlife Commission is authorized to set the policies for the protection, preservation, management, and propagation of all wildlife species, not just those that are harvested.[6] The DFWP is mandated to enforce those policies.[7]

In 1973, the Legislature declared that it is the policy of Montana "to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to ensure their perpetuation as members of ecosystems".[8]

Statute requires the DFWP to investigate nongame wildlife and develop information related to their population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine what management is needed for the species to sustain themselves successfully.[9]

As defined in 87-5-102, MCA, "nongame wildlife" means a wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this state. The term does not include predatory animals[10] for the purposes of management under the Montana Nongame and Endangered Species Conservation Act.

According to the DFWP, 98% of species in Montana are nongame[11], including more than 400 bird species.

The DFWP identifies the following goals for its nongame wildlife program:[12]

- Keep common species common

  Inventory and monitoring of all species helps detect population declines early, before drastic action is needed. Detecting and reversing population declines while species are healthy is more effective and cheaper than waiting until they are in trouble.

- Reverse population declines for species of concern

  Species of concern are either those known to be rare or declining or those perceived to be rare or declining due to a lack of basic biological information. The species of concern designation imparts no special legal or regulatory status.

- Foster awareness and enhance public knowledge and enjoyment of wildlife through outreach, technical assistance, and citizen science

[6] 87-1-301, MCA.
[7] 87-1-201, MCA.
[8] 87-5-103(2)(a), MCA.
[9] 87-5-104, MCA.
[10] Predatory animals are defined as coyote, weasel, skunk, and civet cat in 87-2-101 and 87-6-101, MCA.
[11] Personal conversation, Lauri Hanauska-Brown, October 26, 2015.
[12] http://fwp.mt.gov/fishAndWildlife/nongameCheckoff/goals.html, November 25, 2015.

In the last decade, the DFWP transitioned to what it calls a holistic, integrated approach to managing wildlife, including nongame. Instead of focusing on one species or another (e.g., deer or elk), biologists now collect data on Montana's suite of species while they're in the field.

The Montana Natural Heritage Program (MTNHP) is a partner on nongame. As part of the State Library's legislatively mandated Natural Resource Information System, the MTNHP is a clearinghouse for nongame species data. The MTNHP and the DFWP work collaboratively to produce Montana Field Guides, which provide information on identification, habitat, ecology, reproduction, range, and distribution of Montana animals.[13]

Given the DFWP's new integrated approach to wildlife management, the DFWP says it pushes for habitat conservation that benefits all species. The DFWP says this delivers the "biggest bang for the buck" for nongame species that are more difficult to observe than, for example, elk on winter range.

Generally, the DFWP believes that habitat conservation that is good for native ungulates is likely good for native nongame species. The DFWP also says money and effort spent on sage grouse habitat conservation benefits a suite of small mammals and other pasturing birds. This includes the Brewer's sparrow, which is a species of concern in Montana, and four longspur species, two of which are species of concern in Montana.

What the term "management" means for nongame species was much discussed by past Legislatures, whether the bill in question dealt with the policy of or funding for the nongame program. Because the term "nongame" is broad, concerns were often expressed about how to balance protections for certain nongame species without limiting controls for rodents and pests authorized in other statutes.

Prairie dogs were often discussed. After the U.S. Fish and Wildlife Service (USFWS) found the black-tailed prairie dog was warranted for listing but precluded by higher-priority candidate species, the 2001 Legislature enacted House Bill No. 492. It amended the definition of nongame wildlife to clarify that prairie dogs were nongame that could be managed, controlled, and regulated under the Montana Nongame and Endangered Species Conservation Act.

The bill grew out of work by the Montana Prairie Dog Working Group as part of a multistate effort to develop management plans to prevent the species from being listed under the ESA.[14] There was also concern for species that are dependent or interdependent on the prairie dog, such as the black-footed ferret, an endangered species, and the burrowing owl.

HB 492 preserved the ability of counties and the Department of Agriculture to manage prairie dogs under existing rodent and pest laws and explicitly stated that the bill did not limit a landowner's ability to control prairie dog concentrations on private lands.

HB 492 also revised the term "management", striking the original purpose of "increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels". The bill provided a new purpose to

[13] http://fieldguide.mt.gov/, December 1, 2015.
[14] House Committee on Fish, Wildlife and Parks Minutes, February 13, 2001, page 4.

conserve "populations of wildlife consistent with other uses of land and habitat". The bill's sponsor, Rep. Paul Clark, called the new language a compromise.[15]

HB 492 sunset in October 2007. But the 2009 Legislature reenacted the purpose provisions in the term "management". In December 2009, the USFWS determined the black-tailed prairie dog did not warrant protection as a threatened or endangered species.[16]

A lack of sufficient information on nongame species' status and distribution is often a problem for wildlife decisionmakers trying to determine if a species is in trouble. Little information exists for a diverse group of small mammals, amphibians, terrestrial reptiles, and bats in Montana.[17]

From 2008 to 2010, the Montana Inventory & Monitoring Project worked to collect baseline information on these nongame species. That included data on the species' distribution and site occupancy that could be used over time to assess the impact of changes in habitat or management activities. Other project goals included evaluating methodologies to refine protocols for future monitoring, identifying research needs, identifying gaps in species ranges, and potentially creating species distribution maps.

Fifty-one percent of the project's sampling occurred on private property, while 16% was on U.S. Forest Service (USFS) land, 13% on Bureau of Land Management-administered (BLM) property, 12% on state land, and 9% on other lands.[18]

Eighty-four unique species were detected, including 21 species of concern. The data collected expanded the known range for seven species, including dusky or montane shrew, pygmy shrew, fringed myotis, Eastern red bat, pallid bat, Southern red-backed vole, and montane vole.[19]

The DFWP is currently monitoring Montana's bat populations due to concerns about White Nose Syndrome, which is a fungus associated with extensive bat mortality in eastern and midwestern North America.[20] The DFWP is working with cave recreationists who have the tools and equipment to monitor bats and help detect the fungus if it arrives in Montana.

The DFWP and MTNHP used non-invasive acoustic call monitoring to map the presence and distribution of bats in Montana. The state does not have giant bat populations like some others, but does have localized groups of up to 2,000, according to the DFWP.

The agency spent $26,000 in federal funds in FY 2015 to identify high-priority bat locations. The baseline data gathered with MTNHP will allow the DFWP to prioritize proactive conservation work. The DFWP says there may not be a lot it can do to protect Montana's

[15] Ibid, page 12.
[16] http://www.fws.gov/mountain-prairie/species/mammals/btprairiedog/PressRelease12022009.pdf
[17] Diversity Monitoring in Montana 2008-2010 Final Report, Hanauska-Brown, Lauri, et al., page 2.
[18] Ibid.
[19] Ibid, page 3.
[20] White-Nose Syndrome, The devastating disease of hibernating bats in North America, U.S. Fish & Wildlife Service, July 2015.

bats if the fungus arrives, but making sure there is habitat available for the bats that survive is important.

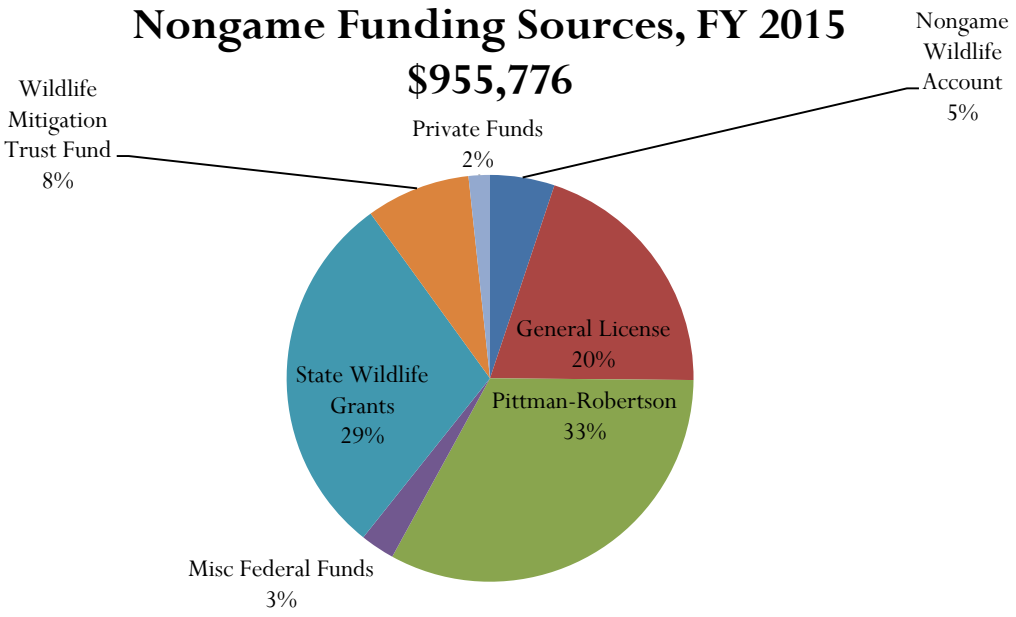
Fiscal Overview

In 2011, 402,000 U.S. residents 16 years and older -- more than half of whom were Montanans -- fed, observed, or photographed wildlife in Montana and spent $401 million doing it.[21]

While hunters and anglers contribute license revenue toward the management of game species and fish, no license is required for wildlife viewing, photography, bird feeding, or other enjoyment of nongame species. Historically, this creates tension over the use of hunting license fees for nongame management.

As shown in the chart below, 20% of nongame funding in FY 2015 came from the DFWP's general license account while 33% came from P-R funds[22] generated by federal excise taxes on sporting firearms, handguns, pistols, revolvers, ammunition, bows, arrows, and archery equipment.

That amounts to less than one-half of 1% of total expenditures from the DFWP's general license account in FY 2015 and about 2.5% of total P-R funds received by the DFWP in FY 2015.[23]



[21] 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation-Montana, U.S. Fish and Wildlife Service and U.S. Census Bureau, pages 11-12.
[22] The Pittman-Robertson Federal Aid in Wildlife Restoration Act allows P-R funds to be used for all wildlife management, not just game species.
[23] Total expenditures from the DFWP's General License Account were $41.2 million for all programs in FY 2015. The DFWP received approximately $12.5 million in total P-R funds in FY 2015.

Much like wildlife conflict management discussed by the EQC in September 2015, it is difficult for the DFWP to calculate the full cost of nongame management. Many biologists work on multiple species and do not necessarily code their time to one animal or another. The $955,776 spent in FY 2015 reflects only those costs that the DFWP could specifically attribute to nongame work, including funding for seven nongame specialists (one per region) and a bird conservation coordinator who conduct nongame survey, inventory, and habitat conservation work for a variety of species.

The DFWP attributes 9.54 FTE specifically to nongame work. Funding for three of the nongame specialists (Regions 1, 4, and 7) is provided through State Wildlife Grants, which target federal funding to species that have little or no funding under traditional wildlife programs. The DFWP worries how it will keep those positions if the federal grants run out.

The DFWP hired its first nongame biologist in 1974, who covered the entire state with a limited budget.[24] In 1983, the Legislature enacted 15-30-2387, MCA (House Bill No. 377), which allowed Montanans to donate part of their tax refund to nongame management through a checkoff on their state income tax forms.

The Montana Wildlife Federation, Montana Audubon Council, Montana Conservation Congress, Montana Environmental Information Center, and Montana Chapter of the Wildlife Society and its University of Montana Student Chapter supported the bill. Opponents included the Montana Farm Bureau, Montana Stockgrowers and Cowbells, Montana Grazing Association, Montana Wool Growers Association, Montana Snowmobile Association, Montana Cattlefeeder's Association, Women Involved in Farm Economics, and Montana Petroleum Association.

Then-DFWP Director Jim Flynn said (public) reactions to a general license fee increase served as a stimulus for the agency to search out programs that should be supported by other funding sources.

"The 'user pay concept' must be invoked," said Flynn. "At the present time there is no way for nonhunters to help pay for the program of which they are the chief beneficiaries."[25]

But the Farm Bureau's representative, Ed Grady, said there was nothing in the bill to protect ranchers and farmers.

"Nature has been doing a good job until now," said Grady. "Most of these nongame animals aren't creating a problem now, but if you start funding a program to protect them, you will force more problems and expense down the road."[26]

Language was added to the bill to prohibit the checkoff money from being used in ways that interfere with the production on or management of private property or for the purchase of real property. HB 377 also stipulated that the money generated by the checkoff would be used to replace general license dollars going toward nongame management and could not be used to replace other types of funding.

[24] http://fwp.mt.gov/fishAndWildlife/nongameCheckoff/funding.html, December 2, 2015.
[25] Ibid, Testimony presented by Jim Flynn.
[26] Ibid, page 4.

According to an excerpt from a USFWS publication, 20 states had similar checkoff programs at the time.[27] Based upon the other states' experience, the bill's fiscal note said the DFWP estimated that approximately $100,000 to $180,400 would be available in the first year of Montana's program.[28] Director Flynn testified he thought the figure would be less than $100,000.

The program generated $35,427 in its first year.[29] The 1985 Legislature expanded the checkoff by allowing taxpayers not entitled to a refund to donate to the program (Senate Bill No. 334).

Since then, annual contributions to the checkoff ranged from $16,500 to $50,000. In the last 10 years, the checkoff averaged $35,800 per year.

In 1987, the Legislature removed the requirement that checkoff money be used to replace general license dollars because the provision was, in effect, limiting the nongame budget to what was collected by the checkoff, deflating expenditures to below 1983 levels. Director Flynn said the DFWP needed the flexibility to use license dollars if and when they were available because the nongame program allows the status of many species to be monitored, providing an overall look at fish and wildlife populations in the state.[30]

Today, the DFWP says nongame checkoff funding is usually matched several times by federal grants, work done by other agencies and organizations, and the efforts of citizen volunteers.[31]

The DFWP says Montanans donate to the checkoff at a higher rate and in larger amounts than in many other states, but Montana's relatively small population limits the total amount of funding the checkoff can generate.

The DFWP is exploring other funding options for nongame. One agency effort, called "Finding Common Ground", hopes to build public support to broaden funding for all wildlife programs. The DFWP says managing Montana's quality and abundance of wildlife resources is expensive and has been funded almost exclusively by hunters and anglers for decades.

Starting in the Fall of 2014, the department convened a group of individuals who expressed interest in the issue to discuss expectations and the potential roles of hunters, anglers, and others who generally support wildlife conservation but who may or may not hunt or fish. The group is expected to release the results of its discussions in early 2016.

The conversation about broadened funding for wildlife management grew louder during the EQC's 2013-2014 interim study of hunting and fishing licenses and after the Fish and Wildlife Commission considered a proposal to sell $20 wolf management stamps in 2014. The concept wasn't approved, but proceeds from the voluntary stamp would have funded wolf management.

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[27] Ibid, Exhibit 1.
[28] Fiscal Note, House Bill No. 377.
[29] Senate Fish and Game Committee Minutes, February 14, 1985, Exhibit 2, page 1.
[30] Senate Fish and Game Committee Minutes, February 10, 1987, Exhibit 1.
[31] Projects Supported by Nongame Checkoff Funds, Wildlife Division, Montana Fish, Wildlife, and Parks, January 2005, page 2.

The question of how to broaden funding is also being asked at the national level. The Association of Fish and Wildlife Agencies, which represents the DFWP and its counterparts across the country, convened a Blue Ribbon Panel to develop a 21st century conservation funding model that bridges the gap between game and nongame species. Former Wyoming Governor Dave Freudenthal and Bass Pro Shops founder John L. Morris are the co-chairs.

The panel includes representatives from the outdoor recreation retail and manufacturing sector, the energy industry, and conservation and sportsmen's groups. Their charge is to produce recommendations and Congressional policy options on the most sustainable and equitable model to fund conservation for an array of fish and wildlife species.[32]

Ideally, the DFWP says, with more funding it could move the Region 1, 4, and 7 nongame specialists into the agency's base budget instead of relying on State Wildlife Grants for those FTE.

[32] http://www.fishwildlife.org/index.php?section=blueribbonpanel, December 8, 2015.

Threatened, Endangered, and Candidate Species

Background

Montana's Nongame and Endangered Species Conservation Act states that "species or subspecies of wildlife indigenous to this state that may be found to be endangered within the state should be protected in order to maintain and, to the extent possible, enhance their numbers".[33]

The Act also says Montana should assist in the protection of wildlife considered to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within Montana of those species unless the action will assist in preserving or propagating the species.

The Act authorizes the DFWP to make recommendations to the Legislature regarding the species or subspecies indigenous to the state that it determines to be endangered. The department is required to review the state list of endangered species every 2 years and may propose legislation to amend the list.[34] If a species is removed from the United States' endangered list, the department may remove the species from the state list without legislation.

As defined in 87-5-102, MCA, "endangered species" means a species or subspecies that is actively threatened with extinction due to any of the following:

- the destruction, drastic modification, or severe curtailment of its habitat;
- its overutilization for scientific, commercial, or sporting purposes;
- the effect on it of disease, pollution, or predation;
- other natural or artificial factors affecting its prospects of survival or recruitment within the state; or
- any combination of the foregoing factors.

The federal ESA[35] defines endangered species as any species which is in danger of extinction throughout all or a significant portion of its range.

"Threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

According to the USFWS, a "proposed" species is one that is proposed in the Federal Register to be listed under section 4 of the ESA. A "candidate" is a species for which the USFWS or the National Oceanic and Atmospheric Administration has on file "sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened."[36]

Montana's Nongame and Endangered Species Conservation Act does not define threatened, proposed, or candidate species. But the DFWP is tasked with managing wildlife, fish, game,

[33] 87-5-103, MCA.
[34] 87-5-107, MCA.
[35] 16 U.S.C. 1531, et seq.,
[36] http://www.fws.gov/montanafieldoffice/Endangered_Species/Listed_Species.html, December 2, 2015.

and nongame species in a manner that prevents their need for listing as an endangered species and with managing listed species, sensitive species, or a species that is a candidate for listing in a manner that assists in the maintenance or recovery of the species.[37]

There are five fish and wildlife species listed as endangered in Montana. They include the black-footed ferret, whooping crane, interior least tern, white sturgeon (Kootenai River population), and pallid sturgeon.

The grizzly bear was listed as threatened in 1975. Montana has four geographic populations of grizzly bear: Northern Continental Divide, Cabinet/Yaak, Bitterroot-Selway, and Greater Yellowstone. The Cabinet/Yaak's official ESA status is "endangered warranted but precluded" by other priorities.

The Greater Yellowstone grizzly was removed from the threatened list by the USFWS in 2007, but was relisted in 2009 by court order based on the following: (1) the conservation strategy that guides management after delisting was unenforceable and nonbinding on state and federal agencies; and (2) the USFWS did not adequately consider the impacts of the potential loss of whitebark pine nuts, a grizzly bear food source.[38]

In November 2011, the Ninth Circuit Court of Appeals ruled against the USFWS on the whitebark pine issue, but in favor of the USFWS on whether the conservation strategy offered adequate regulations to conserve bears after delisting.[39]

The DFWP hopes that a new proposal to delist the Greater Yellowstone grizzly could be out by the end of 2015. The agency also hopes that the Northern Continental Divide population could be proposed for delisting in another year. The DFWP is concerned about how a change in administration after the 2016 federal elections could affect such proposals. It takes about a year to complete a delisting process.

There are six other threatened species in Montana: piping plover, bull trout, Canada lynx, yellow-billed cuckoo, red knot, and Northern long-eared bat.

The Sprague's pipit is a candidate species in Montana, while petitions are pending for fisher, Westslope cutthroat trout, and Yellowstone cutthroat trout.

A detailed listing from the DFWP of each threatened, endangered, and candidate species, its current status, current management activities, any population goals, and comments and recommendations is available in Appendix A.

As mentioned in the nongame section of this report, there is also a category of species called species of concern. They are native Montana animals considered to be "at risk" due to declining population trends, threats to their habitat, and restricted distribution.[40] The MTNHP produces the Montana Animal Species of Concern Report in conjunction with the DFWP. It identifies 211 species of concern.

[37] 87-1-201(9)(a)(i) and (ii), MCA.
[38] http://www.nps.gov/yell/learn/nature/bearesa.htm, December 7, 2015.
[39] Ibid.
[40] http://mtnhp.org/SpeciesOfConcern/?AorP=a, December 1, 2015.

The report also provides data on potential species of concern for which current, often limited, data suggests potential vulnerability or for which additional data is needed to make an accurate assessment. Ninety-three species in Montana are classified as such.

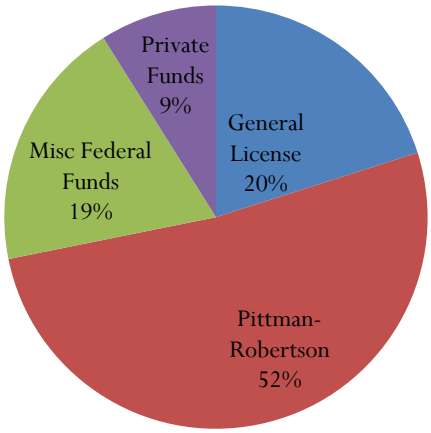
Designation as a species of concern or potential species of concern is not a statutory or regulatory classification in Montana. Instead, resource managers and decisionmakers use these designations to make proactive decisions regarding species conservation and data collection priorities.[41] MTNHP and DFWP biologists assign species designations in consultation with representatives of the Montana Chapter of the Wildlife Society, the Montana Chapter of the American Fisheries Society, and other experts.

Fiscal Overview

The DFWP specifically attributed $1.7 million in Wildlife Division expenditures in FY 2015 to management of threatened, endangered, and candidate species. Much like nongame species, this amount does not reflect the full cost of this work, as division administrators, bureau chiefs, wardens, and biologists often play a role in managing these species. However, their time is not typically coded in a way that reflects their involvement.

Of the expenditures specifically attributed to threatened, endangered, and candidate species in the Wildlife Division, the lion's share (71%) is paid for with federal funding, as shown in the chart below. Most of that federal funding comes in the form of P-R dollars. The rest is from miscellaneous federal sources, such as the Section 6 grants distributed to states under the ESA. The P-R funding accounted for approximately 7.2% of total P-R dollars received by the DFWP in FY 2015.

Threatened, Endangered, and Candidate Species Funding Sources, FY 2015 $1,746,290



[41] Ibid.

Nearly 70% of the expenditures were for personal services. The DFWP Wildlife Division specifically attributed 17.44 FTE to management of threatened, endangered, and candidate species in FY 2015. Of those, 10.8 were dedicated to grizzly bears, 4.55 to sage grouse, 1 to wolverines, 0.5 to lynx, and the rest were divided among the black-footed ferret, whooping crane, interior least tern, piping plover, yellow-billed cuckoo, red knot, Sprague's pipit, and fisher.

Funding for 4.52 of the grizzly bear FTE ($277,589) came from what the agency calls "soft" funding sources. As discussed in the game conflict management report, soft money can be a mix of private and federal grants, federal endangered species funding, and support from federal agencies like the USFWS and BLM.

Ongoing funding for positions funded with soft money is a concern for the DFWP. While the agency is hopeful that grizzly bear delisting is on the horizon, that means the federal ESA funding for the species will dry up.

One of the ways the DFWP tried to address the issue in the 2015 Legislature was to ask to move funding for 3.38 FTE dedicated to grizzly bears into the agency's base budget. The decision package was not approved.

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Montana Threatened, Endangered, and Candidate Species, FY 2016

Endangered Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Black-footed Ferret	*Mustela Nigripes*	Endangered (non-essential experimental northcentral MT) / endangered	Two populations with 50 breeding adults separated by 100 km.	Six ferrets were confirmed in September 2013 at UL Bend. Fewer than 10 ferrets were present in October 2014. The current number of ferrets on the Northern Cheyenne reservation is unknown. Plague has been very hard on the colony. There are few ferrets remaining on the Fort Belknap Reservation from previous releases.	Active reintroduction of ferrets occurred in northcentral MT from 1994 to 2005. Six males were released at UL Bend in 2009 to assure breeding males were available. Twenty ferrets were released at UL Bend in November, 2013. Thirty ferrets were released on the Northern Cheyenne Reservation in 2009, thirteen additional ferrets were released in October 2010, and thirty more ferrets were released in 2013. In 2015 up to 35 ferrets were to be released on the Crow Reservation and up to 25 on the Fort Belknap Reservation.	Statewide long-term prairie dog management plan has been developed. We will need to change prairie dog management to provide for larger complexes for ferrets. Because of this, we need to participate in the black-footed ferret Recovery Plan Revision process. Following this, we will have to work with local interests and develop a new plan and complete new processes for reintroduction of the species into different complexes. Plague continues to impact prairie dog colonies in MT. MFWP is participating in the oral plague vaccine field trials on CMR that began in summer of 2013. MFWP is also participating in discussions to develop and implement range-wide landowner incentive programs for ferret habitat.
Whooping Crane	*Grus Americana*	Endangered/ Endangered	No goal for MT or for delisting.	In Montana no breeding activity. Spring/fall migrant. Nationally the population is at ≅500.	We respond to sighting reports and stand ready to act if a conflict develops while cranes are migrating. MFWP is participating in the development of an HCP for whooping cranes relative to wind energy development.	

Montana Threatened, Endangered, and Candidate Species, FY 2016

Endangered Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Interior Least Tern	*Sterna antillarum*	Endangered/ Special Interest or Concern	50 breeding adults	Unknown.	Annual surveys are conducted on the Missouri and lower Yellowstone when possible. . A survey was conducted for plovers and terns on July 16 and 17, 2015 from Miles City to Glendive. 12 adult terns and 3 juveniles were observed.	We need to work with COE to determine flows below Ft. Peck that meet the needs of terns. We also need more intensive monitoring if warm water flows for fisheries are implemented below Fort Peck Dam (if and when the lake re-fills). The effects of water releases from Yellowtail Dam should be addressed.
White Sturgeon (Kootenai River population)	*Acipenser transmontanus*	Endangered/game fish	None developed	Few seen in MT for 20 years, and those are limited to hatchery stocked fish. About 1000 total fish in the Kootenai River ecosystem. Limited natural reproduction last 10 years owing to Libby Dam operation.	A recovery plan has been developed in cooperation with ID/USFWS. Fish are being stocked in Idaho and Montana.	Need to determine necessary flows out of Libby Dam to promote reproduction.
Pallid Sturgeon	*Scaphirhynidus albus*	Endangered/game fish	5 secure populations	Thousands occupy the Yellowstone River and the Missouri River above and below Fort Peck dam owing to hatchery supplementation; few naturally produced fish remain in the upper Missouri basin.	A revised Recovery Plan was completed by the USFWS in January 2014.Research projects are underway above & below Ft. Peck and on the Yellowstone. Stocking, tagging, and propagation plans have been developed, submitted to the USFWS, and will be implemented.	This species is currently being maintained by hatchery augmentation, which started in 1998. Recovery solutions may include releasing warm water below Fort Peck Reservoir, increasing spring discharge throughout the system, reducing irrigation cannel entrainment and removing or mitigating hindrances to migration.

Montana Threatened, Endangered, and Candidate Species, FY 2016

Endangered Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
American Burying Beetle	*Nicrophorus americanus*	Endangered/Not listed	3 populations with 500+ adults for 5 yrs. in 3 of 4 geographic regions (one of which includes MT)	?	There is a single record from the early 1900s in the area around Havre, but this specimen has not been verified. There have been other possible sightings.	This species is not listed for MT; it is listed nationally. Surveys for occurrence should be conducted.

Montana Threatened, Endangered, and Candidate Species, FY 2016

Threatened Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Piping Plover	*Charadrius melodus*	Threatened	60 breeding pairs	60-105 breeding pairs depending on habitat conditions. 2011 International Census conducted in Montana. Few birds observed due to high water limiting breeding habitat.	Annual surveys are conducted in most of our habitats by partners when possible. A survey was conducted for plovers and terns on July 16 and 17, 2015 from Miles City to Glendive. 1 adult and 2 juvenile were observed. Active management is underway at many sites. Sec 6 funds have not been used for Montana work since 2012. MFWP is participating in the Recovery Plan re-write.	State management plan completed in April 2006. Critical habitat designated Alkali Lakes in Sheridan Co., riverine and reservoir shorelines in Garfield, McCone, Phillips, Richland, Roosevelt, and Valley Counties.
Grizzly bear	*Ursus arctos horribilus*					
Northern Continental Divide	*Ursus arctos horribilus*	Threatened/ game animal	1993 Recovery Plan established goals related to number of females with cubs, distribution of females with young, and limits on mortality. Mortality limits exceeded some years.	~1,000 grizzly bears Stable/Increasing	Research into population numbers using DNA from hair underway. Trend monitoring with radio collared bears is underway. Many ongoing management programs are in place. Draft Conservation Strategy for this ecosystem was released for public review in May 2013. Still in draft phase (2015.)	The state management plan for this area was revised under the MEPA process and completed in December 2006.

Montana Threatened, Endangered, and Candidate Species, FY 2016

Threatened Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Cabinet/Yaak	*Ursus arctos horribilus*	Endangered warranted but precluded/game animal	State goal 90-120,	~50 grizzly bears Slowly Increasing	Augmentation of subadults to the Cabinets will continue. Two sub adult females were translocated in 2015. Many programs are in place to deal with human-bear conflicts.	Groups have litigated to force a change in status for this area and designation of critical habitat. In response, FWS has combined this area with the Selkirk Range in Idaho; we need to make a determination of future program direction and priority with other recovery areas.
Bitterroot-Selway	*Ursus arctos horribilus*	Threatened/ game animal	200+	A grizzly bear was documented here in 2007. This is the first documentation since 1941.	The USFWS has finished leading development of an EIS to provide for reintroduction of grizzlies to this area. This plan is currently on hold.	We need to implement the State of Montana's approach to recovery of this area in cooperation with ID and the management plan for NW Montana.
Greater Yellowstone	*Ursus arctos horribilus*	Relisted to threatened in Sept 2009/game animal. Proposed delisting rule expected by the end of 2015.	Goals met.	700+ (2013) Population assessments indicate that beginning in 2002 the population has stabilized at carrying capacity within the GYE Demographic Monitoring Area.	Long-term research and monitoring continues. The population is growing and many programs are in place to deal with human-bear conflicts. A re-write of the 2002-2012 plan was adopted December, 2013.	We need to continue to implement the state management plan and conservation strategy in cooperation with Idaho, Wyoming, USFS, NPS, and the Eastern Shoshone & Northern Arapaho Tribes to meet recovery goal criteria.

Montana Threatened, Endangered, and Candidate Species, FY 2016

Threatened Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Bull Trout	*Salvelinus confluentus*	Listed throughout range in lower 48 (coterminous)/State game fish	Maintain viable populations	Distributed in Western MT. Numbers and distribution have declined in some areas, and have increased in others.	The USFWS should soon finalize a recovery plan for bull trout including implementation plans for the Columbia Headwater and St. Mary's recovery units, which include the range of bull trout in Montana. Continue working with other federal, state and tribal agencies to implement conservation efforts including a) fish passage decisions and habitat enhancement on the Clark Fork, Blackfoot, Kootenai, and Flathead River drainages, b) non-native fish suppression (Swan Lake), protective fishing regulation changes, and c) survey & inventory (including genetics) efforts.	Recovery programs underway and showing success in some areas, but habitat changes and nonnative species (e.g., lake trout) remain significant threats towards some populations.
Lynx	*Felis lynx canadensis*	Threatened/State Furbearer Species Status Assessment underway – expected to be completed by Dec. 2015	Presently no federal ESA recovery objectives. MT - Maintain widely distributed population in western Montana.	~300-500	We collect observation reports from agencies and the public. A partner research project is underway. Lynx Protection Zones put in place with restrictions on fur-trapping intended to minimize take of lynx.	This species is found throughout western Montana and should not have been listed in our state. Recovery efforts are completed with Federal agencies adjusting their forest management plans to include lynx habitat guidelines. Lynx should be delisted in Montana.

Montana Threatened, Endangered, and Candidate Species, FY 2016

Threatened Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Yellow-billed cuckoo (western population) shorelines	Coccyzus americanus	Threatened - Population west of the Continental Divide;/ Nongame-Species of Concern (S3)	NA	unknown	No specific YBCU surveys were conducted in 2015. One YBCU was found during black-billed cuckoo surveys in 2013 west of Billings, MT along the Yellowstone river. No new information is available.	Additional surveys are needed for occurrence west of the Continental Divide and to identify potential problems and management needs.
Red Knot	*Calidris canutus rufa*	Threatened - Migrant; eastern Montana plains along shorelines	unknown	Not known to occur in Montana. Any occurrences are likely migrants forced down during migration between breeding and wintering areas	none	none
Northern Long-eared Bat	*Myotis septentrionalis*	Threatened - Eastern Montana; caves, abandoned mines; roosts in live trees and snags	unknown	In Montana, only eight yellow-billed cuckoo records exist within this DPS area, with only three of these records from the past 30 years.		

Montana Threatened, Endangered, and Candidate Species, FY 2016

Candidate Species (formerly Category 1 candidates)

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Sprague's Pipit	*Anthus spragueii*	Candidate. Nongame-Species of Concern (S3) . Undergoing federal status review. Listing decision expected in late 2015.	?	Breeding Bird Survey data for Montana is of moderate credibility yet data from 2000-2010 indicates a positive annual trend. BBS trend maps also indicate increases in Sprague's pipits throughout the north-central grasslands of eastern Montana. BCR monitoring provides a look at presence across the BCRs but does not measure abundance	Monitoring in 2010, 2011, 2012, and 2013 occurred in BCRs 10, 11 and 17 covering all potential pipit habitat in the state. MFWP is contributing data for range-wide habitat mapping and identification of priority areas.	MFWP has not received Section 6 funding for habitat and population assessment and conservation planning MFWP has met with the USFWS multiple times to discuss cooperative strategies for pipit conservation and will continue to meet as opportunities arise.

Montana Threatened, Endangered, and Candidate Species, FY 2016

Petitioned Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Fisher	*Martes pennanti*	Northern Rockies population petitioned in Feb 2009 /Not warranted for ESA listing (6/2011) /State Furbearer Petitioned again in 2013. Federal status review will occur in late 2015	250-300	Found throughout western Montana and appear to be expanding their range into the east and west central portions of the state. Montana populations are connected to the Idaho population.	Our agency has reintroduced fisher into suitable habitats in the past and has more recently sponsored research efforts to better define distribution and determine occupied habitats. . Harvest information and observation reports from other agencies and the public are collected.	We need to further identify suitable habitats for monitoring to determine to what extent these habitats are occupied. Movement of fisher through translocations to unoccupied habitats may be a future management option.
Westslope Cutthroat Trout	*Oncorhynchus clarkii lewisi*	State game fish In March 2007, a federal judge ruled that the westslope cutthroat trout do not merit protection under ESA. Petitioners have filed a 60-day notice to sue to appeal the ruling.	Widely distributed, stable populations in open connected systems where possible. Protect and secure isolated populations in systems where connectivity is not possible (e.g., Missouri drainage)	Widely distributed and common in the Columbia drainage but genetically "pure" populations are uncommon in the Missouri drainage. Population status varies by drainage, but is generally stable. Numerous conservation efforts are stabilizing, protecting and reestablishing populations.	Status surveys underway, and a cooperative management plan has been developed and is being implemented with the assistance of land management agencies and non-governmental organizations. Specific conservation projects include those related to habitat (barrier placement, habitat protection, mitigation and enhancement efforts), population conservation and restoration efforts that include removal of non-native trout and introduction of WCT to suitable habitats. Many population restoration efforts ongoing in various stages of planning, implementation and post-project evaluation.	Idaho led a process to update the range wide status database in 2009. Continue to implement the management plan.

Montana Threatened, Endangered, and Candidate Species, FY 2016

Petitioned Species

Species	Species Scientific Name	ESA Status Federal/State	Population Goal	Current Status	Current Activities	Comments/Recommendations
Yellowstone Cutthroat Trout	*Oncorhynchus clarkii bouvieri*	USFWS ordered to complete a 12-month finding by Feb. 2006. Result was not warranted finding.	Widely distributed, stable populations in open connected systems where possible. Protect and secure isolated populations in drainages were connected populations are not possible.	Distributed throughout the upper Yellowstone. Range wide status assessments are completed annually	Status surveys underway, and a cooperative management plan has been developed and is being implemented with the assistance of land management agencies and non-governmental organizations. Specific conservation projects include those related to habitat (barrier placement, habitat protection, mitigation and enhancement efforts), population conservation and restoration efforts that include removal of non-native trout and introduction of YCT to suitable habitats. Several population restoration efforts ongoing in various stages of planning, implementation and post-project evaluation.	Inter-state efforts continue to maintain the range-wide database. Continue to protect and restore all conservation populations.