

## SENATE BILL NO. 83

INTRODUCED BY MURPHY

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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 --**

**DEFINITION.** (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)~~(A) contain sufficient winter and other seasonal range capacity to support the anticipated population size; and

~~(c)~~(B) be at least ~~65%~~ 51% 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~~ WITHIN 15 MILES OF ITS BOUNDARY UNLESS ADEQUATE MITIGATION MEASURES ARE IN PLACE TO PREVENT THE SPREAD OF PNEUMONIA AND DISEASE AND PRECLUDE COMMINGLING OF MOUNTAIN SHEEP WITH

1 DOMESTIC SHEEP OR DOMESTIC GOATS;

2 (b) if transplantation would negatively impact existing multiple uses of public land in the transplantation  
3 area, including grazing; or

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

5 (i) clearly identifies the proposed transplantation area AND THE MAXIMUM NUMBER OF MOUNTAIN SHEEP  
6 PROPOSED IN THE RESULTING POPULATION;

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

9 (iii) provides for the expeditious removal or relocation of mountain sheep ~~that~~ OR PROMPT MITIGATION  
10 REMEDIES IF THE SHEEP cause damage to private property or TO agriculture or livestock operations OR JEOPARDIZE  
11 PUBLIC HEALTH AND SAFETY, INCLUDING CAUSING A TRAFFIC HAZARD;

12 (iv) provides for the expeditious removal or relocation of mountain sheep that become permanently  
13 established outside of their designated transplantation area OR MITIGATION BY MUTUAL AGREEMENT BETWEEN THE  
14 DEPARTMENT AND THE AFFECTED PARTIES; and

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

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

20 (a) consult and coordinate with county commissioners in the affected counties TO ENSURE LOCAL  
21 GOVERNMENT AND LOCAL CITIZENS IN OR NEAR THE AFFECTED AREAS ARE GIVEN ADEQUATE OPPORTUNITIES TO BECOME  
22 INFORMED OF THE PROPOSED PROJECT AND TO MEANINGFULLY PARTICIPATE IN THE PUBLIC SCOPING PROCESS, AND THAT  
23 LOCAL CONSIDERATIONS ARE PROPERLY REFLECTED IN RELATED DECISIONS;

24 (b) hold ~~a public meeting~~ GENERAL INFORMATIONAL MEETINGS in each county in which the transplantation  
25 would occur; and

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

29 (C) GIVE ADVANCE WRITTEN NOTIFICATION BY CERTIFIED MAIL TO ALL PARTIES OWNING OR LEASING LANDS WITHIN  
30 THE PROPOSED TRANSPLANTATION AREA. THE NOTICE MUST SUMMARIZE THE PROPOSED TRANSPLANTATION PROJECT,

1 PROVIDE A MAP OF THE PROPOSED TRANSPLANTATION AREA, PROVIDE INFORMATION ABOUT OPPORTUNITIES FOR  
 2 SUBMITTING PUBLIC COMMENT, IDENTIFY ADVERSE IMPACTS THAT COULD RESULT FROM THE PROJECT, LIST ALL RELATED  
 3 PUBLIC MEETINGS SCHEDULED IN THE AFFECTED COUNTY OR COUNTIES, AND BE GIVEN AT LEAST 30 DAYS PRIOR TO  
 4 COMMENCEMENT OF THE PUBLIC SCOPING PROCESS.

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

7 (a) ANY AVAILABLE disease surveillance and demographic modeling data for the mountain sheep herd  
 8 from which sheep would be transplanted; and

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

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

12 (a) obtain written permission from:

13 (i) landowners holding AT LEAST 80% of the private land located within the proposed transplantation area;

14 and

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

16 and

17 (b) consult and coordinate with THE DEPARTMENT OF TRANSPORTATION, the department of agriculture, and  
 18 the department of livestock if the transplantation will impact TRAFFIC SAFETY OR agriculture or livestock operations  
 19 in the transplantation area or the surrounding area AND RECONCILE ANY SIGNIFICANT INCONSISTENCIES IN PLANS,  
 20 POLICIES, OR ACTIONS PRIOR TO PROCEEDING.

21 (7) AS USED IN THIS SECTION, "TRANSPLANTATION AREA" MEANS ALL LANDS EXPECTED TO BE USED BY THE  
 22 RESULTING MOUNTAIN SHEEP POPULATION, DEPICTED BY AN OUTER BOUNDARY OF IDENTIFIED GEOGRAPHIC FEATURES.

23 (8) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE TRANSPLANTATION OF MOUNTAIN SHEEP BY THE  
 24 DEPARTMENT TO:

25 (A) AUGMENT AN EXISTING POPULATION:

26 (I) THAT IS BELOW OBJECTIVE; OR

27 (II) TO PROVIDE GENETIC DIVERSITY; OR

28 (B) RESTORE MOUNTAIN SHEEP TO AN AREA THAT HAS EXPERIENCED SIGNIFICANT MORTALITY DUE TO DISEASE.

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30 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

1 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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3 NEW SECTION. SECTION 3. SAVING CLAUSE. [THIS ACT] DOES NOT AFFECT RIGHTS AND DUTIES THAT  
4 MATURED, PENALTIES THAT WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN BEFORE [THE EFFECTIVE DATE OF THIS  
5 ACT].

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7 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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