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ATTORNEYS FOR PLAINTIFFS

MONTANA TWENTIETH JUDICIAL DISTRICT COURT, SANDERS COUNTY

OUTDOOR HERITAGE COALITION,)	No. <u>DV-45-2025-0000084-DK</u>
REPRESENTATIVE SHANNON)	
MANESS, REPRESENTATIVE PAUL)	Judge John A. Mercer
FIELDER, and CRAIG NEAL)	
)	
Plaintiffs,)	
)	COMPLAINT
v.)	
)	
THE MONTANA FISH AND WILDLIFE)	
COMMISSION, and MONTANA)	
DEPARTMENT OF FISH, WILDLIFE &)	
PARKS)	
)	
Defendants.)	

Plaintiffs Outdoor Heritage Coalition (“OHC”), Representative Shannon Maness,
Representative Paul Fielder, and Craig Neal (collectively “Plaintiffs”), through their undersigned
counsel, allege as follows:

JURISDICTION & VENUE

1. This Court has original jurisdiction over this action pursuant to Article II, Sections 8 and 16 and Article VII, Section 4 of the Montana Constitution and §§ 2-3-114 and 3-5-302, MCA.

2. This Court has jurisdiction to grant declaratory and injunctive relief pursuant to §§ 27-8-101, et seq. (declaratory relief), MCA; § 2-4-506 (declaratory relief), MCA; §§ 27-19-101, et seq., (injunctions), MCA; and §§ 27-26-101, et seq. (writ of mandate), MCA; as well as the general equitable powers of this Court. As to declaratory relief, this Court “shall have the power to declare right, status, and other legal relations,” and this is “whether or not further relief is or could be claimed” in this action. See § 27-8-201, MCA.

3. Venue in this action is proper pursuant to §§ 25-2-126(1) and 25-2-117, MCA. This is an action against the State of Montana, against officers and agencies of the state in their official capacities, and one or more members of OHC, as well as Representative Fielder, reside in Sanders County.

PARTIES

Plaintiffs

4. OHC is a non-profit, Montana-based sportsmen’s group representing the interests of anglers, hunters, ranchers, trappers, and other outdoor enthusiasts who care deeply about the issues that affect those lifestyles. OHC has 7,801 members throughout Montana and is located at 104 West Madison Ave., Belgrade, MT 59714.

5. Representative Paul Fielder is a resident of Sanders County, Montana. He is a Certified Wildlife Biologist by The Wildlife Society, an Executive Council member of the National Assembly of Sportsmen’s Caucuses, was employed as a wildlife biologist for 31 years,

served on the Montana House Fish, Wildlife and Parks Committee during the 2021, 2023 and 2025 legislative sessions, and is a hunter and trapper interested in protecting the Montana way of life. He has sponsored many bills related to wolf management over his three legislative sessions in office, including the 2021 wolf bills discussed below.

6. Representative Shannon Maness is a resident of Beaverhead County, Montana. He is a hunter, guide, and supporter of agriculture in Montana. The constituents in his District, particularly those engaged in agriculture, struggle with wolves daily. He has experienced first-hand the loss of hunting opportunities from wolf predation and overpopulation. He sponsored wolf-related legislation in the 2025 legislative session.

7. Craig Neal has been a Montana guide since 1994 and a hunting outfitter for Broken Hart Adventures for nine years. His work is based in camps in the Gallatin Range and a USFS Forest Service Concession in the Porcupine Drainage north of Yellowstone National Park.

Plaintiffs' Interests

8. The overabundance of gray wolves in Montana adversely affects OHC members and individual Plaintiffs. For example, wolves attack members' livestock and pets, they deplete ungulate populations and consequently reduce hunting and trapping opportunities for members, they cause a threat to members' safety, and they harm members' businesses.

9. The Defendant Montana Fish and Wildlife Commission's ("Commission") hunting and trapping regulations, and its failure to reduce the wolf population as directed by statute, also harm OHC. The Commission's actions limit OHC's opportunities to harvest wolves, and therefore also limit opportunities to reduce the population.

10. Plaintiffs have a long-standing interest in the gray wolf and routinely advocate for reducing the wolf population in Montana. They expended organizational and individual

resources to actively participate in the development of wolf policy in Montana, including testifying in the legislature on wolf-related bills, participating in the development of the 2025 Wolf Plan, testifying at Commission hearings related to wolf matters, and submitting comments to the Defendant regarding wolf season-setting and quotas.

11. Many of OHC's members, and all individual Plaintiffs, live in or near areas occupied by wolves in Montana, including Sanders County and all hunting districts where wolves will be hunted and trapped this winter, or they frequently visit these areas for recreational and professional pursuits.

12. The interests of OHC's members, supporters, and staff have been, and will continue to be, injured by the Commission's failure to reduce the wolf population in Montana. The interests of Plaintiffs' members, supporters, and staff have been and will continue to be injured by Defendants' failure to comply with their obligations under the Montana Constitution and the state wildlife statutes, and agency regulations in continuing to authorize the hunting and trapping of wolves in Montana at unsustainable levels.

13. The relief requested by OHC here, if granted, would redress, at least in part, the injuries of OHC's members, supporters, and staff. The relief requested by OHC, if granted, would require the Commission to comply with the requirements of the Montana Constitution, state wildlife statutes, and agency regulations before setting a quota or further restricting hunting, trapping, or removal of wolves. The relief requested by OHC, if granted, would increase the number of gray wolves harvested or killed in Montana.

14. Representative Paul Fielder has long been concerned about wolf management in Montana and was a sponsor on the 2021 legislation that directed the Montana Department of Fish, Wildlife & Parks ("FWP") and the Commission to reduce the wolf population in Montana.

He has testified in legislative history, before the Commission, and numerous other venues, about the need to reduce the wolf population to the federally mandated level of 400 wolves, or 15 breeding pairs. He is familiar with the legislature's intent when it passed the 2021 statutes and believes that FWP and the Commission are not complying with the Legislature's instructions codified in the statutes.

15. Representative Shannon Maness has lost hunting opportunities for him and his family based on the Commission's restrictive quotas for wolves. He is concerned about the effect that wolves have on his enjoyment of outdoor opportunities and the agricultural community in his District. He has appeared before the Commission to advocate for more liberal harvest opportunities and sponsored wolf-related legislation in the 2025 legislative session, which was his first session.

16. Craig Neal has been negatively impacted by restrictions on wolf hunting in Montana from a personal and economic perspective. Insufficient wolf quota numbers and the limited wolf hunting season have led to excessive wolf predation and, in turn, a reduced ability to maintain the populations of prey, such as elk. As an outfitter for Broken Hart Adventures, his business opportunities are limited by the insufficient wolf quotas and reduced elk available for hunting. He is troubled by how the wolf population is harming the ecological landscape, recreational value, and potential for economic growth in Montana.

Defendants

17. The Commission sets the policies, including regulations, for "the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department related to fish and wildlife as provided by law." Section 87-1-

301(1)(a), MCA. By legislative mandate, the State of Montana has delegated control of wolf population management to the Commission, and required that “the [C]ommission shall establish by rule hunting and trapping seasons for wolves with the intent to reduce the wolf population in this state to a sustainable level, but not less than the number of wolves necessary to support at least 15 breeding pairs.” § 87-1-901(1), MCA. Additionally, the Legislature allowed, “[f]or game management purposes, the [C]ommission may apply different management techniques depending on the conditions in each administrative region with the most liberal harvest regulations applied in regions with the greatest number of wolves” and listed a number of management tools the Commission may use, including hunting, trapping, snaring, take in response to depredation. § 87-1-901(2)-(5), MCA. Finally, “[i]n an area immediately adjacent to a national park, the [C]ommission may not: (a) prohibit the hunting or trapping of wolves.” § 87-1-304(7)(a), MCA.

18. Defendant FWP is an executive department of the State of Montana created by the state legislature to “supervise all the wildlife; fish, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state.” § 87-1-201(1), MCA. FWP “shall enforce all the laws of the state regarding the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state” and has the “exclusive power” to spend for the purpose of “management” of those species. *Id.* at § 87-1-201(2), (3); *see also* 87-1-623, MCA (administering the “wolf management account”) and 87-1-625 (“funding for wolf management”). With respect to the gray wolf, FWP may collar and track wolves as part of making population estimates (§ 87-5-132, MCA) and create a wolf management plan, with recommendations for season setting to the Commission (§ 87-5-131(3)(a)). FWP also issues licenses, permits, or tags for the hunting or trapping of wolves. §§ 87-2-104(3)(a), 87-1-

304(1)(c), 87-2-523, 87-2-524, 87-2-810(7)(a), 87-2-813, 87-5-105 MCA. Additionally, FWP (or the Department of Livestock) “may control wolves for the protection and safeguarding of livestock,” including issuing special kill permits and “use lethal action to take problem wolves that attack livestock if the state objective for [15] breeding pairs has been met.” §§ 87-5-131, 87-1-217 MCA.

GENERAL ALLEGATIONS OF FACT

Montana’s History with Gray Wolves

19. Montana has a unique history concerning wolves, different than even its closest neighboring states. Montana also has a very different and far more restrictive wolf hunting, trapping, and snaring season structure from its bordering states and countries.

20. Gray wolves are native to Montana and once existed throughout the state. Westward expansion promoted unregulated and widespread predator control measures that eradicated Montana’s wolf population by the late 1930s, and gray wolves were eventually listed as endangered under the Endangered Species Act, 16 U.S.C. § 1531, et seq. (“ESA”).

21. In the 1980s, wolves from Canada began moving into northwestern Montana and establishing resident packs. In the 1990s, wolves entered Montana from Idaho and Wyoming after intensive restoration efforts. These efforts were successful, and Montana’s wolf population expanded. In 2002, the federal government determined that wolves had reached the necessary biological recovery goals for the Northern Rocky Mountain population.

22. In 2009, the United States Fish and Wildlife Service (“USFWS”) officially delisted the Northern Rocky Mountains gray wolf population. On August 5, 2010, a federal judge concluded the USFWS’ rule violated the ESA, and gray wolves were relisted. *Defenders of Wildlife v. Salazar*, 729 F. Supp. 2d 1207 (D. Mont. 2010). While appeals were pending,

Congress passed the Department of Defense and Full Year Continuing Appropriations Act of 2011. Section 1713 of the Act directed the Service to reissue the 2009 Rule, providing:

Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall reissue the final rule published on April 2, 2009 (74 Fed. Reg. 15213 et seq.) without regard to any other provision of statute or regulation that applies to issuance of such rule. Such reissuance (including this section) shall not be subject to judicial review and shall not abrogate or otherwise have any effect on the order and judgment issued by the United States District Court for the District of Wyoming in Case Numbers 09-CV-118J and 09-CV-138J on November 18, 2010.

23. Thus, on May 4, 2011, the Northern Rocky Mountain gray wolves were once again delisted by the federal government.

24. In the U.S. Fish and Wildlife Service's final rule delisting the gray wolf, the Service noted that "[a]fter delisting [the Northern Rocky Mountain gray wolves] will be managed by the States, National Park Service, and Service to average over 1,100 wolves, fluctuating around 400 wolves in Montana" 74 Fed. Reg. 15123 (April 2, 2009) (codified at 50 C.F.R. pt. 17).

25. At the time the wolves were delisted from the ESA, the FWP was responsible for maintaining a minimum population of 15 breeding pairs, which the then-current Management Plan acknowledged "equals a numerical estimate of 282 wolves." *See* Mont. Fish, Wildlife & Parks, 2003 Mont. Gray Wolf Conservation & Mgmt. Plan (2002).

26. Since 2011, the state of Montana, through the Commission and FWP, has managed wolves to maintain a recovered population and prevent the need for relisting.

27. FWP and the Commission's management strategy, reflected in the 2025 Montana Gray Wolf Conservation and Management Plan, includes population modeling, hands-on

surveys, harvest season proposals, and various harvest tools. *See* Mont. Fish, Wildlife & Parks, 2025 Mont. Gray Wolf Conservation & Mgmt. Plan (2024).

28. One of these tools is recreational trapping. Trapping has been an integral tool in Montana’s wildlife management for over a century and has been part of Montana’s gray wolf management strategy since authority was returned to the state, with the first regulated trapping season in 2012.

29. Trapping has historically had (before the season was cut down to 45 days by another lawsuit) the highest harvest efficacy, accounting for over half of the wolf harvest in Montana in 2022 (the last regular season). *See* Mont. Fish, Wildlife & Parks, Montana 2022-2023 License Year Wolf Harvest Report.¹ FWP has publicly stated that without trapping as a tool, it is plausible the state would be unable to effectively manage the gray wolf population, as mandated by Montana’s Legislature.

30. Recreational hunting is another tool that FWP and the Commission use for wolf population management. The rules and restrictions placed on wolf trapping resulted in the 2023-2024 season’s wolf trapping harvest being lower than the wolf hunting harvest for the first time in recent history. *See* Mont. Fish, Wildlife & Parks, Mont. 2023-2024 License Year Wolf Harvest Rep.²

31. According to FWP, “Since 2011, population numbers have remained considerably above the federal recovery minimum threshold of 15 breeding pairs and 150 wolves in Montana. From 2011–2023, the population appears to have become somewhat stabilized with an average

¹ Available at <https://myfwp.mt.gov/fwpPub/harvestReports>.

² Available at <https://myfwp.mt.gov/fwpPub/harvestReports>.

of 189 packs and 1,134 wolves per year.” Mont. Fish, Wildlife & Parks, 2025 Mont. Gray Wolf Conservation & Mgmt. Plan at 26 (2024).

32. Additionally, the 2024 Annual Wolf Report (published in 2025) reveals that the wolf population went from 1103 in 2023 to 1091 in 2024, indicating that the population continues to remain relatively stable. Mont. Fish, Wildlife & Parks, Mont. Gray Wolf Program 2024 Annual Rep. at tbl. 1 (2025).

33. Out of the seven regions, the 2024 wolf population remained the same as the wolf population in 2023 in three regions and increased in another region. Mont. Fish, Wildlife & Parks, Wolf Info. for August 2025³ at 3.

34. The most wolves harvested in a season to date was 329 during the 2020 season. *See* Mont. Fish, Wildlife & Parks, Mont. 2020-2021 License Year Wolf Harvest Rep.⁴ However, the population estimate the following year—in 2021—was 1,144 wolves. Mont. Fish, Wildlife & Parks, Mont. Gray Wolf Program 2021 Annual Rep. at 10 (2022). This was only a 3% reduction in the population overall.

35. According to FWP, because wolves are so adaptive and prolific, to reduce the overall population, it is necessary to harvest 30% of the adult wolves each year: “FWP has estimated that a reduction in population growth rate and abundances will occur when harvest is >25–30% of the previous year population estimate.” Mont. Fish, Wildlife & Parks, 2025 Mont. Gray Wolf Conservation & Mgmt. Plan at 57 (2024). In other words, wolves have enough pups each year (known as “recruitment”) that, unless the population of adult wolves is reduced by 30% each year, the number of pups born will exceed the number of adult wolves removed,

³ Available at <https://fwp.mt.gov/binaries/content/assets/fwp/commission/2025/august-21/wildlife/wolf/wolf-info-for-aug-2025.pdf>.

⁴ Available at <https://myfwp.mt.gov/fwpPub/harvestReports>.

causing the population to continue to grow. *Id.* It takes *more than* a 30% harvest rate to reduce the overall population of wolves in Montana. *Id.*

36. The 30% reduction number provided by FWP is very conservative, however, as both Idaho and Wyoming have more liberal wolf hunting and trapping (Idaho's is unlimited) and yet their populations continue to grow. *See Wyoming Grey Wolf Report*⁵ ("The newly-published document details an increase in the gray wolf population."). The Chief of Wildlife for the Idaho Department of Fish and Game has stated:

Even at increased mortality levels, the population has remained relatively stable at robust levels in recent years. For example, from July 2019-June 2022, Idaho's wolf population has fluctuated around 1,270 animals during the annual cycle of reproduction and mortality, peaking in the denning seasons and ebbing with human-caused mortality averaging 33% annually (including mortality from harvest and agency depredation control).

Affid. of Jon Rachael, attached as Ex. 6 to Response to Motion for TRO, filed in *Wildearth Guardians v. State*, DDV 2022-896.

37. FWP has also modeled what the effects of different annual harvests (between 248 and 500 wolves) would do to change the overall population over time. *See Mont. Fish, Wildlife & Parks, Mont. Gray Wolf Program 2023 Annual Rep.* at 38-41 (2024).

38. FWP showed that populations would not (eventually) drop below federal mandate levels until 350 wolves were harvested annually—and even then, the populations did not reach federal mandated levels until 2030. *Id.* at 45. Even if 500 wolves were harvested every year, the population would not reach the federal mandate level until 2027. *Id.*

⁵ Available at <https://wgfd.wyo.gov/news-events/gray-wolf-report-outlines-management-and-conservation-efforts-highlights-decrease>.

Montana's Recent Wolf Population and Harvest

39. A total of 297 wolves were harvested in the 2024-2025 hunting and trapping season by recreational hunters and trappers. *See* Mont. Fish, Wildlife & Parks, Mont. 2024-2025 License Year Wolf Harvest Rep.;⁶ *see* Mont. Fish, Wildlife & Parks, Mont. Gray Wolf Program 2024 Annual Rep. at 16 (2025). 121 of those wolves were harvested by recreational trappers and 176 were harvested by recreational hunters. *Id.*

40. As the total population of wolves is (conservatively) estimated to be 1,091 wolves, a harvest of 297 wolves is approximately a 27% harvest. *Id.*

41. By FWP's own estimation, this is not the 30% harvest necessary to even begin to reduce the population. *See id.* at 57.

Montana's Statutory Mandates

42. In 2021, the Legislature passed a series of bills designed to reduce the Montana wolf population. § 87-1-901, MCA. The first new law mandated that the Commission "establish by rule hunting and trapping seasons for wolves with the intent to reduce the wolf population in this state to a sustainable level, but not less than the number of wolves necessary to support at least 15 breeding pairs." *See* Mont. Sen. Bill 314 (2021), codified at § 87-1-901, MCA.

43. The second bill mandated that FWP and the Commission allow the use of snares for trapping wolves. *See* Mont. House Bill 224 (2021), codified at § 87-1-901, MCA.

44. The third bill gave the Commission authority to extend the wolf trapping season. *See* Mont. House Bill 225 (2021), codified at § 87-1-304, MCA.

45. The fourth bill allowed private parties to reimburse costs incurred by wolf hunters and trappers. *See* Mont. Sen. Bill 267 (2021), codified at § 87-6-214(1)(d), MCA.

⁶ Available at <https://myfwp.mt.gov/fwpPub/harvestReports>.

46. In 2021, when this legislation was passed, the wolf population was estimated at 1,144 wolves. Mont. Fish, Wildlife & Parks, Mont. Gray Wolf Program 2021 Annual Rep. at 10 (2022).

47. Representative Fielder, in his capacity as a legislator, stated repeatedly during the 2021 legislative session that the population must be reduced substantially, closer to the minimum level required to maintain a delisted status, which is 15 breeding pairs or 400 wolves.

48. The Legislature did not contemplate a stagnant population, or even a 3% or 4% reduction in the overall population, to be meaningful or fulfill the mandate of § 87-1-901(1), MCA.

Montana's wolf trapping and snaring season structure and regulations.

49. Trapping, hunting, and taking wolves are highly regulated activities in Montana. In August of each year, the Commission holds a public meeting to set the hunting and trapping regulations and quotas for wolves for the upcoming season, which begins the following fall and continues into the spring.

50. Before the meeting, usually in July, FWP makes a public recommendation to the Commission regarding the season structure that it believes the Commission should adopt.

51. The Commission takes public comment on FWP's recommendation and on any pre-proposed amendments to that recommendation. FWP's recommendations are based on its assessment of the wolf population, which it creates through various monitoring, data collection, and modeling tools.

52. Commissioners then, at the meeting, decide whether to accept, reject, or modify (through motion and amendment) FWP's recommendations.

53. The public is allowed to comment at the Commission meetings on FWP's recommendations and the proposed actions by the Commission.

54. Once the Commission acts, FWP prints the regulations applicable to the season and sells or issues the appropriate tags, permits, and authorizations.

55. All hunting, trapping, and taking of wolves is also subject to in-season review by the Commission. *See* Mont. Fish, Wildlife & Parks, 2025 Wolf and Furbearer Trapping and Hunting Regulations.⁷ In-season reviews are done with FWP personnel to ensure populations remain above delisting thresholds of about 15 breeding pairs, or about 400 wolves. *See* Mont. Fish, Wildlife & Parks, 2025 Mont. Gray Wolf Conservation & Mgmt. Plan (2024). If evidence demonstrates threats to the viability of the species, the Commission can adjust, limit, or close harvest immediately. *Id.*

56. The Commission held a public meeting on August 21, 2025. At the meeting, the Commission voted to adopt the fall 2025-winter 2026 furbearer and wolf trapping and hunting seasons and quotas.

57. The Commission voted to implement a statewide quota of 452 wolves, a regional quota of 60 wolves within FWP Region 3, and three-wolf quotas in Wildlife Management Units 313 and 316. *See* Meeting Video⁸ at 09:59.

58. The Commission also declined to extend the wolf hunting season in Regions 1 and 2 to start on June 30, 2025, as proposed by FWP. *Id.* at 04:48.

⁷ Available at <https://fwp.mt.gov/binaries/content/assets/fwpp/hunt/regulations/2025/2025-wolf-and-furbearer-final-for-web.pdf>.

⁸ Available at <https://fwp.mt.gov/aboutfwpp/commission/august-2025-meeting>.

59. Subsequently, FWP published 2025 Trapping and Hunting Regulations, including the wolf quotas and season dates, as approved by the Commission at its August 21, 2025 meeting. Regulations at p. 16.⁹

Depredation

60. Montana Code Annotated § 87-5-132(1) mandates that “a radio-tracking collar or a collar that uses global positioning system technology must be attached to at least one wolf in each wolf pack that is active near livestock or near a population center in areas where depredations are chronic or likely.”

61. Depredations are chronic and likely statewide, but are particularly prevalent in Regions 1, 2, and 3, where wolf populations and human populations are the highest.

62. According to FWP, “Wildlife Services confirmed that in 2024, wolves killed 35 cattle, 16 sheep, 3 foals, and 8 livestock guard dogs statewide. Wildlife Services also determined that an additional 17 cattle and 1 livestock guard dog were probable wolf kills. Total confirmed cattle losses for 2024 were increased from 2023... confirmed livestock guard dog losses increased, suggesting the guard dogs may have protected their flocks and reduced losses of sheep, but were killed by wolves in the process.” *Id.*

63. There are also many livestock harmed or killed by wolves and never reported, making actual depredation necessarily seem less frequent than it is. FWP states: “[w]hile these documented losses help provide valuable information on trends in livestock depredations, it’s important to note that not all livestock mortalities are found. In some cases, the livestock go missing and their fate is unknown. In other cases, the carcass is found too late and has been

⁹ Available at <https://fwp.mt.gov/binaries/content/assets/fwp/hunt/regulations/2025/2025-wolf-and-furbearer-final-for-web.pdf>.

scavenged too heavily for a depredation investigation to be conducted. Therefore, some livestock producers reported ‘missing’ livestock and suspected wolf depredation. Others reported indirect losses including poor weight gain and reduced productivity of livestock in areas with wolf activity. While these reports are hard to confirm, there is no doubt that there are undocumented losses.” Gray Wolf Program 2024 Annual Rep. at 20 (2025).

64. Out of the (conservatively estimated) 1091 wolves in the state, “FWP’s Wolf Specialists radio collared 24 wolves during 2024. Mont. Fish, Wildlife & Parks, Mont. Gray Wolf Program 2024 Annual Rep. at V (2025). Only four wolves were collared in Region 1 (where there is the highest population of wolves). *Id.* at 20.

65. If there were 80 confirmed livestock killed by wolves (and more that were unconfirmed or unreported), and FWP only collared 24 wolves, FWP could not have met its statutory mandate to collar “at least one wolf in each wolf pack that is active near livestock or near a population center in areas where depredations are chronic or likely,” even if it only collared after confirmed depredations, rather than for “likely” depredation (as the statute requires).

66. Plaintiffs have reason to believe that there are packs statewide—but especially in regions 1, 2, and 3—that do not have a single collared wolf despite the packs being located in areas where depredation is chronic or likely.

Public Participation in the August Commission Meeting

67. As is its usual practice, the Commission allowed comments on FWP’s proposal for the 2025 wolf hunting and trapping regulations and several pre-proposed amendments by the Commissioners.

68. OHC uses a platform called “HOWL for Wildlife” (“HOWL”) to encourage members and other individuals to submit comments to the Commission (and other government entities as the need arises).

69. HOWL streamlines the comment process and makes it easier for its users to submit comments and for groups like OHC to get information and requests for action out to its members and individuals who have expressed an interest in particular issues and a desire to influence policy on those issues.

70. When prompted by OHC, all HOWL users receive an email that states there is an “action item,” written by OHC, encouraging them to take action to influence government policy or decision-making.

71. Individuals can then go to the HOWL website, which assists the individual in submitting a comment to the Commission (or other entity), based on the action item written by OHC. Individuals can ask for assistance from HOWL to draft a comment, but every individual must review and personalize their comment before submitting it through the HOWL website.

72. Once a user submits his or her comment, the HOWL program transmits the comments to the Commissioners (or other government body), based on the transmittal instructions it has received from OHC (e.g. by emailing the comment to Commissioners’ email addresses).

73. Comments submitted through HOWL are not form letters. They are not “bots.” Rather, they are individual comments created by a single human user that are facilitated and transmitted by the program.

74. Hundreds of individuals, based on their own initiative and the call to action from OHC, submitted comments to the Commission on the proposed wolf regulations prior to the August 2025 Commission meeting.

75. HOWL then emailed each individual's comments to all seven of the Commissioners, at their official FWP email addresses.

76. Several (but not all) Commissioners contacted FWP and/or Commission staff before the August meeting to alert them to the volume of emails and comments they were receiving before the meeting.

77. Commission and/or FWP staff indicated to a few of the Commissioners (but not all) that the emails were "bots" and not real, human individuals submitting comments to the Commissioners.

78. Commission and/or FWP staff then routed all emails that Commissioners received from HOWL to the Commissioners' junk/spam email folders.

79. Commission and/or FWP staff did not make all the Commissioners aware of this action, and therefore all the Commissioners did not know in advance of the August 2025 meeting that there were valid public comments in their junk/spam folders.

80. As a result, the Commissioners did not receive or review hundreds of personalized comments from individuals supporting greater wolf harvest opportunities through the HOWL program.

81. These comments—in both volume and content—could have changed Commissioners' votes and the regulations that were adopted at the August 2025 Commission meeting.

82. The individuals submitting these comments, many of whom are members of OHC, were deprived of their opportunity to meaningfully participate in the Commission process, violating of their Constitutional right to participate in the Commission’s decision-making process.

COUNT I
(Violation of Statutory Mandate, Failure to Comply with § 87-1-901(1), MCA)

83. Plaintiffs incorporate by reference all preceding allegations.

84. Montana Code Annotated § 87-1-901(1) mandates that the Commission “shall establish by rule hunting and trapping seasons for wolves with the intent to reduce the wolf population in this state to a sustainable level, but not less than the number of wolves necessary to support at least 15 breeding pairs.”

85. When delisting wolves, USFWS stated that Montana should manage to 400 wolves.

86. The Commission has failed to establish hunting and trapping seasons with the requisite “intent to reduce the wolf population” as mandated by statute.

87. Despite FWP’s own analysis showing that a 30% annual harvest is necessary to reduce wolf populations, the Commission has authorized seasons resulting in only approximately 26% harvest rates statewide.

88. Out of the seven regions, FWP Region 3 was one of only three regions to see any decrease in the population in 2024. Mont. Fish, Wildlife & Parks, Wolf Info. for August 2025¹⁰ at 3. By establishing a subquota of 60 wolves for FWP Region 3, the Commission placed

¹⁰ Available at <https://fwp.mt.gov/binaries/content/assets/fwp/commission/2025/august-21/wildlife/wolf/wolf-info-for-aug-2025.pdf>.

constraints on the only Region to see meaningful progress towards the legislature's intent of reducing the statewide wolf population.

89. The Commission also failed to adopt an extended wolf hunting season, an additional tool to reduce the population.

90. The Commission rejected FWP's proposal for the wolf regulation, which included greater harvest opportunities and a greater likelihood of reducing the wolf population.

91. These actions by the Commission demonstrate that it is not establishing rules with the intent to reduce the statewide population.

92. The Court should declare that the Commission's actions constitute a violation of its statutory duty under § 87-1-901(1), MCA.

COUNT II
(Violation of Statutory Mandate, Failure to Comply with § 87-5-132, MCA)

93. Plaintiffs incorporate by reference all preceding allegations.

94. Montana Code Annotated § 87-5-132(1) mandates that "a radio-tracking collar or a collar that uses global positioning system technology must be attached to at least one wolf in each wolf pack that is active near livestock or near a population center in areas where depredations are chronic or likely."

95. The Commission and FWP have failed to collar at least one wolf in each wolf pack that is active near livestock or near a population center in areas where depredations are chronic or likely.

96. Because the population of wolves is so high, wolves across the state are "near livestock" or "near a population centers" and the nature of wolves make livestock depredation chronic and likely. The density of wolves and humans in Regions 1, 2, and 3 are particularly high, and therefore predation is most likely in these regions

97. FWP and the Commission cannot show that they have met the statutory mandate to radio collar one wolf per pack where depredations are actually confirmed, let alone where they are “likely.”

98. The Court should declare that the Commission’s actions constitute a violation of its statutory duty under § 87-5-132(1), MCA.

99. The Court should declare that Defendants have a positive duty to collar wolves statewide.

COUNT III
(Writ of Mandamus, to Compel Performance of Statutory Duty)

100. Plaintiffs incorporate by reference all preceding allegations.

101. The Commission has a clear, non-discretionary statutory duty under § 87-1-901(1), MCA to establish hunting and trapping seasons “with the intent to reduce the wolf population.”

102. The Commission has failed and refused to perform this mandatory duty by failing to reduce the wolf population in any meaningful way since 2021.

103. Plaintiffs have a clear right to performance of this statutory duty, and no other adequate remedy at law exists.

104. A writ of mandamus compelling the Commission to establish hunting and trapping seasons that actually reduce Montana’s wolf population in a meaningful way, as required by statute, should be issued.

105. Pursuant to § 27-26-102, MCA, and at common law, a writ of mandamus may be issued by this Court “to compel the performance of an act that the law specially enjoins as a duty resulting from an office, trust, or station.” The writ must be issued in all cases in which there is not a plain, speedy and adequate remedy in the ordinary course of law. *Id.*

COUNT IV
(Injunctive Relief)

106. Plaintiffs incorporate by reference all preceding allegations.

107. The Commission's continued failure to comply with §§ 87-1-901(1), MCA, 87-5-132(1), MCA, and Article IX, Section 7 and Article II, Section 8 of the Montana Constitution causes ongoing irreparable harm to Plaintiffs and their members.

108. Pecuniary compensation would not afford Plaintiffs adequate relief, and it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief.

109. Plaintiffs seek permanent injunctive relief requiring the Commission to establish and maintain hunting and trapping seasons that comply with the statutory mandate to reduce wolf populations and protect Plaintiffs' constitutional right to hunt.

COUNT V
(Declaratory Judgment)

110. Plaintiffs hereby incorporate by reference all preceding paragraphs in their entirety.

111. An actual controversy exists between the parties concerning their respective rights and duties under Montana Code Annotated § 87-1-901(1), Article IX, Section 7 of the Montana Constitution, and related statutes.

112. Plaintiffs seek a declaration that:

- a. The Commission is required by law to establish hunting and trapping seasons to reduce wolf populations consistent with § 87-1-901(1), MCA;
- b. The Commission's current regulations fail to comply with this statutory mandate;

- c. The Commission must establish seasons allowing sufficient harvest to meaningfully reduce wolf populations to federally mandated levels;
- d. The Commission's actions constitute a violation of its statutory duty to radio collar wolves pursuant to § 87-5-132(1), MCA.
- e. The Commission's actions violate Plaintiffs' constitutional right to hunt under Article IX, Section 7 of the Montana Constitution.
- f. The Commission's actions violate Plaintiffs' constitutional right to participate under Article II, Section 8 of the Montana Constitution.

COUNT VI
(Infringement of Article IX, Section 7 of the Montana Constitution)

113. Plaintiffs incorporate by reference all preceding allegations.

114. Article IX, Section 7 of the Montana Constitution provides that "The opportunity to harvest wild fish and wild game animals is a heritage that shall forever be preserved to the individual citizens of the state...."

115. The Commission's restrictive wolf hunting and trapping regulations directly limit Plaintiffs' opportunities to harvest wolves, in violation of their constitutional hunting heritage.

116. The Commission's failure to establish adequate hunting and trapping seasons for wolves directly infringes upon Plaintiffs' constitutionally guaranteed right to harvest wild game animals.

117. By maintaining wolf populations at higher than mandated levels through inadequate harvest quotas, the Commission has allowed wolves to deplete ungulate populations, thereby diminishing hunting opportunities for Plaintiffs' members.

118. The Commission's actions constitute an unconstitutional infringement on the fundamental right to hunt guaranteed by the Montana Constitution.

COUNT VII
(Infringement of Article II, Section 8 of the Montana Constitution)

119. Plaintiffs incorporate by reference all preceding allegations.

120. Article II, Section 8 of the Constitution guarantees as a fundamental right that members of the public have a “reasonable opportunity for citizen participation in the “operation of the agencies” prior to a final decision.

121. The right to participate is implemented through the Public Participation Act which is intended to encourage and assist public participation in decisions that are of significant interest to the public. §§ 2-3-103 and 111, MCA.

122. The Defendants’ actions violated these provisions, and by failing to provide a reasonable or meaningful opportunity to comment on the wolf regulations, which are of significant public interest, in advance of the August 2025 Commission meeting.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for entry of judgment as follows:

1. Declare that Montana Code Annotated § 87-1-901(1) requires the Commission to establish hunting and trapping seasons and methods for wolves “with the intent to reduce the wolf population in this state to a sustainable level”;
2. Declare that the Commission’s current wolf hunting and trapping regulations fail to comply with the statutory mandate of § 87-1-901(1), MCA;
3. Declare that the Commission’s actions in setting inadequate harvest quotas violate Article IX, Section 7 of the Montana Constitution, which guarantees citizens the opportunity to harvest wild game animals;

4. Declare that the Commission must establish hunting and trapping seasons and methods that allow sufficient harvest to actually reduce Montana's wolf population consistent with legislative intent and constitutional requirements;
5. Issue a permanent injunction requiring the Commission to establish and maintain wolf hunting and trapping seasons and methods that comply with the statutory mandate to reduce wolf populations to sustainable levels;
6. Issue a permanent injunction prohibiting the Commission from setting wolf harvest quotas and restrictions that fail to achieve the legislatively mandated population reduction;
7. Issue a permanent injunction requiring the Commission to utilize all available management tools authorized by statute, including extended trapping seasons, snaring, and liberal harvest regulations, particularly in regions with the greatest number of wolves;
8. Issue a writ of mandamus compelling the Commission to perform its mandatory statutory duty under § 87-1-901(1), MCA to establish hunting and trapping seasons and methods with the intent to reduce Montana's wolf population;
9. Award Plaintiffs their reasonable attorney fees and costs incurred in bringing this action;
10. Retain jurisdiction over this matter to ensure compliance with any orders issued by this Court;
11. Grant such other and further relief as this Court deems just and proper.

Dated this 30th day of September, 2025

/s/ Sarah M. Clerget

Sarah M. Clerget

Amber L. Rudnick

HOLLAND & HART LLP

ATTORNEYS FOR PLAINTIFFS

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