

SENATE FISH AND GAME<sup>x 10</sup>  
EXHIBIT NO. 10  
DATE 1/18/05  
BILL NO. SB 91

SB Bill 91  
January 18, 2005  
Presented by Jeff Hagener  
Senate Fish and Game Committee

Mr. Chairman and committee members, for the record I am, Jeff Hagener, Director of Montana Department of Fish, Wildlife & Parks (FWP).

FWP recognizes the traditional relationship between Montana's Native Americans and bison. We share Native Americans' vision of restoring healthy free-ranging bison to the plains ecosystem in places where these large, mobile ungulates can fit on the landscape. We also share Native Americans' interest in hunting bison as a source of food, materials and cultural enrichment.

The allocation of Montana's wildlife resources is a complex public policy issue. FWP respects the legislature's authority in this area and will do our best to implement whatever direction this body provides.

Senate Bill 91 proposes a new way of allocating hunting opportunity in Montana. FWP has never provided licenses to tribes before. While this can certainly be done, it raises a number of questions we would ask the legislature to consider and provide direction to us on. For example, should the license be issued to a tribal member or to the tribe? If a member, should FWP or the tribe select the individual to whom the license will be issued? If the license is issued to the tribe, how should FWP enforce conditions of the hunt?

Senate Bill 91 also raises questions for FWP regarding how hunting by tribal members should be managed in relation to other hunting. As written, the bill calls for issuance of licenses, "as bison become available." However, the number and timing of bison movements out of Yellowstone Park are unpredictable. That is why, for the sport hunt, FWP has proposed a relatively long season over a large area so hunters have the flexibility to take advantage of bison when they move out of the park.

Senate Bill 91 calls for issuing permits, "when any bison become available" or "as bison become available." This could require FWP to monitor bison presence and act as bison come out of the park. FWP would have to contact tribes, select tribal hunters or have the tribes select hunters, inform hunters of the relevant hunting rules, and issue the licenses on a day-to-day basis as bison exit the park. Under this scenario, tribal hunters may not have much notice or the ability to plan hunts. It could also make the time and place of tribal hunting more predictable and put tribal hunting in the "spotlight" of national media or anti-hunting protesters.

Senate Bill 91 provides that each tribe must receive two licenses before any other licenses can be offered for public hunting. However, the bill does not specify how long after the tribal licenses are issued other licenses may be granted. FWP would like the legislature to clarify if it wants to provide the tribal members some amount of time for tribal hunting to occur before any other hunting, or wants FWP to delay issuing other licenses until the tribal licenses are filled.

Finally, because hunting of Yellowstone bison can only occur under conditions approved by the Department of Livestock, the legislature may wish to clarify what, if any, role that department should play in oversight or management of tribal hunting.

Mr. Chairman, FWP is prepared to work with this committee, the sponsor and other interests to resolve these questions and move forward according to your decisions.