EXHIBIT 2
DATE 3/19/09
SB 337

Senate Bill 337
March 19, 2009
Presented by Chris Smith
House Fish, Wildlife & Parks Committee

Mr. Chairman and members of the committee, for the record I am Chris Smith, Deputy Director of Montana Fish, Wildlife and Parks (FWP). I am here today in opposition to SB 337.

I want to begin by providing some background related to the ongoing, inter-agency bison quarantine study. The initial concept for using a quarantine procedure as part of the overall approach to dealing with bison in the Greater Yellowstone Area (GYA) was outlined in the Interagency Bison Management Plan (IBMP). The IBMP included provisions for the cooperating agencies (FWP, DOL, APHIS, NPS, USFS) to design, locate, and operate a bison quarantine facility.

In the IBMP, the cooperating agencies agreed that the capture and relocation of bison to other suitable habitats would be an appropriate alternative to lethal removal of bison that exceed the population objectives for GYA. The IBMP states "DOL and FWP agree that relocation of live bison that are certified as brucellosis-free is a sound approach for removing bison that cannot be accommodated within the Yellowstone system."

In addition to providing another way to reduce population growth, these bison have tremendous conservation value because they are genetically pure and genetically diverse. They have potential to help conserve and restore bison to parts of their historic range across the United States, Canada and Mexico.

The current purpose of the quarantine facility is to determine whether it is possible to certify that individual or groups of Yellowstone National Park (YNP) bison are free from brucellosis, including latent infections of brucellosis, with the ultimate purpose to provide disease-free bison for restoration projects that would otherwise be sent to slaughter.

An Environmental Assessment (EA) on Phase II/III of the quarantine feasibility study was completed in 2006. That EA described the feasibility study design, timeline, and distribution criteria if the bison remain brucellosis-free throughout the feasibility study period. The decision notice supported moving forward. FWP and APHIS have jointly administered this study, with most of the funding coming through APHIS.

The feasibility study design calls for capturing up to 100 bison calves outside of YNP during winter as part of IBMP procedures, and subjecting them to an initial screening for brucellosis (Phase I). Sero-negative calves are brought into the quarantine facility. These calves are separated into 2 groups of up to 50 bison each. They are then retested using a battery of tests. Any brucellosis positive calves are immediately removed from the study. After six to 9 months, half of the bison are slaughtered in order to complete additional testing using tissue culture techniques, to verify the accuracy of the blood tests.

The remaining bison are raised in the quarantine facility (Phase II) while repeatedly being tested. At 1.5 years old, the cows are bred with young bulls. Pregnant cows are then sorted into groups of five and continue to be tested. Non-pregnant cows are also maintained in the facility and are bred the following year. Calves that are born are then subjected to the testing regimen. All of the cows (the ones that didn't get pregnant and the ones that delivered calves) are bred again in late fall, with the expectation that the cows with calves would be moved out of the facility later that winter. The remaining pregnant cows would be held until they have young, and then would be bred and moved out of the facility later that winter. This whole process will be repeated a second time as part of the feasibility study protocol.

The EA also included a process for distribution of bison that successfully complete this protocol. That process includes criteria for selecting receiving sites, and calls for an interagency committee to review proposed release sites and recommend sites for release of brucellosis-free bison. Those criteria include agreement to keep the bison in a closed herd for at least five years, and to allow APHIS to conduct follow-up monitoring of those bison for brucellosis during that time. APHIS has also stated that during these five years, these bison would be considered research animals, and as such, would not affect any state's brucellosis-free status, even if one or more animals were to test positive for brucellosis.

The first cohort has moved through this protocol and we now have 41 bison ready to move to the next stage – outplacement as a closed herd for 5 years. The adult bison have been tested a minimum of 9 times, with some being tested 16 times. The calves that were born last spring have been tested three times, and will continue to be tested extensively over the next year, and then periodically over the following four years. All have continued to test negative as long as they have been in the quarantine study.

We expect up to 40 additional bison to complete the quarantine protocol in 2010, and probably similar numbers in 2011 and 2012.

In response to a request for proposals, FWP received 3 proposals for placement of the first 41 bison that are ready to leave the quarantine facility. All three requests were from tribes: the Ft. Belknap, Ft. Peck and Northern Arapaho.

An interagency and tribal committee consisting of DoL, FWP, APHIS, YNP, BLM, USFS, and the Inter Tribal Bison Cooperative (ITBC) reviewed the requests and recommended the first group of 41 bison go to the Northern Arapaho Tribe on the Wind River Reservation in Wyoming. The letter from APHIS attached to my testimony reflects that agency's support for this decision.

The N. Arapaho Tribe desires these bison for cultural and conservation values, and hopes to develop a herd of approximately 300 bison on the reservation. After that, they have committed to making descendants of these bison available to public or tribal entities for conservation purposes. The ITBC, will provide additional technical and financial support, as well as help ensure compliance with ongoing protocol requirements.

FWP understands the concerns about the relocation of bison from the quarantine facility. There is concern that these animals may not be brucellosis free. However, bison that move through the quarantine facility are among the most tested animals there are – they have undergone far more testing than any livestock do, and are considered brucellosis-free by the federal regulatory agency – APHIS – charged with oversight of this disease and by Montana's State Veterinarian.

Another concern is that these bison will range off of the land where they are relocated. As mentioned above, one of the conditions for any release site is a commitment, and demonstrated capability, of the recipient to keep this herd closed for five years. Given the public investment in these bison, and their value to conservation of wild bison, FWP has a strong interest in making sure these animals are appropriately monitored and managed after being relocated.

Finally, there is concern that a decision to translocate these bison will be made without consideration for the potential impact on surrounding landowners or land uses. However, any potential translocation would be subject to an Environmental Assessment and include opportunity for public comment. For example, there is a current EA on the proposal to translocate bison to the Wind River Reservation in Wyoming, which was open for comment through March 13. FWP already has plenty of game damage and wildlife conflict issues to deal with. We will not recklessly move forward in a way that adds to the list.

Ultimately, a long-range solution for bison conservation in Montana outside of YNP is needed. FWP is in the beginning stages of developing a statewide bison management and conservation plan. That plan will explore what, if any, potential there is for bison restoration in the area around YNP as well as other parts of Montana. Disease and compatibility of bison restoration with other land uses will obviously be major factors considered in that process. The planning process will include extensive public outreach and involvement.

This bill eliminates options before they can even be explored and would force FWP to slaughter what are now very valuable bison – from both a monetary investment and conservation value. It would permanently preclude use of these valuable, disease-free bison for any restoration purpose.

FWP believes that there are sufficient checks and balances already built into any proposal to translocate quarantine study bison to protect all interests, so FWP respectfully asks that you table SB337.

USDA

February 11, 2009

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Mr. Patrick J. Flowers
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Dear Mr. Flowers:

This letter is to express United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services' (USDA APHIS VS) support for the translocation of the first bison cohort from the Quarantine Feasibility Study (QFS) to the Northern Arapaho Tribe of Fort Washakie, Wyoming. Since its inception, APHIS VS has been involved with QFS research on bison at the quarantine facility. In its role APHIS has worked closely with Montana Fish, Wildlife and Parks (MFWP) throughout the design, development, and initiation of the study. With the successful completion of the quarantine portion of the study we recognize it's the responsibility of MFWP to move the bison from the QFS facility in Montana to Washakie, WY.

We are pleased that the bison have remained brucellosis-free and are being transferred to suitable habitat within the historic range of plains bison as offered by the Northern Arapaho Tribe. We applaud the willingness and desire of the Northern Arapaho Tribe to use the bison for conservation purposes.

As part of its mission, APHIS has responsibility to ensure the health of U.S. livestock. APHIS continues to work as a partner in the cooperative State-Federal brucellosis eradication program to eliminate brucellosis from the U.S. Great strides have been made in eradicating brucellosis in U.S. livestock. The primary remnants of brucellosis are reservoirs in wildlife populations, which have the potential to endanger domestic herds in the Greater Yellowstone Area (GYA), including Yellowstone National Park and Grand Teton National Park. The QFS seeks to define a protocol which will produce a brucellosis-free animal that APHIS feels confident to certify. The bison that MFWP plan to release to the Northern Arapaho Tribe are the first which will pass through this protocol. Their release into a natural environment as brucellosis-free animals will serve an important conservation goal.

To help ensure the bison remain brucellosis-free and present no threat to domestic livestock, APHIS will support the annual brucellosis monitoring of the trans-located bison by:

- providing personnel to help with the bison roundups and working the bison through a chute for testing purposes,
- collecting blood samples and providing laboratory testing for detection of *Brucella* antibodies in bison and
- supporting the diagnostic workup of any fetuses collected if a bison aborts.

APHIS looks forward to a time when brucellosis is no longer a threat to domestic livestock and GYA bison. Meanwhile, APHIS plans to continue its support of the Interagency Bison Management Plan including continued cooperation with MFWP on the QFS.

Sincerely,

Jerry W. Diemer, DVM
Associate Regional Director, Western Region
USDA APHIS Veterinary Services