EXHIBIT 13
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SB 213

Senate Bill 213
March 18, 2009
Presented by Chris Smith
House Fish, Wildlife & Parks Committee

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

FWP has recognized the potential consequences associated with transmission of diseases between wildlife, livestock and humans for many years. In response, FWP maintains an active disease surveillance program and conducts management efforts, both independently and in collaboration with others, including the Department of Livestock (DOL) and the U. S. Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS). These programs include monitoring for chronic wasting disease (CWD), Avian Influenza (AI), Brucellosis Trichinosis and other diseases and specific management actions targetted at reducing the risk of transmission of disease.

For example, FWP has been actively engaged in management to reduce the risk of transmission of brucellosis from bison to livestock for over 20 years. In the 1980's, prior to development of the Interagency Bison Management Plan (IBMP), when the state maintained a "zero tolerance" policy for bison in Montana, FWP wardens manned the "front lines" hazing or removing bison and managed hunting of bison that migrated into Montana. FWP participated in development of, and is a signatory to, the IBMP and maintains an active presence in areas outside Yellowstone National Park, working closely with DOL and other parties to address the risk of brucellosis transmission from bison.

FWP is addressing risk of transmission of brucellosis from elk to livestock in the Yellowstone area as well. In addition to monitoring disease prevalence in elk, FWP is investing significant effort and funding into researching elk movements and distribution patterns to identify times and locations where risk is greatest. When we determined that two of the elk we collared as part of our research tested positive for exposure to brucellosis, we removed those animals from the population. FWP has liberalized and extended hunting seasons and worked with local landowners to manage hunting to increase elk harvest and reduce populations to objective levels. FWP provided input to DOL during development of their Brucellosis Action Plan and has committed to working with the DOL and producers on development and implementation of individual herd health plans to help the state regain and maintain its "Class free" status.

Other examples of FWP's current disease related efforts are summarized on the attachment to my written testimony.

FWP appreciates Sen. Bales' willingness to amend SB 213 to provide greater context for why this language is being added to 87-1-201 and to clarify that FWP's management efforts are directed at preventing transmission of disease not just "from" wildlife, but "between" wildlife and livestock or humans. While much of the current discussion of disease issues focuses on the risk and impacts of transmission of brucellosis from bison or elk and livestock, it is important to

recognize that transmission of disease from livestock to wildlife is equally possible and undesireable. Two quick examples illustrate this point.

First, the impacts of transmission of Pasturella bacteria that cause pneumonia from domestic sheep or goats to bighorn sheep are well documented. It is imperative that FWP manage big horn sheep populations in ways that preclude contact with domestic sheep and goats to avoid loss of those populations. Second, Tuberculosis appears occasionally in livestock, including two recent incidents in North Dakota. Should TB make the jump to wildlife, such as deer, in the same way brucellosis likely did between domestic livestock and bison or elk, we would have two intractable disease problems to deal with. It makes sense for FWP to work with DOL and producers to prevent transmission of TB from livestock to wildlife.

FWP does not view brucellosis, or any other disease, as a "wildlife" problem or a "livestock" problem; it is a "disease" problem. FWP cannot, and should not shoulder this alone. The ongoing collaboration between FWP and DOL and livestock producers needs to continue and expand in reponse to the risks, and actions by all parties will be necessary in pursuit of the goal of preventing transmission of disease.

Finally, I want the committee to clearly understand how FWP views the language in SB 213. The addition to 87-1-201 directs FWP to manage game animals to prevent the transmission of disease. While that is a worthy goal, no one should be under the illusion that FWP can, in fact, prevent the transmission of disease between wildlife and livestock or humans, any more than we can prevent the need for listing of species under the Endangered Species Act, as called for in subsection 9(a)(i) of this same statute. There are simply too many factors beyond FWP's control to be able to prevent the transmission of disease. Nevertheless, FWP will continue our efforts to reduce the risk of transmission, in pursuit of the goal of prevention, with the resources appropriated by the legislature to the agency for this purpose.

Some may view SB 213 as a significant change in FWP's authority or legislative policy. We do not. We see SB 213 as an endorsement of FWP's role in a complex effort that involves many other players. It is a role we believe is appropriate and one we take very seriously.

Thank you.

FWP Disease Related Activities and Expenditures

FWP is committed to managing wildlife in a manner that reduces or minimizes the risk of transmission of disease. To that end, in 2004 the Wildlife Division hired a veterinarian for the first time to develop and oversee the disease surveillance and wildlife health program. In additional, the Wildlife Laboratory Supervisor dedicates 90% of his time to disease issues. The annual cost of these two positions is $132,939 per year and the funding comes from the Wildlife Division's base budget.

In addition the following disease surveillance is being conducted:

- CWD Surveillance – FWP conducts annual surveillance in high-risk areas in Regions 4, 5, 6, 7, collecting and testing approximately 1,500 elk and deer heads. This work is completed through a cooperative agreement with CMR ($13,000); an agreement USDA/APHIS ($72,00) and FWP funding ($32,000).

- Avian Influenza Surveillance – FWP completes annual surveillance as part of a national program, obtaining 800 swabs and surveying 6 lakes or wetlands once a week from July through November for sick or dead birds. This work is funded completely by USDA/APHIS ($90,000) and USFWS ($100,000).

- Brucellosis Surveillance – Prior to the loss of Montana's Brucellosis Free Status, FWP completed surveillance within the GYA utilizing blood hunter-harvested elk, collecting approximately 140 samples annually and also collected tissues from hunter-harvested elk for culture. This work was primarily funded by USDA/APHIS funds passed through DOL ($33,000) with some personal services funding from FWP.

  Since the loss of Montana's Brucellosis Free Status, FWP has increased its surveillance efforts. These efforts included increased public outreach and to date over 600 usable samples utilizing blood from hunter-harvested elk in 30 hunting districts in portions of 7 counties have been collected. This is currently a one-time-only effort funded by a Governor's Special Appropriation of $60,000.

- Trichinosis Surveillance – 320 to 340 hunter harvested bears and 20 to 25 hunter harvested mountain lions are tested annually. These tests cost $12 per sample for an annual cost of $3,840 to $4,080 for bears and $240 to $300 for mountain lions. These tests are funded from the Lab's operating budget which is PR and License dollars.

Additional surveillance programs may be required if new diseases are introduced by domestic livestock, such as Tuberculosis.

FWP also conducts opportunistic testing of animals for diseases. These opportunities include:

- Necropsies are performed on animals that appeared sick or that had unusual circumstance to their death. FWP spends about $20,000 annual on necropsies and associated tests.

- FWP conducts general health surveillance by tests any animals that are handled such as animals that are transplanted or involved in research projects.

- When there is recognized disease related mortality in wildlife (Hemorrhagic Diseases in white-tailed deer, pneumonia in big horn sheep) there are field and lab efforts to confirm causative agents leading to death and enhanced survey efforts to determine impacts to the wildlife population.

The Enforcement Division is involved with Brucellosis/Bison Management in the GYA. This work is funded by USDA/APHIS funds passed through DOL. Previously this amount was $72,000 annually but beginning in October 2008 the amount was decreased to $35,000. Enforcement's involvement includes:

- Assisting DOL with hazing efforts utilizing ATV's, snowmobiles, and horses
- Addressing property damage to private landowners
- Monitoring bison movement around the GYA
- Lethal removal of bison from areas where they are not allowed
- Assuring public safety during g public hunting
- Involvement as liaison with aboriginal hunts and aboriginal enforcement entities
- Assisting with bison capture efforts

Bottom line: FWP commits thousands of staff hours and over $600,000 per year to disease-related efforts and works closely with the Department of Livestock to minimize the risk of transmission of diseases between livestock and wildlife.