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STATE OF MONTANA LEGISLATURE
FISH, WILDLIFE AND PARKS COMMITTEE
HEARING ON HB 214

TESTIMONY OF ERVIN CARLSON, OPPONENT
ON BEHALF OF THE
BLACKFEET NATION AND
INTERTRIBAL BISON COOPERATIVE

Chairman Washburn and Honorable members of the Fish, Wildlife and Parks Committee, I am Ervin Carlson, Blackfeet Tribal member and President of the InterTribal Buffalo Council, a coalition of 55 federally recognized Tribes across 18 states, including all 7 federally recognized Tribes of Montana. I thank you for this opportunity to provide testimony in opposition to HB 214, a bill that revises the management of wild buffalo or bison and provides for the management of buffalo as livestock. I request that my testimony be entered into the hearing record and transcript.

The InterTribal Buffalo Council (ITBC) is comprised of Indian Tribes dedicated to restoring buffalo to tribal lands in a manner that is culturally compatible with tribal beliefs and practices. Buffalo thrived in abundance on the plains of the United States for many centuries before they were hunted to near extinction. During this period of history, buffalo were critical to the survival of Native people. Buffalo provided food, shelter, clothing and medicine. Native people continue to have a strong spiritual and cultural respect for the buffalo that has not diminished with the passage of time.

ITBC was formally organized in 1992 by seven Tribes that had small buffalo herds, with a combined total of 1500 animals. Today, our member Tribes are engaged in raising

29 over 17,000 buffalo, collectively. ITBC is now assisting many Tribes with developing
30 sustainable herds to be raised as wildlife and to be utilized as a healthy food source for
31 Native American populations. Thus, ITBC member Tribes seek healthy bison for
32 continued herd development. Presently, ITBC has cooperative relationships for bison
33 management with the Badlands National Park and the Wind Cave National Park in
34 South Dakota and the Theodore-Roosevelt National Park in North Dakota. These
35 relationships involve ITBC member Tribes receiving surplus bison for herd
36 development.

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38 ITBC strongly opposes HB 214 as it calls for the classification and management of wild
39 bison as livestock. Obviously, this bill is intended to target Yellowstone bison, the only
40 wild, free-roaming herd in the state. This herd is native to Montana, just as every other
41 species designated as wildlife in this state. Buffalo are a wild, migratory species and
42 need to be treated and classified accordingly. However, the implications of this
43 legislation are much broader and ITBC opposes this bill for the following specific
44 reasons:

- 45 1. Managing Yellowstone bison runs counter management objectives of the
46 Interagency Bison Management Partnership and defeats efforts to manage
47 bison as a key wildlife species. The IBMP is tasked with maintaining a wild,
48 free-ranging bison population while reducing the risk of brucellosis
49 transmission from bison to cattle. This bill would seriously impede the State's
50 ability to sit as an effective participant in this partnership and would instead
51 place the State in direct conflict of the IBMP.

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2. Additionally, HB 214 is an affront to Tribes as sovereign nations and potential partners of the State. There are several provisions that mention Tribes as mere afterthoughts and even attempt to commandeer the Tribes in the procurement of buffalo. Section 8 discusses the capture of "stray bison" and states that "brucellosis-free" animals may be transferred to Tribes, but that it must be done in a manner "that does not jeopardize compliance with state-administered or federally administered livestock disease control program. The department may adopt rules consistent with this section governing tribal participation in the program."

This provision is highly paternalistic toward Tribes and attempts to take a regulatory stance as opposed to treating Tribes as partners and equals. The bill is also notably absent of any cooperative or partnership oriented language. Tribes would only be mere recipients of "strays" and are disregarded as capable, technical experts in the realm of bison and livestock management.

3. Section 15 purports to prescribe hunting licenses to Tribal members so long as hunts are done as prescribed in department rules and regulations. Once again, this provision completely disregards Tribes as effective managing partners as well as the agreements that Fish, Wildlife and Parks currently have in place with Tribes that exercise treaty hunting rights of buffalo in the

75 Yellowstone area. Each Tribe designates its own respective hunting season
76 for bison and prescribes its own regulations concerning these hunts. To pass
77 this bill would mean to effectively throw out the respect for long standing
78 treaty rights and the partnership reached thus far between the treaty Tribes
79 and the Department of Fish, Wildlife and Parks.

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81 4. Finally, if disease control and prevalence reduction are the objects of this
82 legislation, this bill provides nothing to advance reduction measures not
83 already in place by the IBMP. Section 8 calls for the capture, quarantine and
84 test for brucellosis of "stray" buffalo and for those not "brucellosis-free" to be
85 sent to slaughter. Brucellosis-free is not defined in the bill and risks sending
86 to slaughter those animals that are merely seroprevalent, meaning that the
87 individual is not identifiably positive but simply exhibits antibodies. This bill is
88 empty of any proactive efforts to reduce prevalence yet is quick to send bison
89 to slaughter. Slaughter is not an effective management tool and requires the
90 unnecessary and extremely high cost of this unique herd's genetic integrity
91 and diversity.

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93 Passing this bill will send a clear message to Montana Tribes as well as those with
94 treaty rights that the State is not interested in developing working relationships with
95 Tribes or regards them as partners. Tribes were not consulted with in the creation of
96 this bill and it is replete with paternalistic, disregarding language that can hardly be said
97 to be of a cooperative nature.

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99 In conclusion, ITBC maintains the position that buffalo in the Greater Yellowstone Area
100 should be maintained as wildlife and left to exist naturally as other wildlife species with
101 their identity, integrity and habitat preserved. We support coordinated efforts to manage
102 bison as wildlife and reduce the prevalence of brucellosis, while maintaining wild, free-
103 ranging bison. However, we do not support efforts that result in systematically reducing
104 tolerance of wild bison and disregarding Tribes as partners, sovereign nations, and a
105 people with a continuing cultural connection to these animals.

106

107 Thank you for this opportunity to provide this testimony in an effort to protect the
108 Yellowstone bison from further intolerance and slaughter and I urge your vote against
109 HB214.