

House Bill 318
March 17, 2011
Presented by Art Noonan
Senate Agriculture, Livestock and Irrigation Committee

Mr. Chairman and committee members, I am Art Noonan, Deputy Director of Montana Department of Fish, Wildlife & Parks (FWP). I am here to provide information in opposition of House Bill 318.

The Department rises in opposition to this legislation whether it is bison, elk or trout, our position at FWP is to listen closely to counties and in fact all Montanans. To date, we have not moved any bison to which counties have objected. We have gone out to the public including the counties and asked what concerns citizens had regarding bison.

Our agency is overseen by a commission, which provides significant public oversight, as well as our adherence to various laws like MEPA and NEPA that require a full public airing of any decision. This legislation seeks to tip this balance for the first time by granting to the counties new wildlife authority without any requirements on how the review in Section 1 is to be conducted.

Our mission, as established by law, is to manage scientifically Montana's wildlife and cultural resources. HB318 represents a significant expanding of the authority granted under Sections 81-2-120 and 87-1-216, as well as, an entirely new county authority over wildlife something not found anywhere else in state statute and sets a dangerous precedent.

The sections of law this bill amends specifically deals with diseased bison that pose a public health risk. By removing the public risk criteria, the authority granted in Section 1 and new subsection (5), creates a government reach that is unqualified and silent on how the county will make the review mandated by Section 1. Section 1 specifically limits county decisions to proposals under the two MCA sections. I can assure you, if bison are under suspicion of being diseased we would not move them at all. The legislation is very unclear on how this act might affect the current bison movement and Management plan around Yellowstone National Park. If counties objected to the management plan could they unilaterally demand that no bison migrate outside the Park? This shifting of wildlife decisions, from science considerations towards economic or political decision making places all federal funding at risk.

Bison management is a complex and difficult task. The ability to hunt bison has long been a goal of the sportsmen of Montana. We have been on a long road to see how the goals of wild bison and agricultural protection might be accomplished. The lack of clarity and specifics contained in HB318 threatens to make any bison management impossible. The high risk of unintended consequences bring us to urge a do not pass.