

Senate Bill 143
April 11, 2013
Presented by Pat Flowers
House Agriculture Committee

Mr. Chairman and committee members, I am Pat Flowers, Region 3 Supervisor with Montana Fish, Wildlife and Parks (FWP). I am here today on behalf of FWP Director Jeff Hagener in opposition to Senate Bill 143.

FWP opposes this bill because it takes bison management back to the failures of the late 1980s, potentially infringes on tribal treaty rights for hunting, and eliminates any potential management possibilities for bison in Montana beyond the National Bison Range, including on Indian Reservations.

In the late 1980s, Montana's bison hunts outside of Yellowstone National Park were national and international news. Those hunts were portrayed as a slaughter, and as gross mismanagement of native wildlife. The controversy resulted in featured stories on statewide, national and international television and radio news networks, and in national publications like *Sports Illustrated*, *Esquire*, *People Magazine*, *Time*, *Newsweek* and the *New York Times*. The Montana legislature took action in 1991 to discontinue the controversial bison hunts in response to intense national and international pressure that threatened Montana's tourism industry.

During the 1990s, the State of Montana worked together with federal agencies to develop a joint plan regarding bison management that was adopted in the year 2000 as the Interagency Bison Management Plan (IBMP). The twin goals of that plan are to maintain a wild, free-ranging population of bison and manage the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry. Montana continues to partner with federal agencies to operate jointly under that plan today.

Following the adoption of the IBMP the Montana legislature acted in 2003 to re-authorize the opportunity to hunt wild bison in Montana. That re-authorization was carefully crafted by legislators to ensure Montana's new bison hunting efforts would avoid the problems of the past. Montana's bison hunt was reinstated in 2005 with little on-going media interest or controversy. The hunt has been successful and is no longer the media spectacle it once was.

In addition, four Native American tribes asserted their treaty rights to hunt bison, and have been exercising those rights by harvesting bison since 2005. However, the allocation of 50 licenses to the 8 Montana tribes doesn't satisfy those treaty rights, especially since 3 of the 4 that have treaty rights are not Montana tribes. Under the proposed bill all bison would be removed from Montana by state agency personnel, and by an unlimited number of state licensed bison hunters. We will lose the cooperation that has come from carefully managing a blend of state and treaty rights hunting. That outstanding cooperation has resulted in 556 bison harvested by state and treaty rights hunters over the last seven years.

Montana fought very hard to protect the state's livestock industry from the effects of brucellosis, and continues to do so. Just a few years ago, federal disease rules mandated that if a producer found an infected animal, his entire herd had to be depopulated. Secondly, if two herds in the

state tested positive, the entire state's disease status was downgraded. We fought to get those two rules changed, and they have been. Today, only diseased cattle have to be culled from a herd, and the producer is compensated. But even more importantly, the entire state's cattle industry no longer stands to lose its brucellosis-free status, and the risk of disease transmission has been reduced.

SB 143 takes bison management back to the failures of the late 1980s. Under this proposed legislation, all bison migrating out of Yellowstone National Park must be immediately removed from Montana or destroyed by a variety of means, including hunting. SB 143 contradicts the terms of the IBMP – the result of a ten year effort and court ordered mediation to develop a cooperative management plan between State and Federal agencies. If SB 143 is adopted we can expect the same level of national controversy that Montana experienced in the late 1980s. It is likely we will see live footage nationally and internationally of bison being hazed and shot. The bison will often appear in depleted condition with fresh newborn calves at their side. As in the past, those images may translate into a boycott of Montana's tourism industry. We would expect that the tribes that have exercised their treaty hunting rights will object to the proposed legislation as an infringement on those rights.

SB 143 also prohibits the movement of certified brucellosis-free bison to tribal entities and limits the release or transplant of bison from Yellowstone National Park to only the National Bison Range in Moiese. These prohibitions eliminate any further opportunity for Montana Native American tribes to restore disease-free wild bison onto their own tribal lands, and deny them the opportunity to re-claim a critical piece of their native history and culture associated with bison. Further, this would eliminate any other wild bison restoration efforts in Montana beyond the National Bison Range in Moiese.

With our cooperative management over the last decade, we are meeting the twin goals of the IBMP as well as satisfying the treaty rights for tribal bison hunts. We are maintaining a wild, free-ranging bison population and bison have not transmitted brucellosis to cattle. We urge you to not erode the positive steps that have occurred in managing bison outside of Yellowstone National Park.

FWP recommends a do not pass on SB 143.



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Senator John Brenden
Senate Fish and Game Committee Chairman
Capitol Station
Helena MT 59620

Representative Jeffrey Welborn
House Fish, Wildlife & Parks Committee Chairman
Capitol Station
Helena MT 59620

Dear Senator Brenden and Representative Welborn:

Thank you for your recent letter inquiring about Montana Fish, Wildlife and Parks' (FWP) direction for bison management in Montana. As you know, this is an issue that generates significant public interest from a diverse set of parties in the state. This interest and passion has yielded no small amount of speculation, rumor, and misinformation about bison management. I appreciate the opportunity to clear up some of the confusion.

These issues are functionally divided into three separate categories – those associated with Yellowstone Park in the Greater Yellowstone area (GYA), those associated on non-tribal lands outside of the GYA, and those associated with tribal lands. I offer the following responses to the issues you have raised, as they pertain to each of these three situations.

Greater Yellowstone Area

The bison that migrate into Montana from Yellowstone National Park (YNP) are managed under the Interagency Bison Management Plan (IBMP). The IBMP was the product of ten years of planning among five state and federal agencies that ultimately resulted in a court-ordered mediation, where the final management agreement was struck. It is designed as an adaptive plan that adjusts to changing conditions over time. Under adaptive management, the IBMP partners are considering year-round tolerance for bison in a limited area on the west side of YNP. This area consists of the Hebgen Basin, the Cabin Creek Recreation and Wildlife Management Unit, the Monument Mountain Unit of the Lee Metcalf Wilderness Area, and the uppermost reaches of the Gallatin River. The northern extent of this area includes the Taylor Fork drainage, but it does not include areas northward into Big Sky or areas further north into the Gallatin Canyon. This proposal would also allow for year-round tolerance for bull bison only in the Gardiner basin. We offered a scoping notice for this proposal on July 23, 2012 and held public meetings in Gardiner and West Yellowstone. We hope to have a draft environmental assessment completed this spring.

Outside Yellowstone

On nontribal lands outside of the GYA, the department currently has no plans to move bison anywhere in the state of Montana. More specifically, the department has no plans to move bison to any of our

Wildlife Management Areas, including the Spotted Dog, Marias River, and Milk River properties. Furthermore, in the event bison movement is contemplated in the future, the department will fully comply with the provisions of SB 212, passed in 2011 and now codified within § 87-1-216, MCA. FWP has initiated a planning process to explore the potential for bison to be moved to appropriate areas and managed as wildlife in Montana. While not required under SB 212, FWP believes it is an important step to first take a statewide look at bison management in Montana. The planning process began with eight public scoping meetings during 2012, and generated more than 20,000 comments, which are currently being summarized and analyzed. If the decision is made to proceed with more site-specific analysis, FWP would convene a local working group in any area under consideration, in order to assist FWP with analyzing issues and making recommendations. For any eventual decision to establish bison in an area of Montana outside the GYE (and outside of tribal lands), a management plan would be developed in compliance with SB 212 (MCA 87-1-216), MEPA, and other statutory requirements. Again, please be assured that there are currently no such plans, nor are there any pre-determined outcomes to the planning process.

Tribal Lands

Native American tribes on reservations in Montana and outside of Montana have expressed strong desire for Yellowstone bison to restore cultural and subsistence values. Any bison that might be moved to a tribal reservation would be certified disease-free by the state veterinarian and APHIS, and expectations for their management will be articulated in an MOU with the Tribe(s) similar to the MOU agreed upon with the Fort Peck Tribes. If bison were to go to an out-of-state reservation, they would have to meet the requirements of the receiving state. The FWP Commission would also have to approve any such translocation. Presently no plans are in place for moving bison to any tribal lands, other than the potential for moving one-half of the bison that were moved to Fort Peck to Fort Belknap. As you note in your letter, that is presently not possible due to a court injunction.

FWP has an obligation to manage all wildlife for the greatest benefit of all Montanans. Because of the substantial interest surrounding bison, we believe it is important to undertake an open and honest planning effort to determine the course of bison management. In answer to your question about what legislators can do to help facilitate forward movement, your assistance in dispelling rumors and misinformation regarding bison management would be very helpful. Collectively, we must work with all interests to address bison conservation, in order to ensure that we properly consider where, if anywhere, we can find acceptable places for wild bison.

Sincerely,



M. Jeff Hagener
Director