

2013 Montana Legislature
Senate Bill # 143
Introduced by J. Bernden (R)

Testimony of Jim Posewitz, Helena
House Agricultural Committee, April 11, 2013

Should Senate Bill 143 pass this legislature it will mark the point where Montana's exceptional wildlife conservation ethic, held since our territorial years, was both abandoned and embarrassed.

Our conservation ethic stretches back to pioneer ranchers, miners and statesmen James and Granville Stuart. When the very first Territorial Legislature met in 1864 James won passage of legislation protecting fish by restricting harvest to hook and line fishing. Granville Stuart championed legislation (1872) providing closed season protection for "**... mountain buffalo, moose, elk, black-tailed deer, white-tailed deer, mountain sheep, white Rocky Mountain goat, (and) antelope**"¹ Those legislative commitments to wildlife conservation became Montana law before Custer bit the dust at the Little Big Horn.

All through Montana's territorial years the Stuarts led efforts to curb the commercial carnage of fish and wildlife, there was however, little means of enforcing what Stuart fought for. At one point a frustrated Granville wrote: "***If the legislature does not enact some laws in regard to game and fish, there will not be in a few years so much as a minnow or a deer left alive in all the territory.***"² We came close, in one of Theodore Roosevelt's books he left the following account. "**A ranchman who ... made a journey of a thousand miles across Northern Montana, ... told me that, ... during the whole distance he was never out of sight of a dead buffalo, and never in sight of a live one.**"³

A Montana wildlife conservation ethic however was held by the people and with legislative leadership they carried that ethic through the years. In fact, this 2013 session marks the 100th anniversary of State Senator T.O. Larsen, a (R) from Choteau, introducing and seeing to passage a Bill that created the Sun River Game Preserve to promote wildlife recovery. The Bill passed the Senate on a vote of 26 to 0 and the House 62 - 2. Governor Sam V. Stewart (D) signed the Bill.⁴ There obviously was a rich apolitical conservation ethic in 1913. **In reality,** that action extended protection to the grizzly bear **sixty years before the Endangered Species Act of 1973.**

¹ Brownell, Joan Louise. *The Genesis of Wildlife Conservation in Montana*. Master of Science Thesis, Montana State University. May 1987.

² Ibid.

³ Theodore Roosevelt Hunting Trips of a Ranchman and Wilderness Hunter, Modern Library Edition by Random House, (Original copyright 1885)

⁴ *A Bill for an Act entitled: "An Act to establish a game preserve in the Rocky Mountains, for the Protection of Game Animals and Birds, and Providing a Penalty for Killing, Hunting or Pursuing any such Animals in such Preserve* Senate Journal 13th Session, 1913, Montana..

Now, a century later, we have a wildlife abundance and elect to call ourselves "*The Last Best Place.*" That identity fits because of the fish and wildlife that has been restored and nurtured since the Stuarts pointed us toward the higher ground.

Today, we stand poised and capable of topping off this conservation legacy by adding the one species that paid the highest price in this epic struggle of wildlife restoration. The Montana people clearly support a modest level of wild buffalo restoration. However, Senate Bill 143 simply says kill them all – anyone, on almost any day – kill them all.

In 1872 our Territorial Legislature found the liquidation of buffalo shameful. Exactly a century ago the 1913 Montana Legislature gave overwhelming approval to the quest for a better way, a more profound relationship with Montana wildlife. It would be shameful indeed to observe the centennial of that 1913 cultural commitment to wildlife -- with legislation of liquidation .

Senate Bill 143 virtually demands that we drive a wooden stake into the heart of wild buffalo – an animal we have abused more than any other since we Europeans first set foot on this continent. We need to listen to and heed the counsel of our forefathers and the wishes of a majority of present day Montanans. We respectfully ask for a resounding no vote on Senate Bill 143.
