

Senate Bill 143
January 31, 2013
Presented by Pat Flowers
Senate Fish and Game Committee

Mr. Chairman and committee members, I am Pat Flowers, Region 3 Supervisor with Montana Fish, Wildlife and Parks (FWP). I am here 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. In addition, four Native American tribes asserted their treaty rights to hunt bison, and have been exercising those rights by harvesting bison since 2005. This bill would make it difficult, if not impossible, for the state of Montana to honor those tribal treaty rights. Montana licensed hunters and tribal treaty rights hunters have had good success with 556 bison harvested over the last seven years

In addition, 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. 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.