

BUSINESS REPORT
MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION
SENATE FISH AND GAME COMMITTEE

Date: Thursday, January 31, 2013
Place: Capitol

Time: 3:00 PM
Room: 422

BILLS and RESOLUTIONS HEARD:

SB 143 - Revise bison management - Sen. John Brenden

EXECUTIVE ACTION TAKEN:

Comments:


SEN. John Brenden, Chair

MONTANA STATE SENATE
Roll Call
FISH AND GAME COMMITTEE

DATE: 1-31-13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOHN BRENDEN, CHAIRMAN	✓	
SENATOR RICK RIPLEY, VICE CHAIRMAN	✓	
SENATOR DEBBY BARRETT	✓	
SENATOR TOM FACEY	✓	
SENATOR JENNIFER FIELDER	✓	
SENATOR BRAD HAMLETT	✓	
SENATOR LARRY JENT		EXCUSED
SENATOR JIM PETERSON		EXCUSED
SENATOR FRED THOMAS	✓	
SENATOR KENDALL VAN DYK	✓	

EXCUSED
EXCUSED

MONTANA STATE SENATE
Visitors Register
SENATE FISH AND GAME COMMITTEE

Thursday, January 31, 2013

SB 143 - Revise bison management

Sponsor: Senator John Brenden

PLEASE PRINT

Name	Representing	Support	Oppose	Info
GLENN HOCKETT	GALLATIN WILDLIFE ASSOC.		X	
Nick Gavoock	MWF		X	
Bill Hoppe	self + Family	X		
CHAS KHEBA	" "			
Rob Gregoire	Self		X	
John Robidow	SELF	X		
JIM POSEWITZ	Self		X	
ZACK WATERMAN	Sierra Club		X	
Darrell Geist	Buffalo Field Campaign		X	
Kit Fischer	NWF		X	
Paul Ellis	Self	X		
Vito Quattrone	Montana Sportmen Alliance		X	
Ron Skates	Native American Fish Wildlife		XX	
D. Fred Matt	" " " "		X	
Charles Walking Che	Native Americans		X	
Dwight Monroe	WNI		X	
Willie Asharp	Blackfeet Nation			
JAMES STEELE	MT Conservation Voters		X	
Matt Skoglund	NRDC		X	
REBECA WELP	THIRTEEN MILE FARM		X	
Janet Ellis	MT Audubon		X	
Judy Greenbridge	Sierra Club mt		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Visitors Register
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Thursday, January 31, 2013

SB 143 - Revise bison management

Sponsor: Senator John Brenden

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Name	Representing	Support	Oppose	Info
John Harrison	CSKT		X	
GERMAINE WHITE	CSKT		X	
Terry & Tammes	CSKT		X	X
Stephanie Gillin	CSKT		X	
Mike Clark	GWC		X	
GLENN MONTANAN	WWP		X	
Nancy Schultz	GWA		X	
McCoy Oatman	Nez Perce Tribe		X	
Durdette Birdinground	Apsaalooke Tribe (self)		X	
Matthew Wenzel	CSKT		X	
Ray Yazzie	Blackfeet Tribe		X	
DAVID DITTL OFF	NATIONAL WILDLIFE FED		X	
Claudia Narcisco	Sierra Club - MT		X	
Karen Walksice	northern cherokee		g	
Meredith			✓	
Robert MAGNAN	Fort Peck Tribes		X	
Mike Fof	FT. Belknap Council		X	
Reuben Mathias	CSKT		X	
ERROL RICE	MSGA	X		
Charlie Rein	self	X		
Nicole Rolf	MT Farm Bureau	X		
ERVIN CARLSON	ITBC - Blackfeet		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



PARK COUNTY

414 E. Callender, Livingston, MT 59001
www.parkcounty.org • Em

Additional
Docs

1-31-13

Senate Fish and Game Committee
Room 303

Chair and Members of the Committee

The Park County Commission supports the part of this legislation that allows citizens to protect their property from diseased wild buffalo. The Commission feels strongly that FWP and DOL went beyond their authority and interpretation of Adaptive Management of Buffalo using the authority or presumed authority of the Interagency Bison Management Plan that basically allows buffalo to roam freely throughout Southern Park County. We also feel that the State of Montana did not adequately provide relief to those citizens requesting help in removal or hazing of these animals. Sometimes 48 hours would elapse before a response was initiated. Other times the response was less than two hours. Either the state needs to step up with additional personnel or citizens need the ability to protect their property without fear of prosecution.

The Commission does need to remind the committee that the sentence that refers to the entry of diseased bison entering the border of Montana. The bison lawsuit settlement from the Racicot Administration allows buffalo in the Eagle Creek area near Gardiner and within the state boundary near west Yellowstone. In addition, the town of Gardiner has had buffalo for many years and part of the economy certainly depends on the fact that Gardiner is the wildlife capital of the world. The state has also encouraged the allowance of buffalo on state and federal lands in the Gardiner Basin. In addition, the state has cooperated in the leasing of property in the Gardiner Basin. I would suggest a re-wording of that portion of the legislation.

Thank you

Marty Malone
Park County Commissioner

Mark Savinski
1644 Wicks Lane
Billings, MT 59105-4470

(406) 252-223

Phone message to Fish & Game secretary, January 30, 2013, 5:21 p.m.

"I am adamantly opposed to SB 143."

Phone message to Fish & Game secretary, January 31, 2013, 4:58 a.m.

“Hi, I’m calling to state that I’m opposing Bill SB 143. I think it’s ridiculous. What on earth are you people thinking of? I cannot believe somebody is actually trying to do this. It’s absolutely insane. Are you trying to kill off all of our wildlife? Shame on you.”

I oppose SB 143

This bill says

- no translocation of bison except to Moise.

The problem is that Moise is full. Every year they have to cull the herd.

- year round hunting. How absurd - they can be shot any time.

If passed, this bill will end the FWP state wide bison plan. Please vote down this bill so FWP can continue a bison plan.

The people of MT support relocation and 70% of MT say yes to restoration.

The people say they want a wild bison herd. The people say if MT has room for 2.5 million cattle, we have room for 100 bison.

If this bill goes forward, our
greatest chance to have
a wild herd will be lost.
In 2014 the ~~quarantine~~
Chruscellois negative herd
on Ted Turner's land will
be ready for placement.
The people of MT want
this herd to be placed
on the CMR for the
people. This bill will kill
that chance.

Nancy Schultz
Boyerman

I oppose SB 143

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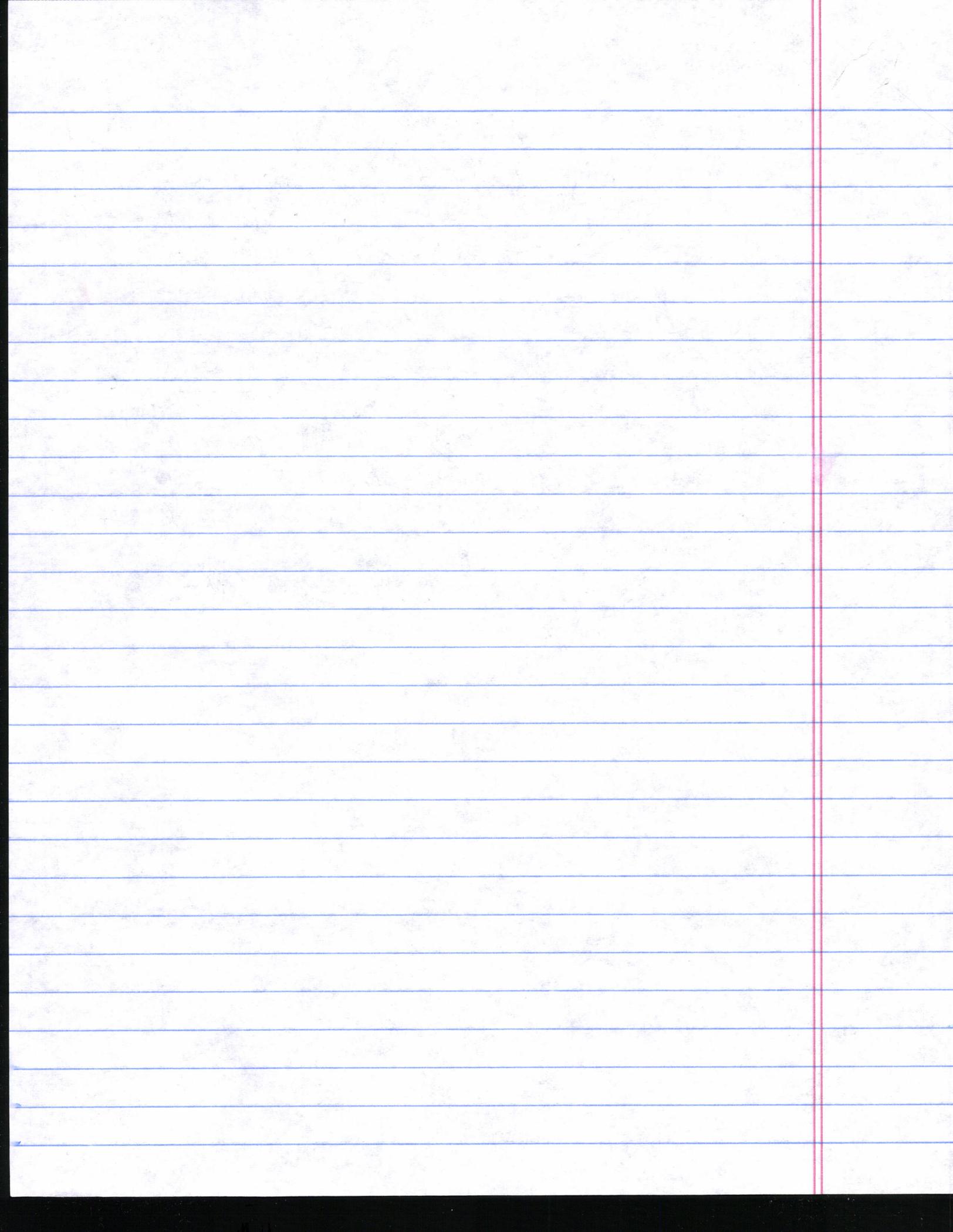
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[Blank lined paper with blue horizontal lines and a red vertical margin line on the right side.]

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Nancy Schultz
Bozeman,





BUFFALO FIELD CAMPAIGN

P.O. BOX 957

WEST YELLOWSTONE, MONTANA 59758

(406) 646-0070 PHONE (406) 646-0071 FAX

<http://www.buffalofieldcampaign.org>

buffalo@wildrockies.org

January 31, 2013

Chairman John Brenden and members of the Senate Fish and Game
Committee, Montana Senate
PO Box 200500
Helena, MT 59620-0500

Mr. Chairman and members of the Senate Fish and Game committee,

On behalf of Buffalo Field Campaign I am submitting testimony on SB
143. Mr. Chairman, I would also request that my testimony be shared
with committee members and entered into the hearing record. Thank
you.

Buffalo Field Campaign is a nonprofit 501(c)(3) whose mission is to stop
the slaughter of Yellowstone's wild buffalo herd, protect the natural
habitat of wild free-roaming buffalo and native wildlife, and to work with
people of all Nations to honor the sacredness of the wild buffalo.

Buffalo Field Campaign is located in West Yellowstone, Gallatin County,
Montana, and is supported by volunteers and citizens in Montana and by
people from around the world who value America's native wildlife and
the ecosystems upon which they depend, and enjoy the natural wonders
of our irreplaceable public lands.

As an organization and on behalf of our members, Buffalo Field Campaign
is concerned and actively involved with protecting the last remaining
descendants of indigenous buffalo in North America to occupy their
original range, and securing long-term protection for viable populations
of wild buffalo and year-round habitat.

Buffalo Field Campaign is adamantly opposed to SB 143, for many reasons.

SB 143 seeks to use the full police powers of the state to destroy all migratory buffalo with taxpayer money.

The last few buffalo remaining as wildlife need conservation and habitat and not their destruction as SB 143 would enshrine as law.

In Montana, bison's status is S2: "At risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state. Montana Fish, Wildlife, and Parks also designated bison a Tier I species: "Greatest conservation need. Montana Fish, Wildlife & Parks has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities, and focus areas." (Adams and Dood, Montana FWP 2011)

While there has never been a documented case of brucellosis transmission from migratory buffalo to cattle, SB 143 makes it mandatory for the Dept. of Livestock to "immediately" destroy all buffalo migrating into Montana by firearms, and or subject them to hazing, capture, quarantine, and transport to slaughterhouses.

A Fiscal Note for SB 143 has determined that this great destruction of our wild buffalo will cost over \$500,000 for Montana taxpayers and hunters in just a few years.

SB 143 establishes a 3-tags per person buffalo hunt "statewide and at any time of the year" and repeals the prohibition on state officials directing hunters to the "actual physical locations" of buffalo to be killed.

A 'hunt' should not be an extermination program, and hunters should not be manipulated by Montana into being its executioners as SB 143 attempts to do.

SB 143 also kills Montana's statewide bison reintroduction plan (MCA 87-1-216) by prohibiting any bison from being translocated except to the National Bison Range in Moiese.

In poll after poll, the majority of Montanan's have made it clear that we

favor restoration of wild bison including 70% of 400 registered voters polled by Moore Information in 2011.

Montana's wild lands, wildlife including wild bison, recreation and open spaces are cherished by Montanans and draw millions of people who annually sustain a multi-billion dollar economy. Why would the Montana Legislature attack and destroy our wildlife heritage that makes living in Montana possible and desirable?

In May 2012, the Montana-Wyoming Tribal Leaders Council urged the state of Montana to protect the buffalo in Yellowstone, to cease harassing the wild species on their calving grounds, and to recognize Treaty Obligations to American Indian Tribes to protect viable populations of migratory buffalo in their native habitat.

We encourage the committee to heed the call of the majority of Montanans and the Tribal Leaders to respect our buffalo.

We believe it is long over due for Montana to respect and live up to its trustee responsibilities for our buffalo, a valued native species. The Montana Legislature can and must learn to co-exist with this indigenous wildlife species as people have done in Gardiner Basin, Hebgen Basin and elsewhere.

SB 143 is not amendable. Thank you for taking action to protect migratory buffalo as a valued wildlife species by voting to defeat SB 143.

Daniel Brister, MS
Executive Director
Buffalo Field Campaign
PO Box 957
West Yellowstone MT 59758
phone: (406) 646-0070
fax: (406) 646-0071
email: bfc@wildrockies.org

WILD BUFFALO, PUBLIC LANDS, MATTER TO MONTANA

Seventy percent of Montanans favor restoration of wild bison in Montana according to a February 2011 poll by Moore Information.

Three in four Americans polled in 2008 believe that the wild American bison is an *“extremely important living symbol of the American West.”* (Science Daily 2008)

A cost-benefit study from acquiring winter range for bison outside Yellowstone National Park found “conservatively calculated” net “measurable benefits” of \$4.43 million. (Yellowstone National Park 2000)

“... between 1969 and 1989, more than 96% of all new jobs in the Greater Yellowstone Area came from sectors other than timber, mining, and agriculture.” (Yellowstone National Park 2000)

According to the Montana Office of Tourism, *“Tourism is one of Montana’s leading and fastest growing industries.”*

- 10 million people traveled to Montana in 2008 and spent \$3 billion supporting \$897 million dollars in worker salaries.
- Tourism and recreation businesses account for 42,200 Montana jobs.

Over 3,640,000 people visited Yellowstone National Park in 2010. (Yellowstone National Park 2011)

Over 2 million people visited Glacier National Park in 2009. (Thackeray 2010)

According to a study by the Bureau of Business and Economic Research (2010), a record 2 million people visited Montana state parks in 2010 with nonresidents spending over \$122 million dollars that produced 1,600 jobs in Montana.

“The fundamental conclusion of this study is that Montana State Parks represent an invaluable resource for the economy of Montana’s regions, as well as the state as a whole.”

Over 755,000 people engaged in Wildlife-Watching in Montana in 2006 - generating \$375 million dollars in retail sales, creating 9,772 jobs, and bringing in nearly \$100 million dollars in revenues. (Leonard USFWS 2008)

Hunter and angler expenditures in Montana topped half a billion dollars in 2008: fishing \$239,917,978 and hunting \$292,367,289. (Brooks and King MT FWP 2009)

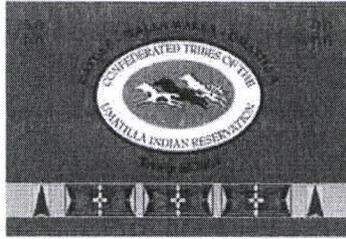
SOURCES

1. Moore Information, Inc. by telephone interviews among a representative sample of 400 registered voters statewide February 23-24, 2011. Commissioned by National Wildlife Federation online: <http://www.nwf.org/Wildlife/What-We-Do/Wildlife-Conservation/Bison-Restoration.aspx>
2. Science Daily. New National Survey Says Public Reverses Bison. November 29, 2008. Commissioned by Wildlife Conservation Society. Online: <http://www.sciencedaily.com/releases/2008/11/081118131857.htm>
3. Yellowstone National Park Final Environmental Impact Statement, Impacts on Socioeconomics, Interagency Bison Management Plan, August 2000, online: <http://www.nps.gov/yell/parkmgmt/bisoneistoc.htm>
4. Montana Office of Tourism, Montana's Tourism and Recreations Industry Fast Facts. Online: <http://travelmontana.mt.gov/faq/fastfacts.asp>.
5. YELLOWSTONE NATIONAL PARK NEWS RELEASE, Yellowstone 2010 Visitation Tops 3.6 Million, January 7, 2011 online: <http://www.nps.gov/yell/parknews/11003.htm>
6. Thackeray, Lorna, A puzzler: Tourist numbers up in 2009, but where did they stay? Billings Gazette, January 18, 2010. Online: http://billingsgazette.com/news/state-and-regional/montana/article_eb696472-03ea-11df-9d0e-001cc4c002e0.html
7. The Bureau of Business and Economic Research, 2010 Economic Impact Survey of Visitors to Montana State Parks, December 2010. Online: <http://fwp.mt.gov/parks/management/reports.html>.
8. Leonard, Jerry, U.S. Fish & Wildlife Service, Wildlife and Sport Fish Restoration Programs, Wildlife Watching in the U.S.: The Economic Impacts on National and State Economies in 2006, July 2008. Online: <http://wsfrprograms.fws.gov/Subpages/NationalSurvey/reports2006.html>
9. Brooks, Rob and Zoe King, Montana Fish, Wildlife & Parks, 2008 HUNTER/ANGLER USE AND EXPENDITURES FACT SHEET, July 2009. Online: <http://fwp.mt.gov/doingBusiness/reference/surveys/socialEconomic/hunting.html>.

Compiled by Buffalo Field Campaign PO Box 957 West Yellowstone MT 59758
www.buffalofieldcampaign.org (406) 646-0070 buffalo@wildrockies.org

**Confederated Tribes of the
Umatilla Indian Reservation**

Board of Trustees & General Council



46411 Timine Way • Pendleton, OR 97801
(541) 429-7030 • fax (541) 276-3095
info@ctuir.org • www.umatilla.nsn.us

January 31, 2013

The Honorable John Brenden, Chairman
Montana Senate Fish and Game Committee
P.O. Box 200500
Helena, Montana 59620

Submitted via email to mkulawik@mt.gov

Re: CTUIR Opposition to Senate Bill 143

Dear Chairman Brenden and Members of the Committee:

As the Chairman of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), I am providing this testimony to voice the CTUIR's opposition to Senate Bill 143. The CTUIR is a federally-recognized Indian tribe located in northeast Oregon, which signed an 1855 Treaty with the United States (12 Stat. 945) that reserved hunting rights extending beyond our reservation boundaries, including to unclaimed lands in Montana. It is my hope that this testimony will help the Committee understand the far-reaching impact of SB 143. CTUIR members historically traveled from their aboriginal homeland in Oregon and Washington to hunt bison in what is now western Montana. It is important for you to know that our traditional foods are very important to us and retaining access to them was central to our decision to sign the 1855 Treaty.

The CTUIR recently reestablished its bison hunting tradition, in close coordination with the Montana Department of Fish, Wildlife and Parks and the other tribes that possess treaty-reserved rights to hunt bison in the Yellowstone area. The continued exercise of this treaty-reserved right is of incalculable significance to the CTUIR. As co-managers of this valuable resource we have taken a number of steps to assure that our harvest is monitored and enforced and we are very supportive of protecting, enhancing and restoring bison habitat.

Because wild bison have been almost entirely eliminated from the landscape in the United States, the ability of CTUIR members to exercise the treaty-reserved right to hunt bison is severely limited. We both know one of the last remaining wild bison herds in the United States is based in Yellowstone National Park. Hunting is prohibited within the boundaries of the Park, which has the effect of limiting treaty harvest to adjacent public lands when bison make their traditional migration to lower elevation winter ranges. As such, the CTUIR has strongly advocated for expanding the area where wild bison are tolerated, to increase the opportunity for its members to exercise their rights. SB 143 would virtually eliminate the availability of bison on public lands outside the National Park, thus curtailing the CTUIR's opportunity to exercise our treaty-reserved rights.

January 31, 2013

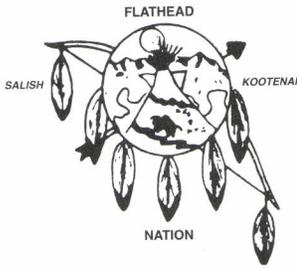
While the CTUIR recognizes that many Montana residents are concerned that free-roaming bison may pose a risk to the livestock industry among other perceived harms, we believe that Montana's current bison management laws provide Montana with the necessary tools to minimize and respond to these risks. The risks posed by free ranging bison, when viewed alongside the statutory scheme currently in place for mitigating them, are far outweighed by the benefits of returning this important animal to the landscape.

In closing, on behalf of the CTUIR, I respectfully urge this Committee not to support the passage of SB 143. If you have any questions regarding our position on this bill, please do not hesitate to contact Joe Pitt, CTUIR Attorney, at 541-429-7400.

Sincerely,



Les Minthorn
Chairman, Board of Trustees



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org



A People of Vision

A Confederation of the Salish,
Pend d' Oreilles
and Kootenai Tribes

TRIBAL COUNCIL MEMBERS:

Joe Durglo - Chairman
Carole Lankford - Vice Chair
Reuben A. Mathias - Secretary
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Jim Malatare
James Bing Matt
Terry Pitts

January 31, 2013

Montana State Senate
Fish and Game Committee
Hon. John Brenden, Chairman
63rd Montana State Legislature
Capital Building
Helena, Montana

RE: Senate Bill No. 143 "An Act Revising Bison Management Laws, etc."

Chairman Brenden and Committee Members:

The Confederated Salish and Kootenai Tribes (CSKT or Tribes) strongly oppose the passage of SB 143, a bill that would significantly alter the status and management of Yellowstone Bison in Montana. Passage of SB 143 would virtually remove the wild bison from their migratory homelands in Montana and would end a multi-government effort to return wild bison to their rightful place in the Montana ecosystem.

It is an understatement to say that bison, or buffalo, have played a profound role in our history, as they have for all Montana tribes. The buffalo remains a key component of our culture today, and preserves a connection to tribal traditions that date back for uncounted generations.

Our interest in this bill stems from the CSKT's unique status. When we signed the Hellgate Treaty in 1855 (12 Stat. 975) the Tribes reserved the right to hunt and fish in usual and accustomed places in our aboriginal territory – a right that includes hunting buffalo in the Greater Yellowstone Area. Our tribal members have a long history of hunting buffalo, and we continue to rely on their meat, hides, and other parts to sustain us physically and spiritually. Passage of SB 143 would significantly hinder our ability to keep the buffalo as part of our diet and culture, and destroy our hope of seeing the last remaining wild buffalo herd play a role in the lives of CSKT tribal members for generations yet to come.

The CSKT oppose this bill as an overreaction to the perceived threat that wild bison pose in Montana. Essentially, SB 143 would implement a zero tolerance policy for wild bison in Montana, requiring that the Department of Livestock immediately slaughter, haze, or otherwise remove all bison that migrate into Montana from Yellowstone National Park. Further, SB 143 authorizes individual landowners to indiscriminately dispatch bison that enter their property, and replaces the current fair-chase hunt regulations with a year-round shoot-on-sight license. The passage of SB 143 would also ban the translocation of disease-free Yellowstone bison to other Montana landscapes, including tribal lands on Montana Indian Reservations. As proposed, SB 143 is a harsh remedy for a problem that is currently being managed. Bison and cattle can, and do, coexist in Montana under current laws and regulations. Implementing the overbroad measures of SB 143 would most certainly create an adversarial atmosphere between the Tribes and the State of Montana.

Should SB 143 be enacted into law, it would end the intergovernmental partnership that has developed between the Tribes and the State, and would very likely result in lengthy and expensive litigation over the future of bison in Montana. We value the relationship that has been forged between the treaty-hunt tribes and the State of Montana. Our bison management goals have been based on a mutual commitment to a biologically sustainable hunt and a desire to see bison respected as a valued game species. We participate in yearly tribal-state intergovernmental hunt management meetings focused on coordinating bison harvest, hunter safety, regulatory enforcement, and the long term viability of the herd. The CSKT is also a full partner in the Intergovernmental Bison Management Plan (IBMP). While acknowledging its limitations, the Tribes submit that the IBMP has been successful in fulfilling its twin goals of increased bison tolerance in Montana and maintenance of the state's brucellosis-free status. Undoubtedly bison management is a complex issue, but it is important to note that there has never been a documented bison-to-cattle transmission of brucellosis while the IBMP has been in place. Moreover, as long as the elk population of the Greater Yellowstone Area carries the disease, brucellosis will remain in that environment. With the recent modifications to federal regulation, the threat of Montana losing its brucellosis-free status has been greatly reduced.

The Confederated Salish and Kootenai Tribes are prepared to continue our treaty hunt, as well as our good working relationship with the State of Montana, and hope to continue co-managing this public resource for the good of both tribal and state citizens. The Tribes respectfully urge this committee to vote NO on Senate Bill 143.

Sincerely,



Joe Durglo, Chairman

Confederated Salish and Kootenai Tribal Council

for