

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By Senator Rea, on February 19, 1993, at 1 p.m.

ROLL CALL

Members Present:

Sen. Jack "Doc" Rea, Chair (D)
Sen. Francis Koehnke, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Sen. Betty Bruski-Maus (D)
Sen. Jim Burnett (R)
Sen. Gerry Devlin (R)
Sen. Gary Forrester (D)
Sen. Mike Halligan (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council
David Martin, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SJR 21
Executive Action: SB 393, SJR 21

HEARING ON SJR 21

Opening Statement by Sponsor:

Sen. Klampe, District 31, said SJR 21 was trying to accomplish four main objectives: 1) Encourage State Lands to do an Environmental Assessment (EA) where domestic sheep come in contact with bighorn sheep, 2) Fish Wildlife and Parks (FWP) would be consulted by the Department of State Lands (DSL) whenever this potential exists 3) Involve the Public and 4) Involve the Board of Land Commissioners.

Proponents' Testimony:

Duncan Gilchrist, Ravalli County Fish and Wildlife Association and Foundation for North American Wild Sheep, supported SJR 21.

He said there has been a history of wild sheep versus domestic sheep conflicts and not until the past few years have they begun to be straightened out. The main problem has been a bacterial pneumonia called pasteurella hemolytica. When the strains meet many times between the two types of sheep, the wild sheep die. He cited an experiment by Dr. William Foreyet, Washington State University, in which 71 out of 73 wild sheep died when placed with a herd of domestic sheep. Mr. Gilchrist said this was circumstantial evidence. In 1993, a test was developed to determine if the sheep have lethal pathogens in their systems. He said historically, when wild sheep meet domestic sheep about half the herd of wild sheep perishes. During the next three years, the lamb crop survives 3-6 weeks or until they are weaned and then they perish.

He stated sheep are a valuable hunting resource citing various hunting records. The annual auctioning of a special sheep hunting permit brought \$88,000 in 1992, \$108,000 in a previous year. The least amount of money received in the auction was \$60,000. The proceeds of this auction go to the American Sheep Foundation.

He said SJR 21 is similar to policy guidelines of the Bureau of Land Management (BLM) set last year that were modified after meetings with the livestock industry. He then showed a 4 minute video concerning wild sheep.

Don Childress, FWP, read testimony (Exhibit #1) in support of SJR 21.

A letter supporting SJR 21 from William Brown, veterinarian, was submitted. (Exhibit #2).

Dave Majors, Montana Wildlife Federation (MWF), said bighorn sheep were at risk when they interacted with domestic sheep. He wanted full disclosure of the facts and public involvement when there was a change from a cattle grazing to a sheep grazing operation.

Dave Ross, Montana Audubon, read testimony (Exhibit #5) in support of SJR 21.

Opponents' Testimony:

John Bloomquist, Shining Mountain Ranch, Sula, Montana opposed SJR 21. In January 1992, he was contacted by the MWF concerning a possible lawsuit against state lands to force them to do an EA on a herd of domestic sheep on Shining Mountain Ranch. The wild sheep herd was the transplanted East Fork Herd.

State Lands performed an EA on that herd to test the transmission of pasteurella hemolytica, based on Dr. Foreyet's research. Mr. Bloomquist cited studies by Dr. Alfred Ward, University of Idaho, concerning the transmission of pasteurella hemolytica. He said

this research shows that the different types of sheep carried different strains of the disease. *Pasteurella hemolytica* is also carried by many other different types of wildlife including elk, deer and other domestic livestock. DNA research showed some of these strains were the as those carried by bighorn sheep. This information was presented to State Lands. He said Dr. Ward's research shows that you can not attribute *pasteurella hemolytica* to domestic sheep.

Mr. Bloomquist said, regardless of this information, DSL set up management guidelines for the area which included guard dogs and herding dogs. They also did not utilize a specific pasture at a certain time of the year. He said reliable science should control the issue and not innuendo nor circumstantial evidence like Dr. Foreyet's.

Rep. Chase Hibbard, District 46, rancher, opposed SJR 21. He told a story of his family ranch north of Helena relating to bighorn deaths. His family tried to reintroduce domestic sheep into a traditional permit area, but found the Forest Service and Fish and Game were reluctant to allow this, and an EA was conducted. He said the reluctance was due to the possible die offs of the bighorns due to numerous "alleged" bighorn sheep deaths caused by domestic sheep. Rep. Hibbard said the evidence was circumstantial and there was no hard proof. He cited other evidence heard earlier in the day and attributed the deaths to stress.

His ranch removed domestic sheep from part of their ranch creating a buffer zone. During that year, there was no contact between the two species. The following year there were massive bighorn sheep deaths. He concluded there are a number of factors that can cause these deaths and it is convenient to blame domestic sheep.

Donald Ferlicka, Chief State Veterinarian, Department of Livestock, opposed SJR 21. (Exhibit #3)

John Baucus, Montana Wool Growers, pointed out parts of SJR 21 which would affect wool growers. He said the term "potential" was out of line to initiate legislation. He asked if wild sheep carried a disease that infected domestic sheep, would they be removed. Mr. Baucus said if state lands were withdrawn in areas where there was checkerboard ownership, then this policy would be difficult to manage. He also said public involvement may be difficult since this is a scientific issue. He passed a cooperative agreement around, signed by 8 to 10 landowners, which allowed bighorn reintroduction, and said legislation like SJR 21 would jeopardize future agreements of this type.

Gordon Darlington, Montana Wool Growers, opposed SJR 21. (Exhibit #4) He spoke also as an avid bighorn sheep hunter.

Teddy Thompson, sheep rancher, said domestic sheep bands have decreased drastically in his area. When there were large numbers of domestics in the area there were also large wild sheep herds. He said the factors that contribute to wild sheep death should be looked at very carefully.

Questions From Committee Members and Responses:

Sen. Halligan asked who would pay for the lease study. Jeff Hagener, Department State Lands, said the cost would have to be absorbed through the Department like any other EA. He said the Department was neutral in this situation but entered the Shining Mountain Ranch situation. Traditionally the Department does not differentiate between types of livestock on an allotment. He said there probably exists numerous allotments where bighorns and domestics intermingle and the situation has probably existed for years. His interpretation was that new leases or reintroductions of domestic sheep would be most effected by SJR 21. He said that the checkerboard ownership in certain areas would make SJR 21 difficult to enforce.

Sen. Halligan asked if this problem could be solved within the Department of State Lands and questioned if SJR 21 was really necessary. Sen. Klampe said a problem occurred with the Madden ranch which allowed an EA only after the threat of a lawsuit.

Sen. Halligan asked if the DSL had the authority to deal with this issue by rule. Jeff Hagener said the DSL does have the authority to deal with these problems but in the past has not differentiated between the classes of livestock on an allotment. He said there has been an increased use of sheep as grazers for weed control in areas where they had not previously grazed. The sheep could be used where chemicals were not allowed and were sometimes cheaper than chemicals.

Sen. Devlin asked what methods, i.e. fencing, would be used to separate out state lands in a lease situation. Mr. Hagener said fencing would be too expensive. If there was a voluntary relinquishment or termination of the lease, it would be re-advertised for competitive bid. The new operator would be required to maintain the boundaries to control their livestock. Sen. Devlin asked if, under SJR 21, the operators would be required only to run sheep. Mr. Hagener said yes.

Sen. Devlin asked Mr. Childress if he was familiar with the agreement to transplant bighorn sheep north of Helena. Mr. Childress said he was aware of the agreement but did not know the specifics. Sen. Devlin asked how he expected to find more bighorn sheep habitat with threats like SJR 21. Mr. Childress said he did not feel the resolution was a threat. SJR 21 would only ask for an EA to study the effects of mixing sheep. The Department needed to continue to work with the landowners and did not want legislation which says there will not be domestic sheep where there are bighorns.

Sen. Devlin asked if he thought others would sign co-op agreements under threats like SJR 21. Mr. Childress said it was questionable from his standpoint.

Sen. Rea said he would like to comment from his perspective as a veterinarian. He said this condition was known as shipping fever. It is ubiquitous and was not species specific. Weaned calves in the fall, which are stressed will have pasteurella among other parasites. He had seen this condition in feedlots for over 30 years and felt it was stress related, regardless of the source of the stress.

Sen. Rea asked if Dr. Foreyet's studies were conducted under feedlot or confined conditions. Mr. Gilchrist said they occurred in a closure situation. Dr. Foreyet tried to repeat these same experiments using elk and deer in contact with wild sheep. In that case there were no wild sheep die offs.

Sen. Aklestad asked if wild sheep and domestic sheep were co-mingled or were separated. Mr. Gilchrist said the sheep were co-mingled. Sen. Aklestad asked if wild sheep were locked up separately. Mr. Gilchrist said there were pens of wild sheep at Washington State University. He said some wild sheep were born in captivity and did not experience stress. Sen. Aklestad asked if there had ever been an experiment to test die offs using only wild sheep brought in from the mountains. Mr. Gilchrist said no.

Closing by Sponsor:

Sen. Klampe said some of the opponents' arguments sounded like arguments for the proponents. SJR 21 is not a threat, it is not a "bill" and it would not limit sheep grazing. SJR 21 would ask the FWP and DSL to conduct Environmental Assessments to determine if there is a transmission of infections. Sen. Klampe said there is a need for this legislation to encourage study of this on-going issue. He emphasized that none of the proponents stated that domestic sheep were the cause for the bighorn sheep die offs and one even admitted that the evidence was circumstantial. He concluded by saying SJR 21 asks for Environmental Assessments and public input.

EXECUTIVE ACTION ON SB 393

Discussion:

Doug Sternberg, Legislative Council, explained the amendments (Exhibit #6). The main change would be to remove the "cancellation" language and insert the concept of "prohibition" of pesticides on school grounds.

Motion/Vote:

Sen. Pipinich MOVED THE AMENDMENTS TO SB 393 (Exhibit #6). The motion CARRIED UNANIMOUSLY.

Discussion:

Mr. Sternberg presented an additional amendment from Sen. Fritz (Exhibit #7) which would add a definition of "school". This would be inserted on page 4 as a new subsection 6.

Motion/Vote:

Sen. Halligan MOVED THE AMENDMENT (Exhibit #7) to SB 393. The motion CARRIED UNANIMOUSLY.

Discussion:

Sen. Halligan asked if the Committee was concerned that the Department of Agriculture might be required to perform epidemiological studies. Gary Gingery, Department of Agriculture, stated the Department would have to do a literature search for anything related to pesticides and epidemiological studies. When 300 to 400 active ingredients are involved, it becomes a huge undertaking, since the Department is not set up to do a literature search and evaluate the search. The EPA lists in the bill in are fairly easy to handle, but the epidemiological studies would be difficult. Sen. Halligan asked if the bill's proponents could help in this area. Mr. Gingery said the Department could use the proponents' help, but there are no criteria set for the studies. SB 393 also deals with reproductive processes and those sources would have to be checked as well. Since SB 393 had no criteria to follow, he would prefer the legislature provide the criteria for the studies. The difficulty would be when articles of differing view points arose and then went through the peer review process which can be time consuming. He emphasized the Department of Agriculture was not present to take a position on SB 393, but rather to see that it was structured so that the Department could handle it.

Motion:

Sen. Devlin MOVED DO NOT PASS AS AMENDED ON SB 393.

Motion:

Sen. Halligan made a substitute motion that SB 393 DO PASS AS AMENDED.

Sen. Beck asked if school boards were presently restricted from telling school personnel which materials can be used on school grounds. He said school boards might already have that right.

Vote:

Sen. Halligan's substitute motion that SB 393 Do Pass As Amended FAILED with Senators Rea, Koehnke, Aklestad, Beck, Devlin, Burnett, Pipinich, Forrester, and Bruski-Maus voting No.

Vote:

The motion that SB 393 Do Not Pass As Amended CARRIED with Senator Halligan voting No.

EXECUTIVE ACTION ON SJR 21

Motion/Vote:

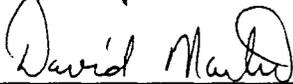
Sen. Aklestad MOVED SJR 21 BE TABLED. The motion to table SJR 21 CARRIED UNANIMOUSLY with Sen. Koehnke abstaining.

ADJOURNMENT

Adjournment: Meeting adjourned at 2:20 p.m.



SENATOR REA, Chair



DAVID MARTIN, Secretary

JR/dm

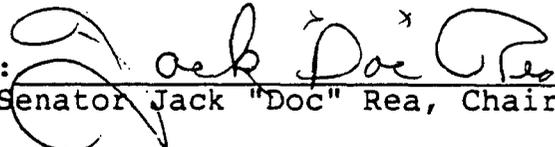
ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 19, 1993

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration Senate Bill No. 393 (first reading copy -- white), respectfully report that Senate Bill No. 393 be amended as follows and as so amended do not pass.

Signed: 
Senator Jack "Doc" Rea, Chair

That such amendments read:

1. Title, lines 5 and 6.

Following: "AND" on line 5

Strike: remainder on line 5 through "AND" on line 6

Following: "THE" on line 6

Strike: "REGISTRATION"

Insert: "USE"

2. Title, line 7.

Strike: "FOR USE"

3. Page 1, line 12.

Strike: "cancellation and"

4. Page 1, line 13.

Strike: "registration"

Insert: "use"

5. Page 4, line 10.

Following: line 9

Insert: "(6) "School" means a Montana public elementary or secondary school."

Renumber: subsequent subsection

6. Page 4, lines 15 and 16.

Strike: "Cancellation" on line 15 through "pesticides" on line 16

Insert: "Certain uses of pesticides in and around school prohibited"

7. Page 4, line 18.

Strike: "cancel the registration"

Insert: "prohibit the use"

8. Page 4, line 19.

Strike: "for use"

9. Page 4, line 24.

Strike: "refuse to register"

Insert: "prohibit the use of"

10. Page 5, line 4.

Strike: "cancel the existing registration"

Insert: "prohibit the use"

11. Page 5, lines 9 and 10.

Strike: "cancel" on line 9 through "register" on line 10

Insert: "prohibit the use of"

-END-

SENATE AGRICULTURE

EXHIBIT NO. #1

DATE 2-19-93

BILL NO. SJR 21

SJR 21
February 19, 1993

Testimony presented by Don Childress, Dept. of Fish, Wildlife & Parks before the Senate Ag Committee

Senate Joint Resolution No. 21 urges the Department of State Lands to assess the environmental effects of granting a state grazing lease that would allow the grazing of domestic sheep in proximity to wild bighorn sheep if there is a potential for transmittal of disease or parasites between the domestic and wild sheep.

We support this resolution as a reasonable effort to minimize the risk of disease transmission and to optimize preventive medical and management procedures that will assure healthy populations of bighorn sheep and domestic sheep.

Although Lewis and Clark noted bighorn sheep throughout the area that is now Montana, by 1930 bighorn sheep were reduced to small remnant bands in the most rugged areas of the state. Through a concerted effort by sportsmen, landowners and others, those remnant populations were saved and this special animal has been restored to much of its historic range. Current population estimates total approximately 5,500.

In 1992, at least 46 Boone & Crockett rams were taken by hunters in 16 separate areas of the state. Last year, the largest ram ever measured in the lower 48 states was found in the Highland Mountains

of southwestern Montana. In 1992 we received 11,921 applications for the 143 permits that allowed a hunter to take a bighorn ram.

Some diseases are shared by domestic and bighorn sheep, and evidence indicates that if bighorn and domestic sheep are allowed to be in close contact, health problems and die-offs may, but do not always, occur. The exact mechanism or cause is not always known, and there are experts on both sides of the disease transmission issue.

Whether or not the experts agree, it seems only prudent to take every reasonable effort to minimize the risk of disease transmission between domestic and wild sheep. The Environmental Assessment process is an appropriate way to study the potential for and impacts of disease transmission and to consider preventive measures. In addition, the process provides for full public participation.

Some advocate more stringent restrictions on domestic sheep or bighorn sheep, but we believe that this will only serve to alienate private landowners and polarize the issue. Restoration of the bighorn to much of its historic range in Montana has been a cooperative venture among private and public landowners, sportsmen and the department. It should continue.

Western Montana Mobile Veterinary Service

10025 O'Brien Creek Road • Missoula, Montana 59801

William Scott Brown, DVM

(406) 728-5667

February 18, 1993

To: Members of the Joint Committee on Agriculture, Montana
Legislature.

I am writing to urge your support of Joint Resolution 21.

I am a veterinarian practicing on large animals in the Missoula area. While I was a veterinary student at Washington State University, I became acquainted with the work of Dr. William Foreyt on the transmission of virulent *Pasteurella pneumonias* from domestic sheep to wild bighorn sheep. I also worked briefly for the Idaho Dept. of Wildlife caring for bighorns kept at the Caine Veterinary Center in Caldwell as part of Idaho's research into potentially deleterious interactions between bighorns and domestic sheep. Prior to attending veterinary school I spent three years working toward a Ph. D. in wildlife ecology at Yale University, including two years of field work at Glacier National Park studying habitat partitioning between bighorns and mountain goats.

Bighorn sheep throughout the west have always posed a difficult challenge for wildlife managers. Native and transplanted herds are susceptible to population fluctuations, epizootic diseases and die offs. While many of these problems have been -- and continue to be -- poorly understood, Professor Foreyt has clearly demonstrated that domestic sheep can transmit *Pasteurella pneumonias* to naive herds of bighorns that are virtually universally fatal.

In light of this new knowledge, it would be incredibly foolish for the State of Montana to put at risk its wild bighorns by knowingly and deliberately exposing them to domestic sheep. In the one instance of this I am aware of -- the proposed state grazing lease on bighorn range south of Darby -- the problem appears to be one of conflicting mandates of the Department of State Lands and the Dept. of Fish Wildlife and Parks. Only the Legislature is situated to resolve this conflict and to that end I would urge your approval of Joint Resolution 21.

Sincerely,



William Scott Brown, DVM

SENATE AGRICULTURE

EXHIBIT NO. 2

DATE 2-19-93

BILL NO. SJR 21

TESTIMONY ON SENATE JOINT RESOLUTION ~~SENATE~~ AGRICULTURE
BEFORE THE SENATE AG COMMITTEE EXHIBIT NO. #3
53rd MONTANA LEGISLATIVE ASSEMBLY DATE 2-19-93
BILL NO. SJR #211

MY NAME IS DONALD FERLICKA. I AM CHIEF STATE VETERINARIAN AND ADMINISTRATOR OF ANIMAL HEALTH STATUTES FOR THE DEPARTMENT AND BOARD OF LIVESTOCK. I AM AUTHORIZED TO APPEAR HERE TODAY TO PRESENT TECHNICAL BACKGROUND ON THE MATTER OF BIG HORN SHEEP HEALTH RISKS AND THE PROCEDURAL ACTIONS PROPOSED AGAINST THE MONTANA SHEEP INDUSTRY AND THE POSSIBLE PROHIBITION OF GRAZING PRIVILEGES ON STATE LANDS.

PASTEURELLOSIS CAUSED BY THE BACTERIA PASTEURELLA HEMOLYTICA AND PASTEURELLA MULTOCIDA IS IN THE TOP TWO OR THREE DISEASES AFFECTING AND THREATENING BIG HORN SHEEP POPULATIONS IN MONTANA AND THE WESTERN UNITED STATES. THERE ARE THREE THEORIES OR HYPOTHESES THAT MOST SCIENTISTS BELIEVE DESCRIBE THE MODE OF ACTION OF THE PASTEURELLA PATHOGENIC AFFECT IN BIG HORNS AND OTHER RUMINANTS, BOTH DOMESTIC AND WILD. THESE NEED TO BE UNDERSTOOD BEFORE THE IMPLICATIONS IN SENATE JOINT RESOLUTION 21 CAN BE ARGUED.

THEORY 1

PASTEURELLA HEMOLYTICA IS AN OBLIGATE PARASITE OF THE RESPIRATORY TRACT. THE CARRIER RATE IN A FLOCK INCREASES PRIOR TO AN EPIZOOTIC OF PNEUMONIA DUE TO STRESSES INCLUDING POOR FORAGE, POPULATION DENSITY, WEATHER, AND UNSPECIFIED HUMAN DISTURBANCE. RESISTANCE OF THE SHEEP DROPS, VIRULENCE OF THE ORGANISM INCREASES, AND CLINICAL DISEASE ENSUES WITH SOMETIMES DEVASTATING EFFECTS ON BIG HORN SHEEP AND OTHER SPECIES.

THEORY 2

PASTEURELLA IS A UBIQUITOUS AGENT IN NASAL PASSAGES, THROATS, AND TONSILS, I.E. A NORMAL INHABITANT. IN CLINICAL DISEASE IT IS A SECONDARY OPPORTUNIST TO PRIMARY PATHOGENS SUCH AS PARAINFLUENZA ^{VIRUS} ~~THREE~~, RESPIRATORY SYNCYTIAL VIRUS, AND LUNG WORMS.

THEORY 3

PASTEURELLA IS NOT A NORMAL INHABITANT OF THE RESPIRATORY TREE. VIRULENT FORMS ARE CONTRACTED FROM CARRIERS, HOMOLOGOUS AND HETEROLOGOUS, LEADING TO DISEASE AND HIGH MORTALITY.

THESE THEORIES COVER THE RANGE OF RESPONSIBLE SCIENTIFIC THOUGHT. THE PROOF OF WHICH THEORY OR COMBINATION OF THEORIES THAT MOST ACCURATELY DESCRIBE THE TRUE MODE OF ACTION REMAINS TO BE AGREED UPON. THE SCIENTIFIC STUDY THAT SUPPORTS SENATE JOINT RESOLUTION 21 IS DIRECTED TOWARD THEORY 3 AND THE DOMESTIC SHEEP IS TARGETED FOR INTENSIVE BACTERIOLOGICAL INVESTIGATION AS THE ONLY CARRIER. STUDIES HAVE SHOWN THAT CARRIERS MAY INCLUDE MULE DEER, WHITE-TAIL DEER, ELK, BISON, MOUNTAIN GOAT, MOOSE, MINK, WEASEL, RABBIT, MOUNTAIN LION, RACCOON, AND RATS. ANY RUMINANT COULD BE A PASTEURELLA CARRIER. ELK ESPECIALLY ARE WORTHY OF NOTE SINCE POPULATIONS HAVE INCREASED EIGHT FOLD SINCE 1960, WHILE DOMESTIC SHEEP NUMBERS HAVE DECLINED. AS WE SPEAK, ELK ON THE NATIONAL ELK REFUGE IN JACKSON, WYOMING ARE EXPERIENCING A SEPTICEMIC PASTEURELLOSIS EPISODE WITH SIGNIFICANT MORTALITIES. NO DOMESTIC SHEEP ARE ASSOCIATED WITH THIS WILDLIFE PRESERVE. STUDIES ON ELK IN IDAHO ARE BEGINNING TO SHOW A BACTERIAL FLORA IN THE RESPIRATORY TREE NOT UNLIKE THOSE OF DOMESTIC SHEEP.

cell #3
Ex # 3
2-19-93
SJR 21

BUT ACTUALLY ARE HETEROLOGOUS CARRIER SPECIES ANY MORE OF A THREAT THAN BIG HORN SHEEP ARE TO THEMSELVES? WHY BIG HORN SHEEP ARE SO SUSCEPTIBLE TO PASTEURILLOSIS IS NOT UNDERSTOOD, BUT WORK IS UNDERWAY TO CLARIFY THAT POINT. STRESS MEASUREMENTS IN BIG HORNS NEEDS TO BE IMPROVED FROM THE CURRENT BEHAVIORAL OBSERVATIONS TO SOPHISTICATED ASSAYS SUCH AS CORTISOL ANALYSIS. THE RESOLUTION UNDER CONSIDERATION BY THIS COMMITTEE IS ARBITRARY BEYOND SCIENTIFIC JUSTIFICATION SINCE MANY BIG HORN PASTURELLA OUTBREAKS ARE TOTALLY UNASSOCIATED WITH DOMESTIC SHEEP. EVEN THE HARSHTEST SCIENTIFIC JUDGEMENTS DO NOT CALL FOR EXPULSION, BUT RECOMMEND AGAINST INTERMIXING OF THE TWO SPECIES AND FEEL AN INTERVAL TO PRECLUDE NOSE-TO-NOSE CONTACT WOULD SUFFICE. TOTAL EXPULSION SEEMS TO BE THE PRODUCT OF OVER ZEALOUS BUREAUCRATS RATHER THAN RATIONAL SCIENTIFIC THOUGHTS. I REFER HERE TO RECENT POLICIES ADOPTED BY CERTAIN FEDERAL LAND AGENCIES.

IF THE BIG HORN WERE TO DISAPPEAR AS AN INDIGENOUS WILDLIFE SPECIES IN MONTANA WE WOULD ALL BE IMMEASURABLY POORER FOR IT. SCIENTIFIC RESOURCES SHOULD BE DIRECTED TO SOLVING THOSE HEALTH ISSUES THAT THREATEN OUR CONTINUED ENJOYMENT OF THEIR PRESENCE. SEPARATION OF ANIMAL SPECIES TO PREVENT TRANSMISSION OF A PRIMARY, PREDICTABLE PATHOGEN FROM ONE TO THE OTHER IS SOMETIMES A VALID APPROACH. PASTURELLA MAY NOT BE PRIMARY AND IS CERTAINLY NOT PREDICTABLE.

I AM FAMILIAR WITH THE ENVIRONMENTAL ASSESSMENT DATED SEPTEMBER 30, 1992 PREPARED BY THE DEPARTMENT OF STATE LANDS AND I DO APPLAUD THEM ON THE THOROUGHNESS WITH WHICH THEY ADDRESS THE ISSUE. IN SPITE OF THAT, AND FOR THE REASONS I HAVE JUST DISCUSSED, THE DOCUMENT DOES NOT PROMISE TO ~~MINIMIZE~~ ^{eliminate} THE RISKS OF PASTEURILLOSIS EXPERIENCED BY THE BIG HORN SHEEP POPULATION.

LENGTHY

~~RESTRICTED~~

SUBJECTING SHEEP PRODUCERS TO ~~PROTECTED~~, EXPENSIVE PROCEDURES THAT REQUIRE CONSIDERABLE SCIENTIFIC BACKGROUND TO CONDUCT MAY SOMEHOW EASE THE PUBLIC CONSCIENCE, BUT WILL DO VERY LITTLE TO ENSURE A MORE DISEASE FREE BIG HORN POPULATION.

SENATE AGRICULTURE

EXHIBIT NO. 4

DATE 2-19-93

BILL NO. SJR 21

TESTIMONY OF GORDON DARLINTON, THREE FORKS, MONTANA
Representing Montana Wool Growers Association as a board member.

SJR 21

February 19, 1993, Senate Agriculture

Chairman Rea and members of the committee, for the record I am Gordon Darlinton of Three Forks. I am a member of the board of directors of the Montana Wool Growers Association and representing the association here today. I also want to say that I am a sportsman and I've hunted and successfully taken a bighorn sheep. I say that because I want to make it clear that I too am concerned about our wildlife, our bighorn sheep are a part of our wildlife population.

The board of directors are very disappointed this issue gets brought to the legislature. We feel the domestic sheep-bighorn controversy was handled very appropriately by the state land department which held public hearings and looked at scientific data before reaching a determination that the Madden permit should be reissued for sheep grazing with provisions. We note that one of those provisions was that Mr. Madden would keep a herder with the sheep and that he would keep dogs with the band in order to deter any possible intermingling of wild and domestic sheep. Those provisions certainly cost money.

This resolution says that the state land department and or board should hold hearings and we've have no problem with public input, but decisions should be made on sound scientific information, ...not public outcry based on more animosity to the person grazing the sheep than factual evidence. Again, as has been brought to your attention here today, sound scientific data to say that domestic sheep is killing the bighorns is not certain. Strains of pasturella found to have resulted in bighorn deaths is found in other wildlife. The strains appear to

be different than strains carried by domestics. Pasturella, it should be noted is carried by all animals---domestic or wild.

I want to call your attention to the very recent news articles which state bighorns are coming into the suburbs of Missoula. Fish, Wildlife and Parks officials are quoted as saying they don't know why. Feed is not the draw and we've heard that bighorns don't like people that they are shy. Then this transistion to an urban area happens and the wildlife officals can't explain why. Just as this is not black and white, so is the science of what is adversely affecting our bighorns.

We hope this committee will not attempt to micro-manage the state lands department nor landboard and will vote DO NOT PASS on this resolution. (SJR 21) Thank you for the opportunity to speak.

SENATE AGRICULTURE

EXHIBIT NO. 4A

DATE 2-17-93

BILL NO. SIR 21

Bighorn sheep choose Missoula trailer courts over wilderness

By the Associated Press

MISSOULA — A herd of bighorn sheep is confounding wildlife managers by spurning the idyllic habitat of the Blackfoot River canyon in favor of several trailer courts in the Pinegrove community east of Missoula.

"We are at a loss to figure out what the attraction is there," said John Firebaugh, regional wildlife manager for the state Department of Fish, Wildlife and Parks.

"There seems to be good forage conditions available on up the river. Why they would want to congregate so close to those trailer parks — and all the people and dogs — I don't know."

The state transplanted 14 bighorns to the lower Blackfoot, east of Missoula, in March 1987, and another 31 in February 1990.

"The idea," said wildlife biologist Bob Henderson, "was to reintro-

duce sheep to what we thought was probably historic bighorn habitat."

Now, most winter afternoons will find a dozen or so bighorns grazing between trailers and on front porches. Often, despite efforts to shoo them away, they even bed down at the Heligate Rifle Club's nearby shooting range.

"They are very bold," said Betty Busse, manager of Circle J Trailer Park. "I looked out the window one day and two of them were on the front step of a house, right by the door."

Busse took photos of a dozen sheep stripping branches off her neighbor's fir tree.

"They bit them off, then left them on the ground, the silly things," she said. "They are very brazen, really."

Area homeowners have mixed emotions about the bighorns. They're a novelty, but they paw at grass and chew bushes. They're fun to watch, but no one's sure if they

would be dangerous if frightened.

"And I don't think we will have to fertilize this spring," Busse said.

Henderson estimates there are at least three dozen animals in the herd. He has seen small groups all around the area. As many as 20 at a time browse along the river just above Champion International's plywood plant in Bonner, 5 miles south-east of Missoula.

Game managers and residents alike are taking a watch-and-see approach to the bighorns. The state has offered bloodmeal for residents who want to keep the sheep off their vegetation. The Heligate Rifle Club has permission to run the animals off their rifle range.

"It's kind of neat, it really is, to know that you live where these bighorn sheep do," Busse said. "You will see about three of the big rams, all with quite a curl, and then their little harem. It's fun to watch."

February 17-93

Montana Audubon Council

State Office: P.O. Box 595 • Helena, MT 59624 • (406) 443-3949

Mr. Chairman and members of the committee:

Chapters:

Bitterroot Audubon
Bitterroot ValleyFlathead Audubon
Flathead ValleyFive Valleys Audubon
MissoulaLast Chance Audubon
HelenaPintlar Audubon
Southwest MontanaRosebud Audubon
Miles CitySacajawea Audubon
BozemanUpper Missouri
Breaks Audubon
Great FallsYellowstone Valley
Audubon
Billings

My name is Dave Ross, and I am here representing the MT Audubon Legislative Fund. We support Senate Joint Resolution 21.

Montana's wild sheep population has suffered for a long time, but only recently through management efforts of the FWP has its numbers increased from around 2500 to 5000+. An environmental assessment is crucial where all parties involved, including not only the DSL, but also the private livestock owner, the sportsmen community, and the FWP, should be represented in the study.

During my academic years at MT State University where I was involved in many research and feasibility assessments, I found that the best way to avoid tunnel vision in a study, is to involve numerous parties with differing concerns and strengths to offer. In the initial study by the DSL, this was not done.

The continued survival of the wild sheep is a delicate matter, and without a doubt, their existence deserves a comprehensive assessment that will ensure that all measures have been taken to reduce the risk to their population. Please support SJR 21.

Thank you,

David H. Ross

David H. Ross



Amendments to Senate Bill No. 393
White Reading CopyRequested by Senator Fritz/Dept. of Ag
For the Committee on AgriculturePrepared by Doug Sternberg, Council Staff
February 18, 1993

1. Title, lines 5 and 6.
Following: "AND" on line 5
Strike: remainder on line 5 through "AND" on line 6
Following: "THE" on line 6
Strike: "REGISTRATION"
Insert: "USE"
2. Title, line 7.
Strike: "FOR USE"
3. Page 1, line 12.
Strike: "cancellation and"
4. Page 1, line 13.
Strike: "registration"
Insert: "use"
5. Page 4, lines 15 and 16.
Strike: "Cancellation" on line 15 through "pesticides" on line 16
Insert: "Certain uses of pesticides in and around school
prohibited"
6. Page 4, line 18.
Strike: "cancel the registration"
Insert: "prohibit the use"
7. Page 4, line 19.
Strike: "for use"
8. Page 4, line 24.
Strike: "refuse to register"
Insert: "prohibit the use of"
9. Page 5, line 4.
Strike: "cancel the existing registration"
Insert: "prohibit the use"
10. Page 5, lines 9 and 10.
Strike: "cancel" on line 9 through "register" on line 10
Insert: "prohibit the use of"

Amendments to Senate Bill No. 393
White Reading Copy

Requested by Senator Fritz
For the Committee on Agriculture

Prepared by Doug Sternberg, Council Staff
February 18, 1993

1. Page 4, line 10.

Following: line 9

Insert: "(6) "School" means a Montana public elementary or
secondary school."

Renumber: subsequent subsection

SENATE AGRICULTURE
EXHIBIT NO. 7
DATE 2-19-93
BILL NO. SB 393

DATE 2-19-93 - FRIDAY

SENATE COMMITTEE ON AGRICULTURE

BILLS BEING HEARD TODAY: ~~S~~ SJR 21

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Name	Representing	Bill No.	Check One	
			Support	Oppose
Dave Majors	MWF	SJR 21	X	
IRA T. HOLT	RAVALLI COUNTY F&W ASSOC.	SJR 21	X	
Duncan Gilchrist	RAVALLI COUNTY F&W ASSOC/ Federation North American Wild Sheep	SR 21	X	
HARRY A. LAFRANIERE	RAVALLI COUNTY FISH/WILDLIFE	SR 21	X	
Gordon Darlinton	Montana Woolgrowers			X
Bob Gilbert	Montana Woolgrowers			X
John R. Bacon	MT Woolgrowers			X
DR DON FERLICKA	DEPT LUSTIK	SJR 21		
Don Childers	MDFWP	SJR 21	X	
John Blomquist	Shiny Mtn. Ranch	SJ 21		X
David Ross	MT Audubon Legislature	SJ 21	X	
Teddy Thompson	myself	SJ 21		X
Elaine K. Alvestad	" "	SJ 21		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY