

MINUTES OF THE MEETING  
FISH AND GAME COMMITTEE  
MONTANA STATE SENATE

March 21, 1985

The fourteenth meeting of the Senate Fish and Game Committee was called to order at 1:05 P.M. on March 21, 1985 by Chairman Max Conover in Room 402 of the Capitol Building.

ROLL CALL: All members were present at roll call.

FURTHER CONSIDERATION OF HB 763: Senator Conover introduced Tom Hobbs, Chief Ranger, Yellowstone Park, to the committee. He asked him to review the situation at Yellowstone Park for the committee.

Tom Hobbs said he was strictly at the hearing to provide whatever information that may be helpful in order to understand what is going on at the park with the bison and the northern winter range. He introduced John Varley to the committee and also furnished the committee with an information sheet for bison and/or brucellosis questions (Exhibit 1). Mr. Hobbs summarized the park service policy concerning the buffalo and the problem with the buffalo now. The attached Exhibit 2 summarizes the essence of his comments.

Senator Smith asked Mr. Hobbs, with regard to the bison not creating a problem in carrying brucellosis, if the bison have mingled with the herds of cattle.

Mr. Hobbs said he would highly suspect that the bison do go through herd groups but not in great numbers.

Dr. Owen said as far as deer are concerned we have not had any positive reaction. We have had a lot of positive reaction from the elk but as far as the boundary they are not the same as the buffalo.

Senator Yellowtail asked if there has been any research done on the transmittal of brucellosis.

Dr. Owen said Dr. Thorne in Wyoming has set up some control studies in elk and cattle. Brucellosis does transmit in elk to cattle.

Senator Yellowtail said there is no conclusive evidence.

Dr. Ferlicka said it has not been concluded by scientific studies.

Senator Yellowtail referred to the control study in Wyoming and asked if they will be looking at the effect on vaccinated animals when exposed to infected animals.

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Dr. Ferlicka said this program has just received adequate funding from USDA. It will be three years and perhaps as long as 8 years before we have conclusive data on the use of vaccine in large wildlife.

Senator Yellowtail said do we have conclusive evidence one way or another about the rate of infection from bison or elk to vaccinated livestock.

Dr. Ferlicka said the vaccine is not one hundred percent. It is somewhat less than that and will vary from 65 to 80 percent whether the exposure be from elk, bison or cattle.

Senator Severson asked Dr. Ferlicka if there were any buffalo herds in Montana that are vaccinated for brucellosis.

Dr. Ferlicka said it is a common bison herd practice in Montana.

Senator Anderson asked if the infected buffalo abort the same as cattle.

Dr. Ferlicka said the bison symptoms are the same as in domestic cattle. He cannot say whether the abortion rate is identical in buffalo as to domestic cattle.

Senator Smith said no rancher could afford to take the 15% to 40% loss because of the 60-85% effectiveness of the vaccine.

Senator Lane asked how many more animals can the herd grow to.

Mr. Hobbs said our indications are that they appear to be reaching the equilibrium of maintaining approximately 2,000 animals. They will decrease depending upon the hardness of winter.

Senator Lane asked what Mr. Hobbs' suggestion was to the problem of the buffalo coming out of the park.

Mr. Hobbs said it is a problem with the buffalo with regard to brucellosis, fence damage and forage being taken away from ranchers lands. We will continue to work with the Fish and Game. Once the buffalo leave the park they can be taken care of with a special hunt, just like the elk, and we have no objections to that.

Senator Lane said you will not have a hunt in the park.

Mr. Hobbs said by law that is prohibited. Yellowstone is one of the few places in the nation that is the same way America once was.

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Senator Lane said you could get up to 3,000 or 2,500. Do you think you would have adequate feed.

Mr. Hobbs said with the information we have available we believe the animals will reach an equilibrium. He doubts that the herd will grow much more.

Senator Yellowtail said what I have heard is that the buffalo will continue to leave the park and you will not do anything about it.

Mr. Hobbs said yes.

Senator Yellowtail asked if there is any point in further negotiation between the Department of Fish, Wildlife and Parks and the Yellowstone Park Service.

Mr. Hobbs said we are not doing anything in the park but we will work with the state to deal with the problem.

Senator Yellowtail asked what form that would take.

Mr. Hobbs said equipment, personnel, even things that we haven't even thought of.

Senator Yellowtail asked if he could capture the animals and transports them out.

Mr. Hobbs said we can't do that. Then we get into the economics and things like that. The basic equipment needed to deal with buffalo would cost a minimum of \$200,000 just for the unit. The fences go between five and ten thousand a mile.

Robert VanDerVere asked if the park service had any objection to hunting on state lands.

Mr. Hobbs said our major objections are different than the Fish, Wildlife and Park Service. Their objective in managing game in Montana is much different than ours. Our objectives are to preserve natural wildlife. We do understand that a number of the animals come outside the park and the elimination of those animals should be done.

Mr. Schoonen said the elk have brucellosis and they are allowed to be harvested.

Senator Conover feels that the vaccination is a good safeguard against brucellosis.

Senator Smith said he had heard of buffalo mixing with livestock but not with elk mixing with livestock.

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Senator Lane asked Mr. Hobbs if they were considering paying the Department for the time and effort they have taken in harvesting the buffalo.

Mr. Hobbs said we are talking about a seasonal time period.

Senator Lane said the Department spent money harvesting the buffalo and he asked if they were considering adjusting that to the Department.

Mr. Hobbs said they made 35 to 40 thousand dollars on the deal and he thinks that is pretty good compensation.

Mr. Flynn said yes revenue has been generated from the auction but that money does absolutely no good until the legislature appropriates it. We have spent money out of the current authority to take care of the problem.

Senator Severson said just to follow up, if the elk or bison were ruining a man's crop next to the park, would the park service take responsibility.

Mr. Hobbs said he would find it difficult to take responsibility. If the man bought land behind the park service, knowing what kind of activity was going on there, it was his choice to do that.

Bill McRae is a professional photographer and has spent a great deal of time photographing wildlife. He said you certainly do not have to have very good eyes to see the terrible range conditions that are in the park. He thinks the park is being damaged greatly by the current management policy. As he sees it, the current management is by starvation.

Mr. Flynn said we are getting into a discussion that Mr. Hobbs and I had planned on having sometime next month. He hoped the committee would keep in mind what he had presented to the committee in prior meetings. The eighty-eight animals that came out of the park this year were something the park service and the Department did not anticipate. Had we known that that many animals had the potential of coming out of the park we would have added a greater sense of emergency to the meetings. As I have indicated to the committee, that as a state agency we are not automatically going to accept the things that we have accepted in the past. He would hope that the Department would be given the opportunity to continue the negotiations to get the park to do some of the things that Mr. Hobbs has mentioned. He would submit that a lot of those ranches were not established when there were 2,000 buffalo but were established when there were only 20 buffalo.

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Senator Jacobson asked Mr. Flynn if the committee does decide to go ahead with this legislation, does he feel it would be more appropriate to add to the statement of intent that it is not the intention of the legislature to stop the negotiations between the park service and the Department of Fish, Wildlife and Parks.

Mr. Flynn said yes put it in the statement of intent if this bill does pass but he would hope the committee would not find that as a solution.

CONSIDERATION OF HB 282: Representative Menahan, District 67, chief sponsor, said this bill would allow the Department of Fish, Wildlife and Parks to auction one male mountain sheep license each year. The money generated will be used for the benefit of the mountain sheep in enhancing habitat and transplanting the mountain sheep.

Jim Flynn, Department of Fish, Wildlife and Parks gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 3.

Robert VanDerVere rose in support of this bill.

Chuck Stokke said the purpose of this bill is to provide money for research into enhancing the habitat for mountain sheep to increase their populations. This would be beneficial to the sportsmen because there would be more permits issued.

Bob Stephens, Dutton, Montana, supports this bill.

Tony Schoonen, Skyline Sportsmen, supports this bill.

Chris Marchion, Anaconda Sportsmen Club, supports this bill. They contacted 82 sportsmen clubs in Montana and they did not receive a negative response from any of them concerning this bill. This is the best thing we can do to improve the rocky mountain sheep habitat.

John Poston supports this bill. He said this bill will bring in \$75,000 or maybe more, which might allow him to someday get a sheep permit.

Chairman Conover asked for opponents.

Bill McRae, outdoor writer and photographer, thinks this bill is very unfair. To get a sheep permit your name must be drawn out of 7,000 people that apply. This bill would exempt one person from that process on the basis of his wealth. If it is wrong at all then it is wrong to do it once. If it isn't wrong

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then why not auction off all the sheep permits. He explained the tax break procedures whereby the wealthy individual that did obtain the permit would be able to write it all off several different times.

CONSIDERATION OF HB 764: Representative Harp, District 7, said this bill would allow a disabled person to hunt from a wheelchair. He asked the proponents to give their comments because of the shortage of time.

Bill Criuello said we have researched this very closely with the Department of Fish, Wildlife and Parks and they agree this is a good first step on the part of the state of Montana.

Jim Flynn, Department of Fish, Wildlife and Parks gave testimony in support of this bill. A copy of his statement is attached as Exhibit 4.

ADJOURNMENT: The meeting adjourned at 2:38 P.M.

  
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MAX CONOVER, Chairman

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ROLL CALL

SENATE FISH AND GAME COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 3-21-85

SENATE SEAT

#

	NAME	PRESENT	ABSENT	EXCUSED
22	Senator Anderson	✓		
6	Senator Jacobson	✓		
38	Senator Lane	✓		
31	Senator Severson	✓		
2	Senator Smith	✓		
37	Senator Yellowtail	✓		
	Senator Conover	✓		

Each day attach to minutes.

COMMITTEE ON

DATE

3-21-85

Senate Fish and Game

## VISITORS' REGISTER

HB 282 / HB 764

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Robert Van Cester BRIAN CANADY	Self Carroll College Political Comm. Class	764 282	XX	
BILL MCRAE	SELF	282		XXX
Bill Cavello	Handicapped	764	XX	
John F. Poston	Self	282	XX	
JOHN D. HARLEY	National Park Service	282		
TOM HOBBS	Yellowstone Natl. Park	282		
Greg Kull	Yellowstone N.P.	282		
Bob Stephens	Dutton, Mt.	282	X	
Chris Marchion	Anacanda Mt.	282	X	
Chuck Stokke	" "	282	X	
Tim MAGNESS	" "	282	X	
Tony Schoonen	Bitke Mt.	282	X	
Dan Fabich	Anacanda	282	X	
Jack Schoonen	Skyline Sportsman	282	X	



EXHIBIT 1  
SUBMITTED BY Tom Hobbs  
March 21, 1985

March 28, 1984

Information for bison and/or brucellosis questions:

1. a. Park bison population count of February 27, 1984:

Mary Mountain	962
Pelican	306
Lamar (northern range)	416
	<u>1,684</u>

Animals widely dispersed. Count may or may not be low by a couple of hundred animals; later air counts will clarify this.

Lamar (northern range) population figures 1975-1984 (actual counts except as noted):

1975	173
1976	180-200 est.
1977	184
1978	219
1979	262
1980	233
1981	255
1982	329
1983	434
1984	416

Although the Lamar population segment has doubled, the boundary problem at Gardiner involves roughly the same number of animals: 40-60.

Parkwide population has remained approximately 2,000 or less since 1981.

- b. Present management -- allowing natural regulation to operate to extent possible. Continuing research does not now suggest any need for human interference.

See Houston, 1982, Northern Yellowstone elk: ecology and management, Macmillan Co.; and Barmore, 1980, Population characteristics, distribution, and habitat relationships of six ungulates in northern Yellowstone Park, final report to Yell. Nat. Park, for northern range data base.

- c. Past management (pre-1966) -- to reduce population numbers; sporadic, primarily on northern range, limited data base.

2. Brucellosis -- (specifically Brucella abortus; there are five other species that are not relevant to this issue)

- a. No known cases in cattle ever attributed directly to park bison. We are informed by the office of the State Veterinarian that adjacent Park and Gallatin counties in Montana are brucellosis-free and have been for 20-25 years.
- b. Transmission of the Brucella organism is primarily via ingestion -- pasturing animals on infected grounds, drinking contaminated milk, etc. Contact infection, via skin, mucous membranes, etc., occurs, as does infection via inhalation. Transmission via sexual contact among domestic livestock is generally discounted, although this may have some importance among domestic goats.

Brucellosis can be a public health problem, and an economic problem to livestock men. The usual control and eradication methods, as applied to cattle, consist of vaccination of heifer calves and removal of reactors. Vaccination without removal of reactors has been insufficient, as vaccination alone provides about 65 percent protection. The program is apparently successful in cattle, where most research and effort have been concentrated. Vaccination and/or removal of reactors has been used among other domestic animals. The programs among other domestic animals require more knowledge and evaluation, but generally the programs are effective or promising.

- c. No research done to date on bison-cattle transmission. We assume that in a test situation (injection, close confinement) transmission would occur.
- d. Most recent known incidence in Yellowstone bison (1964-65)

	%	<u>Sample size</u>
Lamar	59	129
Pelican	42	33
Mary Mountain	28	302

- e. No apparent problem to bison -- perhaps individual pathology but no population problem. Any individual effects contribute to the overall complex of natural regulatory factors.
- f. Occurs at a low level in many hosts -- not generally considered problem sources of transmission (to livestock).

B. abortus has been detected as occurring naturally in the following animals, in addition to cattle and bison. Incidence is usually low.

horses  
camels  
Rhodesian ungulates

elk  
Norway rat (British Isles)  
tabanid flies (horse flies)  
Stomoxys (biting flies)  
ticks, bed bugs, fleas  
deer, whitetail  
moose  
wild carnivora

Experimentally, B. abortus has been transmitted to such rodents as Microtus, Peromyscus, Dipodomys, Ammospermophilus, guinea pigs, dogs, various fowl: turkeys, pigeons, pheasant, duck, geese.

Spontaneous infections of Brucella (species not specified) have been recorded in fish, reptiles, birds, insects, a wide range of mammals -- in short, it seems that if Brucella is looked for, eventually it's detected. Infections of most of these hosts occur at very low levels and are not considered a problem by those concerned with brucellosis eradication.

Investigation among wild populations has been generally confined to testing for occurrence, with isolation of the causative organism in some instances. Investigations of physiological effects, or ease and likelihood of transmission among species or to domestic livestock have not been made (with the exception of some ongoing investigations in elk).

- g. Occurs in Northern Yellowstone elk (1.5 percent, suspects and reactors, over 6,000 tested).
- h. Occurs in Jackson Hole and Greys River feedground.

Dr. Thorne has proven elk-cattle transmission in confined animal tests. He has also documented elk-elk transmission.

- i. Increase in brucellosis in cattle. Increase -- due to combination of:
  - cessation of vaccination -- susceptible herds
  - complacent attitudes
  - cessation of research -- especially methods regarding new vaccines, diagnostic tests

National Brucellosis Technical Commission report of August 28, 1978, discusses the many aspects of brucellosis and finds that local eradication is biologically feasible. The success of such efforts may result in large geographic areas which are brucellosis-free.

TOM HOBBS, Chief Ranger, Yellowstone Park (307) 344-7381

Spoke with Senator Conover and the following are comments he made during the telephone conversation 3/19/85:

Once the bison travel across the Yellowstone Park boundary, they no longer are the property of the Park but then belong to the State of Montana. While they are within the boundaries of the park, by statute, they are indeed the property of the people of the United States.

The herd referred to that is causing the problems is the LaMar Bison Herd, which is composed of approximately 400 animals. Another possible group of bison that could cause some problems are in the West Yellowstone area along the Madison River. The big problem is that the winter range for the northern herd is 250,000 acres within the park and 40,000 acres is located outside the boundary of the park. This is the area where the animals are going to fill out their winter range. He envisions that as the herd strives to gain equilibrium with winter range a portion of the herd will try to use that 40,000 acres of private and Forest Service ground. The land is basically owned by the Church Universal Triumphant. The animals will continue to try to use that 40,000 acres of winter range but not because they are overpopulated or starving to death.

This has been happening over the last 3 or 4 years where the animals have been going out of the park. In 1984 there were 65 to 70 animals, in 83 20 to 25 and in 1982 about 20 animals.

In North Dakota in their state park they allow the hunting of bison. His understanding is that they receive as much as \$1,600 per animal. Another area that allows the hunting of bison is in the Henry Mountains in Southern Utah. Hunters, of course, would not be allowed in the boundaries of the Yellowstone Park.

He feels that they have enjoyed a good cooperative working relationship with the Fish and Game Department and will continue to strive to do this.

This is not a new problem, the only thing different is a cow and calf herd has found the west end of the winter range and they are trying to colonize it. With the elimination of the 88 animals we will be looking at 2 or 3 animals coming out over a period of time.

It is not their intention to manage the herd.

There are approximately 2,000 bison in the Park in three different herds. The biggest herd is in the Hayden Valley/Fire Hole area and there are approximately 1300 animals there. These animals are essentially self-contained. There are 200 to 300 in the Pelican Valley and they are also self-contained. The only problem is with the 400 animals that we are talking about.

HB 282

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

March 21, 1985

This legislation proposes the institution of a program in the State of Montana which the department feels would be of benefit to the bighorn sheep management plan we have been engaged in over the past 40 years. It is a program which has been instituted in the states of Arizona, Nevada, Utah and Wyoming. In each of these states, the program appears to have the endorsement of the sporting community as well as the agency involved and appears to be successful.

I would take a few moments to familiarize the committee with the sheep program that we have at the present time. During this past fiscal year, the department has spent between \$110,000 and \$120,000 on the management of bighorn sheep. This expenditure was offset by the sale of bighorn sheep licenses in the amount of approximately \$84,000. This money is spent on conducting transplants of sheep herds to suitable habitats throughout the state, monitoring the size of the population in various areas and determining the number of permits that should be made available for the hunting opportunities.

In addition, the funds are used for habitat enhancement, particularly on department lands, as well as the monitoring of diseases that might crop up in the populations from time to time.

In 1984, over 7,000 hunters applied for bighorn sheep licenses. Out of that 7,000, 744 were successful and did have the opportunity to hunt the species. I would point out to the committee that the bighorn sheep is not only a valued hunting opportunity, but is a species which creates a great deal of interest among photographers and movie makers. It is a species of great symbolism as far as the Montana outdoors is concerned.

If HB 282 were to be successful, we would utilize the additional funding to intensify our habitat enhancement program, as well as transplants. In addition, the funds would be available for emergency disease evaluations such as we experienced in the 1983-84 Sun River herd.

In summary, Mr. Chairman, we do endorse HB 282 and feel that its passage will be a positive factor in the future enhancement of the bighorn sheep population in the State of Montana.

EXHIBIT 4

HB 764

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

March 21, 1985

The department supports HB 764 which would allow the use of motor driven vehicles by those who are nonambulatory.

The language contained in the bill outlines specific requirements of eligibility for the license and is specific about the conditions under which the license can be used.

We would urge your support of HB 764.