

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on March 12, 1991, at 3:00 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Anderson Jr. (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused: None

Staff Present: Andrea Merrill (Legislative Council).

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

Announcements/Discussion:

Roll was taken and noted.

HEARING ON HB 107

Presentation and Opening Statement by Sponsor:

Representative John Johnson, House Dist. No. 23, explained that HB 107 would revise the safety instruction requirements necessary for issuance of a bow and arrow license. With the more advanced technology, the modern and sophisticated archery equipment that we have today demands a knowledge of safety practices.

Proponents' Testimony:

Don Chance, Montana Bowhunters Assn., advised that anyone under the age of 18 must take a bowhunters education course before they are able to obtain a bowhunting license. This legislation would amend the statutes that all first-time bowhunters would have to take the course regardless of age. The course is a 6-hour class that follows a national standardized format. The course is taught around the State under a program which is financed by

Proponents' Testimony:

Representative Bob Raney, House Dist. No. 82, indicated that there are 2,000 bison in Yellowstone which are the decedents of what was 60 million bison that freely roamed in this country just a century ago. The word is out that the anti-hunting activists or the animal rights people have brought this legislation to you. Not one person from an animal rights group has ever contacted him on this issue. He recommends that a plan be devised to bring in good scientific minds and unbiased people who are not radicals on one side or the other, but people who want to do what is best for the Yellowstone bison.

America is outraged by the way we are handling the bison when they cross into Montana. If we are unable to accept what Rep. Ream proposes, we will have to accept something similar, because we Montanans are not barbarians. We believe in hunting and if there is a way to set up a proper hunt for the bison, then let's do it. It will entail something different than what we are doing right now.

K. L. Cool, Director of Fish, Wildlife, and Parks, strongly opposed listing bison as a big game animal in 1985. The FWP supports HB 390. See Exhibit No. 2.

Gary Marbut, President of the Montana Shooting Sports Assn. and officer and director of the Western Mt. Fish and Game Assn., is concerned about the media circus made out of the Yellowstone bison control program. See Exhibit No. 3.

Sandra Guedes, Director of Tourism, Montana Dept. of Commerce, testifies in support of HB 390. See Exhibit No. 4.

Dick Rath, represents the Montana Stockgrowers Assn., expressed concern with the diseases that bison carry. See Exhibit No. 5.

Representative Grady was in the House Fish and Game Committee when the original legislation was introduced. It is a mistake to allow a buffalo hunting season. We need to continue to put pressure on the National Park Service to control these animals.

Ed Faidliez, Billings, supports HB 390 and is in full accord with Director Cool's testimony. Until the following occurs, the bison can not be managed as a game animal in Montana; it is done for other than disease-control liquidation; the hunting of bison includes the features of hunting that characterizes all other game species; and the bison coming into Montana should not be treated as game animals.

Don Chance, Montana Bowhunters Assn., supports HB 390.

Bob Lovegrove, Missoula, president of the Western Montana Fish and Game Assn., stated that at the last club meeting, the group heard from Mr. Pat Stinson, who has initiated the petition

against this legislation as well as calling for the replacement of the director of FWP, and from Mr. Cool's staff people as well. At the conclusion of the discussion, our board of directors voted in favor of this legislation, subject to the amendments that are presented to you by the Montana Shooting Sports Assn. If these amendments are not accepted in their entirety, we adamantly oppose HB 390 in its present form. See Exhibit No. 6

Senator Pinsoneault has observed what has been going on in the National Bison Preserve at Moise and considers that good management. The buffalo roundup is fun and everyone is invited.

Opponents' Testimony:

Dan Sellers, Great Falls, represents the average sportsman, opposes HB 390. He was fortunate enough to receive a buffalo permit, enjoyed the hunt, and would do it again. See Exhibit No. 7.

Jim Richards, represents the Montana Wildlife Federation, reluctantly opposes Rep. Ream's bill. See Exhibit No. 8.

Alfred Elwell, represents WCSM, expressed his concern for the lack of protection of the buffalo hunters from the animal activists who publicly stated on TV that the hunt would be disrupted. The hunter harassment bill was passed by the legislature and the FWP personnel were present at the hunt. The hunters were poked with poles, smeared with blood, cursed and jeered at. The FWP allowed the animal rights activists to walk away.

Brad Molner, Laurel, representing the Southeastern Sportsmen's Assn., opposes HB 390. See Exhibit No. 9.

Patrick Stilson, Billings, represents an organization Putting People First (PPF) believes that the reason no animal rights activists are here to speak is they knew they would get thrown out. Urges committee to oppose HB 390, as it would legitimize everything these people stand for.

David Stewart, Helena, believes that the hunt should be called a damage control hunt because that's what it is. See Exhibit No. 10.

Verle L. Rademacher, editor and publisher of the Meagher County News, opposes HB 390. See Exhibit No. 11.

Charlie Hughes, representing the Montana Rifle and Pistol Assn., opposes HB 390. See Exhibit No. 12.

Bill Holdorf, representing Skyline Sportsmen's Assn., opposes HB 390.

Darrell Harris, Missoula, board of directors of Western Montana Fish and Game Assn., opposes HB 390. See Exhibit No. 13.

T.A. Harrington, Missoula, opposes HB 390. See Exhibit No. 14.

Robert Van DerVere, stated that there are 50 buffalo outside the Park boundaries now. The FWP wardens may go down next week to kill them. Mr. Van DerVere presented copy of the statutes regarding the regulation of special wild buffalo licenses and the figures from the FWP regarding the income and expenditures of the buffalo hunt dated 3/1/91. See Exhibit No. 15.

Charles Place, Lolo, believes we must preserve the right to hunt bison. See Exhibit No. 16.

Tony Schoonen, Skyline Sportsmen's Club, opposes HB 390. See Exhibit No. 17.

Lorry Thomas, representing Anaconda Sportsmen's Club, stated that if Montana hunters are not allowed to hunt buffalo they do not want to see any of their license money being used to control the buffalo.

Jim Burnett, Senate Dist. No. 42, feels that HB 390 is unnecessary legislation. See exhibit No. 18.

Bill Holdorf, Skyline Sportsmen's Club, is concerned if the bison is delisted, it is no longer a game animal and then it should not be killed by the FWP. If they do kill these animals, they are using Department money. If they are delisted, will the Department of Livestock own these animals?

Questions From Committee Members:

Senator Rye asked Dan Sellers about his statement that this bill was bordering on violating a constitutional right and wondered what constitutional right he was referring to? Mr. Sellers stated that it was his right to have the freedom to choose whether or not to hunt a buffalo. He feels that once the legislature takes away the right to hunt buffalo, soon it will take away the right to hunt deer, rabbits, birds, squirrels, etc.

Senator Rye questioned Mr. Sellers about his statement "when we start legislating personal hunting ethics, Lord help us." Doesn't every hunting rule now legislate personal hunting ethics in terms of what time of year you can hunt, what animals you can hunt, what kinds of limits, etc? Mr. Sellers admitted that was true to a point, but he feels when the FWP starts dictating their own ethics as to what is a "hunt", then everything is based on personal ethics rather than on sound wildlife management.

Senator Jergeson asked Gary Marbut about his second amendment regarding transferring the disease control program for the Yellowstone Bison to the Department of Livestock and does he have

any concern that by doing that, might we not fuel the position of the cattle-free land crowd? Mr. Marbut explained that he felt the people who are advocating that are going to advocate that anyway. This bill originated as a stockmen's problem. As the stockmen came to the legislature asking for assistance in dealing with the brucellosis problem and because of it, this initiative should be dealt with by the stockmen's agency.

Senator Jergeson questioned Director Cool on how to protect the public image of the State of Montana from those who criticize the State of Montana for the buffalo hunt. Is that significantly different from that kind of propaganda value they would find with pictures of uniformed officers shooting these animals? Director Cool explained that the control would be on cows and calves, under the lead of the National Park Service. We believe that will exemplify and magnify the issue and the problems with management inside the Park. What we are attempting to do is remove the hunter from the video segment and focus that segment on government, which will be accomplished if we are able to control animals with the use of National Park Service rangers. The Secretary of Interior has reached an agreement with the Governor of Montana to accomplish that.

Senator Jergeson asked if the Secretary of Interior could accomplish that order without the State of Montana changing the law? Director Cool said that he could.

Senator Grosfield asked Jim Richards if we had an opportunity to have a free roaming bison herd, which is not free roaming yet because of an incomplete ecosystem, is it the Montana Wildlife Federation's position that wild buffalo should be allowed to roam free in Montana or any other part of the State? Mr. Richards would desire a circumstance where there would be some opportunity to move outside the Park a reasonable distance but in no way suggests that they be free roaming throughout the State of Montana. He is concerned about imposing too far on the agricultural community and sees some type of management zone outside the park and it would not be managed as wilderness or National Park and the private land would remain in private hands. We would seek easements to try to accomplish this.

Senator Grosfield asked if that would be true even if that encompassed diseased animals? Mr. Richards said he believes part of the livestock industry's problem with brucellosis is not that they are going to lose calves by abortion, the problem is the mandate regulations that set up quarantine, etc. That is the real impact and difficulty agriculture faces and believes there is some opportunity for the Federal and State disease control agencies to have some flexibility that will tolerate some bison outside the Park to a certain extent under very specific and careful management conditions, again with the objective of minimizing the impact on the livestock industry.

Senator Grosfield asked Dr. Ferlicka asked how long he would have

to quarantine a brucellosis infected bison in order to be sure there is no chance that the bison could transfer undulant fever to a human? Dr. Ferlicka explained that it would be much more expedient to find a lot of healthy bison out there which could be selected from and they would be much more available:

Senator Bianchi asked Director Cool about the possibility that the Department wants to discontinue the buffalo hunt because it costs nearly \$400 per buffalo for the Department to harvest. Director Cool admitted it is very cost ineffective and if we want to break even we will have to double the cost of the resident license.

Senator Bianchi expressed his concern that the National Park Service was invited into the State to shoot big game animals and whether or not Director Cool felt that the Park Service was taking away the Montana hunters' rights? Director Cool explained that the National Park Service was not invited in to "hunt" but to control the animal so that they could provide an opportunity to focus the attention of the control action on government. The Department doesn't feel that they have given away any rights nor do the attorneys nor the individuals who have helped forge that plan, which included the Governor, the Attorney General, the Department of Livestock, FWP and others.

Senator Anderson asked Director Cool what would be required under meat inspection laws, both State and Federal, if the buffalo is not a game animal. How will this be handled if the FWP processes the animals for sale on public bid? Director Cool explained that all animals would be processed in a certified locker plant. The meat would be inspected by certified meat inspectors and then they would be sold at auction.

Senator Swift asked Director Cool if the FWP does not need this bill to invite the National Park Service to do their job? Director Cool stated that this bill is not needed to invite the National Park Service in to participate in the control; however, as long as we have bison as a big game animal it will take a change in the law for us to eliminate hunters from the control activity.

Senator Svrcek commented that it has been his observation in the past that the FWP has worked very closely on issues of concern to the Wildlife Federation and they have had a contingent here.

Senator Svrcek asked Mr. Richards if he had seen the footage or participated in the hunts and how would the Federal Government feel if an altercation took place between the hunters and anti-hunters during a hunt? Mr. Richards agreed with Senator Svrcek the opportunity for confrontation between the parties gathered at a buffalo hunt. Part of the concept that the Federation has is to restructure this whole program to minimize the opportunity for confrontation.

Senator Jergeson commented on the proponents and opponents and the lack of any animal rights activists who have not been present to argue their case in a public forum. He also asked if he or any staff members of Congressman Marlenee was here to answer questions? No members were present; however, Chairman Williams stated that he had received a call from Congressman Marlenee who assured him he did not meddle in State business, but he felt this was pretty far reaching. He faxed information and advised there would be editorials in the Sunday paper and the information would be submitted to the committee.

Senator Grosfield asked Jim Richards how the Wildlife Federation proposes to deal with this problem? Mr. Richards explained that the concept the Federation has in mind would be to set up a buffalo management area which would take pressure off winter range in the Park and would allow an opportunity for sport hunting under more truly sporting conditions.

Senator Grosfield asked if the Federation believes that the TV cameras, press and animal rights people would stay home? Mr. Richards stated part of it would depend on the good judgment of the federal courts in upholding some of our hunting rights statutes and maybe if a true sport hunting situation is set up, there may not be a need for the media to get all excited. If the management area does not materialize, possibly the hunt can be done on private land through conservation easements accord leases without the interference of animal rights people or media.

Senator Grosfield is concerned because the management area would fall within his district and feels this would have a profound affect on the tax base. He also asked Mr. Richards how the large amount of public land figures in his scenario? Mr. Richards explained that the media interference could not be dealt with on public lands and they would try to keep land in private hands which would not affect the tax base and set up alternate work on the part of the landowner on the part of easements to allow the bison hunt to take place.

Senator Rye asked Rep. Menehan, who was involved with the legislation 6 years ago authorizing the hunt, if he has ever had any second thoughts and would he do anything different? Rep. Menehan recalls when the FWP killed buffalo which came out of the Park, and because of lack of personnel were unable to properly care for the carcasses, so they spoiled. He called Mr. Barbee of the National Park Service and said we have a problem. He said "we don't, you do". The Park Service hasn't done a thing and the State of Montana is the one always giving in. A common sense management plan must be established.

Senator Bianchi asked Rep. Ream's opinion of the late Gardner elk hunt where many of the elk come out of the Park, graze in the yards of Gardner, and many bed down in the yards at night. In the morning the hunters go out and are able to pick them off with no problem. Does he consider this a quality hunt? Rep. Ream

stated that the whole situation of the Northern Yellowstone elk and bison herd is really difficult. In the mid-60's when they were doing direct reduction of the Yellowstone elk herd, the Park Service decided to let natural regulation take over and the herd has grown to 20-25,000 elk. The elk funnel out through the Town of Gardner, along the highway, and into private farms and ranches in the Yellowstone Valley immediately North of Gardner. He believes there is a little more element of a fair chase in hunting the elk rather than bison.

Chairman Williams called on Senator Burnett to make an announcement regarding a fish and game meeting. Senator Burnett stated that on Friday, 10 A.M. an open hearing would be held which would include appointments for two Fish and Game Commission members.

Closing by Sponsor:

Rep. Ream was pleased that Rep. Menehan spoke because the situation was quite different six years ago. As Rep. Menehan stated, the bill was introduced to address a problem and that was the waste of meat. Since that time, the eyes of the nation have been focused on Montana. I would just as soon get the eyes focused elsewhere, which is part of my reason for introducing the bill. This has become a big fund raising tool for the animal rights activists. If we have control actions carried out by Park wardens or our own State wardens, those same activists that are camped on the boundaries of the Park, try to interfere, they are no longer involved in hunter harassment, they will be interfering with the duties of a law enforcement officer and could go to jail as a result. These officers are also trained to deal with highly emotional and potentially dangerous situations. He truly believes that taking the hunter out of this control situation now will help focus the problem back on the National Park Service where it squarely belongs.

A very, very small number of hunters have benefitted from this hunt and it has cost the rest of us hunters \$111,000 over and above the bison license fees that have come in as a result of this hunt. I believe this money could have been spent in much better ways to benefit wildlife and hunters of Montana.


The only out-of-state comments he received were from the Wildlife Legislative Fund. He feels that this legislation does address the problem squarely and if the situation changes, we can return to the legislature and make any changes necessary. He urges a do pass by the committee.

ADJOURNMENT

Adjournment At: 5:50 P.M.



BOB WILLIAMS, Chairman



JULIA LEVENS, Secretary

BW/jl

HB 107
March 12, 1991

SENATE FISH AND GAME
EXHIBIT NO. 1
DATE 3/12/91
BILL NO. HB 107

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks

The department appears today in support of HB 107. The bill is intended to improve the proficiency of all bowhunters and to address the issue of hunter ethics and responsibilities.

The bill provides that beginning March 1, 1992, first time bowhunters or those who have failed to retain any previous year's bow and arrow stamp must take the bowhunter education course. We agree with the Montana Bowhunters Association that bowhunters should be responsible for providing any previous year's stamp because it would be difficult and costly for our department to verify these for each license agent. If bowhunters are unable to produce a previous year's stamp, we have developed a tentative procedure through which they can affirm and purchase a duplicate license for five dollars if they want to avoid taking the bowhunter education class. As part of our information plan, we will encourage all bowhunters to take this important educational program.

We anticipate additional costs of approximately \$6,000 in FY 92. Those costs would be associated primarily with the mailing of post cards (\$5,000) to roughly 20,000 bowhunters in Montana informing them of the need to retain their 1991 archery stamp for future use and (\$1,000) for additional duplicate license forms.

**Montana Department
of
Fish, Wildlife & Parks**

SENATE FISH AND GAME

EXHIBIT NO. 2

DATE 3/12/91

BILL NO. HB 390



HB 390

March 12, 1990

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks

The department's position on HB 390 is well known. That position has not changed since 1985. In 1985 the department strongly opposed listing bison as a big game animal. The concerns expressed by then Director Jim Flynn on using public hunters to control Yellowstone bison were: that the hunt and control action would turn into a media event, and that the hunt would cost sportsmen a great deal of money and the department an inordinate amount of time and effort. These concerns have proven correct.

In December of last year our regional supervisors, administrators, and deputy directors met to re-evaluate and redefine our position on the Yellowstone bison issue. That meeting resulted in a consensus of professional opinion that the continued public hunting of Yellowstone buffalo was taking an unacceptable toll. This toll includes:

1. Providing a forum which enriches anti-hunting organizations with money, memberships and media coverage and is directly confrontational to hunters.
2. The division of conservation groups within Montana.
3. The perpetuation of an atmosphere in which a serious incident could occur.
4. The misperception that killing all the bison that leave Yellowstone Park is hunting. This is inconsistent with the conservation ethic that hunters epitomize.

These are serious impacts that we continue to impose on ourselves. We are enduring these negative impacts so a few people can shoot a Yellowstone buffalo. To put that statement in perspective, consider these facts: We license about 250,000 big game hunters each year. Less than 1% of these hunters apply for a bison license. Last year only 11 bison hunters hunted. Eleven bison hunters vs. 250,000 big game hunters - yet every bison hunt is a media event.

We believe the negative impacts in both publicity and cost are specific to Yellowstone bison. The bison of Yellowstone are

Montana Shooting Sports Association
P.O. Box 4924, Missoula, Montana 59806
Gary S. Marbut, President

House Bill 390, testimony before the
Senate Fish and Game Committee

The Montana Shooting Sports Association believes that it has, through substantial dialog with other organizations of sportsmen and hunters, arrived at a formula to properly handle the controversy surrounding the Yellowstone Bison brucellosis control program, that will not create the perception that sportsmen or the DFWP are "giving in" to the much-publicized animal activists, but will re-orient the whole bison consideration in a positive, proactive manner.

The four essential pieces of this formula are:

- 1) That the current bison hunting (control) season be completed as planned, to demonstrate that Montana will not be stampeded along a course set by the anti-hunting extremists, and
- 2) That this disease control program for the Yellowstone bison herd be transferred totally to the Department of Livestock, and
- 3) That the Department of Fish, Wildlife and Parks be directed to complete a study of the demand for, cost of, and feasibility of establishing a brucellosis-free, huntable population of bison, somewhere on public land wholly within Montana.
- 4) That the bison be retained on the list of Montana game species, pending legislative review of the DFWP bison study by the 53rd Legislature.

To accomplish these objectives, the Senate Fish and Game Committee would make the following amendments to HB390, version HB0390/03(blue):

- 1) To fully transfer the Yellow bison control program to the Department of Livestock:

Amendment # 1: On Pages 1 and 2, delete the STATEMENT OF INTENT, beginning at line 18 on Page 1, and ending at line 11 on Page 2.

Amendment # 2: On Page 6, at line 23, after the words "(2) The department", and before the colon, insert the words, "of livestock".

Amendment # 3: On Page 7, in the paragraph from line 10 to line 18, in subsection (4), delete references to the Department of

March 12, 1991

Senate Fish & Game Committee - HB390

Testimony by: Sandra Guedes, Director of Tourism
Montana Department of Commerce

WILDLIFE MANAGEMENT IS NOT A FUNCTION OF THE DEPARTMENT OF COMMERCE; NOR IS THE LICENSING OF HUNTING. OUR AGENCY NOT INVOLVED IN THOSE ISSUES. THE REASON FOR MY TESTIMONY BEFORE YOU TODAY IN SUPPORT OF LEGISLATION WHICH WOULD CURB THE BISON HUNT AROUND YELLOWSTONE PARK, IS THE FACT THAT IT HAS A DETRIMENTAL IMPACT ON ONE OF THE TOP INDUSTRIES OF OUR STATE: THE TOURISM INDUSTRY.

THE FUNCTION OF MY PROGRAM IS TO AID THE STATE'S ECONOMIC DEVELOPMENT THROUGH THE PROMOTION OF MONTANA AS A TOURISM DESTINATION AND A LOCATION FOR THE FILMING OF MOTION PICTURES AND TELEVISION COMMERCIALS. WE INVEST A GREAT AMOUNT OF MONEY AND EFFORT IN THE PURSUIT OF OUR OBJECTIVES AND GO ABOUT IT IN MANY DIFFERENT WAYS.

ONE OF THE MOST SUCCESSFUL MEANS WE USE TO ACHIEVE POSITIVE EXPOSURE FOR MONTANA IS PUBLIC RELATIONS. WE ACTIVELY AND CONSISTENTLY SEEK TO DEVELOP RELATIONSHIPS WITH WRITERS, EDITORS AND PUBLISHERS OF NATIONAL AND INTERNATIONAL PUBLICATIONS AND WITH THE NATIONAL BROADCAST MEDIA.

IT IS NOT EASY AND IT DOES NOT HAPPEN QUICKLY... SOMETIMES IT TAKES UP TO TWO YEARS BEFORE WE FINALLY SEE THE RESULTS OF OUR EFFORTS. BUT IT IS WELL WORTH THE INVESTMENT, BECAUSE WE KNOW THAT EDITORIAL IS THE MOST CREDIBLE FORM OF PROMOTION. OUR ADS CARRY THE MESSAGE THAT MONTANA IS A GREAT PLACE TO VISIT AND THE MAGAZINE ARTICLES OR TELEVISION BROADCASTS CONFIRM IT.

THE PROBLEM WITH EDITORIAL FEATURES IS THAT THEY ARE JUST AS CREDIBLE - IF NOT MORE SO - WHEN THEY ARE NEGATIVE. WE CANNOT POSSIBLY DEFLECT ALL NEGATIVE PUBLICITY WHICH MIGHT OCCUR AT TIMES, BUT I BELIEVE YOU HAVE THE OPPORTUNITY TO DO SOMETHING ABOUT A SOURCE OF RECURRENT NEGATIVE PUBLICITY FOR MONTANA: THE BISON HUNT OUTSIDE OF YELLOWSTONE.

THIS ISSUE GENERATES BROAD AND NEGATIVE COVERAGE IN PUBLICATIONS OF NATIONAL AND INTERNATIONAL SCOPE, REACHING COUNTRIES AS FAR AWAY AS AUSTRALIA. HERE ARE SOME EXAMPLES: (TIME - 2 ISSUES, NEWSWEEK, PEOPLE, USA TODAY, SPORTS ILLUSTRATED, NEW YORK TIMES).

IT ALSO GENERATES EXTENSIVE TELEVISION COVERAGE - APART FROM NUMEROUS OTHER STATIONS AND NETWORKS AROUND THE COUNTRY, CNN RAN A FOUR MINUTE SEGMENT ON THE BISON HUNT, WHICH DEPICTED THE HUNT IN GRAPHIC DETAIL.

TESTIMONY
HOUSE BILL 390

SENATE FISH AND GAME
EXHIBIT NO. 5
DATE 3/12/91
BILL NO. HB 390

AN ACT ELIMINATING THE SALE OF SPECIAL WILD BUFFALO LICENSES;
REMOVING THE WILD BUFFALO FROM DESIGNATION AS A GAME ANIMAL;
ESTABLISHING THE WILD BUFFALO OR BISON AS A NON GAME SPECIES

IN NEED OF MANAGEMENT

TUESDAY, MARCH 12, 1991

SENATE FISH AND GAME COMMITTEE

GOOD AFTERNOON CHAIRMAN WILLIAMS AND MEMBERS OF THE COMMITTEE.
MY NAME IS DICK RATHS AND I AM TESTIFYING ON BEHALF OF THE MONTANA
STOCKGROWERS ASSOCIATION. I AM A LICENSED VETERINARIAN AND THE
CHAIRMAN OF THE MONTANA STOCKGROWERS ASSOCIATION CATTLE HEALTH
COMMITTEE.

HOUSE BILL 390 PROTECTS CATTLEMEN IN THE STATE OF MONTANA FROM
BUFFALO THAT POSE A THREAT OF TRANSMISSION OF BRUCELLOSIS TO OUR
LIVESTOCK. IT ALSO BEST ADDRESSES THE POSITION THAT THE STATE OF
MONTANA HAS BEEN FORCED TO ADOPT - THAT OF MANAGING THE OVER
POPULATION AND OVERFLOW OF BUFFALO. THE MONTANA STOCKGROWERS
SUPPORTS THE HUNTING OF GAME ANIMALS. HOWEVER, CONTROL OF
BRUCELLOSIS INFECTED BUFFALO THAT THREATEN OUR CATTLE HERDS IS A
HIGH PRIORITY. WE FEEL THE CONTROL OF THESE BUFFALO MUST BE TAKEN
OUT FROM UNDER THE CIRCUS TENT ATMOSPHERE AND PLACED IN AN
EFFECTIVE MANAGEMENT MODE. HOUSE BILL 390 DOES THAT WITH SECTION
3 OF THE BILL.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12th day of March, 1991.

Name: Dr. Robert Lovegrove

Address: 825 Parkview Way
Missoula, MT 59803

Telephone Number: 549-9832

Representing whom?

Western MT Fish & Game Assoc. President

Appearing on which proposal?

H.B. 390

Do you: Support? ☐ Amend? ☒ Oppose? ☐

Comments:

We support the bill subject to being
amended based on Montana Shooting
Sports Association proposal. If not so
amended, our club adamantly opposes the
bill.

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SENATE FISH AND GAME
EXHIBIT NO. 7
DATE 3/12/91
BILL NO. HB 390

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of March, 1991.

Name: Daniel W. Sellers

Address: 2704 7th AVE. N.

Great Falls, MT. 59401

Telephone Number: 454-2033 / 538-7634

Representing whom?

"The Average Free Montana Sportsman"

Appearing on which proposal?

HB 390

Do you: Support? Amend? Oppose? X

Comments:

Oppose due to the Unconstitutionality
of the Bill.

It is a anti-hunting Bill

It is legislating hunting of buffalo on
personal ethics and special interest group
pressures not on sound Wildlife management.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

JIM RICHARD

8
DATE 3/12/91
FILE NO HB 390

TESTIMONY OF MONTANA WILDLIFE FEDERATION
HB 390 Senate Fish and Game Committee

At outset --Rep Ream a friend - wildlife resource, sportsmen
- painful - oppose his bill today

HB 390 takes a narrow, short term look at a complex issue that needs a broad, comprehensive, long-term solution. One real problem with the bill - eliminates one likely key component of a sound long range mgmt plan!
- perpetuates idea that brucellosis is the problem, and is silent on the need for proper mgmt of a wildlife species

The sponsor: prevent bad publicity for hunting and MT; Backing away will not work!
- Interim Plan, drafted to placate animal rights activists - Fund/Animals law suits
Bad image and publicity is not caused by bison's classification as a game animal,
but by misrepresentation by anti-hunting activists
* - and that problem is properly dealt with by an effective public information campaign that counters the propaganda and misinformation, not shrinking away from the difficulties of implementing a sound long range mgmt plan

MWF - favors suspension of bison hunt as it is now conducted. disease control, wardens

** - The FWP now has authority to suspend the hunt, change the character of the hunt
* Simply no need for HB 390! (Except, perhaps for involving Dept of Livestock)

Real Problem is too many buffalo and a shortage of available forage; buffalo are leaving the Park because of a lack of available forage; State of MT and WY need to face this real issue of needed population control, and structure a management plan to implement true game mgmt. That means restructuring the goals and the process of the present program.

Adding more range alone will not solve the problem; Need population control.

A Reasonably attainable long range plan can be implemented, that will deal with population and range management, and disease control, protect agricultural interests, allow hunting in a more truly sporting situation.

Proponents - trucking; rangers manage in Park
- loading, prodding, trucking bison like milk cows is ignoble, unacceptable treatment of the majestic wild buffalo;
- less objectionable, but still offensive - popular suggestion that park rangers cull and manage bison within Park, as if domestic livestock;

- Unrealistic, unreasonable - ask NPS to handle all mgmt in Park; the bison belong to all of us, and we all have an interest in, and responsibility for, participating in proper mgmt.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of March, 1991.

Name: Brad Moran

Address: 1423 Frank St.
Farmington, Mo.

Telephone Number: 628-7672

Representing whom?

self.
Appearing on which proposal?

HB 390

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

DATE 3/2/91BILL NO. HB39

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of March, 1991.

Name: David W. Stewart

Address: 1080 Douglas Circle
Helena, mt. 59601

Telephone Number: 458-5672

Representing whom?

Self

Appearing on which proposal?

HB 390

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

I do not have a written testimony. I do
have a copy of an article from Parade
Magazine dated 12/30/90. Also a copy of
an article from Audubon Magazine dated
11/90 which I feel would be of benefit
to the committee members. I believe it
will help to keep matters in their true
perspective.

HOUSE BILL 390

Ladies and Gentlemen of the Senate Fish and Game Committee:

My name is Verle L. Rademacher, editor and publisher of The Meagher County News in White Sulphur Springs. I am totally opposed to this bill.

I am a hunter. The blood of my Celtic and Teutonic ancestors that courses through my veins is that of hunters. I make no apologies for taking game in a fair chase and under ethical standards. I oppose state or federal employees shooting game that should be available for the public to take under designated laws of the state. To do otherwise is to return to a system that our forefathers left behind in Europe. The yeager in Germany or the gamekeeper in Scotland shooting (or culling, if you will) a red deer on an estate is not accepted in the United States. Public hunting sets us apart from our European neighbors, where the game is owned by the landowner.

Not too many years ago, the federal government proposed that a federal hunting license be issued to hunt on federal land. This was an attempt to usurp the power of the states to control the animals within their borders. State game departments fought this idea and won. Now, we have our own Department of Fish, Wildlife and Parks openly advocating the delisting of bison as a game animal and the state and federal government working out a plan whereby state wardens and federal rangers would capture, herd or kill the bison. The average hunter would be denied any chance to be able to shoot a bison. This is a serious states' rights question on hunting.

Let me remind you all of the furor that was raised back in the early 1960's when federal rangers killed Yellowstone Park elk. After that debacle, surrounding states concentrated more on holding late season hunts for the elk as they came out of the park.

The bison from the Yellowstone herd are the last wild bison in the United States. The fires of 1988 necessitated the killing of many of

TESTIMONY IN REGARD TO HB 390
BY THE MONTANA RIFLE AND PISTOL ASSOCIATION

March 12, 1991

Committee chairman and committee members, my name is Charlie Hughes and I represent the Montana Rifle and Pistol Association (MR&PA), an organization made up of hunters and competitive shooters.

We thank you for the opportunity to testify here today and to submit our recommendations on the buffalo issue.

The current buffalo control issue is one of great complexity and until now we have chosen not to get involved on this bill. But, after listening to our members, reading newspaper articles pro and con, and talking with and digesting information on both sides of the issue, the time has come for us to come forth with our opinions.

Here are nine facts, as we see them on this very complicated issue.

1. Montana hunters have unfairly received a black-eye for their participation in the buffalo control program.
2. Buffalo affected with brucellosis pose a serious threat to the Montana Livestock industry, and should be eliminated.
3. If a buffalo is eliminated by either a Park Ranger, Game Warden or a hunter the only difference is in the persons title, EXCEPT that anyone physically interfering with a Ranger or Warden can be arrested on a much more serious charge than hunter harrasment.
4. The current buffalo control program is intended as a means of controlling brucellosis and it is not a "hunt" as we perceive hunting in Montana. However, as a side benefit it serves as an effective means of trimming over populations of the Park herd.
5. We also know that the main opposition to the killing of diseased buffalo is largely composed of emotion-filled anti-hunters ignorant of sound game management principles and unsympathetic to the effect of a brucellosis threat to the livestock industry. There is also a feeling among many hunters that by giving up the buffalo as a game animal we are giving in to those opposed to hunting in general.
7. The taking of brucellosis-affected buffalo is similar to game management practices that have been used successfully for decades in Europe to control sick and diseased animals. Likewise we should not be ashamed of our participation in the buffalo control program. On the other side of the coin we, as hunters, must remember to retain an open mind to other alternatives to this unique problem.

13
3/12/91

BILL NO. HB 390

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of MARCH, 1991.

Name: DARRELL HARPER

Address: 4741 WHITE ST

MISSOULA, MT 59802

Telephone Number: 228-2878

Representing whom?

SELF + WBSRAN MT FISH + Game ASSN.

Appearing on which proposal?

HB 390

Do you: Support? Amend? Oppose? ✓

Comments:

ANTI Hunting ORGANIZATION ARE USING THE KILLING OF bison FROM YELLOWSTONE NATIONAL PARK to PROMOTE THEIR CAMPAIGN. THIS CAMPAIGN MUST BE MET head on. Hunting is too IMPORTANT to our LIFESTYLE, to our ECONOMY AND to Wildlife MANAGEMENT to BE UNFAIRLY AND SPECIOUSLY CONDEMNED?

LET'S KILL THIS BILL.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of March, 1991.

Name: T. A. Harrington

Address: 306 Parkside Lane
Missoula, MT 59802

Telephone Number: 549-8664

Representing whom?

Self + Western Montana Fish + Game Assoc.

Appearing on which proposal?

HR 390

Do you: Support? Amend? X Oppose? X

Comments:

Attached summary

terminates January 1, 1991.

87-2-714 through 87-2-720 reserved.

87-2-721. Repealed. Sec. 16(1), Ch. 554, L. 1981.

History: En. 26-202.8 by Sec. 3, Ch. 546, L. 1975; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-202.8.

87-2-722. Auction of mountain sheep license. (1) The commission may issue one male mountain sheep license each year through a competitive auction. The commission shall promulgate rules for the use of the license and conduct of the auction. A wildlife conservation organization involved in the conservation of mountain sheep may be authorized by the commission to conduct the license auction, in which case the authorized organization may retain proceeds of the sale, not to exceed 10%, to cover reasonable auction expenses.

(2) All proceeds remaining from the auction, whether conducted by the commission or as otherwise authorized by the commission, must be used by the department for the substantial benefit of mountain sheep. The proceeds from the auction must be used in addition to any other funds the department uses for the management of mountain sheep. The department shall report to each legislature concerning the use or investment of auction proceeds.

History: En. Sec. 1, Ch. 414, L. 1985.

87-2-723. Regulation of special wild buffalo licenses -- fees used for management of Yellowstone national park wild buffalo herd. (1) The department shall adopt rules regulating special wild buffalo licenses. The rules shall provide for:

- (a) license drawing procedures based on a year-round season;
- (b) an entry fee for the drawing of a license, which must be a minimum of \$5;
- (c) notification of license recipients as to when and where they may hunt;
- (d) means of taking;
- (e) tagging requirements for carcasses, skulls, and hides;
- (f) possession limits; and
- (g) requirements for transportation and exportation.

(2) The money collected from drawing and license fees must be placed in a special fund to manage and control the wild buffalo entering Montana from the Yellowstone national park herd.

History: En. Secs. 3, 4, Ch. 568, L. 1985.

87-2-724. Auction of Shiras moose license. (1) The commission may issue one male Shiras moose license each year

to 10% of expenses.
(2) All conducted by commission, mu benefit of m addition to an of moose. Th concerning the

History:

87-2-801 resident, und or older is conservation license shall
(2) A r entitled to p that is one-h or older and

History:
L. 1957; amd. 1959; amd. Se amd. Sec. 1 Sec. 1, Ch. 2 1, Ch. 84, L. Ch. 110, L. 1 167, L. 197 408, L. 1973; L. 1975; am 1975; amd. Se 1977; amd. 1977; R.C.M. 1981; amd. S

87-2-802 institutions operated by state, and r the departme Deer Lodge, residents s department a

SENATE FISH AND GAME

EXHIBIT NO.

DATE

BILL NO.

15
3/12/11
HB 390

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of MARCH, 1991.

Name: CHARLES PLACE

Address: 512 DORIE DR.

LOLO, MT. 59847

Telephone Number: (406) 273-6320

Representing whom?

SELF

Appearing on which proposal?

H.B. No. 390

Do you: Support? Amend? Oppose? X

Comments:

WE MUST PRESERVE OUR RIGHT TO HUNT BISON TO SERVE

AS A VIABLE OPTION FOR PARK SERVICE BUFFALO MANAGEMENT

AND ~~FOR~~ ALLOW SPORTSMAN TO ESTABLISH HUNTABLE BISON

HERDS IN THE STATE.

DECLASSIFYING THE BISON WILL SUPPORT ANIMAL RIGHTS / ANTI-HUNTING

ACTIVITIES IN MONTANA.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of March, 1991.

Name: Tony Schoonen

Address: Box 2 Brimley, MT. 59718

Telephone Number: 782 - 1560

Representing whom?

Skyline Sportsmen's Club

Appearing on which proposal?

H. B. 390

Do you: Support? _____ Amend? ☒ Oppose? _____

Comments:

Gallup poll was accurate - 90% of people polled did not agree with animal rights activists - 77% opposed a total ban on hunting.

Skyline Club was appalled at extensive lobbying by director Cool and department personnel while bill was in the Senate and the house - This violates the Hatch Act and should be investigated.

We oppose allowing department personnel spending our license dollars to control business and not allowing sportsmen to participate, over

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



MONTANA STATE SENATE

SENATOR JAMES H. "JIM" BURNETT
SENATE DISTRICT 42
HOME ADDRESS:
P.O. BOX 4460
LUTHER, MONTANA 59051
PHONE: (406) 446-2489

SENATE FISH AND GAME

EXHIBIT NO. 18

DATE 3/12/91

BILL NO. HB 390

HELENA ADDRESS
CAPITOL STATION
HELENA, MONTANA 59620
PHONE: (406) 444-4800

MEMORANDUM

TO: Fish, Wildlife and Parks Committee

FROM: Senator James H. Burnett
Senate District 42

DATE: March 11, 1991

RE: House Bill 390

I am Jim Burnett representing the beautiful scenic part of the Big Sky County, the Beartooth's of Senate District 42.

It is my opinion that we don't need House Bill 390 at all. If the Committee does decide to pass it, it should be amended. I will offer amendments that I believe will be more acceptable to most hunters and the general public and keep the state and the livestock operation that have included bison as part of their program on a level playing field. I do agree that we cannot continue with the present method of bison control and management that is being practice by the Department. I do believe there is a solution to the problem. I am skeptical that the Department is willing to accept outside advice. Therefore, if the Committee does accept the proposed amendment I would hope you would pass the bill.

I have been in the livestock business for the better part of my life and for the last thirty years have included both bison and bovine animals in my operation. Up until the 70's when the Legislature put bison on the game list and eligible to be hunted, it was just a side line. However, in the last ten years it has become a viable commercial part of my ranching operation. The legislation at that time removed the bison animal from the requirement of being a game farm animal. In recent years my herd normally exceeded a hundred head. The market has been good but very fragile and I can assure you that those of us in this unique endeavor do not need the state to get into the marketing business as our competition.



United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

P.O. Box 96464
Washington, DC
20090-6464

Y. P. 13420N
SENATE FISH AND GAME

EXHIBIT NO.

DATE

3/12/91

January 25,

1991

BILL NO.

HB390

Mr. James M. Ridenour
Director, National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, DC 20013-7127

Dear Mr. Ridenour:

I recently responded to a request from the Montana Board of Livestock to place a Federal quarantine on bison in Yellowstone National Park. Their main concern was over the migration of bison from the Park and mingling with cattle. My response was that a quarantine on wild animals is only as good as the ability to control the animals and that we believe the key is to eliminate the disease from the Park. Because of this, I did not issue the quarantine.


During the meeting of the APHIS-NPS Workshop on Brucellosis and during meetings of the Brucellosis Technical Panel, it has been clearly established that bison in Yellowstone National Park are known to be infected with brucellosis. Of utmost concern to the livestock industry and State and Federal animal health officials are foci of infection existing in a region where brucellosis has been eradicated from cattle. It should be obvious that no bison or elk can ever be transplanted out of the Greater Yellowstone area as long as infection persists. Any transplants would establish new foci of infection and create greater risks of reintroduction into cattle.

I was surprised and alarmed, therefore, to see the enclosed article in which Mr. Stu Coleman, Park Resource Specialist, from Yellowstone National Park was quoted as saying "If our bison are not welcome in Montana and there are people elsewhere who would welcome them in, we need to look seriously at that option." This was in response to requests from several Indian tribes to obtain excess bison from Yellowstone National Park for transplanting to Indian reservations.

We call your attention to Federal regulations contained in Title 9, Code of Federal Regulations, Subpart C, "Restrictions on Interstate Movement of Bison Because of Brucellosis." This Subpart restricts the interstate movement of all infected or exposed bison, and movements not in compliance with this Subpart would be a Federal violation. Those responsible for the movement would be subject to prosecution.

Please advise all Park personnel of these restrictions.

Sincerely,


James W. Glosser
Administrator

cc: Les Graham, Montana Department of Livestock
Director, Bureau of Indian Affairs, USDI



APHIS—Protecting American Agriculture

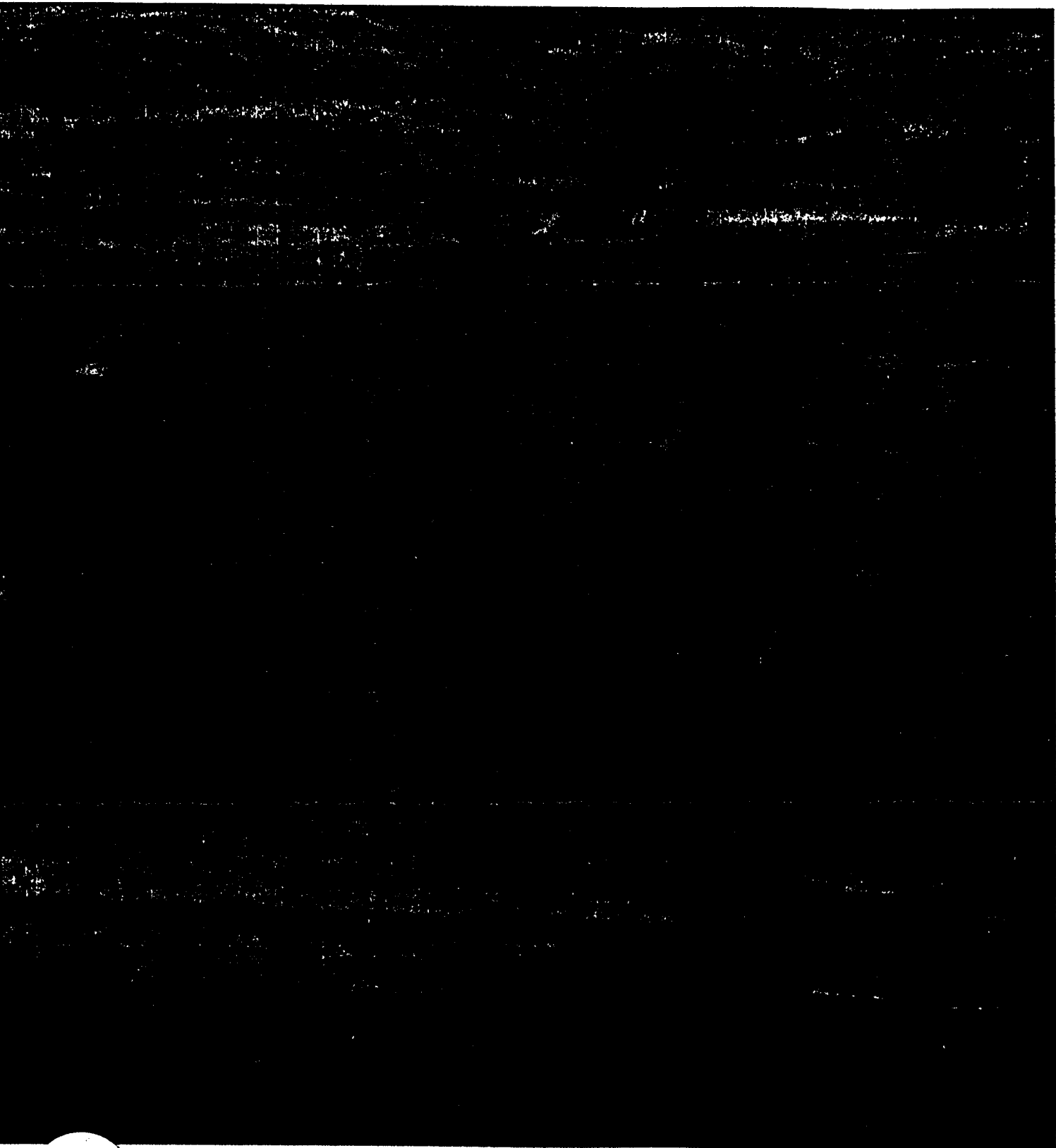
November 1990

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SPEAKING FOR NATURE



ANIMAL RIGHTS: *Ignorance About Nature*

SUNDAY, DECEMBER 30, 1990

Hellena
INDEPENDENT RECORD

PARADE

Army Sgt. Brenda Langolan of the 197th Infantry Brigade hugs her daughter, Colina, at Fort Benning, Ga., before departing to the Persian Gulf.



Our Annual Roundup Of The Year:
**THE BEST & WORST OF
EVERYTHING**

SENATE FISH AND GAME

EXHIBIT NO. _____

DATE

3/12/91

BILL NO.

HB 390