

## **MINUTES**

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

#### **COMMITTEE ON FISH & GAME**

**Call to Order:** By Bob Pipinich, Chair, on January 28, 1993, at 1:00 p.m.

#### **ROLL CALL**

##### **Members Present:**

Sen. Bob Pipinich, Chair (D)  
Sen. Gary Forrester, Vice Chair (D)  
Sen. Tom Beck (R)  
Sen. Don Bianchi (D)  
Sen. Chris Christiaens (D)  
Sen. Bruce Crippen (R)  
Sen. Gerry Devlin (R)  
Sen. Judy Jacobson (D)  
Sen. Terry Klampe (D)  
Sen. Kenneth Mesaros (R)

**Members Excused:** Senator Dennis Nathe

**Members Absent:** None.

**Staff Present:** Andrea Merrill, Legislative Council  
Kathy Collins, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: SB 3 - SB 200  
Executive Action: None.

#### **HEARING ON SB 3 - SB 200**

##### **Discussion:**

Since Senator Burnett's SB 3 and Senator Bianchi's SB 200 were very similar, Chair Pipinich asked Senator Burnett if he would be willing to combine SB 3 with SB 200. Senator Burnett replied that the only thing he would like to see changed in SB 200 is the insertion of "wild animals" on page 3, line 3, in place of "wild buffalo." Senator Burnett stated he would be willing to have SB 3 Tabled and would support SB 200. Senator Bianchi stated he would be agreeable to this. Senators Devlin and Jacobson

suggested letting both sponsors open on their bills and then proceed with the hearing, combining the two.

**Opening Statement by Sponsor:**

Senator James H. "Jim" Burnett, Senate District 42, stated SB 3 addresses the issue of having a buffalo hunt to manage wild buffalo instead of allowing the Department of Fish, Wildlife & Parks (DFWP) to slaughter buffalo as a means of management. Senator Burnett stated Montana sportspersons should be allowed to participate in a hunt to control buffalo population.

**Opening Statement by Sponsor:**

Senator Don Bianchi, Senate District 39, stated SB 200 proposes to change the philosophy of the current practice of the management of wild buffalo. Senator Bianchi said he would like to see the establishment of hunting districts, drawing for buffalo permits, and non-Department guided hunts allowed. Senator Bianchi stated Department guided hunts are inappropriate for the reason that it creates the situation that was present in the past where hunts were filmed. Senator Bianchi also pointed out, on page 5, line 12, the fee for a resident license was changed from \$200 to \$100, and there are no guarantees or refunds if the hunter is not successful. Senator Bianchi said the intent of SB 200 is to maintain a sustained annual yield instead of killing every buffalo that comes out of Yellowstone Park. Senator Bianchi handed out copies of suggested amendments to SB 200 (Exhibit #1). The amendments do two things: recognizes the ongoing study being carried out by the Department of Fish, Wildlife & Parks (DFWP), the Department of Livestock, the National Park Service (NPS) and the U.S. Forest Service (USFS); and directs the Department to control buffalo through the hunting process.

**Information Presentation:**

The DFWP conducted a video presentation on some background in the Department's buffalo management plan. Bob Martinka, DFWP, Bozeman, spoke from a prepared statement following the video presentation (Exhibit #2).

Dr. Don Ferlica, state veterinarian, administrator of Department of Livestock animal health programs, stated he would like to give some background on the highlights of activities associated with the interim plan. Dr. Ferlica said scientific support for the continuing interim plans and long-range planning has been a major priority of the Department of Livestock in their participation with the interim plan. There has been a lot of experience with brucellosis in cattle and also in domestic bison. In 1990 Texas A & M University published a study showing the transmission potential of brucellosis from bison to cattle and the nature of the disease in cattle. The University chose to use a standard research strain of brucellosis so a comparative medicine could be

valid. They also took those bison which were available, which were domesticated bison. The results were very applicable to Yellowstone National Park's bison herd, however, a significant portion of the public seems not able to apply that information to the Yellowstone herd. It is planned that the live capture of anywhere from 12 to 60 head of bison cows that are zero negative, pregnant and judged to be susceptible to brucellosis be taken from private property, where they would normally be destroyed as a result of migration out of Yellowstone, and shipped to Texas A & M Research Park where the transmission of brucellosis from bison to elk could be demonstrated. Dr. Ferlica stated that in 1991 Montana defended its right and need to control diseased Park bison in the federal courts. Dr. Ferlica said it is prudent to do the study and deal with Yellowstone bison.

#### Proponents' Testimony:

Bob VanBuren, Helena, stated when the buffalo hunt was allowed, the only trouble was with the activists. Mr. VanBuren said he feels the bison is a state animal and should be for the sportsman. Mr. VanBuren urged the Committee's favorable consideration of SB 200.

Jim Richards, Montana Wildlife Federation, stated the Federation worked with Senator Bianchi on the amendments he introduced. Mr. Richards said SB 200 is not a bill to allow a handful of hunters to kill buffalo that wander out of Yellowstone, but rather, it speaks to some long-range management, particularly to a recommended long-range management plan that was prepared by a citizen's group. The Northern Yellowstone bison herd represents the only opportunity in the lower 48 states to manage a herd of buffalo as a wildlife species. Mr. Richards stated sports hunting has always been the means by which man and woman has tried to control the numbers of a wildlife species, and that is appropriate with buffalo also. Mr. Richards said if Montana is to have any chance of managing the Yellowstone bison as part of a natural ecosystem, it's going to be important that the sportsman provide their political and financial support. SB 200 will not recreate the situation we had beginning in 1985; SB 200 will allow hunting in the true sense and will manage buffalo as we do moose, goats and sheep.

Dan Sellers, Lewistown, representing himself, spoke from prepared testimony in favor of SB 3 and SB 200 (Exhibit #3).

Vince Fischer, Butte, representing himself, stated there is no question of whether the buffalo should be killed because they are being killed to protect the brucellosis issue and to control population. Mr. Fischer stated the consideration is who should be able to kill the buffalo. The cost to the Department to kill the buffalo compared to the sportsman who is willing to pay for the licenses and permits does not make sense. Mr. Fischer said the people of Montana have a right to hunt buffalo under the management plan of DFWP.

A.M. Bud Elwell, representing the Montana Weapons Collectors Society, stated he hoped to not repeat the spectacle of the late 80s. He stated he does support SB 200 as amended and hoped the Committee gives SB 200 a Do Pass recommendation.

Jeanne Sougney, representing the Greater Yellowstone Coalition, stated she is not is support SB 3 but does support SB 200 in its original form with the amendments presented by Senator Bianchi. Ms. Sougney said she would have rather had no bison bill presented this Session because the EIS process is ongoing. Ms. Sougney stated she supports SB 200 because she believes it will authorize hunting, not require it, and she hoped it will recognize the EIS process that is ongoing. Ms. Sougney referred to the citizen's bison alternative sent to Senator Pipinich (Exhibit #4) and stated the Coalition is in support of the recommendation that hunting be included in a buffalo management plan if it can be done "in a manner that maximizes the character of sporthunting and minimizes agency supervision." She stated she urges the agencies to work together to come up with one preferred alternative, rather than each of the agencies coming up with a whole series of alternatives. Ms. Sougney said sooner or later the agencies and the public have to acknowledge the different mandates of the various agencies and work toward accommodating each other's needs and responsibilities. She stated hunting may be part of that alternative.

Bill Holdorf, representing Skyline Sportsmen Association, stated he supports SB 200. Mr. Holdorf stated he would like someone in the Department to tell him how much it cost for each buffalo that was taken by hunters as compared to the cost of each buffalo taken by game wardens. Mr. Holdorf said he believes the majority of the problems over this issue have been caused by anti-hunters.

Tony Schoonen, Skyline Sportsmen, stated he is skeptical of the EIS being prepared. Along with the skepticism there is misunderstanding; the Skyline group filed suit against K.L. Kool and the Department to force the EIS to be brought forward. Mr. Schoonen stated the hunt was going to be taken away without any public involvement at all. When the buffalo hunt was first started in 1985, it was the Anaconda Club and Skyline that proposed the hunt and got it through. Prior to 1985 there were 48 quarters of buffalo that spoiled because the wardens had shot the buffalo and did not properly take care of the kills. Mr. Schoonen submitted written testimony (Exhibit #5).

L.F. Thomas, Anaconda Sportsmen Club, stated he supports SB 200.

Peggy Wagner, Director, Montana for Multiple Use, sent written testimony in support of SB 3 and SB 200 (Exhibit #6).

John Chebul, Skyline Sportsmen, stated he supports SB 3 and SB 200.

**Opponents' Testimony:**

Pat Graham, DFWP, spoke from prepared testimony in opposition to SB 3 and SB 200 (Exhibit #7).

**Informational Testimony:**

Cork Mortensen, Executive Secretary to the Board of Livestock, spoke from prepared testimony for informational purposes (Exhibit #8).

**Additional Opponents' Testimony:**

James Rector, member of the current Fish, Wildlife & Parks Commission (FWPC), spoke from prepared testimony in opposition to SB 3 and SB 200 (Exhibit #9).

John Bloomquist, attorney and special assistant for the Montana Stockgrowers Association, spoke from prepared testimony in opposition to SB 3 and SB 200 (Exhibit #10).

Jean Johnson, representing the Montana Outfitters and Guides Association (MOGA), spoke in opposition to SB 3 and SB 200 and provided written testimony (Exhibit #11).

Mark Daspit, Montana Audubon Legislative Fund, spoke from prepared testimony in opposition to SB 3 and SB 200 (Exhibit #12).

George Paul, representing Montana Farmers Union, stated he applauds Senator Burnett and Senator Bianchi for bringing forth SB 3 and SB 200 in an effort to settle this issue. Mr. Paul stated the Farmers Union does not oppose hunting wild buffalo, in fact, they support hunting as a management tool; however, they also support the many years of hard work and the millions of dollars that have been spent to make Montana brucellosis free. The brucellosis-free classification is very important for livestock producers who comprise half of the largest economic force in Montana. Mr. Paul stated in the long term, the buffalo hunt will become inevitable; in the short term, there are concerns about the brucellosis study and the EIS that is ongoing. If the time frame suggested in SB 200 is such that the hunt will become a potential hazard and disrupt those studies, the Farmers Union will stand in opposition as they do today. Mr. Paul stated the studies should have the chance to be completed.

Brian Kahn, representing himself, stated he does not think Montana has had a full dose of what the anti-hunting organizations are skilled at; and if we didn't learn anything from the spectacle of 1989-90--the discrediting that hunting took nation wide--we are not learning quick enough. Mr. Kahn stated until there is a sound scientific basis, this is a disease-control hunt, not a sport hunt. Mr. Kahn said he feels Senator Bianchi's amendments are moving in the right direction, but the

bottom line is the media exploitation, which this particular legislation will not solve. Mr. Kahn stated hunting buffalo is not serious hunting and hunters should not be involved with it.

Jan Hamer, Helena, spoke from prepared testimony in opposition to SB 3 and SB 200 (Exhibit #13).

John Youngberg, representing the Montana Farm Bureau (MFB), stated MFB is not opposed to buffalo hunting, but there is a great deal of concern over the spread of brucellosis in livestock. Mr. Youngberg said he feels this particular legislation is premature because it has not given the management a chance to run its course.

Stan Bradshaw, representing the Montana Bowhunters Association (MBA), stated to the extent that a bison shoot is authorized, Senator Bianchi's proposal is light years ahead of what came out of the 1985 Legislature. Mr. Bradshaw said it should be kept in mind that prior to 1985, bison hunting did not occur in this century in Montana; this is not one of our hunting traditions. Mr. Bradshaw stated the one thing the Bowhunters are most concerned about is that there is an ongoing study, and this particular legislation is premature. It may be that at the end of the study it will be concluded that some sort of hunt is appropriate. Mr. Bradshaw stated now is not the time to come to a conclusion of this sort, and he urged the Committee to not pass SB 3 or SB 200.

Ron Weiss, President, Helena Sharpshooters, stated he opposes SB 3 and SB 200 because he feels they are both premature. Mr. Weiss said we should wait until the EIS is completed before any review or comment is given. Mr. Weiss stated another concern of the Sharpshooters is that the perception of hunting, as presented by the media, is not good. Mr. Weiss said if hunting of buffalo is prematurely authorized "we fall into the very trap we are attempting to avoid", that of the media presentation of a biased view of hunters.

Llevando Fisher, representing the Northern Cheyenne Tribe, sent written testimony in opposition to SB 200 (Exhibit #14).

#### Questions From Committee Members and Responses:

Senator Devlin asked Cork Mortensen and Pat Graham if there was adequate cooperation from the federal end of the management plan. Mr. Mortensen stated that since the implementation of the meetings concerning the EIS, the National Parks Service and Animal Disease Control from the Washington level of USDA have participated in the discussions. This is being discussed at the Washington level, and Mr. Mortensen feels this is a positive aspect.

Senator Devlin asked if the EIS is on schedule and if it will be ready for public comment in May, 1993. Mr. Mortensen stated that

is the target date being looked at now based on the progress that has been made. Pat Graham stated the two key participants, the National Parks Service and the Animal Health & Plant Protection people, experienced some delay in coming to an agreement to move forward, primarily because the Animal Health agency was particularly interested in the complete eradication of brucellosis from Yellowstone. Mr. Graham said that might be an admirable goal, but because of the presence of brucellosis in Grand Teton and the elk feeding grounds in Wyoming, that was a bigger issue than what Montana was initially interested in. There was some time spent with the two agencies as to what role this plan was going to take. Mr. Graham said he feels they are over that hurdle now and the study can move forward with a long-term plan.

Senator Crippen asked Pat Graham what the state is doing in so far as reflecting an attitude that hunting might be a proper method of bison management. Mr. Graham stated there are seven alternatives currently being discussed the bison management plan. One of those alternatives is public hunting.

Senator Crippen stated he has a concern that hunting as a management tool will be left on the table and that what happened in the early 60s with the elk in the Yellowstone area will be repeated. Mr. Graham said he does not share Senator Crippen's concern because there are free roaming populations of elk in Montana, but there are no free roaming populations of bison. Mr. Graham stated it is not the intention to have free roaming populations of bison in the Yellowstone area, and the comparison of elk and bison is not appropriate.

Senator Beck asked Senator Bianchi if he would object to changing the effective date on SB 200 so the EIS could be completed and the information from that study could be evaluated. Senator Bianchi said that could be done and pointed out the amendments did give the authority to the Commission to actually implement the hunt.

Senator Mesaros asked Dr. Ferlica if there are any special precautions to take in field dressing a buffalo with brucellosis. Dr. Ferlica stated that handling a brucellosis-infected carcass has an ultimate risk, however, these risks are entirely manageable with various procedures, such as using gloves.

Senator Christiaens asked Dr. Ferlica if the tests for brucellosis continue in the plan as it is now. Dr. Ferlica stated this is one of the aspects that would be included in the long-range plan.

Senator Christiaens asked Dr. Ferlica if the testing is part of the current plan, and if so, when the first testing is to be done. Dr. Ferlica stated the testing is an ongoing endeavor to make as full use as possible of any specimens that are available. Dr. Ferlica said it is hoped that there will be an acquisition of

60 head of zero-negative pregnant bison for shipment to Texas this year.

Senator Crippen asked Pat Graham what will happen if the EIS does not recommend hunting as a management tool. Mr. Graham stated it is difficult to answer hypothetical questions with any kind of precision; however, if the EIS does not recommend hunting as a management tool, and the Legislature instituted a hunt, the Department would implement the hunt. The Department would comply with whatever legislative direction was given, regardless of what the EIS and the national planning process came up with.

**Closing by Sponsor:**

Senator Burnett stated he would let Senator Bianchi close. Senator Bianchi stated the important thing is that the hunt could be authorized with the amendments he suggested. It would not require the DFWP to implement the hunt--it merely allows for preparation for the hunt when the time comes. Senator Bianchi stated it is a state right and responsibility to manage buffalo. Senator Bianchi stated that hunting is in the eye of the beholder, and he feels hunting bison is indeed a hunting sport. Senator Bianchi stated the Committee should pass SB 200 and put the authority to hunt bison where it should be--with the DFWP and the DFWC. Senator Bianchi said that when the bison come out of Yellowstone Park they are going to be dead buffalo, whether the DFWP kills them or the hunters kill them.

**ADJOURNMENT**

**Adjournment: 3:00 p.m.**

  
SENATOR BOB PIPINICH, Chair

  
KATHY COLLINS, Secretary

BP/kc



# ROLL CALL

SENATE COMMITTEE Fish & Game DATE 1-28-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Pipinich	✓		
Senator Forrester	✓		
Senator Klampe	✓		
Senator Nathe			✓
Senator Devlin	✓		
Senator Mesaros	✓		
Senator Beck	✓		
Senator Crippen	✓		
Senator Christiaens	✓		
Senator Bianchi	✓		
Senator Jacobson	✓		

MONTANA WILDLIFE FEDERATION

PROPOSED AMENDMENTS TO SB 200

ON THE  
THAT  
BY THE  
SENATE FISH AND GAME

1. Page 1, line 14  
Following: "and [section 2]"  
Strike: "require"  
Insert: "authorize"
2. Page 1, line 19  
Following: "practices."  
Insert: "The authorization for a special wild buffalo license is proposed in recognition and anticipation of the long term management agreement being prepared as part of an environmental impact study by the department of fish, wildlife and parks, department of livestock, national park service and the U.S. forest service."
3. Page 2, line 11  
Following: "should be used"  
Strike: "whenever possible."  
Insert: "as part of sound game management."
4. Page 2, line 17  
Following: "is"  
Strike: "responsible for and shall"  
Insert: "authorized to"
5. Page 3, following line 20,  
Insert: "(4) the department of fish, wildlife and parks and the department of livestock are strongly urged to enter into and implement an agreement with the national park service and U.S. forest service for the long term management of the Yellowstone national park bison herd."
6. Page 3, line 22  
Following: "(1) The department"  
Strike: "shall"  
Insert: "is authorized to"

## BOB MARTINKA'S

### COMMENTS TO SENATE FISH AND GAME COMMITTEE ON BISON HUNT LEGISLATION

The video that you just viewed gave you a brief glimpse of how interim bison management is now being handled. It is now truly an interagency effort with the Departments of Fish, Wildlife and Parks and Livestock and with Yellowstone National Park Officials. One new and important aspect of the operation that was added last year was the addition of Montana Indian tribes to help with the processing of bison carcasses. Last year, five different reservations were involved in the process. This change enabled the agencies to reduce their manpower requirements and was an important aspect of reducing the controversy that surrounds these operations.

The agencies have agreed to continue with interim management as it was handled last year with perhaps a variation this winter that is related to some brucellosis research planned by Texas A&M University. Dr. Ferlica will explain this in a little more detail later. To date this year, three bison bulls have been killed on private property in the West Yellowstone area and none have been near Gardiner. Last year, 272 bison were removed from private lands outside of the park, mostly in the Gardiner area.

While we implement interim management of bison that wander outside of Yellowstone Park, we are also in the process of preparing a long range bison management plan as directed by House Bill 390 enacted by the 1991 Legislature. While progress on this plan is perhaps not as fast as we would like, this is a very complex undertaking and involves agencies with entirely different mandates and sometimes conflicting regulations and policies. We also are quite aware of all the differing interests that are watching this process and want to make sure that the final document will withstand any legal challenge that may be forthcoming.

Significant progress has, however, been made. The alternatives that will be considered for the long-range plan are included in the report that I believe all of you have received a copy of. Our tentative time schedule is to have a draft document out for public sometime during late spring of 1993. From that point, it will take about one year to come out with a final plan. Implementation of a final plan will then be contingent on funding which preliminary discussions indicate will likely be requested through a special congressional appropriation. All of this, of course, depends on the successful defense of the plan should it be subjected to legal challenge.

In the mean time, the Yellowstone bison population continues to grow. This continued increase in numbers dictates that some method of population control has to be the foundation of any long range plan that is agreed upon.

SENATE FISH AND GAME

FILE NO. 2

DATE 1-29-93

BILL NO. CE 7

EXHIBIT NO.

3

DATE

1-28-93

BILL NO.

SB 200

## For a Mt. Buffalo Hunt!

Dan Sellen, Lewistown, Mt., 538-7634

I am representing the interests <sup>and rights</sup> of the  
American Hunting Public.

1. The buffalo belong to the citizens of ~~the~~ America, not State & Federal agencies.  
Our hunting dollars go to buffalo management.  
Buffalo are a game species in Mt.
2. We lost our right to hunt buffalo due to pressure from the last administration and anti-hunters.
3. It is each American's right to choose to hunt buffalo or not hunt buffalo, or any other species.
4. The hunt should be held without IDG personnel accompanying private hunters.  
License fees should be low enough to ~~as~~ to be affordable to all hunters.  
\$10 and no drawing fee.
5. Any buffalo killed by state or federal personnel should be given to, auctioned to, or drawn for, for the public. Not given to

outright race discrimination.

# Montana Centennial Buffalo Hunt

**Dan Sellers**

contributing writer

This year of Montana's Centennial has given the best opportunity for Americans to hunt free roaming, wild buffalo (Bison) in over 100 years. I was one of the fortunate hunters who drew a license for the hunt. I would like to share my special buffalo hunt this year in Montana.

Daylight was starting to brighten the eastern horizon on a cold, but calm morning February 8, 1989. I, along with several other buffalo hunters and friends, met at a Montana Fish & Game Department check station for a short briefing before the hunt began.

We learned that approximately 250 buffalo, along with many elk, deer and bighorn sheep had migrated out of Yellowstone Park in search of food.

As we drove to the hunt area, we saw many of the buffalo and elk. The Fish & Game personnel pointed out a herd of around twenty-five head of buffalo that had been moving their way to an area sixteen miles North of the park.

As we approached the buffalo, they immediately bunched up and started milling around. While I got out to try for a shot, the whole herd stampeded out of Yankee Jim Canyon. No one was able to get a shot as the buffalo ran off.

We tried to intercept the herd again as they ran down a pass onto a snow-covered sagebrush flat. At this point, one of the other hunters singled out a bull and made a nice shot. The bull was killed instantly.

As no other good shots could be made there, we went to another point to try and get some better shots. As soon as the buffalo saw us, they stampeded away from us up a hill, offering some challenging shots.

The buffalo were on the run, 80 to 100 yards away, when I finally got a shot at my bull. The 200 grain bullet from my .356 Winchester killed the bull in it's tracks. Two other hunters also got a bull and a cow from this herd before the buffalo ran over the ridge.

I walked up the hill to my buffalo and admired it. I felt very fortunate to have been able to hunt this magnificent animal on the year of Montana's Centennial. I hope, that with the right game management, this buffalo hunt will continue for many more years in Montana.

There has been considerable controversy and false reports, trying to make Montana's buffalo hunt look bad. I would like to present some facts about the buffalo and the hunt.

Yellowstone buffalo are wild animals that, like any other big game animal, need to have their numbers controlled in accordance with the available food supply and habitat.

The reasons for the large number of animals moving out of Yellowstone Park this winter are: lack of food in the Park due to drought, over-grazing by wildlife, and the destructive fires that were left to burn much of the summer and winter range needed by these animals to

survive the winter. Also, the heavy snow and the extreme cold had their effects.

The shooting of buffalo in this hunt harvests many excess animals, which prevents the needless starvation of many of those animals. It will also reduce the grazing pressure on the new seedlings that will be sprouting this spring, as well as helping to protect Montana ranchers' cattle from the disease of brucellosis. It was proven earlier this year by the Texas Agricultural Experimental Station that this disease is transmitted from wild animals to cattle.

I have heard reports that buffalo "stand there like a milk cow" and that it "takes 5 shots, and a half-hour to kill a buffalo". Sure! some buffalo at first just stand there. After they get hunted and pushed around for a while, they wise up in a hurry to the presence of people. The result of

*The shooting of buffalo in this hunt harvest many excess animals, which prevents the needless starvation of many of those animals.*

this pressure is animals that run, not stand, when a hunter approaches.

As for the statement that "it takes five shots and a half-hour to kill a buffalo": not so. Every buffalo on our hunt was killed by the first shot, with the exception of one cow. This cow required two shots, both within five seconds of each other, to do the job.

I would like all who are concerned with the Montana buffalo hunt to recognize facts from actual hunts and not be misled by those who make untrue, biased, emotional statements, such as the press, news media and the so-called "animal protection groups".

My statements can be verified by the hunters and the Fish & Game personnel, who participated in the hunt February 8, 1989.



Following a February 8 buffalo hunt, Dan Sellers poses with his kill.

EXHIBIT 3  
1-28-93  
SB 200

STATE OF MONTANA AND GAME

4  
DATE 1-28-93  
BILL NO. SB 200

Bison Management Citizens  
Working Group  
P.O. Box 176  
Bozeman, MT 59771  
May 15, 1991

Superintendent Robert D. Barbee  
P.O. Box 168  
Yellowstone National Park, Wyoming 82190


Dear Superintendent Barbee:

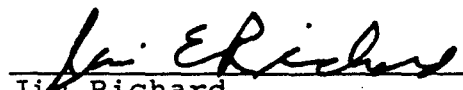
A small group of citizens representing conservation, environmental, ranching, landowner, wildlife, and sportsman interests has been meeting nearly once a week since early March to formulate a proposal for management of Yellowstone bison. We have developed long-range goals and objectives for management of the bison and also have outlined a detailed plan for accomplishing our goals and objectives. Our intent has been to formulate a well balanced plan, satisfying diverse interests and management perspectives.


We are pleased to transmit our proposal to you. We are available to meet with you to discuss the plan in further detail or to assist in any future bison management long-range plan actions. If you have questions please call the chairperson of our working group, Kara Ricketts, at (406) 586-9333.

Your careful consideration of our proposal is appreciated.


Sincerely yours,

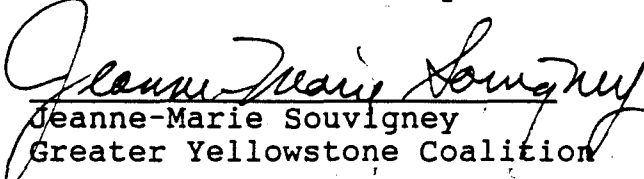
  
John Ragsdale, Ragsdale Simmentals  
Local rancher


  
Jim Richard  
Montana Wildlife Federation

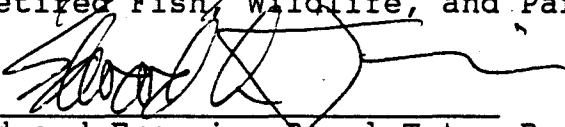
  
Kara Ricketts  
Greater Yellowstone Assoc. of Conservation Districts

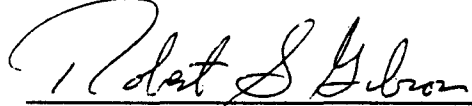
Page Two  
Superintendent Robert D. Barbee  
May 15, 1991

  
\_\_\_\_\_  
Michael Scott  
The Wilderness Society

  
\_\_\_\_\_  
Jeanne-Marie Souvigny  
Greater Yellowstone Coalition

  
\_\_\_\_\_  
Leroy Ellig  
Retired Fish, Wildlife, and Parks Regional Supervisor

  
\_\_\_\_\_  
Edward Francis, Royal Teton Ranch  
Local Landowner

  
\_\_\_\_\_  
Robert S. Gibson  
Retired Forest Supervisor



## MANAGEMENT OF YELLOWSTONE BISON

Developed in the spirit of cooperation by citizens representing conservation, environmental, ranching, landowner, wildlife, and sportsman interests:

John Ragsdale, Ragsdale Simmentals, local rancher  
Jim Richard, Montana Wildlife Federation  
Kara Ricketts, Greater Yellowstone Assoc. of Conservation Districts  
Michael Scott, The Wilderness Society  
Jeanne-Marie Souvigny, Greater Yellowstone Coalition  
Leroy Ellig, retired Fish, Wildlife, and Parks regional supervisor  
Edward Francis, Royal Teton Ranch, local landowner  
Robert Gibson, retired forest supervisor

(Nikki Price, Medicine Wheel Alliance, was consulted throughout our discussions)

### Technical Advisors:

John Cada, Montana Department of Fish, Wildlife, and Parks  
Rich Inman, U.S. Forest Service  
Rich Klukas, Yellowstone National Park  
Larry Stackhouse, Montana State University Veterinary Research Lab

## BACKGROUND

Yellowstone National Park, which became the world's first national park in 1872, is recognized internationally for its biological, geological, and cultural significance. It is the strategic core of a vast, upland wild area, and is surrounded by multiple-use public and private land.

Yellowstone's highly varied vegetation supports a wide variety of plant-eating animals. Among them are an array of large ungulates, including bison. These bison, which constitute some of the last free-roaming bison in the country, are considered by many Americans to be a national treasure, an exciting reminder of the much larger free-roaming herds that once inhabited the northern plains. The bison of Yellowstone have long been a special attraction to park visitors.

The Yellowstone bison population winters in three major areas of the park: the Northern Range (Lamar Valley) and Pelican Valley are the smallest herds and Mary Mountain (Hayden Valley-Firehole River) is the largest. Intermixing among the three subpopulations occurs, primarily during the summer season. In recent years, increasing bison populations have migrated during the winter months from within the park to outside the park.

Virtually all of the bottom land along the Yellowstone River north of Yellowstone National Park to Yankee Jim Canyon, as well as the open bottoms and basins of major tributaries are in private

Page Two  
Management of Yellowstone Bison

ownership. The Hebgen Lake area is primarily public land, with some private land in the area.

The group developed common goals and objectives to be used for consideration in development of our alternative. The group recognized that the alternative is an experimental proposal.

Goal: Maintain sustainable herds of wild bison in balance with available resources.

Objectives:

1. Maintain a self-sustaining population of bison.

- Recognize that bison are wildlife.
- Recognize Park Service management objectives to maintain a natural, viable, and free-roaming bison population in the Park, with emphasis on minimizing human impacts on natural animal population dynamics.
- The Park Service will manage bison populations in accordance with range capacity within the Park.
- Allow opportunities, to the extent possible, for bison to migrate to bison management areas outside Yellowstone National Park, recognizing that the population is to reside primarily in the Park.
- In bison management areas outside the Park, populations will be based on range capacity.
- Provide national sport hunting opportunities for bison.

2. Protect local domestic livestock in the area surrounding the Park by reducing the potential for transmission of the brucella organism.

- Scientifically determine actual brucellosis infection within bison, risk of transmission of brucellosis between bison and cattle, and potential for transmission between cattle and bison and/or other wildlife.
- Use appropriate measures to prevent contact between bison and susceptible livestock.
- Investigate scientific means available to control and/or minimize brucellosis infection.

Page Three  
Management of Yellowstone Bison

- Insure that Montana retains its "brucellosis-free" status in accordance with Animal and Plant Health Inspection Service (APHIS) requirements.
- 3. Reduce the potential for bison-human conflicts and property damage caused by bison outside the Park.
  - Outside the Park, bison should be dealt with in the context of threats to property, persons, or public safety, and similar to the ways other animals that pose such threats are dealt with, i.e. "depredation control."
  - The responsible agencies will respond quickly and effectively to any problem bison (s), recognizing that a large number of bison can, in itself, be a problem.
  - Responsible agencies will develop and adopt written action plans that will insure that problem bison are responded to quickly and effectively.
  - When management actions are necessary within bison management areas or on private property, hazing, trapping, transporting, hunting, or killing will be used.

CITIZENS ALTERNATIVE

During the winter months, the Yellowstone and Madison River valleys form natural topographic routes for bison migration outside the Park. In recent years, the bison have moved out of the Park onto U.S. Forest Service and private lands. The major migration has been to the north. Late winter migration movements of bison cow and calf herds in small numbers have occurred on the West boundary near West Yellowstone.

The bison movement to "bison vacant" lands outside the Park will probably continue. This alternative recognizes that select areas adjacent to and within the Park would be used to manage bison migration while still protecting private property. Bison will be allowed to migrate only to specially designated areas on suitable public lands referred to as "bison management areas." Bison management areas exclude townsites and private property. Any extension of bison migration outside of bison management areas will occur only under willing landowner conditions. Compensation for such agreements is appropriate. We recommend that the agencies work closely with APHIS to insure that Montana retains its "brucellosis-free" status.

Page Four  
Management of Yellowstone Bison

The proposed western bison management area is bounded by Hebgen Lake and the campground road east of the South Fork of the Madison River. It excludes the townsite of West Yellowstone and any private property. Summer use by bison in this area is conditional on willing changes in current cattle grazing permits. The northern bison management area includes Deckard Flats and extends northwest near the south hydrologic divide of Little Trail Creek and north and east of U.S. Highway 89, excluding the townsites of Gardiner and Jardine and any private property. There are no cattle permits in this management area.

Management Within Bison Management Areas

Bison within bison management areas will be managed under generally acceptable wildlife management principles as directed by Fish, Wildlife, and Park personnel. Range capacities will be carefully monitored. When bison are threatening people, property, or public safety, consideration will be given to efforts to haze, herd, hunt, transport, or kill bison. Any harvesting or transporting of bison should be done in a humane manner. Hunting of bison and the associated season will be at the discretion of the Montana Fish and Game Commission. Hunting will be administered by the Montana Department of Fish, Wildlife, and Parks and done in a manner that maximizes the character of sport hunting and minimizes agency supervision. Permits should be available on a random draw basis to any qualified hunter. We recommend that hunting, subject to the laws of the State of Montana, begin within the near future for the Mary Mountain herd in the vicinity of West Yellowstone because of the terrain and existing security cover. While we expect that hunting can occur in the future in the northern bison management area, the Fish and Game Commission will make appropriate determinations.

Management Outside of Bison Management Areas or Yellowstone National Park

Efforts to haze, herd, transport, or kill bison will be made by personnel from Fish, Wildlife, and Parks, the National Park Service, and the U.S. Forest Service in areas outside of specially designated management areas. Bison threatening public safety, private property, and/or people will be dealt with in a timely, responsible manner.

Trapping

Traps will be established in three areas at or near the Park boundary to protect private property from migrating bison and to control populations. The traps will be located west of the Yellowstone River at Stevens Creek, inside the boundary of the

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Management of Yellowstone Bison

Park, east of the river at the most advantageous point approaching the south hydrologic divide of Little Trail Creek and south of Grayling Creek at Horse Butte Peninsula. Bison attempting to migrate north will be trapped. Historically, the largest numbers of migrating bison have attempted to move north in the Stevens Creek area. In the Mary Mountain herd, bison migrating north on Horse Butte Peninsula will be trapped directly south of Grayling Creek. The National Park Service, State of Montana, and Forest Service will support the initial costs of constructing the three trapping facilities. We recommend that the National Park Service assume the largest share of the costs.

Trapped bison will be offered live to Indian tribes or other appropriate parties if they can meet the governmental requirements, applicable to state and federal brucellosis regulations. Bison may be transported to the Lamar Valley if low populations warrant such action. Bison not taken under those conditions will be transported to slaughter. The meat will be auctioned/and or donated to eligible organizations, including the Salvation Army or Indian tribes. The auction will be administered by the State of Montana. Funds received from the auction will be used to support the bison management program. A long term goal of the program is financial self-sufficiency.

Artificial Feeding of Bison

No artificial feeding of free roaming bison is allowed at any location.

Education, Research and Communication

An aggressive educational effort should be part of the long term management plan, and involve state as well as federal agencies. Yellowstone National Park should be the leader in developing these educational efforts. This public information effort should inform the public about the various components of the long range plan, clarify issues about brucellosis, and explain on-going research efforts.

Research efforts should continue in an attempt to document brucellosis infection within bison; risk of transmission of brucellosis between cattle and bison, including critical periods and conditions for transmission; and potential for transmission between cattle and bison and/or other wildlife. Options to minimize the threat of brucellosis transmission should also be addressed. Research results should be continually incorporated into educational programs.

The agencies are encouraged to communicate with landowners about the short and long term goals of the bison management plan.

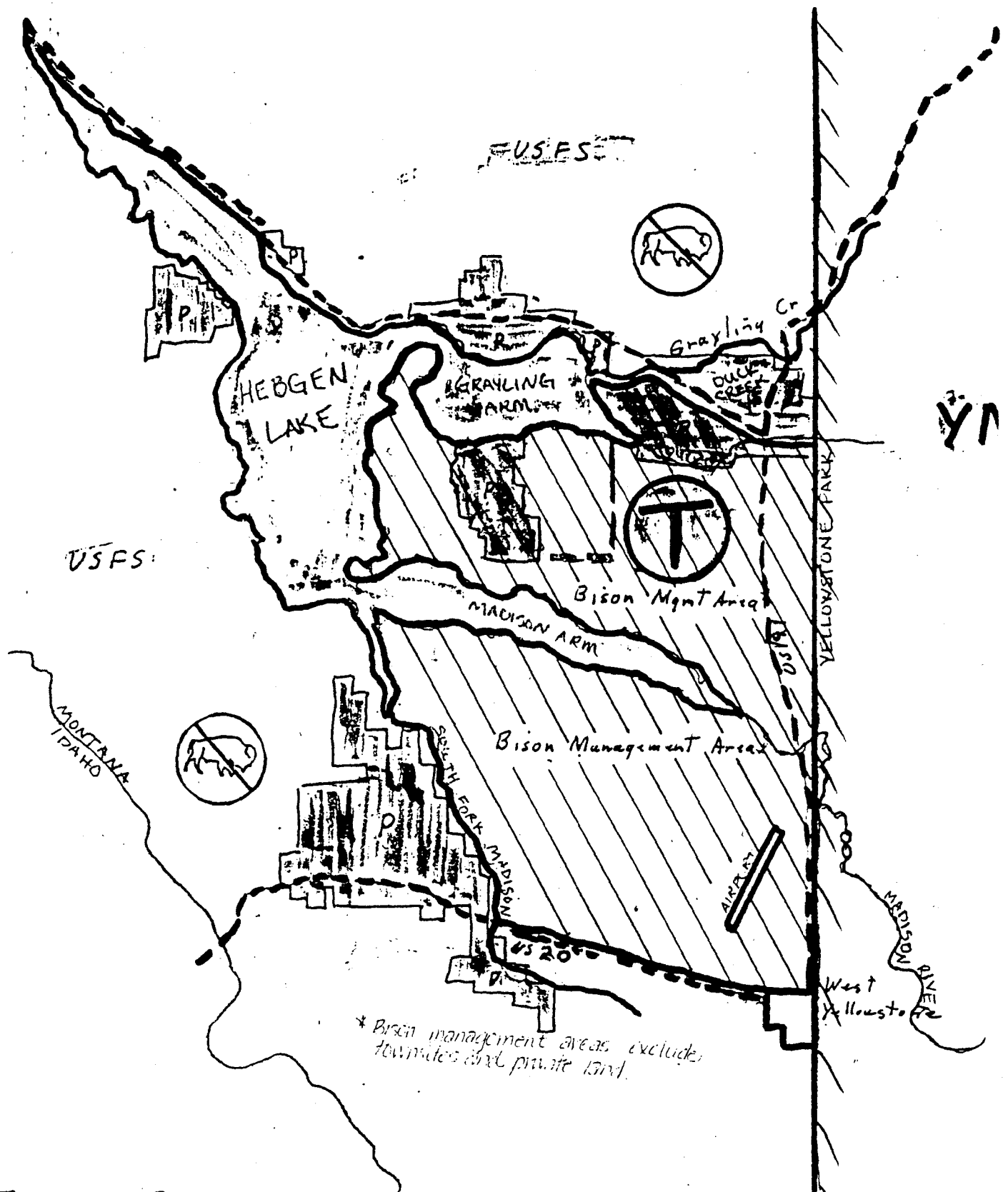
Page Six  
Management of Yellowstone Bison

Annual meetings with landowners are appropriate. Landowners must be assured that the responsible agencies can and will respond quickly and effectively to problem bison.

Agency Action Plan

The agencies must develop a working action plan to insure that management actions are carried out effectively and expediently. This plan must include:

- Landowners must be provided with a local contact and two back up contacts within the Montana Department of Fish, Wildlife, and Parks; the National Park Service; and the U.S. Forest Service in the event of problem bison. Landowners must not be placed in the situation of calling several individuals within all agencies to receive prompt action in dealing with bison.
- In the event of severe winters, the agencies must be ready to respond quickly and effectively to mass migrations. An "action plan" should be developed to deal with these situations.
- The National Park Service should educate Park visitors on the bison management plan as soon as it is adopted.
- The working group that developed this proposal will continue to be "on-call" and available to agency personnel for consultation or interpretation of the bison management plan and/or future bison management direction.



P

Private Property



Bison Management Areas



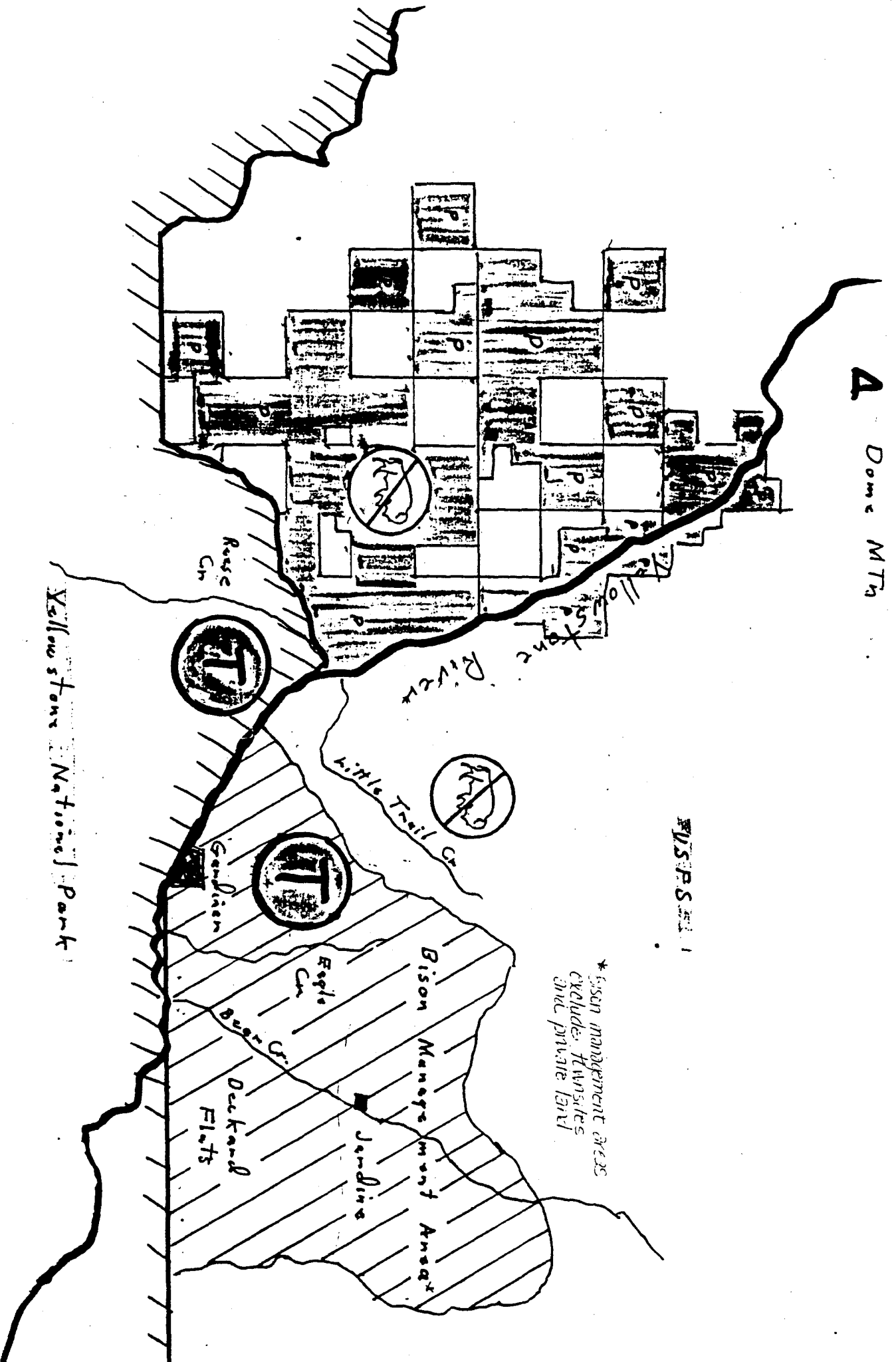
Bison Trap

4

1-28-93

SS 200

A Dome Mtn





## SENATE FISH AND GAME

EXHIBIT NO. 5DATE 1-28-93BILL NO. SB 3-SB 200NAME Tony SchoonenADDRESS Box 2HOME PHONE 782-1560 WORK PHONE sameREPRESENTING Skyline - Frickley Per ClubAPPEARING ON WHICH PROPOSAL? SB 200 - SB 3DO YOU: SUPPORT ☒ OPPOSE ☐ AMEND ☐

## COMMENTS:

A poll conducted in 1991 showed 70% of people polled wanted to hunt boddies. The 9th Circuit Court of Appeals ruled that boddies can be shot to protect livestock etc.

The outitters spoke against the bill - etc They really representing sportsmen or stockgrowers.

We can roll over and give this opportunity to the ~~anti~~ hunters.

What did we gain - they immediately did away with our grizzly bear hunt.

Where do we stop -

Studies can go on forever - we should be able to harvest them.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



## MONTANANS FOR MULTIPLE USE

P.O. BOX 68, HUNGRY HORSE, MT 59919 \*\* 406-387-5535

January 28, 1993

SENATE FISH AND GAME

DRAWING NO. 6

DATE 1-28-93

BILL NO. SB 200

To: Senate Fish & Game Committee  
From: Montanans For Multiple Use  
Re: SB 3 & SB 200

1500

SB3

Please enter this letter as testimony on SB 3 and SB 200 at the Senate Fish & Game Committee, Thursday January 28, 1993. Let it go on record that Montanans For Multiple Use who represents over 1500 multiple users supports SB 3 introduced by Senator Burnett and SB 200 introduced by Senator Bianchi. We would like to thank you both Senator Burnett and Senator Bianchi for introducing these bills to reinstate Montana's Bison Hunt.

Montanans For Multiple Use believe, that since we have lost our traditional right to hunt bison as many of our ancestors did, we would like to participate in the legislative process to reinstate Montana's Bison Hunt.

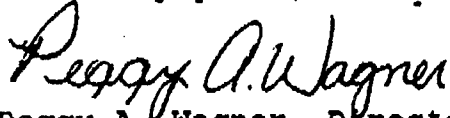
We feel the Montana State Legislature should definitely move forward on both SB 3 and SB 200 for many reasons. Listed below are these reasons.

1. Allow for the American people to still have an opportunity to harvest bison through a drawing for permits as in the past. This would limit the cost for Department of Fish & Wildlife and National Park Service in harvesting, field dressing, removal, transportation, storage and processing. Not only would this help eradicate additional costs but fees from permits would replenish the Department of Fish, Wildlife & Parks and National Park Service for added cost to controlling the bison. Many livelihoods would benefit by this such as meat processors, motels, restaurants, gas stations, sporting good stores, grocery stores, transportation, taxidermists, etc... At a time when Montana's economy is declining we should consider ways to strengthen it instead of ways of obliterating it.
2. Protect the Livestock Industry from the potential transmission of Brucellosis.
3. Reduce the potential for human conflicts and property damage caused by bison outside the park.

4. Maintain a self-sustaining population of bison in Yellowstone National Park.

Thank you for introducing our testimony at the Senate Fish & Game committee.

Sincerely yours,

A handwritten signature in cursive script that reads "Peggy A. Wagner". The signature is written in dark ink and is positioned above the printed name.

Peggy A. Wagner, Director

SENATE FISH AND GAME

TO: A. J. [unclear] NO. OF PAGES: 3DEPT: Collins FAX #: ( )FROM: A. J. [unclear] CO: \_\_\_\_\_EXHIBIT NO. 7DATE 1-28-93BILL NO. SB 3, SB 200

SB 200

January 28, 1993

Lm 4/2

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks  
before the Senate Fish and Game Committee**

I did not come here today to debate the merits or role of hunting in the control of bison. The Montana hunters who stepped into the breach in the initial bison control program conducted themselves admirably. Through no fault of their own, the control actions turned into an international spectacle in 1989 and 1990.

We went to court to defend our right to control bison. We were successful. This allowed us to move the program forward on our own terms.

While SB 200 is less onerous than SB 3, the issue of whether to continue the current path or pursue a new approach was thoroughly debated in the 1991 legislature. The legislature directed us to develop a long-range management plan by pulling in the federal agencies. The EIS and management plan process are in progress.

Suspending the hunt has provided us the opportunity to draw the federal agencies into the process and focus public attention on the need to control the number of Yellowstone bison. This was not occurring up to that time.

I urge you to allow us to complete this process. In our view, these bills are premature and will undermine the approach called for by the 1991 legislature.

EXHIBIT 7

DATE 1-28-93

SB 3, SB 200

SB 3  
January 28, 1993

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks  
before the Senate Fish and Game Committee**

We believe legislation to reinstate hunting bison is premature and should be addressed after we complete the process we were directed to initiate by the 1991 Legislature.

To be more specific, the following language comes from House Bill 390 which was enacted by the 1991 Legislature.

"The Department of Fish, Wildlife and Parks and the Department of Livestock are strongly urged to enter into an agreement with the National Park Service for the long-term management of the Yellowstone National Park herd. If the National Park service does not proceed in good faith in a timely manner to enter a long-term management agreement, that in the determination of the Department of Fish, Wildlife and Parks and the Department of Livestock responds adequately to the needs of Montana, the Departments are strongly urged to take appropriate court action."

We entered into the agreement called for by the 1991 Legislature. Although we are not completely satisfied with the pace of this process, we recognize this is a very controversial and complex issue. Management of Yellowstone bison, in fact, has become an international issue.

We expect to have a draft management plan ready for public review by late spring of 1993. Senate Bill 3 is in direct conflict, we believe, with the direction given by the 1991 session and undermines the efforts of the state and federal agencies involved.

We are also concerned with language in Senate Bill 3 that specifies:

"Money collected from drawing and license fees must be placed in a special fund to be used by the Department to compensate for damages to persons and property caused by wild animals the Department is charged to manage."

Administration of a bison hunt proved to be expensive. Experience has shown you must have enforcement personnel on site. Public safety and efficient and humane dispatching of bison require that. Our records indicate that we spent an average of \$70,000 in administration of the public control of bison in the winters of 1988-1990.

We have developed an interim plan that is cost effective. It is also far less controversial than bison control prior to 1991. This has allowed us to develop the plan in a more rational and less hostile environment.

In summary, we believe it would be most prudent to withhold any action on hunting wild buffalo until the long-term management plan is completed. That plan will be completed prior to the 1995 session.

Encl. 7  
1-28-93  
SB 3 & SB 200

SB 3 and SB 200

SENATE FISH AND GAME  
BY NO. 8  
1-28-93  
BILL NO. ~~SB 3~~ SB 200

Mr. Chairman, members of the committee, for the record my name is Cork Mortensen, Executive Secretary to the Board of Livestock. My testimony today is for informational purposes only and is not intended to reflect on the perceived merits to or any perceived negatives of this legislation.

HB 390 enacted during the last regular legislative session set in motion a process by which a permanent long term solution could be reached wherein the threat of brucellosis contamination of Montana livestock by Yellowstone Park bison could be eliminated or at least controlled. To date that process has not produced the long sought solution, but the necessity of working with the various federal and state agencies has produced a better understanding of each group's problems and as a consequence a better rapport has developed between the participants. While we cannot definitely state when a long-term solution will be attained we are optimistic.

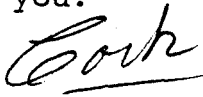
As a part of that process, the various organizations and agencies involved have devised an interim management plan to control any threats perceived by the Yellowstone Park bison. This interim management plan has already withstood one legal challenge by the Fund for Animals and with that in mind, we feel reasonably confident of being able to control the threat of brucellosis contamination.

We also believe that one of the worthwhile end uses of bison carcasses which has been developed under this plan is the donation of these carcasses to Native American tribes who have a long standing and reverent relationship with the bison.

We view the interim management plan as a small step toward the ultimate goal of a long-term resolution to the problem of Brucellosis in Yellowstone Park bison and its eradication.

I want to thank you for your time and consideration in this matter. If you have any questions or need more information, I should be most happy to respond.

Thank you.

A handwritten signature in cursive script, appearing to read "Cork", with a horizontal line underneath.

E.E. "Cork" Mortensen, Executive Secretary  
To the Board of Livestock



TESTIMONY

SENATE BILL NO. 3 & NO. 200

JAMES D. RECTOR

SENATE FISH AND GAME  
JANET NO. 9  
DATE 1-28-93  
BILL NO. SB 3, SB 200

Mr. Chairman, members of the committee: My name is James D. Rector, I am an attorney in Glasgow, Montana, presently serve as one of the two hold over members of the Fish Wildlife & Parks Commission.

I was appointed to the commission after the buffalo controversy had been resolved in 1988. As a hunter of Montana, my initial reaction was that of many of the sportsmen of Montana that it was unfortunate that we lost the opportunity to hunt a game species in Montana. However, since I have become involved with the commission and had an opportunity to review the situation thoroughly, I don't believe that the buffalo hunt is a wise idea and would therefore oppose both of these bills.

My primary opposition comes with two different perspectives:

1. The media and the animal rights activist; and
2. The biological aspect.

In regard to the first issue, I was fortunate to attend the first ever Governor's Symposium on North America's Hunting Heritage held in Bozeman, Montana, during the summer of 1992. For those of you who did not attend, it was a very productive three day symposium on hunting and hunting issues. As a portion of that program several media persons were invited to attend. In the January, 1993 issue of the American Hunter which is a publication of the NRA, Dave Carty, in his monthly column comments concerning this very issue. He was discussing a presentation made by Roger O'Neil, who is the Bureau Chief for NBC News in Denver and the person responsible for first bringing the national medias attention to the buffalo hunt in Yellowstone Park. Mr. Carty stated:

"Those kind of incidents," O'Neil told us, indicating the news clips, "get a fellow like me doing a story in front of a national audience and do the hunting community more harm than it can undo in the next 10 years of trying. I don't think you can shoot buffalo coming out of Yellowstone National Park and win the war of image in front of the American public."

O'Neil and the other panelists were blunt in their insistence that we hunters must learn what politicians have known for years: image

is everything... Those opposed to hunting are doing everything in their power to convince the public ... and they are doing a far better job of getting their views across than we are.

"At the moment, you are a bunch of first-graders fighting a battle with Harvard law graduates," O'Neil said. "They (the animal-rights groups) are beating the pants off you."

The deck is stacked against us. Negativity sells, a fact all three panelists admitted.

Further in his article Mr. Carty discussed a conversation that he had with a B.J. Schubert, of the Fund for Animals who was also attending the Symposium. Mr. Schubert has a degree in Wildlife Management and serves as a Director of Intelligence for Fund for Animals. Mr. Carty further states:

"Later our discussion turned to Montana's now infamous buffalo hunt. Schubert's frankness was surprising. "Look," he said, "we know that the buffalo hunters weren't typical (hunters), but if using that image is what it takes to save wildlife, then that's what we'll use. Hunters have to educate themselves on dealing with the media. We have the hunting community beat! O'Neil was right!"

And if we hunters improve our public image? "It will benefit wildlife and bring the debate to a higher level," Schubert said. "We wouldn't be able to use emotions (emotional issues in the press) as much."

That's straight from the horse's mouth, friends.

We in Montana do not need to continue to provide a forum for the Fund for Animals and similar animal rights groups and for that reason alone, I would oppose these two bills.

The second concern I have concerns the biology. This is not Montana's problem. This problem is a National Park Service problem. The National Park Service created the situation and by refusing to control the number of buffalo within the park they have increased the impact of their problem. As any biologist will tell you, if you remove the control on any animal species it won't take long until it over populates its habitat, whether it be rats,

Page 3

wolves, rabbits, kangaroos or buffalo. As long as there is no population control, the herd in Yellowstone Park will continue to grow until it completely outstrips its habitat, which has already occurred.

The present law truly addresses the problem and that it urges the National Park Service to manage on a long term basis the Yellowstone Park herd. The Yellowstone Park buffalo problem must be resolved by the National Park Service, therefore, I would urge you to oppose both Senate Bill No. 3 and Senate Bill No. 200.

Thank you.

JDR/ckb

SENATE 9  
DATE 1-28-93  
SB 3, SB 200

TESTIMONY ON SENATE BILL 200 AND SENATE BILL 3

ALLOWING THE HUNTING OF WILD BUFFALO TO PROVIDE  
FOR SPECIES MANAGEMENT AND PROVIDE FOR SPECIAL  
LICENSE SEASONS AND FEES,  
SENATE FISH AND GAME COMMITTEE  
January 28, 1993

SENATE FISH AND GAME  
HUNTING NO. 10  
DATE 1-28-93  
BILL NO. SB 3-SB 200

Mr. Chairman and Members of the Committee, my name is John Bloomquist, I am an attorney and special assistant for the Montana Stockgrowers Association. The Montana Stockgrowers Association is an organization of over 3,000 ranchers and cattle producers located throughout Montana.

I am testifying today on behalf of the Stockgrowers Association in opposition to Senate Bill 200 and in opposition of Senate Bill 3. MCA 87-1-215 classifies the animal and species as a "species in need of management". Because of the significant potential which exists for wild buffalo to spread contagious diseases to persons or livestock in Montana, and because of the potential for damage to persons and property by wild buffalo, this is the appropriate classification of the species.

The effect of S.B. 3 and S.B. 200 will be to reclassify wild buffalo in Montana as big game species. Such a reclassification will establish wild buffalo as big game which will allow the species to run at large in any type of potential habitat. The effect of such classification would be to endanger livestock in Montana and persons in Montana due to the threat of the spread of contagious diseases. Also, persons and property would be subject to damage by roaming wild buffalo populations.

By allowing wild buffalo to be classified as big game species would effectively take the National Park Service out of any responsibility for wild buffalo herds which originate in Yellowstone Park. The 52nd Legislature adopted H.B. 390 which established the buffalo as a species in need of management and established management duties for Department of Fish, Wildlife & Parks and Department of Livestock. The legislation also urged the state of Montana and the National Park Service to enter an agreement for long-term buffalo management of the Yellowstone Park herd. By relieving the National Park Service of management responsibilities for wild buffalo population which originate in the Park, this bill sends a strong message to the federal government that they in fact have no responsibility for the wild buffalo population originating in Yellowstone Park. Furthermore, this bill strikes a portion of the present law which urges the Montana Department of Fish, Wildlife and Parks, the Montana Department of Livestock and the National Parks Service to enter into cooperative agreements for long-term management of the Yellowstone National Park herd. Again, striking such portion of present law and managing wild buffalo which enter Montana as big game species, releases the Park Service of its responsibility in dealing with the problems in Montana caused by wild buffalo.

This comes at a time when the Park Service, Department of Fish, Wildlife & Parks and the Department of Livestock have an interim management plan which defines responsibilities of the agencies, including control of migrating buffalo. Furthermore, the Interim Plan Memoranda of Agreement establishes that Native

American tribes will be authorized to field dress, transport and distribute the buffalo carcasses.

In 1991-1992, 170 buffalo went to tribes, while 100 were auctioned to the public. Department of Fish, Wildlife & Parks costs were about \$49,000 while revenues equalled about \$58,000. By comparison from 1988-1991, average net costs were about \$200 per animal when hunters were used. In Montana, over \$30 million has been spent assuring this state of a brucellosis-free status for the cattle industry. This status could be jeopardized by classifying wild buffalo as big game species.

The long term management plan is being cooperatively developed by Yellowstone National Park, Gallatin National Forest, APHIS, and the state of Montana. This legislation could inhibit such plan development and remove any responsibility the federal government has accepted.

For these reasons, the Montana Stockgrowers Association strongly urge a vote of do not pass on S.B. 200 and S.B. 3. Thank you for the opportunity to testify.

EXHIBIT 10  
1-28-93  
SB 3, SB 200



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*"Where respect for the resource and a quality experience for the client go hand in hand."*

SENATE FISH AND GAME  
EXHIBIT NO. 11  
DATE 1-28-93  
BILL NO. SB3-SB200

### **SB 3 and SB 200 • Jan. 28, 1992**

Senator Pipinich, members of the committee; for the record, my name is Jean Johnson, executive director of the Montana Outfitters and Guides Association.

We are here to oppose both SB 3 and SB 200. This is not an easy issue. This was not an easy decision, because it was influenced out of a concern for public perception, and it is never easy to surrender to forces for which we have no respect.

I am referring to anti-hunting and animal rights' activists.

The damage that can be done to the hunting heritage we just assume will always be a part of our lives was brought home to us at our winter convention in December, 1991, with a presentation by the Dept. of Fish, Wildlife and Parks and Commission Chairman Errol Galt. That presentation showed how the anti-hunting forces used 15 seconds of media footage to capture the attention of housewives all across the country and forever connect three things: buffalo, hunters, and death.

Senator Burnett's bill allows for outfitters and guides to participate in the "hunt" and while we appreciate his willingness to extend to us that opportunity, the bigger picture — preserving the hunting heritage for our grandchildren and their grandchildren — is far too valuable to sacrifice for a buffalo hunt today.

In some ways, we are so isolated here in Montana, and we think we can thumb our noses at the rest of America for hunting has always been an unquestioned privilege. Some even believe it is an inherent right. But the reality is that we live in a country where the majority does not have the close connection to the hunting heritage that we do. And that makes it easy for the undecided 80%, sitting in front of their television set watching the nightly news, to form an instant opinion about hunters and hunting. When they see, in glorious living color, someone called a hunter shoot that big, shaggy national symbol, who just stands there looking with big brown eyes as the bullets slam home, and all from within spitting distance, the logical next step is to say, and I quote Roger O'Neill, "All hunters are like that, all hunters want to shoot buffalo and call it a sport."

The 52nd Legislature saw that shooting an animal who doesn't understand the spirit of "fair chase" was inappropriate, and charged the Department to develop long-term management agreements with Yellowstone National Park to control buffalo that threaten domestic livestock. We urge this committee to allow the Dept. to continue in that direction. We urge you to consider very carefully the issues that are really at stake here, and resist the temptation to give hunters one more game animal.

Thank you for the opportunity to share an opinion.

# GOVERNOR'S SYMPOSIUM ON NORTH AMERICA'S HUNTING HERITAGE

Proceedings



Produced courtesy of  
North American  
Hunting Club  
and Wildlife Forever



Hosted by the  
State of Montana

July 16-18, 1992  
Montana State University  
Bozeman, Montana

*"...to promote a  
renewed understanding  
of hunting and wildlife  
management"*

EXHIBIT 11  
DATE 1-28-93  
SB 3, SB 200



**OBJECTIVITY OR ZIETGEIST?**  
**How the Media View and Interpret Hunting**  
**A network television journalist's perspective**

**By Roger O'Neil**

I am not and never have been a hunter. I also have nothing against hunters, so I am one of the 80 percent. I'm one of those people that are undecided, which is one of the reasons why I like to think that when I deal with a story that involves hunting--be it good, bad or indifferent--I can present it in a neutral way because I don't have strong feelings for hunters or against hunters.

The closest I have ever come to hunting happened about two years ago when I was doing a story about the great hunt prairie dog that had been organized in western Colorado. I was among the throngs that went down there and supported this town for the week or so beforehand and I was trying to get a feel for why farmers were so upset with these prairie dogs.

I happened to meet up with a farmer and he invited me out to his farm. He had his .22 rifle and he said, "Wanna take a couple shots?"

"No, not really," I said.

"Well," he said, "I don't know whether I should trust you or not."

And I said, "Give me the damn rifle."

So I shot a couple of prairie dogs and we got along fine. I got what I wanted, he apparently thought that I was on his side and we presented the story. So you do what you have to do to get the job done and if it means shooting an animal, I'll shoot an animal. But I really don't have strong feelings for it one way or the other.

But may I suggest to you that the image problem hunters have-- think they have--is (1) real and (2) it is caused by you. You are your own worst enemies.

If you look at the mirror and you see an image problem, you're looking at yourself. I make that statement not to get you angry, I make that statement

because I don't think you can shoot buffalo coming outside of Yellowstone National Park and win the war of image in front of the American public. I don't think you can shoot deer on the U.S. Air Force Academy grounds and win the war of the image in front of the American public. Walt Disney has prevented you from doing that with Bambi and, I suppose, the buffalo on the back of the nickel has prevented you from winning the other war with the buffalo.

It's those kinds of isolated incidents, those kinds of things that get a fellow like me doing a story in front of a national audience that does the hunting community more harm than it can ever do in the next ten years of trying to correct that harm.

I would propose to you that whenever the hunt was--two or three or four years ago--when hunters were allowed to shoot buffalo or bison coming out of Yellowstone National Park, that that did more to harm the image of hunters in the eyes of the 80 percent undecided than you could imagine. When I report a fact that 3,000 hunters from around the country applied for this lottery or this license to have the privilege of shooting a buffalo as he walked outside of Yellowstone National Park, that does not sit well with the great majority of people who are undecided who don't have strong feelings one way or the other.

And maybe none of you here today actually applied for a license to hunt bison. But that doesn't make a damned bit of difference, because for those among the 80 percent who maybe have leanings *against* hunting, said, "All hunters are like that, all hunters want to shoot buffalo and call it a sport."

Then, when I have a camera out there and I see a hunter with a 30.6 rifle, and the viewer sees that same hunter because we've got him captured on the tape, and he's got a scope and he shoots the damn buffalo at a 100 yards and he stands there and he looks at you. And the hunter shoots him again and he still stands there and looks at you.

I'm presenting that image to 11 million people. You can't win the war of the image problem that hunters have in this country. I don't know how you can fix that; I don't have any suggestions how you can fix that, but I will guarantee you that unless you can solve those kinds of problems, you will never win that war of image in this country and you will always have a battle on your hands.

While listening to the comments of a couple of speakers this morning, I got the impression that there's almost a siege mentality going on within the hunting community. It appears you hunters believe that the environmentalists and that the radical 10 percent on the other side are really ganging up on you and unless you're real careful, they're going to win the war and there's going to be no hunting left in this country. I'm not so sure that's the case, but I certainly don't want to argue the point because you know more than I do about all the

various kinds of pressures to reduce or restrict hunting that happen around this country.

But I would suggest to you that if you are trying to fight the battle with the radicals, the 10 percent on the other side, and you're the 10 percent on this side, that at the moment you are a bunch of first-graders fighting a battle with Harvard Law graduates. They are better than you, they are much, much, much better than you at getting my attention. They know how to do it, they've studied how to do it and they do it day in and day out.

Now you might say they've got the time to do that--those organizations appoint some guy to do that all the time, to keep knocking on the door, keep getting the press release out, keep calling the Roger O'Neil's of the world to try and get them interested in doing those kinds of stories that are good for them, bad for you. And that's true, they do. But that doesn't change the fact that they're doing a much, much better job of it than you are and you, if you are under this siege, you will have to figure out a way to get into college real fast if you are going to compete on the same level they are competing on.

They are beating the pants off you. They know how to get my attention and then, for me, it becomes a question of morality and ethics. I know who's contacting me, I also know the agenda of those people. And if I've got any ethics left in my reporting, I will at least try to seek out the other side--with the prairie dogs I will at least go and try to find the farmer who's got the problem with the prairie dogs.

But the environmentalists are very good at what they do and you don't have to be told that to know it. You should be reminded, however, that they are contacting me almost every day.

I brought a couple of examples of--I'm sure you all watch NBC Nightly News every night of the week, right? I'm sure you all knew who I was, but just in case anybody didn't and because I don't like to write speeches, I figured I'd fill up my 30 minutes by showing you a couple of things that I've done in the past, that you can label either pro or anti. And if it brings up some discussion later, then fine.

(Film)

I threw in the story about the idiot with the ski pole just to prove to all of you that sometimes we do do stories that show that side as well--that they can be crazies. And I think, if I'm not mistaken, that video was used in the court case. I know we were subpoenaed to give it up and so maybe we kind of helped convince somebody that that wasn't right either to do.

I always like to pick on the state that invites me to come-- maybe they won't invite me back. You know, the buffalo is a beautiful example, it seems to me, of how you all can get caught up in something that works to your disadvantage. The buffalo problem in Yellowstone National Park is because the United States Government, Department of Interior, United States Park Service, refuses to deal with the political explosiveness of controlling that herd, which is clearly out of control. So they do nothing about it.

Then they force the state of Montana to have to deal with it because the buffalo just haven't gotten enough of our great educational system to learn where the park boundary and Montana State lines are. They don't know that. So the state of Montana decides to do something about it and you can argue the merits of whether or not brucellosis is a real or perceived threat, but the state has decided it is going to shoot the buffalo that come across into Montana.

And then the hunter kind of falls into the trap of saying, "Well, if we're going to shoot them, then we want to have the right or the privilege or whatever word you want to use, to be involved."

And you end up getting egg on your face. You end up getting the bad name--not so much the state of Montana, although it certainly felt that it got some egg on its face and certainly not the Department of Interior of the United States Government, who still think they're doing the right thing.

But you hunters are the ones who had to suffer when I put stories on the air like that or the follow-up stories where we actually showed the buffalo being shot.

I don't know if there is a way to solve the problem that you think you have--the image problem. But I think there are ways that you can counter it and that is by getting involved with people like me or, more appropriately, on the local level with your local newspapers and your local reporters. There's another speaker here who does that sort of thing, his line of work is to try and tell you all how to deal with people like me and I'll try not to step on his turf, but there are ways to get to us--you just have to be smart enough to figure out how.

The other side has.

*Roger O'Neil is chief environmental reporter for NBC News.*



# Montana Audubon Council

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

1/28/93

## Chapters:

Bitterroot Audubon  
Bitterroot Valley

Flathead Audubon  
Flathead Valley

Five Valleys Audubon  
Missoula

Last Chance Audubon  
Helena

Pintlar Audubon  
Southwest Montana

Rosebud Audubon  
Miles City

Sacajawea Audubon  
Bozeman

Upper Missouri  
Breaks Audubon  
Great Falls

Yellowstone Valley  
Audubon  
Billings

Good afternoon Chairman Pipinich, my name is Mark Daspit and I am here to testify on Senate Bill 200. I am here representing the Montana Audubon Legislative Fund.

Audubon recognizes that the bison do indeed need to be managed. Whether it is a hunter or a Fish, Wildlife & Park official, killing the bison has been deemed as the proper *short term management plan*.

Senate bill 200, with the amendments, could have language which enables the department of Fish, Wildlife and Parks to maintain the discretion of reinstating a hunt.

Furthermore, we support the ammendment offered by the Montana Wildlife Federation to this bill that recognizes that an Environmental Impact Study is currently underway. The proposed amendment recognizes that there is an EIS and that this study is a long term management plan that is due to be finalized in June of 1994.

There are many long term options that are being considered in the EIS, one of which could be a hunt. We want to stress that if the hunt is reinstated through this bill, it might not be part of the long term management plan. There are other viable options to bison management other than reinstating a hunt.

Audubon lends its support to this bill with the amendments that have been proposed

Mark E. Daspit  
Montana Audubon Legislative Fund

SENATE FISH AND GAME  
EXHIBIT NO. 12  
DATE 1-28-93  
BILL NO. 553-55200



Recycled Paper



# Montana Audubon Council

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

1/28/93

## Chapters:

Bitterroot Audubon  
Bitterroot Valley

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Southwest Montana

Rosebud Audubon  
Miles City

Sacajawea Audubon  
Bozeman

Upper Missouri  
Breaks Audubon  
Great Falls

Yellowstone Valley  
Audubon  
Billings

Good afternoon Chairman Pipinich, my name is Mark Daspit and I am here to testify on Senate Bill 3. I am here representing the Montana Audubon Legislative Fund.

Audubon recognizes that bison do indeed need to be managed. Whether it is a hunter or a Fish, Wildlife & Park official, eliminating the bison has been deemed as the proper *short term management plan*.

The problem that Audubon has with Senate bill 3 is that it does not recognize the fact that there is an Environmental Impact Study currently researching viable bison management options. This study is projected to be finished by June 1994. Senate bill 3 is not clear whether reinstating the hunt through this bill is part of a short term management plan or a long term management plan. Under current language, it seems as though the indication is that this bill is geared towards a long term bison management plan.

Senate bill 3, requires the department of Fish, Wildlife and Parks to reinstate the hunt. We at Audubon feel that the department should have the discretion to reinstate a hunt to manage the bison.

An additional problem that surfaces in this bill is directed at the passage that is made in the statement of intent. Page 1, line 23 claims that "drawing and license fees (should) be used by the department to compensate for damages to persons and property caused by wild animals that the department is charged to manage." The new Section 2 was created for this purpose.

The scope of this statement is far too broad. Under this law, a landowner would be able to receive compensation for damage caused by any animal, not just bison. The question must arise as to whether or not this is changing the Departments guidelines on assisting landowners. Under current regulation, 87-1-225, "a landowner is eligible for game damage assistance under subsection (3) if he: (a) allows public hunting during established hunting seasons; or (b) does not significantly reduce public hunting through imposed restrictions."

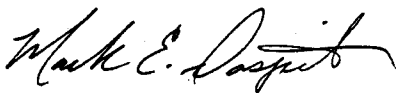
Compensation would require an outright payment of money for anyone who could give compelling evidence that their property was damaged by some wild animal. During the last fiscal year, 1992 ending in June, the Department of Fish, Wildlife and Parks received around 635 reports of wild animal damage. There were also between 6 and 10 reports on bison damage. There would be no doubt that the funds generated from the lottery and the licenses would be depleted in a very short time.



Recycled Paper

A few questions that have to be asked are "What qualifies as wildlife damage?", "What happens when an agreement cannot be reached on the amount of the damage claim to be collected and/ or the circumstances surrounding the claim?" and "What happens when the funds from the lottery and licenses for this program is reached and more claims are filed?"

Audubon would like to go on record as being in opposition to Senate Bill 3.



Mark E. Daspit  
Montana Audubon Legislative Fund

EXHIBIT 12  
DATE 1-28-93  
SB 3 & SB 200

SENATE FISH AND GAME  
EXHIBIT NO. 13  
DATE 1-28-93  
BILL NO. SB 3-SB 200

Testimony by Jan Hamer  
3902 Wylie Drive  
Helena, Montana 59601

Senate Fish and Game Committee Hearing on Senate Bills 3 and 200  
January 28, 1993

My name is Jan Hamer. I live in Helena, Montana. Like my parents, grandparents, and my own children and grandchildren, I am a hunter. In 1991, I proudly served on the state's first Hunting Heritage Week Committee. Last year, I served on the committee that helped to put together the extraordinary Governor's Symposium on North America's Hunting Heritage, which was attended by nearly 500 people from more than 30 states and provinces.

As a hunter, I oppose the passage of SB 3 and SB 200 and I'm distressed that a bill to police bison by using hunters has emerged after the damage Montana's ill-advised bison hunts have caused this state and hunters everywhere.

Montana's 1991 Legislature wisely adopted HB 390 and essentially stopped bison hunting in Montana and stopped the anti-hunting movement in its tracks. Do we really want to revisit those days prior to 1991 when the State of Montana's bison hunt filled the anti-hunting movement's war chest with donations and damaged the image of hunters and the sport of hunting? I hope not.

Let me share with you the thoughts of Roger O'Neil, the chief environmental reporter for NBC News. Mr. O'Neil was one of the speakers at the Governor's Hunting Symposium last July. He said:

"...may I suggest to you that the image problem hunters have...is (1) real and (2) it is caused by you. You are your own worst enemies...I make that statement not to get you angry, I make that statement because I don't think you can shoot buffalo coming outside of Yellowstone National Park and win the war of image in front of the American public. It's those kinds of isolated incidents, those kinds of things that get a fellow like me doing a story in front of a national audience that does the hunting community more harm than it can ever do in the next ten years of trying to correct that harm...I would propose to you that...the hunt...did more to harm the image of hunters in the eyes of the 80 percent undecided than you could imagine...I'm presenting that image to 11 million people...You hunters are the ones who had to suffer when I put stories on the air like that or the follow-up stories where we actually showed the buffalo being shot."

Never again do I want to see that kind of damage inflicted on an activity that I so deeply love.



Let me also share this idea expressed during the hunting symposium by Professor Ann S. Causey:

"Our obsession with 'sound, objective science' has led many hunting proponents to not only avoid the crucial issues, but to actually fuel the fires of the antihunting movement...No proponent of ethical hunting has anything to fear from the questions the antis are asking. These are questions we should have been asking and answering ourselves all along. The real threat comes not from outside questions and criticism but from our own complacency and uncritical acceptance of the status quo of hunting as it is, and from our mistaken belief that to protect any form of hunting, we must defend and protect all forms."

Let us hunters leave the bison problem to be solved by our state and federal officials. Hunters are not to blame for the overpopulation of bison in Yellowstone National Park. Hunters are not to blame for brucellosis. And hunters ought not to be blamed for the consequences of bad state and federal policies.

Let our officials carry out the intent of the bison bill passed in 1991 when the Legislature determined that the hunting of bison was unwise. Let our officials follow through on your instructions to enter an agreement with the National Parks Service for the long-term management of the Yellowstone National Park bison herd. That's where the solution to the problem will be found. State-sanctioned hunting of Yellowstone's bison--if you choose to call it 'hunting'--just creates another problem.

Please, for the sake of good hunters everywhere, and for the good name of the caring people of Montana, do not pass Senate Bill 3 or Senate Bill 200.

Thank you.



- WOHENIV -  
The Morning Star

**NORTHERN CHEYENNE TRIBE**  
INCORPORATED

P.O. Box 128

LAME DEER, MONTANA 59043



- WOHENIV -  
The Morning Star

January 28, 1993

The Northern Cheyenne Tribe expresses its opposition to SB 0200 which would allow the hunting of wild buffalo, provide for a special buffalo license, the establishment of hunting districts, seasons, license drawings and fees.

In the past two years, the Northern Cheyenne and other Indian Tribes have harvested surplus buffalo from Yellowstone National Park. The meat has been donated to the tribal communities. The National Park Service is currently considering an Environmental Impact Statement which would include management strategies to handle wild bison which stray from the Park boundaries. The Northern Cheyenne Tribe has provide recommendations to the National Park Service on the proposed Environmental Impact Statement which would continue tribal harvesting of bison.

We believe that this is a much more desirable alternative to SB 0200. We also believe that the national public opinion would not be in favor of the hunting proposed by SB 0200.

*Howard Fisher*

SENATE FISH AND GAME

ENACT NO. 14

DATE

BILL NO.

1-28-93

SB 200

DATE 1-28-92SENATE COMMITTEE ON FISH & GAMEBILLS BEING HEARD TODAY: SB 3, SB 200

Name	Representing	Bill No.	Check One Support Oppose	
Dan Sellers	The General Public	SB 200, SB 3	✓	
Jim Richard	MWF	SB 200	✓	
Pat Graham	DFWP			✓
Mark Lantz	Montana Audubon Soc. Fund	SB 3/200	<del>200</del> ✓	3 ✓
Alan Zinner	Myself			✓
Bob Matthe	DFWP			
Stan Bradshaw	Montana Bowhunters Assn	SB 3 SB 200		✓
Lou McHowan	Indian Affairs			✓
Gary Addington	Indian Affairs			✓
Gaune Songam	Greater Yellowstone	SB 3/200		
Art Van der Pore	Cons. City	SB 3/200	X	
DAVE PRICE	Yellowstone NP	SB 3/200		
Bill Haldorf	Skyline Sportsman		✓	
A. M. (Bud) Elwell	W.C.S.M. MWWC	SB 200	✓	
Robert Stephens Jr	Self	SB 3 200	✓	
BRIAN KAHN	Self	SB 3 200		✓

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE

1-28-92

SENATE COMMITTEE ON

Fish &amp; Game

BILLS BEING HEARD TODAY:

SB 3, SB 200

Name

Representing

Bill  
No.Check One  
Support Oppose

Matthew Cohn	Dept of Commerce			✓
Deane W. Johnson	MT Outfitters & Guides	SB 3 SB 200		✓
John Youngberg	MT Farm Bureau	SB 200		✓
George Paul	Farmers Union	SB 3/200		✓
AMOS D. RECTOR	FATP COMM	SB 200		✓
John CHEBOL	SKYLINE SPORTSMEN	SB 200	✓	
Vince Fischer	" "	SB 200	✓	
Ron Weiss	Helena SHARPshooters Helena MT	SB 3 SB 200		✓
Tony Schonen	Skylines Pickleball Club	SB 200	✓	
John Bloomquist	MT Stockgrowers	SB 3 SB 200		✓
Cork Mortensen	Dept. of LS	SB 3 SB 200		✓

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 1-28-92

SENATE COMMITTEE ON SB 200 & 3

BILLS BEING HEARD TODAY: SB 3 - SB 200

Name	Representing	Bill No.	Check One Support Oppose
Don Sellers	all state public	200, 3	✓
Bob Stephen	Self	200 3	✓

### VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY