

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN FOSTER, on March 4, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Mike Foster, Chair (R)
Rep. Chase Hibbard, Vice Chair (R)
Rep. Bob Ream, Minority Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Bob Clark (R)
Rep. Fritz Daily (D)
Rep. Jim Elliott (D)
Rep. Duane Grimes (R)
Rep. Marian Hanson (R)
Rep. Dick Knox (R)
Rep. Bea McCarthy (D)
Rep. Brad Molnar (R)
Rep. Scott Orr (R)
Rep. Bill Ryan (D)
Rep. Emily Swanson (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

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

Committee Business Summary:

Hearing: SB 199, SB 200
Executive Action: None.

HEARING ON SB 200

Opening Statement by Sponsor:

SEN. DON BIANCHI, Senate District 39, Belgrade stated SB 200 reestablishes the hunting license for buffalo and the bill was amended in the Senate. The 1987 Legislature declared buffalo a game animal and hunting was initiated. The Department established the rules and provided a guided hunt. One year

following a large herd migration, 560 buffalo were killed by hunters. The media was present at some of the hunts and provided a lot of bad publicity for Montana. The 1991 Legislature eliminated buffalo hunting licenses and effectively stopped buffalo hunting. SB 200 reestablishes buffalo hunting, but it will no longer be a guided hunt. Buffalo will be treated the same as other big game animals. In prior years, the license cost \$200 for Montana residents and \$1,000 for nonresidents, and it was a guaranteed hunt. SB 200 proposes a decrease to \$100 for residents and \$500 for nonresidents with no guarantees. Currently, bison are shot by game wardens or the Department of Livestock for population control. Recently, approximately 80 buffalo were hauled in trucks and slaughtered. The public expressed its dislike of using this method as a means of population control. He felt hunting would be a more acceptable means of population control than slaughter. Currently, the Fish, Wildlife, and Parks Department, Department of Livestock, and the National Park Service are in the process of developing a long-range plan. He felt that the plan would probably include transplanting and slaughter as population control measures.

Proponents' Testimony:

Mr. Jim Richard, Montana Wildlife Federation, distributed amendments (EXHIBIT 1) and written testimony (EXHIBIT 2).

Mr. Bill Holdorf, Skyline Sportsmen Association, read part of an editorial he had written to the local paper in January 1992. He discussed the Indian method of running bison over a cliff and how they processed the buffalo in the field. The remaining animal parts left in the field did not spread brucellosis because it was not present in this part of the world. Brucellosis was brought to the United States from Europe through cattle. Cattle drives from Texas brought it to Montana in the late 1800's. For a few years people were allowed to hunt buffalo. Anti-hunters came to Montana and declared how cruel and inhumane it was to shoot the buffalo. Currently, fish and game funds are used to control buffalo that wander out of the Yellowstone Park. He felt that the cattlemen should be responsible for the elimination of brucellosis because wild animals first contracted it from cattle.

Mr. L.F. Thomas, Anaconda Sportsmen's Club, declared the organization was strongly in favor of the bill.

Mr. Robert VanDerVere, Citizen felt people should be allowed to hunt the buffalo. He urged support of the bill.

SEN. JAMES BURNETT, Senate District 42, Luther explained that his alternative buffalo bill died. He expressed his support of SB 200. He felt brucellosis was being used as a scare tactic and urged support of the bill.

Opponents' Testimony:

Mr. Pat Graham, Director of the Fish, Wildlife, and Parks Department distributed a letter which opposed SB 200 from Mr. James Rector, member of the Fish, Wildlife, and Parks Commission (EXHIBIT 3). He also distributed written testimony (EXHIBIT 4).

Mr. Cork Mortensen, Executive Secretary of the Board of Livestock distributed written testimony (EXHIBIT 5).

Ms. Nancy Epsy, Vice-Chairperson of the Board of Livestock circulated written testimony (EXHIBIT 6).

Ms. Jean Johnson, Executive Director of the Montana Outfitters and Guides Association handed out written testimony (EXHIBIT 7). She also distributed a copy of the proceedings of the Governor's Symposium on North America's Hunting Heritage (EXHIBIT 8).

Mr. Jay Ramlo, hunter education instructor presented written testimony (EXHIBIT 9).

Mr. John Bloomquist, Montana Stockgrowers Association felt that SB 200 was a premature bill and could jeopardize the Department's long-range plans.

REP. BOB REAM, House District 54, Missoula spoke in opposition to SB 200. In 1985, he chaired the Fish and Game Committee when REP. WILLIAM MENAHAN proposed the bill to establish a buffalo hunting season. At the time, it was only mildly controversial. The former director of the Fish, Wildlife, and Parks Department spoke against the bill because it would potentially cause many problems. Concerns rose about the impact the hunting season would have on the buffalo. He carried the bill last session which ended the buffalo hunting season. During the last two years, Department management has improved. REP. REAM declared he strongly agreed with the amendments proposed by Mr. Richard of the Montana Wildlife Federation, with the exception of number seven. He stated that Yellowstone National Park must continue to be involved in the issue. There has been large bison population growth. He felt there was a serious national resource management problem. He stated that hunting should not be implemented until after the Environmental Impact Study (EIS) is completed.

Mr. Stan Bradshaw, Montana Bowhunters said some members took part in the bison hunt and they felt it was the wrong approach. He stated part of the argument for having the buffalo hunt is to reestablish part of Montana's hunting heritage. Prior to 1985 bison were not hunted. Part of the buffalo heritage before 1985 is that they were shot from trains. He urged the committee to vote do not pass.

Mr. Mark Daspit, Montana Audubon Legislative Fund presented written testimony (EXHIBIT 10).

Mr. John Youngberg, Montana Farm Bureau declared his opposition to SB 200. He felt the EIS results should be obtained before action is taken.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. SWANSON asked Mr. Graham if the amendments were accepted and if it was changed from being a mandate to allowing the Department to consider hunting as a management option, would the Department change its opposition. Mr. Graham replied if the bill was passed as amended, he suggested also striking section 1 and developing a statement of intent. REP. SWANSON asked Mr. Graham what was being considered in the EIS process and if hunting would be a viable management tool. Mr. Graham said hunting is one of the seven alternatives being reviewed in the EIS. He referred the question to Mr. Bob Martinka, Regional Supervisor from the Fish, Wildlife, and Parks Department in Bozeman. He distributed a copy of the progress report on the Yellowstone Park Bison Management (EXHIBIT 11). This report outlines seven alternatives for population management, including public hunting. Currently, work is being done to come up with a solution that would be agreeable to all agencies. REP. SWANSON asked what the results will be. Mr. Martinka said it is a complex problem and many different opinions and regulations are involved. Compromise is needed from all parties involved to reach a final solution.

REP. DAILY asked Mr. Martinka if one of the solutions proposed was hauling bison in trucks to the slaughterhouse. Mr. Martinka said there are plans to control the population. However, no specific plans have been made. REP. DAILY stated the problem is there are too many buffalo and elk, and Yellowstone Park cannot support the increased numbers. He asked how many buffalo and elk the park can support. Mr. Martinka there is no specific number and it varies from year to year depending on climate and other factors. Some Department reports indicate the ideal number should range from 1,600 to 2,000 buffalo. REP. DAILY asked for an approximate count of buffalo to date. Mr. Martinka said there were approximately 3,500. REP. DAILY asked if there were approximately twice as many buffalo as the park can sustain. Mr. Martinka said yes, according to some figures. REP. DAILY if an ideal number of buffalo would be established in the EIS. Mr. Martinka said he believed a number would be established ranging from 1,600 to 2,200.

REP. WAGNER asked Mr. Martinka when the EIS would be completed. Mr. Martinka replied the draft would be finished by early summer. REP. WAGNER asked how much time will be needed to finish the final draft. Mr. Martinka said approximately one and a half years. He hopes it will be ready by the next legislature.

REP. CLARK asked Mr. Martinka if the Fund for Animals has expressed their opinion regarding trucking the buffalo to the

slaughterhouse. **Mr. Martinka** could not recall any comments from the organization, but he speculated they would not be pleased about it.

REP. KNOX asked **Mr. Martinka** to list the seven alternatives. **Mr. Martinka** said No Action, Control Within Yellowstone National Park, Brucellosis Eradication, Bison Management Areas, Public Hunting, Landowner Responsibility, and Nonlethal Control are the alternatives being considered. **REP. KNOX** asked him to explain what methods might be used when controlling the bison within Yellowstone National Park. **Mr. Martinka** said it could range from shipping and transport to direct lethal means.

REP. MOLNAR stated on line 4 of the fiscal note it says that 60 of the 100 buffalo would be taken by Native Americans. He asked **Mr. Martinka** to clarify whether the Native Americans would be allowed to shoot the buffalo or would they just be given the meat. **Mr. Martinka** said the Native Americans would not be shooting the buffalo. However, they would recover the buffalo after Department personnel shot them.

REP. MOLNAR asked **Ms. Epsy** if brucellosis was the main focus in this issue. **Ms. Epsy** said yes. **REP. MOLNAR** asked why she felt it was better to have the Department shoot the buffalo as opposed to hunters. **Ms. Epsy** replied it was important to have very close control over the shooting of buffalo at this time. She would hate to see it result in mass media coverage again. **REP. MOLNAR** stated brucellosis was not actually the main focus, but adverse public opinion. **Ms. Epsy** said no. It is also brucellosis control. She said it is very important to prevent the spread of brucellosis to domestic cattle.

REP. MOLNAR asked **Mr. Graham** if contact with the afterbirth was the only way brucellosis could be spread. **Mr. Graham** referred the question to **Dr. Don Ferlicka, State Veterinarian**. **Dr. Ferlicka** said contact with the afterbirth or with the products of a miscarriage can spread brucellosis. After being expelled into the environment, the virus can remain contagious for approximately 30 days. In rare cases, it can stay alive up to eight months.

REP. MOLNAR asked **Mr. Graham** how the Department could justify shooting any bull buffalo when they do not spread brucellosis or any female buffalo that is not close to domestic cattle. **Mr. Graham** replied there are several components of management in effect, including attempts to keep bison separated from private property. Population and brucellosis control are reasons bison must be managed. **REP. MOLNAR** asked under what authority the Department is acting. **Mr. Graham** said the Department is operating under their authority of providing property damage protection and brucellosis control.

REP. ELLIOTT asked **Dr. Ferlicka** if he was familiar with the Moiese bison range and the history of the bison there. **Dr.**

Ferlicka said yes. **REP. ELLIOTT** said his veterinarian told him when the brucellosis was running through the bison herd there, surrounding cattle ranches experienced a high incidence of brucellosis among their domestic cattle. He asked **Dr. Ferlicka** for his comments. **Dr. Ferlicka** reported the Moiese bison originate from the same place as the Yellowstone bison. Brucellosis was probably carried to the Moiese in a similar manner as the Yellowstone. In the late 1930's, Brucellosis was detected among the Moiese herd. The whole herd was vaccinated on a regular basis and there was selective removal of certain bison. By the mid-1950's the herd was found to be free of brucellosis. This gives hope for the use of vaccinations to control the brucellosis problem. **REP. ELLIOTT** stated the cattle in the surrounding area also got rid of brucellosis when the herd did. **Dr. Ferlicka** could not give information to support the Representative's statement. **REP. ELLIOTT** declared it was possible for brucellosis to be spread from bison to cattle via a third party, such as deer. He asked for the doctor's opinion. **Dr. Ferlicka** disagreed. In his experience, deer are not a preferred host.

Closing by Sponsor:

SEN. BIANCHI stated he supported the Montana Wildlife Federation amendments. Bison hunting did occur before 1985. During the 1960's bison were hunted and were considered a big game species. He supported killing the bison inside the park but does not believe it would be possible. He commented that moose and bighorn sheep are not major hunting challenges. A decision should be made on who sets the policy for the state regarding the issue, whether it be the legislature, Department of Livestock, or the Fish, Wildlife, and Parks Department. He felt the legislature should set the policy.

HEARING ON SB 199

Opening Statement by Sponsor:

SEN. BIANCHI, Senate District 39, Belgrade explained SB 199 extends the sunset on the critical Wildlife Habitat Acquisition program from 1996 to 2006. Two years ago the legislature introduced HB 526, which allocated money from big game hunting licenses, mostly from nonresidents, for leasing, purchasing, or easements which provide wildlife habitat.

Proponents' Testimony:

Mr. Jim Richard, Montana Wildlife Federation distributed written testimony (EXHIBIT 12).

Mr. Stan Bradshaw, Montana Bowhunters urged the committee's support of SB 199.

Mr. Pat Graham, Director of the Fish, Wildlife, and Parks Department distributed written testimony (EXHIBIT 13).

Mr. Bill Holdorf, Skyline Sportsmen's Club expressed the organization's support of the bill.

Mr. L.F. Thomas, Anaconda Sportsmen's Club declared the organization strongly supported SB 199.

Opponents' Testimony:

Mr. John Youngberg, Montana Farm Bureau expressed the organization's opposition to SB 199.

Mr. John Bloomquist, Montana Stockgrower's Association wondered why legislation was being presented now when the original bill does not sunset until 1996. He did not support the bill.

Informational Testimony: None.

Questions From Committee Members and Responses:

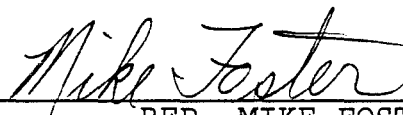
REP. HANSON asked Mr. Graham how much of the money used by the program is generated by out-of-state license fees. Mr. Graham replied approximately 95% of the funds were provided by out-of-state licenses.

Closing by Sponsor:

SEN. BIANCHI explained the process of acquiring land requires a lot of time and planning. The Department must complete economic analyses, tax statements, and environmental analyses before property can be acquired. He felt this was a property rights bill because the only way the Department can buy, lease, or acquire an easement is if there is a willing seller. He read a letter regarding a Prickley Pear Sportsmen's meeting in East Helena. The letter expressed hunters' concerns about shrinking hunting access, preserving the sport, and having places to be able to take their children. They want to buy land before outfitters, commercial interests, and the out-of-state rich buy all of Montana. He thanked the committee for their time.

ADJOURNMENT

Adjournment: 5:00 p.m.



REP. MIKE FOSTER, Chair



MARY RIITANO, Secretary

HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

ROLL CALL

DATE 3-4-93

NAME	PRESENT	ABSENT	EXCUSED
VICE-CHAIRMAN CHASE HIBBARD	X		
VICE-CHAIRMAN BOB REAM	X		
REP. BARNHART	X		
REP. CLARK	X		
REP. DAILY	X		
REP. ELLIOT	X		
REP. GRIMES	X		
REP. HANSON	X		
REP. KNOX	X		
REP. MCCARTHY	X		
REP. MOLNAR	X		
REP. ORR	X		
REP. RYAN	X		
REP. SWANSON	X		
REP. WAGNER	X		
CHAIRMAN MIKE FOSTER	X		

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MONTANA WILDLIFE FEDERATION

PROPOSED AMENDMENTS TO SB 200 (Third Reading Copy)

1. Page 1, line 10
Following: "AN ACT"
Strike: "REQUIRING"
Insert: "ALLOWING"
2. Page 1, line 20
Following: "and [section 2]"
Strike: "require"
Insert: "authorize"
3. Page 2, line 17
Following: "should"
Strike: "MUST"
Insert: "SHOULD"
4. Page 2, line 23
Following: "is"
Strike: "responsible for and shall"
Insert: "AUTHORIZED TO"
5. Page 3, line 12
Insert: "(4) THE DEPARTMENT OF FISH, WILDLIFE AND PARKS AND THE DEPARTMENT OF LIVESTOCK ARE STRONGLY URGED TO COMPLETE 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 4, line 3
Following: "(1) The department"
Strike: "shall"
Insert: "IS AUTHORIZED TO"
7. Page 7, line 4
Following: "APRIL 1, 1995"
Insert: "OR AFTER COMPLETION OF THE ENVIRONMENTAL IMPACT STUDY, WHICHEVER IS THE EARLIER DATE."

MONTANA WILDLIFE FEDERATION

Testimony of Jim Richard: SB 200
House Fish and Game Committee

Development of Long Range Management Plan:

- Currently, FWP, Dept of Livestock, National Park Service, Forest Service, and APHIS preparing a long range management plan as part of an environmental impact study; the plan is expected to be completed this spring or summer.

A citizens' working group -- sportsmen, GYC, landowners, Forest Service, Yellowstone Park, Dept of Livestock, FWP -- developed a workable management plan that could be incorporated into the multi-agency long range plan;

Citizens' management plan called for trapping and slaughter and hunting in certain areas where public land now exists as a means to initially reduce the population in the Park. Over the course of a number of years, as political acceptance increased, leases, easements or land purchases would allow hunting to be incorporated on private lands; the Forest Service and NPS committed to support and participate in this proposal if enacted;

A number of points:

- SB 200 recognizes the present preparation of the EIS and long range management plan; the bill's implementation would be delayed until completion of the EIS
- SB 200 would not reinstate the "border patrol" approach of the 1980's; rather it would institute a true sport hunting situation, where seasons would be set, hunting districts would be established, limited permits would be issued through a drawing, a hunt would take place just as is done now with moose, sheep and mountain goats.
- Yellowstone bison represents the only opportunity in the lower 48 states to maintain a truly wild bison population;

If we are to manage the Yellowstone bison as a truly wildlife population, then we must minimize husbanding the animals as if they were Herefords -- trapping, loading, trucking, culling, poking, prodding like milk cows.

Whenever wildlife numbers need to be reduced, sport hunting has always been the time-honored, honorable means of regulating numbers. These are majestic animals, and they should be treated with the dignity that we treat all wildlife.

Wildlife management is quite imprecise. But it is that very impreciseness (imprecision?) that separates wildlife management from livestock husbandry, and that helps keep the "wild" in wildlife.

It is hypocritical to laud bison as symbolic of the West, then load these animals into trucks to arrive at a slaughterhouse dead, or battered.

- If MT is to have any chance of managing Yellowstone bison as part of a more natural ecosystem, we will need the political and financial support of sport hunters. Sport hunters are the only interest group willing to spend the money necessary to lease or buy land to provide for sound management.

Opponents of bison hunting will make arguments, most that do not wash with reality.

- They will decry adverse publicity, citing the false propaganda perpetrated by animal rights groups at the "disease control program" of the 1980's.
 - Fund for Animals has opposed any means of controlling bison numbers -- culling by wardens, use for research, etc.
 - Animal rights groups will use any hunting of any species for fund raising and propaganda -- grizzly bears, black bears, mountain lions. If none of that works they will go back to publicizing baby seals.
 - the overriding consideration must be sound wildlife mgmt
 - mgmt decisions must be based on biological and resource considerations, not on vulnerability to bad press
- Opponents have said that the handful of bison that hunters might shoot each year is not enough sportsmen's opportunity to justify all the adverse publicity
 - shooting a handful of bison is not the issue here; managing bison as a wildlife species, and maintaining the cardinal principle that hunting is an integral part of wildlife management is the issue.
- Many opponents believe that bison hunting is not sport hunting. Everyone has their own values regarding what is sport hunting, but it is important to remember that SB 200 will not reinstitute the "firing line" situation.

TESTIMONY

SENATE BILL NO. 3 & NO. 200

JAMES D. RECTOR

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,

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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

SB 200
March 2, 1993

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

SB 200 requires the hunting of wild buffalo whenever possible. It strikes reference to the cooperative study the 1991 legislature directed us to initiate, which is currently in progress. It provides an effective date of April 1, 1995.

We oppose this legislation for several reasons. First, it is premature. Second, it may jeopardize the objectivity which is essential in completing the long-range plan and programmatic EIS by mandating the use of hunting. Third, it confuses the role of the state to protect the livestock industry from the spread of brucellosis with a mandate to utilize hunting whenever possible.

Before I speak to these points, I want to clarify that I did not come here to debate whether or not it is appropriate for the public to shoot bison as they leave Yellowstone Park. The Montanans 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.

A representative of the Fund for Animals stated that the Yellowstone bison "hunt" helped launch their organization to the top of the animal rights groups. While that certainly was not our

intention, it was the result. They were able to exploit people's feelings about Yellowstone and the slow moving bison - and it all happened in clear view of the TV cameras. The issues were lost in a debate about whether shooting bison is hunting.

We went to court in 1991, represented by the Attorney General's office, to defend our right to control bison. We were successful. This allowed us to move the program forward on our own terms.

When the legislature suspended the hunt in 1991, it provided us the opportunity to draw federal agencies from the sidelines and into the process. It has also focused public attention on the need to control the number of Yellowstone bison, which had not occurred until that time.

This brings me to the three points you should consider:

First, this bill is premature.

The long-range plan and EIS process were initiated in partnership with the National Park Service, U.S. Forest Service and state departments of Fish, Wildlife & Parks and Livestock. The process has moved slowly because of disagreements between APHIS (the federal agency responsible for brucellosis and other disease certifications) and the U.S. Park Service. Those disagreements appear to be resolved and we are back on track. A draft EIS should

be out this summer.

The April 30, 1995 implementation date recognizes this fact. There will be adequate time for the 1995 legislature to do what needs to be done.

Second, mandating the use of hunting by the state could jeopardize the objectivity of the EIS, making it more vulnerable to legal challenge. We have been to court three times and won. APHIS was just taken to court and lost its attempt to further study the brucellosis issue by capturing bison outside the park. Court challenges to the EIS can be expected. We do not want to give possible litigants any grounds to build a court case by undermining the credibility of the EIS. We have discussed this with attorneys from the Attorney General's office and they agree this bill could provide a basis for such a court action.

Third, this is a very complex issue because of the roaming nature of bison, the differing geography and landownership, the conflicting public mandates of the agencies, and disagreements about the "facts."

Hunting may not be compatible with the mandate to prevent the spread of brucellosis to livestock. That is not to say that public participation in a controlled hunt is not possible in some form. But what happens when 100 to 200 bison leave the park headed toward Livingston? How far do we let them go? What if too few hunters

show up?

The statement of intent says they will be managed on a sustained annual yield similar to other big game animals and that department-guided hunts are inappropriate. Is it the intent of the legislature to establish free-roaming bison populations outside of Yellowstone Park? How are we to protect property from damage and control brucellosis?

This situation is not like any other we face. It is a fallacy to compare it to an elk hunt. The circumstances are grossly different. If it were that simple we would have been managing these animals that way years ago. They tried. It failed.

Even the citizen alternative that was presented to us recommended hunting as only a small part of the control effort. Trapping, testing and slaughtering diseased animals both inside and outside the park was the principal method of control recommended.

The bison controversy fell into the laps of the 1991 legislature following two years of extensive, negative national and international exposure, and physical conflicts among people. We are doing our level best to work through the complexities in a legally defensible manner. All we ask is the chance to complete the job we were directed to do in 1991.

EXHIBIT 5
DATE 3/4/93
~~HB~~ 200

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.

Cork

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

3-4-93

SB 200

EXHIBIT 6
DATE 3/4/93
SB 200

Mr. Chairman, Members of the Committee, I am Nancy Espy, Vice-Chairperson of the Board of Livestock - Cattle Producer.

The Board of Livestock is opposed to SB200 Section 1 & 2, that asks for hunting of buffalo.

The Department of Livestock has statutory authority to regulate buffalo in this state that pose a threat to persons or livestock in Montana through the transmission of contagious disease.

At this time, we have an interim management plan with Fish, Wildlife & Parks. While the EIS - as directed by HB 390 is being prepared by the State of Montana and the National Park Service to enter into an agreement for long term management of Yellowstone National Park bison, Montana's livestock industry could be jeopardized by Brucellosis infected bison from Yellowstone Park which could threaten the economic well being of Montana's livestock producers.

The Board is concerned about hunter safety in the field with the possible transmission of Brucellosis from bison to human in the form of undulant fever.

We are further concerned with the possible reaction of the anti-hunter groups that could use the bison hunts as a demonstration field and subject the State of Montana to adverse publicity.



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

EXHIBIT 7
DATE 3/4/93
SB 200

**SB 200 • House Fish and Game Committee
March 4, 1993**

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

This association stands in opposition to 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 the forces of 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.

In some ways, we are so isolated here in Montana, and we think we can thumb our noses at the rest of America because 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 of Americans have been brought up on a Walt Disney diet and do 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 living color, someone called a hunter shoot that big, shaggy national symbol, who just stands there watching 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 next step is to fall into line with those who advocate animal rights.

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 8
DATE 3/4/93
\$B 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.

EXHIBIT 9
DATE 3/4/93
SB 200

Testimony for House Committee for Fish & Game
SB No. 200
Jay Ramlo
1 Capital Ct.
Helena, Mt. 59601

Mr. Chairman, members of the committee:

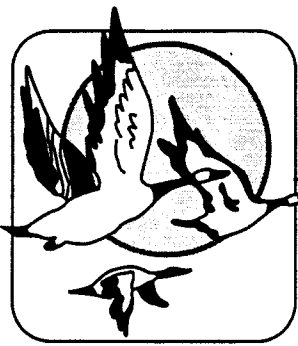
My name is Jay Ramlo, I am a Hunter Education Instructor of 20 years and have served as Chief Instructor of Lewis & Clark Co. for 16 years. I have also been an active hunter for 35 years.

I oppose this bill for two different reasons. In 1991 the Montana Legislature passed HB 390 effectively stopping bison in Montana. The effect of HB 390 was that Montana Dept. of Fish, Wildlife & Parks, Montana Dept. of Livestock and the National Park Service would develop a management plan. This management plan should be given a chance to work before any attempts are made to "fix it".

My second reason is that a repeat of the 1989-90 bison shoot would only add fuel to the Anti-Hunter's cause. We sportspersons cannot ethically shoot a park bison; that has been forced out of Yellowstone Park by winter snow; in front of 11 million viewers of the evening news and call it sport. We hunters can not afford to let ourselves be part of the spectacle of the great bison hunt that is used as campaign material by the various anti-hunting groups. The eighty percent of the population who have no feelings about hunting could easily be converted to anti-hunters by our very action.

As a Hunter Education Instructor I have spent many hours explaining to young people the value of improving the image of hunters and hunting. We hunters in Montana should not continue to provide a forum for various anti-hunting groups. I urge you to oppose this bill.

Thank You



Montana Audubon Council

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

EXHIBIT 10

DATE 3/4/93

SB 200

3/04/93

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

Chairman Foster, members of the committee. My name is Mark Daspit and I represent the Montana Audubon Legislative Fund. I am here to oppose Senate Bill 200.

Audubon recognizes that the bison do need to be managed. Currently, there is an Environmental Impact Study that is researching a long term management plan of the bison.

While hunting the bison, whether by the department or by private hunters, has been deemed the short term management plan, it is not certain that hunting will be the long term management plan put forth by the EIS.

Senate Bill 200 requires the department to implement the hunt whenever possible. This specifically presumes that hunting will be the long term management plan that will be advocated by the EIS, when in fact many options are being considered.

Audubon will support this bill if the amendments proposed by the Montana Wildlife Federation are accepted. We feel that it is imperative that the EIS is recognized in this bill.

If the amendments are not accepted, then we encourage you to let the EIS be completed before any long range plans are made.

Thank You,

Mark E. Daspit



Recycled Paper

EXHIBIT 11

DATE 3/4/93

BB 199

Report to the 53rd Montana Legislature

The Progress of Yellowstone Park Bison Management

Prepared by

Department of Fish, Wildlife and Parks
and

Department of Livestock

as required by HB 390

December 1992

BACKGROUND

The 52nd Montana Legislature adopted House Bill 390. This legislation eliminated the sale of special wild buffalo hunting licenses, while establishing: (1) the bison as a game species in need of management; and (2) management duties for the Departments of Fish, Wildlife and Parks (FW&P) and Livestock (DOL).

In addition, HB 390 urged the State of Montana and the National Park Service (NPS) to enter into an agreement for long-term management of Yellowstone National Park (YNP) bison and required that a bison management progress report be submitted to the 53rd Legislature.

Accordingly, Montana continues to work with YNP and Gallatin National Forest officials to develop a plan that will: (1) prevent the transmission of brucellosis from bison to domestic livestock, and (2) control bison numbers in an appropriate manner.

Because management of YNP bison is an international issue, the task is not a simple one. Public debate has focused primarily on three matters of concern: (1) regulation of bison numbers, (2) disease control, and (3) hunting.

HB 390 also suspended bison hunting in Montana which was first established in 1985. Well-organized and vehement anti-hunting activities raised concerns over the safety and welfare of hunters. The need to provide increased security and to address growing media attention increased the costs of the control program. The international media attention also fueled the anti-hunting movement's fund-raising drives and was used to damage the image of hunters and sport hunting.

HB 390 aided the management plan process by shifting the heated public debate away from hunting and to the heart of the problem: the over-population of bison in YNP and the need to control brucellosis, a disease that affects the reproductive capability of domestic cattle and causes ungulate fever in humans.

The appropriateness of the bison hunt remains a matter of controversy among many of Montana's sportsmen and sportswomen. This is one of many issues that will be addressed in the management plan. However, during the 1991-92 migration of bison from YNP to Montana, bison were controlled by state and federal officials and the scant media attention paid to control efforts tended to focus on problems associated with disease control and the over-population of bison in YNP.

INTERIM MANAGEMENT PLAN

The Interim Bison Management Operating Plan for the winter of 1990-91 was adopted by YNP, Gallatin National Forest, FW&P, and DOL. The interim plan was in effect in 1991-92 and will remain in effect until a long-term plan is approved.

Montana has a threefold interest in the control of YNP bison: (1) to prevent the spread of brucellosis to domestic cattle; (2) to reduce damage to personal property; and (3) to reduce threats to human health and safety.

The Interim Bison Management Plan defines specific responsibilities for YNP, FW&P, and DOL. Among the responsibilities outlined in the interim plan are: media relations and public information; monitoring bison activity; hazing bison back into YNP; shooting bison; analyzing blood and tissue samples; and more.

As an addendum to the interim plan, agreements were established with the Northern Cheyenne Tribe and other Montana Indian tribes. These agreements authorize tribal participation in field dressing carcasses, transporting and distributing bison meat to tribal members. On the reservations, Indian Health Services distributes the food to those in need.

COURT CHALLENGE

Montana's authority to control bison and the legality of the Interim Bison Management Plan were challenged in federal court by the Fund for Animals, an anti-hunting and animal rights organization. The District Court ruled that the interim plan complied with the National Environmental Policy Act and that Montana indeed had the authority to control bison. The District Court's decision was successfully defended in the Ninth Circuit Court of Appeals.

MANAGEMENT COSTS AND REVENUES

Expenditures for implementing the Interim Bison Management Plan vary depending upon: (1) the frequency and number of bison moving from YNP; and (2) the cooperative efforts of NPS and Indian reservation officials. Revenues also vary depending on the number of bison sold at public auction. In 1991-92, FW&P's direct and indirect bison-control costs were about \$55,000. These costs, however, were offset by the sale of bison carcasses, heads, and hides which generated about \$58,000 in revenue. Some 170 bison were processed by Montana Indian tribes and an additional 100 bison were auctioned to the public at FW&P facilities in Bozeman and Helena.

By comparison, even though residents paid \$200 and nonresidents paid \$1,000 to participate in Montana's bison-control efforts, between 1988 and 1990--when more than 600 bison were killed by hunters--Montana's bison-control activities cost the state about \$200 per animal, over and above license revenues. These costs were also increasing due to the need for security to ensure public safety and to oversee media interests.

DOL expenditures, meanwhile, totaled about \$37,000. These costs were incurred primarily for sampling bison for brucellosis, including some costs for butchering.

RULEMAKING

HB 390 required FW&P to develop rules for: (1) a program designed to manage wild bison that threaten property or persons in Montana; and (2) to manage and reduce the number of wild bison that leave YNP. In addition, HB 390 required DOL to regulate wild bison that pose a disease threat to persons or livestock.

FW&P's participation in bison-control efforts continues to be carried out under existing game damage authority. Additional rules, if necessary, will be developed when the long-term management plan is approved.

DOL, however, did develop rules for the control of migratory bison from herds that have a dangerous disease. These rules require that YNP bison that migrate from herds exposed to or affected with brucellosis be removed or shot. The rules also define appropriate methods for disposal of bison carcasses, including delivery to an approved slaughterhouse.

LONG-TERM MANAGEMENT PLAN

A long-term management plan and environmental impact statement are being developed by YNP, the Gallatin National Forest, the federal Animal Plant Health Inspection Service (APHIS), and the State of Montana. The plan is being developed under National Environmental Policy Act and Montana Environmental Policy Act provisions.

The plan is advancing, but progress has been slowed due to apparently conflicting federal rules regarding management of wild bison infected with a contagious disease. NPS and APHIS officials, however, appear to be close to rectifying the their respective rule conflicts.

To date, the multi-agency planning team has completed a public scoping process confirming that YNP bison management is a controversial, international issue. The planning team heard diverse opinions regarding: (1) the general appropriateness of killing bison; (2) the likelihood of brucellosis being contracted by domestic livestock; (3) the propriety of private vs. public responsibility to manage such a health risk; (4) the appropriateness of natural regulation of bison in YNP; (5) the role of predators; and, (6) the appropriateness of using hunters to kill bison.

A guide for the long-term bison management plan will be the environmental impact statement which will objectively evaluate all bison-management alternatives and how they correspond to the issues above. If the agencies adhere to their schedule, a draft plan and EIS should be released for public comment by May 1993. A final plan and EIS would follow in six to eight months. Following additional public comment, the final management plan would be documented in "The Record of Decision," which would be issued two months later. A tentative completion date, therefore, is May 1994.

Some bison-management alternatives currently being discussed are:

- **No Action**--bison would be prevented from leaving YNP using methods described in the Interim Bison Management Plan.
- **Control Within YNP**--measures would be taken to control bison *within* the YNP boundary;
- **Brucellosis Eradication**--a variety of methods would be employed to eradicate the disease from YNP.
- **Bison Management Areas**--management areas would be established on the periphery of YNP, where a limited number of bison would pose no immediate risk of disease transmission, property damage, nor pose threats to human health and safety. Measures would be used within management areas--and contiguous YNP lands--to: (1) remove diseased bison; (2) control bison numbers; and (3) prevent bison from leaving bison management areas.
- **Public Hunting**--by incorporating the bison management area idea, provisions for public hunting and habitat enhancement have been suggested.
- **Landowner Responsibility**--neither state nor federal agencies would interfere with the migration of bison from YNP; landowners would protect their properties from damage and their livestock from exposure to brucellosis. Officials would, however, remove bison that are deemed serious risks to property or human health and safety.
- **Non-Lethal Control**--methods would be employed to discourage the migration of bison from YNP.

These alternatives are intended to guide the analysis that will be included in the EIS. The alternatives are not listed in an order of priority, nor has a preferred alternative been identified.

ISSUE ASSESSMENT

In the 1950s and '60s, when YNP directly controlled ungulate--or hoofed-mammal--populations, bison numbers were kept between 400-1,000. In the late 1960s, YNP policy changed from one of active wildlife management to one that allows nature to regulate animal numbers. Today, there are about 3,000 bison in YNP. The idea of natural regulation of all animals within YNP has itself become a controversial notion. And whether or not natural regulations is an appropriate management philosophy for bison is a matter of considerable debate. The question is, Can natural regulation *naturally* occur within an area defined by *artificial* boundaries? Many argue that YNP bison will continue to move outside the national park's boundaries unless their numbers are reduced. Still, many others argue that natural regulation does occur within the bison population segments that remain entirely within YNP. And yet bison that leave YNP are

primarily regulated by the control actions taken by state and federal officials at the YNP boundary.

Eradication of brucellosis from YNP bison is technically achievable, but whether it can be accomplished in a socially- acceptable manner remains a question. Eradication would likely require: (1) extensive testing *and* slaughtering of YNP bison; (2) elimination of several winter elk-feeding grounds south of Grand Teton National Park; and (3) intensive efforts to control brucellosis at the National Elk Refuge near Jackson Hole, Wyoming. Eradication of brucellosis is an issue that is much broader than the scope of HB 390. This issue will likely be addressed in a subsequent EIS.

MONTANA WILDLIFE FEDERATION

TESTIMONY OF JIM RICHARD: SB 199
House Fish and Game Committee

Several Points:

- This a program conceived and pushed by citizens and sportsmen, and paid for by sportsmen; This is not an agency program in the traditional sense; FWP is merely the vehicle for implementing the program.
- 526 is not a runaway acquisition program; 44,000 acres have been purchased, 62,000 leased or under easement; the total acreage owned by FWP is 251,000 acres -- equivalent to a tablespoon out of a 5-gallon pail of water.
- The facts show that loss of tax revenues is so negligible as to be a non-argument.
- Most of the properties have been protected under transactions that have provided broad benefits:
 - Dome Mountain -- land was purchased with a funding package that included 526 monies, Pittman-Robertson, and Land and Water Conservation funds; the purchase was strongly supported by Governor Stephens and the FWP Commission;
 - landowners, who did not have viable livestock operations in the Gardiner area, were able to use the money from the sale to purchase sound, viable livestock units near Red Lodge.
 - the Brewer ranch, while controversial, may prove to be somewhat of a model -
 - public land converted to private land under easement,
- Grazing is allowed on 6 of the 8 properties protected under 526.
 - Waples (680 acres) is too small for grazing
 - Grazing may be arranged for Dome Mtn in the future
- Proper circumstances for each of the three means of securing habitat:
 - purchase for long term, cost-effective investment
 - leases and easements for narrow "window of opportunities;" leases can be used to 'buy time' to arrange complex, long term arrangements involving easements or purchase

- **Some misrepresentation of intent of HB 526:**

- **Statement of Intent of HB 526: "While it is preferable to acquire such interest through lease or conservation easement, the legislature acknowledges that the willing seller will determine the manner by which such interest is obtained and thus provides for all three alternatives."**

- **Legislative intent respects the operation of the private market by ensuring that the willing landowner maintain his rights to determine how the property will be secured.**

- **We need an extension of the "sunset," especially if the Department gives more emphasis to leases and easements, because these options often require on-going annual payments from the trust fund, and assurance that the program will be continuing and revenues will be generated will vital to executing leases in the future.**

EXHIBIT 13
DATE 3/31/93
SB 199

SB 199
March 4, 1993

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

SB 199 extends the sunset provision of the wildlife habitat acquisition program to the year 2006. This issue has been debated in the legislature before. In fact, this debate in the 52nd legislature resulted in the passage of SB 252.

SB 252 required a comprehensive study of the wildlife habitat program with a report to this legislative body - which we provided you earlier. In addition, it moved the sunset provision from 1994 to 1996.

As part of the comprehensive study, both consultants - Econ, Inc. and Canyon Consulting, Inc. - addressed many components of that legislation, including the sunset provision, and provided recommendations to the department. Both consultants recommended that it either be eliminated or its term extended to at least 10 years.

As recommended by the consultants, the department and commission reviewed all the proposed amendments to the habitat program. Other potential amendments included combining the habitat acquisition and upland bird programs and changing funding allocations. The

department and the commission determined it was more important to implement policy and administrative changes to its habitat program through rule making and public involvement prior to proposing additional amendments to the law.

With appointment of the new commission members, we will develop a policy for public review that provides overall direction for the department's habitat program. In addition, the department is developing clearer objectives for the program and the necessary management structure to accomplish those objectives. For example, earlier this session I made a commitment to expand our efforts to secure conservation easements and leases through a partnership with private, nonprofit organizations having expertise in easements and working with landowners.

Extension of the sunset date will allow us to implement these changes and provide a sound basis for evaluation of the program.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Fish & Game

COMMITTEE

BILL NO.

199

DATE 3/4/93

SPONSOR(S) Bianchi

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bill Holdorf	Skyline Sportsmen	✓	
L. F. Thomas	Ansondee Sportsmen	✓	
J. W. Kennett	Mont. Wildlife Federation	✓	
Stan Bradshaw	MT. Bowhunters Ass'n	✓	
Janet Ellis	MT Audubon	✓	
Galt Van Der Vere	Self	✓	
John E. Youngberg	MT F&W Bureau		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Fish & Game

COMMITTEE

BILL NO. 200

DATE 3/4/93

SPONSOR(S) Bianchi

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
CLAN D. Johnson	Montana Outfitters & Guides Assn		X
Jay Ramlo			X
Bill Holdorf	Skyline Sportsmen	✓	
L. F. Thomas	Anaconda Sportsmen	✓	
Nancy Egan	Mt Board of Hunters		✓
Mark Karp	MT. Audubon Ig. Fund		✓
J.W. Bennett	Mont Wildlife Federation	✓	
Stan Bradshaw	MT. Bowhunters Assn		✓
Jim Burnett	Burnett Park, etc	✓	
Dr. Van Dethlefsen	MT	✓	
John Youngberg	MT Farm Bureau		✓
John Blomquist	Mt. Stodgers		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.