

April 20, 2021

The Honorable Greg Gianforte
Montana Office of the Governor
P.O. BOX 200801
Helena, MT 59620-0801

Sent via email to governor@mt.gov, Michael.Freeman@mt.gov and Misty.Kuhl@mt.gov

RE: Request to veto bison bills, HB 318 and HB 302

Governor Greg Gianforte:

The Tribes and nongovernment organizations represented here respectfully request you VETO **House Bill 302, “require county approval to relocate bison”** and **House Bill 318, “clarify definition of bison.”**

Those signing this letter have worked for decades on a path toward restoring wild bison to Tribal lands and appropriate public lands in Montana. HB 318 and HB 302 will constrain the ability of Tribal nations and Montana Fish, Wildlife & Parks to restore bison and with them, Montana’s wildlife and cultural heritage. When polled, more than 75 percent of Montanans supported restoring wild bison to lands in Montana. (See polls below.)

Montana Tribes have led the way in restoring bison in Montana. All Montana Tribes have buffalo herds that promote cultural and spiritual restoration, food sovereignty, and economic development. However, House Bills 302 and 318 threaten those efforts through the unlawful delegation of state powers and the restrictive definition of wild bison.

House Bill 302, Require County Approval to Relocate Bison, enables individual counties to decide whether to restore bison in a respective county, usurping Montana Fish, Wildlife and Park’s authority and role as the state’s wildlife agency. This bill also tarnishes Montana’s wildlife stewardship legacy that is world renowned for the agency to manage the species under the Public Trust doctrine.

HB 302 runs counter to existing statute, 7-1-111, MCA, that prohibits counties from exercising “any power that applies to or affects...Title 87”, the fish and wildlife title of the Montana Code. It also sets a dangerous precedent for fish and wildlife management. In addition, current statute requires the Montana Department of Fish, Wildlife and Parks to hold a public comment process in the county where a bison restoration project is proposed (MCA 87-1-216), ensuring the county, as well as local constituents and communities are an integral part of any bison restoration effort.

There are parts of 19 counties within Montana sovereign tribal nations. This bill will lead to confusion over jurisdictions, particularly with tribal sovereignty and tribal efforts to grow their cultural herds on their lands in those counties. Additionally, HB 302 could potentially be improperly used by counties to attempt to halt transfers of bison from federal lands to tribal reservations, particularly since the bill notes that only “qualified” tribal entities may receive bison. This could threaten important state-tribal relations.

HB 302 weakens the role of our professional wildlife managers. Counties do not have wildlife managers in place to inform good decision-making. Instead of relying on counties to make wildlife restoration decisions, Montana should work harder to build trust and public engagement in our existing wildlife management processes.

House Bill 318, Clarify Definition of a Bison, replaces the bison definition that has been in place since at least 2009 with a definition that ensures very few—if any—bison will qualify as “wild” in Montana. Thereby constraining state, federal (Yellowstone bison), and tribal efforts to establish or supplement any conservation herd in Montana.

House Bill 318 defines wild bison as a bison that (a) has not been reduced to captivity; (b) has never been subjected to the per-capita fee under 15-24-921; (c) has never been owned by a person; and (d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921. It undermines wildlife laws and policies that have been in place for decades and state and tribal restoration efforts.

This bill creates a confusing set of rules that will complicate bison recovery in Montana. Specifically, it will jeopardize the Tribes and public bison hunt north and west of Yellowstone, halt the establishment of new wild bison herds, and impede tribal treaty hunting rights in Montana.

Both of these bills weaken the authority of Montana Fish, Wildlife and Parks to manage our state’s wildlife and disregard the more than 75 percent of Montanans who support restoring wild bison to tribal and public lands in Montana. Thus, the undersigned Tribes and nongovernmental organizations respectfully request you veto **House Bills 302 and 318**.

Thank you for considering this request. We would also like to request a meeting to discuss bison management in Montana with you or your staff.

Sincerely,

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Andy Werk Jr., President
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Timothy Davis, Chairman
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Greater Yellowstone Coalition
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Natural Resources Defense Council
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Summer Nelson, Director
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Missoula, MT 59807

Dave Pauli, Program Manager Wildlife Conflict Resolution
The Humane Society of the United States
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Billings, MT 59106

Don "Doc" Woerner, DVM
Laurel East Animal Center
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Laurel, MT 59044

Brent Brock, Northern Rockies Landscape Lead, Rocky Mountains Program
Wildlife Conservation Society
1050 East Main Street, Suite 2
Bozeman, MT 59715

January 7, 2015

To: Interested Parties
From: Ben Tulchin, Ben Krompak, and Kiel Brunner; Tulchin Research
Re: **Poll Finds Strong Support for Protecting Bison in Montana**

Tulchin Research recently conducted a survey among 500 registered voters in the state of Montana on behalf of Defenders of Wildlife in order to assess public attitudes toward bison and various public policy approaches to their management and restoration. Our research finds that Montana voters overwhelmingly support managing bison as wildlife, back state efforts to restore wild bison populations in the state, and strongly reject anti-bison bills being considered by the Montana Legislature.

Montana Voters Hold Highly Favorable Views of Bison

Our polling finds that Montana voters hold bison in high esteem. Bison are viewed favorably by more than eight in ten Montana voters (81%) – including a majority (51%) who view them very favorably – while just 4 percent of voters hold unfavorable views of bison.

Voters See Bison as Wildlife and Strongly Support Managing Them Like Other Wildlife

Voters overwhelmingly view bison as wildlife rather than as livestock and support managing them as wildlife. Asked whether they think of bison as wildlife or as livestock, over two-thirds of voters (68%) say they view them as wildlife to just 15 percent who view them as livestock and 15 percent who say both. And by a 3-to-1 margin, voters believe that “wild bison should be managed like deer, elk and other wildlife,” with 72 percent of voters saying they agree with this statement to just 24 percent who disagree.

Voters Overwhelming Back State Bison Restoration Efforts

Efforts by Montana Fish, Wildlife and Parks (FWP) to restore wild bison populations in the state find strong, broad-based support from voters. Nearly eight in ten voters support restoring wild bison populations on public lands (76% support) and on tribal lands (78% support). Additionally, two-thirds of voters (67%) say they support efforts to relocate bison from Yellowstone National Park to start herds in other parts of the state.

<u>Voters Support Bison Restoration Efforts in Montana</u>		
<i>“Would you support or oppose...?”</i>	Total Support	Total Oppose
The Montana Fish, Wildlife and Parks Department restoring wild bison on some of Montana’s public lands	76%	21%
Efforts of tribes to restore wild bison populations on tribal lands	78%	17%
Efforts to relocate disease-free bison from Yellowstone to start new herds in other parts of Montana	67%	26%

In line with voter support for protecting bison and managing them as wildlife, a large majority of Montana voters agree that “wildlife management decisions regarding native wild bison should be made by biologists at Montana’s Department of Fish, Wildlife and Parks and not by county politicians.” When presented with this statement making the case for a consistent statewide approach to bison management, nearly three quarters of voters (74%) indicated they found the statement to be convincing.

Voters Decisively Reject Anti-Bison Legislative Proposals

Proposals aimed at reducing Montana’s bison population or restricting restoration efforts are met with strong opposition from voters in the state. Specifically, voters overwhelmingly reject proposals to reclassify all wild bison as livestock (76% opposed, including 51% *strongly* opposed) and to prohibit the establishment of any wild bison in the state (63% opposed). Voters oppose allowing private landowners to shoot bison that enter onto private land (60% opposed) and oppose establishing a year-round hunting season for bison (59% opposed).

<i>Voters Reject Anti-Bison Legislative Proposals by Wide Margins</i>		
<i>“Now I’d like to read you some different policy proposals relating to bison that are being considered this year by state lawmakers. Please tell me if you would support or oppose each.”</i>	Total Support	Total Oppose
Reclassify all wild bison in Montana as livestock so they are managed as livestock instead of as wildlife	18%	78%
Prohibit the establishment of any wild bison population in the state of Montana	29%	63%
Allow private landowners to shoot any wild bison that enter onto private land	35%	60%
Establish a year-round hunting season for bison in Montana	34%	59%

Conclusion

In conclusion, our research finds that Montana voters greatly value bison in their state and strongly support efforts to restore them in the wild. Voters believe that bison should be managed like other wildlife, back efforts to restore bison populations to public lands and tribal lands, and support relocating bison from Yellowstone to establish new herds in the state. Additionally, voters overwhelmingly reject proposals currently before the Montana Legislature that would treat all bison as livestock rather than wildlife and that would otherwise undermine Montana FWP and tribal efforts to restore bison populations.

Survey Methodology: From December 17-21, 2014, Tulchin Research conducted a telephone survey using professional interviewers calling both landlines and cell phones among 500 registered voters in Montana. The margin of error for this survey is +/- 4.38 percentage points.

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