

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By Chairman Bob Bachini, on January 9th  
1989, at 3:00 p.m.

ROLL CALL

Members Present: All with exception listed below:

Members Excused: Rep. Jim Elliott, Rep. Linda Nelson

Members Absent: none

Staff Present: Connie Erickson, Legislative Council and  
Maureen Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON HOUSE BILL 50

Presentation and Opening Statement by Sponsor:

Rep. Cobb: presented the Committee with HB50's text. He stated that the bill duplicates the Fish, Wildlife and Parks present bill for predator kill. With the exception of the change of the reimbursement noting that section 10 of HB 50 should read \$500 thousand rather than \$50 thousand. (See Exhibits numbered 2,3, and 4.)

List of Testifying Proponents and What Group They Represent:

Mr. Bob Gilbert/ MT. Woolgrowers Association, (See Exhibit #3)

Mr. Jerry Jack/ MT. StockGrowers Association, Helena

Ms. Lorna Frank/ MT. Farm Bureau Federation, Helena (See Exhibit #5)

Mr. Don Converse/ landowner from the Augusta area

Ms. Kay Nordberg/ Women Involved In Farm Economics, (See Exhibit #1)

List of Testifying Opponents and What Group They Represent:

Mr. Ron Marcoux/ Dept. of Fish, Wildlife and Parks, Helena  
(See Exhibit #6)

Ms. Janet Ellis/ MT. Audubon Society Legislative Fund,  
Helena (See Exhibit #7)

Mr. Tony Schoonen/ MT. Wildlife Federation, Helena

Testimony:

Mr. Don Converse: I support this bill. However I have some concerns regarding determination of the value of the livestock, with the relocated predator returning to the same area.

Mr. Tony Schoonen: I oppose this bill for reasons of duplicating the reimbursement funding already in force through the Dept. of Fish, Wildlife and Parks. And with questions concerning the type of predator involved in the killing of livestock. Insurance is already available to landowners for reimbursement of lost livestock.

All further testimony can be reviewed with exhibits numbered 1 through 7.

Questions From Committee Members:

Questions were raised by Committee members Representatives: Koehnke, Driscoll, Hansen, Guthrie, Westlake, Ellison, Keller, Kasten, Bachini, Ream, DeMars, Patterson, and Stepler. These questions were directed to Dir. Ron Marcoux, Mr. Bob Gilbert, Mr. Jerry Jack, Mr. Les Graham of State Board of Livestock and Rep. Cobb.

Many question were raised including: relocating verses destroying predators, funding implementation, removing control of present reimbursement programs, expanding and enhancing present reimbursement programs verses legislative action, accounting for monies already being funded in present programs, developing standards for relocation of predators and current Federal standards.

Closing by the Sponsor:

Rep. Cobb: HB50 will solve the present problems that exist within the current reimbursement programs available to the landowners.

ADJOURNMENT

Adjournment At: 4:15 p.m.

*Bob Bachini*

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REP. BOB BACHINI, Chairman

BB/mc

0701.min

DAILY ROLL CALL

AGRICULTURE

COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date Jan. 09 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Bachini, Chairman	✓		
Rep. Francis Koehnke, Vice Ch.	✓		
Rep. Gene DeMars	✓		
Rep. Jerry Driscoll	✓		
Rep. Jim Elliot			✓
Rep. Linda Nelson			✓
Rep. Bob Ream	✓		
Rep. Don Stepler	✓		
Rep. Vernon Westlake	✓		
Rep. Duane Compton	✓		
Rep. Orval Ellison	✓		
Rep. Bert Guthrie	✓		
Rep. Marian Hanson	✓		
Rep. Harriet Hayne	✓		
Rep. Betty Lou Kasten	✓		
Rep. Vernon Keller	✓		
Rep. John Patterson	✓		

HB 50 - Cobb

EXHIBIT #01

DATE Jan 9 1989

HB HB50

WITNESS STATEMENT

NAME Kay Norberg BUDGET

ADDRESS

WHOM DO YOU REPRESENT? Women Involved In Farm Economics

SUPPORT [checked] OPPOSE AMEND

COMMENTS: We would like to support this bill with reservations. The concept is good but it doesn't cover all predators. This hardly helps the ranches in eastern Montana.

Also who is to say what the worth of that animal is. Do we go for its worth now or later when it is full grown.

Is \$50,000 enough to administer this program & will the rancher get his share or will it go for administrative purpose.

At present the Great Bend Foundation helps ranches with their losses. We do believe that more help is needed but not sure this bill is good enough.

Thank you!

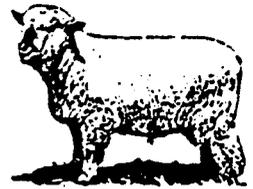
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



MONTANA  
AGRICULTURAL  
STATISTICS SERVICE

P.O. Box 4369  
Helena, MT 59604  
Phone: (406) 449-5303

# MONTANA SHEEP & LAMB LOSSES -- 1987



APRIL 1988

Montana sheepmen lost 137,000 sheep and lambs to weather, predators, disease and other causes in 1987, according to a survey conducted by the Montana Agricultural Statistics Service. Total loss was 4 percent higher than 1986 and represented a value of \$8.4 million. The 1987 dollar loss was 32 percent higher than the previous year.

Predators caused a \$2.3 million loss, non-predator factors caused \$4.8 million and unknown causes claimed \$1.3 million.

Coyote predation remained the single largest cause of death with a \$1.6 million loss. This is 19 percent of total value of death losses.

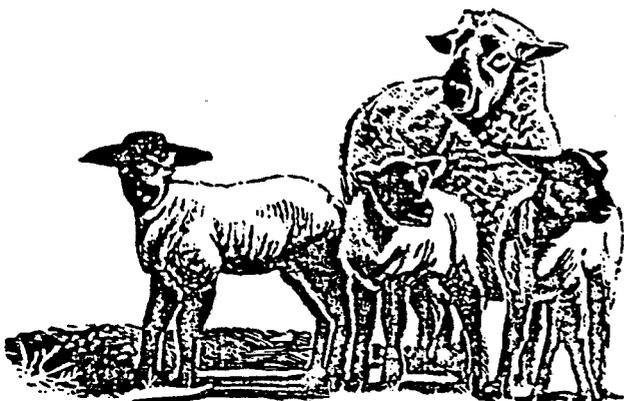
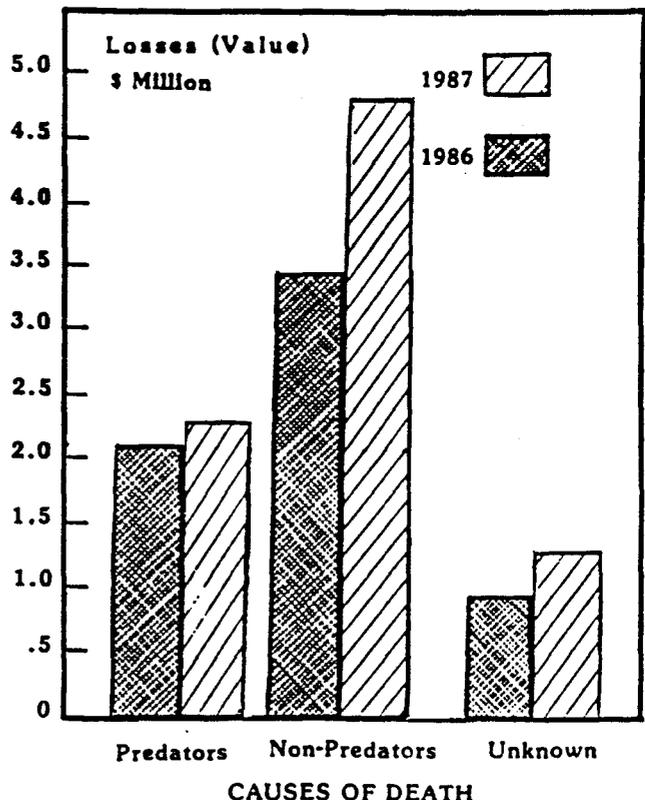
Lambs killed by all predators amounted to 30,500, down 13 percent from last year. Sheep killed by predators totaled 6,400, down 11 percent.

Lambs lost to weather, disease, and other non-predator causes totaled 48,500, up 17 percent from 1986. Sheep losses to non-predator factors totaled 31,300, 3 percent more than last year.

Lambs lost to unknown causes were 13,000, up 24 percent, and sheep were 7,300, the same as last year.

EXHIBIT #02  
DATE 1/09/89  
HB 50

SHEEP & LAMB LOSSES -- 1987



## MONTANA SHEEP AND LAMB LOSSES BY CAUSE - 1987

CAUSE OF LOSS	SHEEP LOSS		LAMB LOSS		TOTAL LOSS	
	Number Head	Value 1/ Dollars	Number Head	Value 2/ Dollars	Number Head	Value 2/ Dollars
<b>PREDATORS</b>						
Fox	100	8300	2800	158760	2900	167060
Dog	1100	91300	2000	113400	3100	204700
Coyote	4600	381800	21800	1236060	26400	1617860
Eagle	100	8300	2600	147420	2700	155720
Bobcat	3/	--	100	5670	100	5670
Bear	500	41500	700	39690	1200	81190
Mountain Lion	3/	--	300	17010	300	17010
Other Animals	3/	--	200	11340	200	11340
<b>TOTAL PREDATORS</b>	<b>6400</b>	<b>531200</b>	<b>30500</b>	<b>1729350</b>	<b>36900</b>	<b>2260550</b>
<b>NON-PREDATOR</b>						
Weather	900	74700	16000	907200	16900	981900
Disease	4500	373500	12000	680400	16500	1053900
Poison	2900	240700	1800	102060	4700	342760
Lambing Complications	2500	207500	11500	652050	14000	859550
On Back	3500	290500	100	5670	3600	296170
Old Age	12000	473520*	0	0	12000	473520
Theft	2500	207500	3000	170100	5500	377600
Other Non-Predator	2500	207500	4100	232470	6600	439970
<b>TOTAL NON-PREDATOR</b>	<b>31300</b>	<b>2075420</b>	<b>48500</b>	<b>2749950</b>	<b>79800</b>	<b>4825370</b>
<b>UNKNOWN</b>	<b>7300</b>	<b>605900</b>	<b>13000</b>	<b>737100</b>	<b>20300</b>	<b>1343000</b>
<b>TOTAL LOSS</b>	<b>45000</b>	<b>3212520</b>	<b>92000</b>	<b>5216400</b>	<b>137000</b>	<b>8428920</b>

1/ Average reported value January 1, 1987 for Ewes 1+ = \$83.00/hd. 2/ Lamb value based on average monthly prices received by farmers for all lambs marketed during September, October and November 1987, converted to an average value per head of \$56.70, based on 70 pounds liveweight (average). 3/ Less than 100.

\*Average value for this category calculated basis of slaughter prices October-December 1987 @ \$29.23/cwt x 135# = \$39.46/hd.

## MONTANA SHEEP & LAMB LOSSES BY CAUSE - 1986

CAUSE OF LOSS	SHEEP LOSS		LAMB LOSS		TOTAL LOSS	
	Number Head	Value 1/ Dollars	Number Head	Value 2/ Dollars	Number Head	Value Dollars
<b>PREDATORS</b>						
Fox	300	17,700	4,800	223,680	5,100	241,380
Dog	800	47,200	2,100	97,860	2,900	145,060
Coyote	5,400	318,600	25,100	1,169,660	30,500	1,488,260
Eagle	0 3/	--	2,000	93,200	2,000	93,200
Bobcat	0	0	100	4,660	100	4,660
Bear	600	35,400	500	23,300	1,100	58,700
Mountain Lion	100	5,900	300	13,980	400	19,880
<b>TOTAL PREDATORS</b>	<b>7,200</b>	<b>424,800</b>	<b>34,900</b>	<b>1,626,340</b>	<b>42,100</b>	<b>2,051,140</b>
<b>NON-PREDATOR</b>						
Weather	4,000	236,000	14,000	652,400	18,000	888,400
Disease	4,000	236,000	12,000	559,200	16,000	795,200
Poison	2,800	165,200	1,900	88,540	4,700	253,740
Lambing Complication	1,800	106,200	7,000	326,200	8,800	432,400
On Back	3,100	182,900	200	9,320	3,300	192,220
Old Age	11,300	366,572*	0	0	11,300	366,572
Theft	2,400	141,600	1,300	60,580	3,700	202,180
Other Non-Predator	1,100	64,900	5,200	242,320	6,300	307,220
<b>TOTAL NON-PREDATOR</b>	<b>30,500</b>	<b>1,499,372</b>	<b>41,600</b>	<b>1,938,560</b>	<b>72,100</b>	<b>3,437,932</b>
<b>UNKNOWN</b>	<b>7,300</b>	<b>430,700</b>	<b>10,500</b>	<b>489,300</b>	<b>17,800</b>	<b>920,000</b>
<b>TOTAL LOSS</b>	<b>45,000</b>	<b>2,354,872</b>	<b>87,000</b>	<b>4,054,200</b>	<b>132,000</b>	<b>6,409,072</b>

1/ Average reported value January 1, 1986 for Ewes 1+ = \$59.00/hd. 2/ Lamb value based on average monthly prices received by farmers for all lambs marketed during September, October and November 1986, converted to an average value per head of \$46.60, based on 70 pounds liveweight (average). 3/ Less than 100.

\*Average value for this category calculated basis of slaughter prices October-December 1986 @ \$24.03/cwt x 135# = \$32.44/hd.

**MONTANA SHEEP & LAMB LOSSES BY CAUSE -- 1985**

CAUSE OF LOSS	SHEEP LOSS		LAMB LOSS		TOTAL LOSS	
	Number Head	Value 1/ Dollars	Number Head	Value 2/ Dollars	Number Head	Value Dollars
<b>PREDATORS</b>						
Coyote	8,700	478,500	32,900	1,510,100	41,600	1,988,600
Fox	100	5,500	4,200	192,800	4,300	198,300
Eagle	3/	--	2,500	114,800	2,500	114,800
Bear	900	49,500	500	22,900	1,400	72,400
Dog	800	44,000	700	32,100	1,500	76,100
Bobcat	--	--	100	4,600	100	4,600
Mountain Lion	100	5,500	200	9,200	300	14,700
<b>TOTAL PREDATORS</b>	<b>10,600</b>	<b>583,000</b>	<b>41,100</b>	<b>1,886,500</b>	<b>51,700</b>	<b>2,469,500</b>
<b>Non-Predator</b>						
Weather	2,000	110,000	12,100	555,400	14,100	665,400
Disease	4,400	242,000	6,800	312,100	11,200	554,100
Poison	1,800	99,000	1,800	82,600	3,600	181,600
Lambing Complication	1,400	77,000	10,500	482,000	11,900	559,000
On Back	3,000	165,000	100	4,600	3,100	169,600
Old Age	7,500	151,100*	--	--	7,500	151,100
Theft	3,000	165,000	2,000	91,800	5,000	256,800
Other Non-Predator	1,200	66,000	2,200	101,000	3,400	167,000
<b>TOTAL NON-PREDATORS</b>	<b>24,300</b>	<b>1,075,100</b>	<b>35,500</b>	<b>1,629,500</b>	<b>59,800</b>	<b>2,704,600</b>
<b>UNKNOWN</b>	<b>7,100</b>	<b>390,500</b>	<b>8,400</b>	<b>385,600</b>	<b>15,500</b>	<b>776,100</b>
<b>TOTAL LOSS</b>	<b>42,000</b>	<b>2,048,600</b>	<b>85,000</b>	<b>3,901,600</b>	<b>127,000</b>	<b>5,950,200</b>

1/ Average reported value January 1, 1985 for Ewes 1+ = \$55.00/hd. 2/ Lamb value based on average monthly prices received by farmers for all lambs marketed during September, October and November 1985, converted to an average value per head of \$45.90, based on 70 pounds liveweight (average). 3/ Less than 100.

\*Average value for this category calculated basis of slaughter prices October-December 1985 @ \$14.92/cwt x 135# = \$20.14/hd.

MONTANA  
ADC-4 RESOURCE LOSSES

EXHIBIT # 03  
DATE 1/09/89  
HB 50

FY 1986

<u>Resource</u>	<u>Confirmed</u>	<u>Unconfirmed</u>	<u>Total</u>	<u>Market Value</u>
<u>COYOTE</u>				
Lambs	1,254	243	1,497	\$119,760.00
Sheep	279	34	313	28,170.00
Calves	96	24	120	36,000.00
Cattle	1	1	2	1,000.00
Poultry	30	--	30	75.00

MOUNTAIN LION

Lambs	56	2	58	4,640.00
Sheep	5	--	5	450.00
Horse	2	--	2	400.00
			65	\$ 5,490.00

BEAR

Lambs	34	100	134	10,720.00
Sheep	102	43	145	13,050.00
Apiaries	39	18	57	5,040.00
Goat	1	--	1	100.00
			337	\$ 28,910.00

GRIZZLY BEAR

Lambs	3	--	3	240.00
Sheep	9	--	9	810.00
Cattle	1	--	1	500.00
			13	\$ 1,550.00

DOGS

Lambs	6	--	6	480.00
Sheep	11	--	11	990.00

MONTANA  
ADC-4 RESOURCE LOSSES  
FY 1988

RESOURCE	CONFIRMED	UNCONFIRMED	TOTAL	MARKET VALUE
		COYOTE		
Lambs	1,517	377	1,894	\$132,580.00
Sheep	226	30	256	25,600.00
Calves	60	13	73	31,025.00
Poultry	124	11	135	338.00
Goats	1	6	7	325.00
Llama	1	0	1	800.00
		FOX		
Lambs	19	6	25	1,750.00
Sheep	2	0	2	200.00
Calves	1	0	1	425.00
Poultry	15	0	15	38.00
		BEAR		
Lambs	39	4	43	3,010.00
Sheep	58	11	69	6,900.00
Calves	3	1	4	1,700.00
Cattle	2	0	2	1,300.00
Apiaries	109	1	110	14,720.00
Swine	3	0	3	210.00
			<u>231</u>	<u>\$ 27,840.00</u>
		GRIZZLY BEAR		
Calves	3	0	3	1,275.00
Barn	1	0	1	100.00
			<u>4</u>	<u>\$ 1375.00</u>
		BOBCAT		
Lambs	4	0	4	280.00
		MOUNTAIN LION		
Lambs	47	2	49	3,430.00
Sheep	11	0	11	1,100.00
Calves	2	2	4	1,700.00
Colt	1	0	1	0.00
			<u>65</u>	<u>\$ 6,230.00</u>

MONTANA

ADC-4 RESOURCE LOSSES

FY 1987

<u>Resource</u>	<u>Confirmed</u>	<u>Unconfirmed</u>	<u>Total</u>	<u>Market Value</u>
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COYOTE

Lambs	1,178	243	1,421	\$142,100.00
Sheep	157	19	176	22,000.00
Calves	49	25	74	29,600.00
Cattle	1	--	1	750.00
Poultry	42	16	58	145.00
Buffalo Calves	--	2	2	400.00

FOX

Lambs	32	56	88	8,800.00
Sheep	--	5	5	625.00
Poultry	132	--	132	330.00

BEAR

Lambs	23	4	27	2,700.00
Sheep	45	4	49	6,125.00
Calves	2	5	7	2,800.00
Apiaries	30	10	<u>40</u>	<u>3,000.00</u>
			123	\$14,625.00

GRIZZLY BEAR

Calves	2	--	2	800.00
Cattle	1	--	<u>1</u>	<u>750.00</u>
			3	\$1,550.00

MOUNTAIN LION

Lambs	70	--	70	7,000.00
Sheep	15	1	16	2,000.00
Calves	1	--	<u>1</u>	<u>400.00</u>

MONTANA  
ADC-4 RESOURCE LOSSES  
FY 1988

RESOURCE	CONFIRMED	UNCONFIRMED	TOTAL	MARKET VALUE
		COYOTE		
Lambs	1,517	377	1,894	\$132,580.00
Sheep	226	30	256	25,600.00
Calves	60	13	73	31,025.00
Poultry	124	11	135	338.00
Goats	1	6	7	325.00
Llama	1	0	1	800.00
		FOX		
Lambs	19	6	25	1,750.00
Sheep	2	0	2	200.00
Calves	1	0	1	425.00
Poultry	15	0	15	38.00
		BEAR		
Lambs	39	4	43	3,010.00
Sheep	58	11	69	6,900.00
Calves	3	1	4	1,700.00
Cattle	2	0	2	1,300.00
Apiaries	109	1	110	14,720.00
Swine	3	0	3	210.00
			231	\$ 27,840.00
		GRIZZLY BEAR		
Calves	3	0	3	1,275.00
Barn	1	0	1	100.00
			4	\$ 1,375.00
		BOBCAT		
Lambs	4	0	4	280.00
		MOUNTAIN LION		
Lambs	47	2	49	3,430.00
Sheep	11	0	11	1,100.00
Calves	2	2	4	1,700.00
Colt	1	0	1	0.00

EXHIBIT #04  
DATE 1/09/89  
HB SD

65 \$ 6,230.00

MONTANA

ADC-4 RESOURCE LOSSES

FY 1987

<u>Resource</u>	<u>Confirmed</u>	<u>Unconfirmed</u>	<u>Total</u>	<u>Market Value</u>
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COYOTE

Lambs	1,178	243	1,421	\$142,100.00
Sheep	157	19	176	22,000.00
Calves	49	25	74	29,600.00
Cattle	1	--	1	750.00
Poultry	42	16	58	145.00
Buffalo Calves	--	2	2	400.00

FOX

Lambs	32	56	88	8,800.00
Sheep	--	5	5	625.00
Poultry	132	--	132	330.00

BEAR

Lambs	23	4	27	2,700.00
Sheep	45	4	49	6,125.00
Calves	2	5	7	2,800.00
Apiaries	30	10	40	3,000.00
			<u>123</u>	<u>\$ 14,625.00</u>

GRIZZLY BEAR

Calves	2	--	2	800.00
Cattle	1	--	1	750.00
			<u>3</u>	<u>\$ 1550.00</u>

MOUNTAIN LION

Lambs	70	--	70	7,000.00
Sheep	15	1	16	2,000.00
Calves	1	--	1	400.00
			<u>87</u>	<u>400.00</u>

MONTANA

ADC-4 RESOURCE LOSSES

FY 1986

<u>Resource</u>	<u>Confirmed</u>	<u>Unconfirmed</u>	<u>Total</u>	<u>Market Value</u>
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COYOTE

Lambs	1,254	243	1,497	\$119,760.00
Sheep	279	34	313	28,170.00
Calves	96	24	120	36,000.00
Cattle	1	1	2	1,000.00
Poultry	30	--	30	75.00

MOUNTAIN LION

Lambs	56	2	58	4,640.00
Sheep	5	--	5	450.00
Horse	2	--	2	400.00
			<u>65</u>	<u>\$ 5,490.00</u>

BEAR

Lambs	34	100	134	10,720.00
Sheep	102	43	145	13,050.00
Apiaries	39	18	57	5,040.00
Goat	1	--	1	100.00
			<u>337</u>	<u>\$ 28,910.00</u>

GRIZZLY BEAR

Lambs	3	--	3	240.00
Sheep	9	--	9	810.00
Cattle	1	--	1	500.00
			<u>13</u>	<u>\$ 1,550.00</u>

DOGS

Lambs	6	--	6	480.00
Sheep	11	--	11	990.00



**MONTANA FARM BUREAU FEDERATION**

502 South 19th • Bozeman, Montana 59715  
Phone: (406) 587-3153

BILL # HB 50 ; TESTIMONY BY: Lorna Frank  
DATE 1/9/89 ; SUPPORT Support ; OPPOSE \_\_\_\_\_

Mr. Chairman, Members of the Committee: for the record my name is Lorna Frank, representing 3600 Montana Farm Bureau Members.

Farm Bureau supports HB 50. We believe that farmers and ranchers should be compensated for damage to livestock by predators.

However, it doesn't seem possible that the \$50,000 appropriation to administer and provide reimbursement for lost livestock would be sufficient to cover the losses.

EXHIBIT #05  
DATE 1/9/89  
HB 50

SIGNED: Lorna Frank

EXHIBIT #06  
DATE 1/9/89  
HB 50

HB 50  
January 9, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

Game damage, including predation loss, is a high department priority and has received increased department funding and effort over the past several years. This bill involves species that are predators in the wild, and do occasionally prey on livestock. They are also game animals of significance to sportsmen.

In 1987, two different sets of guidelines were developed to improve our effectiveness in both preventing predation problems and responding to black bear depredation complaints - one for general situations and one specifically addressing beehive depredation (attached).

Both policies attempt to strike a balance by taking steps to salvage a valuable resource before it has been in serious trouble and quickly dispatching those that have. Procedures for dealing with problem grizzlies are federally mandated, and we have personnel assigned to the Rocky Mountain Front who work exclusively in both a prevention context and when guidelines indicate, assist in removal or dispatch of problem grizzlies. We believe an important function of these guidelines is prevention - a primary objective of our game damage program.

We have several concerns regarding current language of this bill. The proposed bill would place our department employees responsible for investigating and judging these potential losses in a difficult position. A negative ruling by our department may damage, rather than enhance landowner-sportsmen's relations.

Section 8 of this bill triples the reimbursement if the loss is caused by a relocated animal. This appears to be a punitive penalty for a program aimed at preventing problems; for a grizzly loss it would impose a penalty for complying with federal law. The department has already assumed the financial liability if a relocated bear or mountain lion kills livestock. For livestock losses by grizzly bears on the Rocky Mountain Front, the Great Bear Foundation (a private organization) has a program in place to reimburse landowners.

The department currently cooperates with the Department of Livestock by providing \$90,000 per year to assist with their predator control program. It is unclear where the \$50,000 appropriation would come from in Section 10, and how additional claims would be handled if they exceeded \$50,000.

\*In summary, we are concerned this bill could establish a process with potential contentious action between landowners and our department.

We believe that prevention and quick action in eliminating problem animals is the most effective way to address the predation problem.

Given the concerns and questions raised by this legislation, I urge that this bill not pass.



# Montana Audubon Legislative Fund



Testimony on HB 50  
House Agriculture, Livestock and Irrigation Committee  
January 9, 1989

EXHIBIT #07  
DATE 1/9/89  
HB 50

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Legislative Fund. The Fund is composed of 9 Chapters of the National Audubon Society with 2600 members located throughout the state.

We support the intentions of HB 50. We realize the importance of private land in supporting Montana's wildlife. We also realize that with this support, undue hardships can occur when wildlife destroys livestock. It seems appropriate for the state of Montana to reimburse landowners for damages done by the state's wildlife.

Whereas the Audubon Fund supports the intentions of HB 50, we cannot support this legislation as written. The program that HB 50 sets up has numerous problems:

1. What qualifies as wildlife damage? In 1983, legislation was introduced to compensate landowners for livestock destroyed by grizzly bears. That proposal required landowners to practice preventive measures so that excessive damage will not occur. We feel that preventive measures are a necessary part of any compensation program. Why should anyone be compensated if their management practices actually encourage predators to associate closely with livestock? There are certain INEXPENSIVE preventive arrangements that should be required before compensation should be provided: removal of carcasses from areas close to living livestock, proper storage of livestock feed, and avoiding the placement of bees or fruit trees adjacent to vulnerable livestock.
2. The Great Bear Foundation, a nonprofit organization, currently has a compensation program set up to reimburse landowners who lose livestock to grizzly bears in the Rocky Mountain Front area of Montana. How does the program set up by HB 50 fit with this program established by private citizens? Should the state duplicate this effort for grizzly bears?
3. 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 (was the animal dead before bears were seen feeding on it)? Some procedure should be set up when disagreements cannot be reached. Without such procedures established, lawsuits would be the standard way dealing with disagreements.
4. What happens if the \$25,000.00 yearly ceiling level for this program is reached and more claims are filed?
5. We question the use of predator animal control money for this program. Currently Montana's Predatory Animal Control Program has a \$90,000/year budget. That money is used to control a long list of problem predators, including coyote and other animals not covered under HB 50. It doesn't make sense to us that the Animal Control budget would be reduced to pay for this new program.

6. And finally, the funding source for this program - via the Predatory Animal Control program - needs to be addressed. The Audubon Fund believes that wildlife is a public trust resource. We believe that every Montanan has the responsibility of keeping this resource viable. While sportsmen do enjoy Montana's wildlife actively, we do not believe that the entire burden for the livestock reimbursement proposal should be funded by this isolated group of wildlife "users." Ranchers, usually, enjoy wildlife at least as much as sportsmen do. And I know many city dwellers who also enjoy wildlife. The point is that wildlife is a public trust resource so the entire public should support the livestock reimbursement program: most of this program should be funded out of General Fund monies and not solely out of sportmen's conservation dollars.

In conclusion, at this time, the Audubon Fund urges a Do Not Pass for HB 50. We do, however, hope that you will study this program carefully and make recommendations at a future date to help resolve landowner compensation problems.

EXHIBIT #08  
DATE 1/9/89  
HB 50.

12-21-87

MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS  
GUIDELINES FOR  
BEAR DEPREDEATION OF BEEHIVES

Bear depredation to beehives is considered a specialized depredation problem. Consequently, the following guidelines are considered a supplement to the existing, more extensive game damage guidelines dated September 30, 1985. Existing statutes and rules classify bees as livestock. Bees must, therefore, be included with other livestock in statutes which address predation and other problems related to livestock (87-3-127 and 87-3-130). These statutes allow livestock owners to shoot, trap or chase with dogs any bears that have destroyed, or are threatening to destroy beehives. These statutes do not supercede private property rights. Landowners may prevent bears from being killed by both beekeepers and Department personnel by preventing access to their property.

1. All bear depredation complaints to the Department will be investigated within 48 hours (87-1-225). Complaints by beekeepers should be made to local ADC agents or Department of Fish, Wildlife and Parks' personnel. "First contact" individuals or procedures may vary locally. Coordination with ADC relative to bear-bee issues will be accommodated at regional level by Regional Supervisor.
2. All bears known by the Department to have destroyed beehives will be killed in compliance with Department policy. When the Department responds to a verified beeyard damage complaint where bees have been killed by the bear, killing the bear is the only alternative. Beekeepers must have permission of the landowner to kill depredating bears on property other than their own.
3. Beekeepers may shoot, trap, snare or chase with dogs, any bears that have destroyed, or are threatening to destroy beehives (87-3-127; 87-3-130). Beekeepers must have reasonable evidence that bears killed have caused damage and avoid the killing of "innocent" bears. Any bears killed by landowners or beekeepers shall be reported to the Department as soon as practical and no later than 72 hours (87-3-130). After report of a bear kill, FWP personnel will complete the depredation report and the necessary parts and data will be obtained (e.g. tooth, claws, skull). All bears killed by landowners or beekeepers will remain the property of the state.

4. Trapping or snaring of bears by beekeepers must occur within 50 feet of beehives. Snares should only be used after damage has occurred. All traps and snares must be checked at least every 12 hours (87-3-127).
5. Beekeepers using a beehive within 50 feet of an active, occupied registered beeyard, for the purpose of trapping, snaring or shooting depredating black bears, are not baiting as defined under state law (87-3-101).
6. Bears caught by agency personnel in culvert or live traps in the general vicinity of beeyards, but not known to have actually caused damage, will be held up to 12 hours in the trap so that stools may be inspected for evidence of having caused damage to beehives.
7. Live-trapped bears showing evidence of having caused depredation on beehives will be killed.
8. Live-trapped bears that do not display evidence of having caused beehive damage, and have no history of other nuisance problems, may be relocated under the following circumstances and in compliance with 87-1-231 to 234.
  - A. All relocated nuisance black bears will be marked with special "nuisance bear" eartags; records of marked bears will be kept at the regional level; proper distribution of "nuisance bear" eartags will be the responsibility of the Regional Supervisor.
  - B. Grizzly bear relocation will follow the IGBC Nuisance Bear Guidelines;
  - C. Release sites of nuisance black bears will preferably be at least 50 miles away, in a different mountain range, in an area of low bear density and not in an area of known chronic bear problems. It is recognized that it may not always be possible to meet all of these criteria. Selection of areas for relocations will be the responsibility of the Regional Supervisor.
9. When possible, hunters will be utilized in removing known damage-causing bears during open bear hunting season. A hunter roster for damage hunts will be considered on a region by region basis and will be the responsibility of the Regional Supervisor.
10. The Department will work towards refining of techniques for the protection of beeyards from depredating bears. As new technology becomes available, information will be passed on

to beekeepers. New techniques may be pilot tested with cooperating beekeepers.

11. The Department will consider cost-sharing protective structures in certain situations. In "chronic" bear problem areas, the Department will provide a charger to beekeepers who wish to protect their beeyards with electrified fences and who are willing to purchase the materials and erect and maintain such a fence.
12. Other options, such as moving beeyards, should be considered when trying to reduce chronic bear problems. Beekeepers will be encouraged to prevent bear depredation problems whenever possible.
13. The Field Services Division will be responsible to maintain an active liaison with the Beekeepers Association to mutually seek preventative measures to protect beehives and discourage bears from damaging hives.

Contact individuals relative to these guidelines are Glenn Erickson, 444-2612; Gene Allen, 444-2602; Bob Bird, 444-2452.

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August 17, 1987

MONTANA DEPARTMENT FISH, WILDLIFE AND PARKS

GUIDELINES FOR CONTROLLING NUISANCE BLACK BEAR

Human/black bear conflicts may occur in Montana wherever black bears and humans are found together. Conflicts may occur regardless of bear densities; however, they often intensify where increasing bear and/or human populations occur in rural areas. Periodic shortages of natural bear foods such as huckleberries and chokecherries, may also result in black bear/human conflicts.

Although black bears are typically timid animals, they can be dangerous in some situations and are capable of causing property damage, killing livestock and threatening people. In addition, humans have a variety of attitudes and responses to bears, which may encourage or discourage human/bear conflicts.

The department utilizes three major strategies for addressing human/black bear conflicts.

1. Hunting seasons are implemented in those areas where black bear populations are healthy enough to sustain harvest. It is expected that hunting black bears reduces conflicts with humans by keeping bear densities below maximum and making bears more wary of humans.

2. Public information efforts are directed at educating the public in ways that people can foresee and minimize their conflicts with bears. These include removal and proper storage of attractants such as human and livestock foods, carrion, garbage, game meat and fruit. Other examples are relocation, electric fencing or elevation of beehives, bear proofing garbage containers, disposal of animal carcasses away from livestock or residences, early and timely removal of fruit trees and bushes and not locating subdivision and other developments in areas of high seasonal use by bears.

3. Removal of a black bear from a situation is sometimes necessitated by either the nature of the bears "offense" or the response of the people involved. Montana laws 87-7-101, 87-7-102, 87-1-225, 87-3-127, 87-3-130, 87-1-231, 87-1-232, 87-1-233, 87-1-234 give the department authority and direction for dealing with complaints about black bears. In compliance with legislative direction, the department has formulated guidelines for dealing with those complaints. A summary of these guidelines is as follows:

a) All department responses to beehive depredation complaints will follow Beehive Guidelines of May 7, 1987. Under Montana law bees are livestock.

b) Bears that attack humans resulting in injury or loss of life will be destroyed.

c) Bears that attack livestock resulting in injury or death of animals will be destroyed. The law also provides that livestock owners or U. S. Fish and Wildlife Service, when requested, may take stock killing bears.

d) When bears display a potential threat to human safety, the area will be signed or the bear will be trapped, marked and relocated for first offense. For the second offense, adult or sub-adult male bears will be destroyed or harvested by a hunter if during open season. Adult females of productive age or females with young of year can be relocated on the second offense if determined by the regional supervisor to be necessary. No bears will be relocated a third time.

e) When bears use human or livestock foods, garbage, game meat or carrion, efforts will be made to remove the attractant. If the problem persists, or the attractant cannot be removed, the bear will be trapped and relocated, or, if during a hunting season, a hunter may be called on to harvest the bear. On its second offense of this nature, adult and sub-adult male bears will be destroyed. Adult females of productive age or females with young of year can be relocated on the second offense if determined by the regional supervisor to be necessary. Young of year will be relocated if not directly involved with incident. Young of year directly involved or too small to relocate will be sent to a zoo, if available.

f) All bears relocated will be marked with nuisance bear ear tags or permanently marked in a manner so they can be identified in subsequent captures. Methods of marking which do not require drugging the bear are preferred if available. Records of marked bears will be kept at the regional level.

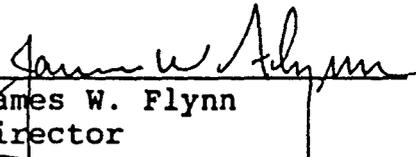
g) If salvageable and in an area accessible, the complete hide with claws will be taken from bears destroyed and sent to the Bozeman Laboratory for

processing. In addition, a premolar will be taken for aging purposes and returned to the wildlife manager in the region of kill.

g) Release sites of nuisance black bears will preferably be at least 50 miles away, in a different mountain range, in an area of low bear density with low potential for livestock interaction. Nuisance black bears will not be released in an area of known chronic bear problems. Each region is responsible to develop a list of potential relocation sites to release nuisance black bears. The list will be reviewed and updated annually before April of each year.

i) Department contacts for these guidelines are Glenn Erickson, Wildlife Division and Bob Bird, Enforcement Division. The regional supervisor is responsible for implementation of these guidelines. Decisions required for implementation rest with the regional supervisor or his designee.

Approved by

  
James W. Flynn  
Director

September 5, 1987

908.4

