

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

March 7, 1977

The seventeenth meeting of the Fish and Game Committee was called to order by Vice-Chairman Warden at 8:00 A.M., in Room 405 of the State Capitol Building.

ROLL CALL: All members were present, with the exception of Chairman Dunkle, who was excused to attend another committee hearing.

CONSIDERATION OF HJR 15, a joint resolution of the Senate and the House of Representatives requesting the director and the State Fish and Game Commission to take into consideration the input of the local rod and gun clubs and allied organizations and landowners, as well as the recommendations of local game wardens, in setting seasons and limits of fish and game harvest.

Representative Clyde Turner, Chief Sponsor of the resolution, spoke, saying he believes there should be more input for season setting; he feels relations between the landowner and sportsman have deteriorated. It is his feeling that we need more areas closed and more input in seasons; he said the people speak, but are not heard, in regard to season setting.

Vice-Chairman Warden asked if there were any other proponents.

Mr. Wes Woodgerd of the Montana Fish and Game Department spoke, saying the Department gets recommendations from Fish and Game Department employees and Regional Coordinators located throughout the state, who are instructed to gather information. Once this information is assembled into recommendations, it is forwarded to Helena for consideration by the Fish and Game Commission. Once this is done, the tentative seasons are set and distributed to all parties who have shown an interest in them. He stated the Department sent out 1,500 tentative season regulations this year. In addition, he said public meetings are announced and held so that those who care to can voice their opinions. Mr. Woodgerd also said that the Department allows approximately 6 weeks between the setting of tentative seasons and final recommendations.

Mr. Woodgerd read from a prepared statement in regard to HJR 15 (Attachment #1).

Mr. Don Merritt, representing the Montana Outfitters and Guides Association, spoke in favor of the resolution. He suggested that outfitters and landowners be in the bill.

Senator Warden called for questions.

Senator Lowe asked Mr. Woodgerd if the Department got comments from the public on waterfowl seasons. Mr. Woodgerd replied that these guidelines are federal from the U. S. Fish and Wildlife Service, so questionnaires are not sent out on waterfowl seasons. Senator Lowe responded that he felt there should be more public input on waterfowl seasons.

Senator Bergren asked Mr. Woodgerd what he would think about adding outfitters in the resolution as an amendment. Mr. Woodgerd replied that they already have input into setting seasons and he didn't feel the Department could do anything else to improve the situation.

DISPOSITION OF HJR 15: Senator Manley made a motion that HJR 15 BE CONCURRED IN. Senator Bergren seconded the motion, and it passed unanimously.

Senator Smith wanted it noted that he didn't feel the resolution should be amended.

Senator Manley agreed to carry the bill on the floor.

CONSIDERATION OF HJR 68, a joint resolution of the Senate and the House of Representatives of the State of Montana requesting that the Federal Fish and Wildlife Service not designate certain new areas in Montana as grizzly bear habitat.

Representative John Staigmilller, Chairman of the House Fish and Game Committee, spoke in connection with the bill. He said the grizzly bear is on the increase and is creating a problem. He quoted from various publications (Attachments #3). He spoke in opposition to the bill and said it should be a matter of record that the Western Environmental Trade Association is very much against the bill. He went on to say that it takes in too many areas and too many counties. After referring again to his publications and maps, he stated the bill was, in his opinion, premature and that it ignores human activities.

Mr. Wes Woodgerd, representing the Montana Fish and Game Department, spoke in support of the bill. He said the Department does not feel the grizzly is a threatened species. Mr. Woodgerd said the Fish and Game Department has done a good job of managing the grizzly bear for many years, and it should never have been placed on the threatened species list.

Mr. Merritt said the Montana Outfitters and Guides Association is in favor of passage of HJR 68.

Senator Warden asked for questions.

Senator Smith questioned listing Glacier National Park and Yellowstone National park, along with existing wilderness areas, and asked if any other wilderness areas are included in the resolution. He stated he didn't like federal management in this resolution.

Debbie Schmidt, Legislative Council Researcher, said the resolution, as it is now written, would include any existing established wilderness areas.

Senator Lowe said he felt the words, "on a state level" should be added to the resolution, since he didn't think it should be left to federal management.

Senator Warden asked Mr. Woodgerd what the State of Montana has planned for the management of the grizzly bear.

Mr. Woodgerd replied that the U. S. Fish and Wildlife Service has put a moratorium on this except in the northwestern portion of Montana. The limit on grizzly bear in the state at the present time is 25 per year. He said this past year 12 were taken by other than hunting, and 11 were taken by hunting. Mr. Woodgerd said he felt the state can do a better job of managing the grizzly than the federal government can.

Senator Warden asked for questions. Senator Smith said he supports the resolution, but would like it amended to include the words "on a state level."

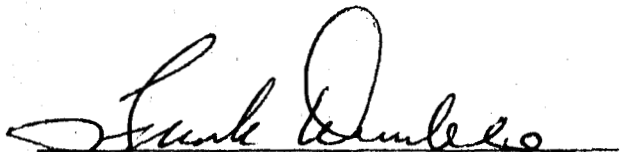
Senator Smith made a motion to amend the resolution to amend the resolution as follows: "Amend page 2, line 7. Following: "bear" insert: "on a state level."

Senator Manley asked Mr. Woodgerd of the Montana Fish and Game Department if this should be more specific. Mr. Woodgerd said the way the amendment is worded, it would mean that the Montana Fish and Game Department would manage the grizzly bear and that it was specific enough. He also stated he didn't see any conflict by adding the wording in the amendment.

Other proposed amendments were discussed (see Standing Committee Report attached). Senator Smith made a motion to adopt the amendments. Senator Manley seconded the motion, and it passed. Senator Lensink wanted it a matter of record that he is reluctant to amend these resolutions and send them back to the House.

DISPOSITION OF HJR 68: Senator Lensink made a motion that HJR 68 BE CONCURRED IN AS AMENDED. The motion was seconded by Senator Smith, and carried. Senator Smith said he would carry the bill on the floor.

ADJOURNMENT: There being no further business to discuss, Vice-Chairman Warden adjourned the meeting at 8:45 A.M.



SENATOR FRANK DUNKLE, CHAIRMAN

ROLL CALL

FISH AND GAME COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 8.7.77

[illegible]

3-7

FISH AND GAME

BILL NO. 4 J 15
1568

NAME _____

REPRESENTING

Check One

Support	Oppose
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Sam. Merrick

Mont. Outfitters & Guide

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STANDING COMMITTEE REPORT

.....March 7,.....19 77.....

MR.PRESIDENT.....

We, your committee onFISH AND GAME.....

having had under considerationHJR 68.....~~YENKX~~.....

Respectfully report as follows: That.....HJR 68.....~~YENKX~~.....

third reading copy, be amended as follows:

1. Amend page 2, line 7.

Following: "bear"

Insert: "on a state level"

2. Amend page 2, line 10.

Following: "of"

Insert: "critical"

3. Amend page 2, lines 11 and 12.

Following: "to"

Strike: "those areas presently set aside for wilderness,"

4. Amend page 2, line 12.

Following "Park"

Strike: ", "

QQ1266

AND AS SO AMENDED, BE CONCURRED IN

STANDING COMMITTEE REPORT

March 7, 19 77

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HJR 15 XXXX

Respectfully report as follows: That HJR 15, 88263

third reading bill,

BE CONCURRED IN

XXXXXX
DO NOT WRITE

[Signature]
Chairman.

Statement in Explanation of HJR 15
Department of Fish & Game -- Wes Woodgerd, Consultant

Attachment
11 /

I feel that in light of the resolution under consideration it would be helpful if I explained the current season setting process.

Early in December when we begin thinking of setting the big game seasons for another year, as director I wrote a letter to the regional coordinators and instructed them to be certain that every person in their region had an opportunity for input into the proposed regulations and further instructed them that the recommendations from the regions should always be signed by the regional coordinator as a district recommendation. Following the formulation of the regional recommendations, they are submitted to Helena for consolidation into a statewide recommendation to the commission.

The commission this year met on January 6 and 7 to consider the department's recommendations as well as the recommendations they had received from citizens in these areas. At this time tentative recommendations were formulated and printed for distribution to all interested parties. This year we printed over 1500 of these information packets which were sent to all interested organizations and individuals. A letter was part of this packet, suggesting that meetings be held in the various areas around the state for department personnel to explain the proposed regulations.

The packet also contained the announcement for a public meeting on February 26 where anyone interested could attend and have input into the final season determinations; and we encouraged those who could not attend to write letters stating their views.

Following this public hearing, the commission then evaluates all input and sets the final regulations.

Wes Woodgerd

Statement in Support of HJR 68
Department of Fish & Game -- Wes Woodgerd, Consultant

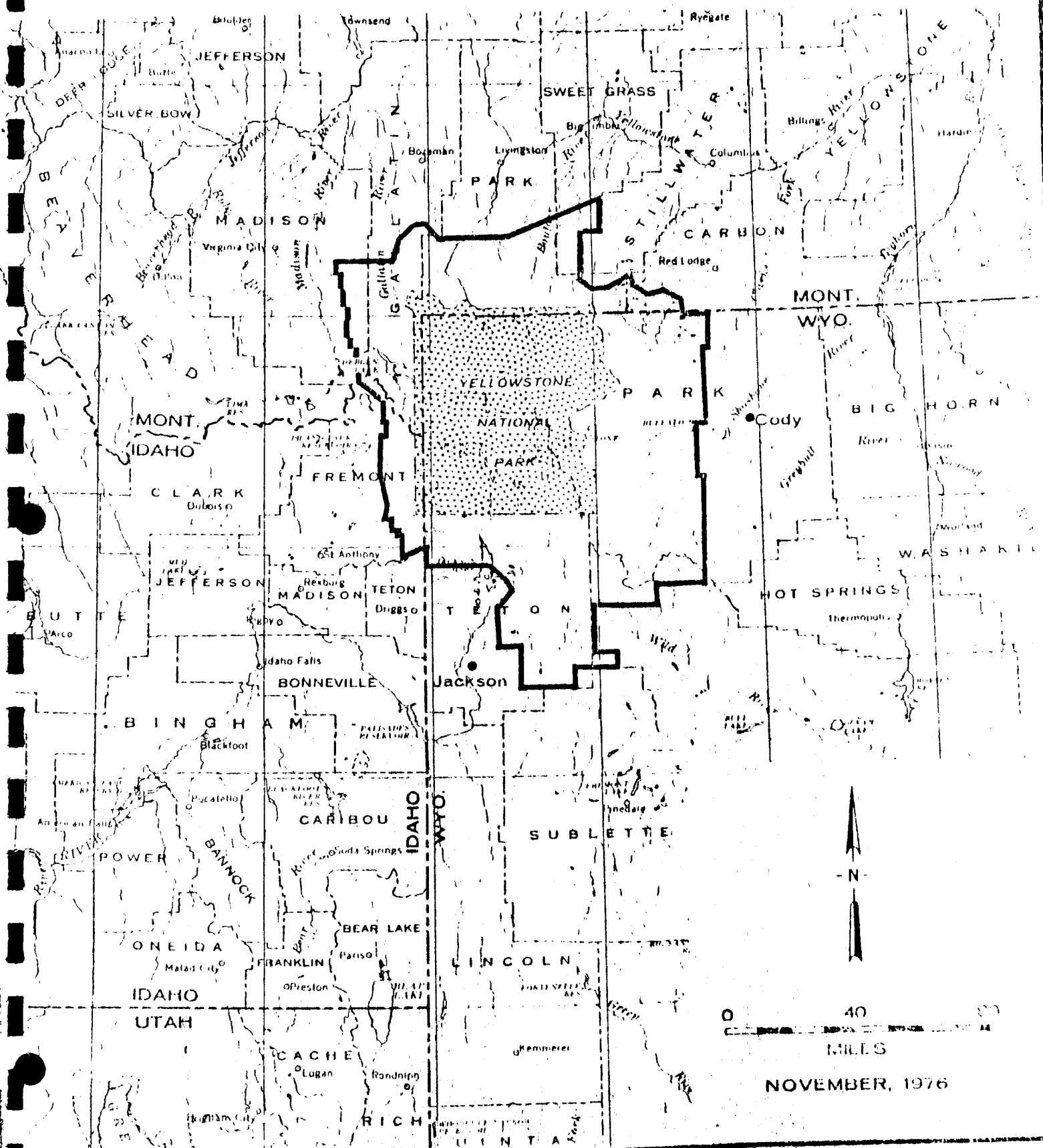
The delineation of critical grizzly bear habitat was required by law once the grizzly bear was classified as a threatened species. The Department of Fish and Game has opposed the classification under the Endangered Species Act.

Inasmuch as we do not consider that the grizzly bear is threatened in Montana, we feel that they could be better managed under state controls rather than federal management through the Fish and Wildlife Service.

I therefore support this resolution.

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Grizzly in low esteem, bear conference told

KALISPELL (AP) — "The Shoot, Shovel and Shut Up Club" is one of the major problems facing the grizzly bear in Montana, a bear expert told an international bear conference here on Wednesday.

Dr. Charles Jonkel said the grizzly is still held in low esteem by many residents along the North Fork of the Flathead River, and they will go out of their way to kill the animals, then bury the carcasses.

Jonkel is a University of Montana professor who heads the Border Grizzly Project, a study covering grizzly habitat in northern Montana and extending some 100 miles into Canada.

He told the Fourth International Conference on Bear Research and Management that the proposal to designate

"critical grizzly habitat" will require a massive public information campaign in the Border Grizzly Project area because of such attitudes.

He said some other problems of the project area include the checker-board ownership of land because of railroads, and illegal killings of grizzlies during black bear hunting.

The U.S. Fish and Wildlife Service has proposed designating some 12 million acres in four Western states as critical habitat for the grizzly.

Allen Schallenberg, a wildlife biologist on the Border Grizzly Project, discussed the impact of oil and gas exploration on grizzlies.

He said a review of available literature indicates the impact will be generally detrimental with

the greatest impact from the construction of roads into previously roadless areas and subsequent increased use of the land by humans.

He said there is a need for consideration of the long-term impact of oil and gas exploration such as subdivisions, increased logging on forested land and increased numbers of recreationists.

The four-day conference, which winds up today with an all-day field trip to Glacier National Park, attracted some 180 bear researchers from the United States, Canada, Japan, Norway, Sweden, Italy and Poland.

About 75 technical papers on grizzlies and other species — polar bears, black bears, — were delivered during the conference.

Western states ask delay in grizzly plan

BOISE, Idaho (AP)—A group of western state legislators has agreed affected states should ask the U.S. Fish and Wildlife Service to delay designation of critical habitat for grizzly bears until effects of the plan on the timber industry can be determined.

The Western States Legislative Forestry Task Force—comprising four legislators each from California, Oregon, Washington, Idaho and Montana—met Sunday in Boise. Also attending were timber industry and U.S. Forest Service representatives.

Idaho State Rep. Gary Ingram, R-Coeur d'Alene, a task force member, said lawmakers from the affected states agreed to introduce memorials to the Fish and Wildlife Service in their legislatures.

Ingram said the memorials, if passed, would be inserted into the federal agency's hearing record on the proposal. The Fish and Wildlife Service wants to create a critical habitat area for grizzlies covering portions of Idaho, Montana and Washington.

Other federal agencies, such as the U.S. Forest Service which sells timber to private industry, would have to consider effects on the grizzly habitat before taking action in

the areas.

Ingram said the hearing record is open until Feb. 9. He said he introduced Idaho's legislative memorial last week.

In other action, Ingram said the task force elected Idaho State Sen. J. Wilson Steen, R-Glenns Ferry, as 1977-78 chairman. He succeeds California State Sen. Randolph Collier, a Republican, who failed to win re-election in November.

Steen defeated Oregon State Sen. Ted Hallock, a Democrat, by a 7-6 vote, Ingram said. He said Montana State Sen. Bob Brown, a Republican, was elected vice chairman.

The forestry task force is entirely by participat-

ing states, Ingram said, in proportion with their yearly revenues and board feet of timber produced. He said California will furnish about \$37,000 of the group's 1977-78 budget of \$76,500, with Idaho supplying about \$5,000. The group was created in 1974.

The task force also voted to review work of Forest Service study teams working on implementation of the National Forest Management Act of 1976.

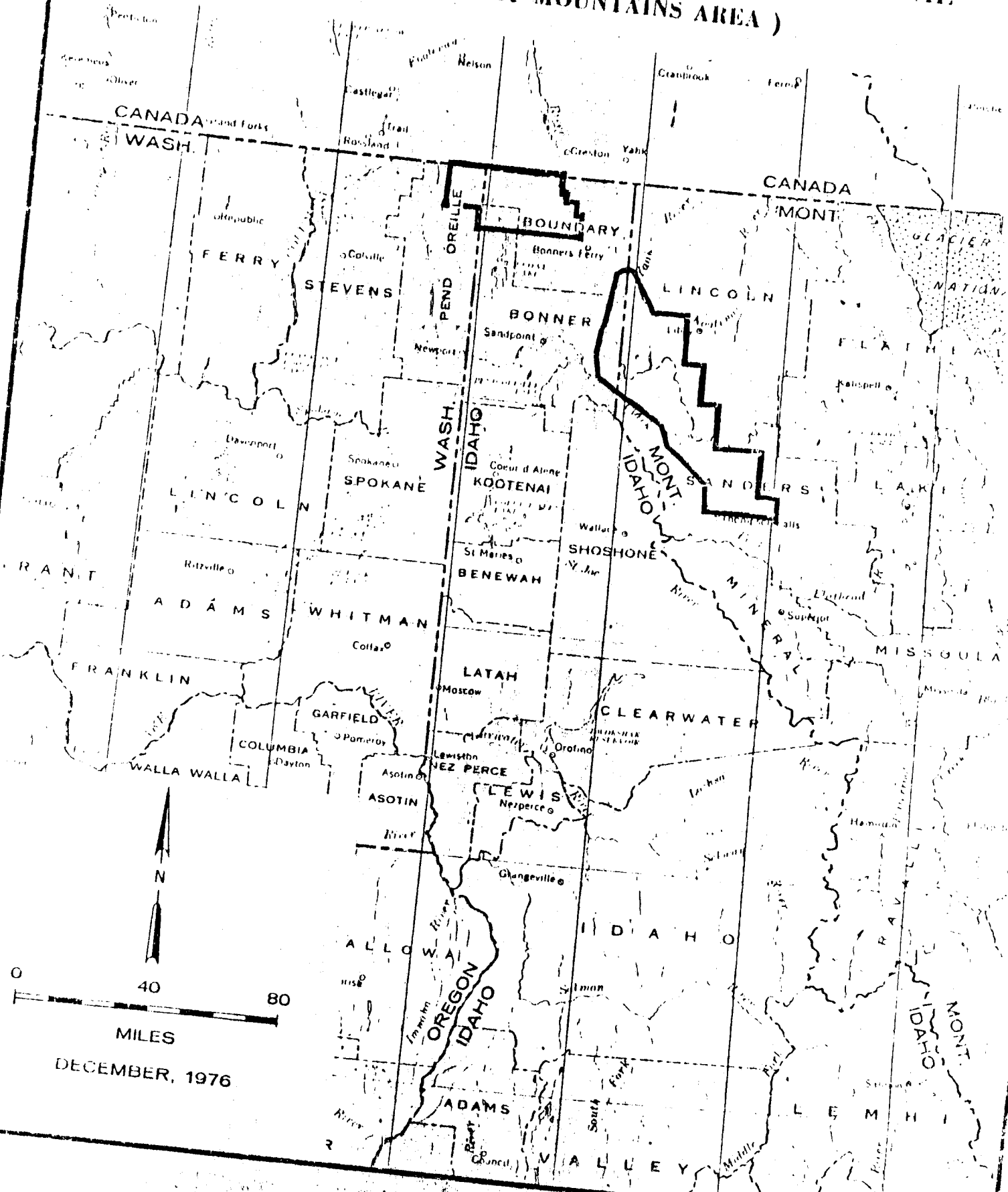
Ingram said task force members also "listened in shocked dismay" as they heard a presentation on the Fish and Wildlife Service's proposal to create critical habitat areas for 1,700 endangered plant species. He said

those habitat areas, if adopted, would entail similar limitations to those in the grizzly areas.

And, the task force voted to send a representative to Washington, D.C., to testify at congressional hearings last month on the controversy over oral vs. sealed bidding for federal timber sales.

The 1976 management act gives the Forest Service authority to require sealed bidding at timber auctions, unless it determines a local community is dependent on national forest timber for economic stability. Many timber purchasers have protested what they perceive as a wholesale change in bidding practices.

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
GRIZZLY BEAR CRITICAL HABITAT PROPOSAL
(CABINET MOUNTAINS AREA)



Minnesotans afraid of the big bad wolf

MINNEAPOLIS (AP) — John Pahula was walking a path in swampy woods of northern Minnesota when two wolves came toward him.

"My dog saw that and went straight for 'em," he said. "A third wolf, up on the hill behind me, streaked by about 15 feet away. Those three were about five times bigger than my Pedro, and I beat it back to a neighbor's to get a gun."

But darkness set in, and next morning when Pahula returned, "All that was left was the collar and a few head-bones. He was a brave dog."

Sophie and John Spollar, out walking on a road near Soudan, Minn., were confronted by a wolf pack of about five animals.

"We turned and ran back as fast as we could to our car," said Mrs. Spollar, 58.

"It's fear," summed up John Larson, 54, who heard his dog whimper as Larson worked in his yard and turned to find two young wolves 30 feet away. He banged on a shed and scared them away.

Some livestock raisers say the wild animals are attacking their herds. Julian Brzozowski, Orr, Minn., said he has lost 28 head of cattle in three years, at an estimated value of \$9,000 to \$10,000.

It's incidents like these that have many citizens riled up and frustrated. The protesters include deer hunters who complain that wolves are getting the upper hand on one of the state's basic game animals. Many would like an open season on wolves.

"We are in a state of utter frustration up here, and we are trying to make our point with the federal government," complained state Sen. Robert Lessard, speaking to some 225 loggers, farmers, businessmen and sportsmen who jammed into a community building at International Falls recently.

Minnesota, with an estimated 1,200 to 1,500 eastern timber wolves, is the only state in the lower 48 where they're now found in any appreciable numbers. It's reported that northern Wisconsin has a few. And about four transplanted to Upper Michigan a couple of years ago were shot or died of

there is fear that a lower deer supply may drive them to it.

The eastern timber wolf was put on the federal endangered species list four years ago. It's unlawful to shoot or capture them under penalty of up to a \$10,000 fine for civil violation and \$20,000 and a year's prison term for a criminal, intentional, act.

DNR Commissioner Robert Herbst asked the federal government in 1974 to reclassify the eastern timber wolf to give the state a free hand in managing the animal as it sees fit.

A DNR spokesman said action on that request is not expected until after this month.

After Brzozowski complained about the loss of 16 cattle the past year, a federal trapper came to the area and removed some wolves, "but they came back and set up housekeeping in my pasture," he said. "They were releasing the wolves about 15 miles from my farm, which is only an hour away — two at the most if the wolf walked."

A secret organization calling itself "SOS" — for "Sportsmen's Only Salvation" — took credit for having killed a wolf which had a "SOS" painted in white on its hide and which was dumped on the steps of the Voyageurs National Park headquarters building in Koochiching County late last month.

The frozen animal had been shot, said authorities, but they theorized from bruises that it may have been struck by a car first.

An anonymous call to the International Falls Journal threatened that "several more" wolves would be shot. It was regarded as a protest against federal regulations protecting the animal.

Hunters could collect bounties on wolves in Minnesota from 1840 to 1965, and a DNR spokesman said an estimated 188 were taken per year between 1953 and 1956. Bounties were banned from 1965 to 1969, when the state adopted a predator control plan. In 1974, the wolf was put on the endangered species list by the U.S. Fish and Wildlife Service.

A draft of a controversial

WESTERN
RESOURCES

Publication of the Resource Education Foundation

Nonprofit Org.
U.S. POSTAGE
Permit No. 30
Helena, MT 59601

Mr. Schuch

*Vaughan students
a mother*



In this issue:

**GRIZZLY HABITAT:
A Dilemma**

**AN IMPACT STATEMENT
Mining in Your Life**

GREAT BEAR

WILDERNESS
STUDY

3.7-7
Albuquerque
#2

OMNIBUS WILDERNESS ACT (PUBLIC LAW 94- 557 SEC. 3 (b) (7)) STATES THAT:

"...The Secretary of Agriculture shall review, as to its suitability or nonsuitability for preservation as wilderness certain lands in the Flathead and Lewis and Clark National Forests in Montana, which comprises approximately three hundred ninety-three thousand acres, and which are generally depicted on a map entitled "Great Bear Wilderness-Proposed," and dated November 1975 (revised August 1976). The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendation with respect to the designation of the Great Bear Wilderness Study Area as wilderness not later than

FOREST SERVICE RESPONSIBILITY

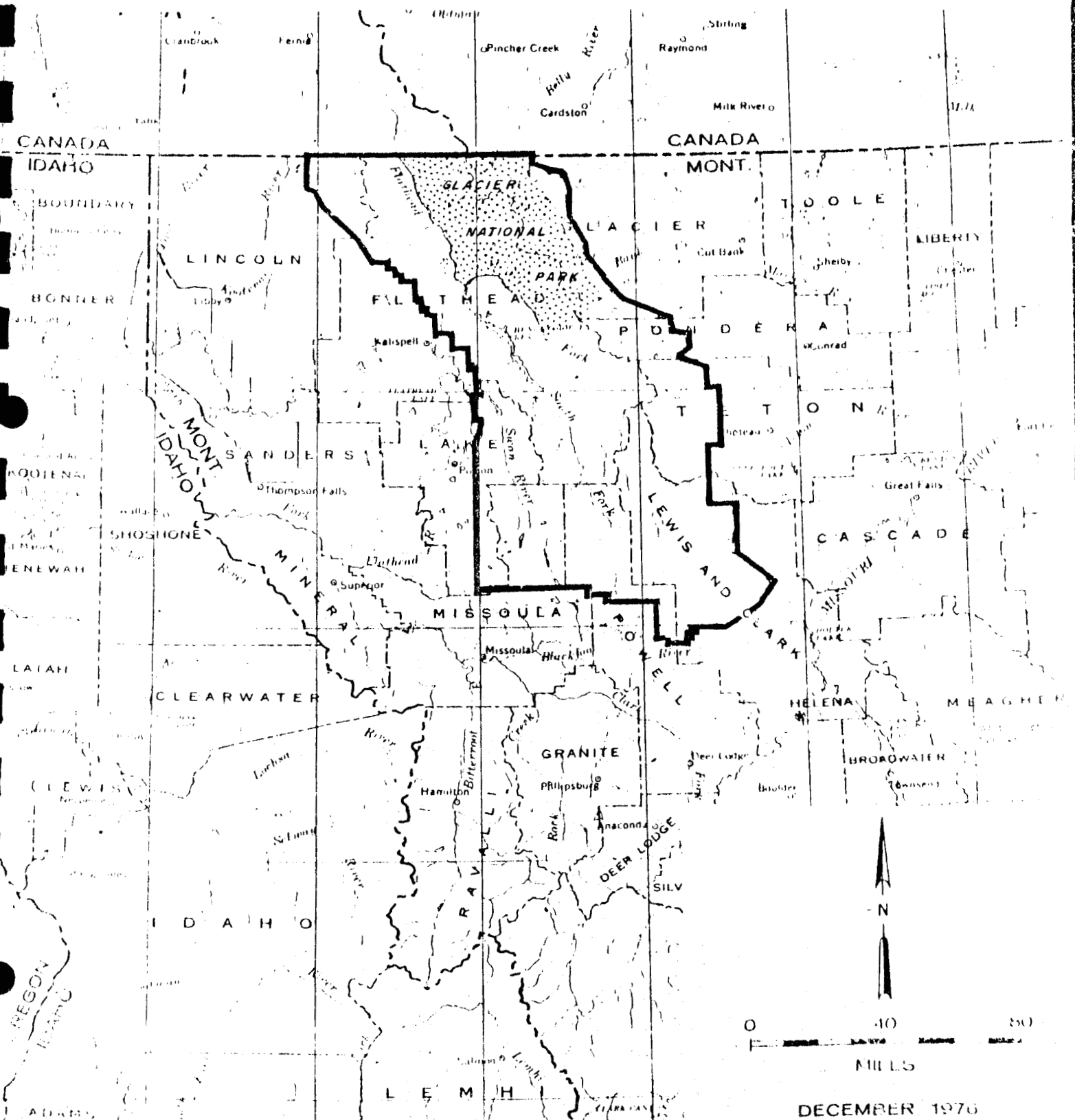
To study and make a recommendation to the Secretary of Agriculture to the President include all, part, or none of the Great Wilderness Study Area in the National Wilderness Preservation System. Congress has directed that this be done within six months. (May, 1978).

The Forest Service will prepare a wilderness study report and a environmental statement. After public review and formal public hearings, a final wilderness study report and final environmental statement will be completed and submitted to the President. The President shall then submit the United States Senate and House of Representatives his recommendation with respect to the designation of the Great

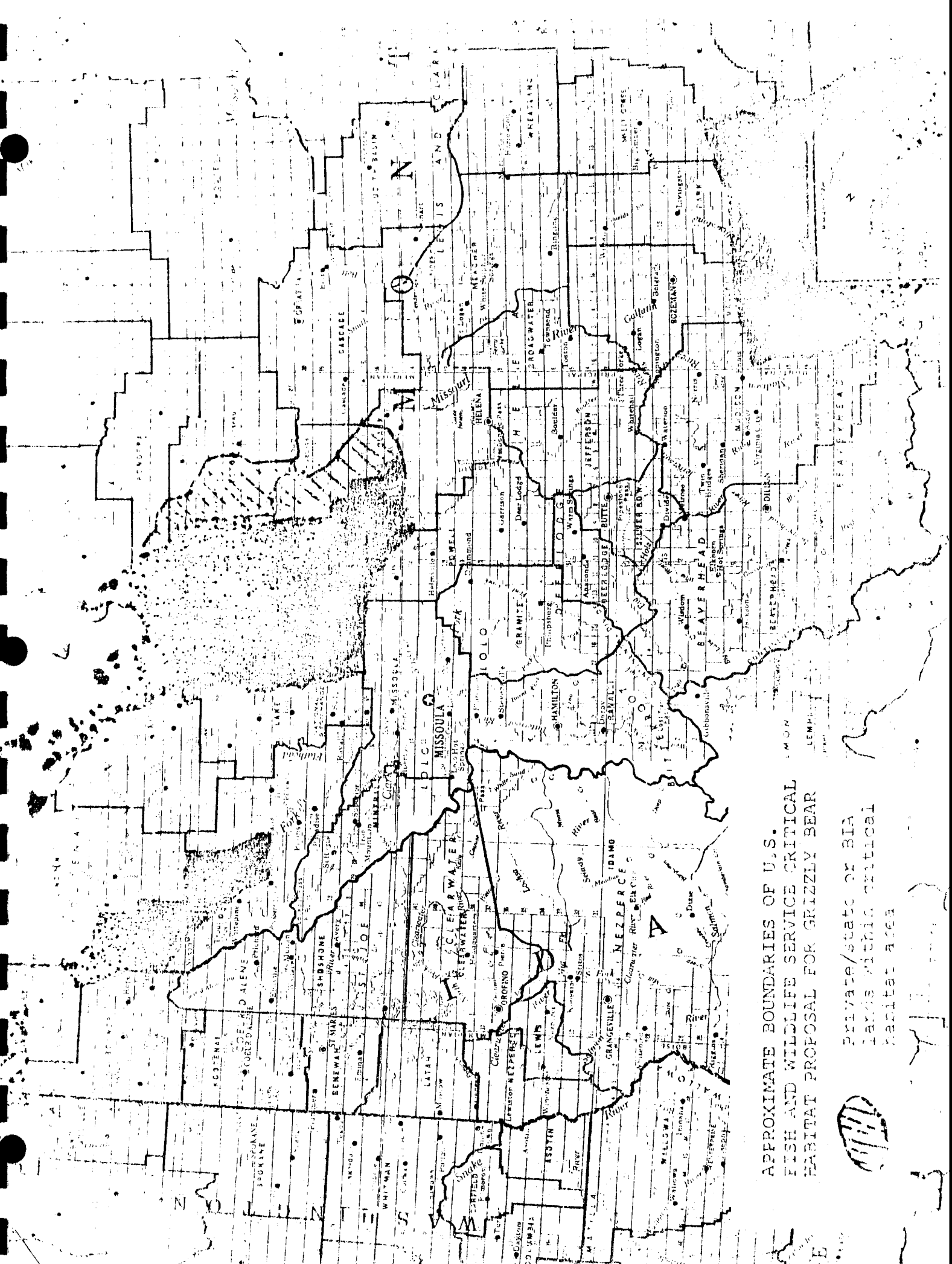
3-9-77

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

GRIZZLY BEAR CRITICAL HABITAT PROPOSAL
(BOB MARSHALL ECOSYSTEM)



DECEMBER 1976



APPROXIMATE BOUNDARIES OF U.S.
FISH AND WILDLIFE SERVICE CRITICAL
HABITAT PROPOSAL FOR GRIZZLY BEAR

Private/state or BIA
lands within critical
habitat area



Idaho wary of bear plan

BOISE, Idaho (AP)—The Idaho Legislature has sent Congress a memorial urging a go-slow approach to setting aside a chunk of Idaho, Montana and Wyoming to protect grizzly bears.

Without a dissenting vote, the Senate on Thursday passed the memorial. It earlier cleared the House. Sponsors said they want it read into the record at a hearing.

The Fish and Wildlife Service proposes to set aside an area of the three states as grizzly bear habitat. The memorial urges no action "until all of the questions concerning advisability of such establishment are answered in a scientific and reasonable manner."

Montana gets outdoor grants

WASHINGTON (AP) — Democratic members of the Montana congressional delegation announced on Tuesday approval of two Bureau of Outdoor Recreation grants to the Montana Department of Fish and Game.

The announcement said \$89,540, to be matched with state money, was approved to improvements at the Hellgate Recreation Area site in Lewis and Clark County.

Coyote plan reconsidered

GREAT FALLS (AP) — The U.S. Fish and Wildlife Service has agreed to reconsider its plan for aerial killing of coyotes on the ice at Fort Peck Reservoir.

"We're going to take another look to see whether we need the aerial hunt," said James Pulliam, the federal agency's deputy associate director for wildlife.

Representatives of six environmental groups met in Washington, D.C., on Wednesday with Pulliam and Larry Calvert, manager of the C.M. Russell Wildlife Range.

Grizzly area 'go-slow' asked

BOISE, Idaho (AP)—The Idaho Legislature has sent Congress a memorial urging a go-slow approach to setting aside a chunk of Idaho, Montana and Wyoming to protect grizzly bears.

The U.S. Fish and Wildlife Service proposes to set aside an area of the three states as grizzly bear habitat. The memorial urges no action "until all of the questions concerning advisability of such establishment are answered in a scientific and reasonable manner."

The memorial said grizzlies have increased in Idaho recently.

The proposed set-aside would include large stands of timber that could be harvested, the memorial said.

3-2-77

4 Great Falls Tribune

Tuesday, Feb. 8, 1977

F-G phone call puts chief

By THOMAS KOFYNSKI
Tribune Capitol Bureau

HELENA — Top Fish and Game Department chiefs were called on the carpet by an angry Joint Appropriations Subcommittee over a telephone call to the federal government.

The subcommittee claimed there was an alleged attempt by the department, through the call, to box the legislature into accepting the department's opinion that it is illegal to spend federal dollars, matched by state fishing and hunting fees, for support of the state park system.

The subcommittee, headed by Rep. Rex Manuel, D-Fairfield, met with Department Director Robert Wambach and deputy director Fletcher Newby.

"They were not aware that such a call had been made," says Rep. David Aageson, R-Gilford, a subcommittee member. "We told them that some employe had tried to muddy the water on the funds diversion issue by calling Washington, D.C."

"We told them that opinions we had

received from federal offices in Denver allow the diversion and that it would be unwise for the department to pursue the matter further."

Newby identified the employe as administrator of the Fish and Game Department's centralized services division, Ron Egeland.

At issue is about \$2 million a year the department receives for fish and wildlife restoration projects from the feds which are then matched with hunting and fishing license fees.

Within the past two years the department has discovered that \$682,000 a year in license fees have been diverted from the fish and wildlife programs to support the parks program.

It has taken the position for the next budget cycle that such a diversion is illegal and threatens the \$2 million in federal funds.

The department has requested that general fund (state money), instead of license fees, support the parks.

When the governor's budget office cut

off \$2.1 million from the request, the department announced that there would be closures of state parks, recreation areas and monuments.

Gov. Thomas L. Judge has since announced that there would be no such closures and his budget office and the department has put together a package of increased motorboat, pickup camper and camper trailer fees, along with several other revenue sources to make up most of the difference.

Aageson said that the subcommittee's position is that since the federal funds haven't left control of the Fish and Game Department, that they haven't really been diverted.

He said this has been backed up by the legislative auditor who is looking into the diversion issue.

He also notes that a 1974 audit by the federal government found no problem with the diversion.

It was through the legislative auditor's office that the subcommittee found out that Egeland had made a call to

Lobbyists lobby against lobby airing

HELENA (AP) — Lobbyists lobbied a Senate committee on Monday, trying to convince the lawmakers to oppose a bill placing financial-reporting requirements on their ranks.

Sen. Thomas Towe, D-Billings, said his disclosure bill would provide more openness in the legislative process by forcing special interests to disclose the amount of money they are spending to promote or oppose legislation.

"As legislators, we are required to bare our souls, disclose conflicts of interests or even appearances of conflict," Towe said. "The

testify.

Towe said if the legislators allow themselves to be swayed from such a disclosure bill the citizens "will act for us." He noted that Colorado, Washington and California are three regional states with strong lobbyists disclosure bills or related legislation.

In Montana, lobbyists now are required only to register and pay a \$10 fee.

In no way is the bill aimed at excluding persons from participating in the legislative process, Towe said.

Natalie Cannon of Common Cause, whose husband is one of

ducted publicly."

Among the most vociferous opponents was Tom Winsor of the Montana Chamber of Commerce, who said that about all he could agree to was the number of the bill "because beyond that there is bad trouble."

Winsor said he questioned the need for the bill since there was no allegation of problems with lobbyists or abuses of the system mentioned by Towe.

He characterized the bill as "regulation for regulation's sake" and said its requirements — including citizen suits for infractions —

problem I would regret it. What we present is in the open."

Harold Pitts, who retired as director of the Department of Business Regulation and then went to work for the Montana Independent Bankers Association, said the bill was scary and would involve significant bookkeeping work.

Towe noted that three southeastern Montana counties receiving coal-tax money from the state have hired a lobbyist and he already has gained \$500,000 for them. "What did this cost the counties?"

Sen. Towe said he would