

# HOUSE FISH AND GAME COMMITTEE

January 16, 1979

The meeting was called to order by Vice-Chairman Hirsch, at 1:30 p.m., with all members present except Chairman Staigmilller who was excused.

The hearing on House Bill No. 97 was opened and Representative Vinger, Second Sponsor, was present to explain the bill. This bill would allow the taking of Ling with spears. When the law was passed on spearing, Burbot (Ling) was just neglected to be added and should be included with the other game fish.

Arthur N. Whitney, Fisheries Division Administrator, Department of Fish and Game, was present in support of House Bill No. 97. He testified that Burbot spearing was popular with fishermen in eastern Montana before this species was made a game fish. Burbot populations are high enough to allow spearing in most areas, recommending a Do Pass on House Bill No. 97.

Mr. Robert VanDewVere rose in support of House Bill No. 97, stating that spearing in other areas, similar to Ling, was acceptable and very much enjoyed by the fishermen.

Representative Vinger Closed and urged the committees support of House Bill No. 97.

Representative Kessler, Chief Sponsor of House Bill No. 29, explained that this bill adds Lynx and Wolverine to the list of fur-bearing animals and removes them from the listing of nongame wildlife in need of management.

The problem with Lynx and Wolverine being nongame animals is no legal authority exists for requiring a license. A free permit is the only legal mechanism the Fish and Game Department can currently use to regulate the harvest of Lynx and Wolverine.

Gene Allen, Administrator of the Wildlife Division of the Montana Fish and Game Department, was present to speak in behalf of the Department in favor of House Bill No. 29.

He explained that the Lynx, Wolverine and western Montana Bobcat are ecologically similar, sharing common habitats and foods. There is little distinction between hunting and trapping methods applied to each of these animals. They are all hunted, and for many people represent desirable trophies. They are also trapped for their furs and command some of the highest prices of any pelts on today's fur market. At the present time Bobcat is classified as a fur-bearing animal.

Perhaps one of the most frustrating aspects of our current licensing procedure concerns nonresidents. Because it is illegal for nonresidents to take fur-bearing animals in Montana. But since no license is required for the taking of Lynx or Wolverine the Fish

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and Game Department cannot prevent nonresidents from obtaining free permits for the taking of these two species.

The Department is also recommending that the bill be amended to include the Swift Fox as a fur animal. (detailed testimony attached)

Others rising in support of the bill were Robert VanDewVere, Ed Nentwig, President of the Montana Trappers Association.

Mr. Nentwig stated the price of pelts in both fur-bearing and predatory animals was very high at this time.

Representative Metcalf quoted a \$10,000 figure, from a magazine, bought for pelts in the past year. He recommended the committee members read the article.

Several questions were asked by the committee members. One question from Representative Marks addressed the amendment to add Swift Fox to the fur-bearing animals, asking if these foxes were a danger to the pheasant population?

Mr. Whitney, Fish and Game, replied that the Swift Fox ate small animals and insects. They range from 4 to 6 pounds. They did not seem to be a threat to the pheasant.

Jim Lear, Staff Attorney, brought to the attention of the committee that there may be a conflict with the statutes because the Lynx and Wolverine were included as predators in the Department of Livestocks statutes and may need some clarification before passage of this bill.

The hearing on House Bill No. 29 was closed.

Representative Bill Hand, Chief Sponsor of House Bill No. 37, explained; this bill was requested from the Department of Fish and Game to clarify that all Fish and Game money may be used to pay for Fish and Game expenses, and to generally update the laws.

Tom Ripplingale, Department of Fish and Game, was present in support of House Bill No. 37. The Legislative Audit report for the fiscal year ended June 30, 1977, recommended legislation to update and correct Section 26-123, R.C.M. 1947. Without reference to this section, the Department of Fish and Game has been granted spending authority from funds not specifically mentioned in the section. House Bill No. 37 will correct the situation. (complete testimony attached)

Representative Marks commented that House Bill No. 37 would legalize what the Fish and Game Department has been doing all along.

The hearing on House Bill No. 37 was closed.

The meeting was adjourned at 2:15 p.m.

*Les Hirsch*