

ROLL CALL VOTE ----- HOUSE FISH AND GAME 2-19 COMMITTEE

	Date: No: HJR 24	Date: No:	Date: No:	Date: No:	Date: No:	Date: No:
DAILY	YES					
DEVLIN	NO					
ELLISON	NO					
HANSON	NO					
HART	XXX					
JENSEN	YES					
MANUEL	YES					
MUELLER	XXX					
NISBET	YES					
PHILLIPS	YES					
REAM	YES					
RYAN	NO					
SAUNDERS	YES					
SWIFT	NO					
VELEBER	YES					
SPAETH	YES					
NILSON	YES					

HOUSE FISH AND GAME COMMITTEE

February 19, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 8:00 a.m., with all members present, except Representative Mueller, who was excused.

Chairman Nilson opened the meeting to a hearing on House Bills: 804, 836, 888, and House Joint Resolution 24.

HOUSE BILL 888

REPRESENTATIVE ROBERT MARKS, District 80, Clancy, opened by stating House Bill 888 is an attempt to come to a compromise on issues that concern people in both agricultural and recreational sectors. It describes what a stream is, what navigable is, and it describes what a craft is. The amendments clean up some questionable areas in the bill and make it more acceptable. (see exhibit 1) This bill turns the property of the river back to the landowner, in cases where federal statutes do not prohibit that. It describes in section 3, the navigable waters and describes in that section that members of the public have the right to navigate and exercise navigation in a lawful manner. Craft is described on the bottom of page 3. Subsection C, on line 6, describes what ordinary high water means. Subsection 4 describes the authorization and says that nothing in the section authorizes the entering or crossing over private land at any point other than with the ordinary high water mark described in the previous subsection. Section 4 limits liability of the landowner. It says that if the landowner has not done otherwise than described above, then he is not liable for actions taken by the public. Page 4 further defines that responsibility. If you are going to charge for the use of that stream, your liability is not waived. Section 6 talks about prescriptive easement. Prescriptive easement can be acquired by continuous use for five years. This is limited strictly to streams.

PROPONENTS

JOHN SCULLY, Bozeman, said I would like to make a couple of brief comments concerning the amendments. (see exhibit 1) The first three deal with when Montana began statehood, there was a federal test of navigability that gave state ownership in the land. This bill as previously drafted, could not interfere with rights of states when we became a state. This amendment makes sure that it is not doing that. Number 5 strikes repetitive language. In number 6, we have tried to limit liability for landowners. In numbers 7 and 8, we have dealt with the prescriptive easement by saying you cannot gain an easement to property by prescription when you are on the property with permission. You also cannot get a prescriptive easement in a situation where I know you are there, but I don't object to you. This is limited to the stream and navigation issue only.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 19, 1983, page 2

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written copies of his testimony to committee members. (see exhibit 2)

REPRESENTATIVE TED NEUMAN, District 33, Vaughn, said this bill addresses the problem, and I am reasonably satisfied with it.

RON WATERMAN, Helena, said we believe this bill is a reasonable compromise between the various issues. It addresses access problems and sportsman and landowner concerns.

DENNIS HEMMER, Department of State Lands, said we support the bill as amended.

PAT UNDERWOOD, Montana Farm Bureau, said our organization also supports the bill as amended.

JO BRUNNER, Women involved in Farm Economics, submitted a written copy of her testimony. (see exhibit 3)

REPRESENTATIVE GLENN SAUNDERS, District 72, Columbus, rose in support of House Bill 888, for reasons previously stated.

ROBERT VAN DER VERE, Helena, also expressed support for the bill.

REPRESENTATIVE ROBERT REAM, District 93, Missoula, said in the past 25 years, river recreation has increased tremendously in Montana. Because of this, it has created problems with landowners. With this bill, we are hitting this problem head on. It is a compromise, but it does address the problem squarely.

LORRAINE GILLIES, Phillipsburg, stated her support for House Bill 888, for reasons previously stated.

JOHN McBRIDE, Libby, said all things considered, it is the best way to go.

Rep. Marks closed by saying all people are not on the same side of this issue. If we don't come to some sort of a compromise, there is going to be a loss of life over this issue. The feelings run strong. I think the people who have come together on this issue should be complimented.

Questions to committee. Rep. Swift asked Rep. Neuman if he is of the opinion that we should go ahead with this bill and not have to wrestle with the other bills. The reply was yes, it does not address everything, but the committee would be wise to go ahead with this bill.

Rep. Phillips said in one of Ted's bills, it talks about fences and some sort of warning. Rep. Marks replied I think there is a lot of room to work this out.

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February 19, 1983, page 3

Chairman Nilson closed the hearing on House Bill 888, at 8:25 a.m.

HOUSE BILL 804

REPRESENTATIVE FRANCIS BARDANOUVE, District 6, Harlem, opened by saying I feel the grizzly bear is becoming an endangered species. They are becoming smaller and smaller. As home sites are being built, they are pushing them further up the canyons and rivers. The grizzly is loner. He doesn't hate man, but he wants to be off by himself. There is an absolute relationship between their home land where they range, and the number of bears. In Montana, we have a rare species. Most of the grizzly's range has been eliminated. He has been shoved way up into the northwest. This bill says that a grizzly bear is not a game animal. I think he is a noble animal. The legislature, this session, has been making him the state animal. I don't think we should kill our state animal.

There were no proponents to House Bill 804.

OPPONENTS

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written copies of his testimony to committee members. (see exhibit 4)

AL KINGTON, Helena, said the grizzly has began to come into the lime light in Montana. I think progress has been made between the grizzly and man. If this bill were passed, I would support the comment made by Mr. Flynn, that it would actually take one tool away from the manager to actually protect and propagate the bear. I don't want a bear transported to my back yard, but I think they are doing a fine job in transporting them where they can survive.

KEN KNUDSON, Montana Wildlife Federation, said we agree in principal with Rep. Bardanouve's intentions, but we would like to see the options left open for the department to better manage the bear.

JOHN McBRIDE, Libby, said I am a professional forester, and I live with the bear. Some of my property has been classified as grizzly bear habitat. One of the principal causes for the decline and possible extinction of the bear are laws and regulations such as are proposed here. The logger is also a threatened and endangered species. Some people feel we are threatening their livelihood with rules and regulations. The grizzly is more than amply protected by the federals. There are millions of acres set aside where the bear can do anything he wants to. I feel this bill is well intentioned, but would be a stumbling block to management. As far as the existence of the bear, it would be detrimental.

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WILL BROOKE, Montana Woolgrowers and Stockgrowers, said the bear is protected adequately by federal legislation and they have the ability to manage that. Mr. Brooke passed out copies of a notice of violation from the United States Department of the Interior. (see exhibit 5)

KIETH OLSON, Kalispell, said if there are any bad grizzlies, the department should have the right to take care of the situation.

Rep. Bardanouve closed.

Questions from committee. Rep. Swift asked Mr. Flynn what the previous definition of endangered has been. The response was it is a combination of the numbers that exist, and how frequently they shift in areas.

Rep. Ream commented there is a federal classification for threatened and endangered species. Threatened is when the population is low but not in danger of becoming extinct. Endangered is if the population is critically low and in danger of that species becoming extinct.

Rep. Swift asked Mr. Flynn if he felt that the numbers of our population of grizzly bears is sufficient to continue propagation. The answer was no we don't, but there is some debate as to what the numbers are. There is going to be a concentrated effort among the states of Montana and Wyoming to try to ascertain that.

Rep. Ellison asked Mr. Flynn what the difference in management is between a threatened species and an endangered species. The response was the primary difference is hunting the animal. With the grizzly, we do allow hunting in the northern system.

Rep. Ellison said at the present time, there is a limit of 25 bears, and from that limit you take off any bear you have to kill for various reasons. Mr. Flynn replied for whatever reason we have to kill a bear, it is taken off the quota of 25.

Rep. Nilson closed the hearing on House Bill 804 at 8:50 p.m.

HOUSE JOINT RESOLUTION 24

REPRESENTATIVE RAY JENSEN, District 25, St. Ignatius, opened by stating this is a resolution to control the noxious weeds on state-owned land in Lake County, urging the department to institute a rental or sharecrop system of management, and suggesting that such lands be offered for sale if the weed problem is not controlled by January 1, 1985. The department purchased

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this land around the center of Lake County. The highway runs through the middle of this property. The agreement was that they would let the farmers run it on a sharecrop basis. The first 10 years, this was very satisfactory. The land is now completely infested with weeds. Rep. Jensen submitted pictures of the areas in Lake County for the information of the committee. (see exhibit 6) We hope that through this bill, we can solve these problems. There are farmers who would like to run this program, and I think they can clean it up.

PROPOSERS

CARL FRITZNER, Lake County, said we don't really know what to do with the weeds. It seems that about two thirds of my time is spent trying to get rid of them. They are in a good place for the birds to lay eggs, then the birds spread the seeds out through the area. They also grow in the ditches and stop our water from flowing. If the weeds work their way into our timber lands, they will be impossible to get out and will spoil grazing in these areas. The weeds spoil the looks of the land.

EARL ROOTS, Lake County, said if we can get this bill passed so that the Fish and Game Department can control the largest part of the county, then I think we will be able to get the neighbors to control their land. I have seen 80 acre spots where people have completely given up.

OPPOSERS

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written copies of his testimony to the committee. (see exhibit 7)

KEN KNUDSON, Montana Wildlife Federation said I hope the approach the department is taking will address some of these problems. 3,500 acres are extremely important for the sportsmen of the area. The Montana Wildlife Federation Club from Missoula would also like to express their concern. We would like to suggest that whatever mechanical and biological methods possible would be implemented first and the least toxic forms of herbicides be used. I hope the program will address some of these concerns without the possibility of the land having to be sold.

REPRESENTATIVE ROBERT REAM, District 93, Missoula, said I have hunted on this area since 1969, and I have also used the area for Montana wildlife classes. I think that the remarks of Director Flynn are appropriate, in that they do address resolutions 1 and 2. There are some things being done now to address those concerns. I think that sharecropping is a valid tool to use in conjunction with the management of the area. I think in some areas we should be looking at fire as an option also.

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Questions from committee. Rep. Ellison asked if this program is going to be carried out statewide. Mr. Flynn replied yes it is.

Rep. Devlin asked Mr. Roots if Lake County has a weed control program. The response was yes we do.

Rep. Devlin said when we talk about effectively controlling noxious weeds in Lake County, it looks like a class legislation for one part of the state. Rep. Jensen replied I think we can assume that this subject pointed at all state lands. The problem in Lake County is a rather unique and serious one.

Rep. Devlin asked Mr. Flynn if there had been any other areas where there have been complaints on the weed problem. The reply was this is the most pressing problem we have.

Rep. J. Jensen asked Rep. R. Jensen what extent of the problem in Lake County he would attribute to the reservation. The reply was between the Fish and Game Department and the reservation, it is probably due as much to one as to the other. I think we have both cooperating now.

Rep. Jensen closed by saying I think this program could be used as a tool. There is a job to do, and we have to get it done at a certain time. Mr. Flynn could use this bill as a tool to show the farmers that they have to get the job done.

Chairman Nilson closed the hearing on House Joint Resolution 24 at 9:15 a.m.

HOUSE BILL 836

REPRESENTATIVE JIM JENSEN, District 66, Billings, said this bill makes the mourning dove a bird which will be subject to the Fish and Game's authority to set seasons and take limits. Page 2, line 15, under the migratory game birds, add mourning dove. The mourning dove is not, at this time, designated as a game bird. I have the federal register copies of the proclamations which set early seasons and bag limits for migratory game birds. I have the summary of the federal hunting regulations. Under that summary, the federal management unit lists the states in which dove hunting is ongoing. (see exhibits 8 and 9)

PROPONENTS

ROBERT VAN DER VERE, Helena, said I have hunted doves for years in the State of Illinois. It is about time this state had a dove season.

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JIM MULAR, Helena, said why should all the other states except for two, feed these fowl, and make them nice and spicy to eat all the way to Mexico, and deny the Montana hunter a season. I believe it is a conservation method in raising up the population of pheasants in Montana.

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written copies of his testimony to committee members. (see exhibit 10)

KEN KNUDSON, Montana Wildlife Federation, said we have had quite a bit of interest in this, particularly in our clubs in eastern Montana that are interested in having expanded opportunities, and we would urge your support of this bill.

GEORGE ALLEN, Montana Retail Association, said hunting and fishing are very important to the retail stores which sell ammunition. It is another reason for people to enjoy hunting in this state.

REPRESENTATIVE GLENN SAUNDERS, District 72, Columbus, said this bill gives us an opportunity to enjoy some mountain sports.

OPPONENTS

REPRESENTATIVE ORVAL ELLISON, District 73, McLeod, said my wife said that if you open this up to doves, you could just as well open it up to meadowlarks too. I am opposed on behalf of my wife, and I would advise you not to hunt on my place.

Rep. Jensen closed by saying travel is important as an industry in Montana. Right now, travel in Montana of out-of-state people coming in, is 18.6%. This is 18.6% of our total industry in the state. I grew up in a small town in eastern Utah, where we hunted doves. In terms of the tourist industry, the importance of doves was relatively high. We used to pack people in from all over the United States and sell a lot of game licenses for doves. It would help a number of these areas to fill a gap in their motel vacancy rates. I would like to note that the Audubon Society does not oppose this bill today.

Questions from committee. Rep. Ellison asked Mr. Flynn if he had any idea when the season would be set. The response was no.

Chairman Nilson closed the hearing on House Bill 836, at 9:40 a.m.

EXECUTIVE SESSION

HOUSE FISH AND GAME COMMITTEE MINUTES
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HOUSE BILL 888

Rep. Swift moved HUse Bill 888, DO PASS, the motion carried unanimously.

HOUSE BILL 836

Rep. Ream moved House Bill 836, DO PASS.

Rep. Devlin asked when the season starts for doves. Rep. Jensen said mourning doves, as stated in the Federal Register, the outside dates for hunting are between September 1, and January 15. The most frustrating thing to a dove hunter is the first cold front that moves through an area. Between September 1, and September 30, they are very fragile. The treaty with Mexico does not allow us to hunt before the first of September.

Rep. Ream commented we have a treaty with Canada that also sets those outside limits.

The motion passed 13 to 3, with Representatives Devlin, Ellison and Hanson voting no.

HOUSE BILL 804

Rep. Spaeth moved to TABLE House Bill 804, the motion carried unanimously.

HOUSE JOINT RESOLUTION 24

Rep. Spaeth moved House Joint Resolution 24, DO PASS.

Rep. Spaeth moved the amendments to House Joint Resolution 24, DO PASS.

Rep. Daily made a substitute motion to TABLE HJR 24.

Rep. Manuel said this is all in management. I think Mr. Flynn is trying to get a hold of the problem. I believe we should let management deal with it.

Rep. Swift said this plan has been sitting here for years. I think it will be instrumental in getting dollars to do this job.


Rep. Daily said I think Mr. Flynn is concerned with the problem, and I think he will deal with the problem.

The motion carried 10 to 5, with Representatives Devlin, Ellison, Hanson, Ryan, and Swift voting no.

HOUSE FISH AND GAME COMMITTEE MINUTES
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Rep. Devlin passed out, for the information of the committee, statewide release. The portions quoted by Rep. Devlin are underlined. (see exhibit 11)

Chairman Nilson adjourned the meeting at 9:50 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

VISITOR'S REGISTER

HOUSE Fish and Game

COMMITTEE

BILL HB # 888DATE 2/19SPONSOR Marks

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Pat Ward Pineda	Bozeman	MT. Farm Bureau	✓	
Dennis Hemmer	Helena	Dept of State Lands	✓/amended	
Will Burke	Helena	Grazing Districts/Workshops	✓	
Jo Blanner	Helena	W.I.F.E.	✓	
Dave Woodford	Helena	Dept. of State Lands	✓/amendment	
Bill Asher	Bozeman	APA - PCA - SCPA	—	—
Gordon Dushenko	Three Forks	"	—	—
Moni Tegen	Helena	mt. Stockgrowers, Contractors	✓	
Annmarie Gillis	Highway	self - Farm Bureau	✓	
John Sully	Bozeman		✓	
Sam Waterman	Helena	MSGA	✓	
John K. ...	L.A.	S.O.	✓	
Flynn	HELENA	DEPT FWP	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE *Fish and Game*

COMMITTEE

BILL HB# ~~883~~ 804

DATE 2/19

SPONSOR *B Ardenowicz*

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Fish and Game

COMMITTEE

BILL HJR # 24

DATE 2/19

SPONSOR R. Jensen

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Fish and Game

COMMITTEE

BILL HB# 836

DATE 2/19

SPONSOR Jessen

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

PROPOSED AMENDMENTS TO HB 888

1. Title, lines 4 and 5.
Following: "ACT"
Strike: "TRANSFERRING TO THE ADJOINING LANDOWNERS"
Insert: "CLARIFYING"
2. Title, line 6.
Following: line 5
Strike: "BETWEEN THE LOW WATERMARKS"
3. Page 2, line 6.
Following: "the"
Strike: "lake or"
Following: "stream"
Insert: "when navigability has been determined using the definition in 85-1-112(3). Title is not vested with the adjacent landowner whenever the body of water has been declared meandered by government survey or determined at any time to be navigable under the federal navigability definition."
4. Page 2, line 20.
Following: "(a)"
Strike: "Members"
Insert: "To be navigable in fact, the members"
Following: "public"
Strike: "have the right to navigate and"
Insert: "must"
5. Page 2, line 24.
Following: line 23
Strike: "oar, paddle, or motor-propelled"
6. Page 4, line 16.
Following: "purposes"
Insert: "or who creates an obstruction to the navigation of the stream for harassment of persons navigating the stream"
7. Page 5, line 2.
Following: "easement"
Insert: "for navigation upon a stream, river, or lake"
8. Page 5, line 5.
Following: "agent"
Insert: "or occurred without objection but with knowledge of the landowner or his agent"

HB 888

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

The Montana Department of Fish, Wildlife and Parks supports HB 888. We feel embodied in this legislation is the common ground needed by all sides presently involved in this issue.

This Bill gives assurance that rivers which can be floated in the traditional context of that term will be accessible to the public. The definition of "craft" is a reasonable one and we believe it is fair to recreationists.

The definition of "high water" mark is likewise reasonable and we feel that it will generally be a discernable mark in the field.

Our department, and we believe most recreationists, recognize the needs landowners have for irrigation diversions, fences and bridges. The provision that accomodates portaging around these structures is reasonable and fair.

In the case of "prescriptive easements" our department agrees with the language in the Bill. We appreciate the indulgence of many Montana landowners who allow recreational use of their property. This generosity can not and should not be taken for granted. It certainly should never work to the disadvantage of the property owner. This Bill clarifies that this will not occur.

In conclusion we feel HB 888 clarifies key stream access issues in a fair and equitable manner, we urge its passage.

WIFE Women Involved in Farm Economics

NAME JO BRUNNER BILL NO. HB 888
 ADDRESS 563 3rd ST. HELENA DATE February 19
 REPRESENT WOMEN INVOLVED IN FARM ECONOMICS
 SUPPORT X OPPOSE AMEND

COMMENTS:

MY NAME IS JO BRUNNER AND I SPEAK TODAY FOR THE MEMBERS OF THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION.

MR CHAIRMAN, THE MEMBERS OF OUR ORGANIZATION WISH TO SUPPORT THIS BILL. FOR YOUR INFORMATION, WE ARRIVE AT OUR DECISIONS FOR SUPPORT OR OPPOSITION THROUGH RESOLUTIONS, STARTED AT STATE STEERING LEVEL AND TAKEN DOWN TO LOCAL CHAPTERS FOR VOTING AND THEN BACK UP TO THE STATE LEVEL FOR APPROVAL OR DISAPPROVAL, OF CONCEPTS DISCUSSED. WE TESTIFIED RECENTLY ON ANOTHER BILL QUITE SIMILIAR TO THIS, THAT REPRESENTATIVE NEUMAN AUTHORED AND WE APPRECIATE HIS SIGNATURE AS A SPONSOR ON THIS BILL.

WE SUPPORT DEFINITIONS INTRODUCED IN THIS BILL CONCERNING HIGH WATER MARKS----CRAFTS---THE PUBLICS RIGHT TO USE THE WATERS ON OUR LAND, IN ACCORDANCE WITH PARAGRAPH 4---SECTION 3---PAGE 3-- LINES 11 through 19.

WE CONCUR WITH new SECTIONS 4-5-6 CONCERNING LIABILITY AND PRESCRIPTIVE EASEMENTS.

WHILE OUR MAIN PURPOSE IN SUPPORTING THIS BILL IS CERTAINLY TO PROTECT OUR LANDS AND OUR LIVELIHOOD, WE BELIEVE THAT IT WILL FURTHER GOOD RELATIONS BETWEEN THOSE PEOPLE WHO UTILIZE OUR WATERS AND WHO ARE TRULY DESIRIOUS OF BEING RESPONSIBLE FOR THEIR ACTIONS, AND THE LANDOWNERS.

THANK YOU.

HB 804

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 19, 1983

I appear here today in opposition to House Bill 804.

The legislative mandate for the Montana Department of Fish, Wildlife and Parks to protect and preserve the wildlife resources of the State of Montana date from 1921. This mandate includes the grizzly bear.

We view the grizzly bear as an awesome, highly respected and prized, premier big game animal. It is an important part of this state and nation's wildlife heritage.

While we share the strong concern of many over the potential loss of the grizzly and its habitat, listing the species as endangered could potentially do more to hasten its demise than any other actions.

At the present time, Northern Montana grizzlies are the only hunted grizzlies in the lower 48 states. As a part of the "threatened" classification in 1975, the Department agreed to a maximum quota of 25 grizzlies which could be removed by all human related causes in the Northern Unit and to a moratorium on grizzly hunting in the Greater Yellowstone area.

Management and research information to date indicates the grizzly population in the Northern Unit continues to be healthy and viable. At the same time, the Yellowstone grizzly population has declined in spite of complete protection from hunting. We feel hunting has played a vital role in maintaining a level of wariness of people by the grizzly in the Northern Unit and prevented much of the bear-people conflicts that have occurred.

We are concerned that classification of the grizzly by state statute will likely foster a similar classification on the Federal level. Even though House Bill 804 provides for hunting and control of grizzly when endangering human life or domestic livestock, Federal listing will void this section if enacted. The listing of the grizzly as endangered on the Federal level will prevent nearly all management options.

Those actions prohibited include harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capturing or collecting. In addition, all import, export, possessing, selling, delivering, carrying, transporting and shipping would be unlawful. The jurisdiction and ability to respond to damage complaints by our Department would be severely limited. In the long run, it would promote the shoot and don't tell philosophy in our society.

In January 1982, a Grizzly Bear Recovery Plan was approved by the U.S. Fish and Wildlife Service. The plan provides the recommended actions necessary for the maintenance, enhancement and recovery of this species in the lower 48 states. The proposed legislation (HB 804) and any further action at the Federal level to list the grizzly as endangered would prevent many of the actions outlined in the recovery plan.

We believe it is in the best interest of the grizzly bear and Montana citizens to keep all our management options open. Sound game management and public support will do more to maintain healthy viable populations of grizzly bear in Montana than any other action. The Montana Department of Fish, Wildlife and Parks is committed to the use of sound wildlife management principles in its programs. The management of grizzly bear is no exception.

We therefore urge you to recommend a do not pass for House Bill 804.



United States Department of the Interior
OFFICE OF THE SOLICITOR

Exhibit 5

REGISTERED MAIL--
RETURN RECEIPT REQUESTED

DENVER REGION
P.O. BOX 25007
DENVER FEDERAL CENTER
DENVER, COLORADO 80225

SEP 7 1982

U.S. FISH AND WILDLIFE SERVICE,	:	CIVIL PENALTY PROCEEDING
	:	
Complainant,	:	ENDANGERED SPECIES ACT
	:	
v.	:	16 U.S.C. S 1538-1540
	:	
RICHARD PAUL CHRISTY	:	INV 8-23014
	:	
Respondent	:	

NOTICE OF VIOLATION

On or about July 9, 1982, while subject to the jurisdiction of the United States, Respondent did shoot and kill a grizzly bear Ursus arctos, near Chief Mountain on the Blackfeet Indian Reservation, in Glacier County, Montana, thus, violating the Endangered Species Act. Respondent violated Section 1538(a)(1) of Title 16 of the United States Code which makes it unlawful to take any endangered species, fish or wildlife. Section 1540 of Title 16 provides that a civil penalty may be assessed by the Secretary of the Interior to any person who knowingly violates this regulation. Respondent did in fact violate Section 1538 (a)(1) of Title 16.

NOTICE:

Complainant proposes to assess Respondent a civil penalty of \$3,000.00. This notice initiates the civil penalty proceeding. Respondent may answer this notice by:

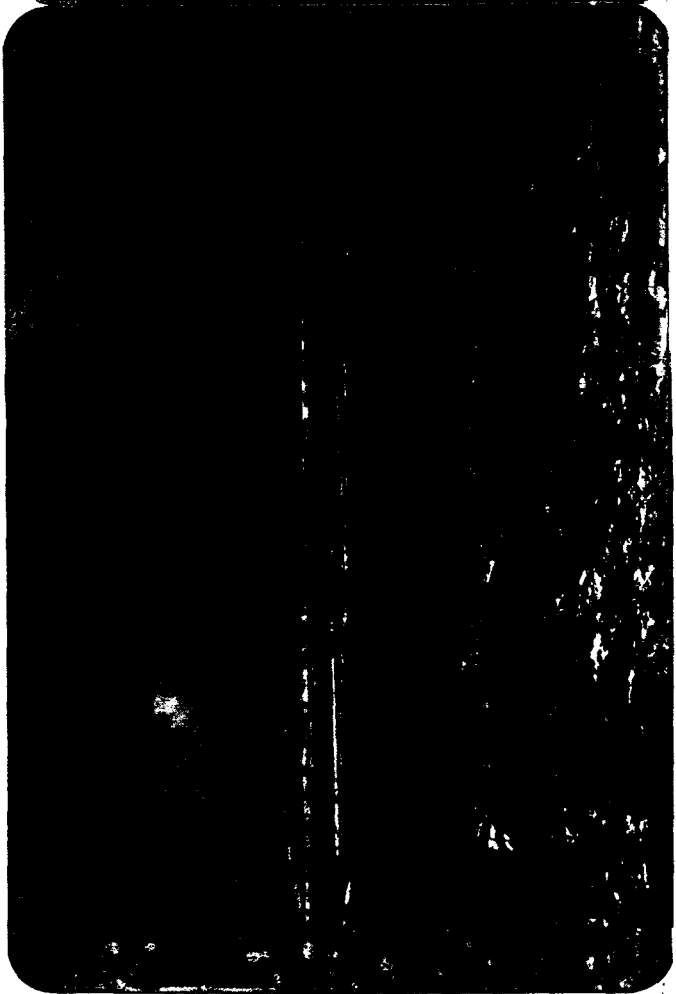
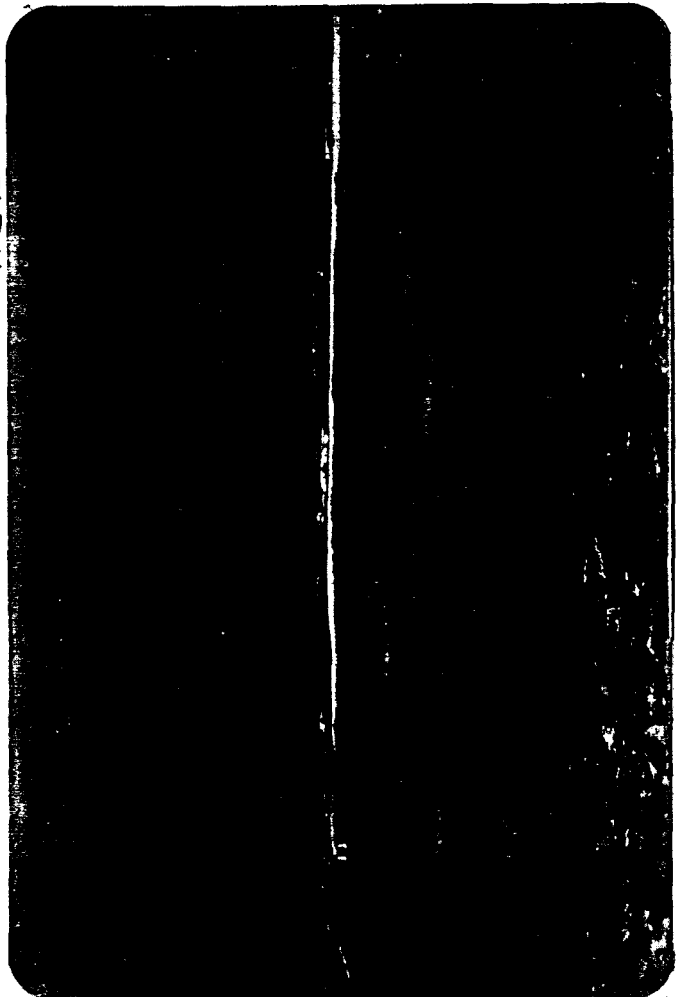
- (1) paying the proposed \$3,000.00 civil penalty;
- (2) undertaking informal discussion with Complainant;
- (3) filing a Petition for Relief in accordance with sections 11.11 and 11.12 of the attached regulations; or
- (4) taking no action and awaiting the final assessment decision by Complainant.

Regardless of the answer Respondent chooses to make, Respondent should read the attached regulations since they govern this proceeding and explain Respondent's rights therein. Any answer Respondent makes must be submitted within 45 days from the date of this notice.

CURTIS MENEFFEE
ATTORNEY
FOR THE DIRECTOR
U.S. FISH AND WILDLIFE SERVICE

Office of the Solicitor
Rocky Mountain Region
P.O. Box 25007
Denver Federal Center
Denver, Colorado 80025

Exhibit 6
#JR 24





HJR 24

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 19, 1983

I appear here today in opposition to House Joint Resolution 24.

We appreciate the concern for the weed situation at Ninepipe Wildlife Management Area. However, I would like to present our objectives for the area and our current operational status.

These properties were acquired in the early 50's to provide waterfowl and upland game bird habitat for bird production and public hunting. All of these lands were acquired from willing sellers at fair-market value with sportsman dollars.

It was obvious at the time that many of the lands should not have been in cropland or small grain production. The terrain, soils and amount of rock on much of the land dictated it would be better suited to a permanent cover type. This also fits our objectives of bird production and to provide hunting cover. This project was strongly supported by the sportsman groups in western Montana.

Through sharecropping and our own efforts much of the cropland was converted to a permanent cover type. A recent die-off of a portion of the permanent cover type forced us to get back into a cropping status as a short-term solution for the weed problem that developed and had a potential of intensifying.

The Department of Fish, Wildlife and Parks has recently initiated a sharecrop system of farming on the Ninepipe Wildlife Management Area. About 700 acres of farmland was under a sharecrop system during 1982. The Ninepipe area totals about 3,300 acres and sharecrop agreements are presently being negotiated with three farmers in the area for a total of about 1,100 acres for the 1983 season. Additional sharecrop agreements will be made if necessary.

A management system has been drawn up this past year with the Soil Conservation Service for the Ninepipe unit. It includes crop rotations, weed control measures to be accomplished through tillage and the use of herbicides and crop rotations to provide nesting and security cover for wildlife.

A weed spray unit was purchased for the Ninepipe Wildlife Management Area and personnel are in the process of procuring pesticide applicators' licenses.

Additional manpower will be available on the Ninepipe unit to increase the tilled acreage and, therefore, combat the weed problem. Additional funds will also be made available if that proves necessary during this growing season.

I would point out that weed management plans are being drawn up for all Fish, Wildlife and Parks' lands in the state. This effort is following a program developed last December, copies of which I have enclosed. These plans will be operational by May 1, 1983.

In summary, I believe the concerns of this resolution have been addressed and that our efforts will lead to resolution of the present concern over our management of the area.

Ex. 7
HJR 24

WEED CONTROL PROGRAM
FOR LANDS MANAGED BY THE
MONTANA DEPARTMENT, FISH, WILDLIFE AND PARKS

Justification

Many plants, both native and introduced species, provide food and/or cover to the more than 400 species of terrestrial wildlife in Montana. Some of those plant species are critical to the survival of certain kinds of wildlife by providing dietary staples or trace elements, birthing and nesting cover, etc., while others are utilized simply because they are available. Plants in general are prerequisite to the existence of wildlife.

Some plant species are undesirable from an agricultural viewpoint. Such plants compete with crop and livestock forage plants for nutrients, water, and space. When successfully established, these weeds can result in economic losses to private land managers.

Problem

The Department of Fish, Wildlife and Parks owns or leases 375 sites located in 34 counties and comprising 324,800 acres (0.3% of Montana's total land area). These areas are set aside for wildlife management purposes, fish hatcheries, state parks and recreation areas, fishing access sites, and administrative sites.

The department has actively pursued a general "good neighbor" policy with regard to agriculturally undesirable plants for many years, and has complied with provisions of the 1979 Montana Weed Control Law. However, there has not been a formal weed control policy in place for department land. To promote understanding of the department's plant management objectives on lands under its control, to further endorse the department's cooperation with agricultural interests in minimizing problems with undesirable plant species, and to assure effective application of weed control procedures on department lands, the following program shall be followed.

PROGRAM

Objective

To prevent, to the extent feasible, the reproduction and distribution of agriculturally undesirable plants species on/from department lands to adjacent private lands.

Evaluation

The feasibility of controlling undesirable plants on department lands shall be determined according to the following factors:

1. Declaration of a plant species as a noxious weed by state law and the appropriate county weed board.
2. Occurrence and density of the noxious weed on department land.
3. Sources of the same noxious weeds on adjacent and/or upstream/upwind lands.
4. Maintaining the welfare of fish and wildlife resources, recreational opportunities, and health and human safety concerns.
5. Funds, equipment and manpower available to the department for noxious weed management.
6. Federal and state restrictions on the methods and materials available for noxious weed management.

Analysis

To implement this policy, each regional supervisor will systematically analyze all land under the department's control within his region. The analysis for each area will:

1. Identify noxious weeds present.
2. Identify the source of the noxious weeds whenever possible.
3. Identify past and present control methods employed.
4. Map the current location and extent of each noxious weed species.
5. List the number of complaints, if any, concerning noxious weed occurrence on that land.
6. Solicit input from Weed Board or Weed Supervisor.
7. List the objections to noxious weed management on department lands by individuals or groups.
8. Include any other pertinent information.

Control Plan

Following the analysis, a specific plan will be developed for noxious weed control for each property. The plan will identify the goal as being either *eradication* or *containment* of the noxious weeds present.

Eradication. Where noxious weeds are in isolated, sparsely occurring groups or clumps, eradication of that plant population may be attempted. Generally, this procedure will be in coordination with similar, intensive eradication attempts by adjacent landowners.

Containment. This level of noxious weed control will be practiced when the occurrences of the target plant species is so extensive that eradication is unfeasible.

This plan will include the prescribed control method or combination of methods of controlling the target plant species. Control methods that may be used individually or in combination to attain the adopted goal include:

1. Mechanical: Includes cultivation, mowing, hand pulling, cutting or burning.
2. Chemical: Herbicides.
3. Biological: Includes insects, bacteria, viruses or other plant species. These methods must be approved by qualified weed control scientists.
4. Grazing: By domestic animals and wildlife.
5. Reclamation: Seeding, nurturing, and protection of those plant species that successfully compete against the undesirable plant species.

The plan will state how the control work will be accomplished. Depending on the situation, acceptable methods include work being accomplished by:

1. Department employees -- if necessary, department employees will complete proper training and will receive proper certification and licensing necessary for herbicide application prior to initiating chemical control.
2. Contracting with county weed boards.
3. Contracting with private weed control firms.

4. Cooperative agreements with adjoining or neighboring landowners.

Monitoring

All noxious weed control plans will be monitored at least once per year by the regional supervisor or his designee. If monitoring shows the methods chosen for plant control are not effectively meeting the stated goal for an area, the specific plan will be modified and another control method or methods will be added or substituted. If the situation warrants a change in the goal for an area, it can be changed.

Communication and Followup

Regional supervisors will meet with each county weed board in his region where the department controls land at least once per year. The supervisor will discuss the department's overall noxious weed control program and will discuss specific weed control plans for the sites under his administration within the county.

The Director will appoint a person as statewide noxious and weed control coordinator. Duties assigned to this person will include:

1. Assisting regional supervisors in developing specific weed control analyses and plans.
2. Disseminating information about the department's noxious weed control to the public and to department employees.
3. Assisting in establishing training schedules and opportunities for department employees regarding noxious weeds and their control.
4. Monitor the overall weed control program of the department.
5. Report noxious weed control activity to the Director at the end of each calendar year. This report will contain a description of all activities undertaken by the department and will contain recommendations for weed control for the coming calendar year.


Director

Department of Fish, Wildlife and Parks

January 18, 1983
Date

Dual Violation. Violation of State migratory game bird regulations is also a violation of Federal regulations.

FEDERAL DUCK STAMP

Each waterfowl hunter 16 years of age or over must carry on his person a valid Migratory Bird Hunting and Conservation Stamp, or duck stamp, signed in ink across the face. Hunters under 16 may voluntarily purchase a duck stamp and help preserve wetlands for waterfowl.

MOURNING DOVES

EASTERN MANAGEMENT UNIT

In all States except Alabama and Illinois:	
Daily bag limit	12
Possession limit (except as noted)	24
In Alabama:	
Daily bag limit	12
Possession limit	12
In Illinois:	
Daily bag limit	15
Possession limit	30

Shooting and hawking hours: One-half hour before sunrise except as noted otherwise.

Alabama:

North Zone (1)	
All of Autauga, Barbour, Bullock, Butler, Chilton, Crenshaw, Dallas, Elmore, Lee, Lowndes, Macon, Marengo, Montgomery, Pike, Russell and Wilcox Counties, and that area north of U.S. Highway 84 in Choctaw, Clarke, Conecuh, and Monroe Counties	
1/2 hour before sunrise to sunset	Sept. 18-Nov. 4 & Dec. 18-Jan. 8.
Remaining counties in North Zone	
12 noon to sunset	Sept. 18-Nov. 4 & Dec. 18-Jan. 8.
South Zone: (1)	
1/2 hour before sunrise to sunset	Oct. 9-Nov. 28 & Dec. 21-Jan. 8.
Connecticut	Closed.
Delaware (12 noon to sunset)	Sept. 4-Oct. 2 & Oct. 18-Oct. 30 & Dec. 16-Jan. 12.
Florida:	
(12 noon to sunset)	Oct. 2-Oct. 31.
1/2 hour before sunrise to sunset	Nov. 13-Nov. 28 & Dec. 11-Jan. 3.
Georgia:	
North Zone (2)	Sept. 4-Oct. 9 & Dec. 11-Jan. 13.
South Zone (2)	Oct. 2-Nov. 6 & Dec. 11-Jan. 13.
Illinois (12 noon to sunset)	Sept. 1-Oct. 15.
Indiana	Closed.
Kentucky (12 noon to sunset)	Sept. 1-Oct. 16 & Dec. 1-Dec. 24.
Louisiana:	
North Zone (3)	Sept. 4-Sept. 19 & Oct. 16-Nov. 7 & Dec. 11-Jan. 10.
South Zone (3)	Oct. 16-Nov. 28 & Dec. 11-Jan. 5.
Maine	Closed.

Maryland (12 noon to sunset)	Sept. 1-Oct. 12 & Nov. 6-Nov. 20 & Dec. 20-Jan. 1.
Massachusetts	Closed.
Michigan	Closed.
Mississippi	Sept. 4-Oct. 3 & Oct. 16-Nov. 7 & Dec. 25-Jan. 10.
New Hampshire	Closed.
New Jersey	Closed.
New York	Closed.
North Carolina:	
12 noon to sunset	Sept. 4-Oct. 9.
1/2 hour before sunrise to sunset	Dec. 13-Jan. 15.
Ohio	Closed.
Pennsylvania:	
12 noon to sunset	Sept. 1-Oct. 11.
1/2 hour before sunrise to sunset (4)	Oct. 30-Nov. 27.
Rhode Island: (12 noon to sunset)	
Black Hut, Buck Hill, Durfee Hill, Arcadia, Carolina, Great Swamp, Indian Cedar Swamp, and Woody Hill State Management Areas only	Sept. 8-Sept. 12.
Elsewhere	Sept. 13-Oct. 10 & Oct. 16-Nov. 21.
South Carolina	Sept. 4-Oct. 9 & Nov. 20-Nov. 27 & Dec. 21-Jan. 15.
Tennessee (5)	Sept. 1-Sept. 30 & Oct. 9-Oct. 24 & Dec. 18-Jan. 10.
Vermont	Closed.
Virginia:	
12 noon to sunset	Sept. 4-Oct. 30.
1/2 hour before sunrise to sunset	Dec. 20-Jan. 1.
West Virginia	Sept. 1-Oct. 30 & Dec. 22-Dec. 31.
Wisconsin	Closed.

(1) In Alabama, the South Zone is defined as that area south of U.S. Highway 84 running east from the Mississippi State Line to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

(2) In Georgia, the North Zone is defined as that area north of a division line as follows: U.S. Highway 280 from Columbus to the Ocmulgee River, along the Ocmulgee River to the western border of Jeff Davis County, south along the western border of Jeff Davis County, east along the southern border of Jeff Davis County, north along the eastern border of Appling County to the Altamaha River, west to the western border of Tattnall County, north along the western boundary of Tattnall and Emanuel Counties, east along the northern boundary of Jenkins County, south along the western border and east along the southern border of Screven County to the South Carolina line. The South Zone consists of the remainder of Georgia.

(3) In Louisiana, the North Zone is defined as that area north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line. The South Zone consists of the remainder of Louisiana.

(4) In Pennsylvania, shooting hours on opening day (Oct. 30) are 9 a.m. to sunset.

(5) In Tennessee, shooting hours on opening day (Sept. 1) are 12 noon to sunset.

In Missouri:

Daily bag limit	10
Possession limit	20
In Kansas, Nebraska, New Mexico, South Dakota, and Texas:	
Daily bag limit	12
Possession limit	24
In Arkansas, Colorado, North Dakota, Oklahoma, and Wyoming:	
Daily bag limit	15
Possession limit	30

Shooting and hawking hours: One-half hour before sunrise until sunset except as noted otherwise.

Arkansas	Sept. 1-Sept. 30 & Dec. 18-Jan. 1.
Colorado	Sept. 1-Oct. 15.
Iowa	Closed.
Kansas	Sept. 1-Nov. 9.
Minnesota	Closed.
Missouri	Sept. 1-Nov. 9.
Montana	Closed.
Nebraska	Sept. 1-Oct. 15.
New Mexico (1)	Sept. 1-Oct. 10 & Nov. 20-Dec. 19.

North Dakota (sunrise to sunset)	Sept. 4-Oct. 18.
Oklahoma	Sept. 1-Oct. 15.
South Dakota	Sept. 1-Sept. 30.
Texas (2)	

North Zone:

Counties of Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso.	
Shooting hours:	
12 noon until sunset	Sept. 4, 5, 11, 12.
1/2 hour before sunrise until sunset	Sept. 1-3 & Sept. 6-10 & Sept. 13-Oct. 30 & Jan. 1-Jan. 10.

Remainder of North Zone:

Shooting hours:	
1/2 hour before sunrise until sunset	Sept. 1-Oct. 30 & Jan. 1-Jan. 10.

South Zone:

Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick	
Shooting hours:	
12 noon until sunset	Sept. 4, 5, 11, 12.
1/2 hour before sunrise until sunset	Sept. 20-Nov. 8 & Jan. 1-Jan. 16.

Remainder of South Zone:

Shooting hours:	
1/2 hour before sunrise until sunset	Sept. 20-Nov. 12 & Jan. 1-Jan. 16.
Wyoming	Sept. 1-Oct. 15.

(1) In New Mexico, the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of these species.

(2) In Texas, the North Zone consists of the counties of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof. The South Zone consists of all counties south and east of the North Zone.

Seasons in:

Alabama:	
North Zone: ¹ All of Autauga, Barbour, Bullock, Butler, Chilton, Crenshaw, Dallas, Elmore, Lee, Lowndes, Macon, Marengo, Montgomery, Pike, Russell and Wilcox Counties; and that area north of U.S. Highway 84 in Choctaw, Clarke, Conecuh, and Monroe Counties; One-half hour before sunrise to sunset.	Sept. 18 to Nov. 4 and Dec. 18 to Jan. 8.
South Zone: ² One-half hour before sunrise to sunset.	Sept. 18 to Nov. 4 and Dec. 18 to Jan. 8.
Connecticut:	Closed.
Delaware (12 noon to sunset):	Sept. 4 to Oct. 2 and Oct. 18 to Oct. 30 and Dec. 16 to Jan. 12.
Florida: ³	
12 noon to sunset:	Oct. 2 to Oct. 31.
One-half hour before sunrise to sunset:	Nov. 13 to Nov. 28 and Dec. 11 to Jan. 2.
Georgia:	
North Zone: ⁴	Sept. 4 to Oct. 8 and Dec. 11 to Jan. 12.
South Zone: ⁵	Oct. 2 to Nov. 6 and Dec. 11 to Jan. 13.
Illinois (12 noon to sunset):	Sept. 1 to Oct. 15.
Indiana:	Closed.
Kentucky (12 noon to sunset):	Sept. 1 to Oct. 18 and Dec. 1 to Dec. 24.
Louisiana:	
North Zone: ⁶	Sept. 4 to Sept. 18 and Oct. 16 to Nov. 7 and Dec. 11 to Jan. 10.
South Zone: ⁷	Oct. 16 to Nov. 28 and Dec. 11 to Jan. 5.
Maine:	Closed.
Maryland (12 noon to sunset):	Sept. 1 to Oct. 12 and Nov. 6 to Nov. 20 and Dec. 20 to Jan. 1.
Massachusetts:	Closed.
Michigan:	Closed.
Mississippi:	Sept. 4 to Oct. 9 and Oct. 18 to Nov. 7 and Dec. 25 to Jan. 10.
New Hampshire:	Closed.
New Jersey:	Closed.
New York:	Closed.
North Carolina:	
12 noon to sunset:	Sept. 4 to Oct. 8.
One-half hour before sunrise to sunset:	Dec. 13 to Jan. 15.
Ohio:	Closed.
Pennsylvania:	
12 noon to sunset:	Sept. 1 to Oct. 11.
One-half hour before sunrise to sunset: ¹	Oct. 30 to Nov. 27.
Rhode Island: (12 noon to sunset) Black Hut, Buck Hill, Durfee Hill, Arcadia, Carolina, Great Swamp, Indian Cedar Swamp, and Woody Hill State Management Areas only.	Sept. 8 to Sept. 12.
Statewide:	Sept. 13 to Oct. 10 and Oct. 16 to Nov. 21.
South Carolina:	Sept. 4 to Oct. 8 and Nov. 20 to Nov. 27 and Dec. 21 to Jan. 15.
Tennessee: ⁸	Sept. 1 to Sept. 30 and Oct. 8 to Oct. 24 and Dec. 18 to Jan. 10.
Vermont:	Closed.
Virginia:	
12 noon to sunset:	Sept. 4 to Oct. 30.
One-half hour before sunrise to sunset:	Dec. 20 to Jan. 1.
West Virginia:	Sept. 1 to Oct. 30 and Dec. 22 to Dec. 31.
Wisconsin:	Closed.

¹In Alabama, the South Zone is defined as that area south of U.S. Highway 84 running east from the Mississippi State Line to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry and Houston Counties. The North Zone consists of the remainder of Alabama.

²In Florida, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which not more than 4 may be white-winged doves. The possession limit is 24 mourning and white-winged doves in the aggregate, of which not more than 8 may be white-winged doves.

³In Georgia, the North Zone is defined as that area lying north of a division line as follows: U.S. Highway 280 from Columbus to the Ocmulgee River, along the Ocmulgee River to the western border of Jeff Davis County, south along the western border of Jeff Davis County, east along the southern border of Jeff Davis and Appling Counties, north along the eastern border of Appling County to the Altamaha River, west to the western border of Tattnall County, north along the western boundary of Tattnall and Emanuel Counties, east along the northern boundary of Jenkins County, south along the western border and east along the southern border of Screven County to the South Carolina line. The South Zone consists of the remainder of Georgia.

⁴In Louisiana, the North Zone is defined as that area lying north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line. The South Zone consists of the remainder of Louisiana.

⁵In Pennsylvania, shooting hours on opening day (Oct. 30) are 9 a.m. to sunset.

⁶In Tennessee, shooting hours on opening day (Sept. 1) are 12 noon to sunset.

(b) Mourning Doves—Central Management Unit.

In Missouri:	
Daily bag limit	10
Possession limit	20
In Kansas, Nebraska, New Mexico, South Dakota, and Texas:	
Daily bag limit	12
Possession limit	24
In Arkansas, Colorado, North Dakota, Oklahoma, and Wyoming:	
Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise until sunset daily except as noted otherwise.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in:	
Arkansas:	Sept. 1 to Sept. 30 and Dec. 18 to Jan. 1.
Colorado:	Sept. 1 to Oct. 15.
Iowa:	Closed.
Kansas:	Sept. 1 to Nov. 8.
Minnesota:	Closed.
Missouri:	Sept. 1 to Nov. 8.
Montana:	Closed.
Nebraska:	Sept. 1 to Oct. 15.
New Mexico: ¹	Sept. 1 to Oct. 10 and Nov. 20 to Dec. 18.
North Dakota (sunrise to sunset):	Sept. 1 to Oct. 15.
Oklahoma:	Sept. 1 to Oct. 15.
South Dakota:	Sept. 1 to Sept. 30.
Texas: ²	
North Zone:	Counties of Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso.

Shooting hours:

12 noon to sunset:	Sept. 4, 5, 11, and 12.
½ hour before sunrise until sunset:	Sept. 1 to 3 and Sept. 6 to 10 and Sept. 13 to Oct. 30 and Jan. 1 to 10.
Remainder of North Zone:	Sept. 1 to Oct. 30 and Jan. 1 to Jan. 10.
Shooting hours: ½ hour before sunrise to sunset.	
South Zone: Counties of Cameron, Wilacy, Hidalgo, Starr, Zapata, Webb, and Maverick.	

Shooting hours:

12 noon until sunset:	Sept. 4, 5, 11, and 12.
½ hour before sunrise until sunset:	Sept. 20 to Nov. 8 and Jan. 1 to Jan. 16.
Remainder of South Zone:	Sept. 20 to Nov. 12 and Jan. 1 to Jan. 16.
Shooting hours: ½ hour before sunrise until sunset.	
Wyoming:	Sept. 1 to Oct. 15.

¹In New Mexico, the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of these species.

²In Texas, the North Zone consists of the counties of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof. The South Zone consists of all counties south and east of the North Zone.

(c) Mourning Doves—Western Management Unit.

In Washington:	
Daily bag limit	10
Possession limit	20
In Arizona:	
Daily bag limit	12
Possession limit	24
In California, Idaho, Nevada, Oregon, and Utah:	
Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise until sunset.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in:	
Arizona: ¹	Sept. 1 to Sept. 26 and Nov. 27 to Jan. 8.
California: ²	Sept. 1 to Sept. 30 and Nov. 20 to Dec. 4.
Idaho:	Sept. 1 to Oct. 15.
Nevada: ³	Sept. 1 to Oct. 15.
Oregon:	Sept. 1 to Sept. 30.
Utah:	Sept. 1 to Sept. 30.
Washington:	Sept. 1 to Sept. 15.

¹In Arizona during September 1 through 26 the daily bag limit is 12 mourning and white-winged doves in the aggregate of which no more than 6 may be white-winged doves. The possession limit after opening day is 24 mourning and white-winged doves in the aggregate of which no more than 12 may be white-winged doves. During November 27 through January 8, the bag and possession limits are 12 and 24 mourning doves, respectively.

²In those counties of California (Imperial, Riverside, and San Bernardino) and Nevada (Clark and Nye) having a season on white-winged doves, the daily bag limit is 15 and the possession limit is 30 mourning and white-winged doves, singly or in the aggregate of these species; however, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

Notice.—Hawaii—Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) White-winged Doves.

Shooting hours: One-half hour before sunrise until sunset except as noted otherwise.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Early Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hour, areas, and daily bag and possession limits of mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, common snipe, gallinules, and teal in September, in the contiguous United States; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry seasons during 1982-83. The taking of these migratory birds is prohibited unless hunting seasons are specifically provided. The rules will permit the hunting of these species within specified periods of time beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

DATE: Effective on August 30, 1982.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Room 555, Matomac Building, 1717 H Street NW., Washington, D.C., telephone 202-254-3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On April 19, 1982, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment

in the Federal Register (47 FR 16718) a proposal to amend 50 CFR Part 20, with comment periods ending June 23, July 16, and August 23, 1982, respectively, for the 1982-83 hunting season frameworks proposed for Alaska, Puerto Rico, and the Virgin Islands; other early seasons; and the late seasons. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On June 15, 1982, the Service published in the Federal Register (47 FR 25922) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 12, 1982, the Service published for public comment in the Federal Register (47 FR 30162) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 19, 1982, the Service published in the Federal Register (47 FR 31282) a fourth document consisting of final frameworks for Alaska, Puerto Rico, and the Virgin Islands. On August 9, 1982, the Service published a fifth document (47 FR 34498) consisting of a final rulemaking for the early season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1982-83 season. On August 20, 1982, the Service published for public comment in the Federal Register (47 FR 36578) a sixth document consisting of a proposed rulemaking dealing specifically with frameworks for late season migratory bird hunting regulations. The final rule described here is the seventh in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, and special falconry seasons.

These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Nontoxic Shot Regulations

EX. 8 HB
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On August 13, 1981, the Service published in the Federal Register (46 FR 40879) final rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas.

Amendments to these regulations were published in the Federal Register (47 FR 32546; July 28, 1982). These amendments relate to changes in Maine, Massachusetts, Indiana, and Nebraska. Texas, South Dakota, and Colorado have regulations requiring steel shot for waterfowl hunting in areas not included in the Federal regulations published in the Federal Register on August 13, 1981 (46 FR 40879). Zones in other States will remain as they were described on August 13, 1981 (46 FR 40879).

Some national wildlife refuges require use of steel shot on hunting areas within their boundaries, and these rules are published with other regulations regarding public use of the refuges (Title 50 CFR Part 32—Hunting).

Waterfowl hunters are advised to become familiar with State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the Federal Register on June 13, 1975 (40 FR 24241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and] "... by taking such action necessary to insure that any action authorized, funded, or carried out ... is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species ... which is determined to be critical."

Subsequently, the Service initiated Section 7 consultation under the

See page 38249

Final Regulations Frameworks for 1982-83 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks which prescribe season lengths, limits, shooting hours, and outside dates within which States may select seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, September teal seasons, experimental duck seasons opening in September in Iowa, Florida, Kentucky, and Tennessee; sea ducks (scoter, elder and oldsquaw) in certain defined areas of the Atlantic Flyway; sandhill cranes; sandhill cranes-Canada geese in southwestern Wyoming; and special extended falconry regulations. For the guidance of State conservation agencies, these frameworks are summarized below.

NOTICE

Any State desiring its hunting seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, sandhill cranes, or extended falconry seasons to open in September must make its selection no later than July 30, 1982. Those States which desire these seasons to open after September 27 may make their selection at the time they select their regular waterfowl seasons. Season selections for the 4 States offered experimental September duck seasons must also be made by July 30, 1982.

Those Atlantic Flyway coastal States desiring their seasons on sea ducks in certain defined areas to open in September must make their selection no later than July 30, 1982. Those which desire this season to open after September may make their selection when they select their regular waterfowl seasons.

Outside Dates: All dates noted are inclusive.

Shooting Hours: Between 1/2 hour before sunrise and sunset daily for all species except as noted below. The hours noted here and elsewhere also apply to hawking (taking by falconry).

MOURNING DOVES

Outside Dates: Between September 1, 1982, and January 15, 1983, except as otherwise provided, States may select hunting seasons and bag limits as follows:

Eastern Management Unit
(All States east of the Mississippi River and Louisiana)

Hunting Seasons, and Daily Bag and Possession Limits

Not more than 70 full or half days with bag and possession limits of 12 and 24, respectively,

or

Not more than 45 full or half days with bag and possession limits of 15 and 30, respectively.

Hunting seasons may be split into not more than 3 periods under either option.

Shooting Hours: Between 1/2 hour before sunrise and sunset daily, or as an option, between 12 o'clock noon and sunset daily.

Zoning: Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines

Alabama - The South Zone consists of the area south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia - U.S. Highway 280 from Columbus to the Ocmulgee River, along the Ocmulgee River to the western border of Jeff Davis County, south along the western border of Jeff Davis County, east along the southern border of Jeff Davis and Appling Counties, north along the eastern border of Appling County to the Altamaha River, west to the western border of Tattnall County, north along the western boundary of Tattnall and Emanuel Counties, east along the northern boundary of Jenkins County, south along the western border and east along the southern border of Screven County to the South Carolina line.

Louisiana - Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi - U.S. Highway 84.

B. Within each zone, these States may select hunting seasons of not more than 70 days which may be split into not more than 3 periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1982.

Central Management Unit

(Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming)

Hunting Seasons, and Daily Bag and Possession Limits

Not more than 70 days with bag and possession limits of 12 and 24, respectively,

or

Not more than 45 days with bag and possession limits of 15 and 30, respectively.

Hunting seasons may be split into not more than 3 periods under either option.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service, Interior

50 CFR Part 20

Migratory Bird Hunting; Final Frameworks for Selecting Early Hunting Seasons on Certain Migratory Game Birds in the United States for the 1982-83 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final frameworks (i.e., the outer limits for dates and times when shooting may begin and end, hunting areas, and the numbers of birds which may be taken and possessed) for early season migratory bird hunting regulations from which States may select season dates and daily bag and possession limits for the 1982-83 season. These seasons may open prior to October 1, 1982, and apply to mourning doves; white-winged doves; band-tailed pigeons; rails; woodcock; snipe; gallinules; teal (September only, in designated States); sea ducks (Atlantic Flyway only); September duck seasons in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; and extended falconry seasons. Selected season dates have been transmitted to the U.S. Fish and Wildlife Service (hereinafter the Service) by July 30, 1982, for publication in the Federal Register as amendments to §§ 20.103 through 20.106 of 50 CFR 20.

DATES: Effective on August 9, 1982. Season selections were due from the States by July 30, 1982.

ADDRESSES: Season selections from States are to be mailed to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received are available for public inspection during normal business hours at the Service's office in Room 525-B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, Department of the Interior, Washington, D.C. 20240, telephone 202-254-3207.

SUPPLEMENTARY INFORMATION: On April 19, 1982, the U.S. Fish and Wildlife Service published for public comment in the Federal Register (47 FR 16718) proposals to amend 50 CFR Part 20, with comment period ending June 23, 1982, for Alaska, Puerto Rico, and the Virgin Islands frameworks; July 16, 1982, for

other early season frameworks; and August 23, 1982, for late season frameworks. That document dealt with establishment of seasons, limits, and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K. A supplemental proposed rulemaking for both the early and late hunting season frameworks appeared in the Federal Register dated June 15, 1982 (47 FR 25922).

On June 23, 1982, a public hearing was held in Washington, D.C., to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, sandhill cranes, and other species. The meeting was announced in the Federal Register on April 19, 1982 (47 FR 16718) and June 15, 1982 (47 FR 25922). Proposed hunting regulations were discussed for these species and for common snipe; rails; gallinules; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands, mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; early duck seasons in Florida, Iowa, Kentucky, and Tennessee; special sea duck seasons in the Atlantic Flyway; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; and falconry seasons. Public comments on these matters were received.

On July 12, 1982, the Service published in the Federal Register (47 FR 30182) a third document in the series of proposed and final rulemaking documents dealing specifically with proposed frameworks for the 1982-83 season from which, when finalized, wildlife conservation agency officials may select season dates for hunting certain migratory birds in their respective jurisdictions during the 1982-83 season. On July 19, 1982, the Service published in the Federal Register (47 FR 31282) a fourth document in the series which dealt specifically with final frameworks for Alaska, Puerto Rico, and the Virgin Islands.

This rulemaking is the fifth in the series and deals specifically with final frameworks for other early season migratory game bird hunting regulations from which State wildlife conservation agency officials selected season dates and daily bag and possession limits for the 1982-83 season. These seasons may open prior to October 1, 1982, and apply to mourning doves; white-winged doves; band-tailed pigeons; rails; woodcock; snipe; gallinules; teal (September only, in designated States); sea ducks (Atlantic Flyway only); September duck seasons in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in

southwestern Wyoming; and extended falconry seasons.

These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Review of Public Comments and the Service's Response

Many public comments on the proposed early season regulations have been received and considered during the regulatory development period. The Service responded to earlier comments on these proposed regulations as published in the Federal Register dated April 19, 1982 (47 FR 16718) and June 15, 1982 (47 FR 25922), and as discussed at the Public Hearing held in Washington, D.C., on June 23, 1982. These responses appeared in Federal Registers dated June 15, 1982 (47 FR 25922), July 12, 1982 (47 FR 30182), and July 19, 1982 (47 FR 31282).

Subsequently, a number of additional comments have been received. Twenty of these related totally or partially to the proposed early season frameworks. Included were comments by 9 State representatives, 7 individuals, and 4 organizations. These are summarized and responded to in the order that various migratory bird hunting items have been listed in this year's Federal Registers.

2. Framework dates for ducks and geese in the continental United States. Michigan submitted detailed comments and proposals on a wide array of migratory bird matters, most of which relate to late season frameworks. Among the recommendations, however, was the repeated request that a September 28 waterfowl season opening be provided for the Upper Peninsula. The same recommendation was made by the Michigan Citizen's Waterfowl Advisory Committee and a sportsman.

Response. The Service responded to a similar request in the Federal Register dated June 15, 1982 (at 47 FR 25923), noting that the proposal was not endorsed by the Mississippi Flyway Council. The Service believes that before hunting season frameworks are changed, all pertinent information should be examined. It favors a comprehensive review of the suitability of present frameworks and alternatives to them. Information from the current study of stabilized hunting regulations for ducks, and from experimental seasons currently under study in Iowa, Tennessee, Kentucky, Mississippi and Florida, will provide much of the information on the magnitude, distribution, and chronology of the

HB 836

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 19, 1983

I appear here today in support of House Bill 836.

Classifying the mourning dove as a "migratory game bird" would allow for the management of the species and the establishment of a hunting season in Montana.

Providing hunting opportunity for mourning doves is not new. Mourning doves are currently hunted as migratory game birds in 33 of the lower 48 states. In fact, it is the number one game bird in the United States with an annual harvest of 49 million nationwide. Montana is currently the only state west of Minnesota not hunting mourning doves. Dove hunting is not only challenging to the sportsman but also is a prized table delicacy.

The estimated fall population of mourning doves in the United States has ranged from 350-600 million annually according to U.S. Fish and Wildlife Service estimates. Of these, approximately one-half die annually from natural mortality. The option of hunting would provide an alternative here in Montana.

Recent banding studies in Montana indicate the majority of doves raised in Montana are harvested by hunters in Mexico. As a result, Montana hunters are foregoing their hunting opportunity for the benefit of other states and Mexico.

Montanans are currently not only foregoing an opportunity to hunt a species but we also lose the benefits to both the local and state economy. Dove hunters just like the other hunters purchase shotguns, ammunition, motel rooms, and food necessary to participate in their sport.

Under current law, the Montana upland bird license would be the only license required to hunt doves in Montana.

We urge your support of House Bill 836.

STATEWIDE RELEASE
ADD THREE
JANUARY 12, 1982

Exhibit 11

-DEER HERDS ARE FLOURISHING

HELENA--Montana's deer herds are flourishing, and the Department of Fish, Wildlife and Parks is working to develop management alternatives that will make it possible for hunters to take advantage of this population expansion.

Gene Allen, administrator of the department's wildlife division, said deer reproduction has been good for the last three years in most areas of the state and the herds have made a strong recovery from a population decline that reached its lowest level in the mid-seventies.

Allen said hunters took 84,300 mule and whitetail deer in Montana in 1980, compared with a harvest of only 43,300 animals in 1976. Although the harvest survey for the 1981 season has not been completed, Allen said the department is confident the final results will show another increase.

"The current department objective," Allen said, "is to provide a statewide harvest of 114,000 deer by 1985."

Reaching this target, he said, will depend on many variables and the most important management responsibility will be the proper distribution of hunter pressure. He said the department will use multiple tags and special seasons to keep the deer harvest in phase with increasing deer numbers. The program to improve landowner-sportsman relations will continue to be emphasized, he said, to maintain hunting access to private property.

The department's intention, according to Allen, is to increase the deer harvest during the regular season and to reduce the number of damage hunts that have been authorized in recent years. These hunts, which are used to reduce deer populations that are damaging private

--more--

STATEWIDE RELEASE
ADD FIVE
JANUARY 12, 1982

Ex. 11

Parks. Flynn said that the proceeds will be used for furbearer research.

There is a minimal cash value for carcasses, but state law specifically prohibits individuals from selling portions of furbearers excepting hides, heads and mounts. While trappers may not legally sell the carcass, the law does not prohibit the wildlife agency from doing so.

Fish and Game Commission regulations require that the entire and intact carcasses of trapped bobcats, Canada lynx, wolverine and river otter must be turned in to the Department of Fish, Wildlife and Parks. The carcasses are used to gain age and other management information on these species.

Traffic in the pelts of bobcats and lynx has been the focus of international as well as state's attention in recent years. As a result, some rather complex laws and regulations have been formulated to control the trapping, sale and transportation of cat pelts and other parts.

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-BOBCAT EXPORT BAN CAUSES PRICE DROP

HELENA--The value of bobcat pelts in Montana declined drastically as a result of a recent court decision that has the effect of prohibiting the export of the pelts from the U.S.

The major demand for bobcat fur has been from foreign buyers and with the export prohibition, pelt prices in Montana have dropped from around \$375. to about \$185. for the larger bobcats.

The export-ban is the result of a series of court decisions on a case initiated by Defenders of Wildlife, Inc., a group headquartered in Washington, D.C. Defenders has challenged the federal guidelines used to determine that individual states' trapping seasons are not detrimental to bobcat populations.

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STATEWIDE RELEASE
ADD FOUR
JANUARY 12, 1982

Ex. 11

property, are expensive, unpopular with some sportsmen and a signal that the regular season harvest is not adequate, Allen said.

The department is evaluating proposals, he said, to increase the deer harvest while protecting private land from the problems associated with substantial increases in the number of animals in most areas of the state. The proposals include:

- increased use of 'B' tags to increase the harvest of specific types of deer in areas where additional hunting pressure is required or advisable.

- the use of multiple tags, in some cases, according to site, species or sex to make it possible to harvest certain types of animals in areas where there are population problems. The use of multiple tags worked successfully in several antelope districts last year, and has proven to be an effective method of attracting hunters to areas that do not normally receive adequate pressure.

"The use of multiple tags," Allen said, "has the advantage of improving the harvest without increasing the number of hunters."

The final regulations for the 1982 deer hunting season will be adopted in March by the Fish and Game Commission, Allen said, after extensive analysis and public comment.

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-TRAPPERS HAVE 15 DAYS TO CLAIM BOBCAT CARCASSES

HELENA--Montana trappers have 15 days after they have turned in bobcat carcasses to the Department of Fish, Wildlife and Parks to indicate that they want a carcass back. Unclaimed carcasses will be considered department property after that time and will be sold, according to Jim Flynn, Director, Montana Department of Fish, Wildlife and

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STATEWIDE RELEASE
ADD SIX
JANUARY 12, 1982

Ex. 11

As a result of the court decision, it will now be the responsibility of the U. S. Fish and Wildlife Service to develop new guidelines for the states to comply with and to determine how many bobcats each state may export in the future.

The court action does not affect the State of Montana bobcat season for this year. It does prohibit the export, from the U.S., of any bobcat taken within Montana or anywhere else in the U.S.

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Fish, Wildlife & Parks News



Ex. 11

For information contact the Conservation Education Division (406) 449-5670

Montana Department of Fish, Wildlife & Parks, 1420 E. Sixth Ave., Helena, MT 59601

FOR IMMEDIATE RELEASE ON JANUARY 12, 1982

- FISHING REGULATIONS - 1982
- MUSKRAT SEASON TO REOPEN IN PORTION OF STATE
- DEER HERDS ARE FLOURISHING
- TRAPPERS HAVE 15 DAYS TO CLAIM BOBCAT CARCASSES
- BOBCAT EXPORT BAN CAUSES PRICE DROP

-FISHING REGULATIONS - 1982

HELENA--Montana's general fishing season for 1982 will be kicked off Saturday, May 15 and will extend through November 30. Fishing regulations for the coming season were set by the Montana Fish and Game Commission when they met in Helena on January 8.

According to Art Whitney, Administrator of the Fisheries Division, there are two major trends in regulations - a liberalization of limits on Montana's prolific whitefish and more restrictive creel limits on trout and salmon. Whitney outlined the major regulations as follows:

NORTHWESTERN MONTANA (Clark Fork River drainage below mouth of Flathead River, Flathead River and Kootenai River drainages).

Angling season was shortened on Kootenai River to ease pressure on spawning rainbow trout.

Reduce limit on trout, grayling and chars (excepting brook trout) to five in the Flathead drainage above Kerr Dam except for the Whitefish and Stillwater Rivers and the Swan River above Bigfork Dam.

Restrict snagging season and limit on kokanee salmon in Flathead drainage to give larger percentage of kokanee a chance to spawn.

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STATEWIDE RELEASE
ADD ONE
JANUARY 12, 1982

Ex. 11

Restrict limit of lake trout in Flathead Lake to a daily and possession limit of one.

Restrict limit on burbot (ling) and also season length in the Kootenai River to enhance spawning.

Increase limit on whitefish to 100 daily.

WESTCENTRAL MONTANA (Clark Fork River drainage above the mouth of the Flathead River).

In all streams, reduce limit on trout, grayling and chars (excepting brook trout) to five daily and possession. Limits may not contain more than one fish over 14" long except in Clark Fork River below Milltown Dam where limit may not contain more than one fish over 15" long.

Increase angler limit of whitefish to 100 daily.

Establish three short trophy limit management areas on the Clark Fork and Bitterroot Rivers. Artificial lures only will be allowed on these three short river sections.

SOUTHWESTERN MONTANA (Jefferson River, Gallatin River and Madison River drainages).

Set opening dates on Willow Creek arm of Harrison Reservoir to May 15 in order to protect concentrations of spawning trout.

Increase anglers limit on whitefish to 100.

NORTHERN AND CENTRAL MONTANA (Musselshell, Dearborn, Sun, Teton, Marias and St. Mary River drainages and upper Missouri and upper Milk River drainages).

Allow an additional hour of fishing on Holter Reservoir. New hours will be from 5:00 A.M. to midnight.

Steps were taken to eventually apply special ice fishing

--more--

STATEWIDE RELEASE
ADD TWO
JANUARY 12, 1981

Ex. 11

regulations on Fitzpatrick Lake in order to minimize litter.

SOUTHCENTRAL MONTANA (Upper Yellowstone River drainage).

Winter fishing season on Armstrong Spring Creek (Dec. 1 - May 15) open for catch-and-release fishing only.

Increase anglers limit on whitefish to 100 daily.

NORTHEASTERN MONTANA (Lower Missouri and Milk River drainages).

Restrict setlines on Missouri River and dredge cuts from Fort Peck Dam to mouth of Milk River to two per angler and these may not be suspended from floats.

SOUTHWESTERN MONTANA (Little Missouri River and Lower Yellowstone River drainages).

Tags (two for \$3.) will be required for paddlefishing and the limit is two paddlefish per season.

On the entire stretch of the Bighorn River within the Crow Indian Reservation, the trout limit will be three trout, only one of which may be over 18". Artificial lures only will be required from the cable about 900' below the Afterbay Dam to the Bighorn access area.

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-MUSKRAT SEASON TO REOPEN IN PORTION OF STATE

HELENA--Trappers will have a second shot at muskrats in Fish, Wildlife and Parks administrative region 3 which includes southwestern Montana east of the Continental Divide. The season closes Jan. 15, 1982. It will reopen March 1 through March 31, 1982 according to Erv Kent, Administrator, Law Enforcement Division.

Kent said that an early freezeup in the Bighole prevented much muskrat trapping. Trappers requested a reopening during a period when the animals become available.

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WITNESS STATEMENT

Name Pat H. [unclear] Committee On HB 888
Address 502 E 17th, Bozeman, MT 59717 Date July 19, 1988
Representing Mont. Farm Bureau Support ✓
Bill No. HB 888 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The MFBF supports HB 888. This legislation goes a long way toward solving a thorny issue between segments of Montana's citizens. We recommend a do pass.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

STANDING COMMITTEE REPORT

February 19, 1983

MR. SPEAKER:

FISH AND GAME

We, your committee on

having had under consideration HOUSE Bill No. 888

first reading copy (white)
Color

"AN ACT TRANSFERRING TO THE ADJOINING LANDOWNERS TITLE TO THE BED OF A NAVIGABLE STREAM BETWEEN THE LOW WATERMARKS; ALLOWING PUBLIC USE OF NAVIGABLE STREAMS BY CERTAIN CRAFT; LIMITING THE LIABILITY OF CERTAIN LANDOWNERS; MAKING USERS OF CERTAIN LAND LIABLE FOR DAMAGES; PROVIDING THAT A PRESCRIPTIVE EASEMENT CANNOT BE ACQUIRED BY RECREATIONAL USE WHEN PERMISSION HAS BEEN GRANTED; AMENDING SECTIONS 70-1-202, 70-16-201, 70-19-405, AND 95-1-112, MCA."

Respectfully report as follows: That HOUSE Bill No. 888

DO PASS

STANDING COMMITTEE REPORT

February 19, 1983

MR. **SPEAKER:**

We, your committee on **FISH AND GAME**

having had under consideration **HOUSE** Bill No. **836**

first reading copy (**white**)
color

"AN ACT TO DEFINE THE MORNING DOVE AS A MIGRATORY GAME BIRD;
AMENDING SECTION 87-2-101, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **836**

DO PASS