

MINUTES OF THE MEETING  
FISH AND GAME COMMITTEE  
MONTANA STATE SENATE

March 17, 1983

The meeting of the Fish and Game Committee was called to order by Acting Chairman Elmer Severson on March 17, 1983 at 1:15 P.M. in Room 402, State Capitol. Chairman Smith arrived at the meeting late.

ROLL CALL: Senator Tveit was excused and all other members were present.

CONSIDERATION OF HOUSE BILL NO. 567:

AN ACT TO PROHIBIT DESTRUCTION, DISTURBANCE, OR REMOVAL  
OF TRAPS OR REMOVAL OF WILDLIFE FROM TRAPS BELONGING TO  
ANOTHER

Representative Bertelsen, District #27, presented this bill to the committee. With the use of snowmobiles and the activities in the back country, many people now have easier access to a lot of country that trappers called their domain. With easier access people can go along the trappers back line, remove traps, take game out or whatever. These disturbances are costly to the trappers. In this situation no one felt they had direct responsibility for the harassment or damage and the trappers need enforcement if someone is tampering with the traps. This will allow the Department of Fish, Wildlife and Parks to take action in a more proper way when they find damage being done.

Bud Moore is in favor of this bill because the disturbances of traps and thefts are hard to catch. Even with good evidence trappers and law enforcement officers are having trouble bringing trap thieves to justice because the Montana Criminal Mischief Code is the only law used to prosecute violators. The County Sheriff and Deputies are often unfamiliar with the trappers line and the trappers, while the Game Warden, employed by the Department of Fish, Wildlife and Parks, works closely with the trappers and that Department sets trapping fees, tag limits, field management programs, tags pelts, etc. It is natural for the trappers to turn to the Game Wardens. The Game Wardens do not have the authority to enforce the Criminal Mischief Codes. This bill would expand Section 87 to enable the Game Warden, as well as the Sheriff, to act on the trappers behalf. Little or no additional cost should be incurred with this bill.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his written statement is attached as Exhibit 1.

There were no opponents.

Acting Chairman Severson asked for questions from the committee.

Senator Lee asked Representative Bertelsen if there would be problems if a neighbor authorizes a trapper to run a line and the line goes through my property and I get upset and start tripping traps or whatever. Will I be in trouble with the Game Warden or Sheriff?

Representative Bertelsen said he would be on your land illegally and would be trespassing. He does not think there would be any question.

Jim Flynn said he is illegally on your property.

Senator Mohar asked Representative Bertelsen if they would still be able to use the penalty under the mischief section.

Representative Bertelsen said it is a misdemeanor and the person is subject to imprisonment in the county jail for thirty days, a fine, or both.

Senator Jacobson asked Mr. Flynn if the trappers fees were raised this time.

Mr. Flynn said they were increased from \$10 to \$20.

Representative Bertelsen closed by stating he hoped the committee would agree that this is a piece of legislation that has been needed for a long time and would support it.

DISPOSITION OF HOUSE BILL NO. 567: Senator Lee made a motion that HB 567 be concurred in. The motion passed unanimously with the members present.

Acting Chairman Severson turned the chair over to Senator Smith.

CONSIDERATION OF HOUSE BILL NO. 425:

AN ACT TO PROVIDE THAT THE FISH AND GAME COMMISSION MAY  
AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE  
AND PARKS TO OPEN OR CLOSE SPECIAL SEASONS UPON 12 HOURS

Representative Jensen, District #24, presented this bill to the committee. He referred the committee to page 3, lines 9-11 and stated this bill merely allows the Fish and Game Commission to delegate authority to the Director to open or close special seasons. When damage arises from game, rather than requiring the Director to go through the bureaucratic process in getting the Commissioners authority, he may open or close the special seasons. This simply allows the damage hunt to get under way sooner and takes care of ranchers troubles.

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Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his statement is attached as Exhibit 2.

Will Brook, Montana Stockgrowers and Woolgrowers, supports the Department's effort to have this kind of action clarified. He feels it is a much more efficient way to handle this. In certain areas special hunts are advantageous to the landowner and the sportsmen and it is not always convenient to get a board of three commissioners for approval.

There were no opponents.

Chairman Smith asked for questions from the committee.

Senator Mohar asked Mr. Flynn if it is possible to close the special hunt within 12 hours notice. He wonders how the hunters will get this information.

Mr. Flynn said the people who are involved in this special damage hunt know at the outset that it could be closed on 12 hour notice. This type of hunt is usually handled with a small number of people and it is almost physically possible to contact each individual in the hunt. This bill is not changing that part of the law.

Senator Smith said this will save a lot of expense.

Mr. Flynn said a lot of time and money.

Senator Severson asked Mr. Flynn how a person receives a permit for this type of hunt.

Mr. Flynn said we frequently go through the people who already have the elk permit but have not been successful during the season. We call and ask them if they are interested and if so set up a time and place for the hunt.

Senator Severson said he thinks it would be fairer to contact hunters that did not receive a permit. A person who has drawn a permit during the regular season should be less eligible than one that hasn't drawn one.

Mr. Flynn said time is important. We have got a list of people and we start calling and in 24 hours we usually have the hunters lined up and in 36 hours they are on the ground ready to hunt. That is the process in place right now. That process will continue as always whether this bill passes or not.

DISPOSITION OF HOUSE BILL NO. 425: Senator Lee made a motion that HB 425 be concurred in. The motion passed unanimously.

CONSIDERATION OF HOUSE BILL NO. 291:

AN ACT ALLOWING COMMERCIAL PROPAGATION OF MIGRATORY BIRDS  
AND WATERFOWL UNDER REQUIRED FEDERAL PERMITS; AND DEFINING  
THE AUTHORITY OF THE MONTANA DEPARTMENT OF FISH, WILDLIFE,  
AND PARKS TO RESTRICT PROPAGATION

Representative Swift, District #91, presented this bill to the committee. He stated the reverse of the bill explains basically what the purpose of the bill is. The state may allow aviculturists to propagate special migratory birds and waterfowl that travel through and reside in the state at certain periods of time. His understanding is that this will only involve two species, cranes and swans. The purpose of this is to gain recognition and to develop some enabling legislation that will clarify the position of the Department and the state. At the present time the Department does not recognize this and has issued no permits. He is very unfamiliar with the migratory bird species and how they are controlled. He furnished the committee with a copy of the Federal Register on "Wildlife and Fisheries" (Exhibit 3) and advised that there are strict controls as to the number, parts of the birds, use of eggs, etc. There should be no real problem in control at the federal or state level. At the present time there are 20 to 25 people involved in this activity in varying degrees and in varying species. This is a very limited operation. Most of this type of operation is expected to be a hobby. The bill needs to be amended to require the applicant to apply through the state first and then through the federal government.

David Major, Stevensville, stated this is a very limited bill in that there are only two species of birds the Denver office is issuing permits for, the Sandhill Crane and Trumpeter Swan. We only need state approval for the Sandhill Crane, the Trumpeter Swan comes off the Federal Wildlife Refuge and state approval is not required. In 1982 they issued a total of two permits for a total of 12 chicks. We are not dealing with a large number of birds. The birds have sufficient population to enable hunting. They are not something that is very uncommon or rare. Federal regulations are very strict on ownership of the birds, sale of the birds, number of birds, etc.

Chairman Smith asked for opponents.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in opposition to this bill. A copy of his statement is attached as Exhibit 4.

Chairman Smith asked for questions from the committee

Senator Lee asked why the Federal Government was not issuing permits for the Swan.

Mr. Major said Federal permits on that type of bird are hard to get. You have to be nationally recognized in the field or you need to

have connections.

Senator Severson asked Mr. Major if the game bird farms might be interested in something like this.

Mr. Major said the numbers are small, they only issued two permits for last year.

Senator Severson asked what the normal way of obtaining the birds would be.

Mr. Major said you would try to catch the very young chicks before they fly. There will definitely be an expense in securing the birds. This is not something everyone will rush out to do.

Senator Smith said the Sandhill Cranes land on his property in groups of a hundred thousand when coming back from Canada. He questions whether the cranes nest in the state of Montana.

Mr. Major said he thinks so but he does not know.

Senator Smith does not think so. He asked about the Trumpeter Swan.

Mr. Major said they nest in the Red Rocks in the southern portion of the state.

Senator Lane asked Representative Swift if there was any way that he and Mr. Flynn could work out a compromise.

Representative Swift said he would certainly be willing to discuss it. He feels there really is no problem in that the state retains full authority and full control.

Senator Lane asked if there is a good chance the baby chicks will die if captured.

Representative Swift said you would have to handle it like any other animal or bird.

Senator Lane thinks more would die than would live.

Mr. Major said his understanding is that a nest is selected and you can get one clutch of eggs from the nest.

Senator Lane said after you take those eggs and if they have been nesting for any length of time, then some or all of them would not hatch.

Senator Jacobson asked who pays for the cost of going out and gathering these eggs. The Fish and Game Department?

Mr. Major said as far as he knows the only cost to the state would be the typing of the letter. The federal government would have an expenditure but not the state.

Senator Jacobson said the federal government pays for the swans.

Mr. Major said the sandhill cranes, to my knowledge, you obtain permission from the landowner and secure the birds yourself.

Senator Lee wonders if there could be a problem with the game farms.

Mr. Flynn said the way we interpret this is if this was the only source available to these people, that being the wild, we would be agreeable. But, all these species are available from commercial enterprises. You can order them and raise them and do whatever you want. To take them first out of the wild and to raise them is a different set of circumstances. There would be no difference from taking a pheasant, elk or deer from the wild. They are available from the private sector, the resources are there. If the source wasn't there it would be a different ball game.

Senator Lee said he does not totally understand this. What you are saying is they have to go to the feds to get permission to catch the swan or the crane and they have to have the state's permission to do this and the state wouldn't.

Mr. Flynn said historically we would not for anything other than educational science. If this bill passes that would be legislative interest to me.

Senator Severson said if this bill passes you can still refuse this. If we are in favor of passing this bill we will have to amend it. That might not be advisable as we may be tying your hands in certain circumstances.

Senator Smith said you can't force them to approve. He does not think there is a sandhill crane nest in the state of Montana. He does not think they stay in the state.

Senator Mohar asked Mr. Flynn if the game farm bill would allow them to raise cranes and swans or whatever so long as they purchase the eggs.

Mr. Flynn said that is his understanding.

Representative Swift closed by stating the individual he worked with in preparation of this bill had it in mind to collect eggs and he is sure this individual knows where a nest is.

DISPOSITION OF HOUSE BILL NO. 291: Senator Lee made a motion that HB 291 be concurred in.

Senator Mohar made a substitute motion that HB 291 be not concurred in.

Senator Jacobson said she may have missed something but it seems to her that the birds are available and the only reason for this permit is to get them out of the wild because they are expensive to buy.

Senator Severson said it could be beyond that. There are relatively few people who are interested in this. In a small way we are talking of economic development.

Senator Jacobson said if we give permission to collect eggs from cranes and swans, will we then be issuing permits for somebody to pick up baby fawns. She questions whether we are beginning to give away the wildlife that belongs to everyone for commercial purposes.

Senator Lee said there are regulations and rules on this. We are talking about a small area here.

Senator Lane can see Senator Jacobson's point and wonders if we are opening up something that we will not like.

Senator Smith said even if this bill passes the Fish and Game Department can stop them from getting a permit. He would be willing to bet that there are not Sandhill Crane nests in the state of Montana.

Senator Mohar said we already have the game bird farm bill which addresses the situation of caring for and breeding the birds. At our hearing on the game farm it was noted that the animals would not be taken from the wild. He personally does not like the idea of getting eggs out of nests. He had a negative experience in college and does not like the idea.

A Roll Call Vote was taken on Senator Mohar's substitute motion that HB 291 be not concurred in. The motion passed with a vote of 4-2. See attached Roll Call Vote sheet.

DISPOSITION OF HOUSE BILL NO. 335: Senator Smith called the committees' attention to the amendments to the bill establishing class A-7 elk licenses.

Senator Lee made a motion that amendment #1 to the title of the bill be adopted. The motion passed unanimously.

Senator Jacobson asked Mr. Brook if this cow elk license will be during the regular season.

Mr. Brook said there is presently the cow permit, the special damage hunt and late hunting seasons. The permit will be held during the regular hunting season.

Senator Smith said we have a statement of intent that explains this license very well. A copy of the statement of intent is attached as Exhibit 5.

Senator Lee made a motion that the statement of intent be adopted. The motion passed unanimously.

Senator Severson made a motion to move the amendments numbered 2-5 on the amendments submitted by Will Brook.

Senator Smith asked if the committee wanted to leave the fee at \$8.00.

Senator Lee said yes, there is a difference, it is not either sex.

Senator Severson's motion passed unanimously.

Senator Smith referred to page 2 relating to non-resident fishing licenses. The House changed it from \$4.00 to \$7.00 and changed the time from a 2-day license to a 5-day license. He talked to several Walleyes and they have no objection to raising that to \$5.00 for 2 days.

Senator Lee said to lower it back to \$4.00 and then raise it to \$5.00 and give it to them for 4 days.

Senator Smith said the sports groups felt we should leave it at 2 days as very few people come in and fish for the 5 days anyway. If increased to 5 days at \$7.00 we could cause some people not to buy the license. It was felt nobody would complain if it was increased by \$1.00.

Senator Jacobson said if somebody is coming from out of state to fish and pays \$7 for 2 days that will be the least expensive item he will be paying for. She has heard from a lot of sportsmen and fishermen who feel that the out of state fishermen are fishing our waters for less money than they are. She would be happy to compromise at \$6.00 or \$7.00 for 2 days.

Senator Smith said he can go to North Dakota and pay \$15.00 for the season. He can go to California and fish all day for \$2.00.

Senator Jacobson does not know that \$7.00 will keep them from fishing.



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Senator Lane said he has done a lot of float fishing and has done so for years but anymore you get in the river to float and you are boat to boat with out of state fishermen.

Senator Jacobson made a motion that HB 335 be amended in Section 2, on Page 2, to a 2 day license for \$6.00.

Senator Lane thinks it should be for more than 2 days. The fisherman needs a chance to get oriented.

Senator Jacobson said she has relatives that come from out of state and they want to fish for a couple of days and then do something else.

The motion passed with a vote of 4-2. Senator Lane and Senator Smith were opposed.

Senator Lee made a motion to reinsert the section that was stricken on page 4 and insert \$300.00 for the fee.

Senator Smith said \$25.00 times 1700 will be a pretty good chunk of money.

Senator Lee's motion passed unanimously.

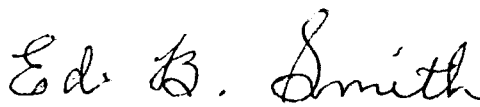
Senator Severson made a motion that HB 335 be concurred in as amended.

Senator Mohar said he had talked to Jim Flynn on the Senate floor and he indicated he wanted to be present when the committee acted on this bill. He was interested in getting the ending balance at 1.6 million instead of 1 million.

Senator Smith said with the amendments made today they will have 1.8 or 1.9 million.

The motion passed unanimously.

ADJOURNMENT: There being no further business the meeting adjourned at 2:45 P.M.

  
\_\_\_\_\_  
ED B. SMITH, Chairman

## ROLL CALL

FISH & GAME

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3-17-83

[illegible]

MARCH 17 1983

# FISH & GAME

## VISITORS' REGISTER

[illegible]

NAME Mon. Terzon Will Brooke <sup>House</sup> BILL No. 425  
ADDRESS Helena DATE 3/17/83  
WHOM DO YOU REPRESENT mt. Steingrowers, Woolgrowers, Cowbellas  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB 567

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

March 17, 1983

House Bill 567 is a bill to prohibit the destruction, disturbance and removal of traps and the wildlife from those traps.

While this prohibition would seem to now exist in the general statutes relating to private property, HB 567 places that prohibition in the Fish and Game Laws.

It is apparent that passage of HB 567 is intended to place this responsibility on the Department's enforcement staff. While we have an appreciation for the problem involved, we are concerned for the ability of our enforcement staff to assume this added responsibility and to respond to the frequency and depth that may be required and expected by those affected.

At present one of the most frequent complaints we hear with current laws and responsibilities is the need for more law enforcement effort. At the same time we hear a certain amount of outcry when more money is requested, in part to address the need for more law enforcement. House Bill 567 does not include additional revenues for enforcement. As a result we assume it is to be enforced within our current program should the bill pass. With that assumption in mind we can support the bill.

However, if the bill is intended to put the Department into a position of expanding our program to monitor the activities on traplines throughout the state, we question the bill's passage without accompanying funds.

HB 425

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

March 17, 1983

Under present law only the Fish and Game Commission can open or close a hunting season. This is an accepted principle of our Fish and Game Laws and one that is widely supported by all Montanans.

However, this principle does have its problems when it comes to Special Seasons and those problems have resulted in HB 425 being brought before you.

In addition to the Regular Big Game Seasons each year, the Department conducts a number of Special Seasons. These Special Seasons are normally the result of potential or occurring game damage to a landowner's crops.

The sequence of events which occur are: the landowner contacts the Department with his complaint; the Department at the field level reviews the situation and makes a recommendation to Helena that a Special Season is necessary to address the problem; the Helena office then attempts to engage at least three Commissioners in a conference call to seek their unanimous consent to conduct the recommended Special Season. If the Commission agrees, the Season is authorized and conducted.

The problem we have is the amount of time it often takes to get in touch with at least three of the Commissioners. Each of these individuals is conducting his own livelihood as a private citizen and in so doing is not always available.

This reality coupled with the need, particularly in dealing with Game Damage situations, for a rapid response results in an unsatisfactory situation.

In addition, it is seldom, if ever, that the Commission does not accept the Department's recommendation for these seasons.

As a result, House Bill 425 has been introduced to allow the Commission the authority, if they choose to exercise it, to have the Director open and close Special Seasons. We feel this bill could save time in establishing Special Seasons and that it would not infringe upon the authorities of the Commission.

We urge your support of House Bill 425.

# FEDERAL REGISTER

## Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

### PART 16—MIGRATORY BIRD PERMITS

- Sec. 16.1 Meaning of terms.
- 16.2 Permits required.
- 16.3 Exceptions to permit requirement.
- 16.4 General permit authorizations.
- 16.5 General permit provisions.
- 16.6 Transportation and shipping requirements.
- 16.7 Applicability of State laws.
- 16.8 Revocation of permits.

- Sec. 16.9 Import and export permits.
- 16.10 Jurisdiction and address of regional offices.
- 16.11 Scientific collecting and special purpose permits.
- 16.12 Taxidermist permits.
- 16.13 Banding permits.
- 16.14 Waterfowl propagating permits.
- 16.15 Acquisition, without a permit, of captive-reared migratory waterfowl other than mallard ducks.
- 16.16 Acquisition, without a permit, of captive-reared mallard ducks.

#### CONTROL OF DEPREDATING BIRDS

- 16.21 Depredation permits.
- 16.22 Depredating blackbirds, cowbirds and grackles.
- 16.23 Designated species of depredating birds in California.
- 16.24 Depredating purple gallinules in Louisiana.
- 16.25 Authority to issue depredation orders to permit the killing of migratory game birds.

#### FEEDING OF DEPREDATING WATERFOWL

- 16.31 Statutory provisions.
- 16.32 Interpretation.
- 16.33 Policy.
- 16.34 Waterfowl depredation complaints: where filed.
- 16.35 Criteria to govern approval of applications.
- 16.36 Action following investigation.
- 16.37 Compliance with other regulations.

**AUTHORITY:** The provisions of this Part 16 issued under secs. 2, 3, 70 Stat. 492, 40 Stat. 755; 7 U.S.C. 433, 16 U.S.C. 704, E.O. 10250, 16 F.R. 5385, 3 CFR, 1949-1953 Comp.

**SOURCE:** The provisions of this Part 16 appear at 31 F.R. 16016, Dec. 15, 1966, unless otherwise noted.

#### § 16.1 Meaning of terms.

As used in this part, terms shall have the meaning ascribed in this section.

(a) "Migratory birds" refers to all those species of birds defined as migratory birds under § 1.11 of Subchapter A of this chapter, and includes all birds of these species which, whether raised in captivity or not, cannot be readily and visibly distinguished by general size or coloration from birds of the same species occurring in a wild state.

(b) "Migratory waterfowl" refers to all those species of wild ducks, geese, brant, and swans included in the definition of migratory birds under § 10.1 of Part 10 of this subchapter and paragraph (a) of this section.

(c) "Public" as used in referring to museums, zoological parks, and scientific or educational institutions refers

to such as are open to the general public and either established, maintained, and operated as a governmental service or are privately endowed and incorporated but not operated for profit.

(d) "Take" means to pursue, hunt, shoot, capture, collect, kill, trap, or attempt to pursue, hunt, shoot, capture, collect, kill, or trap.

[31 F.R. 18018, Dec. 15, 1966, as amended at 32 F.R. 10856, July 25, 1967]

#### § 16.2 Permits required.

Except as permitted by regulations under this part or under Part 10 of this subchapter (the hunting regulations), a permit is required for any person to import, export, take, sell, purchase, otherwise acquire, possess, transport, or dispose of migratory birds of their progeny, parts, nests, or eggs.

#### § 16.3 Exceptions to permit requirement.

The following exceptions to the permit requirement are allowed in addition to those allowed in the hunting regulations under Part 10 of this subchapter.

(a) Certain species of migratory birds may, without a permit, be taken and disposed of to control depredations as provided in §§ 16.21 through 16.25.

(b) Employees of the Department of the Interior authorized to enforce the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), may, without a permit, take or otherwise acquire, hold in custody, transport, and dispose of migratory birds or their parts, nests, or eggs as necessary in performing their official duties.

(c) State game departments, municipal game farms or parks, and public museums, zoological parks, and scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired migratory birds or their progeny, parts, nests, or eggs without a permit: *Provided*, That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, or sick or injured birds. Any such birds, acquired without a permit, and any progeny therefrom may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit.

## Chapter I

Any person exercising a privilege granted by this paragraph must keep accurate records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. These records shall be maintained on a calendar year basis and shall be retained for a period of 1 year following the end of the calendar year covered by the records.

(d) Migratory waterfowl which have been hatched and raised in captivity or the carcasses or eggs of such birds may be lawfully acquired, possessed, transported, and disposed of without a permit in accordance with the conditions and restrictions set forth in the provisions of §§ 16.15 and 16.16.

#### § 16.4 General permit authorizations.

(a) Migratory birds permits may be issued to authorize: (1) The importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of migratory waterfowl and their progeny or eggs for propagating and food purposes; (2) the taking and disposal of wild migratory birds or their nests or eggs for depredation control purposes; (3) the importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of migratory birds or their progeny, parts, nests, or eggs for scientific, educational, and other special purposes; and (4) the receiving, custody or possession, transportation, and mounting or other preparation by a taxidermist of migratory birds or their parts, nests, or eggs for any person other than himself.

(b) Consistent with the preservation of migratory birds and with the purposes of this part, applications for migratory bird permits may be disapproved, or approved and permits issued pursuant to the provisions of this part.

#### § 16.5 General permit provisions.

Permits issued pursuant to this part are subject to the following provisions:

(a) Permittees must comply with such special terms, conditions, restrictions, or limitations as may be prescribed in the permit.

(b) Importations from Mexico must be accompanied by Mexican export permits.



(c) Permits are not transferable.

(d) Permittees may not dispose of migratory birds or their progeny, parts, nests, or eggs to any person not authorized by or pursuant to this part to acquire such migratory birds or their parts, nests, or eggs; nor may a permittee acquire any migratory birds or their parts, nests, or eggs from any person not authorized by or pursuant to this part to dispose of such migratory birds or their progeny, parts, nests, or eggs.

(e) Permittees must, during reasonable hours, allow any person authorized to enforce this part to enter and inspect the premises where permit operations are being carried on and any records of such operations required to be maintained.

§ 16.6 Transportation and shipping requirements.

Every package or container, in which migratory birds or their parts, nests, or eggs are shipped by common carrier wholly within a State or are transported by any means whatsoever from one State, territory, or district to or through another State, territory, or district, or to a foreign country, shall be clearly marked, labeled, or tagged on the outside thereof. These labels or tags shall show the name and address of the consignor and consignee; and an accurate statement of the species and number of birds or their parts, nests, or eggs contained therein; and the permit number under authority of which the birds or their parts, nests, or eggs are transported if a permit is required.

§ 16.7 Applicability of State laws.

Nothing in this part or in any permit issued thereunder shall be construed to authorize the taking, possession, sale, purchase, exchange, or transportation of migratory birds or their parts, nests, or eggs in any State contrary to the laws and regulations of that State: *Provided*, That such laws and regulations are for the purpose of giving further protection to such birds and are not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act. No permit issued or privilege granted under this part shall authorize the taking, possession, purchase, sale, exchange, or transportation of migratory birds or their parts, nests, or eggs unless the person

~~also~~ possesses whatever permit may be required for such activities by the State concerned.

§ 16.8 Revocation of permits.

(a) Permits issued pursuant to this part may be revoked and the privileges granted thereunder withdrawn:

(1) If the permittee violates any regulation prescribed in this part; or

(2) When the activities of the permittee, involving live birds or feed on the premises of the permittee, are an element in a violation by the permittee or other person of the migratory bird hunting regulations governing the use of live decoys or bait in the taking of migratory game birds (§ 10.3 of this subchapter) on the premises covered by the permit, or where such activities on the premises of the permittee would preclude the legal hunting of migratory game birds on adjacent premises not under control of the permittee.

(b) Any person whose permit has been revoked shall not be issued a like permit until at least 1 year after the date of revocation.

§ 16.9 Import and export permits.

(a) A permit is required before any live migratory birds or eggs of the family Anatidae (wild ducks, geese, brant, and swans) may be imported. The permit required by this paragraph may be obtained by letter of application addressed to U.S.D.A.—A.R.S.—A.N.H., Import-Export Animals and Products, Hyattsville, Md. 20782.

(b) An importation permit is required before any live birds, other than waterfowl or their eggs, or dead migratory birds, or their parts, nests, or eggs may be imported. Excepted from the permit required by this paragraph are: (1) Live birds of the family Anatidae, the importation of which is regulated by the preceding paragraph; and (2) migratory birds taken pursuant to the migratory bird hunting regulations, Part 10 of this chapter. The permit required by this paragraph may be obtained by letter of application addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240.

(c) A permit is required before any migratory birds, or their parts, nests, or eggs may be exported. Provided that pen-reared mallards may be exported without a permit as provided in § 16.16. The permit required by this paragraph may be

(4)

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obtained by letter of application addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240.

(d) Each letter of application required by this section shall contain the following information:

(1) Name and address of the applicant and the purpose for which importation or exportation is being made;

(2) Species and number of migratory birds or their parts, nests, or eggs to be imported or exported;

(3) Name and address of the person from whom such birds are being imported or to whom they are being exported;

(4) Estimated date of arrival or departure of shipment, and the port of entry or exit through which the shipment will be imported or exported; and

(5) Federal permit number and type of permit authorizing possession, acquisition, or disposition of such birds or their parts, nests, or eggs, where such a permit is required.

(e) A list of migratory birds, both game and nongame appears in § 1.11 of Chapter 1, Subchapter A of this title. [33 F.R. 3514, Feb. 29, 1968]

§ 16.10 Jurisdiction and address of regional offices.

Geographic jurisdictions and addresses of Bureau of Sport Fisheries and Wildlife regional offices are as follows:

(a) Pacific Region (Region 1—comprising the States of Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) Post Office Box 3737, Portland, Ore. 97208;

(b) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming) Post Office Box 1306, Albuquerque, N. Mex. 87103;

(c) North Central Region (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin) 1006 West Lake Street, Minneapolis, Minn. 55408;

(d) Southeast Region (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, plus Puerto Rico and the Virgin Islands) Peachtree—Seventh Building, Atlanta, Ga. 30323; and

(e) Northeast Region (Region 5—comprising the States of Connecticut, Delaware, Maine, Massachusetts, New

Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia) U.S. Post Office and Courthouse, Boston, Mass. 02109.

§ 16.11 Scientific collecting and special purpose permits.

(a) Applications for scientific collecting and other special purpose permits shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications shall contain the following information:

(1) Name, address, and age of applicant;

(2) Species and number of migratory birds or their parts, nests, or eggs proposed to be taken or acquired when it is possible to determine same in advance;

(3) Statement of the purpose and a justification for granting such a permit; and

(4) In the case of scientific collecting permits, the name and address of the public scientific or educational institution to which all specimens will ultimately be donated.

(b) The tenure of scientific collecting or other special purpose permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different period of time is prescribed in the permit.

(c) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

(d) All permittees must keep accurate records of their operations and file a report of such operations, negative or otherwise, by letter or on a form furnished for that purpose, on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit.

§ 16.12 Taxidermist permits.

(a) *Permit required.* A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any person other than himself. The permit must be conspicuously posted at the location where taxidermy services are performed.

(b) *Application for permit—Information to be included.* Original applications for a taxidermist permit shall be made by letter addressed to the Regional Director, Bureau of Sport Fisheries and Wildlife, at the Regional Office having administrative jurisdiction over Bureau functions in the State where such services are proposed (see § 16.10 for geographical jurisdiction and addresses of regional offices). The letter of application shall contain the following information:

(1) The name, age, mailing address, and telephone number of the applicant;

(2) The address of the premises where taxidermist services will be provided, if different than mailing address;

(3) A statement of the applicants qualifications and experience as a taxidermist; and

(4) If a State permit is required by State law, whether or not the applicant possesses one, and if so, the date on which it will expire.

(c) *Permit authorizations.* A permit authorizes a taxidermist to:

(1) Receive, transport, hold in custody or possession, mount or otherwise prepare, migratory birds and return them to another.

(2) Sell properly marked, captive reared migratory waterfowl which he has lawfully acquired and mounted. Such mounted birds may be placed on consignment for sale and may be possessed by such consignee for the purpose of sale.

(d) *Recordkeeping and reporting requirements.* Permittees must keep accurate records of operations, on a calendar year basis, showing the names and addresses of persons from and to whom migratory birds or their parts, nests, or eggs were received or delivered, the number and species of such, and the dates of receipt and delivery. In addition to the other records required by this paragraph, the permittee must maintain in his files, the original of the completed form 3-188, Notice of Waterfowl Sale or Transfer, confirming his acquisition of captive reared, properly marked migratory waterfowl from the holder of a current Federal waterfowl propagating permit. Permittees must retain such records for

a period of 1 year following the end of the calendar year covered by the records.

(e) *Expiration date of permit.* The tenure of taxidermist permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(f) *Renewal of permit.* Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit.

#### § 16.13 Banding permits.

(a) A banding permit is required before any person may capture migratory birds for banding purposes or use official bands issued by the Bureau of Sport Fisheries and Wildlife for banding any species of bird.

(b) Applications for banding permits shall be made by letter addressed to the Bird Banding Laboratory, Migratory

Bird Populations Station, Bureau of Sport Fisheries and Wildlife, Laurel, Md. 20810. Requests for renewals of existing permits shall be made by letter not later than 30 days prior to the expiration date of the permit.

(c) The banding of migratory birds shall be by official numbered leg bands issued by the Bureau of Sport Fisheries and Wildlife. The use of any other band, clip, dye, or other method of marking is prohibited unless specifically authorized in the banding permit.

(d) All traps or nets used to capture migratory birds for banding purposes shall have attached thereto a tag or label clearly showing the name and address of the permittee and his permit number, or the area in which such traps or nets are located must be posted with Notice of Banding Operations posters (form 3-1155, available upon request from the Bird Banding Laboratory, Migratory Bird Populations Station, Bureau of Sport Fisheries and Wildlife, Laurel, Md. 20810) which shall bear the name and address of the permittee and the number of his permit.

(e) Banding permits may be suspended or revoked for a violation of any provision of the Migratory Bird Treaty Act or the regulations issued thereunder, or for failure to maintain and submit required records and reports or to comply with any special terms, conditions, or restrictions incorporated in the banding permit.

#### § 16.14 Waterfowl propagating permits.

(a) A waterfowl propagating permit is required before any person may lawfully sell, trade, donate, or otherwise dispose of, to another person, any species of captive-reared and properly marked migratory waterfowl or their eggs other than mallard ducks.

(b) Original requests for a propagating permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) The applicant will then be furnished an application form to be completed and returned to the regional office.

(c) The tenure of propagating permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(d) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit.

(e) When issued, these permits will authorize such disposal subject to the following conditions, restrictions, and requirements:

(1) Effective March 1, 1967, all live migratory waterfowl possessed in captivity under authority of a valid Federal propagating permit shall be physically marked within 60 days by removal of the hind toe from the right foot. All such birds hatched, raised and retained in captivity thereafter shall be so marked prior to reaching 4 weeks of age. The preceding does not apply to captive adult geese, swans, and brant which have previously been marked by a "V" notch in the web of one foot, nor to such adult birds held in captivity at public institutions as defined in § 16.1(c).

(2) Such properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild.

(3) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass: *Provided*, That permittees who are also authorized to sell game under a State license, permit, or authorization may remove the marked foot from the raw carcasses if the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass or on the wrapping or container in which each carcass is maintained, or each carcass is identified by a State band on leg of wing pursuant to requirements of his State license, permit, or authorization.

(4) Such properly marked birds, alive or dead, or their eggs may be disposed of in any number, at any time or place, to any person: *Provided*, That on each date that any such birds or their eggs are transferred to another person, the permittee must complete a form 3-186, Notice of Waterfowl Sale or Transfer. (Bureau will provide supplies of form.) The permittee will furnish the original of completed form 3-186 to the person

acquiring the birds or eggs; retain one copy in his files as a record of his operations; and, on or before the last day of each month, mail three copies of each form completed during that month to the regional office of the Bureau of Sport Fisheries and Wildlife which issued his permit.

(5) Within 10 days following December 31 of each calendar year, permittee must file a report, negative or otherwise, on a form furnished for that purpose, listing the number and species of migratory waterfowl and their eggs on hand as of December 31.

#### § 16.15 Acquisition, without a permit, of captive-reared migratory waterfowl other than mallard ducks.

Any person may, without a permit, lawfully acquire captive-reared and properly marked migratory waterfowl of all species other than mallard ducks, alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs therefrom solely for his own use subject to the following conditions and restrictions:

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid Federal waterfowl propagating permits except that properly marked carcasses of such birds may also be lawfully acquired as provided under paragraph (c) of this section.

(b) All progeny of such birds or eggs hatched, raised, and retained in captivity must be physically marked by removal of the hind toe from the right foot prior to reaching 4 weeks of age.

(c) No such birds or eggs or any progeny or eggs thereof may be disposed of by any means, alive or dead, to any other person unless a special Federal permit has first been secured authorizing such disposal: *Provided*, That bona fide clubs, hotels, restaurants, boarding houses, and dealers in meat and game may serve or sell to their customers the carcasses of any such birds which they have acquired from the holder of a valid Federal waterfowl propagating permit.

(d) Lawfully possessed and properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of like species from the wild. (See Part 10 of this subchapter.)

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass unless such carcasses were otherwise properly marked and the foot removed prior to acquisition.

(f) When any such birds, alive or dead, or their eggs are acquired from a Federal waterfowl propagating permittee, the permittee will furnish a copy of form 3-186, Notice of Waterfowl Sale or Transfer, to be retained on file by the buyer during his possession of such birds or eggs or progeny or eggs thereof.

(7)

**§ 16.16 Acquisition, without a permit, of captive-reared mallard ducks.**

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported, exported (but not imported), and disposed of by any person without a permit, subject to the following conditions, restrictions, and requirements:

(a) Effective March 1, 1967, all such live mallard ducks then possessed in captivity, without a permit, shall be physically marked by removal of the hind toe from the right foot within 60 days, and all such ducks hatched, raised, and retained in captivity thereafter shall be so marked prior to reaching 4 weeks of age.

(b) When so marked, such live birds may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

(c) When so marked, such live birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of mallard ducks from the wild: *Provided*, That such birds may be killed by shooting, in any number, at any time, within the confines of any premises operated as a shooting preserve under State license, permit, or authorization; or they may be shot, in any number, at any time or place, by any person for bona fide dog training or field trial purposes: *Provided further*, That the provisions of the hunting regulations (Part 10 of this subchapter) and the Migratory Bird Hunting Stamp Act (duck stamp requirement)

shall not apply to shooting preserve operations, as provided for in this paragraph, or to bona fide dog training or field trial operations.

(d) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass: *Provided*, That persons, who operate game farms or shooting preserves under a State license, permit, or authorization for such activities, may remove the marked foot when either the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass or on the container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization. When properly marked, such carcasses may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

[31 F.R. 16016, Dec. 15, 1966, as amended at 34 F.R. 2562, Feb. 25, 1969]

HB 291

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

March 17, 1983

Under the present system if a person desires to take from the wild any migratory waterfowl they must first obtain a federal permit to do so. The issuers of the federal permit, by policy, will not issue such a permit without concurrence of the Department of Fish, Wildlife & Parks.

The Department of Fish, Wildlife & Parks has concurred with the issuance of such permits when the purpose of that permit is for scientific or educational activities. We have particularly not concurred with the issuance of those permits when the purpose is to propagate the species in captivity and the progeny being sold.

House Bill 291 contemplates that the Department shall issue a permit if the U.S. Department of Interior has already issued such a permit. The exception to this is if the Department feels that the permit is not in the best interests of the state's migratory bird and waterfowl resources, it may deny the permit.

This process causes us some concern.

The question immediately arises as to how many permits do we issue. It is acknowledged that one or two would do little harm. However, the Department is either going to be in a position of approving each and every permit in order to avoid being biased and thereby creating a cumulative negative impact on the resource, or we must deny each permit to avoid that cumulative impact from taking place.

As I have mentioned we have interpreted this process in the past very strictly and very conservatively because we do not feel that the progeny from the wild should be used for commercial purposes.

I would point out to the Committee that we are talking about some significant sums of money. The January-February 1981 issue of the Game Breeders, Aviculturist, Zoologist and Conservationist Gazette listed the following prices:

- 1 unrelated pair of Trumpeter Swans - \$2,200.00
- 1 Common Crane - \$400.00
- 1 pair Snow Geese - \$150.00
- 1 pair Canada Geese - \$75.00

These figures would indicate that much interest may develop in taking of migratory waterfowl for the purpose of propagation.

The Committee should be aware that there are commercial sources now in existence, outside the State of Montana, for most if not all of the migratory waterfowl available in the state in their natural environment. If a person is interested in establishing stock, those sources of supply are now available.

In summary, I would refer to recent discussions recently held having to do with game farms and bird farms. In those discussions a key part of the process was to assure that wild game animals and upland game birds did not become intermingled with nor the property of the private operators of those enterprises.

Consistency would indicate that the same concern ought to be extended to migratory birds and waterfowl.

We would request a do not pass for House Bill 291.

STATEMENT OF INTENT  
House Bill No. 335

A statement of intent is required for House Bill 335 because section 3 provides that the Fish and Game Commission will designate the areas in which surplus cow elk may be taken with a Class A-7 cow elk license. In addition, the Commission may set time during the regular big game season for the taking of surplus cow elk in designated areas.

The intent of the Class A-7 cow elk license is to provide the Commission with the option to issue cow elk licenses. The Commission would, with appropriate public comment, authorize cow elk licenses to be used in problem areas where additional cow elk need to be harvested. Class A-7 cow elk license holders would not be allowed to harvest a bull elk in the designated areas for the time period authorized by the Commission for the cow elk license.

The Class A-7 cow elk license would not replace the need for or use of the cow elk permits now in place. The Class A-7 cow elk license would provide additional flexibility for the Commission to deal with problems of surplus cow elk, particularly on private land.



# STANDING COMMITTEE REPORT

MARCH 17, 19 83

MR. **PRESIDENT**

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

having had under consideration **HOUSE** Bill No. **567**

**BERTELSEN (JACOBSON)**

Respectfully report as follows: That **HOUSE** Bill No. **567**

**BE CONCURRED IN**  
**DOING**

74 7m

# STANDING COMMITTEE REPORT

March, 17, 1983

MR. **PRESIDENT**

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

having had under consideration **HOUSE** Bill No. **425**

**J. JENSEN (SEVERSON)**

Respectfully report as follows: That **HOUSE** Bill No. **425**

**BE CONCURRED IN**  
**~~EXCEEDED~~**

# STANDING COMMITTEE REPORT

March 17, ..... 19 83 .....

MR. **PRESIDENT** .....

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

having had under consideration ..... **HOUSE** ..... Bill No. **291** .....

**SWIFT (LANE)**

Respectfully report as follows: That ..... **HOUSE** ..... Bill No. **291** .....

**BE NOT CONCURRED IN**  
**XXXXXXXX**

*Handwritten signature: A. B. W.*

SENATE COMMITTEE Fish & Game

Date March 17, 1983 Bill No. HB 291 Time 2:17 P.M.

NAME	YES	NO
Senator Severson		✓
Senator Lee		✓
Senator Tveit		
Senator Lane	✓	
Senator Mohar	✓	
Senator Jacobson	✓	
Senator Smith	✓	

Agnes Hamilton  
Secretary

Senator Ed Smith  
Chairman

Motion: HB 291 be not concurred in.

The motion passed.

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 17, 19 83

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 335

NILSON (SMITH)

Respectfully report as follows: That HOUSE Bill No. 335

third reading copy, be amended as follows:

1. Title, line 7.

Following: "PARKS;"

Insert: "TO ESTABLISH A CLASS A-7 COW ELK LICENSE;"

2. Title, line 8.

Following: "87-2-505,"

Insert: "87-2-505,"

3. Page 2, line 17.

Strike: "B-4--FIVE-DAY"

Insert: "B-4--two-day"

4. Page 2, line 20.

Strike: "\$7"

Insert: "\$6"

XXXXXX

(cont.)

5. Page 2, line 22.

Strike: "5-DAY"

Insert: "2-day"

6. Page 2, line 25.

Strike: "5"

Insert: "2"

7. Page 3, line 14.

Following: "A-6"

Insert: ", A-7"

8. Page 3, line 15.

Following: "licenses."

Insert: "(1)"

9. Page 3, line 24.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

10. Page 4, line 2.

Following: "\$8"

Insert: ";

(e) Class A-7, cow elk tag, \$8.

(2) The holder of a Class A-7 cow elk license is entitled to take surplus cow elk in areas designated by the commission and at such times during the regular big game season as set forth by the commission"

11. Page 4, line 19.

Following: line 18

Insert: "Section 4. Section 87-2-505, MCA, is amended to read:

"87-2-505. Class B-10 nonresident big game combination license.

Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of \$275 \$300 and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, Class B-7, and black bear licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year."

Renumber: subsequent sections

12. Page 13, line 14.

Strike: "7"

Insert: "8"

And, as so amended,

BE CONCURRED IN

ED. B. SMITH,

Chairman.

7474

# STANDING COMMITTEE REPORT

March 17, 19 83

MR. **PRESIDENT**

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

having had under consideration **Statement of Intent,** **HOUSE** Bill No. **335**

**NILSON (SMITH)**

Respectfully report as follows: That **Statement of Intent,** **HOUSE** Bill No. **335**  
**be adopted.**

## **STATEMENT OF INTENT RE: HB 335**

A statement of intent is required for House Bill 335 because section 3 provides that the Fish and Game Commission will designate the areas in which surplus cow elk may be taken with a Class A-7 cow elk license. In addition, the Commission may set time during the regular big game season for the taking of surplus cow elk in designated areas.

The intent of the Class A-7 cow elk license is to provide the Commission with the option to issue cow elk licenses. The Commission would, with appropriate public comment, authorize cow elk licenses to be used in problem areas where additional cow elk need to be harvested. Class A-7 cow elk license holders would not be allowed to harvest a bull elk in the designated areas for the time period authorized by the Commission for the cow elk license.

The Class A-7 cow elk license would not replace the need for or use of the cow elk permits now in place. The Class A-7 cow elk license would provide additional flexibility for the Commission to deal with problems of surplus cow elk, particularly on private land.

~~XXXXXX~~