

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 10, 1985

The meeting of the Fish and Game Committee was called to order by Chairman Bob Ream on January 10, 1985, at 3:00 p.m. in Room 317 of the State Capitol Building.

ROLL CALL: All committee members were present. The Fish and Game Committee Rules of Procedure with a list of the committee members on the reverse side was distributed to all visitors. (See Exhibit No. 1) Representative Grady, District #47, a member of the committee, distributed a handout to committee members. (See Exhibit No. 2)

HOUSE BILL NO. 91: Hearing commenced on House Bill No. 91. Representative Gene Ernst, District #29, sponsor of the bill, stated that the purpose of this bill was to allow the hunting of bear with the aid of dogs, amending sections of the code, and providing the effective date. He read into the record the testimony of the Montana State Houndsman Association. (See Exhibits No. 3 and 4)

The first witness to testify as a proponent, was Bill Sherman, President of the Montana Houndsman Association. He stated that the hunting of bear with hounds was something that was not new and that what they were trying to do was to take back some of their heritage.

Steve Mitchell, Master of Hounds, of the Montana Houndsman Association, stated that all the regulations would be set up by the Department of Fish, Wildlife, and Parks and all they are asking for is the right to run bears with dogs.

Dick Wilson from Coffee Creek, who also runs hounds, supported this bill stating that it would generate a lot of income for Montana.

No further proponents spoke in favor of this bill.

Jim Flynn, on behalf of the Department of Fish, Wildlife, and Parks, an opponent of this bill, gave a copy of his testimony to each committee member. (See Exhibit No. 5)

Janet Ellis, a representative of the Montana Audobon Council, stated five reasons why the Audobon Council opposed House Bill No. 91. (See Exhibit No. 6)

Tony Schoonen, representing the Montana Wildlife Federation, stated that the Montana Wildlife Federation stands in strong agreement with the Montana Department of Fish, Wildlife, and Parks and the Audobon Council in opposition to HB 91.

Representative Ray Brandewie, District #49, representing the orchard district on the east shore of Flathead Lake which suffers a lot of depredation by bears, stated that he does not agree with hunting bears with hounds unless they are destroying private property, livestock, or orchards.

There being no further opponents, the Chairman asked for questions from the committee.

Representative Rapp-Svrcek asked Mr. Mitchell if they would accept a situation in which there would be no season of hunting bear with hounds, but instead would be satisfied if they were allowed to pursue problem bears with hounds. Mr. Mitchell responded by saying that their association has different regions and they would like to see a different season for bear just as there are seasons for elk, deer and other game animals. He said that perhaps there might be just one area open for bear in the state and all others be closed. Representative Rapp-Svrcek also asked Mr. Mitchell what areas or regions of the state would allow a season on bears and what regions would not. Mr. Mitchell responded that his association would have to work with the Department of Fish, Wildlife, and Parks on this so that there would not be an overharvest of bear.

Representative Montayne wanted to know if the passage of this bill would set precedent so that other hunters of animals such as deer and elk could also come and hunt with dogs. Mr. Wilson of Coffee Creek responded by stating that he felt it would be quite unrealistic to hunt deer or elk in Montana with dogs although they do it in some states. He felt that it would absolutely not set a precedent for other hunters.

Representative Eudaily asked Mr. Flynn if the effective day in Section 3 is a realistic date should this bill pass. Mr. Flynn stated that this date is realistic in the event that the bill should pass.

Representative Grady asked Mr. Mitchell if he can control a hound after it is on a run after the bear. He also wanted to know what happened if the dog goes on private property.

Mr. Mitchell responded by stating that he could not take the animal that his dog had cornered on private property, but that he could ask the owners permission to retrieve his dog. He stated that his dogs can be controlled to a certain point.

Representative Moore asked that if you are chasing a bear during a regular hunting season and a hunter is sneaking through the woods after a deer, wouldn't there be a conflict. Mr. Mitchell responded by saying that this is why the regulations would have to be worked out with the Department of Fish, Wildlife and Parks. This is another reason why they would like to see a certain designated time set aside to hunt bear with dogs.

Representative Pavlovich asked Mr. Schoonen if he kept in touch with the sportsman's associations throughout the state and how they felt about this bill. Mr. Schoonen stated that they stand in opposition of this bill.

Representative Cobb asked Mr. Flynn if they could set strict regulations so that there would not be an over-harvest of bears by hound hunters, or any added stress on the bears by hounds. Mr. Flynn stated that he did not know how they could restrict all this so that there would not be an added stress on the bears by the hounds.

Representative Moore asked Mr. Sherman if they intend to hunt the bears to kill and harvest or just photograph. Mr. Sherman stated that it would be strictly up to the Department of Fish, Wildlife, and Parks if they could have a chase and kill season or just a season to pursue the bear.

Representative Ream asked Mr. Sherman if all the regional directors of the Montana Houndsman Association were in support of this bill. Mr. Sherman replied that the Montana Houndsman Association is in support of this 100% and it was voted on in Lewistown, Montana where they held their state champion field trials.

Representative Ellison asked Mr. Flynn if he would be adamantly against pursuing stock-killing bears with dogs. Mr. Flynn stated that it is legal now.

There being no further committee questions, the Chairman asked Representative Ernst to close. Representative Ernst commented to the committee to remember that if they are favorable to his bill, they will be breaking new ground in Montana in allowing this privilege for sportsmen and

he also brought out the possible aid to tourism that Montana might receive. He also stated that sportsmen would like to have this privilege for at least part of the year and that we need to get this enabling legislation on the books and allow the department to set the regulations.

The hearing was then closed.

HOUSE BILL NO. 93: Hearing commenced on House Bill No. 93. Representative Gene Ernst, District #29, sponsor of the bill, stated that the bill is a companion bill in a way, to House Bill No. 91 and is an act requiring the Department of Fish, Wildlife, and Parks to allow and regulate the hunting of mountain lion, lynx, and bobcat with the aid of dogs and to permit the use of dogs in pursuit of stock-killing lynx. He read into the record the testimony of the Montana State Houndsman Association. (See Exhibit No. 8)

The first proponent to testify was Steve Mitchell, Master of Hounds, of the Montana Houndsman Association. He stated that you can now purchase a license to track a lynx or bobcat and can track bobcat with dogs, so he would just like to see that lynx are added onto the act that is already in effect.

Jim Flynn, on behalf of the Department of Fish, Wildlife, and Parks, a proponent of this bill, gave a copy of his testimony to each committee member. (See Exhibit No. 9)

No further proponents spoke in favor of this bill.

Tony Schoonen, representing the Montana Wildlife Federation, stated that he was opposed because there is no justification for adding lynx to the current bill. There have been no problems known of stock-killing lynx.

Wayne Harmon, Vice President of the Montana Trappers Association, stated that they are not really against chasing lynx with a hound but that if they were able to take another fur-bearing animal with a hound, then trappers would like to be able to take the mountain lion that they get in their traps.

There being no further proponents or opponents, the Chairman asked for questions from the committee.

Representative Pavlovich asked Representative Ernst if there would be any problems putting this clause in the current act. Representative Ernst replied that they would accede to the requests of the department.

FISH AND GAME COMMITTEE

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Representative Montayne asked Mr. Mitchell if this would again open up the whole fur-bearing species to hunting with dogs. Mr. Mitchell's comment was that he would not open his dogs up to beaver and that beaver were fur-bearing animals.

Representative Cobb asked Mr. Flynn how many lynx would be taken each year by hounds. Mr. Flynn replied that he did not have any information on this.

Mr. Grady asked Mr. Flynn how many lynx are in the state of Montana and are they on the increase. Mr. Flynn replied that he really could not say if they were on the increase or not, but he could be safe in saying that they are not on the decrease and they don't see a downward trend in the population. They are able to control the taking of lynx, so if such a pattern did exist they could monitor it closely. Mr. Grady also asked Mr. Flynn if they had many reportings of killings of livestock by lynx. Mr. Flynn replied that they did not, but normally those reportings would go to the Department of Livestock.

Representative Rapp-Svrcek asked Mr. Wilson if he knew of any reports of livestock-killing lynx. Mr. Wilson stated that he did not know of any reports.

Representative Grady asked Mr. Wilson why he would not turn his dogs loose on a lynx. Mr. Wilson replied that he would if the conditons were right, because he likes to hear his dogs run.

Representative Phillips asked if they used hounds mostly for a sport to chase lynx, or as a sport to kill. No comment.

Representative Moore asked Mr. Flynn if we have lynx in eastern Montana that could be livestock threatening in the wool and stock growing areas. Mr. Flynn replied that he did not know if this was happening, but this bill would allow for the use of hounds in hunting the lynx.

Representative Rapp-Svrcek asked Mr. Flynn to tell the committee what the procedure is in terms of stock-killing animals taking livestock. Do they have to tell the department about the animal or can they just go out and track the animal with dogs when they see it taking the stock. Mr. Flynn stated that the depredation of livestock lies with the Department of Livestock and the U.S. Fish and Wildlife Services.

Representative Ream asked Mr. Flynn if Section 2 of the bill, referred to the Department of Fish, Wildlife, and Parks

or the Department of Livestock. Mr. Flynn said he did not honestly know which department it was referring to. Representative Ream also wanted to know what the current regulations were on taking lynx as a trapper. Representative Moore stated that you can take two lynx in western Montana and Mr. Mitchell stated that it varies from region to region.

There being no further questions from the committee, Chairman Ream asked Representative Ernst to close. Representative Ernst commented to the committee that this group of people would like the privilege of this sportsmanlike activity and we need the enabling legislation in order to allow them to do it, and he encouraged the committee's favorable consideration.

The hearing on House Bill No. 93 was closed.

EXECUTIVE SESSION

Chairman Ream wanted to know when the committee was ready to take executive action on these bills. Representative Grady stated that he would like to have more time to talk to his people about these bills. Representative Moore moved to postpone. This motion was seconded and carried. All committee members agreed to postpone until January 17, 1985.

ADJOURNMENT: There being no further business, the meeting was adjourned at 4:10 p.m.

Chairman Ream noted that the hearing would not be reopened, but that written testimony would be taken until January 17, 1985.

A handwritten signature in cursive script that reads "Bob Ream". The signature is written in dark ink and is positioned above a horizontal line.

BOB REAM, Chairman

DAILY ROLL CALL

Fish and Game COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-10-85

[illegible]

HOUSE FISH AND GAME COMMITTEE

RULES OF PROCEDURE

A. Public Hearings

- (1) Sponsor of the bill will open the presentation.
- (2) Proponents of the bill will present testimony. Time subject to limitation of the chair.
- (3) Opponents of the bill will present testimony. Time subject to limitation of the chair.
- (4) All questions will be put forth by the committee. No questions will be directed between proponents and opponents. All questions will be directed through the chair, and everyone will be treated courteously.
- (5) All discussion will commence at the direction of the chair.
- (6) Sponsor of the bill will close the presentation.
- (7) Proponents and opponents will try to state new points of testimony only. If they wish to agree with points already made, they should simply so state.
- (8) Witnesses presenting testimony before the committee should remain in the room to answer any questions from committee members until the hearing is closed.
- (9) All witnesses must sign the witness sheet before presenting testimony.
- (10) Written copies of the testimony should also be submitted if possible.
- (11) Suggested amendments to bills must be presented to the committee in writing.

B. Executive Session

- (1) Executive action may be taken the same day or later, but not until after all scheduled bills have been heard.
- (2) Although executive sessions are open to the public, no comments may be made by anyone but committee members.

Bob Ream, Chairman
Orval Ellison, Vice-Chairman

Dave Cogley, Researcher
Billie Flamm, Secretary

FISH AND GAME
COMMITTEE MEMBERS

REPRESENTATIVES

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ORVAL ELLISON, VICE-CHAIRMAN
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LOREN JENKINS
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JANET MOORE
BOB PAVLOVICH
JOHN PHILLIPS
PAUL RAPP-SVRCEK

RESEARCHER

DAVE COGLEY

CITY AND COUNTY

MISSOULA & MISSOULA
MCLEOD & PARK
AUGUSTA & LEWIS AND CLARK
MISSOULA & MISSOULA
CANYON CREEK & LEWIS AND CLARK
ASHLAND & POWDER RIVER
GLENDALE & DAWSON
BIG SANDY & CHOUTEAU
GREAT FALLS & CASCADE
BILLINGS & YELLOWSTONE
CONDON & MISSOULA
BUTTE & SILVER BOW
GREAT FALLS & CASCADE
THOMPSON FALLS & SANDERS

By John R. Lacey
Extension Range Specialist, MSU

Many ranchers and farmers are unhappy with the Montana Department of Fish, Wildlife and Parks (FWP) policy regarding wildlife damage to crops and forage. Although FWP does not have a budget to reimburse landowners for forage consumption, damage to haystacks or other property, agricultural producers feel that the loss to ranch and farm income is economically significant.

It is estimated that 65 percent of the feed for wildlife in Montana is produced on privately owned rangeland.¹ It is not known how much of the remaining feed is produced on crop and hayland. Thus, ranchers and farmers are becoming more concerned about increasing elk, deer and antelope populations. They feel that agricultural producers disproportionately support elk and deer that belong to the people of Montana.

Few studies have examined the economic cost of wildlife to private landowners in Montana. Therefore, the purpose of this report is to document the economic impact of elk on the Grady ranches operated by Edward Grady Jr., in west-central Montana. The ranches are located about 25 miles northwest of Helena. Data for the analysis was collected during a personal interview with E.J. Grady.

Description of Grady Ranches

The Grady family purchased the ranches in 1956. Since then elk have always wintered on their rangeland. About 95 percent of the winter range (4,556 acres) is privately owned. The remainder is owned by the State of Montana. Because of the location of the winter range in respect to the hay meadows, the elk are not a problem on the ranch's haystacks. However, their presence increases annual operating expenses, requires additional family labor and reduces the amount of forage available for livestock.

Many elk hunters hunt on the Grady ranches. The relationship between the Gradys and the hunters often is used as an example that sportsmen and private landowners can

¹Montana Department of Natural Resources and Conservation. 1977. Montana Rangeland Resource Program. Helena, MT. Page 14.

exist cooperatively. Although the Gradys have never charged hunting fees, they have never been reimbursed for elk damage.

Number of Elk

About 200 elk wintered annually on the ranches from 1956 through 1970. While only about 50 were on the ranches from September through December, the entire herd grazed from January through April during this period. By multiplying the number of elk by the number of months that they grazed on the ranches, it is estimated that the ranches supported 1,000 elk months of grazing, annually. Because each elk is the equivalent of .7 of an animal unit (AU), 700 animal unit months (AUMs) of forage were utilized.

The number of elk wintering on the Grady ranches doubled about 1970. This increase resulted from the successful reproduction within the original herd and from other animals joining the herd when natural migratory trails in the area were disrupted by human activities along an improved county road, and construction of new homes. Now there are approximately 100 on the ranches from September through December and 400 from January through April. Thus, the ranch is now supporting 2,000 months of elk use per year, the equivalent of 1,400 AUMs of forage.

Labor and Cash Cost of Elk in 1983

The elk were economically detrimental to the ranches operation in 1983. Cash outlay increases included: \$344 for printing and making hunting signs and maps, \$3,890 for supplemental feed and salt, and \$1,200 for vehicle operating expense. The additional investment of family labor attributed to the elk was valued at \$3,750, assuming \$5 per hour for opportunity cost for father and son and \$2.77 per hour for wife². Overall, the elk cost the ranches \$9,184 in 1983 (Table 1).

Most of the increased costs are self-explanatory. However, there may be some confusion about the supplemental feed. This cost was incurred because the Gradys burned 450 acres (in a 1,200 acre pasture) of big sagebrush in the

²An opportunity cost is only valid in an economic analysis if the wage earner could have been employed during that period for the specified wage.

Exhibit #2
p. 2
170-1985

fall of 1981. Subsequently, elk have concentrated in the burn area and overgrazed the early spring growth. To protect the productivity of their rangeland, the Gradys leased additional pasture (for \$3,840 320 AUMs, at \$12 per AUM) in 1982 and again in 1983.

Table 1. Itemized costs attributed to the presence of elk on the Grady Ranch in 1983

<u>Cost Item</u>	<u>1983 Direct Cost (\$)</u>
Labor:	
- Construction of 25 elk gates 10 hours each at \$5/hour (Assume 1 gate built during each of last 25 years)	50
- Issuing hunting permits (600), directing hunters 12 hour days, 21 months = 900 hrs @ \$2.77/hr	2500
- Repair fence spring, 5 days @ \$50/day	250
fall, 1 day @ \$50/day (open gates)	50
- Posting signs 2 days @ \$50/day	100
- Assisting hunters in field 16 days @ \$50/day	800

SUBTOTAL	\$3,750
Vehicle Expense (4-WD Pickup):	
- Repair fence in spring 5 days @ \$50/day	250
- Fall, open gates 1 day @ \$50/day	50
- Posting signs 2 days @ \$50/day	100
- Assisting hunters in field 16 days @ \$50/day	800

SUBTOTAL	\$1,200
Supplies and Materials:	
- Elk gate @ \$50 each (one)	50
- Hunting permits (1,000 copies)	120
- Signs (4 kinds)	174

SUBTOTAL	\$ 344
Supplemental Feed:	
- Salt	50
- Pasture lease 320 AUMs @ \$12/AUM	3,840

SUBTOTAL	\$3,890
TOTAL COSTS	\$9184

Labor and Cash Cost of Elk From 1956-1982

The 1983 cost data was adjusted by using an index of "prices paid" by ranchers and farmers to derive the annual costs prior to 1983 (Table 2). It was assumed that one elk gate was constructed per year from 1959 to 1983. To adjust for the smaller elk herd during the 1956-1970 period, the amount of family labor, vehicular operating

TABLE 2. Increased Expenditures (In Dollars) of Production Items On West-Central Montana Ranch Resulting from Elk Grazing on Winter Range.

YEAR	LABOR ¹	SIGNS ²	FUEL ³	PRODUCTION ITEM		SALT ⁶	4-WD PICKUP ⁷	TOTAL \$
				GATE MATERIAL ⁴	PASTURE LEASE ⁵			
				-----Dollars (\$)				
1956	188	37	69	-	0	10	56	360
1957	194	38	72	-	0	9	61	336
1958	199	39	72	-	0	9	63	382
1959	203	40	72	15	0	9	65	404
1960	204	40	73	15	0	9	64	405
1961	206	40	73	15	0	9	64	407
1962	210	41	73	15	0	9	66	414
1963	214	42	73	15	0	10	69	423
1964	214	42	73	15	0	10	70	424
1965	485	43	73	15	0	10	71	697
1966	522	45	74	16	0	10	74	741
1967	564	46	75	16	0	10	76	787
1968	612	47	76	17	0	9	80	841
1969	673	50	79	18	0	10	84	914
1970	721	52	81	18	0	10	87	969
1971	1516	109	168	20	0	21	186	2020
1972	1604	115	171	21	0	22	194	2127
1973	1749	131	170	23	0	32	219	2324
1974	2005	148	234	29	0	39	243	2698
1975	2166	163	260	33	0	38	288	2948
1976	2371	174	275	34	0	38	320	3212
1977	2549	183	297	36	0	37	353	3455
1978	2733	198	312	39	0	37	373	3692
1979	2985	226	406	43	0	41	412	4113
1980	3223	252	559	46	0	46	434	4560
1981	3497	275	633	48	0	50	506	5009
1982	3641	286	623	49	3840	45	562	9046
1983	3750	294	600	50	3840	50	600	9184

GRAND TOTAL \$62,892

INDEX 1910-1914 = 100 was used to adjust 1983 costs

¹ Wage Rates

² Commodities, Services

³ Fuels and Energy

⁴ Building and fencing materials

⁵ Pasture lease (Actual cash paid; no index)

⁶ Feed

⁷ Autos and Trucks

expense, sign, and salt were reduced by 50 percent. Thus the value of the additional variable cost and family labor that the Gradys expended on elk related activities was \$62,892. However, they also have been affected by the loss of opportunity to earn additional income.

Income Foregone

If there were no elk on the ranches, the money that was spent on additional operating expenses and the opportunity cost of labor could have been invested. By assuming that the money had been invested annually at 7 percent interest (compounded annually), there would have been a net balance of \$105,650 (Table 3).

Table 3. Potential income if increased expenditures of production items and value of additional family labor had been invested in the bank at 7% interest compounded annually.

Year	Dollars ¹	Years	FWOF ²	\$
1956	360	27	6.214	2236
1957	336	26	5.807	1952
1958	382	25	5.43	2074
1959	404	24	5.07	2048
1960	405	23	4.74	1920
1961	407	22	4.43	1803
1962	414	21	4.14	1714
1963	423	20	3.87	1637
1964	424	19	3.62	1535
1965	697	18	3.38	2356
1966	741	17	3.16	2342
1967	787	16	2.95	2322
1968	841	15	2.76	2321
1969	914	14	2.58	2358
1970	969	13	2.41	2335
1971	2020	12	2.25	4545
1972	2127	11	2.10	4467
1973	2324	10	1.97	4578
1974	2698	9	1.84	4964
1975	2948	8	1.72	5071
1976	3212	7	1.61	5171
1977	3455	6	1.50	5183
1978	3692	5	1.40	5169
1979	4113	4	1.31	5388
1980	4560	3	1.22	5563
1981	5009	2	1.145	5735
1982	9046	1	1.07	9679
1983	<u>9184</u>	1	1	<u>9184</u>
TOTAL	*\$62,892			\$105,650

¹*Income and labor spent on elk

² Future worth of one factor

Ranchers also must consider the economic loss of forage consumed by the elk. If there were no elk, the Gradys could have run more cows, or leased pasture to another rancher. By conservatively estimating that only one-half of the total forage consumed by elk could have been properly harvested by livestock, the Gradys could have received economic rent on 350 AUMs from 1956 through 1970 and 700 AUMs from 1971 through 1983. Because the value of an AUM on private land (in the local area) was \$12 in 1983, economic loss was \$8,400.

The potential income from grazing leases in 1983 was adjusted to derive the potential income for years prior to 1983 (Table 4.) Over the 27 year period the value of the forage consumed by elk was \$88,067. However, if the Grady's had annually invested the receipts at 7 percent interest, compounded annually, their financial position would have been improved by \$167,404 (Table 4).

TABLE 4. The economic value that could have been earned on the Grady Ranch from 1956-1983 if one-half of the forage consumed by elk had been leased to another livestock producer and invested at 7% interest compounded annually

Year	Price/AUM ¹ (Dollars)	#AUMs	Value of Forage (Dollars)	Year	FWOF	Potential Income (Dollars)
1983	12.00	700	8,400		1	8,400
1982	10.01	700	7,007	1	1.07	7,497
1981	11.81	700	8,267	2	1.145	9,466
1980	11.05	700	7,735	3	1.22	9,437
1979	8.40	700	5,880	4	1.31	7,703
1978	7.40	700	5,180	5	1.40	7,252
1977	7.30	700	5,110	6	1.50	7,665
1976	7.40	700	5,180	7	1.61	8,340
1975	7.00	700	4,900	8	1.72	8,428
1974	6.60	700	4,620	9	1.84	8,501
1973	4.80	700	3,360	10	1.97	6,619
1972	4.30	700	3,010	11	2.10	6,321
1971	4.03	700	2,821	12	2.25	6,347
1970	3.87	350	1,355	13	2.41	3,266
1969	3.71	350	1,298	14	2.58	3,349
1968	3.66	350	1,281	15	2.76	3,536
1967	3.59	350	1,257	16	2.95	3,708
1966	3.31	350	1,158	17	3.16	3,659
1965	3.14	350	1,099	18	3.38	3,715
1964	3.01	350	1,054	19	3.62	3,815
1963	2.98	350	1,043	20	3.87	4,036
1962	2.80	350	980	21	4.14	4,057
1961	2.74	350	959	22	4.43	4,248
1960	2.74	350	959	23	4.74	4,546
1959	2.81	350	983	24	5.07	4,984
1958	2.78	350	973	25	5.43	5,283
1957	3.00	350	1,050	26	5.807	6,097
1956	3.28	350	<u>1,148</u>	27	6.214	<u>7,129</u>
TOTAL			\$88,067	\$167,404		

¹ Actual price paid per AUM by the Gradys in 1983 was used as the base price for the grazing fee. Estimated price/AUM from 1979-1965 taken from Farm Real Estate and the index of prices received by farmers for feed grains and hay (1910-1914 = 100)

Other Costs

Although the detrimental impact of over-grazing by elk was not quantified on the rangeland, another issue is the protection of the range resource. As long as elk overgraze the rangeland, the range condition and carrying capacity on the Gradys' ranches will continue to decline. This is certainly a serious concern for the Gradys because they have managed their range to maintain the forage needed for long-term cattle production. They realize that the rangeland itself will be the biggest loser if too many elk continue to use their cattle range.

Summary of Costs

In summary, over a period of 27 years, elk have detrimentally affected the Gradys' operation. Their presence has caused operating costs to rise and has increased the investment of family labor. If these annual elk-related expenditures had been avoided and the money invested, the ranches' net worth in January 1984, would have been \$105,650 greater, assuming the current, specified investment pattern (Table 3).

Elk also have consumed forage over the 27 year period. The cash value of this forage, on the basis that one-half of it could have been harvested by livestock and a grazing fee collected, was \$88,067. If these grazing fees had been deposited annually, the Gradys' current net worth would have been improved by \$167,404. By combining the potential income lost because of forage consumption by elk to the total cost of the additional expenditures caused by the presence of elk, it is estimated that the current net worth of the Grady ranches is \$273,054 less than it could have been without the elk population.

Montana State Houndsmen Association
CONSTITUTION

Exhibit #1
1-10-85
Bill # 91
Rep. Erno

Article 1 - Name

The name of this association shall be Montana State Houndsmen Association herein after referred to as the association.

Article 2 - Purpose

Section 1 - The primary purpose of this association is to insure and reserve the privilege to hunt with hounds.

Section 2 - Other purposes include:

- A. Fellowship and Friendship
- B. Promote sound game management
- C. Promote the image of the houndsmen to the general public
- D. To hold field trials and other events for hounds.

Article 3 - Membership

Section 1 - Membership in the association shall be classified as follows:

A. Active membership

- 1. Members who upon payment of annual dues shall be active members in good standing with the right to vote, hold office, and participate in all of the activities of the association.

Article 4 - Officers

Section 1 - The officers of the association shall be the President, Vice President, Secretary/Treasurer and Correspondence Officer.

Article 5 - Master of Hounds

Section 1 - The association shall nominate two Masters of Hounds.

Article 6 - Board of Directors

Section 1 - There shall be a board of directors composed of eleven members including the four officers of the association. The other seven being five regional directors and the two Masters of Hounds.

Article 7 - Committees

Section 1 - The working committees of the association shall be

- A. The fund raising committee
- B. The game proposal committee
- C. The field trial committee

Article 8 - Meetings

Section 1 - There shall be one Memorial Day and one Labor Day general meeting of the association on the first saturday of the month at 2 O'Clock at a place deemed most convenient to a majority of the members.

Section 2 - There will be a board meeting 2 hours before each general meeting.

Section 3 - A quorum shall consist of those active members present at the meetings.

Section 4 - Other meetings of the association may be held at such times and places as determined by the board of directors. Written notices shall be given not less than ten days prior to such meetings.

Article 9 - Amendments

Section 1 - Amendments of the constitution shall be proposed at the Memorial Day and Labor Day meetings and will require a two thirds majority of the members present at the meeting.

Montana State Houndsmen Association

By-Laws

Article 1 - Membership

Section 1 - Active membership into the association shall be accomplished by paying dues.

Article 2 - Election of officers, board members, and Masters of Hounds.

Section 1 - Any active member in the association shall be eligible to hold office and may be nominated by any active member.

Section 2 - The election of officers, board members, and masters of hounds shall be conducted each year by the president at the Memorial Day meeting as follows:

- A. - Nominees shall be taken from the floor.
- B. - Each officer, board member, and masters of hounds, shall be elected to serve a one year term.
- C. - Officers, board members, and masters of hounds, shall not serve more than two consecutive terms in the same position.

Article 3 - THE BOARD OF DIRECTORS

Section 1 - The Board of Directors shall have the authority to act in behalf of the association within the framework of policies of the association.

Section 2 - The Board of Directors, by majority vote, shall have the following powers:

- A. To be the coordinating body of the association on action taken at its meetings.
- B. To plan activities and the agenda for the general meetings.
- C. To appoint committee chairmen and members each year.
- D. To employ the services of professional persons when necessary.
- E. To act on recommendations of the Committee Chairmen.
- F. To take any necessary action to improve the association.

Section 3 - The Board of Directors shall have the following responsibilities which shall be acted upon by active members at a general meeting:

- A. To prepare annual budget and recommend annual dues.
- B. To administer transactions within the scope and objectives of the association.

Section 4. The majority of the members of the Board of Directors shall constitute a quorum at any meeting for the transaction of business.

- A. The president shall vote only to break a tie.

Section 5 - Board Members shall be reimbursed by the association for all expenses reasonably incurred by them in connection with association activities.

Article 4 - The President

Section 1 - The President shall preside over general meetings and Board meetings.

Section 2 - The President shall be the chief administrative officer of the association.

Section 3 - The President shall perform such other duties as normally to the office of chief administrator of the association and as may be assigned to him by the Board of Directors.

Section 4 - The President shall appoint an active member to serve in a vacated position until the position can be properly filled.

Article 5 - The Vice-President

- Section 1 - The Vice-President shall assist the president with his assigned duties.
- Section 2 - The Vice-President shall perform the duties of the president in his absence.

Article 6 - Secretary/Treasurer

- Section 1 - The Secretary/ Treasurer shall perform duties as normally pertain to the office.
- Section 2 - The Secretary/ Treasurer shall perform the duties of vice-president in his absence.
- Section 3 - The Secretary/Treasurer shall perform duties properly assigned to him by the president and the board of directors.
- Section 4 - The Secretary/Treasurer shall perform financial transactions of the association.
- Section 5 - The Secretary/Treasurer shall prepare an annual statement of receipts and disbursements to be presented at the Memorial Day meetings.
- Section 6 - The Secretary/Treasurer shall collect dues and maintain a record of paid members.

Article 7 - The Correspondence Officer

- Section 1 - The Correspondence officer shall perform the duty of writing the association news column for one or more of the three major hound magazines. (Full Cry, American Cooner, Coonhound Bloodlines)
- Section 2 - The Correspondence officer shall handle all business with U.K.C. as prescribed in their regulations.
- Section 3 - The Correspondence officer shall appoint an assistant if necessary.
- Section 4 - The Correspondence officer shall perform the duties of Secretary/Treasurer in his absence.

Article 8 - The Masters of Hounds

- Section 1 - The Masters of Hounds shall be the chief governing body at all association hound events.
- Section 2 - The Masters of Hounds shall be members of the field trial committee.
- Section 3 - The Masters of Hounds shall be nominated to U.K.C. for licensing.

Article 9 - Committees

- Section 1 - The Board of Directors shall assign committee chairman and members each year during the Memorial Day meeting.
- Section 2 - All committees serve as task forces only and can not make or change policy.
- Section 3 - Expenses incurred in the performance of duties shall be presented to the Board of Directors for payment or reimbursement.
- Section 4 - The standing committees of the association and assignments shall be as follows:
 - A. The fund raising committee shall have the duty of establishing projects to raise money for association needs.
 - B. The game proposal committee shall be responsible for organizing activities supporting association decisions concerning game regulations.
 - C. The field trial committee shall have the responsibility to organize events each year for members and their hounds.

Article 10 - Sanctioned Events

- Section 1 - All rules and regulations set forth by the U.K.C. sanctioning body will be followed by the association at all U.K.C. events. (Nite hunts, field trials, coon drag, water races, bench show, etc.
- Section 2 - No alcoholic beverages or un-prescribed drugs will be allowed at any association event.
- Section 3 - Any person violating these rules will be banned from any future events and be expelled from the association.

Article 11 - Dues

- Section 1 - The annual dues for active members shall be recommended by the Board of Directors and approved by the active members as set forth in the By-Laws.
- Section 2 - Annual dues shall be payable to the Secretary/Treasurer and will become due on Jan. 1 each year.

Article 12 - Resolutions

- Section 1 - Resolutions shall be adopted at general meetings of the association.
- Section 2 - Resolutions tending to be of a permanent nature must be adopted by a Two Thirds majority vote of the members present at the meeting.
- Section 3 - Resolutions dealing with current issues may be adopted by a simple majority of the members present at any meeting.

THE MONTANA STATE HOUNDSMEN ASSOCIATION WAS FORMED IN THE SPRING OF 1983. THE PRIMARY PURPOSE OF THIS ASSOCIATION IS TO INSURE AND RESERVE THE PRIVILEGE TO HUNT WITH HOUNDS IN A SPORTSMANLIKE MANNER AND TO MAINTAIN THE NATURAL HUNTING INSTINCTS OF HOUNDS. TO HOLD FIELD TRIALS AND OTHER SPORTING EVENTS WHICH ARE NOW SANCTIONED BY UNITED KENNEL CLUB WHICH IS A NATIONAL ORGANIZATION WITH THOUSANDS OF MEMBERS THROUGHOUT THE UNITED STATES. OTHER PURPOSES INCLUDE THE PROMOTION OF FELLOWSHIP AND FRIENDSHIP AMONG SPORTSMEN AND HOUNDSMEN, THE PROMOTION OF SOUND GAME MANAGEMENT, THE PROMOTION OF A GOOD IMAGE OF HOUNDSMEN TO THE GENERAL PUBLIC.

MANY OTHER STATES SUCH AS MAINE, NEW HAMPSHIRE, VERMONT, COLORADO, IDAHO, WASHINGTON, CALIFORNIA AND UTAH, HAVE LESS BEAR HABITAT THAN MONTANA AND YET HAVE A LONG TRADITION OF HUNTING BEARS WITH HOUNDS. FROM WHAT WE HAVE BEEN ABLE TO DETERMINE THROUGH CORRESPONDENCE WITH OTHER STATES GAME DEPARTMENTS, AND FROM SCIENTIFIC PUBLICATIONS, THERE IS NO BIOLOGICAL REASON THAT WE CANNOT USE HOUNDS TO PURSUE BEARS IN MONTANA.

SOME PROBLEMS HAVE OCCURRED BUT HAVE BEEN RESOLVED BY CHANGES IN REGULATIONS. OTHER STATES HAVE HAD VERY LIBERAL REGULATIONS AND HAVE HAD TO BECOME MORE RESTRICTIVE AS PROBLEMS AROSE. MONTANA, ON THE OTHER HAND, WILL BE ESTABLISHING ALL NEW REGULATIONS AND WILL HAVE THE OPPORTUNITY TO LEARN FROM THE OTHER STATES' PROBLEMS, AND SHOULD BE ABLE TO AVOID THE CONFLICTS AND HARVEST PROBLEMS THAT HAVE HAD TO BE RESOLVED IN THE OTHER STATES. MONTANA CAN START WITH CONSERVATIVE REGULATIONS BASED ON SOUND BIOLOGY.

WE CAN EXPECT REGULATIONS TO BE VARIED FROM REGION TO REGION AND BETWEEN HUNTING DISTRICTS DEPENDING ON BEAR POPULATIONS AND OBJECTIVES SET BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS. THIS CAN VARY FROM CHASE ONLY SEASONS TO LONGER HUNTING SEASONS. IF NECESSARY, RESTRICTIONS COULD ENTAIL PERMIT SYSTEMS OR LIMITING NON-RESIDENTS.

MOST OTHER STATES ALLOW THE PRACTICE OF BAITING FOR HUNTING BEARS. MONTANA DOES NOT (AND SHOULD NOT), AND THEREFORE THE HARVEST RATE SHOULD NOT BE AS HIGH HERE. MONTANA ALSO HAS A LOT OF VERY RUGGED AND ROADLESS TERRAIN THAT WILL ALSO CURTAIL HUNTING SUCCESS. SOME EXAMPLES OF OTHER STATES SEASONS ARE AS FOLLOWS:

State	Season For Hunting with Hounds	Approximate overall bear harvest with hounds
Maine	Sept. - Oct.	15%
Colorado	April 1 - June 30	14%
Idaho	Varies from yearlong to chase only depending on area and objectives	24%
Washington	May 1 - June 30 limited areas Aug 1 - fall season	23%

THE HUNTING OF BEARS WITH HOUNDS CAN BE OF BENEFIT TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN ALLEVIATING DEPRADATION COMPLAINTS. HOUNDS CAN BE USED TO CONTROL BEARS THAT ARE DAMAGING BEE YARDS, TREE PLANTATIONS, ORCHARDS, OR KILLING LIVESTOCK. DURING OPEN SEASONS, THE PEOPLE HAVING PROBLEMS CAN CALL DIRECTLY UPON THE HOUNDSMEN TO HELP CAPTURE TROUBLESOME BEARS.

HOUNDS COULD ALSO BE USED IN RESEARCH PROJECTS TO CAPTURE BEARS FOR MARKING. THIS HAS BEEN DONE SUCCESSFULLY IN MAINE.

WE REALIZE THERE IS A GREAT CONCERN FOR THE PROTECTION OF GRIZZLY BEARS IN MONTANA. WE FEEL THAT THIS WILL NOT BE A PROBLEM BECAUSE HOUNDSMEN ARE NOT GOING TO TURN DOGS LOOSE ON GRIZZLY TRACKS FOR FEAR OF LOOSING VERY VALUABLE HOUNDS BECAUSE THE GRIZZLIES CAN BE DONE THROUGH REGULATIONS SUCH AS HUNTING DISTRICT CLOSURES AND WILL HAVE TO BE WORKED OUT BY THE DEPARTMENT.

THE PURSUIT OF BEARS WITH HOUNDS IS ^{a privilege} ENJOYED BY MANY PEOPLE IN OTHER STATES. THE MEMBERS OF THIS ASSOCIATION FEEL THAT MONTANA HOUNDSMEN SHOULD BE ALLOWED TO ~~ENJOY THIS PRIVILEGE.~~

pursue + enjoy this heritage.

HB 91

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

January 10, 1985

The department appears in opposition to HB 91 for several reasons.

When the black bear enters its den in the fall of the year, it is generally in its best condition. From that time until it emerges from the den in the spring of the year, it is continually losing weight and carrying a heavy coat. As a result, the bear in the spring of the year is, in a condition which is not ideal and a chase of any length would put it under extraordinary stress at a time when the bear can ill afford it.

With respect to the female black bear, they generally enter and emerge from denning with cubs. It then becomes important that both the sow and the cubs not be exposed to extraordinary stress. We feel that would not be the case if HB 91 were approved.

Studies in the State of Maine indicate that when sows with cubs were pursued by dogs the cubs were observed by the hunters in only one out of five cases. Under current state law, it is illegal to take a black bear with cubs in proximity. We feel that a real possibility exists for more sows to be taken with cubs at their sides if a season were allowed.

Another concern is the potential for impacting the grizzly bear. Because of the sharing of habitat, it is possible that a clear distinction between the two species will not always be available. As a result, unneeded stress could be placed upon this species which we are attempting to recover from the Threatened Species List.

The proposed legislation also would appear undesirable from a current management perspective. In general, bear seasons have been restricted in recent years because of increased hunting pressure. In fact, further restrictions are being recommended for the near future due to an overharvest of bears in several areas. This overharvest has taken place without the advantage of pursuing bears with dogs.

The results of a Wisconsin study show that over an 11-year period, 42 percent of all the bears harvested in that state were taken by houndsmen. Based on personal experience in their states, game managers in Washington and Idaho recommend against other states allowing bears to be hunted with dogs because of the very real potential for overharvesting the resource.

In short, we believe that allowing hunters to pursue bears with dogs will only compound an overharvest trend which we see developing in our state.

For these reasons, we would recommend that HB 91 not be approved.

Montana Audubon Council

Exhibit #7
1-10-85
H.B. # 91
Sponsor Rep. Ernst

Testimony on HB 91
January 10, 1985

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Council. The Council is composed of seven Chapters of the National Audubon Society and represents over 1800 members throughout the state.

The Council opposes HB 91 for many reasons (many of which you have already heard today), including:

1. Dogs cannot distinguish between black bears and grizzly bears. The Spring hunting season for black bears opens April 15. The hunting season for grizzly bears does not begin until September 15. Because of the differences in these dates and because dogs cannot distinguish between the two species, grizzly bears could be unduly harrassed.
2. Grizzly bears do not climb trees. Dogs following these bears would hence be likely to get involved in a face-to-face confrontation with a grizzly. Depending upon how large the bear is and how many dogs are in pursuit, the confrontation could result in either the bear being unnecessarily hurt or the dogs being hurt. If the dogs are hurt, a hunter is more apt to shoot the grizzly--regardless of the season.
3. It is illegal to shoot a sow bear with cubs. Dogs cannot distinguish between single bears and those with cubs. A study done in Maine indicates that when sows with cubs are pursued with dogs, cubs were only seen in one out of five chases: the cubs were treed early in the chase and the sows took the dogs further along in the hunt. This situation should be avoided at all cost.
4. We can think of no instance where a scientific study would want or need to use dogs to track a bear. Currently scientists radiocollar bears that have been trapped in a culvert trap. These bears are then tracked by using a radio signal from their collar. This method of tracking bears is effective and does not harrass the individual animals.
5. The Spring is a particularly sensitive time of year for many

animals: bears are not an exception. We feel that chasing an animal down when it has not eaten since Fall would be an unnecessary stress on these animals at a time they do not need additional stresses.

The Montana Audubon Council sees no reason to add the bear to the list of animals hunted by dogs in Montana. We do, however, know of several reasons why these animals should not be hunted by dogs. For this reason, the Audubon Council is asking this Committee to give HB 91 a "DO NOT PASS" recommendation. Thank you.

93

Exhibit #8
1-10-85
H.B. #93
Rep. Ernst

THE MONTANA STATE HOUNDSMEN ASSOCIATION ARE ADVOCATING ADDING LYNX TO THE LIST OF ANIMALS THAT CAN BE PURSUED WITH HOUNDS. IT IS OUR UNDERSTANDING THAT OMITTING THE LYNX WHEN BOBCATS WERE INCLUDED WAS AN OVERSIGHT. THE HUNTING AND TRAPPING OF LYNX IN MONTANA IS REGULATED THROUGH A QUOTA SYSTEM. THE HARVEST OF LYNX WITH HOUNDS WILL BE ADEQUATELY CONTROLLED BY THIS SYSTEM.

Exhibit #9
H.B. # 93
1-10-85
Rep. Ernst

HB 93

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

January 10, 1985

The Department of Fish, Wildlife and Parks supports adding lynx to the list of species that can be pursued with dogs.

We have through the years supported the hunting of mountain lions and bobcats with the use of dogs and feel that the way we have regulated this hunting has been acceptable to the public as well as for the resource.

However, we are concerned that striking the words have authority to in line 2 of page 2 may remove the flexibility we require to effectively manage these species. We feel we should be allowed to conduct such hunts as we feel are merited from a management perspective rather than required to conduct such hunts. Without this flexibility, it appears that legislative action would again be required before the season for any of these species could be closed for any reason.

If the intent of this legislation is simply to add lynx to the list of species that can be hunted with dogs, that seems fine. But our authority to manage these species should not be changed.

VISITOR'S REGISTER

HOUSE FISH AND GAME

COMMITTEE

BILL 91DATE 1-10-85SPONSOR REPRESENTATIVE ERNST

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Ray Brandewie	Bigfork	HD 99		X
Steve Mitchell	JUDITH GAP	HB 91	X	
Kathy Hirschle	Roy	HB 91	X	
John Kibodeaux	GREAT FALLS	HB 91	X	
Bill Sherman	Heysen	HB 91	X	
Garry Quinn	Missoula	Missoula chapter of common		
Tony Schoonen	Butte	Mont. Wildlife Sed.		
Jim Flynn	HELENA	DEPT FWP		X
Janet Ellis	Helena	MT Audubon Council		X
Wynne Altman	Box 267 Gardon	MTA		
Paul Kufe	Helena	Self/outfitter + Guide		X
Mike Steph	Helena	Self		X

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE FISH AND GAME

BILL 93

DATE 1-10-85

SPONSOR REPRESENTATIVE ERNST

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.