

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

March 12, 1985

The meeting of the Fish and Game Committee was called to order by Chairman Bob Ream on March 12, 1985, at 3:45 p.m. in room 317 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF SENATE BILL NO. 155: Senator Ed Smith, District 10, Dagmar, sponsor of this bill, was still in session in the Senate, so the hearing was opened by Chairman Bob Ream. Chairman Ream called on Jim Flynn to speak on this bill.

PROPOSERS: Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, said that Senate Bill No. 155 had been introduced at the request of the Department. He said that this bill covers three areas of concern and explained these to the committee. He handed out a copy of his testimony to all committee members. (See Exhibit No. 1)

There were no further proponents and no opponents to Senate Bill No. 155.

DISCUSSION OF SENATE BILL NO. 155: Representative Ellison asked Mr. Flynn if he felt that it would be more advantageous to the Department, if they would change the bidding process and give them more time to respond to the bids. Mr. Flynn said that that latitude may be beneficial, and it would be nothing they would quarrel with. However, they would still want the final option of going to a realtor. Representative Ellison referred to the time of 30 days allowed being a problem. He said that perhaps extending it to 60 or 90 days would save realtor's commission and also get a better response. Mr. Flynn said that they would have no objection to extending it to 60 days, because they still plan to use the bid process first.

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Representative Eudaily asked Mr. Flynn if they would put the property up for bids just once, before going to a realtor. Mr. Flynn said that was their intent, to first put it up for bid and then if that did not work, they would use the other process. Representative Eudaily then had a question concerning page 3 of Mr. Flynn's testimony. He questioned how the construction needs of the Department are being handled. Mr. Flynn explained how the Fish and Game Commission approves this and their overall budget.

Representative Jenkins asked Mr. Flynn if their Office budget was determined mainly from license revenue. Mr. Flynn said that about 57% is license revenue, and 20% is from federal excise tax on sporting equipment. Representative Jenkins referred to section one of the bill, and asked Mr. Flynn if utilities and janitorial services were paid out of the general fund. Mr. Flynn said that these services were paid on a contract basis just like any other agency of the state. He said that they get a bill from the Department of Administration for janitorial services, and this bill is paid for out of hunting and fishing revenues. He said that the utilities are paid in the same general way.

Representative Eudaily referred to the new language on page four of the bill, and said that he did not understand why they said "equal or" on line five, instead of just "the price accepted on any private sale must exceed the highest bid rejected in the bid process." Mr. Flynn said that at great risk, he would try to interpret what the Senate Fish and Committee did, because this was their amendment. He said that this amendment was made as a protective device so that there were not any loopholes in the bidding process.

Representative Ellison asked Mr. Flynn how they would set the price on the property, if it was to be turned over to a realtor. Mr. Flynn said that they would operate from the appraised value.

Representative Jenkins asked Mr. Flynn if he would have any problem with the bill if they were to leave off the words "equal or", page 4, line 5. Mr. Flynn said that they would have no problem with that change, and reminded the committee that it was there because of the Senate committees action.

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Chairman Ream closed the hearing on Senate Bill No. 155.

CONSIDERATION OF SENATE BILL NO. 197: William "Bill" Yellowtail, District 50, Wyola, appeared before the committee as sponsor of this bill. He said that he was carrying this bill at the request of the Department of Fish, Wildlife, and Parks. He said that this bill was a bit of a "genuine catch-all bill." He said that it clarifies a lot of details in a variety of areas.

PROPOSERS: Jim Flynn, Director of the Department of Fish, Wildlife and Parks, appeared before the committee in support of this bill. He handed out a copy of his testimony to all committee members. (See Exhibit No. 2)

There were no further proponents and no opponents.

DISCUSSION OF SENATE BILL NO. 197: Representative Hanson asked Mr. Flynn who is responsible for checking on disabled hunters. Mr. Flynn said that for a disabled person to have a disabled license in their pocket, they must have had some certification from a reliable source to get that license. He said that he cannot stand before the committee and say that there is no abuse of the system, because there probably is some; but, he said that it was the rule-making authority of the last session to make sure that the disability certification was valid.

Representative Ream asked Mr. Flynn if "disabled" was stamped right on the license. Mr. Flynn said that he did not know if it was stamped on the license or if they had a separate license that they issued; but, it was one or the other.

Representative Grady noted that there was a change in years from 65 to 62, page 1, line 24, and said that this change had not been commented on by Mr. Flynn in his testimony. Mr. Flynn said that there had been a great debate on this age issue in the last session, so this change is just making the age consistent with what it is for hunting and fishing.

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Representative Eudaily questioned Mr. Flynn about the turkey tag on page 3. He said that provisions had been made for the disabled and resident minors, but there were no provisions for those persons 62 and over. Mr. Flynn said that those 62 and over were able to hunt birds with just a conservation license, and that intent was proposed in this bill.

Representative Moore referred to lines 21-23, page 2, of the bill and asked Mr. Flynn what animal they were trapping until June 30th. Erwin Kent, of the Law Enforcement Division of the Department of Fish, Wildlife, and Parks, said that there isn't any season that runs that late, but that was just an appropriate time to cut it off so that there would not be a conflict with other seasons.

There being no further questions from the committee, Chairman Ream asked Senator Yellowtail to close. In closing, Senator Yellowtail said that he thought this was a straight-forward and honest bill, and he urged the committee's support.

EXECUTIVE SESSION: Representative Ellison moved that Senate Bill No. 155 DO PASS. Representative Ream said that he had just talked to the sponsor of the bill, Senator Ed Smith, and he had no objections to the amendment suggested by Representative Eudaily. Representative Ellison said that he would like to propose an amendment to page 3, line 13, to strike "30 days" and insert "60 days," because he felt that this extra time would help the Department. Representative Rapp-Svrcek seconded Representative Ellison's motion. Question was called. The amendment motion passed unanimously. Representative Eudaily proposed an amendment on page 4, line 5, to strike "equal or." Representative Jenkins seconded Representative Eudaily's motion. Question was called. The amendment motion passed unanimously. Some committee discussion about the bill followed. Question was called on Senate Bill No. 155 AS AMENDED. The DO PASS AS AMENDED motion carried unanimously.

CONSIDERATION OF SENATE BILL NO. 209: Senator John Mohar, District 1, Troy, appeared before the committee as sponsor of this bill. He said that this is a law and order bill and creates a fish and wildlife crimestoppers act. He said that a crimestoppers program has been very

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effective on the local level and is used by many Sheriff's Departments. He said that the 1983 session created a crimestoppers program for the Department of Livestock. He also said that a program for fish and wildlife was proposed at that time, but it was killed in the Senate, so this session they decided to start it in the Senate. He "walked" through the bill with the committee, and explained each section.

PROPOSERS: Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee in support of Senate Bill No. 209. He handed out a copy of his testimony to all committee members. (See Exhibit No. 3)

Les Graham, Executive Secretary of the Board of Livestock, appeared before the committee in support of this bill. He said that the Department of Livestock had the crimestoppers program in effect for 18 months now; and although they did not receive a lot of calls, the ones that they had received had been successful. He also said that they had not had a request for rewards at a particularly high rate. He said that many of the callers will just give them information through a code system and not request any reward. He said that a lot of preventive work comes through this program. He cited an example of yearling heifer thefts that had been going on in Representative Hanson's area for several years; and said that after a call through this program, the thefts had now stopped.

Dan Heinz appeared before the committee in support of this bill, on behalf of the Montana Wildlife Federation. He said that the Federation had been very concerned about the increased level of wildlife poaching and crime. He said that they see this program as a new tool to get at that particular level of crime. He urged the committee to support this bill.

Janet Ellis, representing the Montana Audubon Council, appeared before the committee in support of this bill. She handed in a copy of her testimony to the secretary. (See Exhibit No. 4)

Mary Wright, representing Trout Unlimited, said that they support Senate Bill No. 209 because the crimestoppers program had been successful in other states. She said that they felt this program would reduce the crimes and free law enforcement officials for other field enforcement activities.

Robert Van Der Vere, a concerned citizen lobbyist, appeared before the committee in support of this bill. He said that the inducement of a reward would likely bring more callers forward. He urged the committee's support.

There were no further proponents, and no opponents to Senate Bill No. 209.

DISCUSSION OF SENATE BILL NO. 209: Representative Jenkins asked Senator Mohar if there was an oversight in the selection of the committee for the crimestoppers program, because it does not include a rancher or farmer. Senator Mohar said he thought it was an oversight, but he thought it would be best to direct the question to Mr. Flynn. Mr. Flynn said that in their perspective they have two areas in which a landowner could be a member--these being category 2 and category 3. He suggested that this committee could change the wording so it would include a landowner specifically. He said that it was the Department's intent to use a landowner on this committee. Representative Jenkins said that he would like to see it changed to include a farmer or rancher. Mr. Flynn said that he would have no problem with the change, as long as the number of members would not be expanded.

Representative Pavlovich asked Mr. Flynn the purpose of have a board for this program. Mr. Flynn said that the purpose of the board is to provide the touch of objectivity that they might not get from having only department people working on such a program. He said that other crimestopper programs have a citizen advisory board that acts as a back-up.

Representative Moore asked Mr. Graham if the Department of Livestock had such a board. Mr. Graham said that they did have an advisory board and this was separate from the regular livestock board. He said that the reason they had this separate board is that when they determine the amount of reward they know nothing about the informant, only the facts of the case. He said that they follow the guidelines that are set up by the National Crimestoppers Association, because all of the cases are confidential and they use code names and information only.

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Representative Ellison asked Mr. Graham how the Department of Livestock handled their committee meetings. Mr. Graham said that they have meetings on call rather than on any regular basis, and he said they do not meet very often. Representative Ellison then asked Mr. Graham how much the program had cost in the 18 months that it had been in effect. Mr. Graham said that the 800 telephone number costs about \$25.00 a month, plus a certain fee per call; the posters and publicity had cost about \$3,000.00; and the rewards had totaled about \$2,000.00. He said that the case recoveries by this program have sometimes exceeded \$2,600.00.

Representative Rapp-Svrcek asked Senator Mohar if there was a fiscal note on this bill in the Senate; and, if not, why not. Senator Mohar said that the fiscal end of the bill had gone through the subcommittee on appropriations because that is where the appropriations are made, and not through the regular budget. He said that the fees come out of license fees.

Representative Pavlovich asked Mr. Graham if the money that funds their program comes from fines. Mr. Graham said that the money that funds their program comes from the sale of stray cattle. Representative Pavlovich asked Mr. Flynn where the money would come from that would fund such a program for the Department of Fish, Wildlife, and Parks. Mr. Flynn said that it would not come out of the General Fund.

Representative Cobb asked Mr. Graham if anyone had ever tried to find out who the informant was when the case went to court. Mr. Graham said that no one had in their situation.

Representative Rapp-Svrcek wanted to know specifically where the money would come from to fund this program. Mr. Flynn said that it would come out of the general license account. He said that they had discussed this with the joint subcommittee for the natural resource agencies and they have approved the dollars that they have projected for the next two years. He said that the approval is contingent on the passage of this legislation.

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There being no further questions from the committee, Chairman Ream asked Senator Mohar to close. In closing, Senator Mohar said that the reason he became interested in this bill, was because of the moose poaching in his area. He said that moose are a limited resource in the state of Montana, and only a certain amount of licenses are available. He said that because of the limited amount of licenses available, they were experiencing a greater degree of poaching. He said that this bill is another tool that they are going to give the game wardens to enforce game laws. He said he hoped that the Fish and Game Committee and the House would concur on this bill.

EXECUTIVE SESSION: Representative Pavlovich moved that Senate Bill No. 209 DO PASS. Representative Montayne seconded the motion. Committee discussion followed.

Representative Jenkins said that he would like to see an amendment in the bill to change "two members of the public, appointed at large," to say, "two members actively engaged in agricultural production." (Bill reference is page 3, line 19.)

Representative Rapp-Svrcek said he wanted to delineate that one member of the board should be a member actively engaged in agriculture, but he did not think it should include two members.

Representative Ellison said he felt it was not doing anyone a favor, appointing them to this board; and from previous experience in selecting boards, he felt it should be left as it is.

Representative Eudaily said that he agreed with Representative Ellison, because two members of the public could be landowners or people actively engaged in agricultural production without listing any specifications.

Researcher Dave Cogley suggested that they leave (ii) as it is and change (iii) to read "a member who is actively engaged in agricultural production:", and add (iv) "a member of the public, appointed at large."

Representative Jenkins agreed to Mr. Cogley's suggestion and made a motion to amend the bill to read that way.

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Representative Rapp-Svrcek seconded Representative Jenkins' motion. The motion on the amendment passed with the dissenting votes of Representatives Ream, Ellison, and Eudaily.

Representative Jenkins moved that Senate Bill No. 209 DO PASS AS AMENDED. Representative Rapp-Svrcek seconded the motion. The motion passed with the dissenting vote of Representative Cobb.

(The statement of intent was not voted on during this executive session, so the vote will be taken on the statement of intent March 14, 1985 and the Standing Committee Report will be included with those minutes.)

SENATE BILL NO. 197: Representative Cobb moved that Senate Bill No. 197 DO PASS. Representative Montayne seconded the motion. During committee discussion concerning the age elimination page 3, lines 10-13, the committee decided to wait on action until the researcher can find out how this will affect the people 62 and over.

ADJOURNMENT: There being no further business before the committee, the meeting was adjourned at 4:55 p.m.



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BOB REAM, Chairman

DAILY ROLL CALL

Fish and Game COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-12-85

[illegible]

# STANDING COMMITTEE REPORT

MARCH 12

85

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MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 153

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**REVISING DEPARTMENT OF FISH, WILDLIFE & PARKS LAWS RELATING  
TO SALE OF LAND, RENTALS, & CONSTRUCTION PROJECTS**

Respectfully report as follows: That SENATE Bill No. 155

## BE AMENDED AS FOLLOWS:

1. Page 3, line 13.  
Strike: "30"  
Insert: "60"
2. Page 4, line 5.  
Strike: "equal or"

**AND AS AMENDED,  
BE CONCURRED IN**

~~DO PASS~~

SB 155

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

March 12, 1985

Senate Bill 155 has been introduced at the request of the Department of Fish, Wildlife and Parks and covers three areas of concern.

1. Through amendment of Section 87-1-209, it permits the sale of surplus Department lands by private listings when the bid process, presently described by law, fails to secure a reasonable price, and
2. Repeals Section 87-1-106 which requires the payment of a \$4/square foot rental fee for the Department's Headquarters in Helena, and
3. Repeals Section 87-1-211 requiring Fish and Game Commission approval of construction projects in the cost range of \$1,000 - \$5,000.

The second and third items may be considered housekeeping matters but the first is a substantive change in the law which will improve the Department's ability to dispose of surplus property expeditiously and at the best possible price.

The present law requires sale by competitive sealed bid with the payment of the full purchase price due within ten days of award. We have undertaken a program to identify surplus Department lands and dispose of them in accordance with the law. These properties may be exchanged for other properties, which works well where it is appropriate, or sold by sealed bid. I would like to share with you our difficulties in implementing the sealed bid process by relating our experience with three properties.

The first is 12.6 acres of land and buildings southwest of Corvallis. The package appraised for \$75,000. Three bids were received. The highest bid for \$25,200 was rejected because it was just slightly over one-third of the appraised value. In this case we are negotiating with a neighbor to trade for land worth \$75,000 and which has winter range values.

The second parcel offered for sale by bid was the old Region 2 Headquarters on Brooks Street in Missoula. The package consisted of land and a building which was appraised at \$255,000. When it was first advertised For Sale by Bid in October of 1983, two bids were received; one for \$150,000 and the second for \$125,010. The high bid was rejected because it was less than one-half of the appraised value.

The Headquarters property was advertised as For Sale by Bid a second time in February of 1984. No bids were received.

The property was advertised For Sale by Bid for the third time in August of 1984. Two bids were received and the highest bid of \$200,000 was accepted although it was \$55,000 lower than the appraisal.

The third parcel advertised For Sale by Bid was 44.7 acres of agricultural property on the Yellowstone River near Greycliff. The acreage appraised for \$40,300. It was first advertised as For Sale by Bid in February 1984 and no bids were received.

The property was advertised again in November 1984. Three bids were received, the first was for \$20,010; the second for \$20,134.95; and the third for \$27,001 cash plus \$6,000 in labor and equipment services at Department sites over a period of ten years. Bid Three for \$27,001 cash and \$6,000 in services was approved by the Fish and Game Commission.

In these cases we spent a lot of time and effort going through the bid process and had no opportunity to negotiate with interested bidders or to seek out and negotiate with buyers.

The inability of the Department to receive fair market value for the lands they offer For Sale by Bid has been discussed with appraisers, realtors, bankers, and other lands people.

A consensus has been drawn that the method of disposal we are required to use is at fault.

For example, knowledgeable people contacted felt the Missoula Headquarters was appraised properly and reflected the proper fair market value. However, they feel that it is necessary that the property be marketed through commercial means. They all feel that the thirty-day sale period does not allow enough time for potential buyers to inspect the property, make a decision, and arrange for financing.

Because of the Department's experience in the disposal of property and the advice received, we recommend that the Department continue to attempt to dispose of its surplus property by sealed bid on a cash basis.

However, we would recommend that the law be revised to allow the property to be sold by realtors in the area at fair market value and their commission be paid from the proceeds of the sale if the bids received are not acceptable.

The second matter addressed in SB 155 is a housekeeping matter repealing Section 87-1-106 which presently requires the payment by the Department of Fish, Wildlife and Parks of a \$4/square foot rental fee to the Department of Administration for the Department of Fish, Wildlife and Parks Headquarters in Helena. This is a holdover statute from the days when DFWP was housed in the Mitchell Building. The fee is not appropriate today and is, therefore, not presently being charged because our present location was constructed with Fish, Wildlife and Parks Department earned revenues from sportsmen's licenses rather than General Fund monies.

The final item--also a housekeeping matter--would repeal Section 87-1-211 which requires Fish and Game Commission approval for construction projects estimated to cost between \$1,000 and \$5,000. This authority has not been used for several years because it is duplicative of and, in some cases, in conflict with the construction authority vested in the Department of Administration in various sections of Title 18 of the Montana Code. The Department's construction needs are being handled entirely by either the Architecture and Engineering Division or the State Purchasing Division and, therefore, the construction authority delegated to the Fish and Game Commission may be repealed without hindering the Department.

Additionally, the Fish and Game Commission, by law, approves the overall budget of the Department; and, therefore, in effect has approved all construction projects proposed by the Department.

SB 197

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

March 12, 1985

SB 197 covers a variety of housecleaning subjects, some of which are the result of actions taken by the last legislative session. The first subject in Subsection 3 on page 2 addresses the difference within the current law between the definition of disability for camping permits in state parks and the issuance of fishing and hunting licenses to disabled people.

Prior to the last session, the disabled person - in order to qualify for a disabled hunting and fishing license - was required to provide proof of disability from a physician. That law was changed last session because annual certification required a person who was permanently disabled to visit a doctor every year in order to get the certification to present to the department for the issuance of the license.

We changed that law last session to state that if a person is certified as disabled under any program, that on-going certification would be valid for a department disabled license for fishing and hunting.

At the same time last session, a bill was introduced to give a disabled person's waiver to people using the state parks system. Unfortunately, when that law was enacted they used the definition for fishing and hunting licenses that we were in the process of changing. As a result, we now have two disabled requirements - one for people utilizing the parks and another for fishing and hunting. This section of law provides the same definition for both hunters and fishermen as well as persons using the state parks system.

The second subject covered in Section 2 on page 2 is to change the ending period for the trappers' license to coincide with the end of the trapping season. Last session we moved the end of the license year to the last day of February for a variety of reasons. The result was that trappers now must buy a new license on the 1st of March even though their trapping season does not end until June 30. Therefore, they basically have to buy two licenses in one trapping year.

The amendment in Section 2 would make an exception to that March 1 license year to be July 1 and thus be concurrent with the trapping season.

The third subject is covered in Section 3, Subsection 3. It clarifies that a disabled person and a resident minor may purchase a wild turkey tag upon presentation of their wildlife conservation license. Under present law, a person must have a bird license and a conservation license in order to purchase a wild turkey tag. Because the disabled and the youth only need a conservation license to hunt birds, they do not have the bird license to present when they apply for a wild turkey tag. It was not clear under present law that the conservation license would be valid for the wild turkey tag and this amendment would clarify that concern.

The next subject is covered on page 3, Subsection 2 and applies to the 10% nonresident quota for drawings for big game licenses. When this law was first enacted many years ago, it was intended to provide that in any big game drawing, up to 10% of the quota would be available to nonresidents. The way the statute has read through the years, it could be interpreted to cover other drawings such as the drawing for swan permits. Since that was never the intent of the original legislation, we would like to insert "big game" before the word "licenses" to ensure that the 10% nonresident rule only applies to big game drawings.

The final subject covered is on page 4 in Section 5. It clarifies the current language giving hunting and fishing privileges to minors age 12 through 14. Under present law, it could be construed - when reference is made to the word "minor" - that we are talking about both resident and nonresident minors. With the change as proposed in this legislation, it would clarify that when we are saying that minors ages 12 through 14 may fish and hunt upland game birds with only a conservation license, we are only talking about resident minors.

Section 6 is a new section giving the department rule making authority to implement rules if this bill is passed and that would pertain primarily to the first subject we talked about - defining the disability requirements for permits to use the state parks system.

As I mentioned at the outset, this is a housekeeping measure. It covers a variety of subjects, but we feel they would clear up some conflicting points and some grey areas that now exist in the state law, and we would urge your favorable consideration of the bill.

Thank you.

SB 209

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

March 12, 1985

Montana is a state which has some of the best fish and wildlife resources still available to the public within the continental United States. As other states have experienced expanded population growths and the accompanying development, Montana's resources have risen in relative quality. This occurrence, coupled with a general public concern by Montanans for our natural resources, has placed us in a position of maintaining within our state's borders fish and wildlife populations of some importance.

In past years when our relative position to other states was not as meaningful as it is today, our approach to management and enforcement of these resources required certain activities. While those activities were successful, we find that a different approach is necessary to address the situation before us today. This is particularly true of enforcement.

As our fish and wildlife resources are of premium quality and as society becomes more affluent and mobile, a state as large and diverse as Montana becomes more susceptible to illegal hunting and fishing than in the past. We are aware of this susceptibility and have taken some steps to address it.

With the support of the public and the legislature, we have instituted a conservation officer program, we have increased our warden mileage, and we have upgraded and intensified our ongoing warden training program. These efforts have produced results and we plan to continue them.

In addition, this session we are requesting two new programs to add to our enforcement capability, one of which is before you in SB 209.

At the present time we have a hot line in place through which Montanans can call to report violations of the law. It was primarily installed to work with landowners, but is used from time to time to report fish and game violations. This is in place and working now.

Our request at this time is for authority to expand this hot line use to issue rewards for information which leads to a conviction for a major violation. I would emphasize that the rewards would be for major violations.

It would be our expectation that the major use would be in cases where there is a substantial violation involved and thus a reward would be in order.

We would hope that a reward system would entice someone with first-hand knowledge of a violation to take the step of making a phone call for a monetary gain. The result would be to increase our ability to make the violator accountable.

I have attached copies of reports from two of our field people on the results of hot line information. Warden Cooper is in northeastern Montana and reports on two cases. No rewards were paid in either case. Whether they would have been if we had authority would have depended on the advisory committee's recommendation and whether the caller would have requested it.

The second report is from northwestern Montana where Warden Burke works with the local Crimestoppers Program. In that area we are especially concerned with the poaching of moose. As Gary indicates, moose poaching, in his opinion, dropped off once Crimestoppers started.

Although this local Crimestoppers Program has paid out rewards for fish and wildlife violations, we have been unable to reimburse their program.

I am also attaching two memos for the committee's consideration. The first is from the US Fish & Wildlife Service's chief enforcement officer for Montana, Joel Scrafford, to Erv Kent of our agency. It lists the species involved in one series of arrests involving a poaching ring here in Montana this past year.

The second is from Erv Kent to me outlining the results to date of the aforementioned operation, plus one other conducted this past year.

I mention both of these because the successful implementation of these operations contains many facets, one being the ability to offer a financial reward to someone, perhaps a disenchanted insider, willing to provide meaningful information.

If this program were to be implemented, we would intend to work as much as possible with local Crimestoppers and with the Montana Department of Livestock. If a coordinated approach serves us all equally well, we would follow that path.

In summary, we feel that our state can expect more attention paid to our quality fish and wildlife resources. Unfortunately, some of that attention will be to exploit and abuse that resource.

We feel a Crimestoppers Program for fish and game violations would afford us one more tool to lessen that exploitation and abuse.

TO: Erv Kent

FROM: Dave Cooper

RE: Beaver case

JAN 9 1985

I talked to Dale Graff today about the pheasant case I wrote you about. He asked me if I had any pictures of it, which I did not. I am sending in another case of which I do have some pictures.

The morning of April 14, 1982, I received a hot-line call. It had been received from a rancher at Redstone, Montana. The rancher reported that two men were in the Redstone area shooting beaver in the Muddy River. He reported that the men had #20 (Valley County) licenses on their pickups. The Sheriff, Ben Holt, and I went to Redstone and checked out this complaint. Meanwhile, another rancher called as Ben and I were on our way to Redstone. He told the sheriff's office that the men were on his ranch in the Archer area. We talked to this rancher and he loaned us his pickup. The Muddy River has high water this time of the year and the roads are under water. This was the reason we took his 4-wheel drive pickup.

We found two men in a boat below Archer and stayed along the river about two hours. When they came ashore, they didn't have any beaver in their boat. I then looked along the banks and found 17 big beaver they had shot. The two men were Delmar Midinger and Nick Neumayer from Glasgow. I issued them each a ticket and collected a \$500 bond from each and confiscated the beaver.

Enclosed are the pictures of this case. Pictures #1 and #2 show the boat that was used. Picture #3 shows where I found the 17 beaver. Picture #4 shows me loading the beaver in the sheriff's pickup.

This is another case that came to us via the hot-line.

A week after the high water went down, about two dozen dead beaver washed up at the Eggen and Ursness ranches. These two men probably only retrieved one out of every three beaver they shot. The rest were wasted. The only satisfaction I received from the tickets was that it did cost these two men \$1000.

David E Cooper.

A short time after 8:00 A.M. the morning of October 28, 1981, I received a call from Chris Eby of the Helena Fish and Game Office. She had received a call on our toll-free hot line from a farmer at Whitetail, Montana. He stated that he had observed these two non-resident hunters on the Oltman Ranch west of Whitetail. He told Chris that he thought the hunters had too many pheasants and that we should check them out.

I left for Whitetail immediately, which is about 42 miles from Plentywood. I found the two hunters from Minnesota and checked them. They had five pheasants in their pickup. They told me that was all the birds they had. I then went into Whitetail and talked with one of my friends. He told me he thought these hunters had been in Madoc the day before. I thought the situation over and decided to look the abandoned Oltman Ranch over and find out what was there. I found where a bunch of pheasants had been cleaned. I found 32 pair of pheasant feet, some sharptail feet and some feet from several Hungarian partridges. One building on the farm had some electric wires running into it. I checked this building and found a small freezer with a pheasant lying on top of it. I opened the freezer and found it full of dressed birds. I then called the Scooby Sheriff, Warner Parrison and asked him to help me.

A short time later, Sheriff Parrison and his Undersheriff arrived. I explained the situation to him, and told him I wanted a witness to what I was about to do. We emptied the freezer and found it contained 59 pheasants, 14 sharptails and 9 Puns. I told the Sheriff who I thought the birds belonged to and he said they were staying in Scooby at the Oltman residence. I loaded up the birds and went to Scooby with the Sheriff. We found the two hunters at Oltman's. I talked to Mr. Oltman and the two hunters about the problem. The two Minnesota hunters said they would take care of the problem.

The two hunters were Donald Gehrman, and Scott Gehrman from White Bear, Minnesota. I filed five tickets on the two of them for possessing too many pheasants, killing three hen pheasants and wasting pheasants. They posted a \$500.00 bond and left.

There were 59 pheasants, 14 sharptail and 9 Puns involved in this case. I contacted these two hunters the morning of the third day of the season. I don't believe I would have gotten this case if we didn't have the toll-free hot line. This type of case should help justify the cost of the hot line.

Dave Cooper

JAN 18 1983

FISH & GAME

CRIMESTOPPERS STATS

DATE	# OF TIPS	CLEARANCES	ARRESTS	CONVICTIONS	AMOUNT RECOVERED	REWARDS PAID
6-1 TO 12-31-82	5	2	9	9	\$8,545.00	\$100.00
1-1 TO 12-31-83	6	4	6	5		350.00
1-1 TO 12-31-84	4	2	2	2		0

Note: the amount of money poachings dropped off considerably since the Crimestopper program was started.

*Gay*

MEMORANDUM

TO: Erwin J. Kent  
FROM: Joel Scrafford  
SUBJECT: Operation Trophy Kill

The following is a list of species and location of known kills in Montana taken in Operation Trophy Kill:

Taken by Special Agents on guided hunts

1 5-point elk	Bear Creek, Jardine
1 4-point elk	Sphinx Creek, Gardiner
1 2-point mule deer	Wine Glass Mtn., Livingston
1 doe mule deer	West Boulder, Livingston
1 mountain goat	Hellroaring Creek, Gardiner
1 mountain goat	Arch Lake, Columbus
1 mountain lion	Townsend

Known kills taken by defendants and offered for sale

2 mountain lions	Townsend
1 mountain goat	Townsend
5 lynx	Townsend
2 golden eagles	Townsend
2 bighorn sheep	Deer Creek, Big Sky
1 bighorn sheep	Big Sky
3 bighorn sheep	Miner Basin, Gardiner
2 bighorn sheep	Cinnibar Mtn, Gardiner
12 bighorn sheep	Gardiner Area
2 bighorn sheep	Boulder River, Big Timber
3 mountain goats	Stillwater River, Columbus
2 mountain goats	Hellroaring Creek, Gardiner
3 bighorn sheep	Yellowstone National Park
6 mountain lion	West Boulder, Livingston
9 lynx	West Boulder, Livingston
6 6-point elk	Gardiner Area
5 bull elk (velvet)	Gardiner Area
14 golden eagles	Pray Area
2 cow elk	Wineglass Mtn., Livingston
6 golden eagles	Crazy Mtns. Big Timber
1 grizzly bear	Hellroaring Creek, Gardiner
1 grizzly bear	Slough Creek, Gardiner
1 mink	Main Boulder River
3 black bear (whole)	West Boulder, Livingston

During this investigation we identified two other groups that are working similar types of operation. One is operating in the Gardiner and the other around Big Sky. Undoubtedly there are others that we are not aware of.

# **Montana Department of Fish, Wildlife & Parks**

## **Office Memorandum**

**TO :** Jim Flynn

**DATE:** 1-31-85

**FROM :** Erv Kent 

**SUBJECT:** Additional Information to Use on Crimestopper's Bill

I talked to Terry in Denver on 1-31-85 and he advises me that we can use the following information for our crimestopper testimony.

### Operation Falcon

- 80 defendants
- 36 arrested
- 50 search warrants have been served
- 34 individuals convicted
- 2 acquitted (The two acquitted are the first since 1981 and this involves over 425 defendants.)
- A total of \$185,620 in fines has been assessed.
- Less than 5 of these defendants were Montanans.

### Operation Trophy Kill

- Approximately 60 defendants
- 11 convictions (One-half of those convicted are Montanans.)
- 33 arrests were made and
- 19 search warrants served
- A total of \$62,350 in fines have been assessed so far.
- A total of 20 years probation time in prison has been given.

In Colorado several (6) convicted defendants have been assessed several hundred dollars in civil penalties and have been required to donate 200 hours annually towards community service involving wildlife projects, working with wildlife sanctuaries, etc.

rh

Montana Audubon Council  
Testimony on SB 209  
March 12, 1985

Exhibit #4  
3-12-1985  
S.B. #209

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 eight Chapters of the National Audubon Society and represents over 2200 members throughout the state.

The Council supports SB 209. In 1984 many Montanan's became aware that wildlife crimes occur in this state: two sting operations directed by the U.S. Fish & Wildlife Service brought to our attention that there are people in Montana who are willing to illegally traffic game parts, such as bear and bighorn sheep parts, and in nongame species, which includes falcons and hawks.

A wildlife crimestoppers program is a positive step towards combatting this problem. It would encourage the public to provide information to assist in fish and wildlife-related crimes. In view of the increasing demands upon our wildlife resources, the crimestoppers program will be a welcome addition to the Department of Fish, Wildlife & Parks to help manage wildlife throughout the state.

Thank you.

WITNESS STATEMENT

NAME Mary Wright Senate BILL NO. 209  
ADDRESS 1631 Highland, Helena DATE 3/12/85  
WHOM DO YOU REPRESENT? Montana Council, Trout Unlimited  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Support SB209 because of success  
in other states and success of  
Montana's livestock Crimestoppers  
program.

Exhibit #16  
3-12-1985  
SB #209

WITNESS STATEMENT

NAME Dan Heinz BILL NO. SB209  
ADDRESS 107 W. Lawrence DATE 3/12/85  
WHOM DO YOU REPRESENT? Montana Wildlife Federation  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Recent events have demonstrated that wildlife crimes are becoming big time.

Crimestoppers programs have proved successful for both urban and wild life crimes

We support adoption of a program by Mont. G.F.C.P. to implement such a program.

## VISITOR'S REGISTER

HOUSE            FISH AND GAME

COMMITTEE

BILL SENATE BILL NO. 155

DATE 3-12-85

SPONSOR      SENATOR SMITH

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE      FISH AND GAME

COMMITTEE

BILL SENATE BILL NO. 197

DATE 3-12-85

SPONSOR      SENATOR   YELLOWTAIL

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE FISH AND GAME

COMMITTEE

BILL SENATE BILL NO. 209

Date 3-12-85

SPONSOR SENATOR MOHAR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.