

MINUTES OF THE MEETING  
FISH AND GAME COMMITTEE  
MONTANA STATE SENATE

February 12, 1985

The sixth meeting of the Senate Fish and Game Committee was called to order at 1:00 P.M. on February 12, 1985 by Chairman Max Conover in Room 402 of the Capitol Building

ROLL CALL: All members were present.

CONSIDERATION OF SB 302: Senator Galt, District 16, presented this bill to the committee as sponsor. He stated this bill would prohibit shooting from or across a public road or highway right-of-way. He thinks it would be good for everyone if the roads were not used as hunting paths. He requested that the committee consider amending the bill to prohibit the taking of game from public right-of-ways. He feels a hunter should not be able to harvest an animal right on a public right-of-way.

Chairman Conover asked for proponents.

Robert VanDerVere supports this bill and agrees with Senator Galt's amendment.

Jim Flynn, Department of Fish, Wildlife and Parks, supports this bill. The Department has no problem with what is stated in the bill. There is a concern for the amendment suggested by Senator Galt. If a person were off the road and shot a big game animal and it died on the right-of-way, with this amendment they would not be able to retrieve it. The individual would be breaking the law if he did retrieve the game and breaking the law if he didn't.

Carol Mosher, Montana Cowbells, Inc., is very much in support of this bill for the safety of everyone.

There being no further proponents and no opponents, Chairman Conover opened the hearing for questions.

Senator Jacobson said she understands what Senator Galt is trying to accomplish with the bill but is not sure what he is trying to accomplish with the amendment.

Senator Galt said he knows of several occasions when a hunter, driving down the road early in the morning, will run into a bunch of elk and kill the animal from the road on the right-of-way. He feels this is unsafe. He certainly would not want to prohibit the harvesting of a legally shot animal that happened to die on the right-of-way.

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Senator Jacobson feels that the way the bill is written takes care of the problem.

Senator Severson asked if this bill related to county, state or federal highways.

Senator Galt said yes although there could be a problem if shooting from a Forest Service road. He is not sure if that is considered a dedicated highway.

Senator Conover requested that Andi Merrill look into the laws relating to logging roads and clarify if they would be determined as dedicated roads.

Senator Smith has a problem with this as in his area he owns a quarter section of land and there is a right-of-way all around that quarter. There is not necessarily a road around the section but a trail in some cases.

Senator Galt said if it is a dedicated right-of-way an individual would be prohibited from shooting from it or over it.

Senator Severson asked if there could be a right-of-way and still not be a road.

Senator Smith said this legislation was introduced before and in many instances there are right-of-ways but still no roads. If a game warden wanted to be nasty he could.

Senator Lane wondered if it would clear it up if we said "fenced highway".

Senator Galt said we have a problem in our area on roads that have no fences on them.

Senator Smith said he does not feel that would resolve the problem we are trying to address.

Senator Severson asked what the problem was with the present law that created the drafting of this bill. It looks like the present language covers it.

Senator Galt said it is not against the law to shoot over the road and that is why it would have to be the right-of-way.

Chairman Conover requested that Andi Merrill, Staff Researcher, look into the problems the committee has addressed and report back at our next hearing. He closed the hearing on SB 302.

CONSIDERATION OF SJR 18: Senator Fuller, District 22, presented this bill to the committee as sponsor. After discussion with the Department of Fish, Wildlife and Parks on the subject of improving the upland game bird habitat, it was suggested that a resolution be drafted which would give the department direction to look into the question of improving the upland game bird habitat to see what would be feasible before putting anything formal into place. That is the intent of this resolution.

Chairman Conover called for proponents.

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

Fred Easy gave testimony in support of this bill. A copy is attached as Exhibit 2.

Rick Burger gave testimony in support of this bill. He stated upland game birds are Montana birds and it is up to Montana to support them. He has no objection to raising the license fees for this purpose.

Ann Humphrey, Montana Audubon Council, gave testimony in support of this bill. A copy is attached as Exhibit 3.

There were no further proponents and no opponents.

Chairman Conover opened the hearing for questions from the committee.

Senator Severson asked how much a dollar increase in the bird license would bring in.

Jim Flynn said \$92,000.

Senator Smith said they have to go a few steps further than just providing the habitat. They need to control predators and provide for additional food for the birds, especially for pheasants.

Senator Fuller said that is the reason the resolution is phrased the way it is.

Senator Conover said years ago on the family ranch his father gave the Fish and Game a 25 year lease on some land on the creek bottom and they prepared and maintained it for habitat purposes. He wondered if that was still done.

Mr. Flynn said we do not have that specific program anymore. If this resolution passed we will be open to suggestions that have worked in the past.

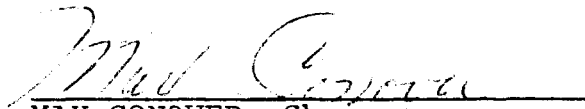
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Senator Smith said several states have 4H programs where they raise pheasants and turn them loose. In North Dakota people that hunt will be designated an area on a person's farm to provide habitat.

Senator Fuller closed by stating he had intended to put an amendment on this resolution on page 2, line 13, to change the word "approved" to "sponsor".

The hearing was closed on SJR 18.

ADJOURNMENT: There being no further business the meeting adjourned at 1:40 P.M.

  
MAX CONOVER, Chairman

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# ROLL CALL

## SENATE FISH AND GAME COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 2-12-85

NAME	PRESENT	ABSENT	EXCUSED
22 Senator Anderson	✓		
6 Senator Jacobson	✓		
38 Senator Lane	✓		
31 Senator Severson	✓		
2 Senator Smith	✓		
37 Senator Yellowtail	✓		
Senator Conover	✓		

Each day attach to minutes.

2-12-85

## Senate Fish and Game

SB 302 / SJR 18

[illegible]

Exhibit 1

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

Senate Joint Resolution 18

February 12, 1985

The department appears in support of Senate Joint Resolution 18 requesting the department to study the feasibility of increasing upland game bird license fees to fund improvement of upland game bird habitat. The question of the State's role in providing basic stock for bird populations has been discussed at length over the past four years. The result of this discussion has been a termination of the historic bird farm management to a system of habitat enhancement and trapping and transplanting of wild stock.

The department is currently involved in such a pheasant habitat enhancement program on a very limited basis. The program is designed to assist sportsman's groups and special organizations with pheasant habitat enhancement efforts.

The goal of the program is to permanently improve habitat which will result in increased natural production and survival.

As an example, we have been cooperating with the Ravalli County Fish and Wildlife Association to establish permanent cover throughout the Bitterroot Valley.

We have had a few additional requests for information concerning the enhancement program but, to date, participation has been limited. We have not done a lot of promotion on this particular project mainly because of our funding capabilities.

The attached summary gives details of the department's existing habitat enhancement program. A few other programs for upland bird habitat improvement are being implemented through sharecropping, conservation easements and small shrub plantings. In addition, I have attached some background information on the State's bird farm program throughout the years.

If this resolution were to pass, we would spend the interim period between now and 1987 discussing an expanded program and the additional cost of such a program with bird hunters in Montana.

## MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS

### PHEASANT HABITAT ENHANCEMENT PROGRAM

The closure of the Warm Springs Bird Farm in FY'83 will not affect the department's ability to assist and advise sportsman's groups and special organizations in local pheasant habitat enhancement efforts. Habitat enhancement is acknowledged as preferable to the put-and-take planting of pheasants because of the long-term benefits both to the pheasant populations and the hunting public. The objectives of the program include:

- 1) Assisting and advising sportsman's groups or special associations in their efforts to improve pheasant habitat in areas with potential for supporting self-sustaining and huntable populations.
- 2) Promoting general public understanding of the role of habitat as the crucial element in establishing and maintaining pheasant populations.

In this regard, a fund of \$5,000 will be established for FY'83 to be used for the following purposes:

- 1) Provide technical assistance and expertise to interested organizations on habitat enhancement.
- 2) Assist the successful applicant with funds and/or supplies and materials to:
  - a) enhance or improve habitat (i.e., seed, etc., for planting permanent cover and/or food);
  - b) provide eggs, chicks and/or adult birds to be raised and released in habitat enhancement project areas for incentive purposes; and
  - c) trap wild pheasant stock and release on project areas.

#### PROGRAM QUALIFICATIONS

The applicant must be an established organization (i.e. sportsman's groups, association, etc.) with a sizeable membership capable of generating the interest and completing the project.

To qualify, projects must:

- 1) Emphasize habitat improvement that will have long-term benefits to pheasant populations and the hunting public; and
- 2) Be located in areas with potential for supporting huntable pheasant populations.

It should be understood that the goal of the program is to permanently improve the habitat and to increase the natural propagation of game birds. The release of pheasants would only be used to establish populations in newly created habitat areas.

Anyone interested in more details of this program should direct their inquiries to the Department of Fish, Wildlife and Parks in Helena.



## BIRD FARM BACKGROUND

The game farm approach to upland bird management has been utilized in Montana and elsewhere. However, costs became prohibitive and this approach was terminated in 1982. The first pheasants<sup>1</sup> were probably introduced into Montana prior to 1895. Between 1909 and 1929 approximately 7,000 pheasants were released in Montana. By 1926 they were abundant enough in some areas of the state that Ravalli County residents asked the Fish and Game Commission to open a pheasant season - the first pheasant season was held November 24 and 25, 1928. A predicted slaughter failed to materialize as few birds were killed. Until 1930, pheasants released in various locations were purchased from out-of-state stocks or wild birds were trapped and transplanted within the state.

The department's first game farm was constructed at Warm Springs in 1929 on 15 acres leased from the State Mental Hospital. The second game farm was built at Billings in 1935 on 14 acres purchased for \$2,800. A third farm was operated on land leased from C of E from 1940 to 1962 at Ft. Peck. Land for a fourth farm was acquired at Moiese in 1946.

Although the primary objective was to raise and plant pheasants to replace the declining native upland birds (sharpshooters) because of increases in farming, other exotics were raised and/or planted. Quail, chukars and few other species of pheasants were introduced on an experimental basis.

From 1930 through 1982 (the last year Montana raised any birds) 883,731 pheasants were planted in the state. About half of these (450,298) were raised at the Warm Springs farm from 1930 through 1982. The farm at Billings raised 218,777 pheasants until closed in 1959, while Ft. Peck raised 214,656. Ft. Peck closed operations in 1962. A serious outbreak of botulism at the Ft. Peck farm in 1960 resulted in the 1962 closure.

Prior to 1950, chukars were either purchased from out-of-state sources or raised at the several instate farms. Approximately 229 were raised in Montana. From 1951 through 1958, six thousand eight hundred eighty-seven (6,887) chukars were raised mostly at Moiese. The last chukars were raised in the state in 1958.

From the mid 30's until around 1950, it cost about \$1.00 to raise a pheasant at the farms. By 1979 the costs had risen to \$7.42/bird (pheasant). In 1981 the costs were approximately \$10/bird. It is estimated that only 15 percent of planted birds are harvested, therefore, the cost increases to \$66/bird.

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<sup>1</sup>Montana's ring-necked pheasants (Phasianus colchicus) belong to a mixture of races descended from Asian Ancestors. Most introductions into the United States were either English or Chinese pheasants with a sprinkling of Mongolian and Japanese Green pheasants.

Rising costs helped to emphasize that raising and planting pheasants after once established was not economically sound. It had also been demonstrated that trapping and transplanting wild birds was a more effective method of introducing birds where none exist, than using game farm birds. Biologically, without adequate habitat most birds (65 to 85 percent) do not survive the winter.

So, in 1982 over fifty years of game farm operations ended in Montana and the state joined the ranks of most others which finally abandoned a costly and inefficient operation.

Fred Easy  
PO Box 34  
Helena, MT

My name is Fred Easy, I am a resident of Helena, MT. I favor passing SR 18. I am presenting myself before you as an example of an avid upland game bird hunter and fisherman. It is safe for me to say that I haven't purchased a big game tag in over 10 years.

Over the years of hunting game birds I have asked my fellow sportsmen for ideas about how we could as a group best help our sport of hunting upland game birds. This resolution best address some of our attitudes on how we can move towards increasing upland game bird populations and their habitat for sustaining the birds year round.

It is fairly well known that severe winter kills and habitat loss results in little or no game available for hunting. Upland game bird populations are very sensitive to these conditions. For example, if there are not any breeding populations due to winter kills then large areas of habitat are devoid of game birds until the birds migrate into the area or they have been reintroduced by other means.

Habitat and weather widely varies throughout our state. Different conditions can exist without a great deal of miles separating communities or areas. It is because of this that we feel that local projects could be designed to improve local upland game bird populations and habitat. Other wildlife would also benefit by these conservation efforts.

Ron Aasheim at Fish, Wildlife and Parks informs me that his department can conduct a quality study and produce recommendations based upon materials presently at the department. This study would provide the direction which is needed to identify realistic projects for helping the upland game birds to increase in population.

If government were to attempt to provide this assistance by itself the cost would most probably become so expensive that the effort would not be justified and as such it is realistic to believe that there would be no effort extended at all. This appears to be the situation that currently exists in management of our upland game birds today.

We believe Landowner-hunter relationships can also be addressed and improved through funding of projects local to a community. Most communities in Montana have organization such as Sportsmen Clubs and youth agricultural groups that are involved in project serving their communities. We believe that involving these groups as sponsors of projects funded by hunter license fees is a good device for providing a degree of continuity. In other words, "Ideas have Consequences" and if labor is voluntarily provided by sponsoring groups upon projects funded with sportsmen fees it would accomplish some worthy objectives.

For Example;

1. Educate our youth in conservation practices, respect for private property and instill more pride in their community and organization.
2. Landowner-hunter and community relationships would benefit from improved communication in involvement upon locally sponsored projects for improving upland game bird habitat and populations.
3. Habitat for upland game birds and other wildlife would be increased.
4. A sustainable recreational resource for sportsmen would be created or improved upon.
5. Business would benefit from the improvement of recreational opportunities that would attract sportsmen to a local area.
6. Management of upland game birds would become attractive and affordable for the state.

Montana Audubon Council  
Testimony on SJR 18  
February 12, 1985

Mr. Chairman and Members of the Committee,

My name is Ann Humphrey, and I am here today representing the Montana Audubon Council.

The Council supports SJR 18 as we firmly believe that habitat maintenance and improvement is important for all wildlife species. Improving habitat for Upland Game birds will also benefit other wildlife species, including nongame animals.

We agree that this study should include a survey of the surrounding states' efforts to improve Upland Game bird habitat , and that this survey should include such efforts that have taken place in Montana.

Additionally, we would request that the Department of Fish, Wildlife and Parks be responsible for setting up an approval process, perhaps a committee of concerned citizens, to review the projects applying for funding.

We hope you will consider our requests, and we thank you for your time.