

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

March 12, 1985

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

ROLL CALL: All members were present at roll call.

CONSIDERATION OF HB 820: Representative Rapp-Svrcek, District 51, presented this bill to the committee. He stated this bill creates a state waterfowl stamp for hunting. He furnished the committee with an amendment to the bill which is attached as Exhibit 1. The amendment incorporates the statement of intent into the bill and then strikes the statement of intent. This bill would provide an opportunity for artists to apply their trade in the contest for artists to submit their work that would be used for the basis of the stamp. The sale of the stamp would bring in money which would be earmarked for waterfowl habitat within the state. The sale of the stamps would make the state eligible for matching funds from Ducks Unlimited and other programs. Montana is the top five of the lower 48 states that has water fowl habitat. The House amended the bill on page 1, line 25 to restrict the art contest to Montana artists. This amendment may lose a great deal of money for the state.

- Chairman Conover opened the hearing for proponents.

Hal Price, Montana Wildlife Federation, supports this bill and furnished the committee with a copy of his testimony and an amendment (Exhibit 2).

Representative Montayne, District 96, supports this bill. He is a stamp collector and collects stamps from all over the United States. The federal government receives 56 to 66 million dollars from stamp collectors that buy stamps and never put them back into operation. He supports the concept of the open bid for the artist.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 3.

Bob Elgas, Big Timber, supports this bill. He stated preservation of Montana wetlands is vital not only to waterfowl and animals that need wetlands, but to everything that needs water.

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The \$5 cost of the stamp is very minimal to hunt waterfowl. It is the best bargain we have in the cost of hunting. He is a Montana artist and would like the contest to remain open to only Montana artists, as was amended in the House.

Representative Ellison, District 81, supports this bill and would like the stipulation to remain concerning Montana artists. We have good artists and lots of them.

Marlowe Urdahl supports this bill. He is a Montana artist and has had his artwork displayed at Ducks Unlimited Chapters. He thinks that the consideration for a Montana artist is appropriate.

Tom Nygard, Bozeman is in favor of this bill but feels it should be open to national contestants. He does not feel that keeping this open to national contestants is condemning Montana artists. It simply allows for a bigger field to draw from. He furnished the committee with written testimony from Dave Kumlien, which is attached as Exhibit 4. Mr. Kumlien is in support of this bill.

Ann Humphrey, Montana Audubon Council, supports this bill. A copy of her testimony is attached as Exhibit 5.

Tony Schoonen, Skyline Sportsmen, supports this bill.

There were no further proponents and no opponents. Chairman Conover opened the hearing for questions from the committee.

Senator Smith said he has no objection to the concept. In his area, where there are 11,000 acres of water bank and 37,000 acres in wildlife refuge, what would you intend to do with the additional money.

Jim Flynn said he would presume there wouldn't be a great deal done in his part of the state. That area is already good wetland area. What we would be looking at are local initiatives in certain areas where the land owner is willing to donate land for this use and chapters are willing to help.

Senator Smith said this would not be for the purchase of any land. You would work in cooperative agreement with the land owners.

Mr. Flynn said it would not be our intent to go out and buy land.

Senator Yellowtail said there is much interest in the art work. The Department would not just select the art work.

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Representative Rapp-Svrcek said the Department would simply contract with a publisher to take care of the up front details.

Senator Yellowtail said it is in the hands of the publisher to establish criteria for selection and so forth.

Representative Rapp-Svrcek said it would be worked out between the publisher and the Department.

Senator Yellowtail questioned the use of "other method" used on page 1, lines 21 and 22.

Representative Rapp-Svrcek said that was put in simply as insurance should another method be used. We did not want to limit this.

Senator Yellowtail asked if this meant a favorite artist could be commissioned to do this without a contest selection procedure.

Hal Price said that would only be the case if the contract with the Department provides for that. The state can set out whatever procedure requirements they want.

Senator Yellowtail said he is uncertain about what they had in mind, it could be anything. Have the drafters of the bill and the proponents considered working with the Montana Artists Council to consider what procedures they have used in the past.

Hal Price said there is no reason why the Department can't consult with the art council and come up with something. Whether this should be a legislative questions he cannot answer.

Senator Yellowtail referred to the amendment furnished by Hal Price. He asked how he would determine value.

Hal Price said this is where the Department would have to provide art critics or whatever. We are not talking about dollar value.

Senator Yellowtail said quality as opposed to value.

Senator Smith said he is going to vote against the bill. He feels the \$5 fee is going to make hunting of ducks preventive because of the cost, with the federal stamp, upland bird license and then this.

Senator Jacobson asked if they had looked at other states and if those states were using out of state artists or in state artists.

Representative Rapp-Svrcek said most states that have just started with a similar program have opened the contest up to national competition. The amount of money they have taken in, in some cases, is significantly higher than in some states that are limited to contestants within the state.

Senator Lane asked what the total cost for an upland game bird license would be.

Jim Flynn said the upland game bird license is \$4, the federal duck stamp is \$7.50 and the state would be \$5. That is a total of \$16.50.

Representative Rapp-Svrcek closed by stating no money would come out of the Fish, Wildlife and Parks fund. It is all in the contract. With regard to the artist, I am going to remain neutral on that. We might be losing some income and that is a legitimate concern. He is sure there are nationally known water fowl artists within the state of Montana that will be able to compete nationally. The funds generated from this program cannot be used for other purposes within the Department. This program will bring money into the state in several areas.

Senator Severson asked how many duck stamps are there at the present time.

Mr. Flynn said 25 to 27 thousand.

The hearing was closed on HB 820.

CONSIDERATION OF HB 763: Representative Menahan, District 67, presented the bill by stating he will allow the proponents to testify so that there will be more time for the hearing and he will reserve the right to close.

Don Brown, retired employee of the Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 6.

Robert VanDerVere supports this bill. He furnished the committee with newspaper clippings concerning the shooting of buffalo in the park (Exhibit 7). Without the control of the buffalo there is a problem of spreading brucellosis through their droppings or saliva. He feels that a special hunt to control the animals that come out of the park would be a good solution to the problem.

Tony Schoonen, Montana Wildlife Federation, supports this bill. A copy of his testimony is attached as Exhibit 8.

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Joe Gutkoski, past president of Gallatin Wildlife Association, gave testimony in support of this bill. A copy is attached as Exhibit 9.

Tony Schoonan, Skyline Sportsmen, supports HB 763. A copy of his testimony is attached as Exhibit 10.

Jerry Clark, Anaconda Sportsmen, supports this bill. He feels sportsmen should be able to hunt the buffalo when they come out of the park rather than the Fish and Game or federal people within the park. The problems generated by the program can be resolved with the money that will be received from the program.

Chairman Conover asked for opponents.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in opposition to HB 763. A copy of his testimony is attached as Exhibit 11.

Representative Ellison, District 81, is opposed to this bill. He stated when you are talking about the park buffalo you are talking about my back yard. He feels there is no way the state of Montana can manage an elk or bison herd inside Yellowstone Park, catching the starving animals as they come out. His concern is because of brucellosis. The brucellosis vaccine is somewhere between 60 and 90 percent effective. He has talked to several ranchers who have vaccinated for brucellosis and still have it in their herd. We have put some pressure on the Park Service and they have come to the realization they are going to have to do something to manage their game within the park.

Stuart Doggett, Montana Stockgrowers Association, stated they remained neutral in the House on this bill but they are now in opposition to the bill. He stated this is really a disease control issue. We are skeptical that a hunt is the best way to control these animals.

Chairman Conover opened the hearing for questions from the committee.

Senator Yellowtail referred to Mr. Brown's statement that more hunting should be allowed as that is what the consumer wants. He asked Mr. Brown if he knew what happened to the buffalo in the nineteenth century when that was the policy.

Mr. Brown said there is evidence to indicate they were eliminated but that was not in a controlled hunt.

Senator Yellowtail asked if slaughter was the only alternative.

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Mr. Flynn said the present practice is what is available. We informed the Park Service that we did not want to continue the practice. He thinks they have accepted the responsibility for managing the herd within the park limits. The only reason we were involved in this was because of the spreading of brucellosis.

Senator Yellowtail said he does not accept that slaughter is the only alternative. He questioned if the slaughter of 85 buffalo was to demonstrate to the United States Park Service that Montana cannot accept their practice.

Mr. Flynn said this was not a slaughter but the resulting action that we had no alternative but to do.

Senator Yellowtail asked if the capture of those buffalo would be an alternative.

Mr. Flynn said if we wanted to assume responsibility for those buffalo we could set up corrals outside the park and herd the animals into them when they come out of the park. We do not want to be responsible for the animals. We want the Park Service to be responsible.

Senator Yellowtail asked Mr. Flynn if that is what the Department is doing. Taking responsibility for those animals. They are assuming ownership for those buffalo, denying that responsibility to the park service, once the buffalo step across the boundary.

Mr. Flynn said the history of the case was that disposal of park buffalo has been minimal until the last year. Nobody realized the herd would grow so fast.

Senator Lane asked whose ground the buffalo are on when they come out of the park.

Jim Flynn said the ground belongs to a church.

Senator Lane asked if hunting would be allowed on that land.

Mr. Flynn said he did not know, although he does know the church leases out big game to outfitters and it is normally not open to the public.

Senator Lane asked what the season would be for a buffalo.

Mr. Flynn said the season would be from January 31 to December 31 every year.

Senator Smith asked how reliable the vaccine for brucellosis was.

Dr. Owen James, assistant state veterinarian, said it depends, somewhere between 65-85%. If you have an infected calf and you vaccinate the calf, it will still have the disease. You cannot transport a diseased animal interstate.

Senator Lane said if a cow has brucellosis then that cow would have to go to slaughter.

Senator Smith said if a heifer in his herd has brucellosis, the herd can be quarantined and you have to keep the herd for a year unless you sell them for slaughter.

Senator Severson asked if the park service vaccinates for brucellosis.

Mr. Flynn said no they do not. They do not have any corrals.

Senator Severson asked how many buffalo are in the park and what is the range capacity.

Mr. Flynn said there are a little over 2,000. He does not know the carrying capacity of the range.


Senator Severson said that Montana has worked for many years to eradicate brucellosis and we are now virtually there. The point was made 3 out of 4 buffalo in the park have brucellosis. Somehow or another it has to be impressed upon the park service that those animals have to be controlled. Hunting them or just killing them, anything to keep them off of private land.

Senator Yellowtail asked Representative Menahan if this bill passed and there was a buffalo season, would you anticipate a decrease in the buffalo herd in the park or a termination of the buffalo coming across the park boudary.

Representative Menahan said it would be a better policy than to let them come out of the park and to do nothing. If the animals need to be shot then it seems more appropriate that a license be issued and a sportsman do the shooting.

Representative Menahan closed by stating the bison have to be harvested and he thinks that should be done.

ADJOURNMENT: There being no further business the meeting adjourned at 3:05 P.M.


MAX CONOVER, Chairman

COMMITTEE ON

DATE

3-12-85

Senate Fish and Game

VISITORS' REGISTER

HB 763/HB 820

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Joe Gutkoski	Gallatin Wildlife Assoc	HB 763	✓	
Bob Elgas	Self	HB 820	✓	
Marlene Madak	Self	HB 820	✓	
Del Price	Mont. Wildlife Fed	HB 820	✓	
Owen James	Dept of Livestock			
John Schoon	Skyline Sportsman	HB 763	✓	
Jim Haldorf	Skyline Sportsman	HB 763	✓	
Tracy Schoon	Montana Wildlife Fed	HB 763/820	✓	
John Schoon	Skyline Sportsman	HB 820	✓	
L. F. Thomas	Anacosta Sportsman	763 ⁸²⁰	✓	
John & Scholtz	Anacosta Sportsman	763 820	✓	
John Clark	Anacosta Sportsman	763 820	✓	
John Clark	Helena Self	763	✓	
Broadview High School	School	visiting		
Don L. Brown	Self	HB 763	✓	
Sam MURPHY	Self	HB 820	✓	
R. F. Eng	Self	HB 820	✓	
Ann Humphrey	Montana Audubon Council	HB 820	✓	
Tommy Nygard	Self	820	✓?	
Jim Mular	Self	763	✓	

NAME James E. Taplin BILL NO. HB 820
ADDRESS 221 W Hayes, Bozeman, MT DATE 3-12-85
WHOM DO YOU REPRESENT myself
SUPPORT yes OPPOSE _____ AMEND _____
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

It seems to me that the 5.⁰⁰ proposed cost of state waterfowl stamp should not be considered as a deterrent to passage of the above bill.

I would like to kindly suggest that many people do not object to spending 40 or 50 dollars for one night on the town only a few drinks, supper and other expenses travel, dress clothing quickly would use the amt of 40 to 50 dollars. Waterfowl season lasts 3 Mos. in contrast. While I did not come here to support this bill I am in favor of its passage.

I belong to many wildlife groups both national, international and state and local. I buy 4 Federal stamps each year to help their waterfowl habitat enhancement program because I have enjoyed fine hunting and fishing as a lifelong resident of Montana for more than 55 years and this is a very low amount to spend for more outdoor enjoyment in years to come.

Thank you,
(AGE 67) James E. Taplin (TAPLIN)

NAME Joe Gutkoski BILL NO. HB 763
ADDRESS 304 N. 18th Bozeman MT 59715 DATE 3-12-85
WHOM DO YOU REPRESENT Gallatin Wildlife Association
SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

81 Buffalo have been shot by F&G employees.
We think these buffalo could be taken by
private sportsmen paying a fee to the state
for the privilege of hunting these animals.

NAME James E. Taplin BILL NO. HB 763
 ADDRESS 221 W Hayes, Bozeman, MT DATE _____
 WHOM DO YOU REPRESENT Mont Wildlife Federation
 SUPPORT Yes OPPOSE _____ AMEND _____
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMENTS:

In further support of this bill, I would like to point out that as a N.P.Ry. agent at Dixon and Ravalli, Mont. I shipped out Buffalo for 18 years. These animals were killed and butchered to the number of 60 or 70 animals per year. They then determine in the Fish & Wild Life Service, which manages Natl Bison Range, that they could be sold alive much easier. They get many more applications each year than they can fulfill so must resort to a drawing each year. Value usually runs at about \$440 to \$460 a head. This proves the buffalo can be coraled and loaded in trucks for transport to their final destination.

These facts can be verified by writing to Natl Bison Range at Moiese, Mont. All animals go to the highest bidder.

Sincerely,

James E. Taplin

P.S. There is always the possibility that even with an abundance of feed, 4 feet or more of snow would

NAME James E. Taplin BILL NO. HB 763
ADDRESS 221 W Hayes, Bozeman, MT. DATE 3-12, 1985
WHOM DO YOU REPRESENT Montana Wildlife Federation
SUPPORT Yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

There seems to be nothing in this bill to hurt anyone.

The head of FWS & Parks claims would be expensive to administer allowing legal hunting of buffalo as was once done. As a matter of fact any amount necessary to make that a paying proposition seems would not be objectionable to any hunter who wanted to take a legal Buffalo.

If they can plan to issue a permit for taking a legal Bighorn at a cost of [#]20,000.00 or more, 100.00 or more ought not be of much a deterrent to hunting buffalo.

Sincerely,
James E. Taplin

EXHIBIT 1
Submitted by Representative Rapp-Svrcek
March 12, 1985

H.B. 820 (Third reading amendments)

1. Title, line 8.

Following: "WETLANDS;"

Insert: "REQUIRING THE APPOINTMENT OF AN ADVISORY COUNCIL TO ADVISE THE
DEPARTMENT OF FISH, WILDLIFE, AND PARKS ON THE USE OF MONEY RAISED
BY THE SALE OF STAMPS AND ARTWORK;"

2. Page 2.

Following: line 13

Insert: "Section 3. Appointment of advisory council. (1) The director
shall appoint an advisory council pursuant to 2-15-122 to review
proposals developed by the department which involve the use of
money received by the department under [section 2] for the protec-
tion, conservation, and development of wetlands in Montana.
(2) Members must be appointed to the council who represent
Montana sportsmen, nonconsumptive users of wildlife, and the
agricultural industry."

Renumber: subsequent sections

3. Page 2, line 14.

Strike: "and 2"

Insert: "through 3"

4. Page 2, line 21.

Strike: "5"

Insert: "6"

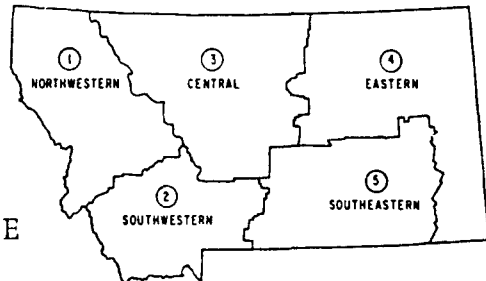
5. Statement of Intent

Strike: statement of intent in its entirety



Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION



HB 820

TESTIMONY PRESENTED TO THE SENATE
COMMITTEE ON FISH AND GAME
MARCH 12, 1985

Mr. Chairman, members of the committee, my name is Hal Price. I appear before you today representing the Montana Wildlife Federation. The Federation is a statewide sportsmen's organization with 17 affiliated local clubs and a total membership in excess of 4,500.

HB 820 provides the authority necessary for Montana to launch a significant program for improving and developing waterfowl habitat. The program, if approved by the legislature, is expected to bring many hundreds of thousands of dollars into the state. The money will be derived from the sale of waterfowl stamps and associated art work on the national art market. The funds derived from stamp and art work sales will be utilized by the Department of Fish, Wildlife and Parks for the necessary preliminary work on wetland enhancement projects prior to Ducks Unlimited (DU) expenditure of construction funds now available to Montana. The preliminary work the state must accomplish involves project selection, planning, surveying, obtaining permits, leases, agreements and so on. The actual physical construction work will be paid for by DU and accomplished by in-state contractors. Ducks Unlimited has set aside approximately \$5 million per year for its U. S. Habitat Program for wetland

enhancement work in Montana, the Dakotas and ^{we}~~eastern~~ Minnesota.

If we are able to pay our share of the project costs, we can anticipate a DU expenditure of \$500,000 to \$1 million per year in Montana.

Also, the revenues derived from the sale of waterfowl stamps and art work will allow us to undertake other enhancement projects such as constructing stock dams and other water development projects and building goose nesting structures. Landowners and the agricultural industry can benefit significantly from these programs.

Waterfowl hunters support HB 820 because we are keenly aware of the direct impact of improved habitat on waterfowl numbers and we know that a very high percentage of ducks and geese harvested in Montana are raised in Montana.

The fiscal note on HB 820 indicates that during FY 87 (the first full year of operation) Montana will receive \$440,000 from the sale of stamps and art work. The history of this program in other states suggests that this is a very conservative figure. North Dakota netted \$470,000 in 1982 and Oregon collected over \$810,000 in 1984, its first year. Although important, sales to the in-state art market are not nearly so crucial as our performance in the national market. We believe Montana can do better than our neighboring states because of the national reputation we enjoy as a wildlife state.

In summary, here are the benefits we see in this program:

\$400,000 - \$500,000 annually from sale of stamps/art work

\$500,000 - \$1,000,000 annually from Ducks Unlimited

A total of \$900,000 - \$1,500,000 per year would be available for wetland enhancement. Eighty to ninety percent of these funds

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A total of \$900,000 - \$1,500,000 per year would be available for wetland enhancement. Eighty to ninety percent of these funds

would come from outside of Montana, that is, from the national art market and Ducks Unlimited.

The following is a brief summary of state waterfowl stamp and art work programs. Between 1971 and 1979, several states started requiring stamps for the hunting of waterfowl. Stamps were printed from original art work produced by a resident artist, either commissioned by the state or the winner of a local artists' competition. Starting in 1980, several additional states started requiring stamps for hunting. However, those states retained reproduction rights to the original art work and marketed their own prints. The artist chosen was still required to be a state resident. These latter states gained a small income from the sale of their art work: Delaware averaged \$35,000 per year and Oklahoma averaged \$89,000 per year. In 1981, several new states got into the program. These states contracted with art publishers and sought out the best artists. The publishers were under contract to perform all production and marketing services. Income from these programs has ranged from \$270,000 per year to over \$800,000. The trend is still upward. I have attached a copy of a "Request for Proposal" used by another state to help describe the publisher/artist approach.

Enclosure

REQUEST FOR PROPOSAL
1985 OREGON WATERFOWL STAMP

The Oregon Department of Fish and Wildlife (hereinafter called Department) is requesting proposals for design, artwork and marketing services for the 1985 Oregon Waterfowl Stamp according to terms and conditions as follows:

1. DESIGN AND ARTIST CRITERIA: Design of any artist may be submitted. The designs shall be a 13" x 18" rendering in full color of LESSER SNOW GEESE. The designs must be originals and not have been utilized in the production or entered in competition of any federal or state waterfowl program. More than one design may be submitted with proposal. The designs not chosen will be returned immediately after selection and public showing. The chosen original design will become the property of the Oregon Department of Fish and Wildlife.
2. SUBMITTALS: Proposals, following materials, documents and information shall be signed and submitted to the Oregon Department of Fish and Wildlife, 506 S.W. Mill Street, Portland, Oregon 97201, Attention: Sharon Conyers, by 5:00 P.M. on April 15, 1985. All proposals become the property of the Oregon Department of Fish and Wildlife.
 - A. Original artwork (see paragraph 1) may be mounted and/or matted but shall not be framed or under glass, and in a protective mailing carton. *No signature, lettering or scroll work on the design*
 - B. Background of the design artist may include but not be limited to name, credits, and awards.
 - C. Information concerning the marketing of prints and its revenue producing potential shall include, but not be limited to:
 1. Size of print to be marketed.
 2. Estimated number of prints that can be marketed over a six month period.
 3. Detailed advertising campaign for prints and stamps and include beginning advertising date.
 4. Bidders experience in marketing art prints and stamps.
 5. Price per print (retail and wholesale).
 6. Royalty to Department as a percent of retail price or amount per print.
3. AWARD OF CONTRACT: The selection will be based on revenue potential to the Department, marketing program and original artwork. The evaluation will be based on the quality of the artwork, the national marketing experience, advertising ability and ability to perform. *- Should include financial statement*
4. RESPONSIBILITY OF CONTRACTOR: Within fourteen (14) calendar days after receipt of award and return of original artwork, Contractor shall furnish to Department camera ready copy of the selected design in a proportional size format for the actual waterfowl stamp. Overlays shall be included with artwork and wording per Exhibit A.

Contractor shall supply 10% of total edition and no less than 375 prints for Conservation Edition prints at no charge. The series should be numbered (CE series) and signed by artist at no charge.

Contractor will be responsible for matching print number with stamp number and give the lower number of prints and stamps to Oregon Dealers. Each stamp will cost the Contractor \$5.00. A list of dealers should be supplied to Department for a continuing series.

5. REPRODUCTION RIGHTS: The successful bidder agrees that the Department will retain all reproduction rights to the design submitted; however, the successful bidder will have the right to sell art print productions from one (1) printing. *The should be copyrighted.*
6. ROYALTY AND OTHER COSTS: A royalty will be paid to the Department for each art reproduction. The Contractor shall bear all other costs, including royalty payments to artist, and expenses relating to production and marketing. All royalty payments for the number of art prints reproduced shall be paid to the Department in three payments starting 90 days after print sale deadline.

The undersigned offers and agrees, if this proposal is accepted, to comply with all terms and conditions as set forth herein.

Authorized Signature

Title

Name of Firm Submitting Proposal

Address

Telephone Number

SPECIFICATIONS FOR 1985 OREGON WATERFOWL STAMP

1. QUANTITY OF STAMPS: A total of 120,000 stamps are required. This will consist of 4000 sheets of 30 stamps each (Exhibit B). Any overage of stamps that need to be destroyed must be shredded.
2. DELIVERY: Delivery shall be made on or before June 1, 1985, to Oregon Department of Fish and Wildlife, Attention: Sharon Conyers, 506 S.W. Mill Street, Portland, Oregon 97201. Delivery must be made between the hours of 8 AM and 5 PM.
3. PRINTING: Printing will be two sides, head to head. Four (4) full size final press sheets will be provided to Oregon Department of Fish and Wildlife Purchasing. Press sheets will not be gummed, numbered, or perforated.
4. STOCK: 60# White S.D. Warren "Warrenflo" gloss or equal.
5. INK: Front side prints in 4 color process and black ink. Back side prints in PMS 421 (gray). Dry gum stamps after printing.
6. PROOF: Kromalin proof shall be sent to Sharon Conyers, Oregon Department of Fish and Wildlife, 506 S.W. Mill Street, Portland, Oregon, 97201.
7. SIZE AND PERFORATIONS: Stamp size to be approximately 1-3/8" X 2" (Exhibit A) (Bidder to state actual stamp size on proposal). Each sheet will consist of thirty (30) stamps perforated on all four sides. Perforations will be pinhole with fourteen (14) pinholes per inch.
8. SERIAL NUMBERS: Sheets shall be consecutively numbered from 0001 through 4000 to form four plate blocks in salvage area (Exhibit B). Each stamp is to be consecutively numbered from 000001 through 120000. Numbers will be printed in black ink.
9. PACKING AND SHIPPING: Stamps are to be packaged or boxed in 100's with the lowest sheet number on top and slip-sheeted to prevent sticking. All packages or boxes will be marked to show the sheet numbers and stamp numbers. All shipping charges are to be included in the price by the bidder.

EXHIBIT A

Front to show with colored artwork and printed with:

1. 1985 Oregon Waterfowl Stamp
2. \$5.00
3. Number of stamp
4. Expires June 30, 1986

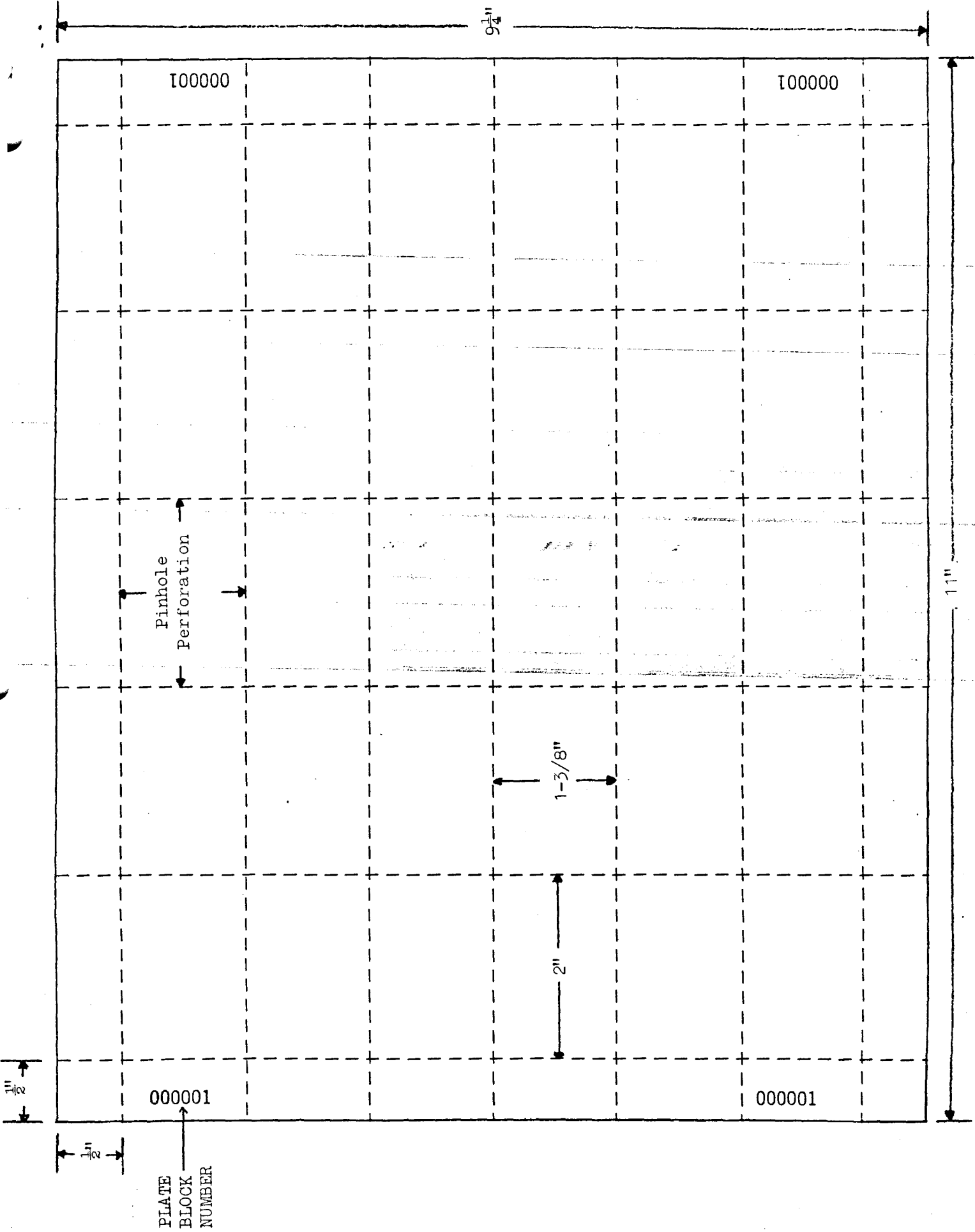
Back to have the printed statement (shown below).

SAMPLE
FRONT



SAMPLE
BACK

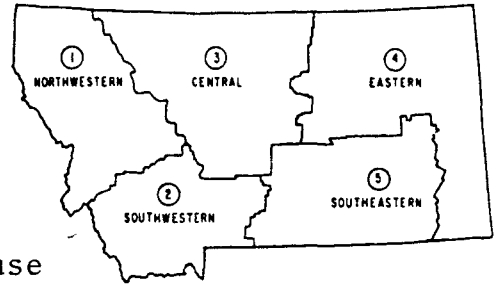
This stamp is invalid
unless signed on face in
ink and affixed to license
Oregon Department of
Fish and Wildlife



Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

AMENDMENT PROPOSED TO HB 820



The amendment to restrict the art work to a Montana artist caught us by surprise in the House Fish and Game Committee. As a result, the amendment passed. It was seen as a way to help a Montana artist get some recognition and make some money. We did not have on hand, at that time, the information necessary to demonstrate the potential loss of revenues to the state by possibly failing to secure the best art work available, regardless of the place of residence of the artist. The history of this type of program in the other 29 states involved shows, without a doubt, that we must be able to compete for our share of the national market. In order to do so, we must be able to compete with the other states that have art work on the market produced by the nation's best contemporary artists.

We sincerely hope the best happens to be a Montana artist. The original version of HB 820 reflects that position by providing a preference for Montana art work. But to exclude the possible use of the best art work available simply because the artist happens to reside elsewhere would seem to be an unreasonable sacrifice to be made by many on behalf of one. The residency requirement could easily cost the state several hundred thousand dollars, even during the first year of the program. Coupled with this loss would be a reduction of in-state expenditures by Ducks Unlimited, which would, of course,



Amendment Proposed to HB 820, Page 2

reduce the scale and scope of the habitat program. It would seem then, that there could be little doubt that a well-intentioned effort to help a Montana artist could prevent some good construction projects from taking place which could help the resource and a great many Montanans. For these reasons, we urge this Committee to amend HB 820 as proposed.

Presented by Hal Price
Montana Wildlife Federation

The Montana Wildlife Federation proposes that HB 820 be amended back to its original form with regard to selection of art work. Beginning on page 1, line 25, reinstate the words "for a preference for" and strike the words "THAT ONLY". Page 2, lines 1 and 2, reinstate original language. Line 2 strike "MAY". Line 3 strike "BE SELECTED".

HB 820

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

March 12, 1985

I appear here today in support of HB 820 which provides for a Montana State Waterfowl Stamp - the proceeds of which will be used to protect, develop and enhance wetlands.

This bill has several positive aspects which will benefit waterfowl. There are presently many opportunities to work cooperatively with federal agencies, particularly the Bureau of Land Management and the US Fish and Wildlife Service, as well as with private landowners. The major impediment to these projects now is a lack of funding. HB 820 would address that shortcoming.

The recreational users who stand to gain the most will provide the financial support for the program through the purchase of stamps for hunters and the purchase of valuable artwork as investments for hunters and nonconsumptive users alike. Not only will there be benefits to waterfowl, but several other wildlife species will also benefit, including upland game birds, furbearers and nongame species.

Habitat development projects can take many forms. We have received several requests from sportsmen's clubs to initiate goose nesting structure programs throughout the state. The department has had to turn down requests from Valier and Chester clubs because of a lack of funding for the program. We feel that this could be a very successful project once funding has become a reality. Such a program would allow for cooperative efforts between sportsmen, private landowners and the department.

Landowners and the agricultural industry will also have an opportunity to gain some benefits as a result of this bill. Those landowners who have wetlands on their property will have the opportunity to receive payment for those wetlands under a wetland easement program. This will be a positive program directed at preserving those existing wetlands. It also provides a monetary incentive to landowners who are willing to maintain this type of habitat.

Productive results will be seen by the public from one program alone. Matching dollars and assistance programs through Ducks Unlimited are already available, but Montana has not been able to totally benefit from Ducks Unlimited funds because current budgets are not available for extensive habitat improvement projects. This is not an ideal situation, since Ducks Unlimited funds are partially raised in Montana through their fund raising efforts. Also, the program attempts to contract local construction companies for habitat enhancement which benefits the economy of local communities.

Twenty-nine other states have a state waterfowl stamp program and generally these have been successful. The magnitude of success generally relates to how the stamps are developed and who is developing them.

The committee should be aware that this bill was amended from its introduced form to now allow only resident Montana artists the opportunity to participate in the stamp competition.

While this agency is aware of the quality of our Montana artists, we do wish to point out that this restriction could reduce the potential for maximizing the amount of revenue from a waterfowl stamp program. As an example, the State of Ohio had an unlimited artist with their first competition and generated \$386,000. Their next competition was restricted to local artists and generated \$30,000. Another example is the State of Oregon whose first print generated \$800,000 as a result of nonrestricted competition.

As I have mentioned, we bring this to the committee's attention so you will be aware that there is a point which deserves special consideration. Resolution of that point likely will have a direct impact upon the revenue generated for the program.

Montana's wildlife heritage, and in particular its waterfowl, are well known both nationally and internationally. This is not overstating the importance of Montana in this overall picture. This bill embodies features for the department to become an active participant in a wetland program for Montana. The fund raising aspect of this bill ensures that this habitat and its resource will be a part of Montana for generations to come.

The department fully supports this legislation.

HOUSE BILL 820

March 12, 1985

Senate Fish and Game Committee
Senator Max Conover, Chairman

Mr. Chairman and members of the Senate Fish and Game Committee, My name is Dave Kumlien. I am from Bozeman, and I own and operate The Wild Wings Orvis Shop which is a fly fishing specialty shop and wildlife art gallery. My gallery operates under a name license agreement with Wild Wings of Lake City, Minnesota. Wild Wings is recognized as the largest publisher of wildlife art in the United States. In addition to publishing wildlife art prints, Wild Wings has been the publisher of not only several state duck and bird stamp prints but several of the Federal Duck Stamp prints as well. Just recently, William B. Webster of Wild Wings assisted the state of Maine with their new Duck Stamp program, and he was also deeply involved with the highly successful Oregon program with which you are familiar. As a result of my association as a Wild Wings Gallery, the conservation or "duck stamp print" business has become an integral and important part of my gallery operation. As an example, in 1984 I sold over 200 conservation stamp prints of various types. To summarize, I am very familiar with the stamp print programs, distribution, and sales.

I would like to take this opportunity to express my support for the duck stamp bill you are considering. However, I would like to state unequivocally that limiting the competition to in state artists would be highly detrimental to the success of the program. I am sure that local artists would be happy, but it has been proven over and over in other states that the strongest programs are those with open contests! I cannot stress to you enough the importance of the open contest. I am virtually certain that to limit the contest to in state artists would result in 40 to 50% less print sales over the life of the program.

I want it to be perfectly clear to you that I am a Montanan first and foremost. I don't represent any "foreign" interests. My only concern is for the success of the program and the future health of our waterfowl populations. In my gallery, I represent a number of fine Montana artists, but because of our small population, the depth of numbers of top rate nationally known sporting artists is very limited. Granted, we may be able to come up with good strong designs for the first couple of prints, but after that the quality will noticeably drop off. If we want true sporting art collectors to purchase the Montana Duck Stamp Prints, we must have well known sporting artists doing the designs. This cannot be accomplished strictly with in state artists.

Finally, the statement that has been made in a previous House hearing that more prints will be sold in Montana if we use an in state artist is completely false. In the Maine program, 600 of the 1984 First of State Maine Duck Stamp prints were sold. Of that 600 total, less than 50 were sold in the state of Maine. One

of the distributors, L.L. Bean sold over 350 prints, and only 25 or so were sold in state. The long term health of the duck stamp and print program depends heavily on the out of state collector! This collector is looking for high quality sporting art. An open contest will insure this quality exists in each and every design!

I am sorry I was unable to attend the hearing. I am the "chief cook and bottle washer" in my Shop in the winter, and I was unable to leave. I am intensely interested in this bill and program. Please feel free to call on me at my Shop or at my home, and I would be delighted to try and answer your questions.

Sincerely,

A handwritten signature in cursive script that reads "Dave Kumlien".

Dave Kumlien
THE WILD WINGS ORVIS SHOP
2720 W. MAIN STREET
BOZEMAN, MT 59715

587-4707-work
587-9653-home

P.S. Senator Yellowtail has been in my Shop several times, and I believe he is somewhat familiar with my operation.

EXHIBIT 5

Testimony on HB 820
Montana Audubon Council
March 12, 1985

Mr. Chairman and Members of the Committee, my name is Ann Humphrey and I am representing the Montana Audubon Council, in support of House Bill 820. The Council is composed of over 2200 members in 8 chapters statewide.

HB 820 provides a unique opportunity for supplemental funding of waterfowl habitat development. Preservation of quality habitat is essential to all wildlife species. Maintaining and protecting good waterfowl habitat will benefit many wildlife species along with waterfowl. Duck stamp sales will provide two new funding sources for wetland management:

1) stamp collectors. Hunters will be required to buy a stamp, but because the stamp itself is valuable, it appeals to non-hunters also. Oregon sold their first state waterfowl stamp in 1984. They estimate that nearly 25% of the sales so far have been to non-hunters for collecting purposes.

2) participation in projects sponsored by Duck's Unlimited. These projects focus on enhancement and protection of existing wetlands. Enhancement in this case means building goose nesting boxes, wood duck boxes, island and dam construction. Programs to protect existing wetlands focus on an easement program that would provide monetary incentives to landowners in return for preserving their wetlands for use by breeding, nesting and migrating waterfowl. These are practical programs with substantial amounts of available funding. However, these funding sources are available only through the state duck stamp program.

We urge you to accept these opportunities to support waterfowl habitat management in Montana for the benefit of many wildlife species.
Thank you.

I AM DON L. BROWN, RETIRED EMPLOYEE OF THE FW & PARKS DEPARTMENT, MY DUTIES INCLUDED BEING DIRECTOR AND DEPUTY DIRECTOR.

THE BOZEMAN DAILY CHRONICLE CARRIED A STORY LAST THURSDAY THAT IMPLIED THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE AND PARKS, AND HIS ADMINISTRATOR OF THE WILDLIFE DIVISION, WERE LESS THAN ENTHUSIASTIC ABOUT LATE ELK SEASONS AND A PROPOSED BUFFALO SEASON ALONG THE YELLOWSTONE NATIONAL PARK BOUNDARY. THEIR WORDS, ACCORDING TO THE RELEASE, WERE THAT THEY, "COST TOO MUCH FOR THE DEPARTMENT TO RUN - - -."

SINCE THE BEGINNING OF THIS CENTURY, ALMOST EVERY CONCEIVABLE METHOD OF HARVESTING ELK AND AT TIMES BUFFALO, HAS BEEN TRIED ALONG THE PARK BOUNDARY AND ALL WERE COSTLY. THE "FIRING LINE" WITH ALL ITS DANGERS AND OTHER DRAWBACKS WASN'T ALL THAT BAD WHEN PUT IN TERMS OF COST ONLY. DURING THE LAST DECADE PERMIT ELK SEASONS HAVE EVOLVED, AND THEY SEEM ACCEPTABLE TO MOST HUNTERS AND ^{they do} GET THE JOB DONE. OVER 15 THOUSAND PEOPLE ARE STILL APPLYING ANNUALLY, FOR THOSE PERMITS, ^{in these two small areas} AND THE LUCKY ONES ARE HARVESTING THE ELK. THERE IS NO REASON TO ASSUME A PERMIT SEASON FOR BUFFALO WOULD NOT WORK ^{usually well}.

IT IS NOT LIKELY THAT THE BUFFALO HERD WILL EVER APPROACH THE NUMBERS OF THE ELK HERD, BUT THEY ARE A PROBLEM AND WITH THEIR ADDED FEATURE OF BRUCELLOSIS, ^{buffalo} ~~THEY~~ REQUIRE MANAGEMENT WHEN THEY ARE IN MONTANA. IF HISTORY HAS ANY VALUE, IT SHOULD BE THAT ~~WE~~ ^{had} ~~HAVE~~ AN OPPORTUNITY TO FURNISH HUNTERS WITH ANOTHER SPECIES TO HUNT, ^{another fine game} THAT MUST BE CONTROLLED BY ^{an} ANNUAL HARVEST. HOPEFULLY, WE ARE NOT GOING TO SPEND THE NEXT 75 YEARS FIGHTING OVER BUFFALO AS WE DID OVER PARK ELK - - - THAT IS WHERE THE REAL COST COMES IN - - - MANY OF US WITH GRAY OR THINNING HAIR HAVE SPENT TOO

MUCH TIME WORKING ON THIS ELK HERD, WHEN WE SHOULD HAVE BEEN WORKING MORE PRODUCTIVELY ELSEWHERE. MOST OF THAT TIME WAS SPENT IN ENDLESS MEETINGS THAT WERE OFTEN LESS THAN FRUITFUL.

ON THE SUBJECT OF COST, I CAN ONLY SAY WHAT'S NEW! FOR MOST OF MY FORTY YEARS IN THE DEPARTMENT, THE RESIDENT AND NON-RESIDENT HUNTERS OF DEER AND ELK, ^{monies from} PLUS THE EXCISE TAX ON GUNS AND AMMUNITION, WERE THE BACKBONE OF FUNDING FOR THE DEPARTMENT. WATERFOWL HUNTERS HAVE NEVER BEEN SELF-SUPPORTING, NOR HAVE THE UPLAND BIRD HUNTERS (UNLESS IT HAS BEEN IN THE LAST TWO OR THREE YEARS), FISHERMEN TOO, HAVE BEEN KNOWN TO BENEFIT FROM WILDLIFE HUNTING MONIES. WHILE WE COULD NOT LEGALLY DIVERT ^{monies from} ~~THESE~~ FUNDS TO THE PARKS DIVISION, AFTER THE LEGISLATURE SAW FIT TO MOVE THEM FROM THE HIGHWAY DEPT. TO THE FISH & GAME DEPARTMENT, WE OFTEN LOOKED AT THE CEILING ^{or the floor} ON SOME ADMINISTRATIVE OVERHEAD COSTS AND SECRETARIAL HELP. I AM HAPPY THAT THE PARKS DIVISION RECEIVED MONIES FROM THE LAND AND WATER CONSERVATION FUND, AS WELL AS COAL TAX MONIES AND THEY HAVE MORE THAN REPAID THEIR DEBTS, IF THEY WERE EVER INDEBTED TO WILDLIFE HUNTERS. SOME OF THEIR LAND PURCHASES ARE GREAT WILDLIFE HABITAT.

ANTELOPE HUNTERS IN THE LATE FORTIES AND FIFTIES DID NOT PAY THEIR WAY, BEAR HUNTERS HAVE NEVER PAID THEIR WAY. IF THE DEPARTMENT WERE EVER FORCED TO DO ^{adequate} ADEQUATE RESEARCH, AS ~~DEFENDED~~ BY SOME ANTI-HUNTING GROUPS, ON THAT VERY ELUSIVE SPECIES, THE GRIZZLY, THEY COULD KISS A MAJOR CHUNK OF THEIR BUDGET GOODBYE FOR TEN TO FIFTEEN YEARS. SO, LET US NOT GET HUNG UP ON COST EFFECTIVENESS BY SPECIES, BUT RATHER BY TAKING ADVANTAGE OF EVERY OPPORTUNITY TO PROVIDE MORE HUNTING IF THAT IS WHAT THE CONSUMER, SIC (HUNTER) WANTS.

FISH, WILDLIFE AND PARKS, AS THE NAME IMPLIES, ARE IN THE BUSINESS OF RESEARCH, MANAGEMENT AND PROTECTION OF THE PRODUCTS FISHERMEN, HUNTERS AND OUTDOOR RECREATIONISTS ARE SEEKING. THESE PEOPLE ARE BUSY ENJOYING LIFE TO THE FULLEST, AND THEY DON'T HAVE TIME TO LOOK OVER THE SHOULDERS OF ADMINISTRATIVE PERSONNEL TO SEE THAT EVERY DOLLAR TAKEN IN ON ELK IS SPENT ON ELK. IT'S THE FROSTING ON THE CAKE TO THEM IF ELK REVENUES^{are} SPENT ON BIGHORNS, WATERFO^uL, NON-GAME SPECIES, AND BUFFALO MANAGEMENT^{to} PROVIDE MORE HUNTING; DIVERSITY MAY NOT ALWAYS BE THE SPICE OF LIFE, BUT IT ISN'T JUST A TRITE PHRASE EITHER.



Three Department of Fish, Wildlife and Parks wardens take blood from a buffalo shot near Corwin Springs. Blood is for a brucellosis test. Wardens are Mark Anderson, foreground; Bob Jones, middle, and Gene Clark, background.

8 more wandering buffalo shot

Fear of brucellosis spreading is reason

CORWIN SPRINGS, Mont. (AP) — State game wardens shot eight more Yellowstone National Park buffalo to death as they grazed on a ranch near here Friday, bringing the toll to 38 since last Saturday.

The remainder of the herd of 20 to 25 buffalo stood by passively as the shots were fired, then ambled back into the park, about 1,000 feet away. A larger herd escaped earlier by charging up a mountainside about two miles away.

The buffalo carry brucellosis, and the state Department of Fish, Wildlife and Parks kills those that wander out of the park to prevent domestic cattle on surrounding ranches from being infected. Brucellosis causes cows to abort.

The park's growing herd of buffalo are roaming across the park boundaries with increasing frequency.

The buffalo that were killed were among some heading across

"It's not fun. I wish there were another way. I just don't know what it is."

a county road onto the Royal Teton Ranch, owned by the Church Universal and Triumphant. One crossed back into the park before it died.

"It's not fun," said warden

Gary Ordish of Livingston. "I wish there were another way. I just don't know what it is."

FWP wardens shot 14 buffalo last Saturday, six on Monday, three on Tuesday and seven on Thursday.

Edwin Johnson, an assistant to Ed Francis, finance director of the Royal Teton Ranch, said the buffalo had been back and forth through barb-wire fences in the ranch's calving pasture near the ranch's main office.

"They go up to a fence and churn their way through it," Johnson said.

He said the ranch's cows that are about to calve have been moved to another pasture about two miles away.

Another seven wandering buffalo shot

BOZEMAN (AP) — Seven buffalo that wandered out of Yellowstone National Park were shot Friday by game wardens from the Montana Department of Fish, Wildlife and Parks.

That brings the total number of park buffalo shot this year to 81, according to FWP figures.

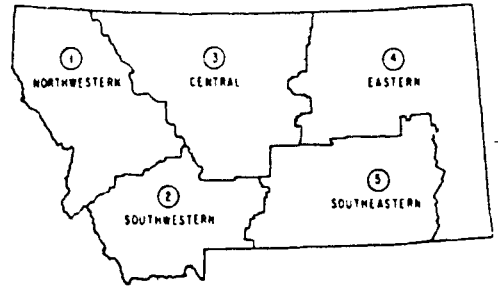
The buffalo were on Royal Teton Ranch property about one-quarter mile from the park's boundary, according to Edwin Johnson, assistant to the ranch's business manager, Ed Francis.

The buffalo are killed outside the park because they can carry the contagious disease brucellosis, which causes domestic cows to abort.

March 12, 1985

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION



TESTIMONY HB 763

My name is Tony Schoonen, here today representing the Montana Wildlife Federation in support of HB 763.

The grass root reasoning for reclassifying the wild buffalo as a game species is directly related to the status of the bison herd that has developed on the northern boundary of Yellowstone National Park.

Until the early 1970's, free roaming wild buffalo were a game species in Montana. When they were removed from the game species list, the carrying capacity within the park was adequate to support the buffalo population, leading to the belief that none would venture beyond the park boundaries.

Due to the management policy of the park to let nature take its own course, wildlife populations have been increasing. The increase in the population of buffalo caused some of these buffalo to leave the park and winter or summer in Gardiner or West Yellowstone. One problem with this migration is the fact that these areas are already occupied by maximum numbers of game animals and domestic livestock. Another problem is that buffalo are carriers of brucellosis, a disease that has been very costly to the domestic livestock industry.

Therefore there are a certain number of buffalo that must be harvested every year.



Currently the buffalo are harvested by the Montana Department of Fish, Wildlife, and Parks. HB 763 reclassifies these animals as a game species, allowing the Department to set up a bison hunting program to allow sportsmen to harvest buffalo rather than Department personnel.

The bison hunting program has been highly successful in other states. In both Alaska and Utah the buffalo is a very popular game species; and while providing excellent recreational sport, each state has managed their herds successfully. They have had no administrative problems or problems with anti-hunting publicity, items that have been utilized by opponents as potentially threatening. The same idea should apply to buffalo, with regard to anti-hunting sentiment, that applies to all animals on the opening day of hunting season; the animals are not as probable to avoid human contact on the first day, but learn to avoid it after being hunted for a short period of time, therefore providing a quality hunt.

A last point I'd like to make is that the fees paid by the sportsmen in the form of license dollars are the major contribution to the funding mechanism of the Department of Fish, Wildlife, and Parks, who in turn have to use these funds to control buffalo leaving the park. As long as these animals must be harvested anyway, the sportsmen are willing to pay a considerable fee for an opportunity to be able to hunt the buffalo as a game animal while at the same time assisting in a management program. This license fee would help offset current as well as additional administrative costs incurred in setting up such a management program.

The Montana Wildlife Federation supports the reclassification of the buffalo as a game species, and would urge this committee to give HB 763 a do-pass recommendation.

Thank you.

SENATOR MAX CONOVER, CHAIRMAN
SENATE FISH & GAME COMMITTEE
MONTANA SENATE
CAPITOL STATION
HELENA MT 59620

MARCH 12, 1985

DEAR SENATOR CONOVER AND MEMBERS OF THE COMMITTEE,

THE GALLATIN WILDLIFE ASSOCIATION IS PUBLIC INTEREST GROUP ORGANIZED UNDER THE STATE OF MONTANA NON-PROFIT CORPORATION ACT. WE ARE ALSO ONE OF THE AFFILIATED GROUPS IN THE MONTANA WILDLIFE FEDERATION.

THE RESOLUTION TO HUNT BUFFALO ORIGINATED IN OUR GROUP WHEN I WAS PRESIDENT. DURING MY TERM THE PEOPLE IN THE DEPARTMENT OF FISH WILDLIFE & PARKS(FWP) KILLED 703 PROBLEM GAME ANIMALS(657 DEER, 43 ANTELOPE, 3 BUFFALO) THE KILLING OF THIS AMOUNT OF PROBLEM DEER AND ANTELOPE LOOKED TO US LIKE A FAILURE OF THE DEPARTMENT ADMINISTRATORS TO RECOGNIZE THE INCREASE IN GAME ANIMALS IN EASTERN MONTANA. A FAILURE THAT COULD BEST BE CORRECTED BY BETTER MANAGEMENT OF THE GAME SEASONS. SINCE HUNTING LICENSE FEES PROVIDE THE MAIN SUPPORT FOR WILDLIFE MANAGEMENT PROGRAMS WE FELT HUNTERS SHOULD HAVE THE OPPORTUNITY TO HUNT THESE ANIMALS .

THE PROBLEM WITH BUFFALO WAS DIFFERENT. FREE-ROAMING WILD BUFFALO IN MONTANA WERE A GAME SPECIES UNTIL THE EARLY 1970'S. AND THEY NEEDED RECLASSIFICATION AS A GAME SPECIES AS RECOMMENDED IN HOUSE BILL 763.

THIS YEAR TO DATE FWP PERSONNEL HAVE SHOT 81 BUFFALO THAT HAVE MIGRATED TO MONTANA FROM YELLOWSTONE NATIONAL PARK. WE HAVE MANY HUNTERS THAT WOULD BE HAPPY TO DO IT FOR RECREATION. THEY WOULD PAY THE STATE A LICENSE FEE AND USE LOCAL GOODS AND SERVICES DURING THE HUNT.

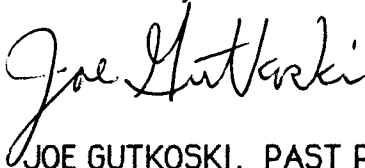
UNFORTUNATLY, THE MOST OPPOSITION TO BUFFALO HUNTING HAS COME FROM THE DIRECTOR OF FWP. WE DO NOT FEEL HE HAS PRESENTED VALID REASON TO BE AGAINST HUNTING BUFFALO FOR RECREATION, JUST LIKE THE ELK THAT MIGRATE TO MONTANA TO WINTER. WITH ONE EXCEPTION-NONE OF THE BUFFALO WOULD BE LEFT FREE ROAMING IN MONTANA.

PAGE 2

THE DIRECTOR HAS ALSO MISREPRESENTED THE INTENT OF OUR RESOLUTION TO HUNT BUFFALO AND HB 763. ON FEBRUARY 25, 1985 OUR PRESIDENT AND COMMITTEE CHAIRMAN WROTE TO GOVERNOR SCHWINDEN AND OTHERS TO ASK THIS PROBLEM BE REVIEWED AND CORRECTED. PLEASE INCLUDE THIS LETTER IN YOUR COMMITTEE HEARING RECORD.

WE ASK TO BE ON RECORD IN SUPPORT OF HB 763. PLEASE CONSIDER THIS LETTER , AND THE ARTICLE "THE RESOLUTION TO MAKE BUFFALO A GAME SPECIES" AS PART OF THE RECORD IN SUPPORT OF HB 763.

SINCERELY,

A handwritten signature in cursive script that reads "Joe Gutkoski".

JOE GUTKOSKI, PAST PRESIDENT
GALLATIN WILDLIFE ASSOCIATION

-STATEMENT OF THE GALLATIN WILDLIFE ASSOCIATION ON HB 763 PRESENTED BY JOE GUTKOSKI TO THE SENATE FISH & GAME COMMITTEE, MONTANA STATE LEGISLATURE MARCH 12, 1985

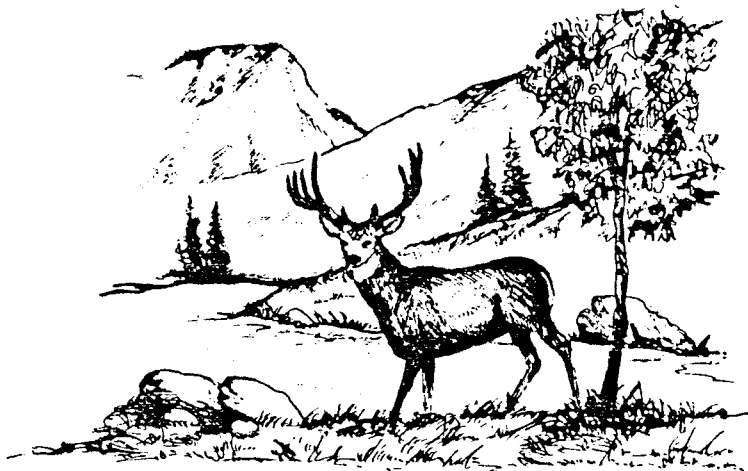
ATTACHED

COPY-LETTER TO GOVERNOR SCHWINDEN

COPY-RESOLUTION TO MAKE BUFFALO A GAME SPECIES

Gallatin WILDLIFE Association

317 South 6th
Bozeman, Montana 59715
25 February 1985



Governor Ted Schwinden
Capitol Station
Helena, MT 59620

Dear Governor Schwinden:

We are concerned about the testimony presented by Director Jim Flynn, Department of Fish, Wildlife and Parks, at the House Fish and Game Committee hearing on House Bill 763, relative to buffalo hunting.

We have no objection to state government opposition to bills such as HB763, providing that reliable scientific evidence and/or administrative problems are given to support that opposition. However, in this case state government has no right to misrepresent the intent of our effort to make buffalo a game species, or to misrepresent the language or intent of HB763.

Please review Director Flynn's testimony against HB763. Pay special attention to paragraph 2, page 4. On February 22, Billie Flam, Committee Secretary, verified the text of that paragraph as follows:

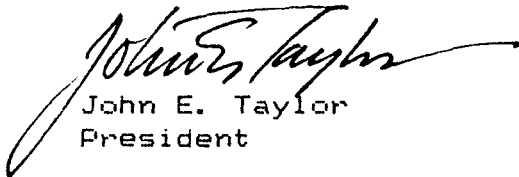
"This legislation would make the bison a game animal. In so doing we must recognize the hurdles that must be overcome. The bison must be able to expand its range beyond the park onto a land base that can sustain it and where its numbers can be managed. Their pattern of movements suggests considerable private lands would have to be made available to provide for this. This would not be possible given present land use patterns."

After reviewing our background information and HB763 itself, we do not see how anyone can suppose that our intent is to advocate that "The bison must be able to expand its range beyond the park...", or that we have asked for management of a free-roaming bison herd anywhere in Montana, or have ever asked that private lands be appropriated for bison range. The terms of HB763, especially the year-long season and immediate effective date, clearly require that free-roaming bison be dealt with immediately. We simply advocate that removal be accomplished by

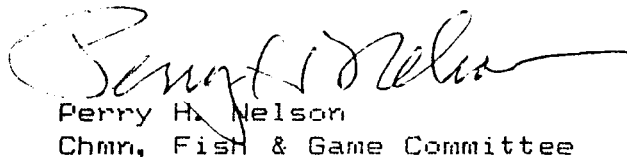
sportsmen and not FWP.

We do not question Director Flynn's motives. However, it appears to us that his statements, in addition to being in error, will create unwarranted hostility between recreationists and private landowners. Therefore, we respectfully request that the public record be corrected.

Sincerely yours,



John E. Taylor
President



Perry H. Nelson
Chmn, Fish & Game Committee

cc: Rep. Menahan, Rep. Ream, Sen. Conover, Mont. Wildlife Fed., Skyline Sportsmen, Anaconda Sportsman's Club, Bert Lindler, Eric Wiltse, Mark Hinckle, Tim Ledbetter

talk about plant or animal problems and wild buffalo in YNP have not been overlooked. Both the State and the U.S. Department of Agriculture feel their eradication program to rid the U.S. of brucellosis, a disease that has been costly to the domestic livestock industry, is about won.

Montana east of the divide is considered a domestic livestock brucellosis-free area. Park and Gallatin counties have been brucellosis free for 20-25 years. While only limited research has been done on the transfer of the brucellosis organism between buffalo and domestic livestock, buffalo are considered a potential source of infection to domestic cattle.

Unfortunately, YNP buffalo are known carriers of brucellosis. Testing in 1964-65 indicated infection rates from 28 to 59 percent depending upon the herd segment. While brucellosis has little effect on buffalo, agricultural officials felt buffalo in YNP threaten the success of their brucellosis eradication program, and in the early 1970's tried to pressure the Park Service into an eradication program. The Park Service resisted because it would be difficult to apply brucellosis control techniques used on cattle to the wild buffalo herds. More important, brucellosis organisms can survive in many species besides buffalo and cattle.

This rhetoric provides little comfort to the domestic livestock operator because close contact between buffalo and cattle is almost certain, according to agricultural officials, to result in a brucellosis transmission. FWP has an agreement with the Montana Department of Agriculture to kill all buffalo leaving YNP that could affect domestic livestock. During the winter 1983-84 FWP killed three buffalo in the Gardiner area; they all tested positive for brucellosis.

In recent years, only a few buffalo were killed each year by FWP; however, the potential of 50-100 buffalo leaving the YNP and being killed in any one year is a real possibility. Many hunters would be happy to do it for recreation, pay a license fee and use local goods and services during the hunt.

A Controlled Buffalo Hunt

With buffalo again classified as a game animal, FWP would have authority under 87-2-113 MAC to charge a \$2 drawing fee. The opportunity for hunters to apply for a license could be incorporated along with the fee on existing resident and nonresident applications for special licenses and permits at little additional cost to FWP.

There would not be a guaranteed hunt unless buffalo moved out of YNP into Montana. However, this causes no problem under existing 87-2-113 MAC which state in part "(3) The Payment of a drawing fee confers no hunting rights or privileges."

Once the list of people interested in hunting buffalo is compiled, a drawing could be held with the first person drawn having the first chance at a buffalo; the second person the second chance, etc. depending on how many buffalo became available. There would be no established season. Dates and hunting times would be determined by the availability of buffalo outside YNP. Once the FWP determined a buffalo was available for hunting, they could give the hunter a certain time (say 24 hours) to arrive on location to go hunting. If this hunter was not available, or could not come, the next hunter on the list could be contacted.

THE RESOLUTION TO MAKE BUFFALO A GAME SPECIES

During 1983-84 our group became concerned about what appeared to be a new Department of Fish, Wildlife and Parks (FWP) willingness to shoot problem game animals on their own volition. Since one of the objectives of FWP and many conservation groups is to advocate hunting for recreation, we felt it was appropriate to look closer into the details of killing game animals by FWP personnel.

During the period in question, direct killing of game animals by FWP and landowners amounted to 657 deer, 43 antelope and 3 buffalo. We concurred that a certain amount of such direct control is needed. We also felt the numbers in 1983-84 were excessive. Such actions by FWP, regardless of their biological justification or political expediency, deny the license-buying hunters the opportunity to hunt these animals.

Excessive shooting of deer and antelope by FWP personnel could best be eliminated by hunting season management. However, the buffalo problem is more complicated. Buffalo were removed from the Montana game species list during a recodification of game laws in the 1970's and part of the solution is to reclassify buffalo as a game species by legislation.

Our members adopted such a resolution for at least two reasons: 1) it appeared that FWP was just going to add buffalo to their "hit list" and forget recreation hunting, and 2) members felt that hunting license buyers should have the opportunity to consider hunting, or not hunting buffalo, on a limited and controlled basis. They know full well that under Montana laws and policies, no buffalo will be left free-roaming whether they chose to hunt or not.

Historical Background

Free-roaming wild buffalo in Montana were a game species until the early 1970's. Most of the buffalo bagged by hunters were animals associated with wild herds in Yellowstone National Park (YNP). When buffalo moved into Montana they were hunted. (As a note of interest, in 1953 what is expected to be a world record buffalo with Pope & Young Scoring was taken by a Billings archery hunter.)

When buffalo were removed from the Montana game species list it was reasonable to believe buffalo would no longer leave YNP. Park policy during the 1950's and 1960's was to aggressively control ungulates, buffalo included, in an attempt to reach some sort of a dynamic balance between ungulates and their winter ranges. They once felt the carrying capacity for buffalo was 400-600 animals. At that density practically none left YNP.

The policy for wildlife management changed from one of shooting the excess animals by park personnel inside YNP to one of letting nature take its course about 1969. Since then wildlife populations have been increasing. The parkwide population of buffalo was approximately 2,000 animals in 1981. At that density, some buffalo were leaving YNP each year to winter or summer in the Gardiner and West Yellowstone areas of Montana; areas already occupied by maximum numbers of game animals and domestic livestock.

Buffalo and Brucellosis

Eradication has always been the word of choice when agricultural officials

Upon arrival the hunter would purchase the license and then accompany a FWP employee to the location of the buffalo. Once the buffalo was killed, it would be the responsibility of the hunter to take care of the animal.

This proposed legislation should in no way be interpreted as a wide open buffalo hunt with hunters standing on the YNP line waiting for an animal to step across. Rather, it should be interpreted as a very controlled hunt, requiring FWP assistance, that would take place only when animals are available and need to be killed because of the brucellosis threat to domestic livestock.

Opposition to Buffalo Legislation by FWP

Early opposition to buffalo legislation appeared at the Montana Wildlife Federation (MWF) Annual Convention when FWP personnel advised against adopting the group's resolution. However, the membership passed the resolution favoring legislation. On several occasions since the Convention, Director Flynn has indicated he would not support legislation that might result in buffalo hunting by sportsmen.

One reason given for not supporting buffalo hunting is that late elk hunting seasons associated with YNP elk migrations cost more to administer than they return. Late seasons are necessary and have been well controlled and received. They can also provide for harvest of at least 2,000 elk that, depending upon weather, migrate to winter ranges in Montana late in the year. We do not think this is a valid reason for not supporting buffalo hunting. With the proposed fees for drawing and licenses we expect more revenues will be collected than expended in administration. FWP should solve the cost effectiveness of the late season elk hunt possibly by charging for late season permits, rather than using it as an excuse to not hunt buffalo.

Another frequent reason cited for not hunting buffalo is that it would not be a quality hunt. It is not clear where this concept originated, or what it means. However it has been repeated in discussion with FWP and MWF personnel. Since the State Legislature has not defined the term "quality hunt" or mandated anyone to sit in judgment of the "quality hunt" any movement in that direction by any agency or organization would have to be considered both arbitrary and capricious.

Opposition and Anti-Hunting Sentiment

Unfortunately, today is a time in which ideas about hunting are not always viewed as objectively or realistically as they once were. Some environmental groups that express concern for wildlife are basically anti-hunting groups. They lend little help to the struggle to retain good fish and wildlife habitat.

A few still blame the modern day hunter for the decline of the once abundant buffalo herds. Reality of the situation was that Presidents and Congress in the middle 1850's wanted to rid the plains of buffalo, because the Army could better control the Indian by eliminating his main food supply, and settlers could not farm with the buffalo running through their grainfield and grasslands. The same applies to farms and ranching today.

Anti-hunters have made their point clear. They can only be appeased when we renounce hunting and fishing, and get all of our meat from a surrogate butcher, probably the way they get theirs.

Miscellaneous Objections to Buffalo Hunting

A few other objections have been raised to buffalo hunting for recreation. Most of them are honest concerns, some are handy excuses. All of them should be considered and commented upon.

1) "Buffalo hunting will not look good on TV". Hunting of all kinds viewed closeup on TV does not look good. If hunting should attract TV attention we expect that after a shot or two the TV broadcasters will lose interest and put us back on our regular diet - the murder, violence and rape of people.

2) "Buffalo are not game animals, they don't run from you". Whoever talks about animals running from you must have forgotten why most hunters like to hunt on opening day of the season, a time when animals do not run away from you, at least not as fast as on the second day.

In general, hunted species avoid hunters like the plague and nonhunted species do not. A most recent example of a change in this reaction is the grizzly bear in Montana around YNP. Up until about 10 years ago they were hunted and the bear went at great lengths to avoid people. They did it so well that many people thought there were none left in this part of the state. After a decade of nonhunting the bears have adapted to us very well. Recently they have raided garbage dumpsters in West Yellowstone, raided gardens on the CUT ranch and eaten people at Hebgen Lake - areas where recreation hunting once was allowed. In short, a little hunting can change the direction and speed in which animals move.

Ideas about sport or quality can be argued endlessly. They are arbitrary and change frequently. Years ago it was nonsporting to hunt doe deer, or hen pheasants or hen mallards. It is interesting to note such ideas were not applied to geese because no one could tell the difference between sexes. Anyway, the Legislature has set up no tribunal to rule on the subject, and we should not judge another person's concepts beyond the present laws and regulations.

3) "The Park Service is dumping their problem on us and we have to teach them a lesson in wildlife management". The origin of this idea is not clear, and it is probably the most absurd reason given for not wanting buffalo legislation. According to law, Park Service responsibility ends at the Park line, and FWP responsibility begins there; so who is avoiding the problem? Under present laws and policies, the buffalo are a politically surplus animal in Montana and free-roaming animals will be shot.

This idea of "dumping and teaching" is not new. It has surfaced with every controversy over YNP wildlife management, mostly because both the State and Federal Administrations start jockeying around for a little political leverage and regularly blame their failures on each other. Unsuspecting conservation groups frequently get involved in such interagency controversies because any member that will join one side or the other is welcomed. The agencies have often reaped a gold mine of petty political coups, mostly at the conservation group's expense.

Rather than follow the "dump and teach" approach we prefer to look on the surplus buffalo as an additional source of recreation for Montana hunters - recreation available because of YNP.

John Taylor, Pres. GWA, Perry Nelson, Chair Fish & Game Committee 1/12/85

NAME Tom Sargent BILL NO. HB 763
ADDRESS Ch. 2 Broom DATE _____
WHOM DO YOU REPRESENT St. Joe Sp. Club
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The St. Joe Sp. Club has been
working for the Senate to support HB

We would like to see the price
of the game reduced. We are
paying for the price of the game
and the price of the game.

We know you are taking care of
the game and you are taking care of
the game.

Thank you + H. 763.

Tom S.

Tom Sargent
St. Joe Sp. Club
P.O. Box 763

HB 763

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

March 12, 1985

The question of a hunt for the Yellowstone bison herd is a question which deals directly with disease control. While this manner of control is not generally associated with our agency, it is the case in this instance.

Since its establishment, Yellowstone National Park has been conducting a program of recovering the bison herd native to the park area. This program has been successful in that estimates of a population of around 20 in the late 1890's have grown to an estimate at this time in excess of 2,000 animals.

While population recovery has been successful, that recovery effort has produced its own set of complications. With current population numbers, it is apparent that the bison have reached a level where dispersal is occurring to lands outside the park boundary.

Of additional concern and compounded by the habitat-numbers ratio, is the reality that the park bison are found to have brucellosis. The presence of the disease is of concern to the livestock industry, since the elimination of this disease in the State of Montana has been a top priority of the Department of Livestock for many years. To date there has been no program developed to attempt to eliminate the presence of brucellosis in the Yellowstone bison herd. As a result, emphasis is given to measures that assure the bison do not intermix with domestic livestock.

In recent years the Department of Fish, Wildlife & Parks and the Park Service have agreed upon an approach to address these circumstances. This approach has met with the approval of the Montana Department of Livestock. Basically, when bison are outside the park they will be herded back into the park, usually in a joint effort by this agency and the Park Service. Should this herding effort fail then the bison are destroyed by this agency.

While this approach has been costly, since the herding is usually done with a helicopter and the handling of destroyed animals is manpower-intensive, it has generally been effective in the past. However, the growth of the bison herd and the dynamics of that growth have reached a point where this approach is no longer adequate.

I would explain that dynamics.

A bison herd establishes a home range and as the herd grows, subunits establish home ranges in new areas. This is an ongoing process as the bison population increases. If this process is not addressed, the population will continue to grow and expand into new territories.

Recent events indicate that the units established at the park boundaries are now beginning to look for expansion territory. I would give you some of our recent observations.

October 1979 - 1 bison shot at West Yellowstone
June 1981 - 1 bison shot at West Yellowstone
February 1984 - 4 bison shot at Gardiner
November 1984 - 16 bison herded back into Yellowstone Park

This year, in addition to herding efforts, we have had to destroy 81 head of bison.

These events would indicate that the herds are established at the park boundary and are looking for new territory.

We anticipated these circumstances two years ago and began to discuss the subject with the Park Service, as well as the Department of Livestock. At the outset this agency gave serious consideration to conducting a public hunt and, in fact, had considered it to be the most viable option. However, a closer review of the problem has caused us to reject the hunt as the best long-term strategy to deal with the disease problem.

Because the present approach is not adequate and a hunt is not an acceptable alternative, we have continued discussions with the Park Service to consider other alternatives.

I would compliment the Park Service for their cooperation in this matter at this time. Although for many years they would not do so, they have now acknowledged the problem and have accepted the responsibility for addressing the problem. As part of their response they have recently completed a draft environmental assessment to lay out the options for managing and controlling the bison herd within the park.

These alternatives include:

1. No action
2. Continue current management
3. Remove bison that are on the threshold or move across the boundary
4. Construct a fence to restrain the bison from leaving the park
5. Trap all bison on the threshold and relocate them in the park or elsewhere or sell them to private parties.

At this time the department has not commented on this assessment, but we will do so in the near future.

I would point out to the committee that now is the first time in many years that the Park Service has acknowledged the extent of the problem and has indicated an interest in addressing that problem within the park boundary.

This attention has materialized after this agency indicated its unwillingness to continue the present procedure of herding and harvesting and after we rejected the option of hunting.

It is our concern that passage of HB 763 may be interpreted as a sign for the Park Service to maintain the status quo and not consider addressing the problem inside the park boundary.

It is our contention that the bison herd ought to be managed by the Park Service to a size that is compatible with Yellowstone National Park's habitat capabilities.

How that management may occur is and should be a subject of public comment. Whether the management should be a fence, trap and transplant, trap and selectively destroy, or even hunt within the park or any combination of options will be the decision of the Park Service, based on that public comment and their responsibilities.

However, one certain aspect should be that the State of Montana cannot and should not be expected to assume the management scheme for the Yellowstone National Park bison herd and to address the problems connected with that herd's disease and habitat/numbers problem.

As I stated at the outset, the issue before us is basically one of disease control. Actions taken to date have been to, as quickly and orderly as possible, reduce the potential of infected bison intermingling with domestic cattle.

We feel the Park Service is moving in the right direction, although a little late and somewhat hesitantly. But we are concerned that this bill may lessen the chances of having the herd controlled within the park which would be the ideal manner in which to avoid the spread of disease.

We would request that HB 763 not be approved.

DRAFT
ENVIRONMENTAL ASSESSMENT

State of Montana
Department of Fish, Wildlife, and Parks

National Park Service
Yellowstone National Park

February 1985

1. Purpose and Need

A. Introduction

The purpose of this assessment is to evaluate methods to manage bison that may leave or are on the threshold of leaving Yellowstone National Park. The primary objective of all alternatives is to reduce or eliminate conflicts with private lands. The primary route for bison leaving the park is through agricultural and ranch lands and the Town of Gardiner, the highest population concentration in the valley. Residents and tourists are sometimes exposed to contact with one of the park's potentially dangerous animals. A secondary objective is to reduce the potential, though theoretical and extremely limited possibility, for transmission of brucellosis to domestic livestock from bison that leave the park.

Yellowstone's bison are unique in the United States. Only here have wild bison survived since primitive times, long before establishment of the park in 1872. The Yellowstone herd provides cultural, scenic, educational, and scientific values which cannot be duplicated with bison herds elsewhere in the United States. The present population derives from two bloodlines: the original population of "mountain" bison, and plains bison introduced in 1902.

Yellowstone bison are wild, free-ranging, unrestricted by boundary fences, and subject to minimal interference by man. The total population numbers about 2,000 at present. This population winters

in three areas: Lamar and Pelican valleys, and Mary Mountain (Hayden Valley-Firehole). None of these segments are geographically isolated at all seasons from the other; intermixing occurs to varying degrees.

The Lamar population (northern range) consists of 400-500 bison. This document specifically addresses the movements of this sub-population.

The wintering populations move to summer ranges in late May and early June. The summer ranges extend from Mt. Norris, Cache-Calfee Creeks and the Absarokas in the northeast, across rim of the Mirror Plateau and Specimen Ridge. Some groups may visit the Lamar Valley sporadically during summer. The return to wintering areas to stay usually occurs about mid-November, although some groups may appear earlier. Over the past 10 years, an expansion of winter use westward into the Blacktail area has occurred. From this area, bison move on down Lava Creek into Mammoth and north to Gardiner. Less common movements may occur down the Yellowstone River. It is apparent, if left to their own devices, the bison would recolonize historical habitat in the Yellowstone River valley north of the park. The impetus for this recolonization is only partly a function of numbers; learned patterns of habitat use and social groupings are major factors.

All of the alternatives discussed in this document have the objective of containing the bison within Yellowstone National Park

and preventing the destruction of private property outside of the park. The current program of boundary control using harrassing techniques (trucks, helicopters, etc.) to drive bison back into the park has been ineffective and costly. The preferred alternative would be to remove (shoot) selected bison that leave or are on the threshold of leaving the park in a cooperative venture using National Park Service rangers and State of Montana game wardens. This alternative would protect private property outside of Yellowstone National Park, and protect the integrity of the remainder of the interior herd which would continue to be regulated by natural forces.

B. EIS and EA tiering

The need to contain the bison within YNP to eliminate property damage has been discussed for a number of years. A bison boundary control program is discussed in the the park's Natural Resources Management Plan and Environmental Assessment. The park's policy of natural regulation is also discussed in the resources plan and the general management plan. Other documents prepared by Dr. Mary Meagher that specifically address the bison management issue are:

"Winter Weather as a Population Regulating Influence on Free-Ranging Bison in Yellowstone National Park", December, 1971.

"Brucellosis and the Yellowstone Bison", April, 1972.

The Bison of Yellowstone National Park. NPS Science Monograph #1, 1973.

"Yellowstone's Bison, A Unique Wild Heritage", National Parks and Conservation Magazine, May 1974.

Big Game of North America. "Bison", Chapter 8, 1978.

These documents describe the history of management, affected environment, and issues involved. As a result, the tiering process as defined in CEQ regulations regarding the NEPA process will be used in this document.

C. Compliance information

1. Natural resources

Establishment of Yellowstone National Park, March 1, 1872.

(17 Stat. 32: 16 USC sec. 22)

Establishment of the National Park Service, August 25, 1916,

(39 Stat. 535: 16 USC sec. 1, 2, 3, 4)

All of the alternatives assessed in this document are in compliance with the enabling legislation for Yellowstone National Park and the legislation establishing the National Park Service.

Statement for Management, General Management Plan and Natural

Resources Management Plan for Yellowstone National Park

The alternatives discussed in this document are all supportive of the objectives contained in the plans guiding the management and operation of the park.

Endangered Species Act of 1973 (16 USC 1531)

Threatened or endangered species that exist now in Yellowstone National Park and utilize habitat occupied by bison are the grizzly bear, bald eagle, and the peregrine falcon, and transient whooping cranes. With the exception of fencing, which could create a very minor impact by altering local grizzly bear travel routes, none of the alternatives discussed would have any impact on threatened or endangered species in the park. Should wolves be re-established, whether through natural or artificial means, the same comments apply.

2. Cultural resources

National Historic Preservation Act, Section 106 (16 USC 470 et seq.) and 36 CFR, Part 800 as amended.

The actions analyzed in this environmental assessment may occur within the proposed Gardiner Historic District. However, none of the actions under any of the alternatives would have any negative impact on buildings or other structures in the proposed historic district.

Executive Order 11593

Archeological sites are known to exist in the Gardiner area. However, with the exception of the fencing alternative, there will be no potential impact on archaeological resources in the area. If fencing is proposed near the Gardiner area, survey work will be carried out to clarify the relationship of any archeological sites to proposed fence locations. If remains of National Register quality are found, the NPS will follow all applicable procedures and consultation requirements for compliance with section 106 and the Advisory Council regulations.

I. Alternatives

After consultation with state fish and game officials, five alternatives were considered to prevent bison from leaving Yellowstone National Park or eliminate those which do. All alternatives had the same primary objective of preventing conflicts with private lands from bison wandering outside of the park and the secondary objective of preventing the theoretical potential transmission of brucellosis to domestic livestock.

A. No action

This alternative calls for no action by park officials in

monitoring or managing bison that leave Yellowstone National Park. Any action to control bison outside of the park would be left to the State of Montana's Department of Fish, Wildlife, and Parks. State officials would be responsible for monitoring the movement of bison outside the park and taking whatever action they deem necessary to correct the problem. This could include driving the bison back into the park, shooting them, or trapping bison outside the park and transporting them elsewhere.

This alternative would have no cost to the Federal Government as all control costs would be assumed by the State of Montana. Depending upon the method chosen, the State could spend up to \$5,000 annually to herd the animals back into the park; they might recover their costs if they shoot the bison and auction the animals to the highest bidders.

B. Continue current management

This alternative envisions no additional management actions beyond those currently in force as described in the park's natural resources management plan. Bison management in the park allows natural forces to effect a dynamic equilibrium in controlling the size and condition of the herd. However, this is not possible with the group that colonized near the North Entrance because the most desirable winter range for them is the private land between Yellowstone National Park and Yankee Jim Canyon.

Bison, because of their nature and massive size are essentially free of predators. Disease, which includes brucellosis, is found in Yellowstone bison, but is not a significant factor in regulating herd numbers. The main factor which regulates the population is winterkill (periodically severe climate coupled with stress and availability of food; accidents and old age are minor factors). Yellowstone would continue its policy of boundary control and make reasonable efforts to prevent bison from contacting domestic livestock. The cost of this alternative to the Federal Government is approximately \$5,000 per year.

The park will work towards a cooperative agreement with appropriate state fish and game departments for them to destroy the occasional bison that may cross park boundaries. Montana is now considering legislation which would allow for the hunting of bison outside of the park during the appropriate season. The Park Service views this possibility as a potential solution to the problem. All other bison within the park will be given total protection.

- C. Remove bison that are on the threshold or move across the boundary of Yellowstone National Park; the preferred alternative.

Under this alternative, bison that leave or attempt to leave or are on the threshold of leaving the park would be shot by either National Park Service rangers or State of Montana game wardens. Dominant female bison would be eliminated first, in an attempt to

change the movement pattern of the bison herds.

This program would be cost-effective in that existing NPS park rangers and Montana game wardens would be utilized to carry out the work. Physical facilities would not be required. Carcasses would be used for scientific purposes if needed, or depending on specific jurisdiction of removal, the remainder would be auctioned off by the State of Montana, providing additional revenue for their fish and game programs, or shipped by the NPS to slaughter for private sale or institutions. Total cost to the Federal Government would be about \$2,000.

There is the possibility that shooting of bison will not completely eliminate movement near Gardiner and the program will have to be continued on an annual or sporadic basis. However, bison have strong affinities for specific wintering areas and "learn" new areas of winter range as a gradual process. Thus, bison are less likely to utilize the Gardiner area adjacent to the arch. The opportunity for visitors to see wild, free-ranging bison may be eliminated near the park's north entrance.

Removal of bison carcasses would eliminate a potentially valuable source of food for such species as grizzly bears, eagles, coyotes, and other meat-eaters. The degree of impact on these species would depend on the number and location of bison removed, but is expected to be quite minor.

- D. Construct a fence capable of restraining bison at the park boundary.

This alternative requires the construction of approximately 6 miles of bison-proof fence near Gardiner and North of Reese Creek to prevent the movement of the animals outside of the park. The State of Montana and the NPS would share equally in the cost of building the fence. Construction of a barrier of this nature would have to be done as close to the boundary as possible, but would not extend to wilderness areas or areas proposed for wilderness designation. A fence of woven wire 8 feet high supported by wooden and metal posts has been used successfully at other NPS areas, but may have to be stronger here. An opening of about 2 feet from the ground is left to allow passage of deer, pronghorn, and smaller animals. Construction of a fence of this nature along Yellowstone's boundary would cost approximately \$500,000. Both bison and elk would be contained by the fence, while smaller ungulates would pass under it. The abnormal concentration of elk and bison along the boundary could have significant impacts on range, wildlife, watershed values, as well as Montana's elk hunting program. Gates would be located at convenient intervals for administrative use and would facilitate to some extent the passage of other animals when bison have left the area. A double cattle guard or other device would have to be installed along the county road near Reese Creek to allow passage by the public.

- E. Trap all bison that attempt to leave the park and relocate them in the park, on a new range in Montana or elsewhere, ship to slaughter, or sell them to private parties.

This proposal would require the construction of drift fences and traps to contain bison that would leave the park. Again, the State of Montana and the NPS would cooperate and share expenses involved in trapping the bison. After the animals are trapped, they would be placed in pens and tested for brucellosis. Positive reactors would either be shot or transported back into the interior of the park. Destroyed animals would be for private sale or provided to institutions. Brucellosis-free animals would either be sold to private parties or transported back into the park or to other ranges in Montana or elsewhere. Negative reactors must be held 90 days and then retested prior to any shipment from the park.

Animals would be driven into pens using helicopters, trucks, or any means that would be effective. However, it is probable that some bison would evade all efforts and would not be captured. These animals, if they leave the park, would be shot. Animals that are shot would be auctioned off by the State or donated to non-profit institutions. The efficiency of trapping would decrease during mild winters and from conditioned avoidance behavior of previously trapped bison.

While some expenses could be recovered through the sale of bison, this alternative would cost nearly \$150,000 including helicopters,

cost of pens and fences, and salaries of additional game wardens and rangers.

III. Affected Environment

The environmental and management documents previously cited generally describe the affected environment pertinent to this environmental assessment. The resources management plan gives a general overview of the setting, while an in-depth discussion of the ecology of the area can be found in The Northern Yellowstone Elk, Ecology and Management, Douglas B. Houston, 1982. A discussion of the relationship among various ungulates sharing the same winter range is also contained in this book. See also The Bison of Yellowstone National Park for a description of the environment elsewhere in the park that would be affected.

IV. Environmental Consequences of the Proposed Action

The consequences and effects of implementing the alternatives are described as follows and also in Table I. None of the alternatives will have any significant impact on the grizzly bear, peregrine falcon, bald eagles, whooping crane, or a potential wolf population; all threatened/endangered species found in the park. There are no irreversible or irretrievable commitments of resources in any of the alternatives.

A. Alternative I - Do nothing

Adoption of this policy would shift the entire management problem to the State of Montana. Cooperative Federal/State wildlife management programs would cease. Property damage and conflicts with agricultural land uses would increase in direct proportion to the number of bison that leave the park. The theoretical possibility of brucellosis contamination from bison would also increase.

It is possible that a laissez-faire attitude toward the movement of bison out of the park would jeopardize the integrity of the remainder of the bison herd within the park. Pressure from many sources may lead to reduction of portions of the herd within the park and severely disrupt the structure and behavior of the herd.

B. Alternative II - Continue current management practices.

Continuation of this policy would have no additional impacts on the physical or biological resources of the park. However, as the bison herds continue to colonize near the Town of Gardiner/Stephen's Creek area, more bison can be expected to move out of the park. The amount of property damage and the theoretical possibility of brucellosis transmission to domestic livestock would increase in direct proportion to the number of bison leaving the park.

The NPS would continue to attempt to herd bison back into the park.

However, this strategy has met with limited success and has caused local harrassment of other wildlife and of domestic animals (cattle, horses, etc.) that have been frightened by the low flying helicopter and would be a hazard to ground personnel. As in the past, the few bison that evade NPS herding efforts will be shot by Montana Fish and Game Department wardens. The bison that are shot by the Fish and Game Department would be auctioned off to private individuals and the food would not be available to predators.

As part of this alternative, the possibility exists that the State of Montana will pass legislation classifying the bison as a game animal and authorizing a hunt for those bison that leave the park. The environmental consequences of this action would be similar to those described above, except that NPS herding efforts would be discontinued. Bison would be shot outside the park, under permit, by private hunters under the strict control of the State of Montana, Department of Fish, Wildlife and Parks. This program would be continued on an annual basis.

- C. Alternative III - Remove bison that move or are on the threshold of moving outside of Yellowstone National Park; the preferred alternative.

This alternative will have no significant impacts on the physical resources of the park. However, the removal by shooting and removal of the carcasses of bison may have local effect on the food available for grizzly bears, coyotes, eagles, and other

scavengers. However, these meat-eaters are minor in the affected area; coyotes are trapped outside the park for commercial purposes. Considering the number of carcasses available elsewhere in the northern range from winterkill, the removal of the bison is not considered to be significant.

Shooting of bison in the proximity of other animals may cause minor avoidance behavior among mule deer, elk, and pronghorn. If this occurs, the number of ungulates in the Gardiner/Reese Creek area will diminish and the opportunity for visitors to view free-ranging wildlife will be lessened. However, this is expected to be minor and of a temporary nature.

There will be no property damage caused by bison leaving the park and the theoretical possibility of brucellosis transmission to livestock will be eliminated.

Depending on the number of bison involved and the learned behavior of the animals, the program could be ended after a few years, or it may be necessary to continue it on an annual or sporadic basis.

- D. Alternative IV - Construct a fence capable of restraining bison at the park boundary.

Implementation of this alternative would have significant impacts on the physical and biological resources of the park. Construction of a permanent, 6 mile long , 8 foot high woven wire fence would

involve removal of vegetation, soil, rocks, and the use of mechanized equipment to install metal and wooden posts. The fence would effectively stop the movement/migration of elk, and bison and perhaps other animals, while allowing passage of pronghorn, and smaller animals. This situation would be in conflict with the park's policy of allowing free passage of the northern Yellowstone elk herd, and would force the elk to migrate around the fence. This would significantly alter movement patterns during the late elk hunt and possibly entail unnatural land impacts.

Installation of an 8 foot high fence would cause an unnatural concentration of ungulates along the park boundary. Range and watershed resources would be altered through heavy grazing pressure and trampling. Competition among ungulates for available feed would be significantly increased. While more animals might be available for public viewing at certain times, the setting would be artificial.

As envisioned, the bison-proof fence would be a major intrusion on the aesthetics of the area. Scars would appear on the landscape that would last indefinitely. Efforts would be made to blend the fence into the environment by use of neutral colors, placement in forested areas, and use of natural topographic barriers. However, in the open areas that generally prevail, the fence would be aesthetically displeasing to most visitors entering the park.

A solution of this nature would require annual routine maintenance

to keep the fence in good repair. Property damage outside of the park and the theoretical possibility of transmission of brucellosis to domestic livestock will be eliminated. There may also be property damage outside through blockage of natural elk and deer movements.

- E. Alternative V - Trap all bison that attempt to leave the park and relocate them in the park or in a new range in Montana or elsewhere, ship to slaughter, or sell them to private parties.

Implementation of this alternative will have local negative impacts on the physical and biological resources of the park. Permanent drift fences and holding pens would have to be constructed to carry out the trapping and relocation programs. Soil and vegetation would of necessity be disturbed by the fences and structures. Bison would be herded by helicopters into permanent pens and trampling of soil and vegetation would result. As bison become more wary of helicopters, the efficiency of this approach will be reduced.

Herding of bison using helicopters on the park boundary would be very disturbing to other wildlife in the area, probably displacing them temporarily and causing physical stress. In addition, the removal of bison from the park would have the same local impact on available food supply for predators as discussed in Alternative III.

Considerable risk to humans is involved with this alternative. Herding, trapping, handling, and transporting mature wild bison should only be attempted with extreme care. Some injuries to humans and property damage to equipment caused by the trapped bison can be expected. Some bison will also be injured.

As in Alternative IV, the placement of drift fences and pens along the park boundary would be viewed as unnatural and aesthetically displeasing to many park visitors. A portion of the winter range would be lost to trap areas and fences. The loss of bison and the displacement of other ungulates along the park boundary would lessen the opportunity for visitors to view free-roaming wildlife in a natural setting.

TABLE 1 - COMPARISON OF ISSUES OF ENVIRONMENTAL CONSEQUENCE

	Alternative I	Alternative II	Alternative III	Alternative IV	Alternative V
Physical Factors					
Soil and water	No impact.	No impact.	No impact.	Removal of vegetation, disturbance of soil, some erosion expected along a 6-mile corridor adjacent to the park boundary, trampling of vegetation and soil expected in the area adjacent to the fence caused by an unnatural concentration of animals.	Disturbance of vegetation and soil along areas of the drift fences, severe trampling of soil and vegetation where pens are located, temporary roads to be constructed, scars will remain temporarily on the landscape after the fences and pens are removed.
Biological Factors					
Avoidance behavior	No impact.	No impact.	No impact.	No impact.	Bison may avoid humans after exposure to herding, trapping, handling, possible shooting in the area of the pens and drift fences.
Predators	No impact.	No impact.	Fewer bison carcasses available for consumption by meat-eaters but very minor impacts.	No impact.	Fewer bison carcasses available for consumption by meat-eaters, minor impacts.
Vegetation	No impact.	No impact.	No impact.	Removal of vegetation expected during construction of fence, trampling of vegetation in areas where animals are concentrated.	Removal of vegetation near drift fences, trampling and removal of vegetation near trapping pens and along roadways used to transport bison from pens.
Other wildlife	No impact.	No impact.	Elk, deer, and pronghorn may exhibit avoidance behavior after bison are shot.	Migration route of elk and deer would be altered.	Elk, deer, and pronghorn may exhibit avoidance behavior after being exposed to shooting of bison and trapping operations.
Socio-Economic Factors					
Recreation, ability of visitors to view wildlife.	Increased pressure to deal with animals inside the park, potential disturbance of entire herd structure through reduction program.	No impact.	Bison removal along park boundary, animals may avoid humans. Opportunity to view animals reduced - minor, however.	Bison and elk may concentrate along fence. Opportunity to view wildlife increased, but in an artificial setting.	Opportunity to view bison decreased as animals are removed.

Aesthetics	No impact.	No impact.	Viewing the killing of bison would be offensive to many park visitors. The idea of destroying bison would be offensive to a segment of the public.	A 6-mile long fence and related impacts would be an environmental intrusion in the area. Scars on the landscape would be permanent.	Herding, penning, and possibly shooting of bison would be offensive to some park visitors. Drift fences and pens would be viewed as unnatural in the park.
Economics (tourism)	No impact.	No impact.	No impact.	No impact.	No impact.
Property damage	Property damage to structures would continue in direct proportion to the number of bison that leave the park.	Same as Alternative I.	No impact.	Fence would receive some damage from bison trying to leave the park.	Drift fences and pens would be damaged to some degree by bison.
Public safety	Bison could injure unsuspecting members of the public outside the park.	Same as Alternative I.	Possible harm to personnel during the removal process.	No impact.	Possible injury to NPS and Montana game wardens handling mature wild bison during herding and penning process.