

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

March 19, 1985

The thirteenth meeting of the Senate Fish and Game Committee was called to order at 1:00 P.M. on March 19, 1985 by Chairman Max Conover in Room 402 of the Capitol Building.

ROLL CALL: All members were present at roll call.

CONSIDERATION OF HB 734: Representative Grady, District 47, chief sponsor, said this bill originated from a bill that was passed last session on A-7 cow elk tags. The A-7 cow elk tags have never been used because of the form the bill was written. This bill gives the Department the ability to administer the A-7 cow elk permit. This will make it so that an A-7 tag can be turned in for a regular either sex tag if the user finds that he doesn't have a place to hunt in this district. The holder of this tag will have to shoot a cow elk. The either sex permit is not doing the job on the game. With this tag there will be a larger percent of cow elk killed, there will be less hunters in the field and less impact on the land owners.

Robert VanDerVere supports this bill. He feels this bill will really help ranchers who have game problems.

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

Dan Heinz, Montana Wildlife Federation, strongly supports this bill.

There were no opponents and no questions from the committee.

Representative Grady closed by stating this is another tool to encourage a good landowner, sportsman relationship.

ACTION ON HB 734: Senator Lane made a MOTION THAT HB 734 BE CONCURRED IN. The motion passed unanimously.

CONSIDERATION OF HB 692: Representative Moore, District 65, chief sponsor, said this bill was presented at the request of the Montana Trappers Association. This will allow young people to learn responsibility early with regard to the trapping of their own furs as well as selling their own furs. With the youth trapping license they will be able to sell their own furs which they are not allowed to do now.

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Chairman Conover opened the hearing for proponents.

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

Dan Heinz, Montana Wildlife Federation, supports this bill.

Robert VanDerVere rose in support of this bill.

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

Senator Jacobson asked if a six year old could really trap.

Representative Moore said they start out early with muskrat. Children are not allowed to trap for quota animals.

Senator Smith said he started trapping when he was six or seven years old with weasel and muskrat.

ACTION ON HB 692: Senator Severson made a MOTION THAT HB 692 BE CONCURRED IN. The motion passed unanimously.

CONSIDERATION OF HB 167: Representative Asay, District 27, chief sponsor, said this bill will change the date for registration of a motor boat from April 30 to December 31. This will make it more simple for them to license their boat and trailer at the same time.

Chairman Conover opened the hearing for proponents.

Charles Graveley supports this bill. He said the bill was introduced at the request of the Treasurer's Association. There were some valid objections from the snowmobilers so they were amended out of the bill.

There were no opponents and no questions from the committee.

Representative Asay closed with the request that this bill be concurred in.

ACTION ON HB 167: Senator Severson made a motion that HB 167 BE CONCURRED IN. The motion passed unanimously.

FURTHER CONSIDERATION OF HB 763: Senator Severson said Mr. Flynn has researched the law and asked him to explain to the committee what he has found out.

Mr. Flynn said that Senator Severson, Senator Lane and representatives of the proponents of this bill met and discussed the pros and cons of this measure. We explored the possibility that the director may have authority to establish a hunt to address the concerns of the proponents of the bill that the Department not harvest the buffalo. He consulted with his legal counsel and there is a statute on the books, 87-5-303, which allows, according to the attorney, the Department to establish by rule the manner in which licenses could be issued and to whom they would be issued for a special buffalo hunt. We would have the ability to set up a drawing and anybody interested would have to be put on a 12 hour call. If we do it this way there would be a \$2 drawing fee for people to apply but there would be no charge for the permit. The Department would prefer this step because they would still like to maintain the momentum of getting the park service to address this problem. He would not want the park service to think that the special hunting of buffalo would mean that they do not have to think or spend any more time addressing the control of the buffalo within the park boundary. If this legislation does not pass we will be allowed to keep the pressure on the park service to manage this problem. If the negotiations do not succeed, we could go into the rule making process and by January and February of next year could have the procedure in place to have the hunters harvest the animals.

Senator Severson said if there was a drawing and hunting allowed, it would be a supervised hunt by Fish and Game personnel.

Mr. Flynn said it is fairly well understood throughout this process that if the legislation is passed it would have to be a hunt with a lot of Department involvement with the sportsmen and a lot of cooperation between the landowners. They, of course, would not be involved in taking care of the animal after it is killed.

Senator Yellowtail asked for clarification on the fee.

Mr. Flynn said the bill established a buffalo license and a fee. The only way that we can establish such a license without the legislation is through a drawing process and it is a \$2 fee on the statutes for such a drawing.

Senator Smith said they you would have a drawing and draw those names so that those people would know ahead of time that they could be called.

Mr. Flynn said what he thinks they would have to do would be to impress upon the applicants that they would have to be available within 18 hours.

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Senator Smith asked if this would be open only to residents or would nonresidents have this opportunity.

Mr. Flynn said that is a question he hasn't looked into. We may have to offer it to nonresidents but the time factor for availability will probably prevent any nonresidents from applying.

Senator Jacobson said what you are saying is that you will exercise your rule making authority to set this up. We shouldn't pass this bill and you would be willing to forego the license fees in order to keep it off the books. The people at Yellowstone Park are not going to bring hunters in to harvest the animals. You are waiving the fees that the Department would get to pay for your expenses.

Mr. Flynn said until the legislature acts there is no policy in the state of Montana that favors the hunting of bison. He would like to continue the talks with the park service before the legislature makes a statement. If we are unsuccessful in 1987 we could very easily be a proponent of hunting bison.

Senator Jacobson asked how long they have been negotiating with the park service.

Mr. Flynn said the last go round started 18 months ago and to date has consisted of four meetings. The last meeting we got the commitment that they would put out an environmental assessment.

Senator Jacobson said the environmental assessment says they are in favor of Montana hunting the buffalo.

Mr. Flynn said if we do not have the authority to do that, that is not an option.

Senator Jacobson said but you do have the authority.

Mr. Flynn said there is no set policy saying that there shall be a buffalo hunt.

Senator Conover said your problem is not going to go away, it will only increase.

Mr. Flynn said the Yellowstone Park problem will increase unless the herd is managed within the park boundary. The hunt is not a solution. The passage of this legislation will lessen the ability for the state of Montana to go in and get the park service to face up to the reality of the situation. The brucellosis problem has been a deep concern by the Department of Livestock and Department of Fish, Wildlife and Parks.

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Senator Severson said the only thing the Department is asking for is time to try to finalize the negotiations. He does not think that killing the bill will stop a hunt early next year.

Mr. Flynn said we have the authority we need if in 1986 some buffalo come out to have the sportsmen harvest them.

Senator Jacobson does not see the Department using their rules unless they are absolutely pushed into the corner.

Mr. Flynn said he would implement the rules in November for a special hunt if the negotiations are not successful.

Senator Yellowtail asked what will happen to the buffalo that come out of the park in the meantime.

Mr. Flynn said this bill will be passed in 1987. If this bill is passed this session there won't be any changes in the next three or four months regardless.

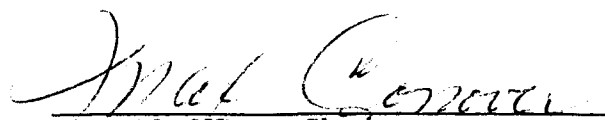
Senator Smith said no matter what we do we will not resolve the problem now. He said that he felt Mr. Flynn has assured the committee that if he doesn't get something done with the park service then he will implement the rules for the hunt.

Senator Severson made a motion to table the bill.

Senator Smith suggested holding the bill until our next hearing and the sportsmen from the Wildlife Federation and Mr. Flynn can resolve this without a lot of controversy.

Senator Severson withdrew his motion.

ADJOURNMENT: The meeting adjourned at 2:05 P.M.


MAX CONOVER, Chairman

MC/ah

ROLL CALL

SENATE FISH AND GAME COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 3/19/85

SENATE
SEAT

#

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

Each day attach to minutes.

EXHIBIT 1

HB 734

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

March 19, 1985

This legislation is amending a new license class which was established last session. The philosophy behind that legislation as well as what is in HB 734 is to assure the taking of a cow elk by a permit holder as well as to better ensure the person who wants to take a cow elk that he can secure a permit to do so.

In the way of background, I would point out that our harvest surveys indicate approximately 90% of the individuals who have antlerless permits and who are successful during the season have harvested an antlerless elk.

This same survey indicates that about 4% of all bulls harvested statewide are taken by sportsmen with an elk antlerless permit.

Under present circumstances, the department can and does use a variety of mechanisms to harvest antlerless elk as population control measures, primarily to address game damage situations.

For example, permit holders for a given area are contacted to see if their permits have been filled and if not they are authorized to use their permits for a given area at a certain time. If no permit holders are available, we contact unsuccessful applicants who have not harvested an elk and authorize them to take an antlerless elk.

The A-7 license was established to provide the department with another tool to assure an adequate harvest of antlerless elk. Although established in 1983, it has not been used to date.

This lack of use has primarily been because of the original language in the law. Under that language, the A-7 holder could not hunt elk anywhere except the area in which the license was valid.

While we had some areas we wished to try, the landowners would not agree to allow the permit holders the opportunity to hunt. As a result, no licenses were issued. We did not feel it appropriate to issue a license that likely could not be used and felt few, if any, sportsmen would apply for it if we did.

HB 734 attempts to correct those situations. It allows for the issuance of the A-7 license and that it can be exchanged for an A-5 license if reasonable access is not allowed.

EXHIBIT 2

HB 692

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

March 19, 1985

HB 692 establishes a new class of trappers' license for young people ages 6 through 14. At the present time this age group does not have its own license requirement.

The Montana Trappers Association discussed this legislation with the department prior to the session, and while it is not our policy to expand our licensing authority, we would be willing to administer and enforce such a license if the legislature should consider it favorably.

STANDING COMMITTEE REPORT

March 19,

19 85

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **734**

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color

(CONOVER WILL CARRY)

**CLASS A-5 ELK TAG PREREQUISITE FOR ANTERLESS ELK TAG AND
RESTRICTED USE**

Respectfully report as follows: That **HOUSE BILL** No. **734**

BE CONCURRED IN

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MAX CONOVER,

Chairman.

STANDING COMMITTEE REPORT

March 19,

19 85

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **692**

third reading copy (blue)
color

(SMITH WILL CARRY)

CREATES A YOUTH TRAPPING LICENSE

Respectfully report as follows: That **HOUSE BILL** No. **692**

BE CONCURRED IN

~~BOOKS~~

~~BOOKS~~

MAX CONOVER,

Chairman.

STANDING COMMITTEE REPORT

March 19,

35

19.....

MR. PRESIDENT

SENATE FISH AND GAME

We, your committee on.....

HOUSE BILL

No. **167**

having had under consideration.....

third reading copy (blue)
color

(JACOBSON WILL CARRY)

REVISE REGISTRATION PERIODS FOR SNOWMOBILES AND MOTORBOATS

HOUSE BILL

No. **167**

Respectfully report as follows: That.....

BE CONCURRED IN

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MAX CONOVER,

Chairman.