

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
HOUSE OF REPRESENTATIVES
50TH LEGISLATIVE SESSION

The meeting of the Fish and Game Committee was called to order by Chairman Orval Ellison on January 15, 1987, at 1:00 p.m. in Room 312 of the State Capitol.

ROLL CALL: All committee members were present, with the exception of Rep. Pavlovich who was excused by the Vice-Chairman.

HOUSE BILL NO. 131: Rep. Orval Ellison, District #81, sponsor of the bill stated in the past, fish hatcheries have disposed of surplus eggs. The former fish and game attorney did not believe the statute would allow the selling of these surplus eggs from the state hatchery. However, the present attorney has reversed the decision. Rep. Ellison emphasized HB 131 simply clarifies the department does have authority to sell surplus eggs, when they have surplus, which most of the time, they don't. HB 131 allows the disposing of surplus eggs, when they are usable.

PROPONENTS: Jim Flynn, Director, Department of Fish, Wildlife and Parks submitted testimony (Exhibit 1). He stated they produce only enough eggs to supply their requirements, and to trade with other state or federal hatcheries. Surplus eggs are normally destroyed, however, these eggs could be made available for sale to private operators with restrictions. DFWP does not want private hatcheries to develop a dependency on them as an egg source. It would be best that the eggs be purchased from instate private hatcheries when a disease-free source is available. Disposing of surplus eggs through state surplus property procedures is not an option, because fish eggs are perishable and cannot be warehoused. No sale of surplus eggs would occur when sufficient disease-free eggs are available from private sources instate.

OPPONENTS: Robert Van Der Vere, a concerned citizen lobbyist, stated the sale of these excess eggs scares him. He feels we might be setting ourselves up for a lawsuit, if we sell diseased eggs out of state, and feels we'd be taking a chance doing this.

Tony Schoonen, member, Montana Wildlife Federation, stated he did not understand all the ramifications of the bill, but felt there may be drawbacks if there are not enough restrictions put on eggs going to private hatcheries. Also, on occasion, the eggs are sold to individuals, rather than private hatcheries. He suggested the restrictions be thought over carefully, if the bill is passed.

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

Rep. Phillips didn't understand Mr. Van Der Vere's concerns, asking if he feels the department is using diseased eggs.

Mr. Van Der Vere stated he did not say the department was using diseased eggs, merely the department and the state can handle these eggs, but if they sell them outside the state, we could get into trouble. If perchance, the eggs became diseased in transit, we could be looking at a lawsuit.

Rep. Ream asked Mr. Flynn if the department was concerned regarding liability when sending these eggs out of state.

Mr. Flynn stated the department, within the hatchery bureau, spends a fair amount of their budget on fish culture and a great deal of time insuring these eggs in the hatchery system are disease free. The system is not 100%, since from time to time we do get disease into our stock, but these problems are immediately identified and corrected. The chance of diseased eggs coming out of our hatchery system is extremely remote, and we have no concern about liability.

Rep. Jenkins asked Mr. Flynn if the department supplies other states and federal agencies with surplus eggs.

Mr. Flynn stated yes, giving an example as if, in another part of the state, they are short some type of egg, and it requires going to another state having an abundance of the certain type of egg they need, then a trade is made, depending on what abundance is on hand at the time.

Rep. Grady asked Mr. Flynn why there was no fiscal note with the bill, what the eggs are worth, and what is done with the money.

Mr. Flynn stated no major quantity of money is being discussed. DFWP does not anticipate having eggs on an annual basis. When supply from private suppliers gets short and the department has excess eggs, and when the two coincide, we would sell these excess eggs. The money received would make no major difference in our budget, however, it would go into the General Revenue Fund and reside there for distribution by the next Legislature.

Rep. Grady stated wouldn't it be better to put the money back into the fish hatcheries or the DFWP, and could this be done now, or would it take legislative action or an amendment to the bill.

Mr. Flynn stated it would take an amendment to have the money earmarked, and suggested that when you start earmarking funds, you have another bookkeeping procedure that has a cost of its own. This could be more than the amount collected.

Rep. Rapp-Svrcek asked what the eggs are worth.

Rep. Ellison stated they are worth \$10 a thousand. He then reiterated HB 131 states excess eggs and if the committee determines they want to limit sale of the eggs to private hatcheries in the state, this would be fine. He then urged support for HB 131.

Hearing closed on HB 131.

HOUSE BILL NO. 104: Rep. Fritz Daily, District #69, sponsor of the bill stated HB 104 provides for a drawing on the 17,000 Class B-10 out-of-state hunting licenses. It requires persons who request an application for an out-of-state permit to designate whether they want to hunt with or without an outfitter and guide. After receiving the licenses, DFWP division takes the applications and distributes the number of licenses based on percentages of people who chose to hunt by themselves or to hunt with an outfitter or guide. Rep. Daily passed out amendments to HB 104 (Exhibit 2). The most important amendment requires the DFWP division to establish a party drawing of permits, so if a party wants to hunt together, they all have to submit together. If one gets picked, they all do. If one does not, they all do not. This insures hunting together, giving everyone an equal chance regarding out-of-state hunting licenses. It also guarantees outfitters and guides a certain share of those permits, they being an important industry to this state. The present first come, first serve system, is not a fair system and HB 104 addresses this and proposes possible alternatives.

PROPONENTS: Emily Swanson representing the Montana Wildlife Federation submitted testimony (Exhibit 3). She stated since a limit of 17,000 was set on the number of non-resident licenses, a demand for licenses has increased. In 1986, DFWP instituted a new procedure for allocation of licenses to improve the equity by which they were sold. They removed a policy allowing individuals to pick up license in person, staggered the mail allowing applicants an equal chance to get their application in to the department, and kept a first come first serve license system. They also established a "set-aside" of one third the licenses for clients of outfitters, guaranteeing people who wished to hunt with an outfitter a license and making the odds for getting one much less for people who did not want to hunt with an outfitter. MWF urges the committee to favorably consider passage of HB 104.

Jeanne Klobnak representing the Montana Wildlife Federation submitted testimony (Exhibit 4.) MWF feels HB 104 is a fair and equitable compromise. Although it allows for no preferential treatment of a specialized group of hunters, it acknowledges the importance of Montana's outfitting industry. Montana is moving toward fee hunting and fee access, however, MWF is opposed and concerned about the ramifications of institutionalizing a system of preferential treatment which embraces this shift. setting aside 5,600 B-10 licenses to benefit

In setting aside 5,600 B-10 licenses to benefit a specific user group, DFWP created a subsidy without the consent of those paying the bill to manage that subsidy, mainly, the Montana resident hunter and non-resident hunter. Practical affects of guaranteeing the outfitting industry a set-aside number of licenses provides them incentive to aggressively lease lands. Providing preferential treatment to a privileged few by setting aside a guaranteed number moves Montana toward acceptance of fee hunting and fee access.

Ron Collins representing the Montana Outfitters and Guides explained what HB 104 does to the individual who cannot afford a guided hunt. By establishing a set-aside, we favor the rich. Meaning if you want to hunt in the state of Montana, you will have to hunt with a guide. It should be the choice of the individual to hunt with or without a guide or outfitter.

Tony Schoonen, member, Montana Wildlife Federation, stated as a concerned sportsman, he feels the set aside established a few years ago seemed to have created a monster when we cater this 5,600 to a privileged few. Granted, the outfitters and guides are a group bringing money to the state, however, it could be better regulated. The outfitters have gotten greedy, requiring better control. Resources in Montana are limited and we shouldn't cater to the rich. It's unbelievable that almost anyone can get a guide and outfitters license. This, in itself, is a weakness of the system.

Jim Clausen representing the Western Montana Fish and Game in Missoula stood in support of HB 104.

Gary Sturum representing the Prickly Pear Sportsman Association stated their membership supports HB 104 because it is fair and see no advantage to the resident hunter in making the outfitter industry in Montana any better than it is.

Bill Holdorf representing the Skyline Sportsman Association in Butte stated their group supports HB 104.

Rick Yearry, a Helena resident, stated he's recently moved to Montana from Arizona and has family in Arizona that enjoy Montana and hunt on the out-of-state permits. The last few years, they have not drawn a permit, and he would like to see them have an equal chance to draw these permits.

Emily Swanson representing the Montana Wildlife Federation submitted testimony for Pat Simmons (Exhibit 5). Ms. Swanson then summarized testimony of Pat Simmons stating Ms. Simmons, Treasurer, took the time to read the letters written to the department assessing this change to make recommendations. Her testimony summarizes the results of those letters. A majority stood in opposition to the change, with the biggest issue being the set-aside.

Rep. Pavlovich, co-sponsor of the bill, stated he has friends in Salmon, Idaho, and through the mailing process, they receive their letters three days later than residents in Baton Rouge, Louisiana. Consequently, through this process, they do not stand a chance where the staggered system is concerned for getting a big game license.

Don Siliski representing the Rosebud/Treasure County Wildlife Association stated his organization supports HB 104, however, they have difficulty understanding the situation involving 1,200 outfitters and guides in the state that currently seem to control the special benefits over approximately 150,000 resident hunters. We are more directly impacted by the outfitting business in Eastern Montana because we depend almost entirely on private land.

OPPONENTS: Jim Flynn, Director, Department of Fish, Wildlife and Parks submitted testimony (Exhibit 6.) He stated there are a number of factors which exist by our licensing system not recognized in HB 104. To better understand the current system, he gave a brief historical perspective. DFWP feels that a set-aside is needed and just as important, that set-aside need to be a fixed number. In addition to establishing the number of licenses for a set-aside, HB 104 addresses the subject of a drawing in issuing licenses. In 1985, DFWP did not take action on selling the licenses on a drawing basis when we made the adjustment to a set-aside. The subject of a drawing has its own set of pluses and minuses, in hopes, the legislature indicates its desire on whether there non-resident licenses should be issued by a drawing basis. DFWP instigated the set-aside which is appropriate and addresses specific problems that need attention. We feel the set-aside should be a specific number subject to legislative review on a periodic basis and the method of arriving at a set-aside outlined in HB 104 is not the proper way to get that set-aside.

Henry Barron, Executive Director, Montana Outfitters and Guides submitted testimony (Exhibit 7). Mr. Barron referred to his handout summarizing client loss that occurs with the set-aside. Recently, MSU completed an economic impact study on the outfitting industry in Montana, showing \$1,487 more was spent by outfitted hunters than non-outfitted hunters. He stated HB 104 would mean a total loss of 438 jobs. Social affects of HB 104 reflect that unguided hunters spend 5.1 more days hunting in the state than do guided hunters. Guided hunters spend \$262 a day and unguided hunters spend \$86.40 per day. The economy in Montana speaks for itself and MOGA is interested in the economy. Businesses are going under every day, and MOGA opposed HB 104 to assure the 340 big game outfitters do not lose their jobs.

Smoke Elser, a Missoula resident, submitted testimony (Exhibit 8). He stated outfitters bring \$34 million annually to the state, and are a strong economic factor in Montana's tourism industry. We cannot afford jeopardizing this industry by imposing a lottery system, which would make it extremely difficult for an outfitter to maintain his present business status, if expected to rely on the chance of getting enough hunters to operate. Many outfitting businesses book non-resident hunters a year or more in advance. Clients who hunt in Montana annually, frequently make plans for the following year, and would often times leave a deposit. These deposits are spent in January, February and March, improving the winter-time economy. This spreads the tourist dollar over a twelve month period and brings income into communities at a time of year that can be economically slow.

Roland Cheek, an outfitter and guide, stated the outfitting industry does contribute to the state to advance tourism. He hopes the people involved see fit to continue some form of state funded promotions for advancement of tourism. The people who visit the state, usually return from year to year and cost us nothing in advertising and promotional dollars from either private or public sectors. HB 104 makes no provisions for these long-term people. Mr. Cheek submitted testimony (Exhibit 9).

Ron Curtiss, Vice President, Kalispell Outfitters and Guides submitted testimony (Exhibit 10). Mr. Curtiss addressed the fairness issue and felt HB 104 is not fair to licensed outfitters, landowner outfitters and doesn't even address the licensing concerns for the landowner outfitter. It's unfair to the landowners who count on income coming from the outfitters having leases for their lands. It's unfair to the resident merchants and farmers whom outfitters pay \$14 million a year to for goods, and those 438 resident Montanans' that may lose their jobs because of HB 104. The only people HB 104 is fair to is that non-resident that wants a cheap hunt in Montana. The Legislature is being asked to pass a law that does not benefit any Montanan, in fact, adversely affects all Montanans'.

Tag Rittel, President, Montana Outfitters and Guides submitted testimony (Exhibit 11). Mr. Rittel feels leasing the land is the right of the landowner and is up to him to lease the land to outfitters or not. In District #3, the outfitters, for the most part, are outfitted on federal land, with permits issued by the Forest Service.

Jack Shill, a resident outfitter, stated he has been in business for 15 years. The outfitting industry is his livelihood, and HB 104 would be the death of his business.

Kelly Flynn, rancher, stated they raise cattle, sheep, alfalfa hay and different grains. They also have a summer recreation business and hunting business.

Mr. Flynn emphasized over the past six years, they've had some very hard financial times. Diversification has enabled them to keep going. Their hunting business is one way of diversification, and if HB 104 passes, it takes away something that has enabled them to keep going.

Vice Chairman Hanson stated it was the intention of the Chairman to keep these bills together for consideration with the other B-10 bills.

Rep. Grady asked Mr. Flynn when setting the 17,000, we need to keep in mind what our wildlife population can handle, especially knowing that deer and elk numbers are increasing. In Mr. Flynn's estimation, does he feel the 17,000 could increase without affecting the wildlife population.

Mr. Flynn stated there are other bills coming that deal with increasing the number of licenses available, and it's the opinion of the department that we would be able to handle more non-resident hunters in the state.

Rep. Grady asked Jeanne Klobnak about her reference to "locking up the lands." Private land is being leased by outfitters who take in resident as well as non-resident hunters, and he wanted to know if she was aware of this.

Ms. Klobnak stated she is aware of this, but questions whether a fee is being charged to the resident hunter who's able to gain access to that leased land.

Rep. Grady stated the agricultural business is down, and the interest now is to try to find a way to diversify and survive. Some landowners have done just this, in leasing their land, as a way of surviving. It's another alternative those in agriculture have. It's the landowner's business if they want to lease their land.

Jeanne Klobnak stated MWF does not oppose the leasing of lands, they oppose when this land is leased, access to the resident hunter is often excluded. Many of the lands being leased border public land, thereby, access to that public land is blocked. They encourage leasing, in some instances, of private land by the DFWP and thus, insuring access to those private lands by the resident hunter and non-resident hunter or outfitter.

Rep. Grady asked Mr. Barron how he arrived at the figures regarding guided hunters spending \$262 a day versus unguided hunters who spend \$86.40. It seems the unguided hunters end up spending more, because they spend more days in Montana hunting.

Mr. Barron stated in MSU's impact study, they randomly picked non-resident hunters from outfitter reports, and this proved the amount differences, and might better be explained as the guided hunters pay a fee to the outfitter to hunt, whereas the unguided hunter does not.

Rep. Jenkins asked Ms. Swanson if she alluded to the set-aside being illegal or unconstitutional, and has there been a court case involving this.

Ms. Swanson stated MWF raised the question if it was unconstitutional by being discriminatory and submitted a court case asking for an injunction against the issuing of licenses with a set-aside. The injunction was not given, if fact, when the case went before the judge, he would not give a decision, stating it had been done. The substance of that issue has never been given a court decision.

Mr. Flynn then added to this stating in the court action MWF brought against the department, the judge indicated the process DFWP went through to arrive at the set-aside was within the standards of state law, being legal. The judge further offered an opinion feeling the situation was fair and reasonable.

Jeanne Klobnak stated she would leave a copy of the Montana Stockgrower's Landowner Management Opportunities and results of surveys for the committee (Exhibit 13).

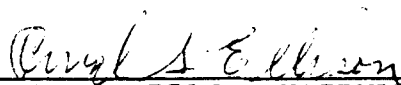
Rep. Phillips asked Mr. Flynn how the party drawings work.

Mr. Flynn stated presently, they do offer the party drawing for non-resident hunters. A group of individuals submit applications in the same envelope, mail then to the department and they enter into the drawing. If the envelope is picked, all included receive a license, if it is not picked no one receives a license.

Rep. Daily closed stating the whole process is a problem, and this is a important decision that needs to be made. He feels we have quality hunting and that's why the outfitters and guides are as successful as they are as well as the people in Montana who hunt are as successful as they are. We have a good hunting population which we need to preserve. We don't want to open up the opportunity for another lawsuit down the road, or suddenly have a judge decide everyone in the U.S. can hunt in Montana without having any control over it. We need to consider very carefully before we make any decisions.

Hearing closed on HB 104.

ADJOURNMENT: Being no further business to come before the committee, the meeting was adjourned at 2:40 p.m.


ORVAL ELLISON, CHAIRMAN

DAILY ROLL CALL

WISH & GAME

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan 15, 1987

NAME	PRESENT	ABSENT	EXCUSED
ORVAL ELLISON, CHAIRMAN	x		
MARIAN HANSON, VICE CHAIRMAN	x		
RAY BRANDEWIE	x		
TOM BULGER	x		
JOHN COBB	x		
FRITZ DAILY	x		
GENE DEMARS	x		
JERRY DRISCOLL	x		
LEO GIACOMETTO	x		
ED GRADY	x		
LOREN JENKINS	x		
VERNON KELLER	x		
JANET MOORE	x		
BOB PAVLOVICH			x
MARY LOU PETERSON	x		
JOHN PHILLIPS	x		
PAUL RAPP-SVRCEK	x		
BOB REAM	x		
STAFF: DAVE COGLEY			

STANDING COMMITTEE REPORT

JANUARY 22, 1997

19

Mr. Speaker: We, the committee on FISH AND GAME

report HB 131

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

REP. ORVAL ELLISON

Chairman

"AN ACT TO PROVIDE AUTHORITY FOR THE DEPARTMENT OF FISH, WILDLIFE,
AND PARKS TO SELL EXCESS FISH EGGS; AND AMENDING SECTION 37-4-601,
MCA."

FIRST

reading copy (WHITE)
color

HB 131
1-15-87
131 ELLISON

HB 131
January 14, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

In general the Department of Fish, Wildlife and Parks produces only enough eggs to supply our requirements plus those we use for trading with other state or federal hatcheries. Occasionally we have surplus eggs which are normally destroyed.

These eggs could be made available for sale to private operators with some suggested restrictions. The department does not want private hatcheries to develop a dependency on us as an egg source supplier. We would prefer that eggs be purchased from instate private hatcheries when a disease-free source is available. In the event eggs from private sources are unavailable and depending upon a surplus from our agency we should have the authority to sell them. Disposing of surplus eggs through the state surplus property procedure is not an option because fish eggs are perishable and cannot be warehoused.

We would not sell surplus eggs when sufficient disease-free eggs are available from private sources in-state. We support this bill.

House Bill No. 104

Amend Introduced Bill

EXHIBIT 2
DATE 1 15 87
HB 104 DAILY

1. Page 2, line 12.

Following: "department"

Insert: "providing for apportionment of licenses as required by this section"

2. Page 2, line 14.

Following: line 13

Insert: "(5) The department shall provide for party drawings, with up to four applications drawn together, for applicants so requesting."

MONTANA WILDLIFE FEDERATION

Testimony on HB104
January 15, 1987

Mr. Chairman, members of the House Fish and Game Committee:

My name is Emily Swanson, and I represent the 4,600 members of the Montana Wildlife Federation and its sixteen clubs throughout Montana. I am here today in support of HB104, a bill which has been in the making for over a year now. I want to give you a little background as to why this bill has come before you today.

In 1975, the Montana legislature set a limit of 17,000 on the number of nonresident big game combination licenses available for sale. Since that time, demand for those licenses has increased dramatically until in 1985, the licenses sold out within six days. In 1986, the Department of Fish Wildlife and Parks instituted a new procedure for allocation of these licenses to improve the equity by which they were sold. They did away with a policy of allowing individuals to pick up licenses in person, staggered the mail to allow applicants an equal chance to get their application in to the department, and kept a first come first serve license system. In addition, they established a "set-aside" of one third of the licenses for clients of outfitters, in effect guaranteeing those people who wished to hunt with an outfitter a license and making the odds for getting one much less for those people who did not want to hunt with an outfitter. The Montana Wildlife Federation objected to that last provision, feeling that it was unfair to those hunters who wanted to come to Montana on their own to hunt.

This issue has come to the legislature to resolve because of the controversy created over the system instituted in 1986. The Montana Wildlife Federation, which is composed both of resident and nonresident hunters, feels strongly that HB104 offers a longlasting solution which provides equal opportunity to all nonresident hunters applying to hunt in Montana and gives outfitters an advantage in licensing without compromising equity. The provisions of the bill which do this are as follow:

a) A drawing system takes the procedure out of the whims of the mail system which previously was a determining factor in a first come first served system.

b) A set-aside based on an annual tally of applicants intending to hunt with an outfitter gives outfitters incentive to market their services more effectively.

c) A provision for parties of up to four to be drawn together gives nonresidents a better planning tool.

d) Publishing a list of successful applicants provides outfitters with a marketing tool to aid their businesses.

The Montana Wildlife Federation urges this committee to favorably consider the passage of HB104.



EDUCATION - CONSERVATION

DATE 1-15-87
HB 104 Daily

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

P.O. Box 3526
Bozeman, MT 59715
(406) 587-1713

Testimony on HB 104

House Fish & Game Committee

January 15, 1987

Mr. Chairman, honorable members of the Committee, my name is Jeanne Klobnak. I stand before you today on behalf of the Montana Wildlife Federation, in support of HB 104, as ammended by Representative Daily.

The Montana Wildlife Federation (MWF) is a non-profit conservation organization comprised of 4600 members, dedicated to promoting wildlife, wildlife habitat and sportsmen's interests.

HB 104 is a fair and equitable compromise. Although it allows for no preferential treatment of a specialized group of hunters, it does acknowledge the importance of Montana's outfitting industry.

Mr. Chairman, in the past, both outfitted and non-outfitted sportsmen have enjoyed working together to promote issues that positively affect wildlife and sportsmen's interests. Disappointingly, today that is not the case.

We would ask, however, that the committee not consider HB 104 as an attack on the outfitting industry. Rather it is an alternative to a decision which advocates preferential treatment of a small number of individuals within our state.

Montana is moving increasingly toward fee hunting and fee access. MWF is ethically opposed and extreemly concerned about the ramifications of institutionalizing a system of preferential treatment which embraces this shift. We are begining to see many special interest proposals regarding the allocation of non-resident B-10 licenses.

Some proposals indicate that it would be easiest to alleviate the B-10 allocation by removing the cap on or increasing the available number of such licenses. MWF does not at this time agree with such a solution. Presently, it is within the best interest of the current wildlife populations and hunter opportunity to work within the 17,000 limitation, until further biological information is available.

In settin aside 5600 B-10 licenses for the benefit of a specific user group, FWP has created a subsidy without the consent of all those who pay the bill to manage that subsidy -- namely, the Montana resident hunter and the non-resident hunter. One is forced to question the ethical approach to such a decision.

THE WEALTH OF THE NATION IS IN ITS NATURAL RESOURCES

1/15/87

HB 104

The practical effects of guaranteeing the outfitting industry a set aside number of licenses is this. It provides them an incentive to aggressively lease lands. In many instances, this means blocking up access to public lands, and therefore effectively controlling certain game herds upon those lands, particularly elk. There are more outfitters operating in Region 3 alone then in the states of both Alaska and Idaho combined!

Again, this leads back to the underlying issue of fee hunting and fee access in the state of Montana.

Hunting has always been an individual right and a family tradition in Montana. Locking up lands removes this traditional right. What equity is there in setting aside a guaranteed number of licenses for a few privileged individual non-residents? Even the resident hunters must draw for an elk permit.

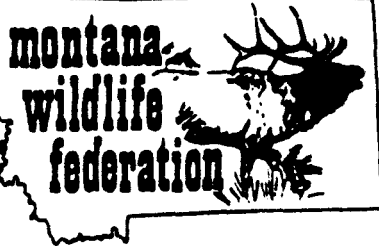
We are here not to denounce the outfitting industry, but to ask that the Committee step back from the debate for a moment, and in your wisdom, carefully determine whether or not we as a state are moving in a direction which is acceptable to us all. We are on the threshold of a major change in ethics within Montana.

It is not the first time in which we've looked to our wildlife populations to quench our economic hunger pains.

Standing at the foot of the Buffalo jump near Bozeman, the ghosts of the past are hardly recognized today. Yet the commercialization of our trophy wildlife populations is obvious. It is not surprizing that Montana is tempted to rapidly move toward fee hunting and fee access. If this is our course, will our grandchildren be paying their neighbors to hunt?

Providing preferential treatment to a privileged few by setting aside a guaranteed number of B-10 licenses moves Montana toward a blatant acceptance of fee hunting and fee access.

The Montana Wildlife Federation would urge that this committee do pass HB 104 as the only reasonable compromise to the B-10 licensing program. Thankyou.



Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

P.O. Box 3526
Bozeman, MT 59715
(406) 587-1713

January 15, 1987

I am Pat Simmons, Treasurer of the Montana Wildlife Federation from Bozeman. As you have heard, a set aside of 5,600 licenses for guided hunters has been used for non resident licensing in 1986 and will be used in 1987. When the idea of a set aside was first proposed by the Department of Fish, Wildlife & Parks in the fall of 1985, they requested public input. The Department received 292 letters from resident and non residents. I came to Helena in December of 1985 and read and made notes on every letter received. I found that a slight majority of the letters opposed the set aside idea. But in that group were 13 organizations each representing many sportsmen, making the opposition even larger than merely the number of letters. This clearly indicates that Montana sportsmen dislike preferential treatment toward any class of citizen and it results in the fear that wildlife will be privatized. Also included in the opposition were 5 Dept of Fish, Wildlife & Parks staff member letters. Jerry Brown, Wildlife Biologist asked in his letter "Why should we obligate our Department to subsidizing the outfitting industry, when it is the license purchaser not the outfitter that supports the major function of this Department. License sale records over the past several years indicate that demand for non resident licenses strongly exceeds the supply (17,000). I am confident that the demand would remain high even without the outfitting industry. Quite frankly we do not need outfitters to help us sell 17,000 non resident licenses... The only equitable solution to this situation is through a drawing where all nonresident applicants are treated equally."

Another person who wrote, was an outfitter, John Costello of West Yellowstone. He asked "Where does it say that you have any responsibility for economic gain or survival of the outfitter? The outfitting business is part of the free enterprise system under which we live and should not need the protection nor the assistance of the Department."

In summary the reasons most often cited for opposing the block were:

- unfair and discriminatory because it practically guarantees licenses to guides and outfitters
 - may be illegal or unconstitutional
 - encourages fee hunting
 - helps the wealthy hunter who can afford an outfitter thus the monetization of wildlife
 - sets a precedent for other groups wanting special blocks for themselves such as landowners, which request has already been made by Michael Curran
 - it is subsidizing one special interest group and discriminating against other tourist businesses such as motels, restaurants, sporting good shops, gas stations, bars, horse rentals, car rentals, and
 - artifically tinkers with the law of supply and demand
- Irregardless of this widespread opposition from its constituents, the Department imposed the 5,600 set aside rather than a lottery.

Almost all of the funding of the fish and wildlife parts of the Department of Fish, Wildlife and Parks comes from the sportsmen through licenses and federal taxes - there is no general fund support. The purpose of the Department is to manage the wildlife and fishery resources and to regulate the sports of hunting and fishing. Fostering and providing stability of private businesses is not a part of the Department responsibilities and is contrary to free enterprise concepts. It is discrimination against other businesses.

HB 104 is a result of the Montana Wildlife Federation compromising and trying to help the guides and outfitters. We are willing to sway from the most fair system - an overall lottery to a two part lottery. This system will return the non resident hunting license sales back into the private enterprise system. If outfitters do a good job of selling their services to prospective clients, they will be rewarded with more licenses and if they fail, they will get fewer. The drawing would put all applicants on an equal footing and remove the Department from a role of providing guaranteed customers for one interest group.

One final point is that, setting a certain number for the block in advance, such as the 5,600, is difficult to be fair. The system we have proposed in HB 104 lets the market determine the two groups - guided and non guided. In 1986, it took 17 days for the 5,600 licenses to sell, leaving only 17 unsuccessful guided applicants. The guided hunt success rate was 99.7%. For the balance of licenses, 11,400, they sold out the day of the sale and 5,002 applicants did not receive licenses, so a success ratio of only 69.5%. If HB 104 had been in place, 5,617 guided applicants represented 25.5% of the total applications of 22,019. So they would have received 4,335 licenses. Non guided applicants represented 74.5% or 12,665 of the 17,000. This is 1,265 more licenses than they actually received. The person who cannot afford or does not choose to hunt with a guide would be treated more fairly under HB 104.

Current Method - 1986:

Block 5,600 $5,600/5,617 = 99.7\%$ success rate
Balance 11,400 $11,400/16,402 = 69.5\%$ success rate

HB 104 - 1986:

Applications:

Guided	5,617	$25.5\% \times 17,000 =$	4,335
<u>Non guided</u>	<u>16,402</u>	$74.5\% \times 17,000 =$	<u>12,665</u>
Total	22,019	$100.0\% \times 17,000 =$	17,000

Guided $5,600 - 4,335 = 1,265$
Non guided $11,400 - 12,665 = (1,265)$

I hope you will all support HB 104. Thank you.

Pat Simmons

HB 104
January 15, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

There are a number of factors which exist by our licensing system and which are not recognized in HB 104. To gain a better understanding of the current system, I would give you a brief historical perspective of that system.

In 1976 when the State of Montana first began to sell nonresident licenses under the current limit of 17,000, the licenses were not completely sold out until after the hunting season had started. Since that first year, the licenses have sold out at an earlier date each year. This early sell out reached its peak in 1985 when all of the licenses were sold out on the first day they were available, and in fact, on that first day we had more applicants for licenses than we had licenses available.

As the licenses were sold out earlier and earlier each year, a number of nonresidents adopted the mechanism of using a Montana representative with that applicant's power of attorney to personally appear at the department on the day the licenses went on sale to purchase a license for that applicant. This practice had begun in 1981, and by 1985 had reached the point where some individuals were appearing at the department with power of attorney who had no connection with the applicant except that they were purchasing the license for the applicant for a fee.

This was unacceptable to the department and following the 1985 sale, we attempted to seek other means of selling the license which would preclude the possibility of purchasing licenses for a fee.

It is important to keep in mind that throughout the sale of the nonresident big game license and, in fact, throughout the recorded history of hunting in Montana, there have always been two types of nonresidents who wished to hunt in our state. One type is the individual who wishes to purchase his license and come to Montana to hunt on his own. The other type of individual is the one who wishes to purchase his license, secure the services of a licensed outfitter in the State of Montana, and come to Montana on a guided hunt.

This reality, being performed for decades, has created a service industry in Montana - that being the outfitting and guide industry. In our 1985 revamping of the licensing procedures, we attempted to address our primary concern, which was the manner in which the licenses were being sold and at the same to recognize the existence of a service industry which is an important part of our state's economy, as well as to acknowledge that there are two types of nonresidents who wish to hunt in Montana - those who wish to use the services of outfitters and those who do not.

In analyzing the factors which contributed to the unsatisfactory sale we had in 1985, the primary contributor to that dissatisfaction was the use of the power of attorney. The second factor was allowing the purchase of licenses in person the day the licenses went on sale.

The department decided to no longer accept the power of attorney and also to handle all applications through the mail service. There is no question that eliminating these two factors did away with the primary concern we had with individuals purchasing the licenses for a fee. However, in correcting that problem, we created another problem for the outfitting industry and also for those nonresidents who wished to hunt with an outfitter. To correct that problem, the department arrived at the set-aside concept.

In arriving at the number of 5600 for a set-aside, we took from our records the number of nonresidents who voluntarily had utilized the services of outfitters for the years 1982, '83, '84 and '85. We added those four years' totals and divided by four and came up with an annual average of about 5700. That number was reduced to 5600, which we felt was a reasonable figure to use for the set-aside.

We felt it was a reasonable figure because it was a four-year average that reflected the actual use of the outfitting industry by nonresidents during that time period.

In other words, that average for those years was what could be anticipated if the system had not developed to the point of early sell out and required us to sell licenses through the mail and eliminate the powers of attorney.

The department feels strongly that a set-aside is needed and just as important, that the set-aside needs to be a fixed number.

I have explained to you how we arrived at the number 5600, which we feel is a minimum which should be available. There is some justification for a higher number, and that point is debatable, but the procedure outlined in HB 104 does not, in our opinion, address the needs that exist.

As an example, I would point to the figures for 1986 and show what would have happened should HB 104 have been in effect and the 5600 set-aside not been in effect.

The total number of non-outfitted nonresident applications that the department received in 1986 was about 15,700. The total number of outfitter applications we received was approximately 5600, so we had approximately 21,300 total applications to

process. If we figure the proportion of the outfitter client applications with non-outfitting client applications and apply that to the 17,000 quota, we would have had a set-aside for those who wished to use the services of an outfitter of some 4400. As a result, those who wish to use an outfitter's services would have been eligible for approximately 1200 fewer licenses than they received with the 5600.

That figure of 4400 is different than the four-year averages for 1982, '83, '84 and '85, and in effect would have taken approximately 20% of the outfitting industry's clientele away and more important, would have reduced by 20% those nonresidents who wished to use the services of an outfitter.

For these reasons, the department cannot support the procedure for arriving at a set-aside outlined in HB 104.

In addition to establishing the number of licenses for a set-aside, HB 104 also addresses the subject of a drawing in issuing these licenses. The department in 1985 did not take any action on selling the licenses on a drawing basis when we made the adjustment to a set-aside. The subject of a drawing has its own set of pluses and minuses, and we would hope the legislature would indicate its desire on whether these nonresident licenses should be issued by a drawing basis.

The department is in a position to administer a drawing as well as to continue to administer the issuance of the license under our present first-come, first-served basis. Issuing the licenses by drawing has a certain amount of insecurity and drawback for the outfitting industry, as well as those nonresidents who wish to use the services of outfitters. However, the present first-come, first-served system with the staggered mailings also has built-in inequities that are of some concern to nonresidents in both classifications.

As I have indicated, the department can administer either program and would welcome legislative direction on that subject.

In summary, the department instigated the set-aside which we feel is appropriate and it addresses specific problems that do require attention. We feel that the set-aside should be a specific number that could be the subject of legislative review on a periodic basis and that the method for arriving at a set-aside outlined in HB 104 is not the proper way to arrive at the size of that set-aside.

I would also point out that the department will continue to issue a set-aside in the present manner until such time as the legislature has directed that we should not continue that practice.

Thank you.

Rhoda G. Cook
Executive Secretary



7
1-15 87
104 DAILY

P.O. Box 631
Hot Springs, MT 59845
Ph. (406) 741-2811

EFFECTS IF HB104 ON OUTFITTING INDUSTRY AND MONTANA ECONOMY BASED
ON 1986 LICENSE YEAR

21,343 Total Applicants

5,600 Guided Hunter Applicants

Guided Hunters equaled 26% of Total Applicants

26% of 17,000 Available Licenses = 4,420

Actual 1986 Guided Hunters - 5,600

HB104 Would Have Allowed - 4,420

Client Loss - 1,180

MSU Study On Economic Impact of the Outfitting Industry On
the State of Montana

\$1,487. Additional Dollars Spent By Outfitted Hunters

X 1,180 Clients Lost By Outfitters =

\$1,754,660 Dollars Lost To Montana

250 Jobs Result From Each One (1) Million Dollars Received
By Outfitters:

Total Jobs Lost Via HB104 - 438

Social Effects of HB104 On Montana As Disclosed By the
MSU Impact Study

Study: Unguided Hunters Spend 5.1 More Days
Hunting In Montana Than Do Guided
Hunters.

1,180 Additional Unguided Hunters

X 5.1

6,018 Additional Hunter Days In Montana

Study: Guided Hunters Spend \$262. Per Each Day
Spent In Montana

Unguided Hunters Spend \$86.40 Per Each
Day Spent In Montana

(8)
1.15.87
104 DAILY

OPPOSE HOUSE BILL # 104

The Montana outfitting industry presently brings over 34 million dollars into the state annually and is a strong economic factor in Montana's tourism industry. Outfitted hunters spend twice as much money in the state as non-outfitted hunters. We cannot afford to jeopardize this industry by imposing a lottery system on it. The lottery system would make it extremely difficult for an outfitter to maintain his present business status, if he has to rely on the chance of getting enough hunters to operate in any given year.

Many outfitting businesses book non-resident hunters a year or more in advance. Clients who hunt in Montana annually, frequently make plans with their outfitter for the following year while participating in this year's hunt. Before leaving Montana they quite often leave a deposit with their outfitter for the following year's hunt. Outfitters are scattered throughout much of Montana and generally reside in fairly small communities. These deposits are spent in these communities in January, February and March, thus improving the winter-time economy of these smaller communities. This system helps spread the tourist dollar over all twelve months of the year and brings some income into these communities at a time of year that is economically very slow.

The Montana Outfitters & Guides Association and I strongly oppose House Bill #104.

Mr. Chaitman, Members of the Committee. My name is Roland Cheek. I am an outfitter/guide who lives near Columbia Falls and a member of the Montana Outfitters Guides Association.

I would point out that the outfitting and guiding industry each year contributes eight hundred thousand dollars in private sector money to advance tourism in the state of Montana. This 800 thousand private sector dollars compares to 448 thousand in state travel & promotion advertising dollars last year.

I would submit you will be asked - and I hope you people will see fit - to continue some form of state funding for the advancement of tourism. But please note with HB104, the State of Montana or the outfitting industry might not benefit from those private sector advertising dollars.

Can we imagine, by comparison, our state tourism promotional agency spending 448 thousand dollars to attract tourists to the state, then placing those people into a lottery to see if, in fact, they can come at all?

One more point, with your indulgence - Montana has been blessed by having many friends return year-after-year to visit our state. Those people who do so are a tremendous resource to Montana. They love the Treasure State, appreciate its beauty and its people. They cherish our resources and can be counted upon to join us in protecting them. They contribute nothing in advertising ~~dollars~~ and promotional dollars from either the public or private sector. HB104 makes no provision for those long-time, long-term people.

I would recommend a do not pass HB104.

FAIRNESS ISSUE OF HB 104

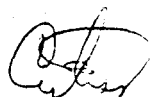
WHO IS HB 104 FAIR TO? IT'S NOT FAIR TO LICENSED OUTFITTERS, NOT FAIR TO LANDOWNER OUTFITTERS THAT AREN'T EVEN ADDRESSED IN HB 104, NOT FAIR TO LANDOWNERS WHO COUNT ON LAND LEASE PAYMENTS FROM OUTFITTERS FOR INCOME, NOT FAIR TO RESIDENT MERCHANTS AND FARMERS WHO RECEIVE 14 MILLION DOLLARS A YEAR FROM OUTFITTERS FOR FOOD AND OTHER ~~AND~~ SUPPLIES, IT'S NOT FAIR TO THE 438 RESIDENT MONTANANS WHO, ACCORDING TO PREVIOUS TESTIMONY WOULD HAVE LOST THEIR JOBS UNDER HB 104, IT'S NOT FAIR TO THOSE THAT WOULD BENEFIT FROM A STRONGER MONTANA ECONOMY BECAUSE UNDER HB 104 THE ECONOMY WOULD HAVE SUFFERED A 1.7 MILLION DOLLAR ANNUAL LOSS.

BUT WHO IS HB 104 FAIR TO?

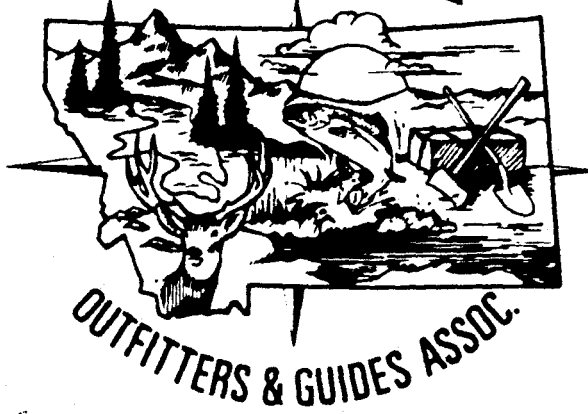
IT'S FAIR TO THE NON-RESIDENT THAT WANTS A CHEAP HUNT IN MONTANA, THAT WHO.

YOU FOLKS ARE BEING ASKED TO PASS A LAW THAT WILL NOT BENEFIT OUR MONTANA ... IN FACT WILL ADVERSELY EFFECT ALL MONTANANS A BILL THAT WILL COST MONTANA ~~ANNUALLY~~ 438 JOBS ~~ANNUALLY~~ AND WILL COST 1.7 MILLION DOLLARS ANNUALLY ... AND YOU ARE ASKED TO DO THIS IN FAVOR OF A NON-RESIDENT HUNTER THAT WANTS A CHEAP HUNT IN MONTANA.

I ENCOURAGE YOU TO KILL THIS BILL.

Ren 
KALISPELL, MT

MONTANA



TAG RITTEL,
President

Blacktail Ranch
Wolf Creek, MT
59648
Ph. (406) 235-4330

WE ARE AGAINST H.B. 104

AT THIS TIME ~~WE~~ ^{MTGA.} ONLY RECOGNIZE

2 LIC. SOLES ~~PROPOSALS~~ PROPOSALS —. H.B. 104

WOULD BE A ~~DEATH~~ ^{DEATH} FOR MONTANA AT THIS

TIME. WE RECOMMEND THE BILL BE
KILLED

Tag Rittel

I PERMITS ARE LIMITED ^{UP} TO 10% ONLY
FOR NON-RESIDENTS.

II LEASING LAND IS A RIGHT OF THE LANDOWNER.
III DISTRICT 3 OUTFITTER DIST. ALLOW FEDERAL
LANDS, WITH PERMITS ISSUED BY THE
FOREST SERVICE. A LARGE NUMBER IS ALSO
FISHING OR FISHING OUTFITTERS.

Ravalli County Fish & Wildlife Association

P. O. Box 938

HAMILTON, MONTANA 59840



January 12, 1987

EXHIBIT (12)

DATE 1-15-87

HB 104 DAILY

Orval Ellison, Chairman
Marian Hanson, Vice Chairman
Ray Brandewie
Tom Bulger
John Cobb
Fritz Daily
Gene DeMars
Jerry Driscoll
Leo Giacometto

Ed Grady
Loren Jenkins
Vernon Keller
Janet Moore
Bob Pavlovich
Mary Lou Peterson
John Phillips
Paul Rapp-Svrcek
Bob Ream

Mr. Chairman and members of the committee:

The Ravalli County Fish and Wildlife Association is in full support of HB 104, as ammended. This past year has clearly indicated that the 'first come - first served issuance of the nonresident Big Game Combination Licenses will not work. Whatever system is devised must treat all nonresidents equally and be flexible. HB 104 addresses both issues. In order to treat all nonresidents equally, both the 'guided' and 'non-guided' hunter must have a fair and equal chance in obtaining their license. The system set forth in HB 104 gives each sportsman an equal chance at obtaining a license.

Any type of fixed set aside, regardless of which group it may favor, is neither fair, nor flexible to meet the changing demands upon the system. HB 104 provides for a very flexible system to meet any change in composition of the nonresident hunting public.

The Ravalli County Fish and Wildlife Association urges your support of HB 104.

Sincerely yours,

David L. Majors
Vice President

Montana Stockgrower



Montana Stockgrowers Association ■ P.O. Box 1679 ■ Helena, MT 59624 ■ Vol. 13, No. 17, July-August, 1986

DATE 1-15-87
HB 104 DAILY

Landowner Management Opportunities Results of Survey

AUG 14 1986

CON. EDUC. DIV.

By John Lacey*

The Montana Stockgrowers Association and Montana State University recently completed a survey of stockgrowers. It was done to collect information on the identification and development of wildlife management opportunities on private land. This paper reports some of the results of the study.

Methods

A sample of 1,000 ranchers was randomly selected from the association's membership. A questionnaire was mailed to each rancher in early April, 1986. At the end of April, another copy of the questionnaire was sent to all ranchers who did not respond to the first mailing.

Questionnaires returned to MSU were separated on the basis of geographical areas (Figure 1). This made it possible to compare responses from five regions.

LANDOWNER MANAGEMENT OPPORTUNITIES RESULTS OF SURVEY

By: John Lacey*

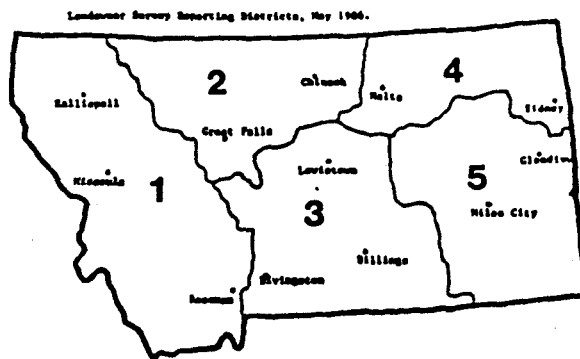
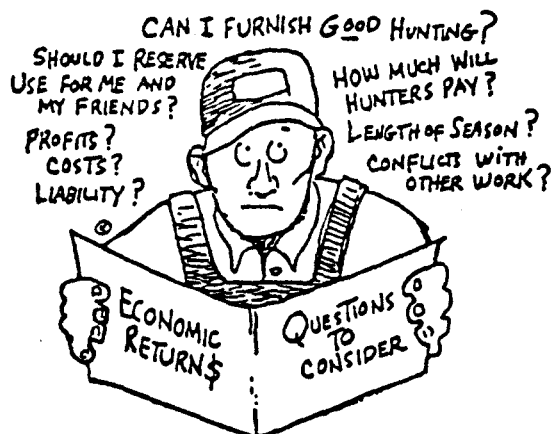


Figure 1
Landowner survey reporting regions, 1985 (1—Western; 2—Northcentral; 3—Southcentral; 4—Northeastern and 5—Southeastern).

Results

A total of 555 questionnaires were returned, of which 526 (53 percent of total sent) contained usable information. Few of the questionnaires were completely answered. Many respondents wrote that they "were unable to answer the questions because they did not know of any fees being charged in their area."

How common is leasing?

About 8 percent of the stockgrowers leased land to sportsmen. The percentage of landowners leasing land did not differ substantially between the west, northcentral, or southeastern areas. Leasing was most common in south-central, and least common in northeastern Montana.

The amount of land being leased to sportsmen has increased in the last ten years. In 1975, most of the landowners involved leased less than one-half of their ranch. However, by 1985, most

(Continued on Page 2)

(Continued from Page 1)

of the landowners involved leased more than one-half of their ranch. (Figure 2).

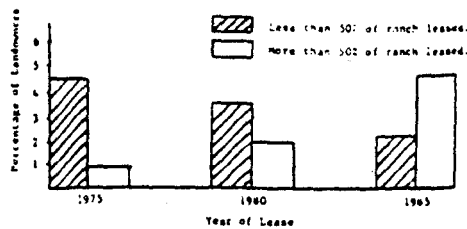


Figure 2

Percentage of landowners leasing land to sportsmen and percent of ranch involved in lease.

How is the leasing done?

Outfitters are involved with 35 percent of the leases. The remainder are divided between single hunters, hunting clubs and others. Most of the leases were for a specific hunting season. Others were for one year, until a given number of animals were harvested or for more than one year. Informal lease agreements were twice as common as written agreements. Some landowners reported that they used both written and informal agreements.

Eighty-seven percent of the landowners leasing land had insurance. About one-half had private insurance while the other half were covered by an outfitter's insurance policy.

How many big game animals are on ranches where landowners lease acres to sportsmen?

Big game populations were reported on most of the land where access fees are charged. The average herd ranged from 150 to 225 animals (Table 1). On most questionnaires, only two or three of the species were reported.

Which wildlife species is most important?

Respondents rated mule deer to have the highest potential economic importance (Table 2). Although elk rated very high in some parts of the state, they received a very low rating in those regions where they are not established.

Are improvements being implemented specifically to improve wildlife habitat?

Twenty-four percent of the landowners who lease land to sportsmen are aware of improvement practices

Table 1
Estimated average wildlife population on ranches where landowners charge access fees.

Kind	Number of Ranches Reported	Number of Animals	Number of Months on Ranch	AU	AUMs
Elk	30	160	6	.6	576
Mule Deer	34	225	9.1	.2	410
White Tail Deer	30	150	8.9	.2	267
Antelope	31	155	8.5	.2	264

Table 2
Perceived economic potential of wildlife landowners who charge fees

Kind	Percent of Respondents		
	Very Important	Fairly Important	Unimportant
Elk	74	7	19
Mule Deer	97	0	3
White Tail	78	13	9
Antelope	58	31	11
Pheasant	18	73	9
Grouse	32	63	5
Geese	30	30	40
Duck	36	43	21
Fish	19	71	10

(water development, modification of forestry or grazing plan, changed cropping pattern or other practice) done recently to enhance wildlife. In contrast, only 6 percent of the respondents who did not lease land to sportsmen knew of improvement practices being implemented for wildlife. This seems to suggest that landowners leasing land to sportsmen are more aware of the economic potential of wildlife.

What fees are charged for big game?

Most of the landowners who lease land to sportsmen reported that the total fee for providing the opportunities to hunt elk ranged from \$1,000 to \$2,000. Two landowners reported that they charge less than \$100. The higher fees were associated with opportunities that lasted at least six days and included the use of a cabin and horses.

Fees charged for providing the opportunity to hunt deer and antelope ranged from \$10 to \$2,000. The lower fee seemed to be for a one-day opportunity, while the higher fee consisted of a week-long opportunity that included the use of a cabin and horses.

Several landowners who leased land to outfitters reported that they received \$1 per acre for a one-year lease. Others reported that they

received 10 percent of the outfitter's gross income from the specific lease agreement. Most of these respondents reported that these leases specified that the outfitter will regulate all hunting activities on the respective land.

How much did landowners make from leasing?

Income earned in 1985 by charging fees to sportsmen usually made up less than 5 percent of the landowner's total annual income. However, eight percent of respondents reported that leases to sportsmen did account for more than 15 percent of their total earnings (Figure 3).

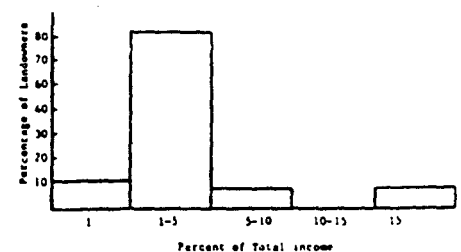


Figure 3

Contribution of income earned from leasing to sportsmen as percent of total gross income for 1985.

(Continued on Page 3)

(Continued from Page 2)

What is the economic potential of leasing land to sportsmen?

About 65 percent of the landowners in northeast, northcentral and western Montana felt that the opportunity to lease private land was of "little economic importance." The reasons why most of the land had little importance included: low wildlife population, intermingled public land, too much government land in the region or "my ranch is too small."

Only 40 percent of the respondents in southeastern and southcentral Montana felt that the potential leasing of private land was of little economic importance. About 15 percent of them felt that it was of major importance.

Should landowners be reimbursed for providing opportunities to sportsmen?

Ninety percent of the respondents felt that landowners should be reimbursed for providing opportunities to sportsmen. The highest percentage of these landowners live in southeastern and southcentral Montana. Nearly one-half of the respondents felt that sportsmen should reimburse them directly. However, others felt that they should be reimbursed by the state, or receive indirect benefits (such as tax benefits).

Summary

The following points seem to be of major importance:

- 1) About 8 percent of the landowners lease land to sportsmen.
- 2) Most of the leases were with out-fitters.
- 3) Landowners felt that the economic potentials of mule deer and elk were higher than for other wildlife species.
- 4) Landowners who lease land to sportsmen are more aware of the value of investing in wildlife habitat improvements.
- 5) Nearly all landowners entering lease agreements had some form of insurance.
- 6) Income to landowners who lease land to sportsmen usually was less than 5 percent of their total gross annual income.
- 7) Ninety percent of the respondents felt that landowners should be reimbursed for providing opportunities to sportsmen.
- 8) The full report will be completed

later this fall. Additional information can be obtained by contacting the author.

**Extension Range Management Specialist. The author wishes to thank Dr. Jack Gilchrist, Department of Sociology; Drs. Roger Brownson and Steve Laursen, Cooperative Extension Service, and Mr. Stu Doggett, Public Lands Coordinator, for their assistance. Funding for this study was largely supplied through the Renewable Resource Extension Act.*

Roamin' The Range

By Stuart H. Doggett

Herbicide Use On Public Lands Stopped Again

This past summer has been a frustrating one for those of us who believe in controlling weeds on our public lands. The reason is the Forest Service and BLM must respond to a lawsuit filed by environmental groups which forces them to once again redo herbicide assessments before spraying weeds.

On June 17th the Forest Service announced they will prepare a new full-blown Environmental Impact Statement (EIS) on vegetation management procedures in Region VI which includes all Montana Forest. The decision to do the EIS was made by the Forest Service because their lawyers feared a supplement they prepared in 1981 will not meet a test in court.

Basically the same thing happened to the BLM on July 2nd when they were instructed to suspend the use of herbicides to control unwanted vegetation. This suspension comes as a surprise to many of us who feel last year's EIS on herbicide use is sufficient. But I guess we should have known the environmental community will not be happy until federal land agencies go through another timely and expensive EIS.

The whole problem with having to do a worst-case analysis EIS started in March, 1984 with a decision by a U.S. District Court in Oregon. The judge said public land agencies must complete a worst-case analysis before herbicides could be used on public lands.

For now both the BLM and Forest Service are not spraying in Montana

and both have decided to go back and prepare a supplement rather than risk another setback in court. In talking to both agencies, it appears that the officials want to give more emphasis to evaluating herbicides, looking at alternatives and seeking yet more public involvement. Let's hope this year's changes by the BLM and Forest Service can withstand an inevitable court challenge next year.

Movin' On

It may be old news by the time you read this, but I have decided to step down from my duties as Public Lands Coordinator in order to accept a position with the Montana Chamber of Commerce here in Helena. My last three years with the Stockgrowers Association have been enjoyable and I don't know of any job where I could have met and worked with a finer group of people.

At the Montana Chamber I will work on such issues as improving the business climate in Montana, natural resources and some limited work with agricultural issues. With my background I hope to work as an effective link between Montana agriculture and the Montana business community. I sincerely thank the three organizations this job represents, the Stockgrowers, the Public Lands Council and the Montana Association of State Grazing Districts for giving me the opportunity to represent them at both the state and national levels. In addition I thank my fellow office workers here in Helena for their friendship. A special heartfelt thanks goes to Mons Teigen for his never ending patience, encouragement and teachings over the last three years.

MONTANA STOCKGROWER (ISSN 0047 7990) is published monthly except July by Montana Stockgrowers Association, 420 North California St., Helena, Montana 59601. Subscription to The Montana Stockgrower is \$2.50 per year which is included in the annual membership fee to the Montana Stockgrowers Association, Inc. Individual subscriptions not sold. Second-class postage paid at Helena, Montana. POSTMASTER: Send address changes to: MONTANA STOCKGROWER, P.O. Box 1679, Helena, Montana 59624. Phone (406) 442-3420

VISITORS' REGISTER

FISH & GAME

COMMITTEE

BILL NO. HB 104; HB 131

DATE JANUARY 15, 1987

SPONSOR DAILY; ELLISON

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Sm. Va. Elser MCA-A	Missoula		HA
RON CURTISS MOGA	KALISPELL		HA
Tap RITTEL MOGA	WOLF CREEK HB 104		104
PAT SIMMONS MWF	BOZEMAN	X 104	
Ron COLLINS MWF	DEER LODGE	X 104	
Roland Cheek	Columbia Falls		104
Ja Brunner	MOGA		104
Rick Barry	Helena		104
Don L Brown	Helena		
Don Belink ^{Rosebud} TRINIDAD	FORSTY	104	
Bill Bigelow	Butte		
Eske Stenberg	MWF	X 104	
Robt VAN DER LEE	SEAF	131	X
Bill Holdon	Butte Sportsman	X 104	
L.F. Thomas	Butte Sportsman	X 104	
Tony Schoonen	Butte - MWF	X 104	
Emily Swanson	Brewan	X 104	X
Henry Barron	Townsend, MT		
Scott Post MCA	Glasgow		

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FISH & GAME

BILL NO. 104; 131

DATE JANUARY 15, 1987

SPONSOR DAILY; ELLISON

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.