

MINUTES OF THE PUBLIC HEARING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

January 10, 1987

The public discussion of the joint meeting of the Senate and House of Representatives Fish and Game Committee was called to order at 1:00 P.M. on January 10, 1987 by Chairman Senator Ed Smith in Room 325 of the Capitol Building.

ROLL CALL: Roll call was not taken.

The meeting was called by Chairman Smith to address bills that will be introduced to the 1987 Legislature and is intended to speed the process, bring out potential problems and alleviate unnecessary bills. Senator Smith explained that he had met with the outfitters and guides approximately four weeks previously for the purpose of modification of proposed legislation. Additional modifications have been made since the meeting. At that time, a public hearing was promised for the purpose of discussion before the full joint committee. After the meeting concludes, the committee members will have the prerogative to introduce legislation. Senator Smith explained that each position will be given time for explanation and asked for the outfitter and guides proposal.

Ron Curtiss, representing the Montana Outfitters and Guides Association, Columbia Falls, Mt, explained facts concerning the outfitter industry in respects to Montana's commercial industry. Curtiss reported that the Montana State University completed an economic study during the 1986 summer. The study provided information concerning the 513 outfitters who provide 2,073 jobs at a payroll figure of \$2.7 million per year. In a typical year, the state receives approximately \$15.9 million. The study is based on 1985 figures. Outfitters respend \$14 million with Montana: 800,000 for hay and grain and \$900,000 for leased land which was paid to the land owners. The \$2.5 million payroll bought supplies, equipment, vehicles, and fuel. In 1985, clients spent \$34,434,000. This provided new dollars for the Montana economy which rolled over two and one half times before the money left the state. The total effect is \$86 million towards the economic well-being of Montana. (Exhibit 1)

Curtiss discussed the outfitters and guides association's proposal in length and presented data concerning licenses, licensing, and game funds. The proposed non-resident B-10 combination license cost is \$450 and is limited to 17,000.

The proposed changed is in the amount of the fee. The sportmen's

resident R-10 license in existence will be increased by \$10. Another proposed license for nonresidents is B-11; a combination deer license which will cost \$475 and is limited to 6,000. The restricted area for the B-11 is Eastern Montana in regions 4, 5, 6, and 7. The proposed resident license is R-11 and is unlimited. The proposed cost is \$31. The licensing would be reserved for residents and nonresidents and continue until May 1. The licensing outfitters would be limited to one half of the proposed license number. The other half would be reserved for residents and would include the land-owner outfitters. This process would set aside all nonresident licenses for residents first while the remaining licenses would be sold on a first come first serve basis. A certification form would confirm the licensing of nonresidents.

The game fund would provide \$100 from sale of B-10 licenses and \$10 from sale of the R-10 licenses. This would provide revenue of \$2 million annually that would be restricted to conservation easement benefitting elk. The deer game fund would provide \$100 from sale of B-11 licenses, which are the combination deer licenses, and \$10 from sale of the R-10 to provide approximately \$700,000 annually. The set aside process would make payment to landowners for deer harvested on private land. The non-resident existing B-10 licenses will be increased by \$100 by the proposed legislation. The B-10 license increase will fund the game fund and the limit will not change from existing quotas. The proposed sportmen license for the resident increase will be \$10 and that amount would be set aside for the game fund. The two new licenses, including the non-resident B-11 would be \$275. The limit would be 6,000, and the \$100 derived from each would go into the game fund. The combination license would be used for deer only in the eastern part of the state and the purpose for the license is intended for the use of land-owner outfitter of Eastern Montana. This account for the increase in number. The resident license would provide \$10 for the game fund. It gives residents the opportunity to participate in the game fund, but is not mandatory.

The method of sale is based on the idea that first Montanans own Montana game and that game should be managed for the good of Montanans. The sales would manage licenses strictly for Montana residents: landowners and licensed outfitters alike. This action provides opportunity for relatives and friends of the Montana outfitter to receive licenses. The outfitters' limitation is one half, the remainder would be first come, first serve after May 1. A certification form would be required to confirm the licensing of the nonresident.

The elk game fund provides \$100 from B-10 licenses, and \$10 from R-10 licenses. Two hundred million would be set aside annually for conservation easements for the benefit of elk. The fund would be used to purchase conservation easements for

annually for conservation easements for the benefit of elk. The fund would be used to purchase conservation easements for access across or to private land. The conservation easements would not necessarily open private lands resulting in limited or unlimited public access. This is not a land purchase. The deer game fund would receive \$100 for each license and would provide \$700,000 set aside. Montana Fish Wildlife and Parks would develop regulations which would require land owners to preregister to hold land primarily for agriculture, to keep and cement records pertaining to deer bags and to affirm that the landowners did not lease rights or charge trespassing fees for hunting on the private land. At the end of the season the number of deer bagged on registered land would be divided by the number of deer bagged on registered land and each landowner would receive the share accordingly.

The game fund is intended for Eastern Montana and provides a method to repay ranchers who winter and raise deer on private property. Should the land owner want to participate, registration would be made ahead of time and the records kept and submitted to the fish and game by the end of the season. The stipulation made is, if hunting rights are leased or if fees are required, then that landowner would be considered ineligible and compensation would be denied.

Curtiss stated the alternative to the lottery system would be to do nothing; the results would be the same. Currently, when the licenses go on sale and there are more applicants the first day, then there are licenses, a drawing must take place. The effect is that twice as many applicants apply than there are licenses. The outfitters lose half of the business which amount to a loss of \$10 million in revenue. The outfitters will suffer the loss of 1,046 jobs. A 1.3 million payroll figure will be lost. These figures are based on the assumption that every Montana outfitter would be able to remain in business, but do only one half business. This would cause a loss of \$10 million to the general economy of the state.

The licensing plan would constitute economic benefits. The B-10 license increase totals \$1.7 million and the B-11 license increase totals \$1.65 million. The additional outfitter client numbers would be based on the number of clients took before the present restrictions were made. The amount would total \$3.7 million for a total of \$7 million. The total roll-over effect would be \$17.6 million.

Senator Smith asked for questions from the committee.

Representative Marion Hanson stated that her property is surrounded with forest land where many deer are harvested. The same deer feed on her alfalfa fields. Hanson questioned the possibility of compensation.

Curtiss answered that the game fund does not answer every problem for every rancher in the state, but it is a foot in the door and a place to start. After the faults have been worked out, perhaps a plan may be devised to compensate the majority of land owners.

Senator Smith commented on personal circumstances. Smith stated that he lives in an area which produces alfalfa and crested wheat grass. Deer cross and feed on this land. Smith stated that if legislation is proposed for this purpose, there are considerable areas of compensation need.

Representative Giacometto questioned criteria of the certifications. The landowner may not obtain a nonresident license for profit. One of the problems created by the power of attorney, which was used several years ago, was profiteering.

Senator Severson questioned whether half of the licenses will be the friends of the resident and the other half for the packers. In the past, how many licenses of nonresidents went to the residents for their friends and family from out of state.

Curtiss replied that in 1985, which was the last year the licenses were on an unlimited basis, 301 outfitters bought 7,330 out-of-state licenses for clients by the power of attorney. The number of licensed outfitters has increased, but the number of operating outfitters who do business has not increased. The average number of clients was 5,600.

Senator Severson asked for an outline procedure for licensing outfitters. Curtis explained the set-aside method. The department sets aside 5,600 licenses for licensed outfitters. The rest of the 11,400 are available to non-outfitted hunters. A certification is signed which confirms client reservations and receipt of deposit. The certification must be notarized by the outfitter confirming that the hunter has been booked and includes dates. The nonresident name is sent to the department of fish, wildlife and parks. Using a staggered mail system, the department sends the client an application to be returned with a cashier's check for \$350. On February 24, the licenses go on sale. All mail received prior to February 24 is considered to have been received on February 24. If there are more than 11,400 nonresident applicants, a drawing is held the next day.

The elk hunting pool quota is 5,600. Should the application exceed the quota, a drawing takes place. If not, the remaining licenses would be sold on a first come first serve basis. The 5,600 number was set by taking an average of four years prior to 1984.

Representative Phillips questioned the qualification concerning the deer fund and the rationale concerning the family group hunting idea.

Curtiss replied that participation in the game fund would not require the private land owner to open up private land to public hunting. The private land owner would use personal discretion in allowing who could hunt, how much hunting would take place, and what type of game could be hunted. The private land owner would have to harvest game and comply with the regulations in order to participate in the fund.

Representative Rapp-Svrcek asked who decides the purchase of conservation easements, and asked how the outfitters could lose half of their clients. Curtiss replied, currently there is a set-aside of 5,600 licenses provided by the Fish and Game director by the annual rule process. The process has been contested. The decision was held because the director thought the industry should be protected to the 5,600 figure. Curtiss stated that if this figure is continued, the situation will cost outfitters potential business.

Representative Rapp-Svrcek asked who decides the purchase of conservation easements, and asked how the outfitters could lose half of their clients. Curtiss replied currently there is a set-aside 5,600 licenses provided by the Fish and Game director by the annual rule process. The process has been contested. The decision was held because the director thought the industry should be protected to the 5,600 figure. Curtiss stated that if this figure is continued, the situation will cost outfitters potential business.

The director has the prerogative to change the figure. Curtiss stated that the outfitters will book their business to exceed 5,600 and, therefore, will be involved in a drawing situation. More will be sold on the first day of sales because the sales will exceed the number of licenses available.

Representative Ellison questioned whether the first choice of licenses can not use more than half or they will over-ride the other groups. Curtiss replied all licenses will be set aside for residents. During April, the resident will have first choice. The outfitter can not use more than half

of the allotment. This is designed to prevent one group from overriding another group. No more than 8,500 will be used by any group.

Ellison asked what was done with the resident sportmen license. Curtiss replied that the fee has been increased by \$10 to be used for the elk game fund.

Representative Grady asked where the economic loss will be realized concerning jobs. Curtiss replied that the effect of the lottery would prove to be the area of loss potential concerning the 1,000 jobs. The figure is based on the current number of outfitters staying in business, but doing half of the current business. This is also based on current business levels and is considered to be a conservative figure.

Representative Grady commented on the conservation easements and leases to purchase land legislation that will be proposed in the session. Curtiss replied that residents, legislators and fish and game personnel were questioned. The major response was to keep the fish and game department out of the land owning business.

Representative Jenkins asked how many outfitters actually hunt deer in the western part of the state or in the southern part. Curtiss replied that the figures were not available, but in the elk hunting regions, the outfitters traditionally hunt elk. Deer hunters may hunt in the elk regions.

Representative Jenkins asked if the Outfitters and guides Association would be interested in putting off elk tags or elk-bear tags in the western part of the state to provide better service. Curtiss replied most people and the outfitters support the combination license because if they come upon a bear, it can be shot.

Representative Brandewie asked what amount would be charged and what would the amount be used for concerning the nonresident license. Curtiss replied that the sportsmen combination license for elk, deer, bear would be for an extra \$10. The amount would be used for the elk game fund and the conservation easement. The other license created for Eastern Montana is the deer, fish, and bird license. The \$10 proceeds would go to the deer fund and used in the Eastern Montana deer areas.

Representative Brandewie expressed concern for the Eastern Montana deer problems, as well as the deer problems of the

Flathead and Deer Lodge areas. Brandiewie asked if all Montanans would be charged an extra \$10.

Curtiss replied that all Montanans would have the option to buy the combination license. The straight A tag would be continued to be used.

Representative Moore asked about the decision making process of what game is taken from private property. Curtiss replied that the fish and game department sets the regulations. The landowner must stay with the limitations, but the landowner can decide what is taken on their private property. The landowner may dictate what game is taken during open season on bucks and does in order to restrict the game population. Senator Smith commented on the abundant whitetail deer population in his district, and stated appreciation for being able to improve hunting situations.

Jeanne Klobnak, representing Montana Wildlife Federation, presented the committee a position paper concerning nonresident big game licensing. Klobnak stated that HB 104 is the proposal of the Montana Wildlife Federation and the proposal will be presented with HB 104 on Thursday, January 15. (Exhibit 2)

Representative Ellison questioned what distinction is made between resident license and the resident landowner license. Klobnak responded that currently the resident outfitters who own or lease land compose the nonresident B-10 license allocation. They are drawn from one pool. Under the proposal, no distinction is made. Senator Smith commented that in Eastern Montana private land composes 90 to 95% of the total land. The western areas of Montana are composed of a much greater percentage of public land. Consideration must be made concerning private land owning guides and outfitters. Addressing discrepancies in the pool method, nonresidents may work the system in order to further chances of obtaining licenses. The present first come first serve mail basis is not significantly different from the lottery. The federation proposal is based on the demand of the nonresident. If the nonresident chose not to hire an outfitter, they would have a better chance of obtaining a license. Yet they could hire a guide and improve the chances of bagging game.

Klobnak explained current law requires a voucher be submitted by the applicant and signed by the outfitter. This method indicates that the reservation is booked. This method is included in the Federation's proposal.

Representative Cobb asked why the Wildlife Federation is against selling as many licenses as possible. Klobnak replied that the Federation is not against the outfitters booking all possible clients; the Montana Wildlife Federation stands in opposition to current law because the nonresident does not have the opportunity to make a choice. The nonresident would naturally want to hunt in areas that have the best conditions, and may also prefer to hire a guide. The federation would like the nonresident to have the option of making the choice of the hunt. The federation does not want certain percentages of wildlife set aside for any private industry. The outfitters should operated like other small businesses: Marketing commodities and striving for repeat business. The Federation is in favor of the limit to continue at 17,000 for biological reasons. It is possible that the demand could reach the supply limit, that the nonresident hunt applications for the outfitters could reach the 17,000 figure.

Representative Grady asked what business would be lost should the federation proposal be accepted. Klobnak replied that the difference is \$20, according to the MSU study between the nonresident hunter who hunts with and without an outfitter. Most of the money is returned to the economy, but is not guaranteed. If properly marketed, the outfitter industry will not decline.

The seventeen thousand is the amount satisfactory to the state. The outfitters and guides want assurance that a substantial amount of the 17,000 will be assured to the outfitter and guides industry.

Representative Brandewie inquired how many members were associated with the Montana Wildlife Federation. Klobnak replied membership is 4,600, which includes 1000 non-resident clients. Various sportmen's groups throughout the state have expressed concern about the proposed 6,000 deer tags which would bring 6,000 nonresident hunters to Eastern Montana. The increase in fees would create new habitat for wildlife for the lease or purchase of the land or for conservation easements.

Representative Rapp-Svreck asked if the outfitters and guides were virtually guaranteed more than 5,600 licenses, or perhaps more if the demand for outfitted hunts received fifty percent of the total applications. Klobnak stated that it was true. Under the current 5,600 set aside and established, progressive outfitter could anticipate results.

Representative Grady stated that Montana has substantial federal land owned by every individual in the United States. Therefore, there is somewhat an obligation to open the land to nonresident hunters.

Representative Jenkins asked if most nonresident outfitters hunt on public land. Klobnak replied that the figures are available. Klobnak stated that public land is often blocked off by private land which makes access difficult. The federation hopes for adjacent land to be leased for access by the public by way of block management grants, leases, conservation easements or by land purchase. It is in the best interest of the state economically to purchase the land. Klobnak stated that land management disagreements be kept within the administration and that the administration does not penalize the private individual by refusing the private individual to purchase more land. Access is the key to the problem.

Representative Jenkins asked about the 35% leased land in Montana and stated that only 8% of the 35% was leased by outfitters and guides. Klobnak acknowledged that the 23% of the land could be leased by sportsmen clubs for private hunting use.

Senator Smith asked if legislation was forthcoming which forced the land owner to give up land by the power of eminent domain. Klobnak stated that legislation addressing eminent domain issues was not made.

Senator Smith stated that liability costs, maintainence costs and agricultural, economic conditions must be considered in dealing with all proposed legislation.

Klobnak stated that the proposal directed that 10% of any acquisition would be set aside for land maintainence and development; not in paper management.

Senator Smith directed opposing factions to resolve difference through dialogue and communication.

Director Jim Flynn, Fish, Wildlife and Parks, discussed issues of concern by the department. The four major points of contention are the setaside program, how the allocation should be accomplished with regards to drawing, what fees should be increased and at what rates, and what the revenue brought about by the fee increases should be used for what purpose. The department's philosophy used in creating the set aside program recognized the needs of the outfitting and guide industry. The state law limits the nonresident license at 17,000 licenses. The 1985 figures, as well as the previous four year average were considered and the average was approximately 5,600. The department anticipated that 1986 and 1987 figures would be considered at this legislature. The department considers the set aside program to be valid. The drawing procedure will also be considered along with the fee issue.

Flynn addressed the issues of land ownership, land taken out of production, and considerations due to loss of taxes. The state pays the county in lieu of taxes, offers land for grazing purposes, and will implement progressive alternatives in the future to generate income. The 5,600 set aside program is proposed for 1987.

Representative Jenkins questioned the Pitman-Robert-Dingell-Johnson federal funding program concerning license fee use. Flynn replied fishing and hunting license fees can be used for any purpose associated with fish and wildlife management and free sports. Jenkins asked if the revenue could be used to lease land and to pay ranchers to run game on private property. Flynn replied it could.

Senator Smith commented that the upkeep of purchased property by the fish and game can be paid for by the coal trust account. The previous session clarified the use of the revenue to be used for the purchase and care of land.

Representative Grady asked if the 5,600 figure would be used for 1987, and would not be dependent of current legislation. Flynn replied that it is correct.

Representative Ellison questioned the number of application Flynn reported the department keeps lists of people who contract the department wanting applications. The list is 35,000, although the completed applications are 25,000. The 17,000 are nonresident B-10, and approximately 6,000 are deer A tags. Out of the 17,000, approximately 4,000 licenses are used to hunt deer in the eastern part of the state.

Senator Severson question the need to change statutes. Flynn responded that possible changes would be made concerning set aside, lottery and fee increase, and that statute changes would be forthcoming.

Senator Smith addressed the importance of the opinion of the individual hunter and asked for comments.

Robert Vandervere asked what the outfitter license fees are. They are \$100. Vandervere commented that if the outfitter received 5,6000 licenses, then each would be guaranteed one each.

Jim Keer, member of the Prickly Pear Sportman Association of Helena, commented that issues affecting resident sportmen has a high impact on hunts on leased land. Should the outfitters be guaranteed certain quotas, the outfitters will

lease more land. This will cause more discord. The department has catered to the wealthy nonresident who would be guaranteed a hunt privilege in Montana. The economic difference is the \$1,500 paid to the outfitters and guides. The man who cannot afford guided hunts should not be discriminated against. The federation proposal would play the "game" fair and square. It would not guarantee the outfitters and guides a living.

Kerr reported that outfitters hunted on federal land by a large percentage. Kerr refused to pay the additional \$10 for the sportsmen tag because the money coming back to compensate the game bagged on private land would compound the problem.

Senator Smith made the statement that many private land owners close land to out of state hunters.

Greg Fleddy, Lewistown, representing housemen, businessmen and landowner reported that if the revenue system is changed for the benefit of outfitters and guides, the resident hunter is penalized. Fleddy stated that he wants an equal opportunity to draw a license each year. Montana is 45% public land.

Senator Smith suggested Kerr submit to committee members proposals to better compensate landowners.

Henry Barron, executive director, Montana Outfitters and Guides, reported that the outfitters and guides are controlled and managed by the Montana Fish and Game Department. The outfitter and guide must report the name of the client as well as the district in which the hunt took place. The records are maintained in the department and are public information. The Outfitter Harvest total amounts are broken into figures according to areas. It also includes the number of outfitters in each area, the number of nonresident hunts by each outfitter and additional information. The figures provided by the U of M survey provided figures stating nonresident hunters employing guides stayed in the state 11.2 days, where unguided nonresidents stayed in the state for 16.2 days.

Pat Simmons, treasurer of the Montana Wildlife Association, urged passage of HB104. Simmons offered written testimony. (Exhibit 3)

Senator Smith reported that legislation has been proposed to move the outfitters and guides function to the tourism department of the Department of Commerce.

Kathy Hadley, Montana Wildlife Federation, Deer Lodge, Mt. commented on the resident sponsor proposal and questioned that this situation would cause sponsors to act like guides complete with records. Hadley questioned the constitutionality of such a proposal.

Hadley stated that the federation believes that every individual should have same opportunity to apply and receive hunting licenses within Montana. Hadley stated that the nonresident hunter provides over 50% of revenue coming into the state, the majority hire outfitters and guides. Business is improved. The nonresident hunter who does not hire a guide brings more money into the local business economy than does the nonresident that hires a guide.

Dave Majors, representing the Ravalli County Fish and Wildlife Association, Hamilton, Mt. stated that the key issue is fairness. Majors offered written testimony. (Exhibit 4)

Gene Hocks, Public Land Access Association, Incorporated, Bozeman, Montana, offered written testimony. (See Exhibit 5)

Nick Kramis, Ravalli County Fish and Game Association, Hamilton, expressed gratitude for the opportunity to input ideas concerning forthcoming legislation.

Tag Rittel, President of the Montana Outfitters and Guides Association, expressed thanks to the joint committee for the time to hear opposing issues. Rittel asked the delegation of outfitters and guides to stand and be acknowledged.

There being no further business before the committee, Senator Smith explained time will be afforded to all interested parties to express their ideas in forthcoming committee meeting hearings. Smith thanked all participants, including the committee members from both houses of the Legislature.

ADJOURNMENT: The meeting adjourned at 5:24 P.M.



SENATOR ED SMITH, Chairman

ROLL CALL

SENATE COMMITTEE--FISH AND GAME

50TH LEGISLATIVE SESSION - 1987

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Date: 1-10-87

*Roll Call was not taken, but all
were present, as were the
House Fish & Game members.*

NAME	PRESENT	ABSENT	EXCUSED
Senator Ed Smith, Chairman			
Senator John Anderson			
Senator Judy Jacobson			
Senator Elmer Severson			
Senator Greg Jergeson			
Senator Al Bishop			
Senator Esther Bengtson			
Senator Wm. Yellowtail Vice-Chair			

Gay Thorne Root

SENATE Fish + Game COMMITTEE

COMMITTEE

BILL

VISITORS' REGISTER

DATE JAN 2

Please note bill no.

(check one)

[illegible]

SENATE Fish & Game COMMITTEE

BILL _____

VISITORS' REGISTER

DATE JAN. 10

Please note bill no.

NAME	REPRESENTING AND Complete Address	BILL # SENATE	(check one)	
			SUPPORT	OPPOSE
Pat Simmons	Montana Wildlife Federation 1103 Cherry Dr, Bozeman			
LEWIS E. HAWKES	PUBLIC LAND ACCESS ASSOCIATION, INC. BOZEMAN			
Joe Gutkoski	Pres. Gallatin Wildlife Assoc			
James Clawson	Western Mont F & G Assoc			
F.W. KRIEGER	" " " "			
Dave Majors	Revelle Co. F&G Assoc.			
H. J. Bremer	" " " "			
Richard P. Pickett	MT. OUTFITTER & GUIDES ASSO. Columbia Falls		V	
Ronald L. Pickett	MT OUTFITTERS & GUIDES ASSO. KALISPELL, MT		V	
Alfred H. Hottel	MT OUTFITTERS & GUIDES 1430 E. VALLEY STREET		V	
C. B. Rich	MT. OUTFITTERS & GUIDES Box 505 Seeley Lake MT.		V	
JACK Rich	Montana Outfitters & Guides Box 495 Seeley Lake, MT 59868		V	
Smoke Elser	M.D.G.A. Missoula MT		V	
Robert Van Dusen	Idaho			
George H. Hobman	10416 River Rd Hamilton 59840 River Co F & G Assoc			
Douglas C. Crites	309 High Road, Hamilton, MT Hamilton Co. F & G Association			
BOB CRICK	1142 PLEASANT VIEW PK VICTOR, MT. 59875		V	
SPENCE Trogdon	MONTANA OUT. & GUIDES ASSN. VICTOR, MT		V	
Wm. Allen Pinner	MOGA Townsland, Mt.		V	
Monte Dehn	Townsland MT		V	
Russell Greenwood	Brookus MT		X	
Bob Yamberson	STOVENSVILLE, MT.		X	
Dave Barber	MOGA Hammond, MT		X	
Henry Barton	MOGA Townsland, MT		X	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE Fish & Game COMMITTEE

COMMITTEE

~~BILL~~

VISITORS' REGISTER

DATE JAN

Please note bill no.

(check one)

SUPPORT

OPPOS

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY



Rhoda G. Cook
Executive Secretary

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

DEAR LEGISLATOR:

Much has recently been said about non-resident hunting in Montana. This packet contains information we, the Montana Outfitters & Guides Association, hope you'll evaluate during your busy days ahead. The packet contains proposed legislation -- a single proposal we think will go far toward assisting a beleaguered outfitting and guiding industry.

It also contains new and detailed economic information about the industry, both in complete and summary form.

As concise as we have the ability to reduce it, our proposal hopes to:

- Utilize Montana's surplus wildlife resources for primary benefit of Montana and Montanans. Our proposal calls for half non-resident licenses to be issued to outfitter clients, the other half to be issued to non-residents Montanans wish -- for whatever reason -- to have hunting with them.

- Provide for license fee increases to be utilized to benefit wildlife populations, impacted landowners presently wintering wildlife at cost to them, and to alleviate some questions of public access.

Briefly, the impact statement will:

- Explain that the outfitting and guiding industry contributed over \$34 million direct dollars to Montana's economy in 1985, with a total impact of more than \$86 million.

- Point out thus-far undisclosed information about social impacts of non-resident hunting; that outfitted non-resident hunters spend more than twice as much as other out-of-state hunters, while doing so in much fewer days.

Lastly, close scrutiny of this packet will disclose that outfitters are dedicated members of Montana's community; that the average general outfitter has worked at his profession for nine years, while netting little more than seven thousand dollars in 1985.

We trust you'll draw the same conclusion as we must -- that we desperately need your support in order to survive. Anything less could be our death-knell.

MONTANA OUTFITTERS AND GUIDES ASSOCIATION
LICENSING PROPOSAL

Types of Licenses

<u>Section A</u>	<u>TYPE</u>	<u>GAME</u>	<u>COST</u>	<u>NUMBER OF LICENSES</u>
B10 Non-res.		Elk, Deer, Bear, Fish, Birds, Conservation license	\$450	17,000
R10 Res.		Same (Good state-wide)	\$ 45	No limit
<u>Section B</u>				
B11 Non-res.		Deer, Fish, Birds, Conservation license	\$275	6,000
Deer A tags valid in Regions 4-5-6-7				
R11 Res.		Same (Good state wide)	\$ 31	No limit

Section C

LICENSE SALES

Non resident B10 and B11 licenses go on sale April 1st. Half of the licenses will be available to licensed outfitters' clients. Half the licenses will be available to non residents hunting with residents who sign their applications and attach a certificate of equal responsibility. All licenses left on May 1st would be sold first come first serve starting May 15.

Section D

CERTIFICATIONS

Resident certifications will state that the resident signing will be equally responsible for unreported game law violations, that the resident will direct the nonresident's hunting and that the resident will advise the non resident of game and trespass laws. Residents will keep records of who hunted with them, where they hunted and what animals they bagged, and submit them to MDFWP. Certificate will also state that the resident received no monetary consideration for obtaining a license or providing any services except as provided by law.

Section E GAME FUNDS B10 AND R10 LICENSES

This set-aside game fund will receive \$100 from the sale of each B10 non-resident license and \$10 from the sale of each R10 resident license.

The B-10 game fund shall be used to purchase conservation easements. Conservation easements could be purchased for: access across private land, access to private land, or for providing or improving elk habitat on private or public lands. Conservation easement would not necessarily open private lands to limited or unlimited public access.

Section F GAME FUND FROM B-11 AND R-11 LICENSES

This set aside game fund will receive \$100 from the sale of each B-11 non-resident license, and \$10 from each R-11 resident license. Monies from this fund would be paid to private agricultural landowners for deer bagged on their private lands.

MDFWP would develop regulations that would require landowners to pre-register, to hold land primarily for agriculture, to keep and submit records of deer bagged and to affirm that he did not lease rights or charge trespass fees for hunting on his land. At season's end, the number of deer bagged on registered lands would be divided into the amount of the game fund and each registered landowner would receive his share according to recorded deer bagged on his land.

EXHIBIT NO. 1 page 2

DATE 1-10-87

BILL NO. Public Access

Economic Impact of the Outfitting Industry
On the State of Montana

by

Shannon V. Taylor
Michael D. Reilly

Faculty of Business.
Montana State University
Bozeman MT 59717

406-994-4681

SENATE FISH AND GAME

EXHIBIT NO. 1 - page 7

DATE 1-10-84

BILL NO. Public Hearing

Executive Summary

1. Surveys were mailed to all licensed outfitters, 1500 randomly selected non-resident combination big game license holders and 1500 fishermen who were randomly selected from outfitters' log books.
2. Response rates were:

Outfitters	28%
Hunters	36%
Fishermen	35%
3. Follow up calls were made to a sample of each type of non-respondent to assess the non-respondent bias. The results for both hunters and fishermen suggested a lack of non-respondent bias. The outfitters who did not respond tended to be smaller, in revenue terms, than respondent outfitters. Economic estimates were corrected accordingly.
4. Total economic impact of the industry was calculated to be:

Total Economic Impact of Montana's
Outfitting Industry for 1985

	<u>Direct</u> <u>Expenditures</u>	<u>Total Impact</u> <u>(X 2.5 Multiplier)</u>
Guided Hunters	\$14,967,992	\$37,419,980
Guided Fishermen	\$15,344,195	\$38,360,488
Summer Pack Trips	\$3,082,456	\$7,706,140
<u>Other Outfitting</u>	<u>\$1,040,015</u>	<u>\$2,600,037</u>
Grand Total	\$34,434,658	\$86,086,645

5. Estimates for client expenditures for guided and non-guided hunters are:

<u>Average Expense</u>	<u>Guided Hunter Amount</u>	<u>Non-guided Hunter Amount</u>
Hunting Guide	\$1507	\$0
Licenses and Permits	\$424	\$424
Air Fare	\$165	\$84
Car and Gas	\$161	\$249
Motel	\$130	\$140
Restaurant Food	\$100	\$121
Hunting Gear	\$81	\$48
Gifts	\$70	\$58
Taxidermy	\$49	\$32
Non-restaurant Food	\$52	\$126
Meat Locker	\$45	\$27
Tips	\$44	\$16
Alcoholic Beverages	\$35	\$43
<u>Other</u>	<u>\$15</u>	<u>\$23</u>
Total	\$2878	\$1391

6. Guided hunters' expenses included money spent on other people who traveled to Montana with them. The respondents brought 3.1 people with them and paid for 21.5% of their expenses while in the State. Guided hunters stayed an average of 11.0 days, of which, 8.3 were spent hunting, 0.4 spent fishing and 2.3 days doing other activities. Their per diem expense was \$262.
7. Non-guided hunters' expenses included money spent on other people who traveled to Montana with them. The respondents brought 3.0 people with them and paid for 24.0% of their expenses while in the State. Non-guided hunters stayed an average of 16.1 days, of which, 11.2 were spent hunting, 1.5 spent fishing and 3.4 days doing other activities. Their per diem expense was \$86.40.
8. Outfitted hunters spend an average of \$1487 more than non-outfitted hunters, with a difference in total economic impact of \$3717.50 per hunter. If all hunters were outfitted, they would have an additional economic impact of \$43,866,500.

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9. Expenditures for fishermen averaged:

<u>Average Reported Expense</u>	<u>Fishing Only Amount</u>	<u>Fishing and Hunting Amount</u>
Fishing Guides	\$447	\$301
Motel	\$397	\$204
Air Tickets	\$378	\$361
Car and Gas	\$210	\$243
Restaurant Food	\$202	\$191
Fishing Gear	\$121	\$93
Non-restaurant Food	\$83	\$129
Gifts	\$78	\$63
Tips	\$57	\$50
Alcoholic Beverages	\$40	\$50
Licenses and Permits	\$38	\$287
Hunting Guides	\$0	\$1088
Taxidermy	\$3	\$103
Hunting Gear	\$1	\$59
Meat Locker	\$0	\$27
<u>Other</u>	<u>\$6</u>	<u>\$1</u>
Total	\$2060	\$3250

10. Guided fishing-only people's expenses included money spent on others people who traveled to Montana with them. The respondents brought 2.8 people with them and paid for 50.9% of their expenses while in the State. Guided fishermen stayed an average of 11.0 days, of which, 8.0 were spent fishing and 3.0 doing other activities. Their per diem expense was \$187.27.

11. Guided fishermen, who also hunted, reported expenses which included money spent on other people who traveled to Montana with them. The respondents brought 3.3 people with them and paid for 34.9% of their expenses while in the State. Guided fishermen/hunters stayed an average of 14.4 days, of which, 5.0 were spent fishing, 7.0 were spent hunting and 2.4 were spent doing other activities.

12. After adjustment for non-response bias, the average estimated revenue and expenses for General and Special Class outfitters were:

	<u>General Outfitters</u>	<u>Special Outfitters</u>
Revenue	\$40,244.69	\$20,836.15
Expenses	\$32,910.07	\$21,006.83

13. The outfitting industry spent a total of \$14,172,875 in Montana in 1985.

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Introduction

Purpose of Study

The study reported here was commissioned by Montana Outfitters and Guides (henceforth MOGA) to accomplish several objectives. The first, and most important is to provide good unbiased data on the relative economic impact of the outfitting industry on the economy of the state of Montana, in 1985. Additionally, it was judged desirable to get a better picture of how the economic impact was distributed across sectors of the economy besides the outfitting industry (for example purchases of food and lodging by outfitted clients).

A secondary purpose was to update the figures from the 1975 study of economic impact. Accordingly, trends in the industry could be measured and forecasts made as to the impact of various regulatory policies on the economic contribution of outfitting.

Methodology

Hunters Survey

Sampling procedures

A list of the 17,000 non-resident hunters who purchased combination, big-game licenses for 1985 was provided by the Montana Department of Fish, Wildlife and Parks. A random sample of 1500 of these individuals were

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electronically pulled from the master file, and their names and addresses were printed on mailing labels. A cover letter, survey and postage-paid return envelope were mailed to these 1500 people in the sample.

Questionnaire development

For ease of data collection and analysis, it was decided to develop a single questionnaire for both hunters and fishing persons. In addition to recognizing that both hunters and fishermen have similar expenses, a single questionnaire would allow an individual who both hunted and fish to report expenses that may not be in common, e.g. fishing tackle versus hunting equipment, fishing guides versus hunting guides, etc.

The goal of our economic impact analysis was to accurately determine how much economic activity was generated by Montana's guided hunters and fishermen in 1985. In order to compile a comprehensive list of potential expense categories for our respondents to consider, an initial list was generated from previous surveys which looked at the economic activity of sports people. This initial list was shown to a small group of hunters and fishermen who had booked guided trips and to outfitters for their suggestions. A final consensus was reached about the categories to be included.

Judging by the relatively small size of expenses ultimately reported by our survey respondents that would not fit into one of the survey's categories, it is felt that the categories were exhaustive and adequate for the needs of our analysis.

It was acknowledged that many hunters and fishermen bring family and friends with them when they travel to Montana to participate in their sports.

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BY Bill

In addition, hunters and fishermen frequently pay for some portion of their families' and friends' expenses. Accordingly, questions were designed to get an accurate picture of these expenses. It was also important to determine the number of days that hunters and fishermen spend in the state in order to calculate a per diem value for relative comparisons.

Response rates

A total of 533 or 36% of the 1500 questionnaires were returned by the hunters. This return rate is considered average to good for a survey of this type. Of these 533, 258 or 48% reported that they had spent some money on hunting guides, while the remaining 275 or 52% were non-guided.

Validation procedures

Phone calls were made to a random selection of hunters who did not return their survey until a validation sample of 25 hunters was obtained. Once contacted by phone, the respondents were asked to complete the same questions that were on the original mailed survey. An analysis showed that the validation-survey results did not statistically differ from the results of the mailed survey.

Both the guided hunter data discussed here and the guided fishing data discussed below were somewhat validated by the small subgroup of guided fishing people who reported that they also paid a hunting guide while in Montana. Eventhough they cannot be considered a truly random sample of the non-respondents, they were an independent draw of names which can be thought of as a hold-out sample. Their data was not used to calculate any of the

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economic impact numbers, however by looking at their averages for expenses in a category by category manner, it can be seen that they spent about the same as guided hunters and guided fishermen when they reported the same corresponding categories.

Guided Fishing Person Survey

Sampling procedure

Because this analysis was only interested in determining the economic impact of guided fishing persons and because Montana does not keep such information on their computers, a very labor intensive sampling procedure was needed to generate a random sample of guided fishing persons' names. The only place to get a comprehensive list of people who hire licensed guides was to look at the log books that each outfitter is required to maintain and submit to the State on an annual basis.

Photo copies of the log books from outfitters who took fishermen were provided by Montana's Department of Fish, Wildlife and Parks. Personnel from Departmental Districts Offices were asked to copy the 1985 logs of any outfitter who primarily catered to fishermen or who showed at least a third of their entries to include fishing. These photo copies were then mailed to Montana State University for further analysis. The courteous and timely help of the Department's District people is graciously acknowledged here.

A random sample of 1500 names and addresses were manually taken from these logs. They were then entered into a computer which generated mailing labels. A cover letter, survey and postage-paid return envelope then were mailed to the 1500 guided fishing persons.

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Questionnaire Development

The same questionnaire was mailed to the guided fishermen as was sent to the hunters. Please see "Questionnaire Development" for hunters.

Response Rate

A total of 530 or 35% of the 1500 surveys were returned. Of these 530, 472 or 89% only fished while in Montana. A small number of respondents, 58 or 11%, hunted as well going on guided fishing trips. These response rates are considered average to good for a survey of this type.

Validation procedures

Phone calls were made to a random selection of guided fishermen who did not return their surveys until a validation sample of 25 fishing persons was obtained. Once contacted by phone, the respondents were asked to complete the same questions that were on the original mailed survey. An analysis showed that the validation-survey result did not statistically differ from the results of the mailed survey.

Outfitters Survey

Sample procedure

The 1986 list of licensed outfitters was obtained from Montana's Department of Fish, Wildlife and Parks. All 513 people on this list were included in our survey. There were 271 General-class and 242 Special-class (I and II) outfitters.

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Questionnaire development

The questionnaire that was to be sent to all of Montana's outfitters was developed by looking at previous studies in the area, reviewing accepted accounting expense categories and interacting with numerous active outfitters in the State. The goal was to try and encourage the respondents to report their income and expenses as accurately as possible by giving them income and expense categories that would correspond closely to their own system of keeping books. The cover letter and written copy within the questionnaire stressed the fact that the responses would be kept in strict confidence and only summary statistics would ever be made public.

In addition to exhaustive questions about income and expenses associated with their outfitting business, the respondents were asked to report demographics, number of hunters and/or fishermen with corresponding client-days and miscellaneous questions about other aspects of the operation. The resulting questionnaire was fairly long -- four reduced-type pages. However, it was decided that even if the length of the questionnaire reduced the response rate, the questionnaires returned would be of superior information content.

An initial questionnaire was formally presented to a pilot group of both general and special outfitters for their feedback. There were adjustments made to the survey, and it then was mailed with a cover letter and postage-paid envelope to all of Montana's 1986 outfitters.

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Response rates

A total of 143 or 28% of the 513 questionnaires were returned. General-class outfitters returned 98 and Special-class outfitters returned 45. Considering the nature of the questions, this response rate is considered average to good.

Validation procedures

Phone calls were made to a random selection of outfitters who did not return their survey until a validation sample of 20 outfitters was obtained. Once contacted by phone, the respondents were asked to complete an abbreviated form of the mailed survey which asked about their income. The results of this follow up revealed a significant non-response bias for both General and Special Classes of outfitters, indicating that the respondents to the mail survey were bigger businesses than those who chose not to respond. A correction factor for the overall impact numbers was computed using the estimated non-response bias.

Assumptions

In order to calculate the economic impact of the outfitting industry on the economy of the state of Montana, several assumptions were necessary. This part of the document describes the assumptions that were made and the basis on which these assumptions were derived.

1. The survey respondents are typical of the populations for guided hunters and fishermen respectively. This assumptions is based on the response rates and the responses to the followup phone calls to non-respondents.

2. There are 513 licensed outfitters in the state of Montana, 271 of which hold general licenses (meaning that they can take clients out hunting or fishing overnight), and 242 who hold Special licenses for either hunting or fishing or both, but not overnight. These figures came from the 1986 list of Montana Outfitters, published by the Montana Department of Fish, Wildlife and Parks, which is the licensing agent for outfitters in the state. Note that the estimates here include only licensed outfitters, even though there are unlicensed outfitters at work in the state.
3. There are 17000 nonresident hunters, of whom, 5200 or about 30% chose to use the services of a licensed outfitter in 1985. The number of licenses is provided by state law and the number using an outfitter was provided by the Montana Department of Fish, Wildlife and Parks.
4. There were 7449 outfitted fishermen in 1985. This figure was provided by the Department of Fish, Wildlife and Parks from their analysis of the log books of licensed outfitters for 1985.
5. There were 4,593 summer pack clients in the state during the 1985 summer pack season. Of these 3,962 were taken by generals and 631 were taken by specially licensed outfitters. These figures were also computed by multiplying the average number per outfitter of each type by the number of outfitters of that type.
6. Other outfitting services generated 11,820 clients for the Montana outfitting industry in 1985. These were distributed 3,617 for general outfitters and 8,203 for special outfitters. These are again calculated by multiplication of averages by number of outfitters. The numbers here are large because this includes a number of day trip (trail rides, river floats) that are used by substantial numbers of people. However, these numbers are overestimates because of the non-response bias mentioned earlier.
7. The per diem expenditures of outfitted, non-residents who didn't either hunt or fish was equal to the average of that of outfitted clients who hunted and fished. This assumption is necessary to compute the impact of summer pack trips and other types of outfitting, given that there was no survey data on these types of clients.
8. Each dollar of income to Montana results in \$2.50 of economic activity. This so called multiplier reflects the turn over of money in the state after it is once spent. This is the same figure that was used in the 1975 economic impact study and was also used in a study of the economic impact of elk hunting on the Idaho economy.

Results

Total Economic Impact

The total impact of the outfitting industry on the Montana economy is \$88,483,403.

This grand total is divided among the various types of outfitting in the following table:

Total Economic Impact of Montana's Outfitting Industry for 1985

	<u>Direct Expenditures</u>	<u>Total Impact (X 2.5 Multiplier)</u>
Guided Hunters	\$14,967,992	\$37,419,980
Guided Fishermen	\$15,344,195	\$38,360,488
Summer Pack Trips	\$3,082,456	\$7,706,140
<u>Other Outfitting</u>	<u>\$1,040,015</u>	<u>\$2,600,037</u>
Grand Total	\$34,434,658	\$86,086,645

Calculations

Hunters:

The direct expenditures were calculated by multiplying the average expenditure per guided hunter (\$2878.46) by the number of guided hunters for the 1985 hunting season (5200). It may well be that this is an underestimation because Fish, Wildlife and Parks books show a total of 7,694 outfitted hunters, however their estimates are that only 5,200 of these were actually guided combination-license hunters. The remainder hunted on some other license besides the combination, big-game license. If the assumption is made that "other" license holders, e.g. antelope, and big horn sheep, spend comparable amounts as the combination hunters, the direct expenditure estimate for hunters presented here may be an underestimation.

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Fishing:

The direct expenditures here were calculated by multiplying the number of outfitted fishermen (7,449) by the average expenditure by a guided fisherman from the survey (\$2,059).

Summer Pack Trips

The direct expenditures for summer pack trips were calculated separately for the general and special class outfitters. In each case the average number of client days reported were multiplied by the number of outfitters to compute a total number of client days provided. This total number of client days was multiplied by the average expenditure per diem, as calculated from the client surveys.

General Outfitters		Special Outfitters
33.04	days fishing	.70
29.63	days sightseeing	5.66
<u>3.61</u>	days other	<u>0.00</u>
66.28	average days	6.36
x 271	outfitters	x 242
17,961.88	client days	1,539.12
x <u>\$187.27</u>	per diem	x <u>\$187.27</u>

\$3,363,721.20 direct expenditure \$288,231.02

Of course, these figures need to be adjusted for the non-respondent bias. Since the follow up survey didn't ask these questions, the best approximation can be gathered by weighting the figures by the relative

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proportional reported incomes for respondents and non-respondents from each class of outfitters. After adjustment, the totals are:

Generals	Specials	Total
\$2,892,800.23	\$189,656.01	\$3,082,456.24

Other Outfitting

General Outfitters		Special Outfitters
11.16	average days	19.26
x <u>271</u>	outfitters	x <u>242</u>
3,024.36	client days	4,460.92
x <u>\$187.27</u>	per diem	x <u>\$187.27</u>
\$556,371.89	direct expenditure	\$835,396.49

After adjusting, as above, these figures are:

Generals	Specials	Total
\$478,479.83	\$561,534.89	\$1,040,014.72

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Reported Expenses from Client Surveys

The following average expenses are based on 533 returned surveys from people who purchased Montana non-resident, combination, big-game licenses for 1985. The 533 non-resident hunters were placed in one of two categories -- Guided or Non-guided -- depending on the amount they said they paid hunting guides. If they paid anything at all, they were considered Guided; if they paid no money, they were Non-guided. Guided hunters returned 258 surveys, Non-guided returned 275. The following table presents the average expenses reported by the two groups while in Montana:

<u>Average Expense</u>	<u>Guided Hunter Amount</u>	<u>Non-guided Hunter Amount</u>
Hunting Guide	\$1507	\$0
Licenses and Permits	\$424	\$424
Air Fare	\$165	\$84
Car and Gas	\$161	\$249
Motel	\$130	\$140
Restaurant Food	\$100	\$121
Hunting Gear	\$81	\$48
Gifts	\$70	\$58
Taxidermy	\$49	\$32
Non-restaurant Food	\$52	\$126
Meat Locker	\$45	\$27
Tips	\$44	\$16
Alcoholic Beverages	\$35	\$43
<u>Other</u>	<u>\$15</u>	<u>\$23</u>
Total	\$2878	\$1391

Additional profile data on Guided Hunters

Guided hunters' expenses included money spent on other people who traveled to Montana with them. The respondents brought 3.1 people with them and paid for 21.5% of their expenses while in the State. Guided hunters stayed an average of 11.0 days, of which, 8.3 were spent hunting, 0.4 spent fishing and 2.3 days doing other activities. Their per diem expense was \$262.

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Additional profile data on Non-guided Hunters

Non-guided hunters' expenses included money spent on other people who traveled to Montana with them. The respondents brought 3.0 people with them and paid for 24.0% of their expenses while in the State. Non-guided hunters stayed an average of 16.1 days, of which, 11.2 were spent hunting, 1.5 spent fishing and 3.4 days doing other activities. Their per diem expense was

Differences Attributable to Outfitting

There is a clear difference between the expenditures that outfitted and non-outfitter hunters reported. From the difference, it is possible to determine how much loss of economic activity results for each client who would like to use an outfitter but was unable to do so. That is, how much does it cost the state in economic activity to deny one of the 17,000 out of state combination licenses to an outfitted client and give the license to a client who will not be outfitted. Outfitted hunters averaged an expenditure of \$2878. Non-outfitted hunters averaged \$1391. The difference is \$1487, most of which is explained by the outfitters fees. Multipling by the 2.5 figure we get an estimate of the economic impact of the difference at \$3717.50. If all out of state hunters were required to use an outfitter, there would be an additional \$43,866,500 worth of economic activity generated (11,800 non-outfitted hunters x \$3717.50).

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Guided Fishing

The following average expenses are based on 530 returned surveys from people listed on outfitters' log sheets as having taken a guided fishing trip in Montana during 1985. This group was divided into two sub-groups -- Fishing Only and Fishing and Hunting. The vast majority of the respondents, 472, said they hunted no days while in Montana; they only fished. However, fifty-eight (58) of the respondents from the outfitters' logs also hunted while in Montana. Their data is presented separately.

<u>Average Reported Expense</u>	<u>Fishing Only Amount</u>	<u>Fishing and Hunting Amount</u>
Fishing Guides	\$447	\$301
Motel	\$397	\$204
Air Tickets	\$378	\$361
Car and Gas	\$210	\$243
Restaurant Food	\$202	\$191
Fishing Gear	\$121	\$93
Non-restaurant Food	\$83	\$129
Gifts	\$78	\$63
Tips	\$57	\$50
Alcoholic Beverages	\$40	\$50
Licenses and Permits	\$38	\$287
Hunting Guides	\$0	\$1088
Taxidermy	\$3	\$103
Hunting Gear	\$1	\$59
Meat Locker	\$0	\$27
<u>Other</u>	<u>\$6</u>	<u>\$1</u>
Total	\$2060	\$3250

Additional profile data on Guided Fishing-only Persons

Guided fishing-only people's expenses included money spent on others people who traveled to Montana with them. The respondents brought 2.8 people with them and paid for 50.9% of their expenses while in the State. Guided

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fishermen stayed an average of 11.0 days, of which, 8.0 were spent fishing and 3.0 doing other activities. Their per diem expense was \$187.27.

Additional profile data on Guided Fishing and Hunting Persons

Guided fishermen, who also hunted, reported expenses which included money spent on other people who traveled to Montana with them. The respondents brought 3.3 people with them and paid for 34.9% of their expenses while in the State. Guided fishermen/hunters stayed an average of 14.4 days, of which, 5.0 were spent fishing, 7.0 were spent hunting and 2.4 were spent doing other activities.

Outfitter Income and Expenses

Since the major difference between outfitted and non-outfitted hunters is the fees that are paid to outfitters, it is appropriate to consider the amount and distribution of funds that are paid to outfitters. Particular attention is needed because of the types of outfitting that were not covered by the client surveys, since these only focused on hunters and fishermen. To begin, consider the income figures reported by the outfitters of both classes for the various types of outfitting.

The follow up phone survey revealed a significant difference between the income figures that respondents reported and those reported by non-respondents. To arrive at the estimates used here, the responses of the respondents were corrected by the non-response bias factor, which was computed as follows. Generals responding to the survey reported an average income of \$46,774.20. The phone sample of non-responding Generals reported an average

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income of \$36,546. Since there are 271 General outfitters and 98 responded, the average income was computed as $((98 \times \$46,774) + (173 \times \$36,546)) / 271$ which gives an average adjusted income figure of \$40,244.69. For the Special classes, the bias was even greater. Survey respondents reported an average income of \$31,658.12. Non-respondent average income was \$13,371. Using a similar adjustment procedure we get a figure for average income for Special Class outfitters of \$20,836.15.

	Adjusted General	Adjusted Special
Hunting	\$30,251.91	\$12,069.10
Fishing	\$2,390.47	\$5,984.24
Pack Trips	\$3,644.96	\$403.78
Other	\$1,956.24	\$2,373.93
Total	\$40,244.69	\$20,836.15

Multiplying by the number of outfitters of each type, we can estimate the total outfitter income for the 1985 season that was paid to members of the outfitting industry:

General	Special	Total
\$10,894,207.91	\$5,042,348.30	\$15,936,556.21

Outfitter Expenses

Using the data from the returned outfitter surveys, it is possible to estimate the amounts that outfitters paid out in the form of expenses to employees, and to other Montana businesses for each class of outfitters and to compute the total expenditures by outfitter class for a variety of types of

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expenses. The figures in the following table are reported for an average outfitter of each class and for the total industry, computed by multiplying the average for each type of outfitter by the number of outfitters of that type. Once again, these figures are adjusted to account for the non-respondent bias, assuming that expenses are linearly proportional to income.

	Adjusted Average General	Adjusted Average Special	Estimated Industry Total
Payroll	\$6,010.73	\$4,334.04	\$2,677,745
Supplies	\$4,998.61	\$2,246.27	\$1,898,221
Equipment	\$1,596.53	\$1,455.64	\$784,925
Interest	\$1,737.72	\$198.08	\$518,857
USFS Fees	\$685.13	\$121.76	\$215,136
BLM Fees	\$52.15	\$26.86	\$20,633
Private Leases	\$1,337.33	\$2,237.04	\$903,780
Stock	\$1,152.79	\$848.09	\$517,644
Feed	\$2,441.42	\$600.37	\$806,914
Vehicles	\$2,761.52	\$1,601.79	\$1,136,005
Gas/Fuel	\$3,191.77	\$1,737.92	\$1,285,546
Insurance	\$1,125.71	\$683.94	\$470,581
Advertising	\$1,993.78	\$1,098.44	\$806,137
Office	\$1,858.18	\$744.99	\$683,854
Other	\$907.27	\$2,017.1	\$734,028
Total	\$32,910.07	\$21,006.83	\$14,002,282

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Out of State Expenditures

Survey respondents were also asked the amount of those expenses which were spent outside of Montana to allow determination of the proportion of expenses which remain in the state. On average, only 8.0% of General outfitters expenses went out of Montana and 11.9% of Special outfitters expenditures were out of state. Using these figures, we can estimate that the outfitting industry's instate expenditures were:

General	Special	Total
\$9,694,141	\$4,478,734	\$14,172,875

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Outfitter Demographics

Respondents to the survey were also asked a number of other questions about their businesses. The results of these analyses are presented here, however, since non-respondents were not asked these same questions in the phone follow up survey, it is not possible to correct the responses for non-respondent bias. Accordingly, care should be used in interpretation of these figures, since they represent responses from a sample that is characterized as having larger revenues. It should also be remembered that the General Outfitter bias is less than that associated with the Specials, since the response rate was bigger for Generals and the income reported by non-respondents was closer to that of survey respondents.

Years in Business	9.5	5.8
Hunting Clients	33.4	15.6
Fishing Clients	9.6	40.4
Pack Clients	14.6	2.6
Other Clients	13.4	33.9
Employees	4.7	3.3*
Years Insured	7.7	5.4
Insurance Claims	.22	.04
Dollar amount Insurance Claims	\$355.00	\$6.57
Acres Private Land Leased	24,555	28,328

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* This probably underestimates the number of individuals employed in the outfitting industry because many outfitters reported that they hired contract labor, for example guides, and did not include them in their estimates.

Acknowledgements

We would like to thank the Montana Outfitters and Guides Association for their support of this project. This report would have been impossible without the timely, full cooperation of Montana's Department of Fish, Wildlife and Parks. Ron Curtiss of MOGA and Director James W. Flynn of F, W & P were always more than willing to help when needed. We appreciate the time and effort.

SENATE FISH AND GAME

EXHIBIT NO. 1-Page 28

DATE 1-10-87

BILL NO. Enrolled House

MONTANA WILDLIFE FEDERATION

POSITION PAPER: NONRESIDENT BIG GAME COMBINATION LICENSING

In December, 1985, the Montana Dept. of Fish Wildlife and Parks announced a new licensing system for nonresidents which included a set-aside of 5,600 licenses for clients of outfitters. The Montana Wildlife Federation objected, and filed for an injunction to stop the set-aside. The Federation Board felt that nonresidents not choosing to hunt with an outfitter should have equal opportunity to get a license as nonresidents choosing to hire an outfitter. The Federation did not receive its injunction and licenses for clients of outfitters did not sell out for two weeks following licenses for nonresidents not hiring an outfitter. The Department indicated at that time that outfitters and sportsmen should reach a compromise, otherwise the system would have to be decided by the Legislature.

Under Jennifer Cote's direction, an ad hoc committee has attempted to poll, negotiate and compromise with M.O.G.A. The outfitters have been firm in their claim that they MUST HAVE a guaranteed clientele to survive. Federation members cannot agree and have sought a solution that supports outfitting as an industry in Montana and simultaneously gives equal opportunity for licensing to all nonresidents. At its annual meeting in May, the Montana Wildlife Federation adopted a resolution calling for a random drawing for the 17,000 licenses.

At its September Board meeting, the Federation Board voted to adopt the Hadley proposal for nonresident licensing which better addresses the support for outfitters than a straight drawing would. MWF lobbyists were instructed to introduce legislation to that effect.

GENERAL OUTLINE OF PROPOSED LEGISLATION

1. License applications for nonresidents be mailed out beginning early December.
2. License applications be accepted by the Department from January 1 through January 31. License applications include a checkbox for 1) intending to hunt with an outfitter or 2) not intending to hunt with an outfitter
3. Following the closing of applications on January 31, applications be tallied into the two groups listed above. Percentages be assigned to each group of the total number of applications. 17,000 nonresident big game combination licenses be allocated into two groups according to the percentages of applications in each group. Licenses be drawn by group.
i.e. If 30,000 applications are received, and 10,000 of those applications indicate they will hunt with an outfitter, they are allocated 5,600 licenses. 5,600 licenses are drawn from those 10,000 applications.
4. A list of successful license applicants be made available to

the public following the drawing to assist outfitters in their marketing.

5. Provisions be made to allow for groups of up to four to be drawn together.

Question: Outfitting brings a lot of money to Montana. Wouldn't your proposal force outfitters out of business and weaken Montana's economy?

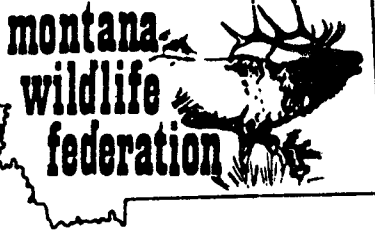
Answer: This proposal does nothing to diminish the number of clients of outfitters. It simply ensures that all applicants will have equal opportunity to get a license. It gives all outfitters equal opportunity to have their clients receive licenses, not just those who happen to get their mail early. (Previously licenses have been issued on a first come first serve basis and who is successful has been highly dependent on the whims of the mail system.)

SENATE FISH AND GAME

EXHIBIT NO. 2

DATE 1-10-87

BILL NO. Public Document



Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

January 14, 1987

Senator Ed Smith
State Capitol
Helena, Mt 59620

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE January 10, 1987

BILL NO. Public Discussion

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

Dear Senator Smith,

Thank you for holding your joint Senate-House pre-hearing for the non-resident licensing proposals from the Montana Wildlife Federation and MOGA. Many of us sportsmen and sportswomen are 8-5 working people so appreciated being able to talk to you on a Saturday.

I sure hope that after you heard the comments for both proposals, you will support the sportsmen' bill, HB 104 - which is already a compromise to guides and outfitters because their customers can still obtain a proportionate share of the licenses.

I am enclosing several copies of letters from people who commented during the period Director Flynn asked for public viewpoints in November, 1985 to give you more examples of how Montana sportsmen feel:

- Ken Frazier, Montana Wildlife Federation President
- John Gilpatrick, Hilger, Montana
- John Costello, Outfitter, West Yellowstone
- Jim Heck, Dept of Fish, Wildlife & Parks
- Neil Martin, Wildlife Manager, Dept of Fish, Wildlife & Parks
- Gary Sturm, Helena, Montana
- 32 individuals, Bozeman, Montana
- Jerry Brown, Wildlife Biologist, Dept of Fish, Wildlife & Parks

These letters summarize Montana sportsmen' dislike of preferential treatment toward any class of citizen and their fear of the privatization of wildlife.

As I mentioned in my comments last Saturday, sportsmen fund almost all of the fish and wildlife portions of the Dept of Fish, Wildlife & Parks. We receive no funding from the general fund. Our monies are for managing the wildlife resource and the sports of hunting and fishing. It is not our responsibility to foster commercial businesses. The market and the laws of supply and demand control private businesses. The Montana Wildlife Federation is willing to compromise by dividing the lottery into two groups.

Also attached is a copy of the memo summarizing the statistics on the sale of licenses in 1986. It illustrates the failure of the staggered mail out system (5,002 applications came in after February 10th) and the success percentage differential between the two blocks of licenses:

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

If HB 104 had been in place:

Applications:

Guided	5,617	25.5% x 17,000 =	4,335
Non Guided	16,402	74.5% x 17,000 =	12,665
Total	22,019	100.0%	= 17,000

Therefore, in 1986, guided hunt applicants received 1,265 more licenses than was fair (5,600 - 4,335).

Thank you again to listening to my comments and I urge your support.

Sincerely,

Pat Simmons

Pat Simmons
Treasurer

Enclosures

SENATE FISH AND GAME

EXHIBIT NO. 3 - page 2

DATE -140-81

BILL NO. Public Document



EDUCATION - CONSERVATION

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

November 25, 1985

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

James W. Flynn, Director
Montana Department of Fish, Wildlife & Parks
1420 East Sixth Avenue
Helena, Montana 59601

RE: Non-Resident Big Game Combination License

Dear Jim:

This letter contains the Montana Wildlife Federation's comments on the Department's proposed revision of the procedures which concern the sale and allocation of non-resident big game combination licenses. We appreciate the opportunity to comment on the proposal, and hope that these comments will be of assistance to the Department in finalizing the revisions.

The Montana Wildlife Federation currently boasts approximately 5,000 members, 1,000 of whom are non-resident sportsmen. The members as a whole, both resident and non-resident alike, recognize the terrible injustice of the non-resident sale system that was in place last year. We also recognize the significant role that non-resident sportsmen play in Montana's game management programs, be it financially or otherwise. A revision of the license sale system is an absolute necessity. We believe that the license sale system chosen must be fair to the non-resident who applies for a license, so as to provide each applicant with an equal opportunity to receive a license.

Developing a new license sale system is no simple task. We are acutely aware of the problems inherent in working towards the resolution of a controversy, while at the same time attempting to meet the needs of all interested parties. We applaud the Department's attempt to resolve this controversy. In general, although we believe that a straight drawing would be most fair under all circumstances, we can live with the staggered mail out/mail back system on a first come-first served basis. Also, in recognition of the needs of guides and outfitters and their clients to book hunts well in advance of the season, we support the February sales date. We have always disfavored the practice of accepting powers of attorney, so we are highly supportive of the elimination of that practice.

We do believe, however, that there is one fatal flaw in the system proposed by the Department. The allocation of a block of 5,600 license to non-residents who have booked their hunts with a

SENATE FISH AND GAME

THE WEALTH OF THE NATION IS IN ITS NATURAL RESOURCES

EXHIBIT NO. 3 - page 3
DATE 1-10-87

November 25, 1985

Page 2

licenced outfitter simply smacks of unfairness. Regardless of the historical trend of non-residents who hunt with outfitters, and regardless of the intended temporary nature of the Department's proposed system, we see this particular proposal as being one of the worst mistakes that the Department could ever make. The repercussions of such as system may be so devastating to the Department's relationship with non-resident and resident sportsmen alike that it may never recover.

We find the Department's justification for the block of 5,600 licenses to be totally without merit. First, the Department readily admits the injustice of last year's system and now proposes some revisions which it maintains will inject the system with fairness. Yet, at the same time, the Department wants to maintain the status quo for the outfitter. Isn't this somewhat contradictory? To maintain the "status quo" that existed over the last few years for the outfitters, the Department proposes setting aside a block of licenses for outfitted hunters. Has the Department really given thought to this position? If the "status quo" was intolerable last year, why maintain any portion of it any longer?

Second, the Department, whose admitted responsibility is to manage the wildlife resources of this state, suddenly takes it upon itself to foster small businesses within the State, most notably the outfitting industry, by providing an opportunity for those in that business to "plan and conduct their business with a minimum of uncertainty". This action was never mentioned as part of the Department's management plan for the next 5 years. Is the action really a responsibility of the Department? Since when does a state agency literally guarantee business for a small private industry? Of all of the dollars brought into this State by non-resident hunters, a rather small percentage goes into the pockets of outfitters. Why are outfitters favored to the exclusion of all other businesses that benefit from non-resident hunter dollars? Furthermore, does the Department realize that guaranteeing a certain percentage of non-resident hunting dollars to outfitters takes those dollars that might have gone elsewhere right out of pockets of the grocery store, the hotel, the bar, the restaurant, the sporting goods supplier, the horse rental, the car rental, etc.? Whether this concern is a reality, or merely a perception on the part of those concerned, the effect of this favoritism shown to outfitters may seriously harm all other segments of Montana's economy that have benefited in the past from non-resident hunter dollars.

The Department is artificially tinkering with the law of supply and demand. To help the outfitting industry, the Department intends to establish a demand - forcing the demand upon the consumer whether it exists or not. We believe that if the need or demand for the outfitting business is present, it will be met.

STATE, FISH AND GAME.

EXHIBIT NO. 3 Page 2

DATE 1-10-87

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November 25, 1985

Page 3

will prosper on its own, but if the demand is not present, it should not prosper. This is a simple economic fact of life, painfully understood by all small businesses in Montana. Please don't misunderstand our position. We recognize the important role played by Montana's guides and outfitters. It is a necessary industry in this state and there are very fine people working in the industry. Our point is simply that these people deserve no more favoritism by the state than any other industry that benefits from non-resident hunter dollars.

Moreover, does the department realize the precedent setting nature of this set aside of the block of licenses? How will the landowner who is permitted to guide on his property without an outfitter's licenses feel about the favoritism shown to outfitters? Why shouldn't this landowner also be guaranteed a certain percentage of the non-resident hunters? How about the individual who guides for antelope, whether a licensed outfitter or a landowner? Why shouldn't this individual also be guaranteed that a certain percentage of the permits allocated for antelope be set aside so as to benefit his business interests? It should be eminently clear to the Department that the set-aside of a block of licenses is not only unfair and discriminatory, but is establishing a precedent that will come back to haunt the Department for years to come.

Perhaps the most devastating ramification of the Department's proposal to set aside the block of 5,600 licenses is that which follows. The use of a guide or outfitter requires a relatively large expenditure of money on the part of the hunter. As a result, the guide or outfitter benefits financially. Establishing a rule which requires one-third of all non-resident hunters to make a large monetary expenditure for an outfitter sends a message far and wide that financial gain is a legitimate and desirable objective on the part of those involved in the sport of hunting. In effect, the Department is endorsing, by rule, the concept of monetization of wildlife. The state agency responsible for the management of wildlife resources is placing its stamp of approval on the concept of making money off of wildlife. Montana sportsmen believe that the Department's action will accelerate such concepts as fee hunting - concepts which we have historically resisted and will continue to resist. Although we recognize that some economic incentive for private landowners who permit access and feed wildlife is justified, we hardly expect the Department of Fish, Wildlife & Parks to promote that which sportsmen find hard to swallow. The last thing the Department needs to do now is to alienate that segment of the public which finances and supports its operations. Not only must the Department continue to have resident sportsmen support its programs; it must also have the individual residents willingness to cooperate. If the Department pursues the establishment of a block of 5,600 licenses for outfitted hunters, it may well lose the support and cooperation of Montana sportsmen. The real loss in that case will be the wildlife resources of this state.

SENATE FISH AND GAME

#3 Page 5

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DATE 1-10-87


November 25, 1985

Page 4

In closing, let me reiterate how devastating the Department's establishment of a block of 5,600 licenses may be. The Department's action on this one proposal may well instigate the demise of hunting in Montana as we now know it. The Montana Wildlife Federation is usually a staunch supporter of Departmental practices and policies. Even though we may not always agree, we have always respected each other's opinions and have continued to maintain a mutually beneficial relationship. Nevertheless, we envision this issue as having the power to alienate the Montana Wildlife Federation from the Department. We simply cannot stand idly by and watch the destructive, snowball effect that this proposal will have on the traditional concepts of hunting in this state, with a consequent detrimental effect on our wildlife resources. We encourage the Department to think through this proposal once again prior to taking further action. We trust the Department will recognize the proposal's frailties. If a straight drawing is not within the realm of possibilities, we ask that the Department implement a license sale system without the block so as to be most fair to all concerned. At the very least, we ask that the Department forestall a final decision on implementation of the proposed license sale system and set up a study committee to review the entire non-resident big game combination license arena and report its findings and recommendations to the Department.

Thank you.

Sincerely yours,


KEN FRAZIER
President

KSF:tcs

pc: Governor Ted Schwinden
Emily Swanson, MWF Executive Director
MWF Board of Directors
Spencer Hegsted, Chairman Fish & Game Commission

SENATE FISH AND GAME
EXHIBIT NO. #3 - 12-10-85
DATE 1-10-86
BILL NO. 12-10-86

11-18-85

RECEIVED

NOV 19 1985

DIRECTOR'S OFFICE

Mr. James Flynn - Director
Dept. Fish, Wildlife & Parks

Please accept the following comments on your proposed 1986 non-resident license sales.

First, I am amazed that such a large share of the permits will be reserved for outfitters. They provide a needed service but why not let them get their clientele from lucky license holders in a fair, unbiased drawing? - The 5600 permits reserved for outfitters plus roughly $\frac{1}{2}$ of the remaining non-resident license holders (the number served by outfitters in the past) is absolutely out of reason. If we are going to give preference what about private landowners with non-resident relatives or friends? I find them much more deserving. As a strong advocate of free public hunting I am disappointed that our wildlife agency is favoring a group that in effect markets wildlife. Pretty difficult for us, the private landowner, to resist leases when we buckle under to an economic lobby.

The staggered mail out is unworkable and unfair. It is obvious all mail will be sent in one place.

SENATE FISH AND GAME

EXHIBIT NO. 3-10-85

DATE NOV 30 1985

BILL NO. 1000

Director

delivered or picked up on the same day even
if mailed scientifically. If in fact it is
and the Dept. is deluged with 40 or 50,000
non-resident applications one day one, the first
11,400 will be license holders and the rest will
be returned, so you have in effect held a
drawing.

Both the outfitter preference and the
staggered mail out should be dropped in favor of
a fair, equal drawing. It should be held early
in the year. Perhaps some system could be
worked out so non-resident groups could get
party licenses. I would personally favor raising
the 17,000 quota considerably by legislative action.

Absolutely no preference to anyone unless
the private landowner gets it also!

Sincerely,
John Sigatsch

Please share this with the

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE

BILL NO.

RECEIVED
OCT 17 1985
DIRECTOR'S OFFICE



October 15, 1985

James W. Flynn, Director
Department of Fish, Wildlife & Parks
1420 East Sixth Avenue
Helena, Montana 59601

Dear Mr. Flynn:

In your most recent Outfitter Bulletin you presented your proposed revisions of procedures used by The Department and at the same time requested public comment on those revisions. Please accept this letter as my comments.

On page 2, under RATIONALE, you indicate that the department has the authority to supervise Montana's wildlife, etc. I should hope the department would also accept the "responsibility" to supervise in addition to the authority. Since it is the wildlife that should be first and foremost on your priority list, first of all, do what is most beneficial for the wildlife. Dates of seasons, location of hunts, numbers of licenses, etc., should be of primary importance. Secondly, since it is the general tax paying public along with the license paying hunter that fund the programs, responsibility #2 should be directed toward these folks. Down the priority list a ways, comes the selected few, such as myself, The Outfitter. 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.

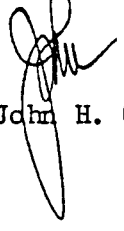
SEN. TO FISH AND GAME
EXHIBIT NO. 3-Page 9
DATE 1-10-87
BILL NO. Public Law



Now that that has been said, I offer two comments. I support wholeheartedly your proposed elimination of accepting power-of attorney. Applications should be made and signed only by the applicant. Secondly, begin the process of mailing applications, accepting applications, notifying successful applicants, etc. as absolutely as early in the calendar year as possible. The benefits on this point are so obvious they need not even be discussed. I am not aware as to why this cannot happen but I am sure the obstacles can be overcome.

Thank you for the opportunity to comment.

Sincerely,


John H. Costello

SENATE FISH AND GAME

EXHIBIT NO. 3 - Page 10

DATE 1-10-87

BILL NO. Public Access

Montana Department of Fish, Wildlife & Parks

RECEIVED
NOV 26 1985
DIRECTOR'S OFFICE

Office Memorandum

TO : Jim Flynn

DATE: November 25, 1985

FROM : Jim Heck

SUBJECT: Comments on Proposed Procedures for Selling Non-Resident Licenses

I have some serious reservations about the proposed non-resident license sale procedures. I realize that being in the field, I am not aware of all the problems and considerations surrounding this issue, but I would like to express my concerns based on my understanding of the situation.

The major problem appears to be that there are so many applicants for the limited number of licenses that a "first-come, first-served" sale is no longer practical. Each year it will continue to get more impractical. Any solution to the situation needs to address this situation as the primary concern. We owe it to the public to provide a fair, equitable, and reasonably workable system of dispensing licenses.

The proposed system would continue the "first-come, first-served" approach and, therefore, do little to alleviate the major problem. While it might help some to have a staggered mailing this is not a long term solution. We have applicants in foreign countries that take weeks to receive mail. The mail has never been so reliable that you can pick zones and estimate accurately when mail will arrive. We will continue to have the annual scramble to get applications in. Relatives and outfitters will be calling themselves private mail carriers and filling out applications for other people as in the past. We will still have people who fill out their applications immediately and don't get a license.

What is needed is a system in which applications are sent out and people have a reasonable amount of time to apply. The only long term solution is to go to a drawing. When a person applies for a drawing and is unsuccessful, they can understand that. They had a fair chance and lost. What is not acceptable is to send in an application as soon as you receive it and still be told you were too late. "First-come, first-served" simply does not work when the demand far exceeds the supply. If we fail to go to a drawing now, we will in all likelihood have to do it in a few years anyway. I believe it would be better to do it now rather than waiting and changing the system again in a few years.

I am fairly certain that the main reason we are proposing this system is to accommodate outfitters. They have always been opposed to the drawing concept because it would limit their ability to insure that their clients always get licenses. This is a valid concern from their point of view. A drawing would mean that they could not guarantee their clients a license. The question to be asked here is, should a hunter who hires an outfitter be guaranteed a license ahead of a hunter who does not hire an outfitter?

SENATE FISH AND GAME

EXHIBIT NO. 3 Page 10

DATE 1-10-87

For years outfitters have wanted to operate as middlemen in the licensing system. They would like to tie up licenses for distribution to their own clients. The Department has always resisted this concept and kept licensing between the department and the sportsman. This proposal will represent the first time that outfitters have been acknowledged as having some type of standing in the issuance of licenses, (with the exception of our attempt to require non-residents to hire an outfitter, which was ruled unlawful). If we set aside 5,600 licenses for outfitters clients, we will have to deal with them on an annual basis wanting to raise the number allotted to them. It is also doubtful if this system would withstand a court challenge from an unsuccessful hunter who did not retain an outfitter.

I am also wondering just how the proposed system will benefit outfitters. If we have determined that one out of three non-residents presently retain an outfitter and we are proposing to set aside 1/3 of the licenses for outfitters, I can't see that anything has been accomplished. It seems as if the same situation will result whether we do this or not.

The major difference will be that we will now have to handle the administrative problems of verifying whether a person actually has an outfitter or not. We will become embroiled in all of the squabbles where clients fire their outfitters before hunting season, clients that cancel out due to alleged illness or personal problems. There will probably be people signing with outfitters just to qualify and then quitting. There will probably be outfitters taking a fee just to send someone a certificate. Checking outfitter reports will be a time consuming and unproductive undertaking. Many outfitters only record a small percentage of their hunters on their records to save time and avoid problems at tax time.

We will be going to a lot of trouble and we will still have the same problems that we did before, namely a "first-come, first-served" drawing with panic buying and irritated people. This proposal fails to address the major problem.

PROPOSAL

I realize that it is easy to pick apart a plan and difficult to propose one. I would, however, like to offer the following proposal as an alternative.

1. Some time in December applications would be mailed to everyone on our lists.
2. They would have to be returned by January 15.
3. A drawing would be held immediately and a list of successful hunters produced by February 1.
4. Copies of the list would be made available at that time to outfitters.
5. As soon as possible licenses and an outfitter listing would be mailed to all hunters.

SENATE FISH AND GAME

EXHIBIT NO. 3 - Page 12

DATE 1-10-87

BILL NO. Public Law

Results

1. Applicants would have 1-1½ months to apply.
2. Outfitters would have a list of hunters in early February for advertising purposes.
3. All hunters would have an outfitter listing with which to contact outfitters.
4. Hunters would have licenses in time for fishing season, spring bear hunting, etc.

This system would not allow an outfitter to guarantee someone a license, but it would offer them a reasonable chance to procure customers early in the year. This system would continue to work even when the volume continues to increase. It might not be exactly what the outfitters would want, but it would be much more equitable to the public.

JH:jh

SENATE FISH AND GAME

EXHIBIT NO. 3-10-87 43

DATE 1-10-87

BILL NO. Public Discussion

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



Box 430
Miles City, Mt. 59301
November 21, 1985

James Flynn, Director
Dept. Fish, Wildlife and Parks
Helena, Montana 59620

Dear Jim:

As per your request regarding comments on the sale of the 17,000 non resident licenses we applaud efforts to improve procedures, however we feel that the current proposal is not in the public's best interest. Our primary concerns with the current proposal are twofold:

1) The guarantee of a minimum number of nonresident combination licenses for clients of outfitters would result in promotion of a special interest group (outfitters) at the expense of the average sportsman. This action would be inappropriate for a public agency charged with managing a public resource in the public's best interest. Since wildlife in Montana is the property of the people of Montana, Montanans are entitled to the first fruits. Any action by their department which limits that opportunity is apostasy.

2) The proposed sales procedure remains a first-come, first-served system and is therefore prone to many of the problems we have had under the old system. Heavy reliance on the US Postal Service by the new procedure may have the end result of compounding some of those problems rather than solving them.

We believe that a random drawing (like our other special permit drawings) would be the most equitable means to provide 17,000 nonresidents an opportunity to hunt in Montana. While we recognize that reputable outfitters provide a service for which there is a demand, it seems inappropriate for a public agency to design its policies to promote outfitting, or any other private enterprise. If the outfitting industry needs more than 8 months to solicit clients, this drawing could be held several months earlier, or even a year prior to the hunting season.

In eastern Montana, which is 75% privately-owned land, the challenge of managing game populations and providing recreational opportunity is compounded by the issue of access to private land. During recent years, the trend of increased fee hunting and leasing private lands by outfitters has substantially reduced hunter opportunity, thereby seriously impacting our agency's ability to manage game populations. Approximately 1,100 square miles in Region Seven were "newly" leased by outfitters and

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NOV 22 1985
DIRECTOR'S OFFICE

SENATE FISH AND GAME

EXHIBIT NO. 3- Pages 14

DATE Jan 10, 1986

ALL FOR PUBLIC INFORMATION

Page 2

closed to public hunting during the 1985 hunting season. Commercialization of wildlife is probably inevitable to a certain extent, particularly in view of current agricultural economics. However, it is inappropriate and untimely for the Montana Department of Fish, Wildlife and Parks to adopt policies designed to encourage and accelerate that trend. Promotion outfitting by the MDFWP would have the following consequences:

Substantially reduced hunter recreational opportunity due to increased leasing of private lands by outfitters.

Accelerated closures of unleased lands as a result of additional hunting pressure previously absorbed by lands which have been leased.

Increased hunting pressure on tracts of public land, which are already heavily used.

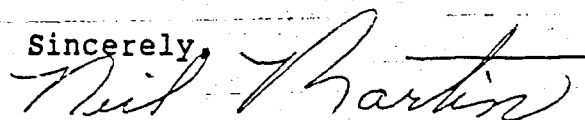
Reduced ability of MDFWP to manage big game populations through harvest of the female population segment (outfitting and fee hunting is geared toward trophy hunting, resulting in underharvest of the female population segment).

Increased game damage problems on leased lands and adjacent lands for which the MDFWP has legal responsibility to address. This results in increased time/effort/sportsman \$\$ used to address game damage and increasingly widespread illegal killing of "excess" antlerless animals by agricultural operators.

Unfortunately, none of the above phenomenon would be "new".....these trends are already occurring in our region.

It is our hope that the MDFWP direct its efforts to address the problems associated with managing a public resource on private lands and the issue of landowner/sportsman relations. At this point, we feel our agency cannot risk adopting policies which would aggravate the access problem and restrict our ability to manage wildlife populations. In order to fulfill our responsibility to manage Montana's wildlife, programs providing incentives to private landowners who maintain wildlife habitat and allow public hunting, must be developed. If we fail to address this problem, the future of hunting in eastern Montana is not very bright.

Sincerely,



Neil S. Martin, DATE FISH AND GAME
Wildlife Manager

EXHIBIT NO. 3 page

DATE 1-10-84

RECEIVED
NOV 14 1985
DIRECTOR'S OFFICE

November 13, 1985

Montana Fish and Game Commission
Montana Department of Fish, Wildlife and Parks
1420 E. 6th Ave
Helena, MT 59620

RE: Non-Resident Comb. Licenses

Commissioners:

In reference to your proposal to modify the method of allocating the 17,000 non-resident combination tags, I would like to offer the following comments:

✓ 1. The proposal to allocate one third of the available permits to those individuals who have booked a hunt with a Montana outfitter is blatantly discriminatory. If we want to get more money into Montana why not auction the licenses off to the highest bidder and cut out the middle man. At least then the intent of this proposal would be unmistakeable.

2. This proposal can not but increase the potential for some angry non-resident to take legal action against the entire non-resident quota system. But then again 50,000 or 60,000 non-residents paying over \$300.00 each is probably more attractive to your Department than the present system anyway.

3. I, too, am in favor of maintaining a strong Montana economy, but I am not sure that I like the idea of the outfitting industry being guaranteed an income base. There already has been enough land lost to lease and fee hunting, without increasing the ability of the outfitting industry to finance more of this.

4. Finally, this proposal appears to be just another example of your Department's growing tendency to over regulate the utilization of our wildlife resources. Each year the regulations increase in complexity and scope. I am just not sure that this is necessary. Seems to me if there is more demand for this license than there are licenses available the only fair and by far the simplest solution is to award them through a lottery drawing just like you do for any other over subscribed license or permit.

Sincerely,

Gary L. Sturm

Gary L. Sturm
Sportsman's License #301

SENATE FISH AND GAME

EXHIBIT NO. 3-page 16

DATE 1-10-87

BILL NO. 11

Mr. Jim Flynn, Director
Montana Department of Fish, Wildlife, and Parks
1420 East 6th Ave.
Helena, Montana 59620

4 November 1985

1985

Page 1 of 2

Good morning;

We strongly object to the proposal to set aside blocks of non-resident combination big game (elk) licenses for any special interest group (outfitters). Setting aside for outfitters clients will only serve to make Montana elk hunting more of a sport for moneyed non-residents and tend to raise outfitters fees.

Reserving licenses for one special interest group will lead to demands for reserving licenses for other special interest groups. Residents, such as we, will ask to reserve licenses for our out-of-state friends who try to hunt with us each year. Landowners may ask to reserve licenses with the thought of income from fees to get a license and hunt their land.

We suggest that the most fair way to treat the prospective non-resident hunter is to adopt a (computer) drawing like Wyoming's. Either that or continue to sell all licenses first come first served by mail only.

Again, we urge no favoritism to any special interest group.

Respectfully,

① John C. Underwood
7903 ALAMOSA LANE
BOZEMAN, MT 59715

② Joan H. Underwood
7903 Alamosa Ln.
Bozeman, MT. 59715

③ John Metcalf
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Bozeman, MT

④ William F. Hansen
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Bozeman, MT 59715

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⑥ Ken Mahan
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Bozeman MT.
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⑦ Lloyd D. Van Campen
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BOZEMAN MONT
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⑧ Jim Schmieding
1000 NT 15TH Box 233
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⑨ Michael J. Garcia
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⑬ Greg Council
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⑭ Paula Miller
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Gallatin Gateway

⑮ Bob Engle
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Bozeman, MT

⑯ Debra Javeranti
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Bozeman, MT 59715

⑰ Jim Alsbrook
77079 E. 1st St.
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⑱ Dan Lutes
3011 Candy Ln.
Bozeman, MT

⑲ Harold Roy
5755 Applewood
Bozeman, MT 59715

SENATE FISH AND GAME

EXHIBIT NO. 3-Page 1 of 2

DATE 1-10-87

BOZEMAN, MT 59715

RE: LETTER TO: MONTANA FWP

FROM: JOHN UNDERWOOD DATED 10/4/85

MARK A. HUNTER
620 E. NAVIS
BOZEMAN, MT, 59715

Mr. Bancro
P.O. Box 1513
Bozeman MT, 59715

Wallace Fisher
1400 Wolf House
Bozeman, MT

George M. Connor
1503 Alder St
Bozeman, MT

Hal Anderson
1706 WILDFLOWER WAY
BOZEMAN, MT 59715

David I. Stetler
2000 Madison
Box 1111
Bozeman, MT 59714

Robert H. Felling
3805 Toole
Bozeman, MT

Ralph H. Ferraro
7432 Bridger Cr Rd
Bozeman, MT
59715

(28) Dwight C Prewitt
701 E Mendenhall
Bozeman MT 59715

(29) William C. McKinn
P.O. Box 943
Bozeman Mont.

(30) Gail S. Hopper
3025 SACOR AVE.
BOZEMAN, MT 59715

(31) Darne Hooper
18 Riverside Dr.
BOZEMAN, MT.
59715

(32) Dr. K.D. Kuntz
2006 W. BABCOCK
BOZEMAN, MT 59715.

SENATE FISH AND GAME

EXHIBIT NO. 3 - Page 18

DATE 7-18-87

BILL NO. Public Law 100-690

STATE OF MONTANA
DEPARTMENT OF FISH, WILDLIFE AND PARKS

AE
RECEIVED
NOV 14 1985
DIRECTOR'S OFFICE

Office Memorandum

TO : Jim Flynn
FROM : Jerry Brown

DATE: October 25, 1985

SUBJECT: License Sale PROPOSED REVISIONS

I read, with disappointment our Department's proposal to revise nonresident license sale procedures for 1986. I noted, with interest, that the word "unfair" appeared numerous times in the background statement. Unfair is indeed the appropriate word for the proposal as it discriminates against the general hunting public of this country. 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 nonresident 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 nonresident licenses.)

As written, the proposal would effectively reduce the 17,000 quota to 11,400 licenses available to the general public while allocating 5,600 licenses to a special interest group for the purpose of their financial gain. I really do not see the fairness in this strategy. In fact, the proposal would decrease a nonresident's chances of getting a license since he would now be competing for fewer available licenses (11,400) than before, unless he chooses to apply under the outfitter's quota. This entire thing reminds me of the system we had a few years ago where all nonresident hunters were required to have a guide in Montana. We know how that went when challenged in court. To borrow from the background statement, "nothing will prevent a successful applicant in the general sale from later engaging the services of a licensed outfitter." The only equitable solution to this situation is through a drawing where all nonresident applicants are treated equally.

On a more positive note, I do agree with some of the other points in the proposal. I think it is a good idea to make licenses available early in the year (i.e. January) so that a drawing could be completed by mid-February. This would allow hunters plenty of time to prepare for their hunt and allow those that desire an outfitter's assistance to make those arrangements. The power-of-attorney system was just an attempt to ensure outfitters of a guaranteed clientele and a guaranteed income. It should be eliminated.

I hope you will take my concerns into consideration. I can assure you that I am not alone in my opinions.

Thank you for listening.

Respectfully

Jerry Brown
Wildlife Biologist

SENATE FISH AND GAME

EXHIBIT NO. 3 - page 17

DATE 1-10-87

BILL NO. 1-10-87

JB:ns

Montana Department of Fish, Wildlife & Parks



Helena, MT 59620
March 4, 1986

To: Jennifer Cote

From: Dick Johnson

Re: Status Report on 1986 Nonresident Big Game Combination Licenses

5,600 OUTFITTER QUOTA

These licenses went on sale February 10, 1986, on a first-come, first served basis. Listed below is a breakdown by day of the sales:

<u>Date</u>	<u>Number of License Processed</u>
February 10	4,380
11	405
12	Holiday
13	415
14	87
17	Holiday
18	103
19	31
20	28
21	38
24	57
25	31
26	17
27	8*
	<u>5,600</u>

400

17 days

*On February 27th, 25 applications were received; therefore, a drawing was held to determine which sportsmen would receive the last eight licenses.

17 without
license

11,400 QUOTA

These licenses went on sale February 10, 1986, on a first-come, first-served basis. We received 12,059 valid application in February 10th's mail. A drawing was held and there was a total of 659 unsuccessful applications.

We have kept an ongoing tally of applications for the 11,400 category received after February 10th. As of February 27, 1986, there were 16,402 applications.

RLJ:td

cc: Dave Mott

SENATE FISH AND GAME

EXHIBIT NO. 3 - page 20

DATE 1-10-87

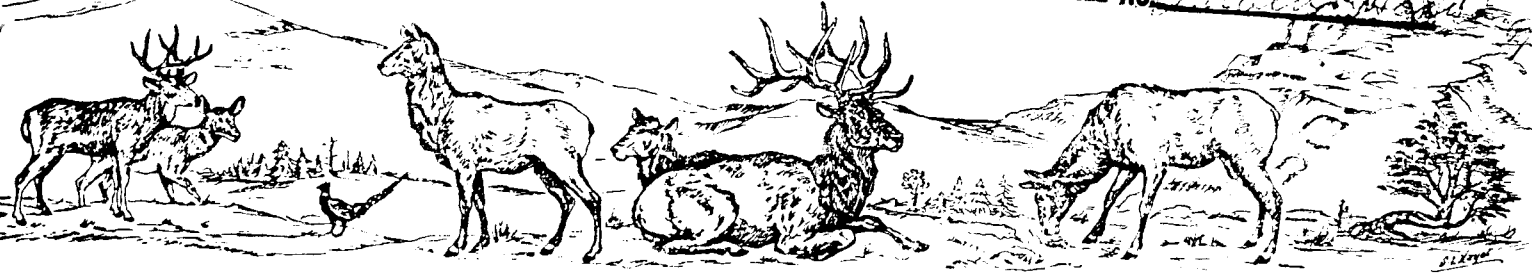
BILL NO. Public

Ravalli County Fish & Wildlife Association

P. O. Box 938

HAMILTON, MONTANA 59840

BILL NO. Public Bill



Janaury 10, 1987

The key issue before us today is fairness. Would we as residents of Montana accept a differential selection rate in our Sheep, Moose, and Goat drawings? Would we accept a higher selection rate for those hunters who engaged the services of a guide or outfitter, as opposed to a sportsman hunting on his own? The issuance of the 1986 Nonresident Big Game Combination Licenses clearly indicated that the 'guided' nonresident had a much better chance of receiving a combination license than did the 'non-guided' hunter. The 11,400 licenses for non-guided hunters sold-out the first day of sale, with over 12,000 applications that day, while the licenses for the 'guided' hunter took 17 days to 'sell-out'.

The record keeping as suggested in the MOGA proposal would be a nightmare for the Department of Fish, Wildlife, & Parks. Currently there are over 500 outfitters submitting annual reports to the Department. With the MOGA proposal there could be several thousand reports submitted, adding not only to the workload of the Department but to their costs.

With the exception of some of our utilities, such as electric, gas, and telephone companies, what other business in the state has a guaranteed clientele? Is it fair to guarantee the outfitter a clientele?

The MOGA proposal states "Montana residents have first priority for license sales to nonresidents". I would submit that only the Department of Fish, Wildlife, and Parks has the right to sell hunting and fishing licenses in Montana.

January 10, 1987 RCFWA testimony

The habitat acquisition and conservation easement portion of the MOGA proposal is commendable. However, there are a few problems with their current proposal. They state that 50% of the revenues should be set aside for private landowners. I submit that the expenditure of these funds should be at the discretion of the Department of Fish, Wildlife, and Parks, and the Montana Fish and Game Commission. MOGA states that their program should be "most beneficial to landowners". This type of program should be of greatest benefit to the resource - the wildlife of Montana.

I do not believe that the assertion concerning the outfitter being forced out of business is valid. As in any business the good operator will survive while the inefficient one will not.

The MOGA proposal states that is "treats residents equally" - how does it treat the nonresident?

The support of a Montana industry - the outfitting business is not the issue -- FAIRNESS is.

SENATE FISH AND GAME
EXHIBIT NO. 4 page
DATE 1-10-87

HORSE CREEK OUTFITTERS

Less than half a mile from Yellowstone National Park's isolated northern boundary, high on Tom Miner Basin's south rim, Horse Creek rises in a quiet mountain meadow seldom trespassed by man. Surrounding peaks rise into the clouds they spawn. Precipitous terrain tests the human interloper. Those who trek here must know mountain ways. Travel follows game trails - or no trails. Much of the country is too rough for horses. Here, where even latter-day mountain men rarely pass, wildlife abounds in a hidden corner of America's showcase wilderness.

We're located in the heart of the Yellowstone ecosystem, a vast area of untracked wilds, breathtaking mountain scenery, world-famous fisheries, and spectacular wildlife - including the largest elk herd in the world. Biologists, conservationists, and hunters recognize this as an unequalled wild-life paradise.

Our hunting territory on Yellowstone Park's remote north line comprises 25,000+ acres of private property and private-access National Forest land. Our clientele enjoys exclusive run of this carefully preserved remnant of North America's wilderness and representative wildlife.



OUR BIG GAME INCLUDES:

- 1) **BIGHORN SHEEP.** We control the only direct access into the population center of H.D. 300, one of few areas in the world offering unlimited permits, (available up to the season opener). We hold the only permit for a hunting camp in the district.
- 2) **MOOSE.** We have a Boone & Crockett bull from Horse Creek. Permits are difficult to draw.
- 3) **DEER.** 100% of our '83 hunters had a standing shot - a typical year. Large mulie and whitetail herds; very nice bucks!
- 4) **ANTELOPE.** We hunt antelope on 12,000 additional private acres further down the Yellowstone drainage. Very large herd and increasing; large bucks; excellent hunter success.
- 5) **ELK.** The Yellowstone ecosystem has the continent's finest elk hunting, and we control a large part of the best of this. Our local population of residents and annual Park migrants includes huge bulls. Experienced, well-travelled hunters have told us they've never seen so many elk. Taking a bull is by no means automatic, but 85% of our '83 hunters had standing shots.

In addition to our excellent hunting, we have unbelievable fishing on private and world-famous public water, including the Yellowstone, Firehole, and Madison Rivers.

You are assured warm, dry accommodations - cabin or tent - and superb food. We also provide: 1) all transportation, including to and from air terminals; 2) game meat and trophy handling/transportation to local packer or taxidermist; 3) veteran professional guides; 4) all services and equipment for a first-class vacation or hunt. No hidden costs or trophy fees.

Bruce and John guide with help from three other seasoned professionals. Our combined experience in this area totals over 90 years. We retain professional cooks. Each of us will take pleasure in sharing this unforgettable Yellowstone headwaters country. No one works harder for their hunters.

To Livingston, Montana

1985 PHOTO

Road to
Ranch Head-
quarters



Old County
Road to
Gallatin
National
Forest

63 Dude Ranch on Little Mission Creek - Note how corral has been gradually extended to block public access by old county road established in 1892, dude ranch established in 1929 (27 years later), Gated corral denies access to estimated 8,000 acres of national forest, and prohibits through public travel by road then trail to West Fork of Boulder River and Suce Creek (Recently added to Absaroka-Beartooth Wilderness Area)

SENATE FISH AND GAME
EXHIBIT NO. 5 - page 2
DATE 1-10-87
BILL NO. Public Hearing

CUT starts commercial outfitting on Royal Teton

By ERIC WILTSE
Chronicle Staff Writer

The Church Universal and Triumphant is going into the outfitting business on its Royal Teton Ranch in the wildlife-rich area on Yellowstone National Park's northern boundary.

But the ranch employee in charge of the hunts says they will be for elk only, not for buffalo that wander out of the park in winter and spring.

Edwin Johnson said he obtained an outfitters' license from the state this year and will direct the ranch's commercial hunting business during the annual late elk season. Jardine outfitter George Athas will work with Johnson.

The ranch recently started leasing out exclusive rights on its 12,000-acre ranch near Gardiner

during the regular big-game season to a private hunting club, he said. In the past, it has also leased hunting rights to local outfitters.

But the ranch will offer guided hunting to the public in the area along the park boundary during the Gardiner late elk hunt that starts in December, he said.

For \$100 hunters with cow elk permits will be driven in pickup trucks along the park boundary to look for elk. If none are found, hunters will be taken on snowmobiles to other areas on the ranch, Johnson said.

After the elk is shot, Johnson and his guides will haul the animal out and load it into the hunter's truck. "All you have to do is shoot it," he said.

Sportsmen with bull permits for the late hunt will be charged \$250 a

day to hunt on the ranch, he said.

Although it is entering the outfitting business, the Royal Teton will continue to honor its agreement with an animal protection group to forbid hunting of buffalo on ranch property, Johnson said.

Last year the ranch was going to charge hunters \$250 to shoot bison that leave Yellowstone Park and entered Royal Teton land. However, the Fund for Animals offered to build a fence along the park border to keep bison out, as long as the ranch banned hunting them.

Johnson said the ranch is putting up the fence along the park line and is hoping that Yellowstone Park officials will step up attempts to keep the brucellosis-carrying bison inside the park.

"We're not going to be hunting buffalo," he said. "We're hoping the

Park Service takes it upon themselves to keep them out."

The outfitting money will help compensate the ranch for elk and bison damage to fences and range-land, Johnson said.

"I think that's true with any landowner who has game on his property and leases to an outfitter," he said. "The money offsets the damage the game does."

Johnson said the ranch will allow free hunting on Cinnabar Mountain, as it has in past late hunts, as a way to protect bighorn sheep winter range there from being overgrazed by elk.

Hunters who want to go into the Cinnabar Mountain area can ask him for advice on where to find elk and how best to hunt them, he said. He will charge \$50 "and up" to pack out elk from Cinnabar Mountain.

THE PUBLIC LAND ACCESS ASSOCIATION, INC.

THE PUBLIC LAND ACCESS ASSOCIATION, INC., is a member supported corporation organized and operated under the Montana Non-profit Corporations Act;

1. to promote the restoration, maintenance, and perpetuation of public access to the boundaries, both internal and external, of federal and state lands in Montana, and
2. to promote and support public use of public lands.

National Forest and BLM Lands

Historically, the public lands (National Forests and BLM), were open and free for use by both residents and non-resident users. It was assumed that it was a God-given right for any person to get to these lands and obtain the necessary wood, water, and forage for sustaining life, and to hunt, fish, trap and recreate as needed. Access by long established routes was seldom an issue. Private lands were later created surrounding these public access routes as homesteading occurred.

In about 1900, big game animals in the west were at their lowest point in numbers. The establishment of the National Forests in the early 1900's started giving some protection to big game animals and they increased accordingly. Gradually, as big game animal numbers increased on both public and private lands, more and more people wanted access to the back country, primarily for hunting purposes.

Also, starting in about the early 1950's, fuel oil and natural gas began replacing wood for home heating, and fewer people needed to get up the nearest forest canyon to get wood. Yet, the increasing use of 4-wheel drive vehicles in wet weather started causing damage to roads and/or trails. Some private landowners started closing and locking gates to roads and/or trails traditionally used for public access to public lands.

The State of Montana also initiated advertising campaigns promoting big game hunting and fishing in the state. This commercialism of the hunting-fishing resource encouraged and rapidly increased the number of commercial interests who make their living from the commercialism of the state's outdoor resources. These commercial interests (i.e. - dude ranchers, outfitters, etc.) look to the affluent non-resident as their primary source of income, and they do not want any competition from residents or non-residents who choose not to hire outfitters and guides. The Montana Department of Fish, Wildlife, and Parks also derives a major portion of its operating income from high non-resident hunting and fishing fees. Yet its primary constituents are (or should be) the Montana resident hunter and fisherman. Why doesn't the Montana Dept. of Fish, Wildlife, and Parks sponsor a program to obtain access to public lands?

RECEIVED
1-5-87
1-10-87
BILL NO. *Public Hearing*

3. Yet, some western states, such as Arizona, have firmly established the right of the hunter to hunt on Arizona's school lands and the leasee is strictly informed that he must keep the lands open to hunters. Why cannot this be accomplished in Montana?

Other Actions

In addition to looking at the above Forest Service - BLM - State land access problems, the PUBLIC LANDS ACCESS ASSOCIATION, INC. will support the resident and less affluent non-resident public land user in the following ways:

1. Solicit and collect funds to support legal efforts to maintain, attain or reinstate reasonable public access routes by;
 - a. searching federal, state and county records for evidence of early public rights-of-way to public lands, and
 - b. hiring an attorney to take specific cases to state court to reinstate public access routes.
2. Become a spokesperson for public access by;
 - a. requesting specific and realistic plans for public access from District Forest Rangers, Forest Supervisors, and the Regional Forester,
 - b. requesting specific and realistic plans for public access from BLM District and State Directors,
 - c. requesting specific and realistic plans for public access by Regional Directors and the Director of the Montana Department of Fish, Wildlife, and Parks, and the Montana Fish and Game Commission,
 - d. seeking help and federal appropriations from Senators Baucus and Melcher for the construction and/or maintenance of public access routes to public lands,
 - e. seeking help and federal appropriations from Representatives Marlenee and Williams for the construction and/or maintenance of public access routes, and
 - f. seeking help and state appropriations from the Governor and the state legislature for the construction and/or maintenance of reasonable public access routes.

Note - There are over 200,000 resident hunters and/or fishermen in Montana. There are only some 563 licensed commercial outfitters in Montana. If the residents present their needs and wants in a coordinated and reasonable manner, we believe our senators and representatives will give us full support.

3. Become a monitor of public access routes for the resident and less affluent non-resident by;
 - a. identifying specific and reasonable public access points that are being blocked by;
 - (1) dude ranchers/outfitters,

We have also applied as a charitable organization for exemption from federal income tax under section 501 (c)(3) of the Internal Revenue Code.

Please remember, legal action for maintaining your traditional public land user privileges is going to be expensive. We urge you to come join the PUBLIC LAND ACCESS ASSOCIATION, INC., and put your money into an excellent cause. Complaining will not maintain your access rights, but a well financed organization can maintain your rights.

Revised 8/1/85 J.E.H

Trespass Fees for Hunting and Access to Public Land: The Over-Commercialization of Montana's Wildlife Resources

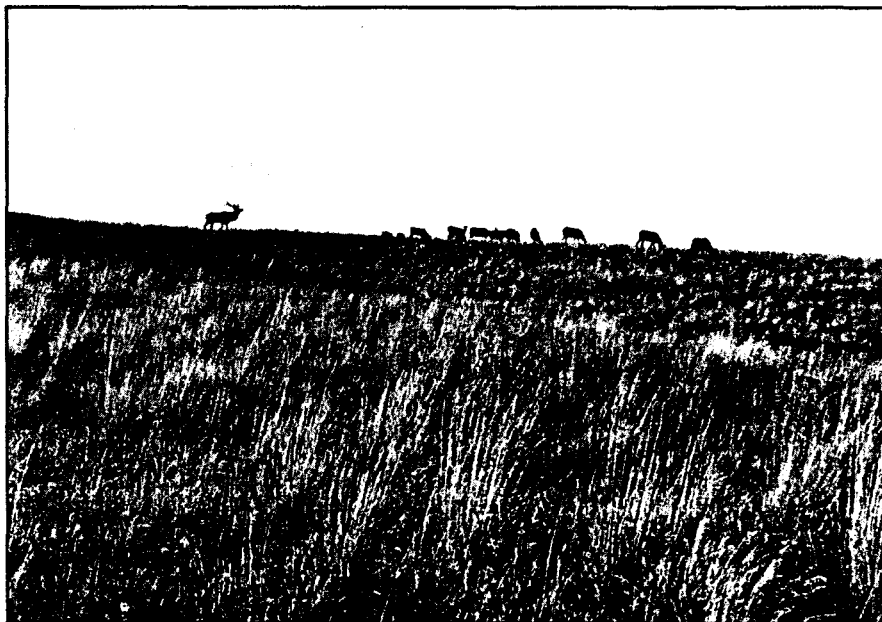
Lewis E. Hawkes

In the decade between 1890 and 1900, the number of big game animals in the West was at its lowest point. The vast herds of buffalo, elk and deer that originally populated the foothills and plains had been destroyed by over-hunting, but remnant herds remained in the most inaccessible forested areas.

It was a common concept at this time that big game hunting would disappear in the West. And why not? It had disappeared in every state east of Montana. The Yellowstone area was considered the last redoubt of big game hunting. Many early outfitters packed hunters from the Gardiner, Montana, area in the northern end of the park clear into Jackson Hole to shoot animals in the remnant herds.

Established in 1872, Yellowstone was originally designed to include all of the known geothermal features, and wildlife was not a major factor in establishment of its boundaries. From 1872 to 1886, parties of tourists hunted and fished at will. "Slay and eat" was the motto, and there were relatively few people employed to supervise tourists in the park.

Early park superintendents became concerned about the decline of wildlife in Yellowstone, and the army assumed responsibility for park administration and control until 1916. This eventually halted significant poaching in the park. Big game animals, particularly elk, began to increase and reappear in larger numbers on their traditional winter ranges, including those at Gardiner and the upper Gallatin Canyon (park boundaries were later expanded to the northwest from Gardiner to provide additional protection).



Photo/Kurt Teuber

Big game hunting was initially regulated by a conservation ethic developed by early conservation leaders such as Theodore Roosevelt, Gifford Pinchot (the first U.S. forester) and the Boone and Crockett Club. The creation of "forest reserves" by presidential proclamation between 1895 and 1910 established the first areas outside of Yellowstone National Park where big game populations could recover.

National concern about elk populations reached a peak in the early 1900s when some feared that the species would disappear. In 1919, a national review of the remaining elk herds was undertaken by the Forest Service and the (now defunct) Bureau of Biological Survey. The survey estimated that about

70,000 elk remained in the United States; 40,000 to 45,000 were estimated to reside in or adjacent to Yellowstone National Park. Montana had only 2,500 elk in its Sun River herds, 19,000 in the Gardiner herd, 1,600 in the Gallatin herd and 250 in the Madison

Lewis E. Hawkes is president of the Public Lands Access Association, a non-profit organization promoting public access to public lands. Now retired from the U.S. Forest Service, he has been directly involved with the administration of range-wildlife habitat for a career spanning 38 years and most recently served as supervisor of the Gallatin National Forest. He holds a BS in forestry from Utah State University and a MA in public administration from the University of California, Berkeley.

fitters and/or guides. For example, Alaska licenses master guides and registered guides, while Nevada licenses master guides and sub-guides; Montana and Wyoming license outfitters and guides. However, comparisons of public land acreages per state illustrate some very meaningful trends (Table 1). For example, Alaska has one master guide/registered guide for every 612,000 acres of national forest and BLM land. Idaho licenses one hunting outfitter for about every 95,000 acres of national forest or about every 150,000 acres of public land when both national forests and BLM lands are included. Utah and Washington list only seven and nine hunting outfitters, respectively, but they have 30,065,576 and 9,366,159 acres of public land. Colorado, Montana and Wyoming have the largest outfitter/public land ratios, with 1/37,439, 1/17,650 and 1/17,304, respectively.

The MDFWP's Region 3, which includes a large portion of southwestern Montana, has one outfitter/guide for about each 11,000 acres of national forest and one outfitter/guide for about each 12,000 acres of public land when BLM holdings are included. Consequently, this area supports almost twice as many outfitters (507) as the entire state of Alaska (310). It is difficult to imagine a more obvious example of the over-commercialization of the big game hunting resource.

The dude rancher/outfitter/guide complex is not a biological requirement for wildlife management. It is simply a middleman broker group that is inflating the cost of hunting for both resident and non-resident sportsmen. Some states, such as Utah, have refused to allow the industry to become established because they consider it a powerful special interest group that can pressure

fish and game departments to set special seasons or longer seasons and push for excessive trophy hunts, all for the benefit of its exclusive clientele.

In 1984, there were 563 licensed outfitters and 1,086 guides (including 79 fishing outfitters) in Montana and more than 200,000 licensed hunters. The 563 dude ranchers/outfitters had far more influence on the actions of the state legislature and the FWP Department than the 200,000 resident sportsmen. For example, of the 17,000 non-resident hunting licenses made available in 1986, the MDFWP reserved 5,600 for non-residents who have booked hunting trips with outfitters.

Montana also has at least seven outfitters running guide schools. As soon as each trainee spends a one- or two-year apprenticeship with an outfitter, he begins searching for a place to set up his own business.

Table 1
Number of outfitters and guides licensed by each individual state for all types of hunting in the West in the 1983-1984 period. This includes some dude ranchers in Montana.

State	Expires	Number of Licensed Hunting Outfitter/Guides	National Forest Acreage	BLM Acreage	Number of Acres Public Land per Outfitter/Guide	
					NFS	Total
Alaska	(12/31/85)	42 master guides 268 registered guides 310 total	22,938,652	166,984,847	73,995	612,658
Arizona	(6/1/84)	159 outfitters	11,269,406	11,881,772	70,876	145,604
California	(5/8/84)	172 outfitters	20,426,092	18,001,527	118,756	223,416
Colorado	(2/4/85)	336 active as of 2/4/85 592 total outfitters	13,817,859	8,346,472	38,065 23,340	61,058 37,439
Idaho	(9/1/83)	163 big game outfit 53 chukar-grouse 216 total	20,385,566	11,906,668	94,377	149,500
Montana	1984 list (final) outfitters guides total (Excludes 79 fishing outfitters and estimated 158 guides)	484 928 1,412 Region 3 outfitters 187 guides 331 total 567	16,796,582 5,677,768	8,125,261 1,087,691	11,895 11,198	17,650 13,344
Nevada		63 master guides 36 sub-guides 99 total	5,150,156	48,281,508	52,021	539,713
New Mexico	(No License Required)		9,085,663	12,718,948	?	?
Oregon	(mostly float trips)	55 outfitters	15,491,324	13,572,654	281,660	528,435
Utah	(No license required)	7 outfitters	7,989,733	22,075,843	1,141,390	4,295,082
Washington		9 outfitters	9,055,485	310,674	1,006,165	1,040,684
Wyoming	(2/85)	366 outfitters 1,200 1,566 (Excludes fishing outfitters and 300 guides)	8,682,125	18,416,333	5,554	17,304

tunities on private lands, thus encouraging fee hunting on private lands.

- Outfitters are accelerating the leasing of private lands for hunting by affluent non-residents, which also encourages more fee hunting.

The recent controversy about stream access in Montana illustrates state residents' reaction to increasing private control of access to public resources. A state supreme court decision affirmed the public's right to use public waterways, although landowners and commercial users continue their attempt to "interpret" just how this recreation right should be used. Twenty-two states have adopted the recreational approach to stream use, which generally allows fishing without landowner permission on streams large enough to support recreational traffic; 28 states have adopted a commercial or navigable stream approach, which does not allow fishing without permission unless a stream is commercially navigable. All of the states contiguous to Montana have adopted a recreational approach.

Several of the appeals recently filed over the stream access issue have come from the commercial recreation complex. This group apparently wants to continue to use public property for their clientele while excluding the general public.

Some of the current attitudes toward public and private property in Montana were formed during the "cowboy legislature" of 1885. As rancher Konrad Kohrs noted in his autobiography:

During the fall election I was elected a member of the territorial legislature and spent the first two months of 1885 in Helena. This was what has been called the cowboy legislature, a great legislature that had great times. It was called the cowboy legislature because nearly all laws on the statute books relating to the cattle industry were passed that winter. Many of them are used today, though several, on account of their being considered class legislation, were repealed in 1909. (Warren 1977)

Such attitudes are not surviving the test of time, as evidenced by the supreme court decision on stream access. Other issues now being considered (or reconsidered) are public access to state school lands and the blocking of public access routes by private landowners.

The group of Butte sportsmen that filed the suit which led to the Montana supreme court stream-access decision are now seeking access to state school lands. Similar groups have formed in the Deer Lodge and Bozeman-Three Forks-Livingston area. The

Deer Lodge group and the Montana Wildlife Federation recently sponsored a joint landowners/sportsmen conference on fee hunting and public access. The conference ended on a positive note with the appointment of a sportsmen/landowners steering committee that will continue to work on joint problems. In addition, delegates to the May 1986 Montana Wildlife Federation annual meeting adopted public-land access as their top priority.

The Bozeman-Three Forks-Livingston group incorporated to form the Public Land Access Association, Inc. (PLAAI) to "promote the restoration, maintenance and perpetuation of public access to federal and state lands in Montana and to promote and support public use of such lands." The group represents resident and less affluent non-resident public land users. Its primary purpose is to request specific and realistic plans for public access from the Montana Department of Fish, Wildlife and Parks, the Montana Fish and Game Commission and all levels of the Forest Service and Bureau of Land Management. Other tactics include seeking help and appropriations from the state's congressional delegation, the governor's office and the legislature.

One unique feature of the Public Land Access Association is its attempts to monitor public access issues by:

- Identifying specific and reasonable public access points that are being blocked by dude ranchers, outfitters and/or absentee ranchers.
- Encouraging the Forest Service, the BLM and the MDFWP to deny outfitter permits when they conflict with resident or less affluent non-resident needs and are being used to deny public access or create fee hunting.
- Suggesting and supporting legislation for a moratorium on additional outfitter permits.
- Encouraging the phasing out of commercial recreation permits where they are no longer needed to serve the needs of the public, particularly the resident public.
- Supporting legal efforts to maintain, attain or reinstate reasonable public access routes by 1) searching federal state and county records for evidence of early public rights-of-way to public lands, and 2) hiring an attorney to take specific cases to state court if needed to reinstate public access routes.

Although the association fully supports valid private property rights, it believes the public has the right of access to routes to public lands that were established and used

before homesteading or the sale of public lands into private hands.

Under the English concept of law, wildlife belongs to the landowner. Because of the vast early frontier, the American legal system developed the concept that wildlife belongs to the state and thus the people. This is the basis of game management in the United States.

If the present trends toward blocking access to public land and charging trespass fees to hunt private lands are allowed to accelerate, the average Montana resident will soon be squeezed out of the hunting picture. He will be unable to gain adequate access to public land, and high trespass fees will bar him from private lands. By default, Montana will have adopted the English concept that the landowners own the wildlife on private land, and the commercial interests will control wildlife on public lands.

Readers interested in more information on the public land access/fee hunting issue may write to: The Public Land Access Association, PO Box 3902, Bozeman, MT 59772.

REFERENCES

- BEAL, M.D. 1949. The Story of Man in Yellowstone. Caxton Printers, Caldwell, Idaho
- CHENEY, R. AND C. ERSKINE. 1978. Music, Saddles and Flapjacks — Dudes at the OTO Ranch. Mountain Press, Missoula, Mont.
- GRAVES, H.S. AND E.W. NELSON. 1919. Our National Elk Herds — A Program for Conserving the Elk on National Forests about the Yellowstone National Park. U.S. Department of Agriculture, Washington, D.C.
- KOCH, E. 1940. Big Game in Montana from Early Historical Records. U.S. Forest Service, Northern Region, Missoula, Mont.
- LEOPOLD, A. 1933. Game Management. Charles Scribner's Sons, New York
- MONTANA FISH AND GAME DEPARTMENT. 1971. Game Management in Montana (T.W. Mussehl and F.W. Howell, editors). Helena, Mont.
- NELSON, J.W. 1917. Census of the Northern Elk Herd. U.S. Forest Service, Absaroka National Forest
- U.S. FOREST SERVICE. 1920. Report on Game Protection and Patrol of Elk Winter Range. Absaroka and Gallatin National Forests, Bozeman, Mont.
- U.S. FOREST SERVICE. 1939. Cumulative Winter Game Studies Report, 1934-1939. Gallatin National Forest, Bozeman, Mont.
- U.S. FOREST SERVICE. 1942. Wildlife Conservation and Management. Bulletin. Northern Region, Missoula, Mont.
- WARREN, C.K. 1977. Conrad Kohrs: An Autobiography. Platen Press, Deer Lodge, Mont.

SENATE FISH AND GAME

Bozeman
Daily Chronicle

The Big Sky

Sunday, August 31, 1986

3

SENATE FISH AND GAME

EXHIBIT NO. 5 - Page

DATE 1-10-87

BILL NO. Perkins Hear

Leverich Canyon Road ordered open for forest access

By PETER CAUGHEY
Chronicle Staff Writer

The public is entitled to use Leverich Canyon Road south of Bozeman to reach Gallatin National Forest property, District Judge Thomas Olson has ruled.

Olson made that finding in a case brought by the heirs of Pat Harris against Stan L. Clark and other owners of the so-called Clark property.

The suit sought access through the Clark property for both the plaintiffs and the general public.

The road in question is about five miles south of Bozeman and had been used by the public for many years before efforts were made to stop passage through

the Clark property. The road also was used as access to the Harris property.

Olson, in a decision released Friday afternoon, ruled that the right of access resulted from the "open, notorious ... continuous and uninterrupted use of said roadways by plaintiffs, their predecessors, and by members of the general public from the late 1800s and continuing until defendants made attempts to control the use of the roadway."

Olson found that the defendants' attempts at shutting down the use of Leverich Canyon Road "had the effect of reserving public lands for their exclusive use."

Testimony at the non-jury trial detailed a long history of public use of the canyon roadway for hunting, berry picking, picnicking, cutting wood and horseback riding, according to Olson's findings of fact.

One woman testified she had used the road for 50 years before hearing of a locked gate blocking passage in the early 1980s.

The main reason the Clarks gave for blocking the road was that "times have changed, and people are different," Olson found.

However, "Although defendants claimed they limited access to Leverich Canyon because of a fear of troubles with the increasing populace, they have taken

advantage of, and contributed to, the increase in numbers of people moving from the urban areas by subdividing their property into residential lots, blocks and dedicated roads," he wrote.

Olson ruled that the defendants and their successors "are hereby forever enjoined and barred from interfering with the free use and enjoyment of said roadway by plaintiffs, their successors and the general public."

The plaintiff's attorney, Michael Nash of Bozeman, said the decision removes an aura of uncertainty that has surrounded right of access on the roadway for some time.

PUBLIC LAND ACCESS ASSOCIATION INCORPORATED

NEWSLETTER
OCTOBER 25, 1986

Another year has rolled around, and most average sportsmen in Montana are checking out their camping equipment, and sighting in old "Betsy" for another season. The big question, however, is how many more chained and locked gates will you encounter in your favorite hunting area in 1986, and, is anyone trying to do anything about opening these locked gates to public lands?

Just how bad is the access to the public lands situation in Montana? Well, The Public Land Access Association, Incorporated (PLAAI) has been working hard on the issue, and this is our report to members and prospective members of PLAAI.

During the past year, The Public Land Access Association, Inc. has grown and developed into a very significant voice for the average Montana Sportsman.

We have:

1. received a charter as a Montana Non-profit Organization.
2. been approved as a tax-deductible non-profit Corporation by the IRS.
3. established working relations with State agencies such as the Fish and Game Commission, the Department of Fish, Wildlife and Parks, the Department of State Lands, and the Governor.
4. established working relations with the Federal Land Management agencies (i.e. -U.S.D.A. - Forest Service and U.S.D.I. - BLM).
5. established working relations with Montana Federal Senators and Representatives.
6. participated in the Montana Wildlife Federation's lawsuit against the Director of the MDFWP concerning the allocation of non-resident hunting licenses in 1986. This lawsuit is still active and is currently being pursued by the Montana Wildlife Federation.
7. held the first successful annual PLAAI meeting on access in Bozeman, MT on March 1, 1986.
8. contacted and visited other interested sportsmens groups in Billings, Great Falls, Butte, Ennis, Whitehall, Livingston, Deerlodge, Harlowtown, Missoula, and Choteau. Our membership now extends statewide from Darby to Ashland.
9. started training interested sportsmen on how to go about obtaining, maintaining, and reinstating public access to public lands. (i.e. - as a direct result of our visit to Deerlodge, the Powell County Sportsmen filed a petition with the Powell County Commissioners which stopped the abandonment of about 8 miles of county road to BLM lands in Spring Creek.)
10. started the process of helping obtain two similar petitions in Park County, and one in Sweet Grass County to open up old county roads to public lands in these counties. As a result of this first petition to Park County, the County has declared two separate roads through the Royal Teton Ranch (CUT) to Aldrich Lake to be county roads and ordered the locks removed so public foot and horse travelers can reach the lake. (Over 800 people lived at Aldrich Lake, an old coal mining town in the early 1900's and the Montana Department of Fish, Wildlife and Parks has stocked the lake almost continually from 1928 - 1984). Park County is also negotiating with the Royal Teton Ranch for an alternate route to the lake in exchange for the two old county roads. This alternate route, in our opinion, would meet the access needs of both the public and the Royal Teton Ranch.
11. been working directly with Board of Directors of The Montana Wildlife Federation on Public Land Access issues, and according to the Billings Gazette of May 5, 1986, the MFW adopted "Access to Public Lands" as their top priority.
12. made a trip to Helena to visit with the Board of Directors of the Montana Association of Counties (MACO). We discussed public land access problems in general, and requested that the individual counties fully consider the needs for public access to public lands before approving the legal abandonment of any county road that provides access to public lands. (The big payoff here is that once a county road is legally abandoned, it often costs the Federal government (BLM or Forest Service) anywhere from 50 to 100 thousand dollars of taxpayer dollars to buy back the same access route, which is utterly ridiculous.)
13. obtained a reasonable estimate of just how serious and extensive the blocking of public access to public lands has become in Montana. We have worked with the Forest Service, the BLM, and the Department of State Lands and identified the following:

All Public Lands In Montana	Acreage*
Public Domain (BLM) Lands	8,125,000
National Forest Lands	16,797,000
State School Lands	5,200,000
State (MDFP) Lands	225,000
Total	30,347,000

*Figures rounded to nearest 1,000.

Most of the BLM Lands lie east of the Continental Divide, and access to the National Forests lying mostly west of the Continental Divide is not as serious a problem. However, access to the six east side forests (Beaverhead, Custer, Deerlodge, Gallatin, Helena, and Lewis and Clark National Forests - (10.2 million acres) is frightening, and the further east one travels, the worse access becomes. 3.2 million acres are not legally accessible.

In addition, the BLM estimates that 60 percent of the 8.1 million acres of Public Domain lands in Montana are not legally accessible to the public (4.86 million acres).

The Montana State Department of Lands allows any lessee the right to post agricultural and grazing state school lands; thus, the public has no legal access to these lands (4.9 million acres).

In summary, of some 23 million acres of public land lying mostly east of the Continental Divide, approximately 13.0 million acres (56 percent) have no public legal access. In addition, there are about another 3.4 million acres of formal wilderness areas in Montana where access is limited to those who can afford to hire an outfitter or guide or are physically capable of backpacking into the areas.

There has been no entity to challenge this progressive blocking of public access, and that is exactly why a Public Land Access Association is needed. If the average sportsmen in Montana do not soon organize and fully support effective grass-root opposition to the blocking of access to public lands and discourage fee hunting on private lands, outdoor recreational pursuits in Montana will eventually be priced out of range of the average Montanan.

In addition, and because of information furnished by Paul Berg (Billings Rod and Gun Club) and PLAAI, Senator Max Baucus on June 23, 1986 introduced an amendment to the Sikes Act (S-2587) which, if approved by both the House and Senate, would allow the following according to Senator Baucus:

"The Sikes Act provides the authority and mechanisms for Federal agencies to cooperate with states in wildlife and fish conservation on public lands. One provision of the Act authorizes the states to sell management area stamps to sportsmen for hunting, fishing and trapping on Federal lands. With the

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Bozeman, MT 59715

exception of payment for overhead costs, these collected funds are currently restricted to use in the conservation and rehabilitation of wildlife habitat. My bill would expend use of these funds for acquisition of access to public lands for hunting, fishing, or trapping."

"... I believe my amendment is a first step in addressing this problem, the legislation would allow states to use funds collected under the authority of the Sikes Act to acquire access across private lands for hunting, fishing or trapping on public lands."

We agree with and commend Senator Baucus for this first step because it could (if passed) give the Montana Department of Fish, Wildlife, and Parks some money and incentive to initiate a program for access to public lands. Much more effort, however, will be required.

Consequently, PLAAI is helping to make significant progress towards identification of the access problem and the development of ways and means to solve the problem. In addition, we have actually been directly responsible for the opening of three roads to public lands in the last year. We are not "just talking." We have the knowledge, experience, training program, and legal expertise to move ahead with a statewide program if we can get the support of enough average Montana sportsmen (that's you and me).

All of the above actions have required the expenditure of funds for typing, travel, copy work and attorney fees. We need to replenish these funds if we are to continue to be an effective voice for the average sportsman in Montana. We need all the financial help we can get if we are to continue the above types of action.

Please come and join a coordinated group which is off to a good start, and whose major goal is to look out for the long term rights of the average public land user. No one else will do it for you. For financial support, P.L.A.A.I. has set up the following membership and dues classifications:

<u>REGULAR</u>	<u>STUDENT</u>	<u>DISABLED</u>	<u>SUSTAINING</u>	<u>RETIREE</u>	<u>ASSOCIATE</u>	<u>INSTITUTIONAL</u>
25.00	10.00	5.00	50.00	15.00	15.00	100.00
<u>FAMILY</u>						
<u>FIRST TWO MEMBERS</u>			<u>CORPORATE</u>			
50.00			<u>SUPPORTING</u>		<u>CONTRIBUTING</u>	
			250.00		500.00	
<u>INDIVIDUAL-LIFE</u>				NOTE: ANY DONATION WILL BE		
500.00				APPRECIATED		

If you would like to join and support P.L.A.A.I. please cut off, fill out, sign, and mail the following to P.L.A.A.I., P.O. Box 3902, Bozeman, Montana 59772-3902.

MEMBERSHIP APPLICATION
PUBLIC LANDS ACCESS ASSOCIATION, INCORPORATED

(name) of (street address)
(city/town) (state, zip) (telephone)

want to actively support the PUBLIC LANDS ACCESS ASSOCIATION, INC., in its efforts to protect my rights for access to public lands.

I hereby apply for (list membership type desired) membership. Enclosed is \$ () check or () cash for the type of membership I desire for the year 19 .

By (signature of applicant) (date)

Notes on membership types:

STUDENT memberships are available to anyone attending classes fulltime for at least three months of the current year.

RETIREE memberships are available to anyone 65 years of age or older.

Please make all checks payable to Public Lands Access Association, Inc., and mail application and check to P.L.A.A.I., Box 3902, Bozeman, Montana 59772-3902. (Note: we would also like your comments on any access problem you may have encountered, and the 1987 dues are payable as of December 1, 1986.)

Best regards,

Gene
Lewis E. (Gene) Hawkes, President
P.L.A.A.I.

SENATE FISH AND GAME

EXHIBIT NO. 5 Page 11

DATE 1-10-87

NO FILING

1-10-86

SENATE FISH AND GAME
EXHIBIT NO. 6
DATE January 10, 1987
BILL NO. Public Bill 100

Mr Chairman & Committee

A few short comments

Our Price for License are very
competitive & actually - a bargain
Deer Elk-Bird-Fish-Bear 350 ^{ELK}
Most states cost 300 1 Tag.

Wyoming went to a drawing-killed
then industry except for Willamers
where they have a Guide Law for Willamers
areas

95% of my Business is Repeat
Clients - if a drawing kills it Good by -

ALASKA - Has Guide Laws
British Columbia Has Guide Laws

Land Owner's charge Trespass Fee's
Not outfitters

Outfitter & Guide
John C. Correll
RT 1 Box 1164
Whitehall MT
59759

1-10-86

SENATE FISH AND GAME

EXHIBIT NO. 6

DATE January 10, 1987

BILL NO. Public Law 100-661

Mr Chairman & Committee

A few short Comments

Our Price for License are very competitive & actually a bargain
Deer Elk-Bird-Fish-Bear 350 ^{ELK}
Most states cost 300 1 Tag.

Wyoming went to a drawing-killed
then industry except for Wilderness
where they have a Guide Law for Wilderness
areas

95% of my Business is Repeat
Clients - if a drawing kills it could be -

ALASKA - ~~Has Guide Laws~~

British Columbia Has Guide Laws

Land Owner's charge Trespass Fee's
Not outfitters

Outfitter & Guide
John C. Correll
RT 1 Box 1164
Whitetail MT
59759

31 Resolution 1986 Mont. Wildlife Federation
Joe Gutfuski & Gallatin Wildlife Association
Pres

SENATE FISH AND GAME

EXHIBIT NO. 7

DATE January 10, 1986

BILL NO. Public Necessity

MONTANA GUIDES & OUTFITTERS COUNCIL

WHEREAS: In 1983 revenues earned from the sale of licenses (\$100-outfitter, \$25-guides) were \$94,000; expenditures approximated \$140,000 (Enforcement Division) including per diem, mileage and allowance for the Outfitter Council for attending official meetings (at least 2 per year), a net loss of \$46,000 absorbed by the Dept of FW&P and thus the sportsmen;

WHEREAS: The Dept of FW&P began July 1, 1985 to accurately account for outfitter expenses in their accounting system and semi-annual reports are required each January & July 1st;

WHEREAS: The Outfitters Council has the authority and duty to make recommendations to the Dept of FW&P as to standards, rules of procedures, qualifications for license, hearings to suspend or revoke licenses and rules for health, safety and welfare;

WHEREAS: The Guides & Outfitters are too strong a special interest causing the Dept of FW&P to discriminate against other private businesses and organized sportsmen as evidenced by the 5,600 block proposal for non-resident big game licenses (MWF representing 5,000 resident and nonresident sportsmen opposed the proposal but the Guides & Outfitters representing 1,412 favored it and they won out);

WHEREAS: The Dept of FW&P has the authority to set guide and outfitter license fees (87-4-127);

WHEREAS: The Department of Commerce in the State of Montana regulates most licensing of professional and occupational services in the state;

NOW THEREFORE BE IT RESOLVED THAT: the Montana Wildlife Federation pursue both of the following:

1) lobby the next legislature (1987) to move the regulation and management of Guides and Outfitters including the Outfitters Council (2-15-3403) from Dept of FW&P to the Dept of Commerce where other professionals are licensed and it can be separated from its special interest status with Dept of FW&P;

2) lobby the Fish & Game Commission and Dept of FW&P to raise guides and outfitters licenses so the program including the Council is self-supporting and not subsidized by other funding. In addition request reports each semi-annual period January 1st and July 1st showing revenues and expenditures totals so MWF can monitor the achievement of self-support.

Western Montana Fish and Game Association

MISSOULA, MONTANA



Jan. 10, 1986

Senate Fish & Game Committee
State Capitol Building
Helena, Montana

SENATE FISH AND GAME

EXHIBIT NO. 8

DATE January 10, 1987

BILL NO. Public Discussion

Dear Mr. Smith and Committee Members:

The Western Montana Fish and Game Association is a Missoula based sportsman organization with some 350 members. We are interested in the management of Montana's big game herds. We would like to see all available big game ranges at or near carrying capacity and a management strategy that would optimize hunting opportunities.

Optimization of hunting opportunities to us does not mean a maximization of hunter numbers, especially non-resident hunters. We realize that a large portion of license revenues come from our non-resident visitors. We support this concept, for resident pay for their privileges twelve months a year.

On the other hand, we feel that our non-resident hunting partners should have the choice as to whether they wish to employ a guide or outfitter. In fact, we feel this issue was settled over ten years ago when we in fact had a rule that non-resident hunters had to be accompanied by a guide or Montana resident, and this rule was challenged in court and thrown out!

We therefore would like to go on record as opposing the proposal by the Montana Outfitters and Guides Association to reserve one half of the 17,000 non-resident big game combination licenses for their clients or potential clients. In addition, we oppose their proposal that 6000 new deer B-11 licenses be issued for Regions 4,5,6, & 7 and that one half of these be reserved for clients of Outfitters and guides. Our non-resident hunting partners should be afforded a choice, just as residents are, as to whether they wish to employ an Outfitter...let them choose, let's not legislate it and open the state up to another potential lawsuit.

Sincerely,

Dave Goens, Co-Chairman
Big Game Committee

Gary S. Marbut

January 9, 1987

SENATE FISH AND GAME

EXHIBIT NO. 9

DATE January 10, 1987

BILL NO. Public Review

Senator Ed Smith
Chairman, Fish and Game Committee
Capitol Station
Helena, Montana 59620

Dear Senator Smith,

The Western Montana Fish and Game Association has appointed me as the Chairman of their Legislative Committee. I understand that you are conducting a hearing concerning allocation of out-of-state hunting licenses among Guides and Outfitters, and other applicants. I would like to apprise you of the opinion and position of the Western Montana Fish and Game Association on this issue.

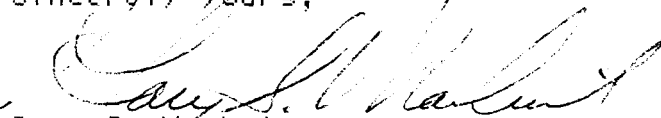
The Montana Wildlife Federation has come up with a method of allocating out-of-state hunting licenses which we believe is quite fair. This system would have applicants check one of two boxes on the application form to indicate whether or not the applicant intends to hunt with a Guide. Once all applications are received, the percentage of the total number of applicants desiring to hunt with a Guide would be determined. This percentage would then be applied to the number of licenses available, which would establish the number of out-of-state licenses allocated to the Guide and Outfitters industry.

I support this method of allocation of licenses. I oppose the granting of some arbitrary and large percentage of licenses to the Guide and Outfitting industry on the grounds that the arbitrary method is unfair to all of those out-of-state hunters who wish to hunt in Montana.

On behalf of the Western Montana Fish and Game Association, I request that you seriously consider our position, and that you enter a copy of this letter as testimony in hearings of your committee concerning this issue.

Thank you for your interest and attention to this matter.

Sincerely yours,



Gary S. Marbut

SENATE FISH AND GAME

EXHIBIT NO. 10

DATE January 10, 1987

BILL NO. Public Discussion

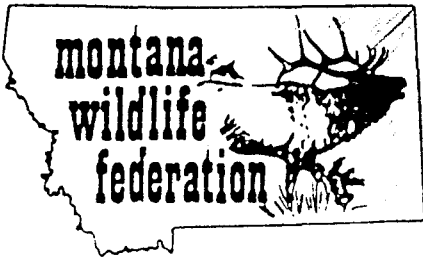
Jan. 10, 1986

Mr. Chairman:

including farmers and ranchers,
Many Montana residents, have relatives and friends
who have left the state because of ~~poor~~ limited
economic opportunities. It is not fair
that these people should have to book an
outfit in order to enhance their chance
to secure an out-of-state license and to
return to ~~the state~~ Montana to hunt.

Gene Pienemöen
506 Frank Road

Members: Gallatin Wildlife Assoc. Calgary, MT. 59714



EDUCATION - CONSERVATION

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

November 19, 1986

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

Mr. Galen L. Buterbaugh, Regional Director
US Fish & Wildlife Service
Denver Regional Office
P. O. Box 25486
Denver, Colorado 80225

SENATE FISH AND GAME

EXHIBIT NO. 11

DATE January 10, 1987

BILL NO. Public Hearing

Dear Director Buterbaugh:

The Montana Wildlife Federation (MWF) is concerned about a possible diversion of hunting and fishing license revenue in the State of Montana. After considerable consultation and discussion of this potential diversion problem with Chuck Griffith and others of the National Wildlife Federation, we have decided to ask for an opinion from the Fish & Wildlife Service.

In 1985, the MWF established a Budget Oversight Committee (BOC) of five from the membership to analyze the budgets and accounting of the Montana State Department of Fish, Wildlife and Parks (FWP). The purpose was to determine exactly how and where hunting and fishing license revenues were being used in the State of Montana. The FWP budget and accounting systems appear to account for funds received and allocated to various Divisions, but are not designed to provide an explanation of where and why license revenue is used.

Basic to the problem is that in 1965 the Montana State Fish and Game Department, now FWP, was given management responsibility for all outdoor recreation in the State of Montana by the Montana Legislature.

Since 1965, a series of legislative directives have enhanced opportunity for license revenue diversion: (1) FWP now includes a Parks program with management responsibility for State Parks, State Recreation Areas, State Monuments, Sportsmens Access, Recreational Waterways, Boating, Snowmobiling, Community and Statewide Recreation, Recreation Roads & Trails and State Capitol Complex grounds; (2) the State Legislature assigned supervision of Montana outfitters and guides along with the Montana Outfitters Council to FWP; (3) the State Fish & Game Commission was stripped of much of its authority and designated a quasi-judicial board appointed by the Governor; (4) the FWP Director was made a political appointee by the Governor; and, (5) in recent years the State Legislature has decreased appropriations from the State's General Fund for the Parks programs. This year, at a special legislative session, the general fund appropriation was taken from the FWP budget,

leaving the Parks program without any financial support from the State General Fund.

The BOC feels that the use of hunting and fishing license revenues is questionable in several areas, but we lack the expertise to make a final judgment. Your review and opinion concerning the current use of hunting and fishing license funds for compliance with provisions of Pittman-Robertson (PR) and Wallop-Breaux (WB) Acts would be appreciated. We suggest the following items for your review:

1. The State of Montana retains the interest from hunting and fishing license fees in the State General Fund. An inquiry into this possible diversion took place in the early 1980's but our file on that inquiry is at a deadend. (Exhibit A)
2. The FWP Director and his staff have administrative duties over many programs not related to fish and wildlife. Hunting and fishing license fees and 15 percent federal overhead (mostly PR & WB funds) totally funded central Administration of \$1,082,709 for 1985/86. Park program revenue sources (coal tax, general fund, snowmobile taxes, motorboat fuel taxes and user fees) do not pay one dollar of these costs. (Exhibit B pg 4)
3. The FWP Parks program received \$889,208 of the actual 1985/86 and \$802,907 of the budgeted 1986/87 hunting and fishing license fees for its budget and the entire amount of Fishing Access Site revenue derived from \$1 of the fishing license; these are their single largest source of revenue. The FWP Director stated that sportsmen use state parks, monuments, recreation areas, sportsmen access, recreation waterways and recreation roads & trails so it is justified. He had no reliable information for his conclusion. Fishing access sites have been improved beyond the needs for fishermen access with license revenue. The sportsmen, as license buyers, are also taxpayers, so they are being charged twice to use the facilities that in some areas are defacto state parks, as opposed to only one charge for the non-sportsman. Parks also is projected to receive a larger share of license funds in FY 1988 and 1989 and at the same time they lost their State General Fund appropriation. (Exhibit C pg 11)
4. Hunting and fishing license fees and federal overhead totally fund the Field Services Budget, which is the budget for Regional Supervisors and regional overhead (utilities, supplies, communications, travel, etc). Park revenue sources do not pay one dollar of these costs but do occupy these buildings at each regional site and staff are supervised by the Regional Supervisor. (Exhibit D pg 8)
5. In the 1986/87 budget, non-resource activities account for 30.5 percent of all hunting and fishing license fees used: central Administration, Centralized Services, Conservation Education and Field Services and the balance goes to Fisheries,

SENATE FISH AND GAME
EXHIBIT NO. 11 page
DATE 1-10-87
BILL NO. Public Res.

Wildlife, Parks & Recreation and Enforcement: 92.1 percent of the costs of the non-resource overhead divisions are supported by hunting and fishing license fees and federal funds (this excludes revolving account funds which are self supporting by billing FWP departments for services and materials).

6. New regional buildings are being built and paid for entirely by license revenue, but each facility houses Parks program personnel. Recently in Helena, they ran out of space for Parks, so additional rent is paid entirely from license fees. (Exhibit B pg 16)

7. The income and expenditure for FWP supervision of Montana outfitters and guides and the Montana Outfitters Council is not clearly accounted for. We feel these two programs are partly subsidized with license revenue.

8. Overall, the 1985/86 budget showed a license income of \$14,131,171 with only \$2,888,101 going to the Fisheries Division and \$2,603,930 going to the Wildlife Division. The remainder was allocated to other Divisions. Only 39% of hunting and fishing license fees goes directly to the research and management of fisheries and wildlife. It seems that 60% overhead is extremely high.

We ask that you consider our request for evaluation as soon as possible. The Montana Legislature meets this January 1987. Certain Legislators are interested in this apparent diversion of license revenue problem and we are stymied by lack of a clear evaluation of just what may be a diversion of license revenue problem in the FWP. We feel the needed evaluation could only be made by the US Fish and Wildlife Service. Thank you for your assistance.

Sincerely,

Harry McNeal

Harry McNeal, Chairman
MWF Budget Oversight Committee

cc Chuck Griffith, National Wildlife Fed. Regional Executive
Lynn Greenwalt, National Wildlife Fed. Vice President
Rich Day, National Wildlife Fed. Regional Director
Ken Frazier, Montana Wildlife Fed. President
Tony Schoonen, Montana Wildlife Fed., 1st Vice President

enclosure Montana Attorney General opinion Jan 15, 1982 and
related correspondence

Montana Dept of FWP budget information packet

SENATE FISH AND GAME

EXHIBIT NO. 11 - page 3

DATE 1-10-87

BILL NO. Kirklin Amendment

January 23, 1987

WHY THE METHOD OF ALLOCATING NON-RESIDENT HUNTING
LICENSES IS OF CONCERN TO ALL MONTANA SPORTSMEN

In 1975 the Montana Legislature put an upper limit of 17,000 on the number of non-resident big game combination hunting licenses which could be sold each year by the Department of Fish, Wildlife and Parks (FWP). The demand for these licenses has increased since that time making it impossible to issue a license to all non-residents who apply. Last year there were 22,019 applications.

In 1985 the Director of FWP, in the absence of any guidelines from the Legislature, set aside 5,600 of the 17,000 authorized licenses for allocation to non-residents who would contract to hunt with a State licensed outfitter. By attaching a copy of a deposit receipt for an outfitter booking to his application, a non-resident hunter could be assured that his application for the 1986 hunting season would be placed in a pool separate from the other 11,400 applicants.

For the 1986 hunting season the non-resident big game combination hunting licenses were sold on a first-come first-served basis. The 11,400 licenses not allocated to outfitters' clients were sold out on the first day. The demand was not as great for the 5,600 licenses set aside for non-residents who booked a hunt with an outfitter and these licenses were not sold out until the 13th day. This would indicate the chances of getting a combination big game hunting license were much better for those non-resident hunters who booked a hunt with an outfitter.

It has been proposed that a set-aside system of allocating non-resident big game combination hunting licenses should be given statutory authority through action of the Legislature. Montana sportsmen should oppose this action for several important reasons.

Many Montana sportsmen hunt regularly with friends and relatives from out-of-state. We all know of sons, daughters, relatives and friends of sportsmen, including farmer and rancher landowners, who have moved out-of-state for various reasons. A number of these individuals are willing to pay the \$350 required for a non-resident license in order to come back to Montana to hunt big game and enjoy fellowship with relatives and friends. It is unreasonable that they should also have to book their prospective hunt with an outfitter in order to increase their probability of receiving a license.

Perhaps a more important reason for opposing the set-aside system is that it contributes to over-commercialization of hunting. If non-residents can be assured of access to hunting Montana's game animals by paying fees to outfitters it will

become ever more lucrative to isolate prime hunting areas, whether on private or public lands, from the general public. Outfitters, assured of getting licenses for wealthy non-resident hunters, will be in a position to pay huge sums of money for exclusive rights to trespass on private property for the purpose of providing their clients with hunting or for the purpose of crossing private land to reach wild game on public lands. This is an indirect way of selling game animals to the highest bidder. As more non-resident money flows into the outfitting industry, more pressure will be exerted to isolate larger hunting areas from the general public. Outfitters will have more funds to pay trespass fees which will attract more private land into contracts between outfitters and landowners which exclude access by the public.

Montana has a tradition of treating hunting as a public good even though we have always had some constraints placed on the sport due to our private property conventions. This is appropriate and consistent with the general values held by Montanans, including sportsmen. The present balance between public and private hunting, however, is seriously threatened by concentrating more economic power in the hands of wealthy non-residents.

The proposal of the Montana Wildlife Federation (H.B. 104) regarding allocation of non-resident combination hunting licenses is aimed at maintaining the traditional balance between public hunting and commercialized hunting. It provides an opportunity for outfitters and guides to sell their services to prospective non-resident hunters who wish to have their assistance. In addition it gives all non-residents a fair opportunity to obtain a Montana combination big game hunting license.

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