

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

March 19, 1987

The meeting of the Senate Fish and Game Committee was called to order at 1:00 P.M. on March 19, 1987 by Chairman Ed Smith in Room 325 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 152: Representative Francis Bardanouve, House District 16, stated that the bill is presented at the request of the Department of Fish, Wildlife and Parks. The Department pays counties in lieu of assessments, but do not pay on parks, monuments or recreational areas because the law dictates those areas that are administered by the General Fund are exempt. However, in the 1985 session and special session, the General Fund had been removed from the operational parks division so the exemption has stopped. The bill guarantees that the Parks Division will not have to pay into the county funds for assessments on the state parks, recreation areas, historic sites and monuments. The policy of the past continues under BY 152. //

PROPOSERS: James Flynn, Director of Fish, Wildlife and Parks, presented the committee with written testimony. (Exhibit 1)

Janet Ellis, Montana Audubon Legislative Fund, submitted written testimony in favor of HB 152. (Exhibit 2)

Representative Bardanouve closed the committee hearing.

DISPOSITION OF HB 152: Senator Elmer Severson moved the committee to recommend a BE CONCURRED IN. The motion passed unanimously.

CONSIDERATION OF HOUSE BILL 429: Representative Ted Schye, House District No. 18, sponsor of the bill, stated that the bill is an act to provide for the Fish and Game Commission approval of the awarding of prizes for the taking of protected fish in state waters. The commission shall adopt rules to regulate contests by a person, firm, corporation, association, or club that intends to offer or give a prize, give, anything of value in connection with or as a prize for the taking, capturing, killing, or in any manner acquiring a fish that are protected under Title 87. The commission's rules must be based on the commission's duty under Title 87 to protect, preserve, and propagate fish in the state.

Representative Schye stated that the bill was drafted at the request of the Walleye Unlimited.

PROPOSERS: Jim Flynn, Fish, Wildlife and Parks Director, submitted written testimony to the committee. (Exhibit 3)

Jim Bender, Walleyes Unlimited of Montana, presented written testimony to the committee. (Exhibit 4)

There were no further proposers to HB 429.

OPPOSERS: There were no opposers to HB 429.

QUESTIONS FROM THE COMMITTEE: There were no questions from the committee.

Representative Schye closed the hearing on HB 429.

DISPOSITION OF HOUSE BILL 429: Senator Jergeson moved the committee to recommend a BE CONCURRED IN. The motion passed unanimously.

CONSIDERATION OF HOUSE BILL 431: Representative John E. Phillips, House District No. 33, sponsor of the bill, stated that the bill was introduced at the suggestion of Montana Houndsmen's Association. The bill allows the Department of Fish, Wildlife, and Parks to allow and regulate the use of dogs for hunting mountain lion, lynx, and bobcat. Most sportsmen would not be able to distinguish the difference between a mountain lion and a lynx, the same is true of the hounds. Yet, if a houndsman trees a lynx, a violation of the law has taken place. This bill is drafted to rectify the problem.

PROPOSERS: Jim Flynn, Director of the Fish, Wildlife and Parks Department, submitted testimony. (Exhibit 5)

Kathleen Huschle, Montana Houndsmen Association, Roy, MT, presented written testimony to the committee. (Exhibit 6)

Richard E. Wilson, Coffee Creek, MT, Montana Houndsmen Association and Montana Federation of Houndsmen, stands in support of HB 431. The resource of the lynx will not be depleted since only one is taken out of every 100 treed.

OPPOSERS: Janet Ellis, Montana Audubon Legislative Fund, submitted written testimony for HB 431. (Exhibit 7)

QUESTIONS FROM THE COMMITTEE: Senator Yellowtail asked if the bill permits the killing of lynx after the cat has been pursued by the hounds. Yes. Senator Yellowtail

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asked about quotas. Mr. Flynn stated the department manages all of the fish and wildlife in the state. Although the department does not spend all the revenue on the species, emphasis is put on what is called to our attention by the public. The Wildlife Management funds are spent on elk and deer for the most part. The department does not have the statistical data to base management decisions concerning the lynx. The department cannot give a definite data as to numbers, but based on current information concerning lynx, there would not be an impact on the lynx. The opinion is based on data which acknowledges the fact that the information pool is not as large or detailed as it could possibly be.

Senator Smith asked how many lynx are taken in the state each year. Mr. Flynn replied that the statewide harvest of lynx since the initiation of the pelt tag and harvest quotas were established have averaged approximately 40 animals per year.

Senator Bishop asked how many lynx can be taken per the quota limit. The figure can be obtained. Senator Bengtson asked how the lynx are generally taken. Mr. Flynn stated that the lynx are trapped for the pelt. The pelt is attractive and sought after. Richard Wilson stated that a good lynx hide would currently bring \$600. The trappers received \$1,100 for pelts taken this year to Canada. The only place the lynx can be taken is in the wilderness, very seldom are they taken in the outlying areas. The lynx live where there is an abundance of snowshoe hares. The only difference between a lynx and a bobcat is the fact that the lynx has a bigger foot, is lighter in color, and is without spots.

Senator Bengtson asked how many members are in the Montana Houndsmen Association. Mr. Huschle stated there are approximately 60 paid members, each having from one to 26 dogs kept in kennels.

Senator Yellowtail asked if there are as many lynx as there are bobcats. Mr. Flynn said the lynx population is not as big statewide as the bobcat or mountain lion. Senator Yellowtail asked Mr. Wilson if the Bob Marshall was primarily the habitat for the lynx. Yes, although on occasion they are spotted in the Belt Mountains and Highwood Mountains. Senator Yellowtail asked why the lynx range is limited. Lynx stray back in the wilderness. Originally, they are from Canada and have moved south many years ago.

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There were no further questions from the committee.

Representative Phillips stated the lynx will not be negatively impacted and the Fish, Wildlife and Parks will continue to regulate quotas.

CONSIDERATION OF HOUSE BILL 454: Representative Ray Brandewie, House District No. 49, stated the bill is an attempt to tighten the law in regards to motor boat noise. The bill is an act requiring noise suppression devices on motorboats and allowing sirens only on emergency vessels. Currently, the statutes address an 86 decibal limit measured at 50 feet. It is impossible to police because the department does not have fast enough boats to measure the decibal limit. If measured, the data is hard to substantiate the distance between the boats which would be at 50 feet apart. The exhaust of every internal combustion engine used on a motorboat or vessel must be muffled either by discharge underwater or by a functioning muffler capable of muffling exhaust noise at full throttle to 86 DBA or less when measured at a distance of 50 feet. The muffler may not be modified or altered, such as by a cutout. The Department may require a test at dockside to determine exhaust noise level. Exhaust is usually discharged under water, which muffles the noise level to a tolerable level. Ski boats that have 454 cubic inch chevy engines are modified for skiing or racing. Tuned stacks are designed to evaluate the exhaust and are very noisy. The fast boats are used on lakes that do not have driftwood, such lakes are usually small lakes. The problem has gotten out of hand on Echo Lake in Flathead County.

Mr. Jim Flynn, Director of the Fish, Wildlife and Parks Department, stands in support of the legislation and submitted written testimony. (Exhibit 8)

Ken Reick, Echo Lake Association, Alpine Acres Association, sponsor of the bill, stated the noise made by the loud boats rattles the windows. People living on the lake are considering moving back into town because of the noise from the boats. The association supports HB 454.

Senator Severson asked if there has been similar legislation from previous sessions addressing like problems. Representative Brandewie explained that previous bills have not addressed the "fast boat issue", due to the fact that the Fish, Wildlife and Parks' 40 MPH boats cannot enforce the law. House Bill 454 provides the department jurisdiction to test at dockside.

Senator Bengtson asked if these types of boats are sold at marinas. Yes, but the boats are modified after they are sold. Representative Brandewie stated that the problem on Echo Lake is severe - the noise from the high-powered boats continue from 6:00 A.M. to dark.

Senator Smith asked if the seaplane problem had been taken care of since the problem was called to the attention of the committee. Yes.

Senator Bishop asked for a comparison to 86 DBA. Rep. Brandewie stated that it was quite a bit less than a rock band, and somewhere just below the point where the ears begin to hurt. Senator Yellowtail asked if 86 DBA was an industry standard in regards to mufflers. Rep. Brandewie stated the 86 DBA reference is to another portion of law concerning noise levels in boats. Senator Smith stated the Department of Health Regulation requires employees to wear protective ear coverings for noise levels above 86 DBA.

Representative Brandewie stated that Senator Harding would carry the bill to the floor of the Senate should the committee deem fit to concur in the bill.

Senator Smith closed the hearing on HB 454.

CONSIDERATION OF HOUSE BILL 463: Representative Cobb, House District 42, stated the bill is an act to provide for management of the Sun River, Ear Mountain, and Blackleaf Wildlife Management areas requiring employment of a manager, one assistant, and an equivalent of one full-time employee and establishing their responsibilities. The reason the bill was drafted is the fact there must be a manager physically present on the game ranges. The policy the department has followed has been not to replace the manager at retirement. Full-time work necessitates a full-time manager on the Rocky Mountain Front to oversee poaching, fencing, and management of plant resource. The bill requires the FTE will be replaced upon retirement of the present FTE.

PROPOSERS: There were no proponents to House Bill 463.

OPPOSERS: Jim Flynn, Fish, Wildlife and Parks Director, submitted written testimony to HB 463. (Exhibit 9)

There were no further opponents.

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QUESTIONS FROM THE COMMITTEE: Senator Jergeson asked if there is an eminent retirement at the present time. Mr. Good is approximately retirement age and therefore, retirement may be pending due to the fact that he has suffered numerous heart attacks. Rep. Cobb addressed that there are five known poachers in the area. Wildlife management needs an employee on the range; not over-seeing the range from a district office.

Senator Jergeson asked Rep. Cobb if consideration of this matter was made by implementing a Joint Resolution. Rep. Cobb stated that a Joint Resolution is not law. Policy decisions must be made to address the problem, and a resolution is not binding.

Senator Severson asked if there are known poachers, then the game wardens would have jurisdiction to rectify the problem. Rep. Cobb stated the wardens work 40-hour-work-weeks, unless overtime is allowed at a district level. Senator Severson asked Mr. Flynn if the wardens work various hours of the day. Yes. Mr. Flynn addressed the fact that department policies have not been correctly presented before the committee by Representative Cobb. It is not the policy of the Department to "not have people on the game ranges." The Department considers each case on an individual basis and individual decisions are made. Addressing the poaching problem on the Sun River Game near Chouteau, and stating the presence of a game range manager, Mr. Flynn remarked the Fish, Wildlife and Parks Department prefers to be informed of poaching information so the Department can followup and remedy poaching problems.

Senator Bishop asked why the area in question is unique. What would stop a mushroom situation from starting requiring legislative administrative job direction dictated for all other game range sites. Rep. Cobb replied "what is the Legislature here for? There is a policy. They have never put anybody back on the sites. It might not be in writing but the department is taking people off and think the area can be managed from 60 miles off." Rep. Cobb stated the Legislature should be able to dictate to the Fish, Wildlife and Parks. The Department is granted all requests.

Representative Cobb stated that the bill addresses problems that may occur, but puts somewhat of a "guarantee" on the thousands of acres purchased by the department so the land will be maintained properly.

Senator Smith stated that Nine Pipe Range had opposite problems several years ago. The people wanted to know why the game manager was retained.

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Senator Yellowtail asked why policy is directed to three wildlife management areas, whereas it would make more sense to establish quality criteria to apply systemwide. Rep. Cobb replied that similar legislation addresses managers for areas over 10,000 acres, but the legislation was killed in the House Fish and Game Committee earlier this session.

Mr. Flynn stated there were no provisions concerning public hearing or public comment in regard to wildlife management area FTE's. He said the areas are managed to maximize the fish, wildlife, and recreational resources connected with the area and to be a manager of the land, caring for it as good stewards and responsible neighbors. Mount Hagen, consisting of approximately 60,000, does not have a manager on the property. Mount Hagen is managed with a work crew overlooked by a local biologist located in Butte, Montana.

Representative Cobb closed by stating the issue is whether the wildlife refuge should be managed full-time or should the problems be addressed as the problems arise. Representative Cobb urged the committee to approve full-time management for wildlife areas as stated in the bill.

Senator Smith closed the hearing on HB 463.

CONSIDERATION OF HOUSE BILL 486: Representative Francis Koehnke, House District No. 32, chief sponsor of the bill, stated the bill is an act to revise the authority of the Fish and Game Commission in regulating shotgun and muzzle-loader hunting of deer and elk. A 1985 law, which enabled the muzzleloaders to hunt in shotgun areas with conditions did not address the elk that were in the same areas. This bill will include these areas. Rep. Koehnke submitted amendments to House Bill 486.

Robert Vandervere, a concerned citizen lobbyist, said that the word "may" restricted the muzzleloaders into three areas. Mr. Vandervere stated that Fish, Wildlife and Parks is for all sportsmen, not for a select group. Games should not be played with the bill, and Mr. Vandervere urged the committee to BE NOT CONCURRED IN in regards to the amendments.

Verle L. Rademacher, Editor and Publisher of Meagher County News, White Sulphur Springs, MT., supports HB 486. The bill would add the words "and elk" to the bill concerning areas open to shotguns and muzzleloaders. Additionally, since the House passed the bill out of committee, there has been concern raised over the inclusion of wording

requested by the Department of Fish, Wildlife and Parks that is objectionable to archers. This was not originally intended to be included. Mr. Rademacher discussed the proposed changes in the bill. Authorizing the use of muzzleloaders only in deer areas came about after research was done with the setting of seasons by the department and the commission. A northwest area of Montana was having an elk problem and sought authorization of muzzleloaders to be allowed in the area. Montana law stated that muzzleloaders could be used in deer areas. Therefore, the amendment is sought so that the department and commission can use this law for elk also. In authorizing the use of shotguns, muzzleloaders should be included in the area also. The shotguns are used because of the short range. Muzzleloaders are also short range weapons, but are more accurate than the shotgun. Mr. Rademacher pointed out that the sportsmen who wish to use muzzleloaders in the special areas and the regular deer and elk seasons do not want or seek a special season outside of the present law. This section of the law, properly amended, would assist the Montana Fish and Game Commission in regulating hunting in areas of concern to property owners with game problems. Mr. Rademacher urged support of the bill.

Jim Flynn, Director of the Fish, Wildlife and Parks Department, offered support of House Bill 486. (Exhibit 11)

Ralph Yeager, muzzleloading sportsman, Helena, MT, supports HB 486 and the two amendments offered by Representative Koehnke. The current bill directs the Fish and Game Commission that a muzzleloader season will be held in areas that are set aside strictly for bowhunting. This is not fair, nor is it what the muzzleloaders promoted. The muzzleloaders want access to areas that are set aside for shotgun and archery. This will not take away from the bow hunters. In fact, the bowhunters and the muzzleloaders have worked together for two years. Mr. Yeager addressed the amendments. The commission has dealt in good faith with the muzzleloader, and questions concerning safety have been addressed.

Scott Ross, Montana Bow Hunters' Association, pointed out the fact that they did not oppose the bill in the House, but oppose the bill in the proposed condition. The current rendition of the bill allows the muzzleloaders in areas where archery only is allowed but shotguns are not allowed. Therefore, muzzleloading weapons are on the same level as shotguns, and this is what the association is opposed to. The association supports the Department's amendment to reinsert the word "may" instead of "shall" so that the Commission is allowed flexibility. Muzzleloaders and shotguns bear similarities, but should be dealt with separately. The association would have no opposition to the bill with the department's amendments.

SENATE FISH AND GAME COMMISSION

March 19, 1987

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There were no further opponents.

QUESTIONS FROM THE COMMITTEE: Senator Severson asked if a muzzleloader could hunt during a regular rifle season. Mr. Flynn replied yes. Senator Severson asked if an archer could hunt in a regular rifle season. Mr. Flynn replied yes, also.

Senator Jergeson asked Representative Koehnke if the committee should amend the bill, would the House turn down the Senate amendment and put the bill into a Conference committee to gain final approval. Koehnke replied that decision would weigh on the muzzleloaders and the bow hunters because the bill is being carried for said concerns.

Senator Al Bishop introduced Lan Lindberg, a former Fish and Game Commissioner, son of Charles Lindberg, the navigator.

Representative Koehnke stated agreement, except on the words "may and shall". The reason the word "shall" was put back in because of the current season. The bill had been drafted at that time.

Senator Smith closed the hearing on HB 486.

DISPOSITION OF HB 486: Senator Severson stated that amendment #1 put shotguns and muzzleloaders in the same category and the same season. Sen. Severson moved amendment #1 BE ADOPTED. The amendment passed unanimously.

DISPOSITION OF HOUSE BILL 431: Senator Bengtson moved the committee to recommend a BE CONCURRED IN motion. Sen. Bengtson stated that the Montana Wildlife Federation's testimony was complete, but questioned the fact that the lynx population would be deleted. Senator Smith stated the problem with the theory is "cycles". The lynx population remains in the wilderness. He asked if the lynx is hunted in the Bob Marshall Wilderness. Yes, but the area is hard to access.

Senator Bishop stated that when there is doubt, the decision must be made in favor of the resource. The Fish, Wildlife and Parks Department sees to the fact that the resource is protected. Solid figures are not available. When 40 lynx are killed out of 120 permits, the data points to the fact that the population is minimal. Senator Bishop stated that he is a hunter and has always represented the hunter.

Senator Severson stated that, if the Fish and Game Commission was asked the same question concerning the population of Mountain Lions or Bobcat, the commission would not be able to present figures. Senator Bishop stated that the lynx in Montana should not be eradicated.

Senator Bengtson asked if the map designated population or quota. Quota. She asked Mr. Wilson if the houndsmen would be running competition with the trappers for the quotas. Mr. Wilson replied to a certain extent, but the fact remains it is hard to distinguish a lynx. The lynx leaves a track as big as a Mountain Lion. Mr. Wilson discussed various areas open to hunting. The only area that fills the quota is Area 4. Mr. Wilson stated that he views lynx tracks everywhere he goes, although this year the lynx did not migrate.

Kathleen Huschle replied the houndsmen will compete directly with trappers because the quota is set for five lynx in any given area. No additional lynx will be taken. The lynx have to be tagged, and after five are tagged and the quota reached, no additional hunting will be allowed. The houndsmen feel that it is their right.

Senator Severson asked how quotas are kept. Mr. Wilson stated that every cat has to be tagged within 48 hours. Hunters must take the animal to a game warden to be tagged. The license must be obtained in order to run Bobcats with hounds, and then filled out correctly. A houndsmen must have a trapping license.

The motion on HB 431 by Senator Bengtson to BE CONCURRED IN PASSED. Senators Bishop, Jacobson, and Anderson voted no.

DISPOSITION OF HOUSE BILL 454: Senator Smith stated that the noise problem must be addressed. Senator Severson moved that HB 454 BE CONCURRED IN. The motion passed unanimously. Senator Harding will carry the bill.

DISPOSITION OF HOUSE BILL 463: Senator Bengtson moved House Bill 463 BE NOT CONCURRED IN. The bill would take authority away from the Fish and Game Commission. A hearing can be demanded. The bill will disrupt management procedures and this should not be done. The motion passed unanimously.

Senator Smith suggested the committee consider tabling HB 463. Senator Bengtson withdrew her original motion and moved to TABLE the bill. The motion to table PASSED unanimously.

ADJOURNMENT: The committee had no further business, therefore, the hearing came to a close at 2:54 P.M.



SENATOR ED SMITH, Chairman

50TH LEGISLATIVE SESSION - 1987

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Date: March 19, 1987

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

ON Smith Fish + Game DATE March 19, 1987

VISITORS' REGISTER
Complete Address
and REPRESENTING :

(Please leave unanswered statement) b6 -

SENATE FISH AND GAME

EXHIBIT NO. #1

DATE 3-17-87

BILL NO. HB 152

HB 152
March 19, 1987

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

The primary intent of this bill deals with the stricken language on Page 2, lines 11 and 12, which states "administered with money from the General Fund."

Prior to the Special Session of last year, the department had been the recipient of General Funds for the administration of the State Parks System. When all General Fund money was removed from the department during the Special Session, the tax exempt status as provided on Page 2, lines 11 and 12, was lost.

We are requesting that the General Fund use requirement be stricken as shown in this bill and that specific reference to the State Parks System be added. That specific reference is on Page 2, line 12, and states "described in 23-1-102."

I would point out that 23-1-102 references state parks, state recreation areas, state monuments and state historic sites.

These sites have never been taxed, and up until July 1, 1986, they have always enjoyed tax exempt status because of their General Fund use. As a result, you will note the fiscal note has no impacts, since we have no perspective upon which to base an increase or decrease to any reasonable degree.

In addition to this primary intent, the bill updates some of the current language in the law to more accurately reflect the procedures which are now in place for department payment of in-lieu-of taxes. The department does pay in-lieu-of taxes for fishing access sites, wildlife management areas and other properties it controls.

The amendments on Page 2, line 11, correct an error that developed during drafting of the bill. The words "hatchery purposes" were stricken and the word "hatcheries" inserted. We do maintain and operate hatcheries, but we also maintain spawning stations which are for hatchery purposes although not technically hatcheries. We request that the original language of "hatchery purposes" be retained and strike the new word "hatcheries." This would maintain the status quo.

We recommend that this bill be approved.

Amendments to HB 152,
3rd reading copy

SENATE FISH AND GAME
EXHIBIT NO. #1 Page 2
DATE 3-19-87
BILL NO. HB 152

1. Page 2, lines 1 and 2.

Following: "request"

Strike: remainder of line 1 through "approved on line 2

Insert: ". The director may disapprove a request only if he finds it to be inconsistent with this section. If the director disapproves a request, he shall return it, with an explanation detailing the reasons for the disapproval, to the appropriate county treasurer for correction. If the director approves a request, he"

2. Page 2, lines 12 and 13.

Following: "~~fund~~"

Strike: remainder of lines 12 and 13

Insert: "acquired and managed for the purposes of Title 23, chapter 1."

Montana
Audubon Legislative Fund

Testimony on HB 152
Senate Fish & Game

March 10, 1987

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of 2500 members of the National Audubon Society located in nine chapters.

The Audubon Fund supports HB 152. This bill maintains the status quo: continuing the tax exempt status of our state parks and continuing the current tax billing process for fishing access sites and other property maintained by the Department of Fish, Wildlife & Parks. State parks are currently not on the tax rolls of local governments and in light of the budget cuts these parks have been faced with, it would be a grave mistake to change that status.

Thank you.

HB 429
March 19, 1987

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

This bill provides that the Fish and Game Commission shall adopt rules governing fishing contests and will remove the prohibition on awarding prizes based on a bag limit of fish.

At this time the Department of Fish, Wildlife & Parks and the Fish and Game Commission's only involvement in fishing contests is:

- (1) authorizing introduction of tagged fish if from another water or a commercial hatchery,
- (2) regulating the use of department-managed recreation areas, and
- (3) ensuring that contestants are properly licensed.

There is no mechanism for preventing too great a harvest of game fish populations from a single derby or series of derbies.

Fishing derbies with significant cash prizes tend to concentrate large numbers of fishermen. If held during times of the year when catch rates are high, a heavy harvest in a short period time can result. This removes fish that would have been available to sport fishermen the rest of the year. In some cases these fish are stocked at the expense of licensed fishermen.

With passage of this bill, contests can be permitted as before, but those that will result in excessive harvest of a game fish population or damage to the environment or site can be prevented or scheduled to minimize damage.

The department recommends approval of HB 429.

Testimony in support of HB 429
Walleyes Unlimited of Montana
Presented by Jim Bender

Mr. Crairman, members of the committee:

Current state law 87-3-121, MCA, states that prizes cannot be given for bag limits but can be given "for any one game bird, fish or fur bearing animal on the basis of size, quality or rarity". HB 429 would remove fish from this list and allow the Fish and Game Commission to adopt rules to regulate contests.

Walleyes Unlimited of Montana believes that the current law promotes the tagged fish "derby" where a single fish is either introduced to or removed from a body of water, tagged and released for the contest. This single tagged fish normally has a high dollar value assigned to it, \$10,000 is not uncommon, and therefore draws a large number of fishermen to the lake or reservoir in hopes of catching this single fish.

Due to the handling of the tagged fish, normally within 24 hours of the start of the contest, this individual is seldom harvested. The large numbers of fishermen on the water do, however, harvest large numbers of resident game fish during the contest. The large harvest of resident game fish over a short period of time may be detrimental to the management of game fishes because restrictive limits based on increased pressure are not incorporated into the rules of the contest. So long as the participant remains within the limit established for the body of water, he is within the rules of the contest. This, in itself, may not appear detrimental until you consider the increased pressure placed on the lake by the large advertized prize.

The Department of Fish, Wildlife and Parks current involvement in fishing contests is limited to selecting the times a contest may be held on an area they manage, determining additional requirements to handle increased use of the area, and granting permission for the introduction of tagged fish. We believe the Department should be more involved to properly manage the resource based on biological data.

Walleyes Unlimited is not opposed to fishing contests, we realise the potential increase in sales of supplies and services that would occur in a given area and have, in fact, sponsored three tournaments over the past two years. We have scheduled three tournaments around the state for 1987. The Yellowtail and Fort Peck tournaments are currently in the planning stage and planning for the Tiber tournament should start next month. During these tournaments we have, and will continue, to encourage conservation of the resource by limiting, below the legal limit, the number of fish a participant may take and remain within the rules of the contest. We have required the participant to decide immediately after a fish is removed from the water whether or not he will tag the fish for possible entry in the contest, or release it unharmed. A participant found with untagged fish in his possession is immediately disqualified from the contest.

We believe that the changing of the current law to allow the Fish and Game Commission to establish rules for fishing contests will allow the Department ^{of} Fish Wildlife and Parks to take a more active roll in regulating the contests, will allow for more flexibility in tournament fishing and will not be detrimental to the resource. We therefore urge you to pass HB 429.

SENATE FISH AND GAME

EXHIBIT NO. 4

DATE 3-19-87

BILL NO. HB 429

HB 431
March 19, 1987

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

The Department of Fish, Wildlife & Parks supports adding lynx to the list of species that can be pursued with dogs.

Through the years we have supported the hunting of mountain lions and bobcats with the use of dogs, and feel that the experience with this hunting has been acceptable to the public and has not unduly affected the resource.

Since the lion, bobcat and lynx generally overlap in range and habitat in much of the state, no measurable adverse impact is anticipated.

House Bill



Montana State Houndsmen Association



SENATE FISH AND GAME

EXHIBIT NO. 6

DATE 3-19-87

BILL NO. HB 431

Senators,

The Montana State Houndsmen Association is advocating to add lynx to the list of animals that can be pursued with hounds. The lynx was mistakenly omitted when bobcats were added to the list.

The lynx is regulated by the same quota system that regulates the harvest of bobcats which includes trapping and hunting with hounds. This system is working well and providing adequate protection for these cats. Under this system houndsmen only take approximately 15% of the bobcats harvested. We would expect to take an even smaller percentage of the lynx harvest as they are an even greater challenge to tree.

The fact that lynx cannot be chased with hounds when it is legal to pursue lions and bobcats can oftentimes present a dilemma for the houndsman. In some poor snow conditions lynx tracks can be mistaken for those of another cat species. At other times hounds are free cast to pick up a trail. Trained lion and bobcat dogs will also start a lynx trail. Although houndsmen don't kill these lynx that are mistakenly treed they have been placed in an illegal situation by having pursued them.

According to a three year survey conducted jointly by the Montana State Houndsmen Association and the Department of Fish, Wildlife and Parks, hounds are only treeing about 50% of the bobcats that they pursue and houndsmen are spending approximately 5 recreation days hunting for every bobcat that is treed. Only 33% of the bobcats that are treed by houndsmen are being taken. The other cats are left to perpetuate the species that offers such a challenge for our hounds. The lynx is an even greater challenge and we would like the recreational opportunity to pursue them.

The Montana State Houndsmen Association would like to thank you for your concern and careful consideration on this bill.



Montana
Audubon Legislative Fund

SENATE FISH AND GAME

EXHIBIT NO. 7

DATE 3-19-81

BILL NO. HR 431

Testimony on HB 431

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I am here today representing the Montana Audubon Legislative Fund. The Legislative Fund is composed of 9 chapters of the National Audubon Society and has 2500 members located throughout the state.

The Audubon Fund opposes HB 431 and the hunting of lynx with hounds. At this time we do not feel that the Department of Fish, Wildlife & Parks has enough information on present status of lynx in Montana to allow for additional hunting pressure on these cats.

While doing research to establish what position we would take on this bill, I called the DFWP to find out about lynx populations in the state. I was told that HB 431 "only" allowed lynx to be hunted with hounds - that mountain lions and bobcat were already hunted by hounds so that this bill wasn't a big deal and that there was no biological reason to oppose the bill. My question wasn't answered: what about lynx population in the state? How were lynx quotas established? I was told to contact a biologist in Missoula - so I did.

Lynx populations cycle every 9 or ten years. In Montana, however, we do not have a large enough population of lynx to establish any cycling of the population. The only population study I was told about concerning lynx took place in 1980 or 1981. That study estimated densities of lynx in different parts of the state and established the quota system that is used today.

It appears to us, that the Department really does not have a good idea about the lynx population in the state today. We have reached this conclusion based on the following evidence:

1) Lynx populations have been used as a classic example of a species that cycle in numbers. Lynx populations all over the world are known to cycle depending on prey species (snowshoe hares, primarily) availability. In Montana, however, we are told that there is not an extensive enough population base to establish any cycling. The study done in the early 1980's was a one year study - and a one year study cannot pick up trends in a population on a 10 year cycle. That study decided what the lynx population was in the state - yet didn't stretch itself enough to decide if the lynx population was at a record high when the study was done or even at an all time low.

2) From the study done in the early 1980's, a quota system was established for trappers in the state. That quota system varies from region to region. Interesting enough, the quotas on

page 2
MT Audubon Legislative Fund
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lynx have never been reached. It could be argued that the quotas have never been reached because there are more lynx than there are hunters hunting them or that the quotas are too high and are hence impossible to reach. If you would ask enough questions over at the DFWP, you would realize that the Department doesn't know which of those option is the right one. They don't know much about lynx populations in the state.

3) An extreme example in the quota system can be seen in Region 7 which includes Miles City. Five lynx are currently allowed to be taken there each year. To date, one lynx has been taken in that area - one lynx in the 6 years since the quota system was established. Region 7 is admittedly out of good lynx habitat. But why does the Department allow a quota of 5 to be taken annually? It doesn't make sense based on any biological evidence available. I will also wager to you that the quotas established in other Regions are not based on adequate information on lynx populations.

I am not critical of the DFWP because they are doing a poor job, because I'm sure that they are doing the best job they can with the resources they have available. We must oppose HB 431 on the grounds that not enough information is known about lynx populations at this time to know if additional pressures would be tolerated by the species.

We must also point out that in these times when landowner-sportsmen relationships are delicate, it would not help that relationship by allowing dogs, who are unaware of trespass signs, to hunt animals that will run long distances.

Thank you.

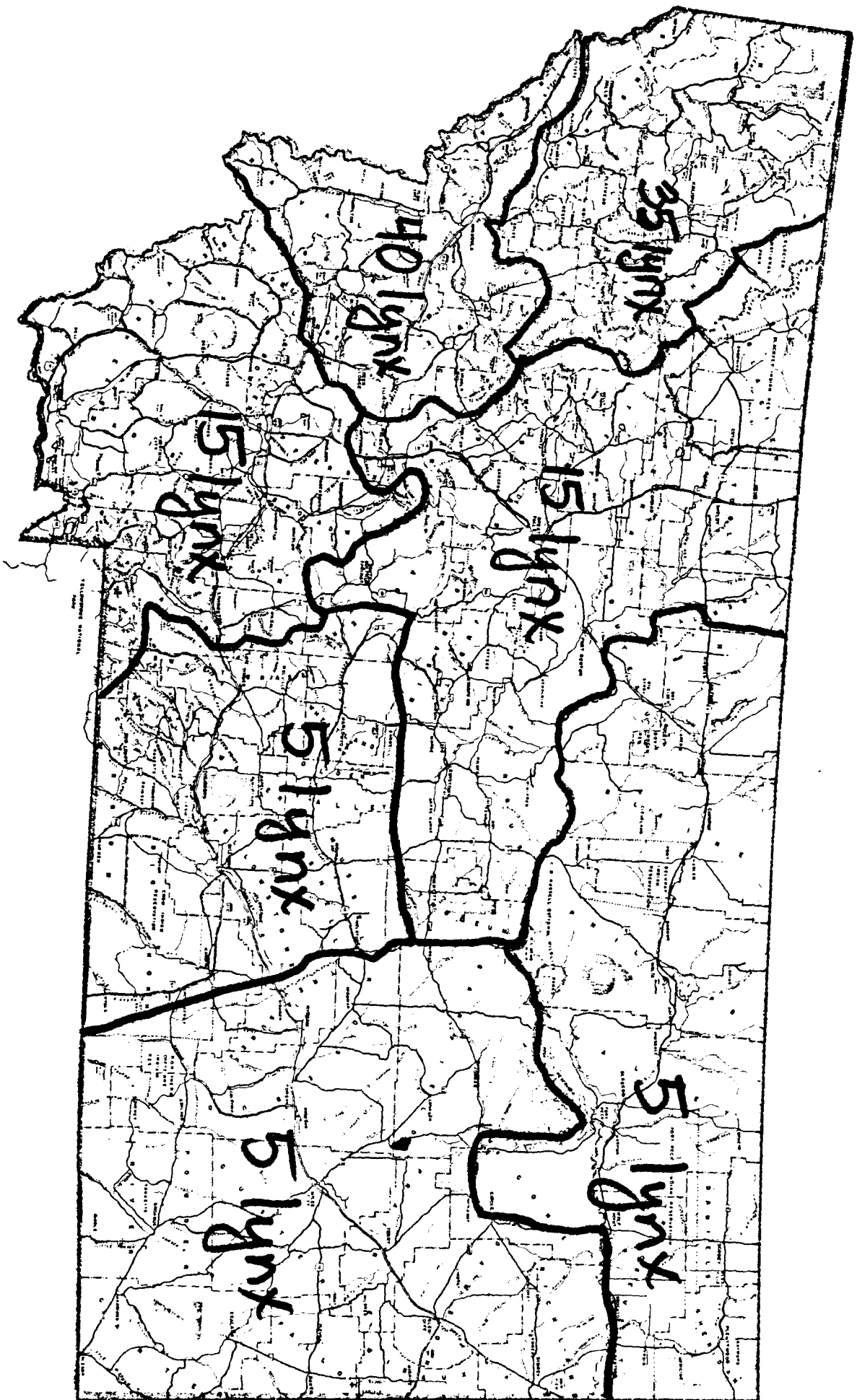
STATE FISH AND GAME

REPORT NO. 11

DATE

ON THE

FUR TRAPPING DISTRICTS



SENATE FISH AND GAME

EXHIBIT NO. 8

DATE 3-19-87

BILL NO. HB 454

HB 454

March 19, 1987

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

HB 454 requires that every internal combustion engine on a motorboat or vessel must be muffled by discharge underwater or by a functioning muffler capable of muffling exhaust noise at full throttle to 86 DBA, or less, when measured at a distance of 50 feet. The muffler may not be modified or altered by a cutout.

This bill provides for a dock-side test to determine exhaust noise level if the department finds it necessary.

This bill allows for exceptions for state sanctioned regattas or boat races, up to 48 hours preceding the regatta or boat race and/or a separate permit for tuning engines making tests or trial runs, or official trials for speed records.

The department recommends approval of this legislation.

HB 463
March 19, 1987

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

The Department of Fish, Wildlife & Parks, through its ownership of wildlife management areas, has two primary responsibilities. The first is to manage the area to maximize the fish, wildlife and recreational resources connected with the area. The second is to be a manager of the land, caring for it as good stewards and responsible neighbors.

To accomplish these goals, an operational plan is developed for each WMA. This plan develops the methods for achieving the resource goals as well as the work plan for managing the land. This plan is primarily developed by the regional headquarters staff with input from Fish, Wildlife & Parks personnel within the region.

The implementation of the plan is primarily the responsibility of the local biologist. This implementation is conducted by the biologist, wardens in the area, and our field crews or game managers. It must be understood that the game range manager is not the program manager, nor the person with the final responsibility for the performance of the game range.

Some WMA's have had full-time people at the areas, while others have not. In recent years, as vacancies have occurred at WMA's, each has been reviewed to determine if full-time personnel on-site is the best and most economical way to meet our responsibilities. In most instances we find that such a presence is not necessary.

As an example, in our Bozeman region we have about 118,000 acres in WMA's. We employ two full-time land managers, along with five or six temporaries on an as-needed basis. With this number of people all living in a central location, we are meeting our goals. Our local biologists and wardens tie into the program and we receive little complaint from either the public or our neighbors regarding our management.

By contrast, our Great Falls region has about 85,000 acres in WMA's. We employ six full-time land managers along with six temporaries as needed. In addition, the program has the involvement of local biologists and wardens.

Freezout Lake near Choteau is a recent example of our program. Historically this area had three FTE's assigned to it with one residence on-site provided by the department. As transfers and retirements occurred, we moved the FTE's off-site and have sold the residential unit and it is to be removed. We now have two FTE's assigned to the area, both living in nearby communities. Our management goals are being met and our neighbors are not unhappy with the program.

With respect to Sun River, we have two FTE's assigned to the area on a permanent basis. One lives on the Sun River WMA, the other at Choteau. Both of these individuals are in their 50's and we are not aware of any impending retirements.

Should either, or both, individuals leave, we would consider maintaining the status quo or consolidating these FTE's with those two already assigned to the area to provide one work crew for Freezout, Sun River, Blackleaf and Ear Mountain. All four FTE's might remain in the area, but more work might be achieved in the process.

The program would still be overseen by our biologist and assisted by the local wardens.

It should be emphasized that there is no intent by the department to abandon any of our properties. We must and shall manage these areas to meet our objectives and do so to the public's satisfaction. In every instance to date when we have taken people off the areas we have continued to meet those objectives and that satisfaction. If the time comes when we can't, we will be the first to implement another course of action.

EXHIBIT NO. 11

DATE March 19, 1987

BILL NO. 486

HB 486
March 19, 1987

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

The 1985 legislative session authorized the use of muzzleloaders in hunting districts open to the use of shotguns only. Because the state has no shotgun-only areas, there were no additional hunting opportunities for this type of hunter during the 1985 and 1986 seasons.

We have attempted to resolve this situation in our 1987 big game season setting process. Upon legal review it was determined that muzzleloaders could be added to shotgun/archery areas if restrictions were placed on the caliber of shot used by the muzzleloader for safety purposes. The addition of muzzleloaders to all shotgun/archery areas in the state, with a restriction of .45 caliber or greater and a round ball, was passed by the Fish and Game Commission as part of the 1987 season recommendation this month.

With this action the commission has determined that muzzleloaders with this caliber restriction are on a par with the shotgun when considering the use of weapon for any hunting opportunity.

HB 486 as now written does cause us some concern. On page 1, lines 24 and 25, the bill basically states that any area open to bow and arrow or shotgun must be open to muzzleloaders. This is not appropriate since the commission does not now consider each bow and arrow area appropriate for shotguns.

We recommend that the bill be amended as we propose on the attachment. With these amendments, all areas open to shotguns could be open to muzzleloaders, regardless of whether or not the area was open to the use of bow and arrow.

This would be an improvement over the present law which restricts muzzleloaders to only those areas open to shotguns.

Amendment to HB 486
Third Reading (Blue) Copy

1. Page 1, line 24.
Following: "only"
Strike: "ONLY BOW AND ARROW OR SHOTGUNS OR BOTH"
Insert: "SHOTGUNS"
2. Page 2.
Following: Page 1, line 25.
Strike: "SHALL"
Insert: "may"

SENATE FISH AND GAME
EXHIBIT NO. 11
DATE 3-19-87
BILL NO. HB 486

HOUSE BILL NO. 486

Ladies and Gentlemen of the Senate Fish and Game Committee:

For the record, my name is Verle Rademacher, editor and publisher of the Meagher County News in White Sulphur Springs.

I appear before you to support the enactment of House bill No. 486 into law. The bill would add the words "and elk" to the sentences concerned with areas open to shotguns and muzzleloaders. Additionally, since passage by the House, there has been concern raised over the inclusion of wording requested by the Montana Department of Fish, Wildlife and Parks that is objectionable to archers and which was never originally intended to be included. I refer you to Page 1, line 24 following the stricken word "only" please strike "ONLY BOW AND ARROW OR SHOTGUNS OR BOTH" and insert the single word "SHOTGUNS." ~~Then on Page 2, following Page 1, line 25, strike the single word "SHALL" and insert the word "may." There was some confusion when this was amended earlier and this should straighten out the wording.~~

Section 81-1-304, MCA, was amended in the 1985 session to include muzzleloaders in shotgun areas for deer. Last year, when the Montana Department of Fish, Wildlife and Parks and the Montana Fish and Game Commission were setting seasons, a particular area in Northwest Montana was having an elk problem, for which they sought to authorize the use of muzzleloaders in the area. In consulting the newly-amended section of Montana Codes, it was discovered that they could authorize the use of muzzleloaders only in deer areas. Thus, we are seeking this amendment to give the department and commission authority to use this law for elk also. We also feel that in authorizing the use of shotguns, muzzleloaders should be included in areas open to their use. ~~Upon close examination of the statute, previous to where the word "shall" was inserted, the entire section had the word "may" which does not tie the hands of the Fish and Game Commission to arbitrarily include muzzleloaders at every instance where shotguns are used. In some areas, it may be uncomfortable for landowners to allow the use of muzzleloaders and they should have that option.~~

When authorizing the use of shotguns in areas of concern, they are used because of their short range. Muzzleloaders, also, are short range weapons, particularly with the use of round balls. The muzzleloader is a far more accurate weapon than the shotgun using slugs.

In closing, I wish to reiterate that those sportsmen who wish to use muzzleloaders in these special areas and also in the regular deer and elk seasons throughout Montana do not want and do not seek a special season outside of the present law. We do not wish to tamper with those special privileges allowed archers or to infringe upon their season.

Those who use muzzleloaders feel that this section of the law, properly amended as stated in the bill, would assist the Montana Fish and Game Commission in regulating hunting in areas of concern to property owners with game problems.

I urge your favorable consideration of House Bill No. 486. Thank you.

Amendment to HB 486
Third Reading (Blue) Copy

1. Page 1, line 24.
Following: "only"
Strike: "ONLY BOW AND ARROW OR SHOTGUNS OR BOTH"
Insert: "SHOTGUNS"

2. ~~Page 2.~~
~~Following:~~ ~~Page 1, line 25.~~
~~Strike:~~ ~~"SHALL"~~
~~Insert:~~ ~~"may"~~

STANDING COMMITTEE REPORT

March 19, 1937

19.....

MR. PRESIDENT

Fish and Game

We, your committee on.....

House Bill

having had under consideration..... No. 429

Third

reading copy (Blue)
color

PROVIDE FOR FISH AND GAME COMMISSION APPROVAL FOR AWARDING
FISHING PRIZES

Representative Schye (Senator Smith)

House Bill

Respectfully report as follows: That..... No. 429

BE CONCURRED IN

~~DO PASS:~~

~~DO NOT PASS:~~

Senator Ed Smith

Chairman.

STANDING COMMITTEE REPORT

March 19, 1937

19.....

MR. PRESIDENT

We, your committee on **Fish and Game**

having had under consideration..... **House Bill** No. **431**.....

Third reading copy (**Blue**)
color

ALLOW HUNTING OF LYNX WITH DOGS

REPRESENTATIVE PHILLIPS (SENATOR BENGTSON)

House Bill

431

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XXXXPASS~~

~~XXXXNOTPASS~~

.....
Senator Ed Smith

Chairman.

STANDING COMMITTEE REPORT

March 19, 1987

19.....

MR. PRESIDENT

Fish and Game

We, your committee on

having had under consideration..... **House Bill** No. **454**

Third reading copy (**Blue**)
color

MOTOR BOAT NOISE CONTROL

REPRESENTATIVE BRANDENIE (SENATOR HARDING)

Respectfully report as follows: That..... **House Bill** No. **454**

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

.....
Senator Ed Smith

Chairman.

STANDING COMMITTEE REPORT

March 19, 1937

19.....

MR. PRESIDENT

We, your committee on Fish and Game

having had under consideration House Bill No. 436

Third reading copy (Blue)
color

REVISE SHOTGUN AND MUZZLELOADER HUNTING

REPRESENTATIVE KOZHNAT (SENATOR ED SMITH)

HOUSE BILL

436

Respectfully report as follows: That..... No.....

be amended as follows:

Page 1, line 24.

Following: "only"

Strike: "ONLY BOW AND ARROW OR SHOTGUNS OR BOTH"

Insert: "shotguns"

AND AS AMENDED

BE CONCURRED IN

XXXXXX

XXXXXXXX

Senator Ed Smith

Chairman.