

MINUTES OF THE MEETING  
FISH AND GAME COMMITTEE  
MONTANA STATE SENATE

March 24, 1987

The meeting of the Senate Fish and Game Committee was called to order at 12:30 P.M. on March 24, 1987, by Chairman Ed Smith in Room 325 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 535: Representative Orval Ellison, House District No. 81, stated that HB 535 means the difference between staying in business or going out of business for the Outfitters and Guides of Montana. Due to the time restraints for proponents and opponents, Ellison encouraged witnesses to present their testimony.

PROPOSERS:

Director Jim Flynn, Director of the Fish, Wildlife and Parks Department presented written testimony on HB 353. (Exhibit 1) Flynn stated that the department supports the concept of the block of licenses for the Outfitting Industry. The additional licenses for the deer enumerated in the legislation are acceptable and do not have negative impact on the resource. The department expressed concern with the provision in the bill that provides for landowner set-asides. The scheduling of the distribution of the licenses in the legislation gives concern because the dates given in the proposal would make it difficult for nonresidents to enter a special drawing process on June 1 in order to know before May 15 whether or not the nonresident had been successful and could enter the drawing for the special drawing permits. The Department suggests that the date be moved up at least a week so that this situation could be accommodated.

Senator Les Hirsch, Senate District 13, Miles City, MT, emphasized that HB 535 is an excellent bill for Eastern Montana, which has many nonresident hunters who would like to harvest deer in Eastern Montana, but do not feel they can obtain the all purpose license. Hirsch stands in favor of the 6,000 B-11 license proposal. Hirsch stated that the forthcoming testimony of Outfitters and Guides will present the plight of the Outfitting Industry in the state of Montana.

Jo Brunner, Lobbyist for the Montana Outfitters and Guides Association introduced the witnesses for the Association.

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Larry Stanley, Western Airlines, stood in support for any method which would allow more nonresident licenses to be sold to individuals that use outfitter and guide services.

Stanley verified the type of person who is most likely to make use of airline services during a time that is traditionally slow are the outfitter and guides' clients.

Sherry Cargill, Outfitter from Whitehall, gave an overview on the economics of outfitting completed by Montana State University. (Exhibit 2)

Jack Billingsley, rancher, outfitter from Glasgow, Montana, presented testimony concerning license sales in 1987. (Exhibit 3)

Douglas Gardner, Boyes, MT, Outfitter, gave information in support of the proposed 6,000 licences (B-11). (Exhibit 4) Gardner stated that the proposed bill that would bring additional hunters into Eastern Montana is a fallacy. Gardner stated facts taken from outfitter's reports and surveys that the Department of Fish, Wildlife and Parks estimates about 3,500 nonresident combination licenses are used each year by those hunting just deer in Eastern Montana with no exposure of elk. The department has issued nonresident Deer A and Deer B tags each year even though the tags were issued too late to help outfitters. The tags are utilized by nonresident hunters. (Exhibit 4)

Robert McNeill, an Outfitter from Dillon, MT, gave information on the social and economic impacts of HB 535 according to the Montana State University study. The outfitted hunter spends \$1,487 more in Montana than a non-outfitted hunter. This set aside, will bring an additional \$11.3 million per year of new money into the Montana economy. (Exhibit 5)

Bill Pataky, a nineteen year old future outfitter gave testimony supporting the Montana Outfitting Industry, and expressing the desire to be a vital part of that industry in the future. (Exhibit 6)

Arnold Smoke Elser, an Outfitter from Missoula, MT, stated support for HB 535, and urged support in fairness to all Montanans, and for a stronger Montana economy. (Exhibit 7)

Roland Cheek, an Outfitter from Columbus Falls, Montana gave testimony concerning hope for the outfitting industry. Cheek expressed hope that the framework for the industry will continue to exist in Montana whereby the industry will continue to be a credit to Montanans and to the Treasure State. (Exhibit 8)

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Ron Curtiss, an Outfitter from Kalispell, MT, gave testimony on leasing hunting right on private land. (Exhibit 9)

Dick Klick, K Bar L Ranch, Augusta, MT, stood in favor of an Outfitter allocation for nonresident licenses, but stated that HB 535 as written, will not accommodate the industry. (Exhibit 10)

George Allen, Montana Retail Association, stated strong support of HB 535 which is a pro-small business bill, pro-sportsmen bill, and a pro-job bill. Tourism is one of the bright spots in Montana's economy. Tourists want to come to Montana for the beautiful scenery, the parks, and the great hunting and fishing. A dollar spent by a person from out of state turns over three or four times in Montana. Allen urged support of an industry that has brought and will continue to bring money into the state of Montana.

Steve Huntington, Administrator for the office of Economic Analysis, Department of Commerce, spoke in behalf of the tourism advisory council. The council is a private sector group that advises the Department of Commerce of the business involved in the tourism industry's point of view. HB 535 is supported because of the stability that will be brought to the outfitting industry and because the outfitting industry benefits Montana's economy. The bill will allow the industry to conduct business in a climate that will not unnecessarily hinder the success.

Chuck Rhein, Melville, MT, a rancher and licensed outfitter, gave written testimony in support of HB 535. (Exhibit 11)

OPPONENTS

Robert Vandervere, a concerned citizen lobbyist stated opposition to HB 535. Five thousand, six hundred licenses had been guaranteed to the outfitter and guides after the close of the 1985 Legislative Session. In 1983, there were 5,028 Elk, Deer and Bird licenses for out-of-state hunters. In 1984, there were 5,072 Elk, Deer and Bird licenses (combination) for out-of-state hunters that utilized the services of outfitting industry. The 1985 statistics show 6,430 such licenses were utilized. The Fish, Wildlife and Parks Department expended approximately \$106,800 administrative cost money to accommodate the demands of the industry. The Outfitting industry should patrol the respective ranks within the industry, and save the department's resources. If the Eastern Montana landowner-ranchers cannot pay liability insurance costs, the private ranches are in jeopardy, Mr. Vandervere said.

Jeanne Klobnak, Montana Wildlife Federation, stood in opposition to HB 535.

Representative Bob Gilbert, House District No. 22, opposed HB 535 as it is written. Gilbert disliked a preference distinction made by guaranteeing the industry the right to participate. This currently is accomplished by the licensing process, and conversely, the bars are licensed, but are not guaranteed a certain percentage of people who will frequent their establishments. Preference is a poor business practice: Competition is healthy. It is against the concepts of free enterprise. The right of the out-of-state hunter to hunt in Montana is infringed upon if he must hunt with the outfitter or with the landowner outfitter. A sliding-scale alternative of balancing requests with active give outs rather than guaranteeing clients is worth considering.

Duane Grey Spethman, an independent businessman from Missoula MT, presented written testimony. (Exhibit 11)

Dr. Jim Kehr, Helena, dentist, presented a slide presentation in support of the present system. Discussing the mail problem in connection with allocating nonresident permits, Kehr acknowledged a situation that must be rectified. Fifty-six percent of public land is not accessible. In 1986, the department set aside 5,600 tags authorized by the Governor and used for a "special" class of people. House Bill 535 creates two different kinds of outfitters: the traditional outfitter and the landowner outfitter. Kehr reported that he questioned the Outfitters' bill proposal and was told that the purpose was to limit the number and to license all the hunters. Kehr reported that in reality, in 1985 there were 5,200 guided hunts, with no set asides. In 1986, the nonguided hunters participated in a drawing while the guided hunters were not required to participate in the drawing. This year, January 24, 1987, the guided and nonguided hunters were drawing on the first day of the draw and the results have been unsatisfactory. The passage of HB 535 will not solve the problem by providing guaranteed programs because the demand is too high. Kehr presented facts concerning the economics and stressed that perhaps the nonguided hunters provide the same money into the economy of the state with the exception of the money paid directly to the outfitter for the hunt. The hunters will come to Montana whether they are outfitted or not. Kehr discussed landowner-sportman's relations and percentage chance of success pertaining to any given number involved in a drawing situation. Kehr asked for "liberty and justice for all" in license distribution for the State of Montana. (Exhibit 12)

Emily Swanson, Bozeman, Executive Director of the Montana Wildlife Federation, stated that the bottom line is fairness;

a system that will be equitable for everyone who wants to hunt in Montana from out-of-state. Swanson urged the committee to consider the fairness issue.

Lewis E. Hawkes, Public Land Access Association, Inc., submitted written testimony in regards to the problems of the Outfitter Guide Industry concerning the blocking of public access to public lands. A chart showing public land by county was also submitted. (Exhibit 13)

Craig Flinty, Lewistown, MT, Lewistown Rod and Gun Club, and Central Montana Sportsman-Landowner Advisory Council stated that the foundation to the outfitter's concern is the amount of time between the drawing for nonresident licenses is insufficient to allow the booking of clients. Flinty offered solutions that do not include HB 535. The demand is already greater than the 5,600 at present. Concern was expressed in relation to over-booking situations that could draw more income to the outfitters even though the bookings could not be accommodated. Should the bill pass, Flinty explained that future requests would probably include more allotment requests of livestock, more lawsuits, and proposals directed at current legislation being submitted to the 1989 Legislature.

Bill McRae, an outdoor writer and photographer, gave written testimony to the committee. (Exhibit 14)

#### QUESTIONS FROM THE COMMITTEE

Senator Smith stated that a tremendous amount of mail has been received on the HB 535 issues, and asked for dialogue concerning percentages of outfitted hunts in regards to the recent license distribution. Ron Curtiss stated that everytime a lottery system is involved, there is no assurance as to the outcome of the lottery. Curtiss discussed HB 104 and assured the committee that amendments to HB 535 similar to the context of HB 104 would completely change the acceptability of the legislation.

Senator Smith asked Jim Flynn how many B-tags to nonresident licenses are issued at present. Flynn listed on the submitted testimony information concerning 1983 through 1986 license figures. The average of the nonresident Deer A-tags has been approximately 2,800 each year and have been restricted to Eastern Montana. HB 535 contemplates 6,000, a 3,200 increase, which would be distributed state wide. Smith asked if 6,000

are allocated, can the population of the deer withstand the increase. Flynn reported that the department has agreed on the figures after a study had been made by department employees. The figure arrived at was 5,000, therefore, a statewide figure of 6,000 was not unrealistic.

Senator Bishop asked Director Flynn about the number of people who would be hunting elk compared to the number of people hunting deer. Director Flynn replied that an estimated number would be 2,500 to 3,000 hunters that would hunt deer, the balance would hunt elk.

Senator Bengtson ask about the procedure to become a licensed outfitter. Flynn stated that \$100 fee is required and a comprehensive test must be taken. Forty percent fail the test. A certain level of bonding and liability insurance is required before the completion of the licensing process. Certain standards must be maintained at all times in order to stay eligible for the license. Bengtson asked if the distribution of the licenses are allocated according to past performance. Flynn replied that the 5,600 figure was derived from an average of three years. Flynn stated to the outfitters that it was not appropriate for the department to guarantee individual businesses, but it was appropriate since it is the licensing system and state law that puts the "cap" on the licenses. The department has a responsibility to the industry. The outfitter industry received 5,600 licenses in 1987. Individuals within the industry were successful to various degrees. Some were drastically hurt, while some did not get hurt at all. The intent of the department was to provide a base for the industry as opposed to trying to deal individually with individual circumstances. If the department was to continue the process, we would continue the same philosophy unless directed to do otherwise by the Legislature.

Senator Severson asked what is the percentage of the success ratio as far as the outfitters are concerned. What is the number of elk. The success ratios are approximately 30% for an outfitted hunter and 20% for a nonoutfitted hunter. Severson stated out of 3,000 extra elk tags, there would be 300 head of elk harvested. The out-of-state hunters are welcome to spend time in Montana, the concern is how many elk are taken.

Senator Yellowtail asked Flynn about the 2,000 deer licenses that would be set aside for Eastern Montana for landowner-outfitters. How many landowner-outfitters are there in Eastern Montana. Flynn stated that when the 5,600 was set-

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aside, the department realized the subject would be controversial. Historic data was developed concerning the 5,600 assuming a testing in court would take place. The historic data proved to be the foundation of a favorable court decision. The department has concern with the 2,000 landowner set aside because there is not sufficient data on past activity, and has concern on negative or positive impact.

Senator Yellowtail stated Eastern Montanans expect to be able and willing to guarantee licenses to out-of-state friends as landowners. Yellowtail stated that the court and the Legislature must be convinced that there is rational for the 2,000 number. Yellowtail asked how the 2,000 should be administered if the bill passed as proposed. The department would verify the fact that the Montanan was a landowner. and a drawing would take place.

Representative Ellison stated that the out-of-state hunters are vital to Montana and HB 535 would provided revenue to the state of Montana.

CONSIDERATION OF HOUSE BILL 526: Representative Ted Schye, House District 18, stated that he is a landowner, sportsman and farmer. The bill allows the Fish, Wildlife, and Parks Department to raise the fees for three options for land: conservation easements, leases or to acquire the land through fee title if conservation easements or leases are not available. This is an important piece of legislation for land owners and for the sportsman. Schye stated that he is a strong believer in landowner's rights, but the state of Montana is getting a wedge driven between the landowners and the sportsmen. Schye feel the admendments put on in the House of Representatives are very strong, as is the Statement of Intent. The Statement of Intent states that it is preferable to lease the land or to obtain the conservation easements, but if the willing seller wants to sell the land, the Fish, Wildlife and Parks can buy the land. If the land is bought, the Department must complete a more detailed process than what is currently necessary. The bill puts public hearings in the areas that the land is acquired, and gives management plans to all adjoining land owners. The Statement of Intent directs that the land be apportioned throughout the state. Section one of the bill gives protection to the landowner and the adjacent landowners. The public hearing are in law. The fees are raised, the people that use the land will pay for the land. The money does not come from the General Fund. The proposed bill allows the state to have the revenue to take care of the land. Eighty percent of the money goes towards the purchase or easements and twenty percent goes into the Trust Fund for maintenance for roads and weed control. The bill will sunset on March 1, 1994,

Representative Ed Grady, House District No. 47, stated the bill is a multipurpose bill that addresses many issues that would not create difficulties for land owners that adjoin the acquired land. Consideration was made concerning the increase of wildlife which is considered to have a ten percent increase. The land that would be obtained would be winter range areas, calving areas, and adjoining areas. The particular areas will concentrate the game. Mount Hagen is an example. The Department, according to Flynn, has acquired interest in land for wildlife for the past seven years. The current program utilizes multiple use with the wildlife given first consideration.

#### PROPOSERS

Representative Red Menahan, House District No. 67, stated that the demand for future generation requires consideration of the bill in order to facilitate the sportsman who would like to spend their money in the interest of wildlife.

Jim Flynn, Director of Fish, Wildlife and Parks, provided the committee with written testimony. (Exhibit 15)

Jim Hubbard, Bozeman, MT, stated that his private ranch is an example of good elk habitat. It is located north of Gardiner at Tom Miner Basin. Hubbard, an outfitter, booked 88 hunters, but could have booked 200 hunters; a loss of \$132,500 which was returned. This amount of money would have made a ranch payment. If the ranch is lost because of lack of business in the outfitting business, the ranch can be sold to large, out-of-state corporations, religious affiliations, or to the federal government. Hubbard urged that the legislation be such that the ranch could be sold within the state of Montana with control. The habitat of 11,000 acres in one block next to Yellowstone Park should be acquired by the state should it have to be sold because of the inability of Hubbard to make the payment.

Jeanne Klobnak, Montana Wildlife Federation, supports HB 526.

Weed Labond, President of the Gardiner Chamber of Commerce, stated that the passage of HB 526 will benefit the Gardiner area because the land acquired will help the wildlife and will improve hunting. This will attract hunters to Park County and thereby bring revenue into the area.

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Frank Rigler, Corbin Springs, Montana, offered written testimony. (Exhibit 16)

Michael Art, Chico Hot Springs' proprietor and past president of Livingston's Chamber of Commerce, stated that he is in support of HB 526 because the bill promotes tourism. Tourism is extremely and desperately needed and as long as there are proper controls, wildlife activities should be encouraged.

Ken Frasier, President of the Montana Wildlife Federation stated that HB 526 is the most significant bill that affects sportsmen because it sets aside habitat for wildlife. Sportsmen are willing to pay for the habitat, and therefore, there will be no costs to the state. A provision has been directed towards administrative costs. The bill will encourage the tourism industry.

Lee Fears who represents 3,200 members of the Southeastern Montana Sportsmen's Association, stated support of HB 526. The association recognizes the need for acquiring quality habitat for protecting game species for the future. The recreational demand for the game animals is at an all time high. The sportsmen are willing to pay the bill for the habitat; an investment for the future. Earmarking of funds is not new to Montana. A portion of fishing licenses fees has been set aside to acquire fishing access sites and the system is successful. Mr. Fears urged the committee to support the bill.

Gary Marbit, Chairman of the Legislative Committee for the Western Montana Fish and Game Association, stated approval of weed control management and a preference for leases and easements of private property as opposed to outright purchase. Mr. Marbit stated that other problems were worked out in the House Fish and Game Committee to make the bill stronger and offered consideration of a preference concerning lands that already exists under public ownership before going to the private sector for land acquisition. Bill Bigalow, National Rife Association, encouraged Marbit to suggest language in the bill that would guarantee access by sportsmen and hunters to a substantial portion of the land that is managed for wildlife habitat.

Scott Ross, Montana Bowhunters' Association, stated support of Housbe Bill 526.

Craig Finty, Central Montana Sportsmen-Landowner Advisory Council, stated that landowners involved with the council feel comfortable about HB 526 and urged support.

Jim Phelps, Montana Audubon Legislative Organization, supports the bill for above named reasons.

Stan Bradshaw, Montana Council of Trout Unlimited, stood in support of HB 526.

Paul Berg, Billings' Rod and Gun Club and Sierra Club stated support of HB 526.

Don Miller, Helena, suggested that the presidents of approximately fifteen sports clubs, including the Montana Wildlife Federation, be included in the decisions of where and how the revenue is spent.

Jack Atcheson, Butte, MT, stated that one of the problems with the nonresidents is the fact that the licenses are too cheap. Having booked over 20,000 hunting trips, Atcheson stated the major reasons people choose to hunt in Montana is the fact that the combination license is cheaper than any other state.

Senator Smith closed the hearing to proponents.

#### OPPONENTS

Roger Lincoln, Hill County dry land farmer, stated opposition to HB 526. The Department of Fish, Wildlife and Parks presently own 189,256 acres in Montana. Thirty-nine percent was purchased in the last 10 years. The department leases 96,942 acres, which is a thirty-four percent increase in the last 10 years. When the state government purchases land and the land is taken off the tax roll, there is a multiple, detrimental effect. The tax base of the counties are eroded. The production from the land, whether it is cattle or grain, is not taxed. The previous operation is no longer paying income tax, nor are the previous employees. Lincoln stated ownership of a Toole County farm that borders the southern edge of Tiber Reservoir. When the dam was built in the 1950's, the river bottom was subjected to condemnation proceedings and became federal land. Later, the land was managed by the Department of Fish, Wildlife and Parks which built a four wire fence around the lake to enhance wildlife habitat at a contracted price of \$5,000 per mile. To date, the fence has been "patch worked" and a nuisance to ranchers who water livestock. The project has not enhanced the wildlife in the area, there are fewer deer than in the past. Lincoln suggested that the department handle the land that is currently under the Department's jurisdiction. Recent figures released by the USDA shows that 1.2 million acres of highly eroded farm land in Montana will be taken out of production and placed in conservation through the Conservation Reserve Program and planted to grass and trees. The land will be along river breaks and areas already inhabited by wildlife. By law, the land cannot be grazed by livestock

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and the grass cannot be cut for hay. Lincoln discussed the erosion of the tax base, and suggested additional emphasis be put on projects in the independent agencies such as the Boon and Crooket land recently purchased in the Dupuyer area.

Mike Misone, Western Environmental Trade Association, stated opposition to HB 526. When there is conflict between wildlife and livestock, the Department of Fish, Wildlife and Parks traditionally rules for wildlife. This is not a multiple use bill. There will not be timber harvested, or mineral exploration, or oil exploration because of the conflict with wildlife. The acreage taken out of production is money that is taken out of the economy. The Association resists land taken from the tax base.

Roger Koopman, Bozeman, MT, stated the bill represents a net transfer of property of control and ownership from the private sector to the public sector. Koopman questioned what is "enough" land, and suggested the free market where private initiative in game management has proven successful. The private sector is capable of responding to sportsmens' demands by being innovative and imaginative.

Gary Sturm, Helena sportsman, stated opposition to HB 526 because of the 5,000 non-resident B-deer tags increase. Sturm is opposed to any increase in the number of B-deer tags issued. Sturm questioned if the Director would favor subdividing land, which would put more money into the State than the Outfitting Industry does.

Dick Klick, Augusta, MT, stands in opposition to HB 526. Klick stated that the non-resident will get little use of the land that will be acquired. Department land in the Augusta area is in a drawing situation and limits the nonresident to 10% of the total applications. The tracts cannot be regulated in anyother manner. This is a nonresident rip off.

Lorents Grosfield, a cattle rancher from Big Timber, stated that the bill is unconstitutional. Article 5, section 11, Subsection 3 of the Montana Constitution states each bill, except general appropriation bills and bills for the codification and general revision of the laws shall contain only one subject, clearly expressed in its title. This is a wildlife habitat bill, yet there is a provision for unrelated activity. Economic impacts are not sufficiently addressed in regards to adjacent land resulting from enhanced habitat on purchased land and impacts to tax base in counties where signifcant amount of land is purchased. HB 526 is not an access bill and will restrict access in many cases because

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wide open access is not compatible with quality wildlife management. (Exhibit 16)

Kim Incrude, Montana Stockgrowers and Montana Cattle women of Montana, stated that the organizations do not want to jeopardize willing buyer-seller arrangements. The state of Montana should not be in the real estate business. Landowner, sportsmen, and hunters relationships would be better served if the money was used to open up access, such as the Block Management Plan, for hunting and mitigating damage to the land owner caused by wildlife.

Don Allen, Montana Wood Products Association, stated that, according to Director Flynn, the department has been done well in the ability to obtain land to date. The association does not oppose the process that is proposed in the bill, but are concerned about access to other resources, such as timber. Multiple use concept has not proven to be case in the past, nor will it in the future. Allen challenged the committee to insure decisions on land that is purchased by the bill will not interfere with other economic interest of the land surrounding the purchased land. If not controlled, there will be negative economic impact in the future.

Dale Meal, stated that land should be taken off the taxes. Meal questioned how the Fish, Wildlife and Parks Department can manage more land when the department land cannot be managed properly at present. Should the department buy land along the Rocky Mountain Front, there will be a disastrous effect on the adjoining ranchers. Meal urged opposition to HB 526.

Senator Yellowtail asked for an explanation from Meal concerning the disastrous effect along the Rocky Mountain Front. Meal stated that by buying land along the front, the cattle are confined. A multi-use deal must be the solution. Hunters that use consideration and concern will be allowed to hunt under most circumstances. Meal stated the disastrous effect comes from piling too many people onto the land that has been acquired by the Department

Senator Bishop asked Grosfield about the size of his ranch and if he is in a hunting organization. Grosfield stated the ranch is 15,000 acres, extra pasture is leased for cows, and there no land leased for agricultural purposes. Grosfield stated he is in a hunting organization with partner Roger Koopman. It is strictly a paid hunting operation.

Senator Smith stated that 1.3 million acres has been put into the Conservation Reserve Program in Montana. This program

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will seed the land to grass and plant trees. Production will be halted for ten years. Twenty-five percent of the total crop land in each county will eventually be put into the Conservation Reserve Program.

Senator Yellowtail asked Flynn to elaborate on the tax base concerns. Flynn stated that if the land was to acquire an interest in land through lease or conservation easement, the department would not carry tax responsibility. If the land was acquired through title, the department would pay taxes on land improvement and machinery. The tax loss would occur when the livestock is taken off the property, but this does not happen in every instance. Sometimes, the property is leased back for cattle grazing purposes. The amount of \$103,000 is currently paid statewide in lieu of taxes to the various counties containing wildlife management holdings. Senator Yellowtail asked if that is an amount that is comparable to a rancher assessment. Mr. Flynn replied that the department is assessed the same. Fire control assessment and weed control assessment are examples of similar assessments.

Representative Schye closed by repeating the fact that he is a landowner, farmer and sportsman. The bill is important to remedy problems of farmers and ranchers closing land. Landowners must understand that the public needs access to public land. The state land is different from the Fish, Wildlife and Parks' land due to the fact the land does not have to be opened to the public. The Fish, Wildlife and Parks' land amounts to 233,000 acres which is three-tenths of one percent of the total land in the state. Federal and state multiple use cannot be compared. The state can make sure that multiple use is accomplished and the economy will be improved. The deer tags are not increased in number. The bill puts a cap on the number of deer tags that can be issued. This is not a game damage bill and the bill addresses issues of adjoining land and lists responsibilities as well as enhancements of adjoining land.

Senator Smith stated that executive action will be taken on Thursday, March 26, 1987.

ADJOURNMENT: There being no further business to come before the Senate Fish and Game Committee, the hearing closed at 3:10 p.m.

Following recess, the committee reconvened at 7:45 p.m. this date.

Senator Smith stated that common ground should be met to work out differences between opposing sides. The Committee is not at liberty to direct what should or should not be done. The committee recognized that the outfitting industry is important to the economy of Montana.

Many outfitters have expressed concern in regards to the number of licenses received this year. Eighty-three percent ratio is the figure used as a success limitation amount, although some guides drew only a ten percent success limitation.

Director Jim Flynn, Director of Fish, Wildlife and Parks, addressed problems created by the recent drawing. Director Flynn stated in 1982, licenses were sold beginning on February 17th and the licenses were sold out by June 14, 1982. The license sold for \$275. Each ensuing year, the time taken to sell all the licenses have been reduced. This year, the licenses sold out on the first day. The cost of the license is now \$350. Causing much concern, individuals using the power of Attorney bought state licenses for a fee. This stimulated the Department's action to cease selling licenses on a personal basis the day the licenses went on sale. The Department did not feel it appropriate the hunting licenses should be in the same category as Superbowl events. When the power of attorney phased out, as well as walk-in sales, the Department changed the outfitting industry's normal way of doing business. The outfitting industry is dependent on the sale of licenses. In 1975 as a matter of policy, the state set a limit on licenses. Different kinds of licenses are available. If the state had an unlimited number of licenses for nonresidents, the problem would not be a factor today. To compensate for the loss of the industry licenses, the set aside program was established. The department gleaned historical records to arrive at 5,600, based upon historic use. Historic use data was derived at a time when the system was strictly voluntary in regards to whether a non-resident wanted to hunt with or without an outfitter. At arriving at the 5,600 figure, the Department took a three year average. The Department anticipated a court challenge on the 5,600 figure, so the Department attempted to obtain a reasonable figure. The set aside was put into effect, then a court challenge took place. The process underwent a judicial review. The court decided the system was fair and reasonable. In 1986, the first year of the set aside program, the system worked fairly well. The set aside licenses were not completely sold on the first day. The licenses sold out in a week. Evidently in 1986, a number of outfitters did not choose to use the set aside program, but opted to continue be part of the 11,400 pool. The system

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was acceptable in 1986, but 1987 brought problems. The number of applications received from clients who wished to hunt with outfitters was approximately 7,700. The nonresidents were competing for the 5,600 set aside amount. As a result, 2,169 hunters were unsuccessful. In the non-certified or non-outfitted category, 16,381 applications were made. The quota was 11,400 and 4,489 hunters were unsuccessful. The total application numbers was 24,158, while the total number of issued licenses was 17,000. The unsuccessful hunter numbered 7,158. The percentage of the unsuccessful hunter was 29 percent. The department had more applications on hand than the number of licenses available on each drawing. It is obvious: No matter how the licenses are dispensed, current law directs that 7,000 people will not receive licenses. Approximately 30 percent of the hunters will not get licenses. Approximately 24,000 licenses were processed in 1986 and 1985. Every individual's application is considered on a first come first serve application at present. In order to have people from Florida and Idaho receive the same chance, the staggered mailing list has been devised. The U.S. Post Office have provided delivery dates for various distances, and the state office have complied with the mailing variances to provide fair opportunity for the nonresident hunters. Many problems have been attributed to the unsatisfactory mailing system, even though some applications are mailed out the same day as it is received. Complete information must be provided on the application. The applications received on "day one" were 20,000, which puts the process into a drawing situation. The luck of the draw is the reason for the discrepancies among the outfitters.

Director Flynn stated when the Department was making the decision concerning the set aside program, Consideration was made to guarantee a total amount or percentage of bookings was based on the outfitters' history. Director Flynn rejected the concept of guaranteeing a business a certain number of licenses. The Department chose not to guarantee individual outfitters, but to guarantee the industry. Without additional licenses, based on the Department's experience over the past few years, there will be 7,000 unhappy, nonresidents not receiving licenses. At present, outfitters are concerned about the way the licenses are sold. The Department makes an effort to sell the licenses in a fair and efficient manner.

Senator Smith asked for a better way of handling the license issue so there is more equity between all the guides and outfitters. Smaller communities were hampered because air express was not available.

Senator Severson questioned 6,700 permits received the first day. Of this amount, were 5,600 drawn on the first day on the luck of the draw. Flynn replied yes.

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Director Flynn stated that all applications that arrived the second day of the draw were automatically rejected because no more licenses were available. Senator Smith asked if there is a way to complete the allocation task in a manner that would prove to be more efficient. Director Flynn expressed approval of the set aside procedure. The issuance of the licenses could be made on a drawing basis, and a thirty-day-time-period could be established to include all mailed applications.

Senator Yellowtail questioned Mr. Flynn about options that are available. Director Flynn discussed current legislation and addressed the 6,000 Deer-A licenses, as well as the combination nonresident licenses. Senator Yellowtail stated approximately 2,500 combination licenses would be available to the elk hunters, a figure that may be satisfactory for a couple of years. Since 1971, Montana has experienced an increase of 41% in the outfitting industry. The set aside policy has been justified. Senator Yellowtail stated appreciation of the Director's wisdom and courage as exercised in the controversial decision making process. Eventually a conflict will arise between the number of nonresident hunters versus the number of resident hunters. Director Flynn stated that the State has managed the game resource for ten years, and has used the 17,000 figure without negative impact on the resource. A figure of 5,000 could also be managed, but the future figures must be managed according to compiled data. Currently, the size of the industry must be addressed because it is a multi-million dollar industry. The figures could be examined and reconsidered every two years.

Senator Severson stated the demand for the harvest of game is growing. According to Director Flynn, the size of the elk population is at an all time high, and the number of nonresident elk hunters must be compared to resident elk hunters. If the number of nonresident elk hunters increase, the resident elk hunters would be affected accordingly. The number of resident elk hunters in the state of Montana is 60,000 to 75,000.

Smoke Elser stated that the success spread of the drawing runs from 0 to 100%. The projected 20% loss ration would put one-third of the outfitters out of business within two years. Many outfitters will go out of business this year because of the draw. The outfitters have not supported an allocation on an individual basis, nor have they sought a guarantee. The clients must be obtained, and then provided high quality service.

Senator Smith stated that many outfitters have built an excellent reputation, but they have lost to the draw and may lose the entire business. Outfitter lose business when a client cancels because the other hunting partner did not receive a license.

Senator Jergeson questioned the outfitters that received heavy losses and asked if those applications arrived after the drawing took place. Elser replied that most clients were lost to the draw, although additional applications arrived too late. Mr. Elser stated that he lost two clients because of the mail service. Senator Jergeson asked Director Flynn what caused the variance to be so drastic. Mr. Flynn replied the percentage figures has caused the Department concern. Each applicant is issued a number. Then the numbers are put into the barrel to be drawn.

Jim Kehr stated a straight drawing will not work statistically. If the drawing is done on a percentage basis, every outfitter would have the same success ration. Therefore every outfitter would get 85% success, would have ample time to compete with the mail service, and would have an opportunity to coup 85% of the applicants. The true law of supply and demand would rule.

Senator Smith stated concern about the 1,069 applications that did not arrive on time to compete in the drawing. Mr. Flynn stated the way to guarantee that the 7,769 have an equal chance is to have a drawing. A percentage approach would eventually cause problems because of overbookings.

Ron Curtiss stated the outfitters would freely overbook clients if they could count on the 85% success rate. Curtiss explained that his hunting operation is based on a party of eight hunters. Therefore, the quality of the hunt is in jeopardy. In 1982 there were 613 Outfitters, and in 1987, there are 604 Outfitters in Montana. Other year figures are: 1983-563; 1984-563; 1985-588; 1986-604. The increase has been in the area of the fishing-outfitters. Many Outfitters are not active. Mr. Curtiss explained in the last year the industry was not restricted (1985), the industry served 7,694 nonresident hunters. In 1986, the industry served 7,763. The majority of the outfitters work on national forest land. Regulations state that the Outfitters need permits, but no additional permits have been issued. National forest land and BLM land have strict regulations. Private land offers the only areas that may be obtained for hunting by the Outfitters.

Senator Bengtson questioned Jim Kehr concerning studies on the growth of private land opened up to the nonresident hunter. Mr. Kehr stated that 56% of private land is now unavailable to resident sportsmen. The Forest Service has mandatory limits

on Outfitters because of the lack of hunting area. The action forces the Outfitters to seek private land. In 1986, \$900,000 was spent by the Outfitters to lease private land. The trend will continue as long as Outfitters are guaranteed licenses. Mr. Kehr stated that equal percentages would solve the problem and give Outfitters equal success.

Senator Smith asked for a show of hands of how many Outfitters present were late in the drawing process. Mr. Curtiss stated that there is not what of determining when the licenses were received in Helena. Senator asked the Fish, Wildlife and Parks Department to seek ways of giving every application a fair chance. Every applicant does not have access to Air Express or other fast mail delivery service. Again, Director Flynn stated the fairness of the drawing process. The 7,769 applications could be entered in the draw, and the due date could be extended so that all application would be provided ample time to arrive. A tentative date of February 24th was given so that all applicants could be drawn together.

Senator Smith asked for a show of hands of how many of the Outfitters attending the hearing were in favor of the present system. Nobody raised their hands. Senator Smith stated that the goal of the hearing was to work out a solution that is fair for everyone.

Bert Herwertz stated that his property has a great number of game. Prior to 1982, there were no elk on his property, now there is over 300 head. Herwertz's son, an Outfitter, was very successful in the draw, but recognized that the neighbors were not as lucky in the draw. The neighbors are needed to drive the elk and deer back on the Herwertz' land.

Smoke Elser stated that there are many Outfitters have sincere consciences and live up to the law. Those Outfitters would not overbook. Senator Severson asked Smoke Elser about overbooking. Elser asked the committee not to force the industry to be illegal by forcing overbooking by 50%, 20% or 10%. Overbooking is illegal by current law and constitutes false advertising.

Senator Severson suggested to Jo Brunner to submit written testimony to the executive session that will meet on March 31, 1987 concerning the Outfitters and Guides solution to the problem.

Dale McNeill suggested that the licenses be issued by the day-use concept. Mr. McNeill expressed opposition to the extra 6,000 extra out-of-state licenses that are designated in the legislation.

SENATE FISH AND GAME

March 24, 1987

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Senator Ed Smith stated that the discussion has proven to be beneficial to all in attendance. Time has been taken to thoroughly discuss the problems and energy is being used to find solutions that are agreeable to all concerned. Senator Smith thanked the audience for their participation and closed the public discussion hearing.

*Ed Smith*

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SENATOR ED SMITH, Chairman

# ROLL CALL

## SENATE COMMITTEE--FISH AND GAME

50TH LEGISLATIVE SESSION - 1987

+++++

Date: March 24, 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		

COMMITTEE ON

DATE

March 24, 1987

Senate Fish &amp; Game

## VISITORS' REGISTER

NAME	Complete Address and REPRESENTING	BILL #	Check One	
			Support	Oppose
Keith Lusk	Employer & Outfitter	535	X	
Paula Anderson	Outfitter	535	X	
Daniel Moore	Outfitter	535	X	
John Rose	Outfitter	535	X	
Bill Meyer	Montana Outdoors, NPA	535	X	
<del>Bill Meyer</del>	<del>Montana Outdoors</del>	526		X
H. M. Salzman	outfitter	535	X	
Sherry Cargill	outfitter MONTANA	535	X	
Gary Allen	MT. Rail Road	535	X	
Roger Koppman	DR MT	526		X
Robert D. McNeill	Dillon MT.	535	X	
Wm T Patyk	Outfitters	535	X	
Terrell Thompson	van checker	535	X	
Russ Laubach	OUTFITTER	535	X	
Wendy Schumacher	Outfitter	535	X	
Kathleen Halley	Sportswoman	535		X
Rep Bob Giddens	Legislature	535		X
Scott Ross	Montana Bowhunters Assoc	526	X	
Mike Mason	WETA	526		X
Don Allen	MT. Wood Products Assoc.	526		X
Dan Miller	Helena, MT.	535		X
Colin Heslop	Coram Mt Guide	535	X	
Stella Heslop	Coram Mt Outfitter	535	X	
Paul F. Berg	Sierra Club	536	X	
Stan Bradshaw	Traut Unlimited	526	✓	
Baele McDonough	McDonough's Son Outfitter	536	✓	

(Please leave prepared statement with Secretary)

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DATE

March 24, 1978

COMMITTEE ON

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jack Simon	Self outfitter	535	X	
Emma Simon	Self outfitter	535	X	
CRICK FLECKE	LENDISCOON CO. GUN	535		X
Doug Gardner	Outfitter - M.O.B.A.	535	X	
Bruce Malcolm	outfitter - landowner also	535	X	
Jack Davis	outfitter	535	X	
Kim Enkerud	MT stockgrowers Mt Cattlewomen	535	535	526
Rick VanderMeulen	outfitter	535	X	
Wayne Hill	outfitter	535	X	
Bill Golder	Shyline Sportsman	535		X
Charles David Seig	Anacosta Sportsman Club	535		XX
Kelly Flynn	Hidden Hollow Ranch	535	X	
Art Gordon	Manhattan Mt.	535		
Ma T. Hoff	Ravalli County Fishing Wildlife association	535 526	X PART	X PART
JOHN KANTJAS	4/6 BIRCH Cr. (Self.)	526 535	X	as is X
TY THROOP	SELF OUTFITTER	526 535	X	X
Howard Zehntner	Self Outfitter & Stockgrower	535	X	
Arnold Smoke Elser	M.O.B.A.	535	X	
MIKE ART	CHICO Lodge	526 535	X	
BOB BUGNI	EAST HILL	526 535	X	X
ROBERT ARNAUD	OUTFITTERS	535	X	
DAVE WARWOOD	OUTFITTERS	535	X	
Tom Heintz	outfitters	535	X	
Tim Deardorff	outfitter	535	X	
BILL ASHER	OUTFITTER - SHELTON RANCH	535	X	
Steve Fillingner	outfitter	535	X	

(Please leave prepared statement with Secretary)

DATE March 24, 1987

COMMITTEE ON

Senate F & B. Comm.

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jandra Cahill	Self-outfitter	535	X	
Lag Kuttel pres.	MOGA	535	X	
Har Weikum	SELF	535	X	
JERRY STRONG	Endangered Species	535		X
Pat Curless	356 Beach Dr - Kalispell	535	X	
Ron Curless	326 Beach Dr - Kalispell	535	X	
Bill Khatky	Kalispell	535	X	
Russ Greenwood	Brookside mt	535	X	
Carol Greenwood	outfitter	535	X	
AMES BENDER	WALLENS UNLIMITED	535		X
Dale Neil	Guide & Sport Services	535		X
Bob Lebert	Outfitter	535	X	
PAUL BANCHOR	RANCHER - OUTFITTER	535	X	
Gordon Sampson	Outfitter	535	X	
Chuck Keen	Self - Outfitter	535 526	535	526
John Miller	TRAVEL AGENT	535	X	
Andrew Selingsley	Outfitter Glasgow	535	X	
Paul Rosett	Self	535		X
Don & Bobbi Jackson	Self	535	X	
John & Lois M. Lane	"	535	X	
Jack Wemple	Outfitter	535	X	
LARRY KAVANAGH	OUTFITTER	526 535	X	
BOB LAMBERSON	OUTFITTER MOGA	535	X	
DAVE KOZUB	OUTFITTING BUS.	535	X	
Jim Allaman	OUTFITTING BUS MOGA	535	X	
Ron Con	Outfitter	535	X	

(Please leave prepared statement with Secretary)

Mar 24 1987

Senate Fish &amp; Game

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
James Phelps	self	AB 526	X	
Roland Cheek	MOGA	HB 535	X	
Al Jenkins	Bullinger Rod + Gun Club	HB 526	X	
DUANE GREY SPETHMAN	Self - Missoula	HB 535		X
Joe Gutkowski Pres	Gallatin Wildlife Assoc	HB 535		X
Joe Gutkowski "	"	HB 526	X	
Paul F Berg	Bullinger's Rod & Gun Club	HB 526	X	
Paul F Berg	" " "	HB 535		X
Marlene Tidwell	MOGA	H 535	X	
Bill Tidwell	"	H 535	X	
Russ Barnett	SELF	H 535	X	
Frank Ripley	Self	H 535	X	
Frank Ripley	Self	HB 526	X	
Vic Johnson	Self & outfitters	H 535	X	
Caroline Jackson	Self Rancher	H 535	X	
NADE LAUBACH	GARDNER, MT CHAPTER OF COMPTON	HB 526	X	
NADE LAUBACH	" "	HB 535	X	
LEE FEARS	SOUTHEASTERN MONT. SPORTSMEN ASS	HB 535		X
LEE FEARS	"	HB 526	X	
James Berger	WALLACES Outfitters	526	X	
Dick Leif	Alpine Guide Service	535	X	
Gingere Lee	outfitter self	535	X	
Samuel George	outfitter Rancher	535	X	
John P. Berg	outfitter & taxidermist	535	X	
Virgil B. Brown	outfitter	535	X	
Bill	OUTFITTER	535		

DATE

(March 24, 1987

COMMITTEE ON

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jack Billingsley	MOGA	HB 535	X	
Paul B. Smith	MOGA	HB 535	X	
Edna's LeVeque	Outfittering	HB 535	X	
Alona LeVeque	Outfittering	HB 535	X	
Roger Koopman	PRMI	HB 535	X	
Jay Singer	MOGA	HB 535	X	
Don Carter	MOGA	HB 535	X	
John Underwood	self	HB 535		X
Bert McKay	SELF	HB 535		X
"	"	HB 526	X	
Billy Hill	MOGA	HB 535	X	
Chris Marchion	Anaconda Sportsmen's Club	HB 535		X
Tony Schwenen	Steep Line Sportsmen	HB 535		X
J. Thomas	Anaconda Sportsmen	HB 535		X
Tony Schwenen	Mont. Wildlife Fed	HB 535	X	X
George H. Holman	Ravalli Co. Sportsmen	HB 535 HB 526		X
"	"	HB 526	X	
LARRY STANLEY	WESTERN AIRLINES	HB 535	X	
Robert L. Dupree	Stockgrower & Outfitter	HB 535	X	
Donald R. Johnston	Stockgrower & Outfitter	HB 535	X	
Robert J. Anderson	Wildlife	HB 535		X
Carol Mosher	Mt. Cattle Woman	HB 535	X	HB 526 X
Janet Ellis	MT Audubon	HB 526	X	
Ken Frazier	Montana Wildlife Federation	HB 535 HB 526	X	X
Steve Hightower	Mountain Adirondack Council	HB 535	X	
Zimby Swanson	Mt. Wildlife Fed	HB 535		X
		HB 526	X	

(Please leave prepared statement with Secretary)

COMMITTEE ON

DATE

March 24, 1987

Senate Fish &amp; Game

## VISITORS' REGISTER

NAME	COMPLETE ADDRESS AND REPRESENTING	BILL #	Check One	
			Support	Oppos
John M. Teas	224 Self	535		X
Gene Kent	405 W. Lewis SELF Livingston, MT 59047	526	X	
Jim Belser	8607 Ricky Dr. Bozeman 59715 SELF	526	X	
" "	" "	535	X	
GORDON L. PATTON	P.O. Box 591 CAMERON, MT. 59720	535	+	
Helene Silva	Willow Springs Outfitters	535	X	
Bill Montagne	3123 Terrace Rd.	535	X	
Dana Field	MT Audubon Legis. Fund	526	X	
Eugene Hungerford	P.O. White Horse, Mont.	535	X	
Frank Conrad	Box 535 Pony, MT.	535	X	
Walter Hungerford	Rt. 1 Box 1320 Troutville Mt.	535	X	
John K. Smith	Red Lodge, MT South Fork Outfitters	535		X
Lyle Ferguson	South Fork Outfitters Deer Lodge	535		X
A. L. Ornduff	MADISON MARIAS OUTFITTERS	535	X	
Paul Bass	MADISON MARIAS Outfitters 610 Allen Street MT 59406	535	<del>X</del>	
Boys Bulletin	Bozeman Mont. 59715 Outfitters Box 1551	535	X	
Nepherie Chappan	P.O. Box 357 Red Lodge, MT Outfitters	535	X	
Connie Chappan	Red Lodge MT Outfitters	535	X	
Chip Lelchman	Choteau MT Outfitters	535	X	
Sarah Gellehorn	Box 788 Choteau, MT Outfitters	535	X	
Howard W. Luginbaur	Copeland Outfitters & Guides	535	X	
Debra M. Kuhn	Helena, MT	535		X
Harold D. Snyderson	P.O. Box 2487 Laurel, MT	535	X	
Jane Chubb	Skylark Outfitters P.O. Box 1980 Lib. Falls	535	X	
Mary Spidka	Schella Outfitters Box 7 Cherry Helena	535	X	
Paul Vickrey	Box 500 Ennis, MT	535	X	

(Please leave prepared statement with Secretary)

DATE

( March 24, 1987

COMMITTEE ON

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
May Lee	Pony Rock Guest Ranch	535	X	
Ray Jaturon	Montana Ranch Side Inc. Rawhide Ranch Co. Box 252 Livingston MT	535	X	
Willy Stockton	Wise River, MT 59762	535	X	
Ray Kuf	Clyde Park mt. 59018	535	X	
Charles D. Duff	Wilderness Connection Mt Box 863 Corwin Springs	535	X	
Karen Hooker	White Tail Ranch	535	X	
Gluck Hooker	Ovando Mt 59854	535	X	
Mike Storey	Emigrant Mt 59027	535	X	
Syran Wood	Livingston Mt 59047	535	X	
Burt L. Hurwitz	White Sulphur Springs	535		
Ernest F. Kegan	CASCADE MT 59421	535	X	
David R. Mann	Hamilton, Mont.	535		X
Bill Munson	Hamilton Mt.	535		X
Robert W. Steiner	Hamilton mt.	535		X
Elwin G. Johnson	Royal Teton Ranch Gardiner Montana	535	X	
Karen Chiff	Rt 1 Box 124 Charles, mt	535	X	
Mike Chiff		535	X	
Steve Downing	K Lazy 3 Ranch (outfitters)	535	X	
John W. Brown	" " "	535	X	
Bill + Cheryl Johnson	Outfitters, Dillon	535	X	
Terri + Mark Chermont	Bar Six Outfitters Dillon	535	X	
Jack Simon	Outfitter St Regis, mt.	535	X	
Emma Higgins	St Regis, MT	535	X	
Russ Greenwood	Broaders Mt	535	X	
Gene Greenwood	Broaders mt	535	X	
Jack N. Bacon	Meeker Mt.	535	X	

(Please leave prepared statement with Secretary)

DATE March 24, 1987

COMMITTEE ON \_\_\_\_\_

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretariat)

DATE:

## VISITORS' REGISTER

(Please leave prepared statement with Secretary)

DATE March 24, 1987

COMMITTEE ON \_\_\_\_\_

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with C. )

DATE:

VISITORS' REGISTER

(Please leave prepared statement with Secretary)

DATE:

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME: IRA T. HOLT DATE: 3/24/87

ADDRESS: 598 CHERRY ORCHARD LOOP, HAMILTON 59840

PHONE: 406-961-3302

REPRESENTING WHOM? RAVALLI COUNTY FISH & WILDLIFE ASSOCIATION

APPEARING ON WHICH PROPOSAL: HB 535

DO YOU: SUPPORT?        AMEND? X OPPOSE?       

COMMENTS: AT THE GENERAL MEETING ON 3/23/87  
AFTER LENGTHY DISCUSSION, TWO PROPOSALS  
WERE VOTED ON.

1. VOTE TO APPROVE THE 5600, SET ASIDE  
WAS 80% FOR, 20% AGAINST

2. VOTE TO DISAPPROVE THE EXTRA 6000  
DEER TAGS WAS 90% FOR, 10% AGAINST

THIS SHOWS THE ASSOCIATION DOES SHARE  
THE CONCERN OF OUTFITTERS, BUT WANTS  
TO LEAVE THE EXTRA DEER TAGS  
TO DISCRETION OF THE GAME COMMISSION  
AND DEPT FWP BIOLOGISTS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Keith Rush DATE: 3/24/88

ADDRESS: 2905 Harrison Ave Butte MT

PHONE: 406-494-2585

REPRESENTING WHOM? Lake View Ranch

APPEARING ON WHICH PROPOSAL: 535

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: We feel there is not enough Consideration  
given to the industry - as out fitters as an  
Employer. (Mont. Power - project supported. Mont. Jobs  
We contribute more to Advertising: Mt. @ spot shows  
literature, magazine Advs. Etc) (for all 4 seasons)  
as for a Rich man's game. Not so - we have a  
price range - different levels of service to cover  
any Client & what they are willing to spend.  
We are an asset to Sportman, as we help to  
disperse hunters into the back Country.  
Recreation is # 2 & down the road will be # 1  
industry in Mont - Lets run our resources  
at a bus- ~~ness~~ level.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: COLIN HISLOP DATE: Mar 24, 1987

ADDRESS: Box 141 CORAM MT 59913

PHONE: 387-5727

REPRESENTING WHOM? SUNBURST OUTFITTERS

APPEARING ON WHICH PROPOSAL: BILL 535

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: 2000 MORE DEER TAGS, WILL FREE

UP 2000 MORE ELK TAGS FOR THE MOUNTAIN  
AREAS, WHICH ARE ALREADY GIVEN OUT AND  
ARE NOT USED AT ALL ON THE EASTERN PART  
OF THE STATE.

EVERY ONE SAYS THEY WANT IT TO  
BE FAIR 50/50 IS AS FAIR AS YOU CAN  
GET 8500 FOR OUTFITTERS, 8500 FOR NON-  
RESIDENTS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: WADE LINBACH DATE: 3/29/87

ADDRESS: BOX 51 SARDINE VT 59090

PHONE: 48-7738

REPRESENTING WHOM? GARDNER CHAMBER OF COMMERCE

APPEARING ON WHICH PROPOSAL: HB 535

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Eugene F Lee DATE: 3-24-87

ADDRESS: Box 524 Bigfork, MT 59911

PHONE: 406 837 6749

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 535

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: In no other business in Montana  
or the USA does one take a test (hard test)  
+ pay the insurance bill before getting a license  
that allows you to advertise or solicit  
business.

Then after I have a contract to  
perform with a deposit. If this person  
has to be run thru a lottery & is lost  
it does little to my incentive to carry on.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Kelly Flynn DATE: 3-24-87

ADDRESS: Box 233

PHONE: 266-2322

REPRESENTING WHOM? Hidden Hollow Ranch

APPEARING ON WHICH PROPOSAL: 535

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: My name is Kelly Flynn. I am a member of  
a five generation ranching family in broadwater County. We  
have survived - - - We have survived by being diversified.  
On our ranch we have a cow-calf operation. We  
grow barley, oats, and wheat. We have a small  
scale summer <sup>vacation</sup> operation. We raise a few chickens.  
We sell some grass and alfalfa hay. We raise  
some sheep. We now run a hunting operation in  
order to survive these tough economic times. Please  
— please help us survive these tough times.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Joe Gutkoski DATE: 3-24-97

ADDRESS: 304 N. 18th Bozeman MT

PHONE: 587-3242

REPRESENTING WHOM? President. Gallatin Wildlife Association

APPEARING ON WHICH PROPOSAL: HB 535

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? ☒ OPPOSE? \_\_\_\_\_

COMMENTS: HB 535 sets up a special class of non-residents for  
special treatment by a special interest group (the divide rancher-  
outfitter guide association) at the direct expense of the  
average citizen. It creates an elite group that can buy into  
MT. wildlife with money.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JOHN C. UNDERWOOD DATE: 3/24/87

ADDRESS: 7903 ALAMOSA LANE BOZEMAN MT 59715

PHONE: (406) 587-0353

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: HB 535

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENTS: I oppose HB535. I BELIEVE IT IS NEITHER FAIR NOR ETHICAL TO  
SET ASIDE NON-RESIDENT OR RESIDENT HUNTING LICENSES FOR ANY SPECIAL INTEREST  
GROUP. I STRONGLY BELIEVE THAT THE ONLY WAY TO ETHICALLY AND FAIRLY ALL NON-  
RESIDENT BIG GAME LICENSES IS THROUGH AN EQUAL CHANCE LOTTERY DRAWING.  
WYOMING HAS DONE THIS SUCCESSFULLY FOR YEARS. I KNOW THIS TO BE  
TRUE, SINCE I HUNT ELK IN WYOMING EVERY YEAR THAT I AM LUCKY ENOUGH TO  
DRAW A LICENSE. IMMEDIATELY FOLLOWING THE WYOMING DRAWING, OUTFITTERS CAN  
OBTAIN A LIST OF THOSE SUCCESSFUL AND ARE THEN FREE TO SOLICIT + SELL THEIR  
SERVICES TO LICENSED HUNTERS. LIKE OTHER BUSINESSES THE GOOD AND EXCELLENT  
OUTFITTERS PROSPER.

I STRONGLY ALSO BELIEVE IT IS NEITHER FAIR NOR ETHICAL TO SET ASIDE  
LICENSES FOR LANDOWNERS. LANDOWNERS ARE NOW FREE TO CHARGE TRESPASS FEES  
AND, I THINK RIGHTFULLY SO, WHAT ELSE DO THEY NEED?

SETTING ASIDE LICENSES FOR ANY SPECIAL INTEREST GROUP IS ONLY  
"THE TIP OF THE ICEBERG". IF ANY LICENSES ARE SET ASIDE, WHY SHOULDN'T WE  
MONTHLY MANS WHO HAVE NON-RESIDENT FRIENDS HAVE LICENSES SET ASIDE FOR THEM  
THIS, TOO, I BELIEVE WOULD BE UNFAIR AND ETHICALLY WRONG.  
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE OPPOSE THE SET ASIDE OF LICENSES FOR  
ANY SPECIAL INTEREST GROUP!

THANK YOU FOR YOUR TIME AND CONSIDERATION,

NAME: James M Clawson DATE: March 24 87

ADDRESS: 2617 Glen

PHONE: 406 543-3161 W H 728-3733

REPRESENTING WHOM? Western Montana Fish & Game

APPEARING ON WHICH PROPOSAL: HB 535 HB 526

DO YOU: SUPPORT? 526 AMEND?  OPPOSE? 535

COMMENTS: Testimony Handled in

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: DUANE GREY SPETHMAN DATE: 3/24/86

ADDRESS: 1300 Wood Hill Court Missoula MT 598

PHONE: 258-6355

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: H.B. 535 See Testimony

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENTS: Attached copy of testimony for  
committee members—

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Scott Ross DATE: 3/24/87

ADDRESS: Box 5221; Helena, MT 59604

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Montana Bowhunters Association

APPEARING ON WHICH PROPOSAL: HB526

DO YOU: SUPPORT? ☒ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

The Montana Bowhunters Association (membership of 1200)  
supports HB526. We welcome the opportunity to invest  
in wildlife habitat; we know that investment will provide  
continuous dividends in the form of healthy and stable game  
populations and associated recreational opportunities.

Many have suggested that our wildlife resource provides  
this state with real economic benefits. If that is true,  
(and we have no reason to dispute it), then we believe that  
our investment in secure habitats will pay future dividends  
in terms of \$'s.

Throughout this session, we have heard appeals for  
a better partnership in wildlife between sportsmen and  
cover)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

landowners. HB526 is a positive step in that direction. Funds provided by sportsmen will flow to those landowners who participate in the program by providing leasing opportunities or conservation easements in the interest of securing and enhancing wildlife habitat. Additionally, the review process that is now written into the bill (page 3, blue copy) makes us all partners in this program.

There have been several concerns raised by opponents to this bill. We believe that those concerns have now been fully addressed either by the public review provisions of the bill itself or the statement of intent.

The Montana Bowhunters Association strongly supports the license increases proposed by HB526 and we're excited about the many wildlife management opportunities and partnerships that will be made possible if this bill passes.

Thank you.

Scott Brown

NAME: De Jenkins DATE: 3/24/87

ADDRESS: 4729 Lewis Ave. - Billings Mt. 59106

PHONE: 652 6213

REPRESENTING WHOM? Billings Rod + Gun Club

APPEARING ON WHICH PROPOSAL: HB #526

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: This bill will provide the means necessary to ensure that my children and your children will be able to enjoy the wildlife of Montana in the future. The money for the funding will come directly from the Sportsmen through the sale of licenses and with that money land can be leased, bought or used through a conservation easement. There are also provisions provided in the bill for the financing of the management of these lands.

We are losing critical wildlife habitat every year to real estate development, game farms and large out of state and foreign land purchases. We must be far sighted enough to act now to allow our descendants to enjoy what we now take for granted.

De Jenkins

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME Joe Gutzowski Pres.

BILL NO. HB 520

ADDRESS 304 N. 18th Av.

WHOM DO YOU REPRESENT? Gallatin Wildlife Association

SUPPORT ☒

OPPOSE ☐

AMEND ☐

COMMENTS: An estimated 90% of Montana's elk have  
winter in private lands with all of the coincident  
conflicts. Summer range is adequate but winter  
range is critical. If Montana is to protect & perpetuate  
its elk herds the winter range must be protected  
from disappearing into subdivisions and summer herds.  
The acreage required to protect winter range is a  
small fraction of the public land in Montana but is  
very critical in the long run.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME: James Phelps DATE: MAY 24 1987

ADDRESS: 2110 BRADBROOK CT BILLINGS 59102

PHONE: 406/259-6852

REPRESENTING WHOM? ~~SELF~~ Montana Outfitters Council

APPEARING ON WHICH PROPOSAL: HB 526

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: I represent the 2500 members of the Montana Outfitters  
Fund. Many of our members hunt and fish and all of our members are  
closely tied to Montana's wildlife resource. HB 526 allows user fees to  
be used in a way that will enhance public wildlife values. All wildlife will benefit  
from this proposal - and this program will allow us to keep the best of what we have  
as Montana continues to grow.

Hunting and fishing provides a living for many groups besides those  
who directly use the wildlife resource. Guides and outfitters, motels, restaurants  
~~and so on~~ sporting goods stores, gas stations - and the list can go on. But if  
there's nothing to hunt or fish there will be none of this. HB 526 will go  
a long way to insure the long-term future of the industry - if  
we may call it that.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jeff B. RAINST DATE: 3/24/87

ADDRESS: 615 S. SANDERS HELENA

PHONE: 443-4085

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 526

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS:       

(SEE ATTACHED)

Large number of proponents prevented my testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: WILL LAFRANCE DATE: 3/24/87

ADDRESS: BOX 91 GARFIELD MT 59033

PHONE: 848-7705

REPRESENTING WHOM? GARFIELD CHAPTER OF COMMERCE

APPEARING ON WHICH PROPOSAL: AB 226

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John C. Underwood DATE: 03/24/87

ADDRESS: 7903 Alamosa Ln. Bozeman, MT 59715

PHONE: (406) 587-6353

REPRESENTING WHOM? SELF - CONCERNED SPORTSMAN

APPEARING ON WHICH PROPOSAL: HB 526

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: STRONGLY SUPPORT HB 526 AS SENT TO  
SENATE. WILDLIFE IS ONE OF MONTANA'S GREATEST  
RESOURCES. MORE HABITAT IS NECESSARY TO  
PRESERVE & INCREASE WILDLIFE.

HB 526 WILL BE FUNDED TOTALLY BY  
THE RESOURCE USER - THE SPORTSMAN &  
SPORTSWOMAN. AN EXCELLENT USER PAYS  
BILL.

PLEASE SUPPORT HB 526!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: BOB T. HOLT DATE: 3/24/87

ADDRESS: 598 CHERRY ORCHARD LOOP, HAMILTON, 59840

PHONE: 406 961 3302

REPRESENTING WHOM? RAVALLI COUNTY FISH & WILDLIFE ASSOCIATION

APPEARING ON WHICH PROPOSAL: HB 526

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: AT THE REGULAR MONTHLY GENERAL  
MEETING ON 3/23/87, AFTER A  
SHORT DISCUSSION, THE VOTE FOR  
APPROVAL OF HB 526 WAS  
90%, WITH 10% AGAINST.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*Jergenson*  
*Pg 1*

Amendments to HB 535 (3rd reading bill)

Jergeson

1. Title, line 7.

Following: "OP"

Strike: remainder of line 7 through line 9

Insert: "REVISING THE NUMBER OF CLASS B-10 NONRESIDENT COMBINATION HUNTING AND FISHING LICENSES AUTHORIZED FOR SALE;"

2. Title, line 12.

Strike: "6,000"

Insert: "3,000"

3. Title.

Following: line 12

Strike: line 13 through line 15 in their entirety

Insert: "PROVIDING FOR ISSUANCE OF LICENSES TO APPLICANTS BY A RANDOM DRAWING; SPECIFYING THE USE OF THE ADDITIONAL LICENSE FEE REVENUE; AND"

4. Title, line 16.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "87-2-504"

Insert: "AND 87-2-505"

Following: "MCA"

Strike: remainder of line 16 through "DATE" on line 17

5. Page 2, line 8 through 10.

Strike: subsection (2) in its entirety

Insert: "(2) The commission shall, after public hearing, establish the number of Class B-11 licenses that may be sold each year. The number may not exceed 3,000 in any license year."

6. Page 2, line 11 through line 4 on page 4.

Strike: section 2 in its entirety

Insert: "NEW SECTION. Section 2. Issuance of Class B-10 and Class B-11 licenses. (1) Application for Class B-10 and Class B-11 licenses may be made to the department commencing on the first Tuesday of November preceding the year for which the licenses are issued. Except as provided in subsection (4), such licenses must be issued by a random drawing among all applicants to be held on the first Tuesday of the following December.

(2) The department shall provide for party drawings for applicants so requesting, with not more than four applicants drawn together.

(3) The names and addresses of successful license applicants must be made available to the public within 1 week after the drawing.

(4) If the number of authorized licenses exceeds the number of applications received by the date of the drawing,

*Jerguson*  
*Pl. 2*

the remaining licenses must be sold thereafter by the department in the order that applications are received."

7. Page 4.

Following: line 24

Insert: "Section 4. Section 87-2-505, MCA, is amended to read:

"87-2-505. (Effective March 1, 1986) Class B-10--nonresident big game combination license. Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of \$350 and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, Class B-7, and black bear licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than ~~17,000~~ 20,000 Class B-10 licenses may be sold in any one license year."

NEW SECTION. Section 5. Use of certain Class B-10 and Class B-11 license fees. Fees from the sale of all Class B-10 licenses in excess of 17,000 and from the sale of all Class B-11 licenses must be used by the department for:

(1) acquisition of conservation easements and leases for the purpose of providing wildlife habitat and public access to land;

(2) management and development of land controlled by the department; and

(3) any activities designed by the department to improve relations between landowners and sportsmen."

Renumber: subsequent sections

8. Page 5, line 4.

Following: "instruction."

Insert: "(1)"

9. Page 5.

Following: line 7

Insert: "(2) Section 5 is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87 apply to section 5."

10. Page 5, lines 8 and 9.

Strike: Section 6 in its entirety

dc\am535jer

Amendments to HB 535 (3rd reading bill)

1. Title, line 16.

Strike: "AMENDING SECTION 87-2-504, MCA;"

2. Page 2, line 8.

Strike: "SIX THOUSAND"

Insert: "Not more than 6,000"

3. Page 2, line 9.

Strike: "ARE"

Insert: "may be"

4. Page 2, line 11.

Strike: "Sale"

Insert: "Allocation"

5. Page 2, lines 12 through 20.

Following: "licenses."

Strike: subsection (1) in its entirety

Insert: "(1) An applicant for a Class B-10 or Class B-11 license intending to hunt with a licensed outfitter or an applicant for a Class B-11 license intending to hunt with a resident sponsor on land owned by that sponsor shall so indicate on the application, and licenses must be allocated to such applicants in the same ratio that the number of such applicants bears to the total number of applicants. If the number of applications exceeds the number of licenses authorized of either class, the licenses must be awarded by a drawing in accordance with rules adopted by the commission to ensure the allocation specified in this subsection.

(2) The commission shall provide for party drawings, with up to four applications drawn together, for applicants so requesting."

Renumber: subsequent subsections

6. Page 2, line 21.

Strike: "RESERVED"

7. Page 3, line 16.

Strike: "(2)"

Insert: "(3)"

8. Page 3 and 4.

Following: line 18

Strike: line 19 through line 24 on page 4.

Renumber: subsequent sections

Amendments to HB 535 (3rd reading bill)

1. Page 5.

Following: line 7

Insert: "NEW SECTION. Section 6. Coordination instruction.

If House Bill No. 526 is passed and approved:

(1) the fee provided in section 1 of this act for the Class B-11 license is increased from \$175 to \$200; and

(2) \$25 of the Class B-11 license fee must be used in accordance with section 2 of House Bill No. 526, and the code commissioner shall add the Class B-11 license and this amount to the list contained in section 2(1) of House Bill No. 526."

Renumber: subsequent section

HB 535  
March 24, 1987

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

The department supports the concept of a block of nonresident deer A licenses to be set statutorily and available statewide. We support this additional block of licenses with the understanding that the additional revenues generated will be used for the acquisition of conservation easements, leases or fee title for wildlife habitat for the State of Montana.

The department has concluded that at least 5,000 nonresident deer A tags could be issued annually on a statewide basis without creating a negative impact upon our deer resource. Attachment #1 illustrates the number of nonresident deer A and deer B tags issued by the commission in recent years. It should be noted that the deer A tags were available only in eastern Montana and have averaged 2,864 per year. Spreading a larger number over the entire state should have no measurable impact, as I have mentioned.

The concept of a set aside is another which the department supports. Attachment #2 illustrates the pressure on the sale of the nonresident combination license. Even though the license has increased in price about 30%, the demand has resulted in all licenses being sold on the first day available. In reality, the demand has resulted in a drawing on the first day for all licenses.

The earlier sell-out dates created some concern for those who rely upon the sale of the limited number of licenses. In an effort to address that concern, the department established a set aside of 5,600 nonresident combination licenses for those individuals wishing to use the services of an outfitter.

In arriving at the number 5,600, the department used an average of past years' experience when nonresidents indicated their preference for utilizing the services of an outfitter. These past years' figures ran from a low of about 4,700 to a high of about 7,600.

The establishment of the set aside was controversial and was challenged in court. Anticipating such a challenge, the department had used historical data to arrive at the number 5,600, and thus had that data to provide the court. That information, plus the reliance of the outfitting industry on the issuance of the license, resulted in a favorable decision from the court.

As a result, our support for the set aside is still in place.

However, we are concerned with the inclusion in this legislation of a set aside for landowners. We have no basic problem with such consideration, since we have instituted that consideration for outfitters. We find, though, that we cannot justify a landowner preference as we have an outfitter preference.

We have no historical data upon which to base the number 2,000, although we can assume that there is some activity in this area. We cannot measure an economic impact in this area, although we can assume there is to some degree.

The subject of a set aside is no less controversial today than a year ago. Although the State of Idaho has recently enacted a set aside for outfitters into their law, we can expect that further challenge to the law may occur. In that event, the justification for a landowner-outfitter set aside is badly lacking.

We would suggest that a process be established for landowner-outfitters to begin to register their hunting activities with the department so we can develop a use pattern. Then a justifiable set aside can be arrived at and relied upon.

Finally, Mr. Chairman, I would call your attention to Attachment #3. We have received few applications since March 18, so this information fairly well reflects the 1987 licensing activity.

As you can see, the total unsuccessfuls was 29.60%, with 30.40% unsuccessful in the non-outfitting category and 27.91% unsuccessful in the outfitting category. We had 24,148 total applications.

HB 535 provides additional licenses which will not negatively impact our big game resource and which will ease some of the current pressure on our licensing system. It will provide additional revenue for wildlife habitat and we recommend its approval.

In closing, Mr. Chairman, we have one final detail to bring to your attention. The license sale procedure outlined in the bill contemplates a final drawing for the licenses shortly after April 15. It will take us about 30 days to process these and get them to the successful applicants, which would be May 15. As our drawing deadline for special permits is June 1, the nonresident wishing to enter these drawings will be pushed for time to make the June 1 deadline. We would recommend that the dates in this bill all be backed up at least a week to address this concern.

## NONRESIDENT DEER LICENSE SALES

NONRESIDENT DEER A LICENSE SALES:

<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
2111	3136	5076	2500	1500

NONRESIDENT DEER B LICENSE SALES:

<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
2339	5372	25,145*	18,465*	6229*

\*includes first NR deer B \$100 & second for \$50

DEPT. OF FISH AND GAME  
CREDIT NO. 7/1/87  
DATE 3-24-87  
BILL NO. HB535

NONRESIDENT COMBINATION LICENSE SALES:

	<u>STARTED SELLING</u>	<u>SOLD OUT</u>	<u>PRICE</u>	<u>EST. # OF TOTAL APPS. RECEIVED</u>
1982:	February 17	June 14	\$275	
1983:	March 21	May 16	\$275	
1984:	April 2	April 26	\$300	
1985:	April 15	April 22	\$300	
1986:	February 10	February 10 (11,400) February 27 ( 5,600)	\$350	21,474
1987:	February 24	February 24 (both groups)	\$350	24,148

SENATE FISH AND GAME

EXHIBIT NO. # 1 page 1DATE 3-24-87BILL NO. HB 535

NONRESIDENT APPLICATIONS RECEIVED  
IN 1987

Rev. 3/19/87

DATE	CERTIFIED APPLICATIONS	NON-CERTIFIED APPLICATIONS	GRAND TOTAL
February 24	6,700	13,608	20,308
February 25	585	1,184	1,769
February 26	171	433	604
February 27	107	412	519
February 28	2	5	7
March 2	97	373	470
March 3	38	72	110
March 4	21	52	73
March 5	10	61	71
March 6	5	42	47
March 9	19	55	74
March 10	1	12	13
March 11	1	27	28
March 12	5	19	24
March 13	1	6	7
March 16	5	18	23
March 17	0	1	1
March 18	1	1	2
March 19	0	8	8
Total	7,769	16,389	24,158
Quota	5,600	11,400	17,000
Unsuccessful	2,169	4,989	7,158
% unsuccessful	27.92%	30.44%	29.63%

Licenses were put on sale February 24.

6,700 applications were received the first day for the 5,600 quota.

13,608 applications were received the first day for the 11,400 quota.

END GAME

EXHIBIT NO. #1 page 5

DATE 3-24-87

BILL NO. 413 535

SENATE FISH AND GAME

EXHIBIT NO. 2-9

DATE March 24, 1987

BILL NO. HB 535

TESTIMONY IN FAVOR OF HB 535

THE MONTANA OUTFITTERS AND GUIDES ASSOCIATION

Senate Fish and Game Committee  
March 24, 1987

# OUTFITTING ECONOMIC IMPACT ON MONTANA

*Sherry Cargill*  
SENATE FISH AND GAME

## Non-resident Hunter Spending In Montana

EXHIBIT NO. 7  
DATE March 24, 1987  
BILL NO. Non-outfitted H/S 33  
Difference

<u>Spending Category</u>	<u>Outfitted Hunters</u>	<u>Non-outfitted Hunters</u>	
License & Permits	\$424	\$424	0
Airfare	165	84	-\$81
Car & Gas	161	249	+ 88
Motel	130	140	+ 10
Restaurant Food	100	121	+ 21
Hunting Gear	81	48	- 33
Gifts	70	58	- 12
Taxidermy	49	32	- 17
Groceries	52	126	+ 75
Meat Locker	45	27	- 18
Tips	44	16	- 28
Alcoholic Beverages	35	43	+ 8
Other	15	23	+ 8
	<u>\$1371</u>	<u>\$1391</u>	<u>+ 20</u>
Outfitter Fees	1507	0	-1507
	<u>\$2878</u>	<u>\$1391</u>	<u>-1487</u>
Days Hunting Montana	11	16.1	
Per Day Spending	\$262	\$86.40	
-----			
Outfitters' Total Income		\$15,936,556.21	
Outfitters' Income Respent In Montana		\$14,172,875.00	

	<u>OUTFITTER EXPENSES</u>
Payroll	\$ 2,677,745
Supplies/Equipment	2,683,146
Interest	518,857
USFS/BLM Fees	235,769
Private Land Leases	903,780
Stock	517,644
Feed	806,914
Vehicles	1,136,005
Gas/Fuel	1,285,546
Insurance	470,581
Advertising	806,137
Office	683,854
Other	734,028
Total	<u>\$14,002,282</u>

The total of all spending in Montana by Outfitters' Clients is: \$34,434,658. This \$34,434,658, because it is new dollars to the state, has a total effect on the Montana economy of \$86,086,645.

From "Economic Impact Of The Outfitting Industry On The State Of Montana" by Dr. Shannon Taylor and Dr. Michael Riley, Faculty of Business, Montana State University

*Sherry Cargill*

Jack Billingsley

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE March 24, 1987

BILL NO. HB 535

LICENSE SALES 1987

On February 24 of this year, the non-resident B-10 combination elk licenses went on sale. The outfitters were limited to 5,600 licenses and 7,763 outfitted clients applied for those 5,600 licenses -- 2,163 clients of outfitters did not receive licenses. Over one million dollars in deposits (that is money that was already in Montana) is now returned out of state.

The total loss to the outfitting industry is \$3.3 million dollars. That averages out to a \$10,500 dollar loss per outfitter. This means that outfitters will not be spending \$2.9 million dollars at local grocery stores, gas stations, tack shops, sporting goods stores, etc. this year (\$9,000 per outfitter in his local community).

Outfitters will not be providing jobs for as many people this year either. Because of lost clients, at least 424 jobs are also lost.

New dollars coming into Montana have a roll over effect as they are respent in our state. The total loss in economic activity this year will be at least \$8.3 million dollars. This loss has been devastating to the outfitting industry, and I'm sure you realize that our state's economic situation could use any help it could get this year.

What would have happened if HB 535 had been in place this year? Outfitters would have licensed almost all of their clients, \$11.3 million dollars of new money would have been dumped into Montana and that would have had at least a \$28.3 million dollar effect on the state's economy.

Please support HB 535 for a devastated outfitting industry and a desperate state.

Jack Billingsley

Douglas  
Gardner

SENATE FISH AND GAME

EXHIBIT NO. 4

DATE March 24, 1984

BILL NO. HB 535

SUPPORT INFORMATION FOR 6,000 DEER LICENSES

Non-resident Deer Licenses Used In Recent Years

	Non-resident Deer B7 Tags	Non-resident Deer B8 Tags	Non-resident Deer B10 Tags	Used in East. MT	Total Deer Tags Used
1982	2,111	2,339	3,500	=	7,950
1983	3,136	5,372	3,500	=	12,008
1984	5,076	25,157	3,500	=	33,733
1985	<u>2,500</u>	18,447	<u>3,500</u>	=	<u>24,447</u>
Average for years 1982-1985					19,535

HB 535 asks that 6000 of these (the new B11 license) be made available at an appropriate time and price to be used by licensed outfitters' clients, landowner-outfitters' clients and other non-resident deer hunters who plan their hunts in advance.

Douglas A. Gardner

6000. —

SOCIAL AND ECONOMIC IMPACTS OF HB 535

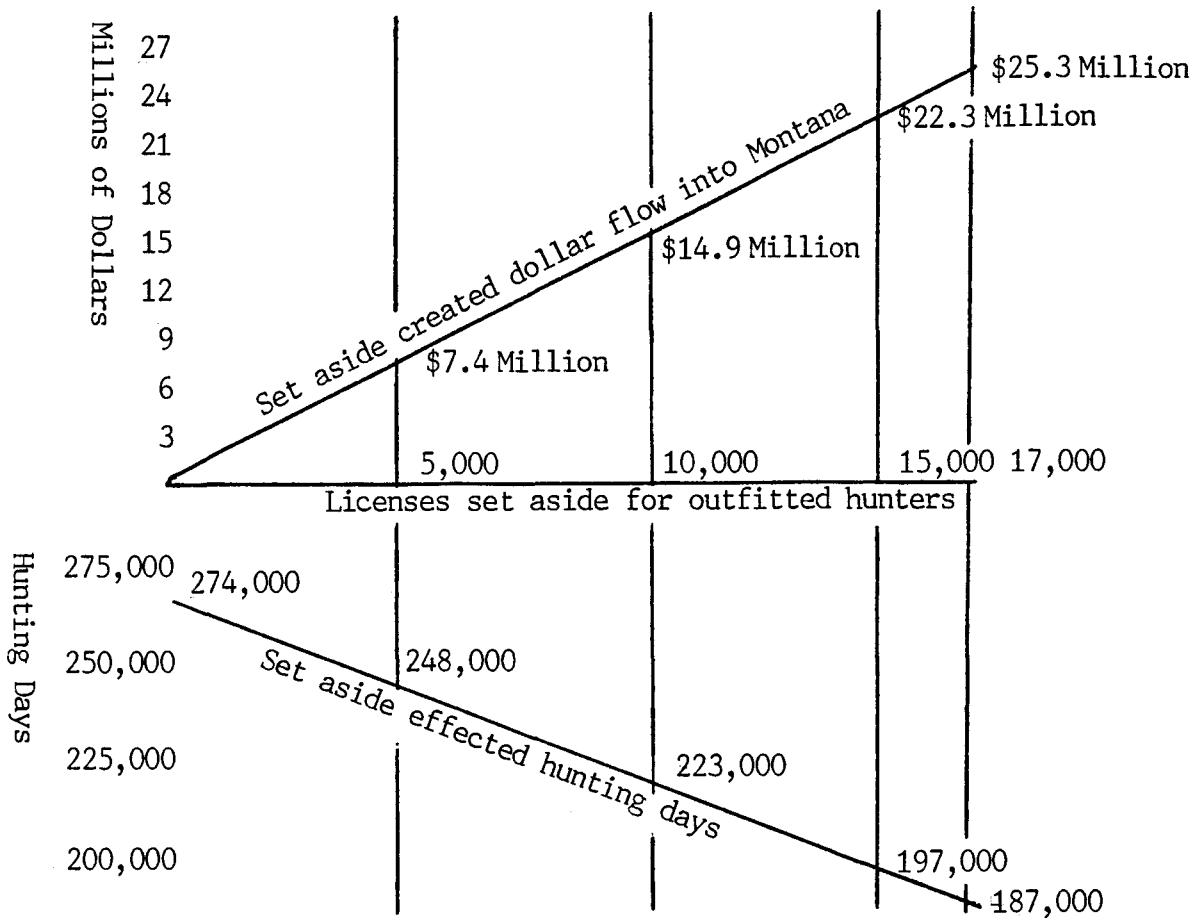
Robert I. McNeil

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE March 24, 1987

BILL NO. HB 535



The top half of this graph shows the extra cash flow into Montana created by a set aside; the greater the outfitter set aside the greater the cash flow into Montana. (An outfitted hunter spends \$1487 more in Montana than a non-outfitted hunter.)

The bottom half of the graph shows the non-resident hunting days in Montana; the greater the outfitter set aside the less the hunter days in Montana. (An outfitted hunter spends 11 days in Montana compared to 16.1 days for a non-outfitted hunter.)

Robert I. McNeil

Bill Pataky

SENATE FISH AND GAME

EXHIBIT NO. 6

DATE March 24, 1987

BILL NO. HB 535

FUTURE OUTFITTER

Mr. Chairman, Senators of the committee. I live up by Kalispell, and I'm an outfitter -- or at least I hope to be one.

Ever since I was 8 years old, I have not wanted to be anything but an outfitter, like my father. I have worked side by side with him at every opportunity, learning everything he could teach me about our business. All through school I have taken courses geared toward increasing my business, mechanical and ranching skills with this goal in mind. In high school I spent four years in vocational agriculture classes and at the same time was active in Future Farmers of America. In my senior year I was awarded the FFA Chapter Star Agri-Businessman award for my work in outfitting and the raising of horses and mules for outfitting. I presently own 10 horses and 4 mules of my own that are used or being raised to use in our outfitting operation.

I am now 19 years old and work full time with my parents in our business. I am at home in the backcountry, and I especially enjoy working with people and showing them the wonders of Montana's Bob Marshall Wilderness Area.

After graduation from high school, some of my friends have had to leave Montana to find jobs. Outfitting is what I know. If I am unable to pursue this line of work in our family operation, I too may have to leave Montana.

I pray you will pass HB 535 so I can stay with my family in the state I love doing the work I have been looking forward to and training for all these past years -- that of being an outfitter.

Thank you, for the opportunity to speak to you.

Bill Pataky

Arnold Smoke Else

SENATE FISH AND GAME

EXHIBIT NO. 7  
DATE March 24, 1987  
BILL NO. HB 535

FAIRNESS

You have heard the Wildlife Federation say that HB 535 is not fair because it favors one non-resident over another, and that they feel the only fair way to sell our non-resident licenses is on a drawing.

Just who would a drawing be fair to? It's certainly not fair to outfitters; we would lose customers and income to a drawing. It's not fair to landowners who count on outfitters for income. It's not fair to merchants and farmers to whom outfitters pay \$14 million dollars a year. In fact, a drawing isn't fair to any Montanan who would benefit from a stronger Montana economy, because outfitters contribute millions of dollars to our state's economy.

So, who is a drawing fair to? I'll tell you who it's fair to -- a non-resident that wants a cheap hunt in Montana, and it's fair to him at our state's expense.

I don't believe your constituents sent you up here to be fair to all non-residents at our residents' expense.

Speaking of being fair, how about fairness to outfitters? No other business in the state has a limit imposed on them as to how many customers they can serve. We outfitters do. The 17,000 licenses impose a limit on the prospective customers we have to draw from. If we are already limited as to the total number of customers we can serve, there certainly isn't anything wrong with putting a limit on the non-resident that says a certain number of them will be served by our state's outfitters. You see a set aside doesn't subsidize outfitters like some people claim, but merely allows outfitters, like all other businessmen, the opportunity to serve those that desire their services.

Please support HB 535 in fairness to all Montanans, and for a stronger Montana economy.

Arnold Smoke Else

TESTIMONY -- HB535  
Senate Fish & Game Committee

SENATE FISH AND GAME

EXHIBIT NO. 8

DATE

BILL NO.

March 24 1987  
HB 535

I'm a licensed Montana outfitter. My wife and I conduct guided packtrips deep into the Bob Marshall Wilderness, and have done so for 18 years. During those 18 years, we've been privileged to have many people return with us many times; one for nine years in a row, two for seven, others for six. As far as I know, during our 18 years of providing a needed public service into one of America's largest Wilderness areas, there has never been so much as one complaint lodged against the quality of that service. I'm justifiably proud of that record.

Ours is not a large outfitting business. Nor do we have an opportunity to grow larger even if we wished, controlled as we are by the U.S. Forest Service. But our high quality "Mom & Pop" outfitting service is an economically marginal one. Without some assurance that those non-resident hunters we've come to love and depend upon and who love and trust us can obtain a license, our lifetime work of high quality service cannot survive.

There are those who'll tell you a lottery system will weed out the so-called "bad" outfitters, but that those with quality operations will survive. That, folks, is ridiculous self-serving poppycock and I'm confident anyone who's risen to your positions of public trust and confidence can readily determine the truth about HB535 -- that it is barely a subsistence level for yet

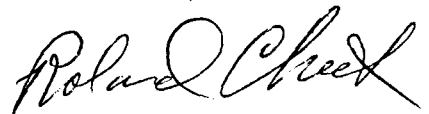
another Montana industry still staggered by a national recession.

I'd like to leave you with these words, taken from a recent issue of Reader's Digest:

"They say a person needs just three things to be truly happy in this world. Someone to love, something to do, and something to hope for."

I have someone to love -- my beautiful wife of 32 years who has worked shoulder to shoulder to establish our 18-year quality outfitting service. I have something to do. That is to continue our life's work -- our labor of love. I have something to hope for -- that the framework will continue to exist in Montana whereby a dream such as ours can always be a credit to you and to the Treasure State.

Thank you.

A handwritten signature in cursive script, reading "Roland Cheek". The signature is written in dark ink and is positioned to the right of the "Thank you." text.

RON CURTISS

SENATE FISH AND GAME

EXHIBIT NO. 9

DATE

BILL NO.

OUTFITTERS AND LEASED LAND

We have been hearing a lot about the leasing of hunting rights on private land, particularly in Eastern Montana. Some persons seem to think that most of Eastern Montana is leased up, and that there is "an outfitter behind every locked gate". Some persons have said that they oppose HB 535 because it encourages leasing up land and therefore will reduce resident hunting opportunities.

Let's look at some facts. There was a survey done last summer by Dr. John Lacey of Montana State University for the Montana Stockgrowers Association. The survey dealt with the leasing of hunting rights and how the leases were handled. About 4% of the private land owned by stockgrowers was leased for hunting. Of that 4%, only 35% was leased to outfitters. That means that only 1.4% of the land owned by stockgrowers was leased to outfitters --- 1.4% is a very insignificant amount. Our opposition, in previous testimony, has said they oppose HB 535 because it closes private land to their use.

If you want to support the Montana Wildlife Federation in its stand to tell landowners they don't have a right to lease their land or that landowners don't have the right to earn a living on the land they own in whatever way they see fit, then vote against HB 535. The Montana Outfitters and Guides Association has no intention of supporting any legislation that denies any Montanan of his rights as a landowner or any Montanan of his right to earn a living in Montana.

Land leasing is not a problem caused by outfitters or a set aside of non-resident licenses for outfitters' clients. Land leasing is more of a solution than it is a problem. It is a solution for the depressed economics of farming and ranching, a solution desperately needed for the livelihood of some Montana families.

Thank you for your support of HB 535 and Montanans' right to earn a living in Montana --- even if earning that living may occasionally infringe on someone's right to play on someone else's private land.

Ron Curtiss

My name is Dick Klick, I represent the K Bar L Ranch out of Augusta, Mont. We are a third generation family in the outfitting and dude ranching business. We are the oldest and largest of its kind in the Northwest.

I stand in favor of an outfitter allocation for nonresident licenses. However, as HB 535 is written, it WILL NOT accommodate the industry. We witnessed the failure of a like program on Feb. 24. The certification process failed to accommodate the needs of the outfitter. We are now committed to the fact that this fall's hunting season will be operated at a loss. We lose thousands of dollars at a time when the state is crying for revenue, economic growth and development.

On Feb. 24, the Game Dept. started sending back thousands of dollars, dollars that were in hand, dollars that would not pollute our streams, our skies and are not plagued with the problems of gas and oil.

We are prepared to turn Mont. into an arms depot, but it seems we can not allow a few people the privilege of coming to Mont. for a couple of weeks to hunt at a time when we are cutting education and every other agency in Mont. The failure to act on this problem will throw the outfitting business into economic chaos.

We must increase the number of licenses to outfitters and issue an allotment to each outfitter based on his past 3 or more years booked hunters. We Must Put An Immediate Freeze On The Outfitting Licenses.

The Wildlife Federation has two young, very competitive ladies lobbying against our industry. However, I have an advantage: I know what I am talking about. I do not know where these people are coming from. I can not believe a true Montanan would deny another Montanan the right to make a living, in these troubled times, when it is not effecting their means to make a living.

Over the past 70 years my family has put countless time and thousands of dollars of personal funds into establishing the hunting and fishing industry in Mont. We feel we have a paid up equity in this business and only want what is justly ours; the right to continue to make a living. On Feb. 16, Senator Baucus, in the Great Falls Tribune, says we must cultivate small business in Mont. We are a small business, but do not be deceived by the word cultivate, if we go under, the govt. will not buy our mules like the dairy cows, we will get no PIK program, no CRP program, or federal disaster payments.

I can only hope that this committee will see fit to give us the legislation we need to survive in business.

Thank You

NAME: DICK KLICK DATE: March 24-87

ADDRESS: Hagaster Mad-

PHONE: 264-5806

REPRESENTING WHOM? 19 Ban L Ranch

APPEARING ON WHICH PROPOSAL: HB 535

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

**Anchor Land & Livestock**

Chuck &amp; Pam Rein

To the members of the Senate Fish and Game Committee:

My name is Chuck Rein. I am a rancher and a licensed outfitter from Melville. My family has been engaged in ranching in the same location since 1893.

In todays poor agricultural economy, diversification is the key to survival. A little over a year ago my wife and I decided that the outfitting and guiding industry offered more potential outside income and would fit our situation better than any other business. Of course living 35 miles from town and raising cattle on land that grows only grass and rocks tends to limit one's options. In 1986 we spent \$23,146.79 of borrowed money for setup and operation of our camp. Nine individuals and numerous businesses received compensation for services and goods rendered.

Of the thirteen non-residents who wished to hunt with us and who applied for the B-10 license only nine were successful. It is hard to make ends meet in any business when 30% of your clients are turned away because of state regulations.

If our business is allowed to continue, and is not limited by restrictive state regulations, it will provide jobs and pump new money into the local, as well as state, economy. In my case, and I doubt it is an isolated case, two industries, agriculture and outfitting, depend on the availability of the non-resident big game license.

As a rancher and a conservationist I have always appreciated the splendor of nature, wild animals included. Since becoming an outfitter I find myself practicing management

techniques to enhance the survivability of game animals instead of cussing them for the feed they eat and the hassles they bring during hunting season.

The outfitters and guides request is reasonable. We do not ask for a guarantee to be in business, but rather the opportunity. If the licenses are available the competitively priced, high quality outfitting service will survive. As in any other business those who do not meet the competition will not survive.

Please do not close the window of opportunity on this important Montana industry. I ask you to support H.B. 535.  
Thank you.

SENATE FISH AND GAME

EXHIBIT NO. #11

DATE 3-24-87

BILL NO. HB 535

EXHIBIT #11  
DATE March 24, 1987  
BILL NO. HB 535



Duane Grey Spethman  
1300 Wood Hill Ct.

Missoula, MT 59802

406-258-6355

Testimony on HB 535

Senate Fish and Game Committee

March 23, 1987

Mr. Chairman and Senators:

My name is Duane Grey Spethman. I live over the hill at Bonner. I speak as an individual and a Montanan in opposition to HB 535. My opposition comes from the belief that if enacted, the results will seriously damage our valuable wildlife resource. It will ultimately hurt the guides and outfitters. The non-resident hunter will lose and of greatest importance, all Montanans will lose.

Here is how. Nowhere does this bill mention elk but elk are at the heart of it. This bill will effectively increase the number of non-resident elk hunters by 4000 to 6000. We have some of the best elk hunting in the nation but the quality is declining and will continue to decline. Two factors are causing the decline. One is security habitat loss, occurring every day, year in and year out. There is very little that we can do to stop that. The second factor is pressure on that resource, exactly like we are seeing here today. That pressure is going to increase more and more. We do have some control over that.

The greatest single wrong we can commit is to stimulate more pressure on the elk. Why should we budget for John Wilson's Build Montana Program to enhance the states' image and then turn right around and tear down our image of quality recreation by depleting a resource?

This bill creates elitism. This bill will promote discrimination



Duane Grey Spethman  
1300 Wood Hill Ct.

Missoula, MT 59802 406-258-6355

against Montana residents in favor of secured clients who enable outfitters to operate their businesses without free marketplace considerations.

Is it possible that other factors are causing many of the problems in the outfitting business? Is it pertinent that the number of licensed outfitters has increased 41% since the 1970s? Please note that the number of guides has increased 88% since the 1970s.

The outfitters aren't the only folks with less than ideal conditions. One of my best friends has come to Montana to hunt with me every year for the last 15 years. This year he didn't get his license.

Montana is the best looking girl on the block. But by her nature, she can't accomodate every man that wants her, be they my friend or an outfitters client. If she did accomodate every suitor, I'm afraid the good time wouldn't be a quality experience. And we would have lost our lady.

Times are a changin'. We need to direct change for our well being. Not sit back and mourn our loss. Take charge Senators. I ask that you take care of our hunting resource.... because it is probable that others will not!

Please oppose HB 535.

*Duane Grey Spethman*

SENATE FISH AND GAME  
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ing limits for this season.

## Outdoors

The 2,550 non-resident deer licenses authorized by the commission are in addition to the 17,000 combination permits for out-of-state hunters mandated in state law. There were 1,500 additional "A" tags issued last year and 2,500 in 1985, said Ron Aasheim of the state Department of Fish, Wildlife and Parks.

Under the proposal adopted by the commission, 200 deer tags would be available in each of four fish and game regions — 1, 2, 3, 4 and 6. Five-hundred licenses would be offered in Region 7 and none in Region 5. In addition, 150 licenses for whitetail deer only would be issued in each of the seven regions.

Arnold Olsen, head of the department's wildlife division, said public hearings across the state showed "overwhelming opposition" to the plan. "There simply is no public support for it," he told the commission.

But Commissioner Don Bailey argued that such public attitude has always existed toward issuing additional out-of-state licenses.

Here are the the 1988 general hunting season dates set by the commission, although some districts will open and close earlier or later:

■ Deer and elk: Sept. 15 through Nov. 27 (backcountry) and Oct. 23-Nov. 27 (general).

■ Antelope: Oct. 9-Nov. 6.

■ Bison: Oct. 1-Sept. 30, 1989.

■ Deer, elk and bear archery: Sept. 3-Oct. 15.

■ Antelope archery: Sept. 3-Oct. 8.

Season dates for this year call for deer and elk hunting in most districts from Oct. 25 through Nov. 29 and antelope hunting from Oct. 11 to Nov. 8. The seasons for moose, bighorn sheep, mountain goat and black bear will be Sept. 15 to Nov. 29.

The spring turkey season for this year starts April 18 and continues through May 10 and includes portions or all of 26 counties: Big Horn, Carter, Chouteau, Custer, Dawson, Fallon, Fergus, Flathead, Garfield, Golden Valley, Granite, McCone, Musselshell, Powder River, Pondera, Powell, Prairie, Ravalli, Richland, Rosebud, Sanders, Toole, Treasure, Wheatland, Wibaux and Yellowstone.

The year-round bison hunting season, which normally begins July 1, will start Oct. 1. Aasheim said the change will allow the department to conduct its drawing for bison license applicants in September, rather than in April when the agency is busiest.

The bison season was implemented in 1985 to handle the animals wandering from the northern edges of Yellowstone National Park.

This year's grizzly season, which begins Oct. 1 and ends Nov. 29, is supplemented by an April 15-Sept. 30 season to handle bears causing damage along the Rocky Mountain Front.

The regulations limit the number of grizzlies that can be killed by any type of human activity this year to 14: But the hunting season will end as soon as six female grizzlies are taken.

### NUMBER OUTFITTERS AND GUIDES LICENSED PER YEAR

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
Outfitters	470	456	449	413	404	389
Guides	662	739	612	550	531	588
	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Outfitters	419	430	487	531	613	564
Guides	720	720	773	851	1018	1004
	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987 as of</u>		
Outfitters	563	588	604	538 March		
Guides	1086	1276	1202			

604 - 588 = 12 - 640 = 562 + 640 = 1202

1202 - 1202 = 0

SENATE FISH AND GAME

EXHIBIT NO. #11 page 3

DATE 3-24-87

BILL NO. HB 535

# Elk hunting survey results

The purpose of this questionnaire is to determine how you, the elk hunter, think our elk herds should be managed. This survey is not funded or supported by any federal or state agency, nor is it associated with any outfitter's group or environmental organization.

1. When you are out elk hunting, you come across a large 6 point bull elk and a spike bull standing together on the same hillside. Which elk would you shoot?

☒ 6 point bull

☐ spike bull (assuming that it is legal to shoot spike bulls where you hunt)

2. A bull elk must usually be 5 to 7 years old before he can grow a heavy 6 or 7 point trophy rack. Generally, the older the bull elk, the larger are his antlers. Do you realize that age is the most important factor in producing trophy elk?

☒ Yes, I knew that.

☐ No, I did not know that.

3. Of the bull elk aged at check stations, in the Elkhorn Mountains south of Helena, 84% were yearlings (spikes), 12% were 2½ years old (small 4 and 5 points), 4% were 3½ years old (small 6 points), and no bull elk older than 4 years were harvested. This means that there are probably no old, trophy bulls in the entire 2,000-head Elkhorn Mountains elk herd. This situation is not unique to the Elkhorns. Do you realize that many of Montana's elk herds contain few old age, mature trophy bull elk?

☒ Yes, I knew that.

☐ No, I did not know that.

4. Do you like our current elk management system that produces mostly spike and raghorn bulls or would you prefer a management system that produced more larger bull elk?

☐ I support present elk management.

☒ I prefer a system that would produce a higher proportion of older mature bull elk.

5. The number of mature bull elk can be increased by either increasing the overall size of Montana's elk herds, by restricting the harvest or a combination of both. In Montana the total number of elk is regulated by the available winter range. Fifty percent of Montana's elk winter range is privately owned and is not managed to produce the maximum number of elk. By buying critical elk winter range from willing sellers our elk herds would then be able to increase. Do you favor the Department of Fish, Wildlife and Parks purchasing additional winter range and managing those areas as elk habitat?

☒ Yes, I favor more state owned elk winter ranges.

☐ No, I do not support state ownership of more elk winter range.

6. It takes money to buy needed elk winter range. Would you support an increase in the cost of your elk hunting license if that additional money was used solely to purchase elk winter range?

☒ Yes, I would support an increase in the elk license fee to be used only to buy critical elk winter range.

☐ No, I do not support any increase in the cost of an elk license.

7. Assuming that you favor an increase in the elk license fee to purchase elk winter range; how large an increase would you support?

☐ \$2

☒ \$5

☒ \$10

☐ more than \$10

☐ I do not support any fee increase to buy elk winter range.

8. The number of mature bull elk can also be increased by restricting the harvest. This would allow more bull elk to live to an older age when they will have grown into larger trophy animals. However, harvest restrictions in all likelihood would decrease the total number of bulls killed in any one year. Would you support harvest restrictions that were designed to produce older age, larger bull elk?

☒ Yes, I would support the needed harvest restrictions.

☐ No, I would not support any harvest restrictions.

9. Assuming that you favor some type of harvest restriction designed to allow more bull elk to live to older age, which would you favor:

☒ Branch antlered bulls only (spikes would not be legal).

☐ 5 point or better.

☐ 6 point or better.

☐ I do not favor any harvest restrictions.

10. The harvest of bull elk can also be restricted by adopting a limited quota, permit only license system similar to the one already used by Montana to control the harvest of cow (antlerless) elk. Colorado recently went to such a system in selected hunting districts (not the entire state). If a hunter drew one of those permits, he would then have a much greater chance of harvesting a trophy elk. Under such a system, sportsmen without a special trophy permit would still be able to hunt elk in other management units under general season regulations.

☒ Yes, I would favor a permit only system for hunting trophy bull elk in selected hunting units.

☐ No, I do not favor the establishment of permit only trophy elk hunting units.

11. Some people have suggested that all elk hunting in Montana should be by limited entry permit. Under total permit only system, all elk hunters would not be allowed to hunt elk every year. Under such a system, a person would be able to hunt elk only once every 2 to 3 years. Do you support this idea?

☐ Yes, I think all elk hunting in Montana should be by permit only.

☒ No, all elk hunting should not be by permit only.

Several states have adopted other types of elk hunting regulations that are all designed to reduce hunting pressure on bull elk and thus enable more bull elk to live long enough to grow into mature trophies. Questions 12-18 ask your opinion on possible changes in Montana's elk hunting regulations.

12. Montana presently has a 5 week long rifle hunting season. If the hunting season was shorter, more bull elk would survive to grow into larger sized animals. However, cutting one week off of Montana's present 5 week season would not decrease the elk kill by the predicted 20% because hunters who would have hunted during the week that was cut from the season will simply shift their hunting activities to earlier in the season. Montana's present 5 week elk season would have to be reduced to around 2 weeks to allow significantly more bulls to live to older trophy age. How long do you think Montana's elk hunting season should be?

☒ 5 weeks, I like the present season.

☐ 4 weeks.

☐ 3 weeks.

☐ 2 weeks.

☐ 1 week.

13. Montana's present general rifle elk hunting season runs from the end of October to the end of November when heavy snows often make bull elk extremely susceptible to hunting. If the general hunting season were opened earlier and closed earlier more bull elk would survive to become larger animals. Should Montana change its hunting season?

☐ Yes, I would support a October 10th to November 10th general elk hunting season.

☒ No, I like the present October 25th to November 25th elk hunting season.

14. To reduce hunting pressure on bull elk, some states have adopted a split season in which deer and elk cannot be hunted at the same time. Should Montana adopt one season for deer and a different season for elk?

☐ Yes, I favor having one hunting season for elk and a different season for deer.

☒ No, I like the present combination deer and elk season.

15. Another technique that some states use to reduce the hunting pressure on bull elk is to divide the season into two parts-an early season and a late season. Under this system a hunter could hunt elk in the early season or the late season, but not both during the same year. Should Montana implement this type of regulation?

☐ Yes, Montana's general elk season should be divided into an early and late season and sportsmen would have to hunt elk in one or the other but not both.

☒ No, Montana should not divide the general elk season into two parts.

16. To reduce hunting pressure, in some states a hunter cannot hunt both deer and elk in the same year. Under this system you could hunt either elk or deer every year or elk one year and deer the next, but never both in the same year. Should Montana sportsmen be limited to hunting only deer or only elk?

☐ Yes, I support limiting hunters to either a deer or an elk tag but not both in one year.

☒ No, I like the present system where I can hunt elk and deer every year.

17. In Montana, most antlerless elk hunting is by permit only. Under present regulations, a sportsman who draws a special elk permit can also hunt bull elk in the general season if he has not filled his special permit. To reduce hunting pressure, some states make antlerless or special elk permit holders hunt elk only in the season specified on their permit. Under this system, the holder of an antlerless permit can only kill an antlerless elk in the specific hunting district on his permit; he cannot hunt in the general elk season. Should Montana adopt similar regulations?

☒ Yes, special elk permit holders should only be allowed to hunt the type of elk specified on their permit. Permit holders should not be allowed to hunt in the general season.

☐ No, permit holders should also be allowed to hunt in the general season.

18. In Montana, a bow hunter can hunt elk during the bow season and if he is unsuccessful, he can also hunt elk during the general rifle season. To reduce hunting pressure, some states require elk hunters to hunt in either the bow season or the gun season but not both during the same year. Should Montana develop similar regulations?

☒ Yes, Montana needs to develop regulations limiting all bow hunters to bow season only.

☐ No, unsuccessful bow hunters should be allowed to hunt during general rifle season.

19. In 1984, more than 81,000 hunters applied for just over 19,000 special elk permits (mainly antlerless elk and late season hunts). Thus, the odds of drawing a special elk permit were 4 to 1. Under present regulations, a sportsman who is lucky enough to draw a special elk permit one year can apply again next season. Some people have suggested that this is not fair and that special permit holders should have to skip a year or more before being allowed to apply again. What do you think?

☐ Yes, I like the present system where a special elk permit holder can apply again next year.

☒ No, I don't think our current system is fair. I feel that a special elk permit holder should have to wait before applying again.

☐ Wait one year.

☒ Wait 2 years

☐ Wait 3 years

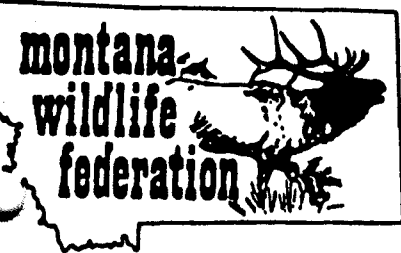
☐ Wait 4 years

SENATE FISH AND GAME

EXHIBIT NO. #11 page 4

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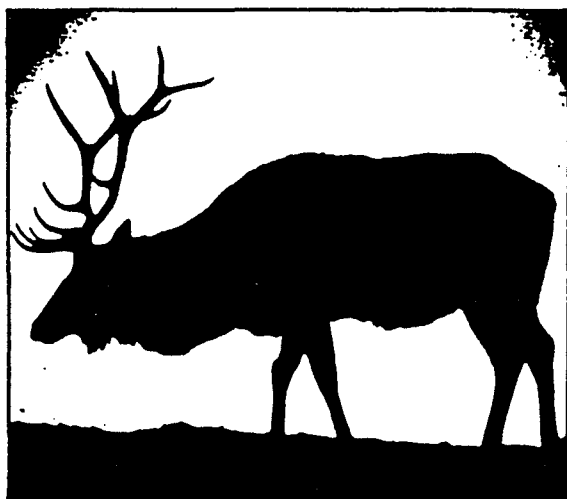
EDUCATION - CONSERVATION

# Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

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

## MONTANA WILDLIFE FEDERATION



Working to maintain  
quality hunting  
and fishing in  
Montana.

SENATE FISH AND GAME

EXHIBIT NO. #12

DATE 3-24-87

BILL NO. HB-535



THE WEALTH OF THE NATION IS IN ITS NATURAL RESOURCES

# THE PROBLEM

1. The present system doesn't work.
  - A. Handled in a rush through the U.S. mail.
  - B. Does not provide enough time for outfitters to effectively book their hunts.
2. Encourages the leasing of private land for outfitting which locks out the **RESIDENT SPORTSMAN.**

## Example #A

**MT. STATES U.S.A.**



**HUNT WITH - NEW FRONTIER OUTFITTERS**  
In S. W. Colorado's most sought after and locked up TROPHY producing areas.  
Over 50,000 acres "STRICTLY PRIVATE LAND" limited to my hunters only.  
Guided hunts for the serious hunter wanting the best in quality.  
**DEER &/or ELK** hunting away from the crowds. High success  
on trophy class animals. References furnished. **RIFLE HUNTS.**  
Oct. & Nov. **GUARANTEED LICENSES.** Special late-season  
Trophy Rifle Deer Hunts Nov. 1987 Early Bugle Rifle Elk  
Hunt Oct. 1987 **BOOKING NOW FOR 1987.**

For complete info on all hunts, call or write:  
P.O. Box 345, Montrose, Colorado 81402 • (303) 249-3915  
**RICK SEARS - FULL TIME GUIDE & OUTFITTER**

H4 Kill, 217 B&CH4 Kill, 217 B&C

Example #B Montana outfitters spent \$900,000 to lease land in 1985 (MOGA study).

3. Leasing closes off access to the public lands.

There are about 23 million acres of public land, mostly east of the Continental Divide in Montana. Over 13 million of these 23 million acres, or about 56%, are legally inaccessible to the public land user. Come join PLAAI and help us develop a program for obtaining reasonable access to these public lands.

SENATE FISH AND G. ME  
EXHIBIT NO. 12 page 2  
DATE 3-24-87  
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4. Creating special classes of people to compete for non-resident licenses.

Date Received

(Office Use Only)

RETURN COMPLETED APPLICATION TO:  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
SPECIAL LICENSING  
1420 East Sixth Avenue  
Helena, MT 59620  
(406) 444-2950

01 0206578

File #

(Office Use Only)

Photo Copies Acceptable

1987 (\$350) NONRESIDENT BIG GAME COMBINATION LICENSE APPLICATION

First Name

Middle Initial

Last Name

Street Address or Box No.

City

State

Zip Code

Phone Number

PLEASE NOTE:

Steps 1-8 are MANDATORY in order  
for your application to be processed.

Please X appropriate box (one only)

2 Sex  
☐ Male  
☐ Female

3 Eyes  
☐ BK-Black  
☐ BL-Blue  
☐ BR-Brown  
☐ GN-Green  
☐ GR-Grey  
☐ HA-Hazel

4 Weight

5 Height

FL

IN

6 Hair

☐ BD-Bald ☐ BR-Brown  
☐ BK-Black ☐ GR-Grey  
☐ BL-Blonde ☐ RD-Red

7 Date of Birth

MO DAY YEAR

\* A NONRESIDENT UNDER 18 MUST SUBMIT WITH ALL MOUNTAIN  
LICENSE APPLICATIONS, A CERTIFICATE VERIFYING HE OR SHE HAS  
COMPLETED A COURSE IN THE SAFE HANDLING OF FIREARMS IN ANY STATE OR PROVINCE.

All statements on this form are true and correct. I understand that if I  
subscribe to any false statement in this application that I am subject to  
criminal prosecution.

8

SIGNATURE OF APPLICANT—WRITE—DO NOT PRINT

☐ Guided  
HUNT

35%

☐ Non-Guided  
HUNT

35%

☐ Landowner  
OUTFITTER

15%

☐ Landowner

10%

☐ HANDICAPPED

1%

☐ ARCHER

1%

☐ MUZZLE LOADER

1%

☐ Non-Resident Landowner

2%

SENATE FISH AND GI.

EXHIBIT NO. 12 page 3

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5. H.B. 535 is already outdated.

One of the main purposes of a set aside is to allow outfitters to book ahead and be guaranteed a license.

1985 – Outfitters had 5,200 guided combination licenses with **NO SET ASIDE**. (law of supply and demand)

1986 – **FIRST DAY OF ACCEPTING APPLICATIONS**

Non-guided hunters had 12,059 applications for 11,400 tags – **DRAWING**  
Guided hunters had 4,380 applications for 5,600 tags – 100% success

1987 – **FIRST DAY OF ACCEPTING APPLICATIONS**

Non-guided hunters had 13,607 applications for 11,400 tags – **DRAWING**  
Guided hunters had 6,700 applications for 5,600 tags – **DRAWING**

**BOTH GROUPS ARE NOW IN A LOTTERY!!!!!!!!!!!!!!!!!!!!**

The percentage chance of success in 1987 for an outfitted hunter to draw a tag is 83.5%.

The percentage chance of success in 1987 for a nonguided hunter to draw is 83.7%.

**H.B. 535 HAS NOT PROVIDED THE OUTFITTING INDUSTRY THE GUARANTEED PERMITS BECAUSE**

*demand is too high!*

## **REAL ECONOMICS OF COMBINATION LICENSE**

To go from 5,200 permits (1985 - law of supply and demand) to 5,600 permits (HB 535)

5,600 permits – HB 535

5,200 – Based on 1985 figures

400 additional permits

400 x \$1,487 (difference between guided and non-guided hunter expenses according to M.O.G.A.) = \$594,800

The **ABSOLUTE MAXIMUM** economic benefit to this state from H.B. 535.

If you account for negative impact – poor feelings, vacationers, etc. the true impact will be a loss of revenue.

SENATE FISH AND G.

EXHIBIT NO. 12 - page 4

DATE 3-24-87

BILL NO. HB 535

# SUMMARY H.B. 535

## GOOD POINTS?

1. A possible economic benefit of \$594,800.
2. Possible stabilization of an industry that has not shown a need for stabilization.

## OTHER POINTS

1. Rubber stamping a system that has already shown itself to be outdated and ineffective. Do you have the time to renegotiate the numbers every year???
2. Creation of special interest groups that will constantly push for their interests. What is fair??? Where do non-resident landowners, elderly, young, big landowners or small landowners fit in???
3. Tarnish our image. Showing favoritism builds Montana?
4. Diminish tourism.
5. Promote poor landowner – sportsmen relations.
6. Provide impetus for an ACCESS TO PUBLIC LAND war.
7. Diminish economic growth opportunities. Everyone will be so busy jockeying for position that no one is going to work on the real problems of developing our recreational potential for everyone's economic benefit.

SENATE FISH AND GAME

EXHIBIT NO. 12 page

DATE 3-24-87

BILL NO. HB 535

# THE SOLUTION

NO SET-ASIDES, EVERYONE DRAWS BASED ON %

% applications in each group = % permits available for drawing in each group

THE % OF SUCCESSFUL APPLICANTS FOR EACH GROUP WILL BE EXACTLY THE SAME.

ASSUME 1987 NUMBERS  
17,000 AVAIL. TAGS

	ACTUAL NUMBER OF APPLICATIONS	% OF TOTAL APPLICATIONS	% OF 17,000 PERMITS TO DRAW FROM	ACTUAL # FROM 17,000 ALLOCATED ON %	% CHANCE OF SUCCESS
Guided	6,100	32.9%	32.9%	5,593	83%
Non-Guided	13,601	67.1%	67.1%	11,407	83%
Landowner - Outrigger					
Landowner					
Handicapped					
Archer					
Muzzleloader					
Non-Resident					
Unowner					

↓  
20,307 Applicants  
1st DAY 5

SENATE FISH AND GAME  
EXHIBIT NO. 12 page 6  
DATE 3-24-87  
BILL NO. HB 535

# Assume 17,000 TAGS

	ACTUAL NUMBER OF APPLICATIONS	% OF TOTAL APPLICATIONS	% OF 17,000 PERMITS TO DRAW FROM.	ACTUAL # FROM 17,000 ALLOCATED ON %	% CHANCE OF SUCCESS
Guided	1,000	35%	35%	5950	85%
Non-Guided	1,000	35%	35%	5950	85%
Landowner - Outfitter	3,000	15%	15%	2550	85%
Landowner	2,000	10%	10%	1700	85%
Handicapped	200	1%	1%	170	85%
Archery	200	1%	1%	170	85%
Muzzleloader	200	1%	1%	170	85%
Non-Resident Landowner	400	2%	2%	340	85%

↓  
20,000 Applicants

↓  
17,000 TAGS

Everyone Draws  
Equally

SENATE FISH AND GAME

EXHIBIT NO. 12 page 7

DATE 3-24-87

BILL NO. HB 535

# Assume 17,000 TAGS

	ACTUAL NUMBER OF APPLICATIONS	% OF TOTAL APPLICATIONS	% OF LICENSES	ACTUAL NUMBER OF PERMITS AVAILABLE TO DRAW	% CHANCE Success
Guided	10,000	50%	50%	8,500	85%
Non-Guided	4,000	20%	20%	3,400	85%
Landowner - Outfitter	2,000	10%	10%	1,700	85%
Landowner	2,200	11%	11%	1,870	85%
Handicapped	200	1%	1%	170	85%
Archery	400	2%	2%	340	85%
Muzzleloader	400	2%	2%	340	85%
Non-Resident Landowner	800	4%	4%	680	85%



20,000 Applicants

SENATE FISH AND GAME

EXHIBIT NO. 12 page 8

DATE 3-24-87

BILL NO. HB 535

Everyone Draws Equally -

will work for Deer &

Antelope (when the day comes)

# Assume 20,000 TAGS

	ACTUAL NUMBER OF APPLICATIONS	% OF TOTAL APPLICATIONS	% OF 17,000 PERMITS TO DRAW FROM.	ACTUAL # FROM 20,000 ALLOCATED ON %	% CHANCE OF Success
Guided	10,500	35%	35%	7,000	66.6 %
Non-Guided	10,500	35%	35%	7,000	66.6 %
LANDOWNER-OUTRIGGER	4,500	15%	15%	3,000	66.6 %
LANDOWNER	3,000	10%	10 %	2,000	66.6 %
HANDICAPPED	300	1%	1%	200	66.6 %
ARCHER	300	1%	1%	200	66.6 %
MUZZLELOADER	300	1%	1%	200	66.6 %
NON-RESIDENT LANDOWNER	600	2 %	2%	400	66.6 %

↓  
30,000  
Applicants

↓  
20,000  
TAGS  
SENATE FISH AND GAME  
EXHIBIT NO. 12 page 9  
DATE 3-24-87  
BILL NO. HB 535

Everyone Draws Equally!

NO MATTER WHAT THE #  
OF PERMITS AVAILABLE OR  
# OF APPLICANTS

Date Received

(Office Use Only)

RETURN COMPLETED APPLICATION TO:  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
SPECIAL LICENSING  
1420 East Sixth Avenue  
Helena, MT 59620  
(406) 444-2950

01 0206578

File #

(Office Use Only)

Photo Copies Acceptable

1987 (\$350) NONRESIDENT BIG GAME COMBINATION LICENSE APPLICATION

First Name

Middle Initial

Last Name

PLEASE NOTE:

Steps 1-8 are MANDATORY in order  
for your application to be processed.

Street Address or Box No.

City

State

Zip Code

Phone Number

Please X appropriate box (one only)

Sex

☐ Male  
☐ Female

Eyes

☐ BK-Black  
☐ BL-Blue  
☐ BR-Brown  
☐ GN-Green  
☐ GR-Grey  
☐ HA-Hazel

Weight

Height

Fl. In.

Hair

☐ BD-Bald ☐ BR-Brown  
☐ BK-Black ☐ GR-Grey  
☐ BL-Blonde ☐ RD-Red

Date of Birth

MO DAY YEAR

A NONRESIDENT UNDER 18 MUST SUBMIT WITH ALL HUNTING  
LICENSE APPLICATIONS, A CERTIFICATE VERIFYING HE OR SHE HAS  
COMPLETED A COURSE IN THE SAFE HANDLING OF FIREARMS IN ANY STATE OR PROVINCE.

All statements on this form are true and correct. I understand that if I  
subscribe to any false statement in this application that I am subject to  
criminal prosecution.

SIGNATURE OF APPLICANT—WRITE—DO NOT PRINT

☐ Guided Hunt 35% ☐ Non-Guided Hunt 35% ☐ Landowner Outfitter 15%

☐ Landowner 10% ☐ Handicapped 1% ☐ Archer 1%

☐ Muzzle Loader 1% ☐ Non-Resident Landowner 2%

SENATE FISH AND GAME

EXHIBIT NO. 12 Page 10

DATE 3-24-87

BILL NO. HB 535

% OF APPLICATIONS

Date Received  
(Office Use Only)

RETURN COMPLETED APPLICATION TO:  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
SPECIAL LICENSING  
1420 East Sixth Avenue  
Helena, MT 59620  
(406) 444-2950

01 0206578  
File #  
(Office Use Only)  
Photo Copies Acceptable

1987 (\$350) NONRESIDENT BIG GAME COMBINATION LICENSE APPLICATION

First Name Middle Initial Last Name  
Street Address or Box No.  
City State Zip Code Phone Number  
Please X appropriate box (one only)  
2 Sex ☐ Male ☐ Female  
3 Eyes ☐ BK-Black ☐ BL-Blue ☐ BR-Brown ☐ GN-Green ☐ GR-Grey ☐ HA-Hazel  
4 Weight  
5 Height Ft. In.  
6 Hair ☐ BD-Bald ☐ BK-Black ☐ BL-Blonde ☐ BR-Brown ☐ GR-Grey ☐ RD-Red  
7 Date of Birth MO DAY YEAR  
PLEASE NOTE:  
Steps 1-8 are MANDATORY in order for your application to be processed  
\* A NONRESIDENT UNDER 18 MUST SUBMIT WITH ALL HUNTING LICENSE APPLICATIONS, A CERTIFICATE VERIFYING HE OR SHE HAS COMPLETED A COURSE IN THE SAFE HANDLING OF FIREARMS IN ANY STATE OR PROVINCE  
All statements on this form are true and correct. I understand that if I subscribe to any false statement in this application that I am subject to criminal prosecution.  
8 SIGNATURE OF APPLICANT—WRITE—DO NOT PRINT

☐ Guided Hunt 50%  
☐ Non-Guided Hunt 20%  
☐ Landowner Outfitter 10%  
☐ Landowner 11%  
☐ Handicapped 1%  
☐ Archer 2%  
☐ Muzzle Loader 29%  
☐ Non-Resident Landowner 4%

% OF APPLICATIONS

SENATE FISH AND GAME  
EXHIBIT NO. 12 page 11  
DATE 3-24-87  
BILL NO. HB 535

Assume 17,000 TAGS

	ACTUAL NUMBER OF APPLICATIONS	% OF TOTAL APPLICATIONS	% OF Licenses	ACTUAL NUMBER OF PERMITS AVAILABLE TO DRAW	% CHANCE Success !
Guided	10,000	50%	50%	8,500	85%
Non-Guided	4,000	20%	20%	3,400	85%
Landowner-OUTRIGGER	2,000	10%	10%	1,700	85%
LANDOWNER	2,200	11%	11%	1,870	85%
Handicapped	200	1%	1%	170	85%
ARCHER	400	2%	2%	340	85%
BUZZLELOADER	400	2%	2%	340	85%
NON-RESIDENT LANDOWNER	800	4%	4%	680	85%



20,000 Applicants

SENATE FISH AND GAME  
EXHIBIT NO. 12 page 12  
DATE 3-24-87  
BILL NO. HB535

Everyone DRAWS Equally -

will work for Deer &

Antelope (when the DAY comes)

EXHIBIT NO. 13DATE 3-24-87BILL NO. HB535

## WITNESS STATEMENT

NAME Lewis E. HawkesBILL NO. HB535ADDRESS 16 Cloninger Lane, Bozeman, MT 59715WHOM DO YOU REPRESENT? Public Land Access Association, Inc.SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

COMMENTS: House Bill 535 is bad legislation and its passage will be "buying trouble" for future generations of Montanans. Montana has one of the most successful wildlife programs in the world, and it is based on two fundamentals; (1) the public land management agencies (BLM and Forest Service) maintain the habitat for wildlife on public lands, and (2) the Montana Department of Fish, Wildlife and Parks manages the numbers of animals. This relationship, plus a successful transplanting program, has returned big game animals to all of Montana even where it was wiped out in the early 1900's. For example, Montana had about 2,500 head of elk left in 1920 (excluding Yellowstone herds). Today, there are approximately 100,000 head of elk in Montana. The public land users of Montana, primarily the sportsmen, have directly paid for this return of wildlife through excise taxes on arms, ammunition and fishing tackle via the Pitman-Robertson and the Dingel-Johnson Federal Legislative bills, and State license fees.

Today, a bloated and blatant dude rancher-outfitter-guide complex is seeking to over-commercialize the wildlife resources of Montana at the expense of the average Montanan through HB 535. Region 3 of the Montana Department of Fish, Wildlife and Parks contains the greatest concentration of outfitter-guides in the world, and most of these operate on the Beaverhead, Deerlodge and Gallatin National Forests. The dude rancher-outfitter-guide complex is out of control and running rampant. At least seven outfitters in Montana are teaching students to be guides, and each guide is soon out

looking for a place to set up as an outfitter - preferably where he can control access to public lands. The outfitter contributes nothing to the raising of wildlife. He is a middleman broker who is solely intent on making money from Montana's wildlife and at the direct expense of the average Montanan. He is a "speed trap" on the non-resident. Some states, such as Utah, have refused to let the outfitter-guide industry become established and consider them as "a powerful special interest group, and they pressure the Fish and Game Departments to set special seasons or longer seasons for their own financial benefit and push for excessive trophy hunts to draw their clientele and obtain more money."

The Montana outfitter-guide industry recently worked with the faculty of Business at Montana State University on an economic study of the outfitter-guide industry. While the outfitter-guide industry has hailed this study for the money it brings into Montana, it has only confirmed the Public Land Access Association's suspicions of the industry. A look at the estimates in the study shows the major difference in costs between expenses of guided and non-guided hunters is \$2,878 minus \$1,391 or \$1,487, and the hunting guide personally takes \$1,507 of the \$2,878. In addition, the airfares, hunting gear, gifts, taxidermy, meat locker and tips for guided hunters exceed the non-guided hunters by \$189. Non-guided hunters, however, contribute an average of \$209 more to small businesses on car and gas, motel, restaurant food, non-restaurant food, alcoholic beverages, and other collectively.

The major point is that the guided hunter pays over 50% of his cost personally to the outfitter/guide and as air fares, whereas the non-guided hunter contributes an average of \$209 more to small businesses in Montana for all services. He brings several people with him, and stays an average

of about 5 days longer. While guided hunters bring more total money into the state, it is also very obvious that the outfitter, as a middleman broker of public resources, personally benefits by about \$1,500 with fewer benefits to small businesses in Montana.

The \$1,507 revenue paid solely to the outfitter is the prime reason the dude rancher-outfitter-guide complex is so active in the closing down of access to public lands in Montana. Wherever an outfitter can control access to large tracts of private and public land, he has a monopoly on public resources to be solely used for his economic benefit. The resident is excluded and the non-resident is a captive of the system and pays accordingly.

Today, there are about 23 million acres of public land, mostly east of the Continental Divide in Montana (BLM, Forest Service, and State School Lands). Over 13 million of these 23 million acres, or about 56% are legally inaccessible to the public land user. The dude rancher-outfitter-guide complex is primarily responsible for the closing down of public access to these 13 million acres of public land.

PLAAI would much prefer to see many more of the 17,000 non-residents drive into Montana and have ready access to the public lands.

Again, HB 535 is bad legislation. It sets up a special class of non-residents for special treatment by a special interest group, the dude rancher-outfitter-guide complex and at the direct expense of the average Montanan. It should not be passed because it is only "buying trouble" for future Montanans. Montana's wildlife is not for sale to the highest bidder.

HB 535

Gentlemen of the committee:

My name is Bill McRae. I am a free-lance outdoor writer/photographer, and I write hunting articles for several of the nation's outdoor magazines, including Outdoor Life, Field & Stream, Sports Afield, etc.

I am grateful for this opportunity to express my opposition to HB 535 for the following reasons:

1. I believe that, as a matter of principle, Montana's wildlife belongs equally to all of the citizens of this state, and I am convinced that HB 535 violates that sacred principle by favoring two special interest groups--namely outfitters and landowners. Further, I believe that the landowner provision of this bill is a step toward the privatization of wildlife, and that it will eventually lead to the control and exploitation of publicly owned wildlife resources by wealthy out of state interests. In short, it is a step toward the public-be-damned type of game ranching that exists in Texas.

2. Regarding the 6,000 class B-11 nonresident licenses, I don't believe that Montana currently has 6,000 deer to spare on a state wide basis. Also if I understand the legal jargon correctly, the holders of class B-11 licenses could also apply for other class B licenses, which means that many of these nonresident hunters could take more than one deer.

3. By mandating that 6,000 class B-11 licenses be sold each year regardless of the status of the state's deer herds, this bill would tie the hands of the Fish and Game Commission when it comes to making biologically sound decisions concerning the size of the deer harvest. It also logically follows that, should the deer population crash and cuts absolutely need to be made, the hunting opportunities of residents would be cut since the number of nonresident hunters would be mandated by law.

4. It might be of interest to you that, according to figures released by the U.S. Fish and Wildlife Service, Montana, by a wide margin, already issues more nonresident licenses, tags, permits, and stamps than any other state in the nation. HB 535 is designed to bring more nonresident hunters to Montana and, frankly, I believe that we are already failing to provide quality hunting for the nonresident hunters who are coming. It is clearly unethical to issue expensive hunting licenses for game that, in many cases, doesn't exist.

I respectfully urge this committee to turn thumbs down on HB 535.

HB 526  
March 24, 1987

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

The acquisition of land by the state wildlife management agency and the dedication of that land to wildlife conservation and public access is not a new concept for Montana. The state's initial purchase occurred in 1915 at Red Rocks Lake. The first major acquisition for big game, the Judith River Game Range near Utica, Montana, was completed in 1940. Each of these areas of important wildlife habitat purchased might otherwise have been altered or lost to other land uses without such protection.

The wildlife management area program has proven to be a successful way to ensure that these special lands will remain available for use by wildlife for generations to come as human encroachment makes other habitat unavailable.

Over the past 70 years, management philosophies and land opportunities have evolved to include the utilization of conservation easements and leases where they are cost effective and where landowners' attitudes have been favorable. In addition, some federal lands adjacent to state wildlife management areas have been dedicated and managed for wildlife enhancement under cooperative agreements, thus expanding the positive benefits of these holdings.

Ultimately the key to success in securing wildlife enhancement opportunities will be maximizing the options available to the willing landowner. Some landowners view outright fee title as the only option suitable. Others, wishing to protect key habitats yet retain ownership, find conservation easements a realistic approach. Leasing is generally a short-term approach utilized while long-term options are reviewed.

The department currently has about 295,000 acres for wildlife management areas, of which about 97,000 acres are leased and about 9,000 acres are in conservation easements.

Since 1981 the department has acquired 7,629 acres of fee title and leases for wildlife, using sportsmen's dollars, at a cost of \$2,235,750. About 500 of these 7,629 acres have been leased from the Corps of Engineers and the Bureau of Land Management. These are itemized in Attachment 1.

In addition, conservation easements received by the department have been donated or purchased. Three easements were donated for wildlife habitat purposes. They are the Sourdough in Gallatin County, Sun River in Lewis & Clark County, and a Rock Creek easement east of Missoula in Granite County. Other conservation easements which were donated are at Kleinschmidt Lake in Powell County and Fox Lake in Richland County. These easements are floodage easements to provide for waterfowl habitat improvements.

Easements which were purchased are located along the Blackfoot River at Rock Creek WMA near Missoula and along Spring Creek south of Lewistown. The Blackfoot River conservation easement provides for protection of the scenic beauty of the Blackfoot Canyon and some public access. The Rock Creek easement provides for protection of the natural setting of Rock Creek and the surrounding area which is bighorn sheep habitat. The Spring Creek easement protects the unique fishery and provides public access. All of these easements prevent subdivision of the lands and allow for grazing and other consistent uses which are compatible for the purpose of the conservation easement.

Out of a total of 47 wildlife management areas managed by the department, 23 have programs which involve private agricultural interests, including 2,055 acres of sharecropping, 1,525 acres of hay leasing, 6,644 AUM's of livestock grazing and 9 million board feet of timber harvest. A number of other areas are under review for the potential application of similar programs.

It is important to point out that in our land dealings, the department has only negotiated with willing sellers and would not pursue an acquisition under other circumstances.

The department is sensitive to public opinion, not only sportsmen's interests, but also those of local residents and officials who may have special concerns about the acquisition of large tracts of land.

A good example of this is the case of the 6,000 acre Charlie Marshall Ranch located 15 miles southwest of Absarokee along the Stillwater River. Acquisition of this property offered the department the opportunity to acquire excellent deer and bighorn sheep range, the potential for increasing an elk herd, as well as securing important public access to thousands of acres of public land and the protection of a significant portion of both shores of the Stillwater River.

Negotiations for this property began in 1976 when Mr. Marshall offered the department, through The Nature Conservancy, the opportunity to buy his property. By 1984, the department had the necessary funding and an acceptable agreement to acquire the property. It also had sportsmen's support because the property provided significant habitat and recreational values.

However, the project did not enjoy the support of neighboring ranchers, and the decision was made not to buy the property in deference to their concerns.

The issue of property taxes affected by department-acquired lands is often a concern. By making in-lieu payments to counties, the department pays an amount equal to what would be assessed if the property were privately owned. In 1986, taxes paid for wildlife lands will be about \$160,000. Our 1985 payments by county are in Attachment 2. This equates to over 12% of total operational expenses.

SENATE FISH AND GAME

EXHIBIT NO. 15-page 2

DATE 3-24-87

BILL NO. HB 526

Maintenance and upkeep on department-acquired land is another area of concern often expressed. HB 526 addresses this by taking a portion of the earmarked revenue and directing that it go to the Real Property Trust Account. The interest would then be used for maintenance costs such as weed control, fencing, road improvements, signing, etc.

A Real Property Trust Account was authorized by the 1981 legislature through the enactment of Section 87-1-601(5), MCA. This statute requires the deposit of monies received from the sale of department surplus real property and the revenue from the use of certain department lands into a trust account, with the principal to remain inviolate. The interest derived from this account may be used only for the operation, development and maintenance of department real property.

Deposits into the trust account through FY 1986, as well as expenditures from that account, are detailed in Attachment 3.

We regularly receive inquiries from landowners indicating their willingness, and in fact preference, to deal with the department regarding their land holdings. Examples of these offers have included the Robb Creek Grazing Association near Dillon (interested in selling, but only a subdivider as an interested buyer), the Wittmayer Grazing Association along the "Highline," the Dreyer Ranch near Clearwater Junction (Attachment 4) and an interest in conservation easements along the Smith River (McMicking property and Doggett property).

Funds have not been available on a consistent basis to favorably respond to these requests. We must continually put these inquiries off to see if any funds will be available in the next session. This bill would allow a timely response to inquiries and allow a basis for looking at priority habitat needs.

This bill provides clear direction for a process to allow considerable review and public input into each acquisition potential. First, the department must develop a process for evaluating and ranking land potentials. Once that process is formalized, proposals can be submitted to the commission for review.

When the department presents a recommendation to the commission for consideration, it also includes a public review. The final step is review by the State Land Board consisting of the Governor, Secretary of State, Attorney General, Auditor and Superintendent of Public Instruction. These individuals have the final say on acquisitions of any size. These steps ensure opportunity for consideration by all affected parties.

Given the major contribution this bill would make toward the long-term conservation of Montana's wildlife resources and their habitats for current and future generations to enjoy, we urge your support on this legislation.

# ATTACHMENT 1

## Wildlife Management Areas Purchased by Montana Department of Fish, Wildlife and Parks Since 1981

<u>WMA</u>	<u>County</u>	<u>Grantor</u>	<u>Acres</u>	<u>Date</u>	<u>Cost</u>
Seven Sisters (addition) - along Yellow- stone River near Sidney	Richland	Private	193	10/81	\$ 119,000
Big Lake - near Billings	Stillwtr.	Private	240	12/81	43,750
Isaac Hmstd. (addition) - along Yellow- stone near Forsyth	Treasure	BLM	85	5/82	(Donation)
Kootenai - near Eureka	Lincoln	COE	2,443	10/82	(Mitigation)
Wall Creek - near Ennis (inholding)	Madison	Private	320	8/84	504,000
Pablo (addition) for waterfowl	Lake	Private	25	12/84	35,000
Blackleaf (inholding) on game range	Teton	Private	1,632	10/85	494,000
Dailey Lake - Rigler property near Gardiner	Park	Private	<u>2,691</u>	4/86	<u>1,040,000</u>
	<b>TOTAL</b>		<b>7,629</b>		<b>\$2,235.750</b>

SENATE FISH AND G.  
EXHIBIT NO. 15-page 4  
DATE 3-24-87  
BILL NO. HB 526

# ATTACHMENT 2

## MDFWP 1985 TAX PAYMENTS BY COUNTY FOR WILDLIFE MANAGEMENT AREAS

<u>REGION</u>	<u>COUNTY</u>	<u>TAXES PAID</u>
1	Flathead	\$ 289.65
	Lake	14,936.25
	Lincoln	1,824.16
2	Powell	4,596.51
	Missoula	3,383.52
	Ravalli	4,688.16
3	Anaconda/Deer Lodge	17,914.73
	Beaverhead	4,262.99
	Butte/Silver Bow	4,898.72
	Gallatin	2,042.84
	Jefferson	207.50
	Madison	2,950.01
4	Cascade	3,338.61
	Judith Basin	2,389.48
	Lewis and Clark	14,775.62
	Teton	14,955.14
5	Bighorn	143.64
	Stillwater	80.18
	Wheatland	316.86
6	Hill	275.64
	Phillips	90.96
	Valley	118.82
7	Richland	4,187.15
	Treasure	1,007.71

1985 TOTAL

\$103,674.75

216.2

SENATE FISH AND GAME  
 EXHIBIT NO. 15-page 5  
 DATE 3-24-87  
 BILL NO. HB 526

# ATTACHMENT 3

## I. DEPARTMENT OF FISH, WILDLIFE AND PARKS DEPOSITS INTO THE REAL PROPERTY TRUST ACCOUNT THROUGH FY 1986

<u>CATEGORY</u>	<u>AMOUNT</u>
Mt. Haggin Timber Sales	\$ 741,390
Sale of Department Real Property	227,001
Mineral, Grazing, Land & Building Leases	216,596
	<hr/>
	\$1,184,987

## II. PROJECTS FUNDED BY THE TRUST ACCOUNT

<u>Project &amp; A/E#</u>	<u>Amount Allocated</u>	<u>Spent and/or Encumbered to Date</u>	<u>Balance</u>
Mt. Haggin WMA	\$76,000.00	\$53,036.38	\$22,963.62
Fence 85-35-21			
Wall Creek WMA	25,000.00	15,893.54	9,106.46
Fence 85-35-22			
Milk River WMA	13,500.00	- 0 -	13,500.00
Fence 85-35-23			
Miscellaneous <sup>1</sup>			
85-35-15			
Nevada Lake WMA			
Fence	1,344.00	360.20	983.80
Warm Springs WMA			
Fence	1,344.00	1,545.05	(201.05)
PARKS:	32,812.00		15,606.93
Klabunde Mem		7,338.93	
Yellow Bay Fence		9,866.14	
	<hr/>	<hr/>	<hr/>
	\$150,000.00	\$88,041.24	\$61,958.76

<sup>1</sup> all figures as of 9/11/86

January 26, 1987

RECEIVED

JAN 28 1987

WILDLIFE DIVISION

Arnie Olson  
Department of Fish Wildlife & Parks  
1420 East 6th Avenue  
Helena, Montana 59620

Dear Mr. Olson,

We have our ranch for sale and thought the Fish & Game might be interested. We have thought about selling the ranch to a large corporation as a hunting & fishing retreat, but we think the place would better serve the Fish & Game in preserving their elk and deer population.

Our ranch is located Northeast of the Blackfoot Clearwater Game Range. Our land is a corridor from the game range to Forest Service land and the Bob Marshall Wilderness. We have 2,960 acres that are a natural habitat for elk and deer.

There are elk and deer on this ranch year round, many elk and deer stay on the place thru the winter. Several hundred use the ranch to pass thru to higher country and to return to the game ranch in fall and winter. Around 100 head of elk have their calves in our pasture and stay there thru the summer and fall. In the early fall during breeding season, the elk congregate in the pastures and meadows near our buildings. Our meadows and some timber land are in Area 282.

We also, have about 1 mile of Cottonwood Creek passing thru our property.

\* We are interested in selling this ranch and are not interested in a Conservation Easement. We look forward to a response from you soon.

Sincerely,

*Jim Dreyer*  
*Susan Dreyer*

Jim & Susan Dreyer  
Star Route Box 435  
Greenough, MT. 59836

Telephone 793-5714

SENATE FISH AND GAME  
EXHIBIT NO. 15 *page* 7  
DATE 3-24-87  
BILL NO. HB 526

EXHIBIT NO. 116DATE 3-24-87BILL NO. HB 526

# SLIP & SLIDE RANCH

FRANKLIN &amp; SUSAN RIGLER • BOX 877 • CORWIN SPRINGS, MT 59021 • (406) 848-7648

March 24 1987

Senators,

I am writing in reference to House Bill 526 which concerns money for acquisition of wildlife habitat. There are a few points for your consideration in this matter.

The Northern Yellowstone Elk herd is the largest in the world. This elk herd has been slaughtered in the 40's, 50's, and 60's in the Park by a direct reduction policy and outside of the Park by the historic firing line. We have a late elk hunt in area 313 now that bottlenecks elk in the Park. Last week, Superintendent Barbee spoke to the Cody Chamber of Commerce stating that studies by professionals on range conditions were being conducted to determine range conditions and that "something would be done" if the situation warranted it.

Historically, area 313 has been one of the mildest wintering areas in Montana, a fact easily verified from the earliest Park Superintendent's reports. Areas below Yankee Jim Canyon combine productive well-watered north slopes with winter winds clearing forage for availability to wintering herds. As present land managers, it is our responsibility to look into the future and envision the fantastic wildlife range potential in the Upper Yellowstone.

We are all aware that Yellowstone's summer range is practically unlimited. If we have the foresight to plan for purchasing winter range properties as they become available, it is easy to envision a day when the rest of the nation and the world will look at the Yellowstone Complex in the same light as the Serengeti Plain is seen today. You gentlemen possess the potential for planning to provide the world with a truly wild and free-ranging wildlife habitat in the Yellowstone Complex. The extent of what can be done is proportional to winter range available and funds laid aside to purchase tracts as they are marketed.

We can easily see what happens when large tracts of land go into private ownership for development as the Forbes Ranch and the efforts of CUT. Large scale development can only spell disaster for a wildlife management plan. Yet, we still have an opportunity on the east side of the Yellowstone River, the traditional wintering grounds for thousands of migrating elk.

# SLIP & SLIDE RANCH



FRANKLIN & SUSAN RIGLER • BOX 877 • CORWIN SPRINGS, MT 59021 • (406) 848-7648

page 2-

It is time for you to respond to the here and now. We have a responsibility not only to this generation but to generations who will follow us. You must understand this is not creating a 'pseudo-wintering ground' (ie Jackson Hole) but supporting an area traditional to elk migration.

For those of you wary about the state entering into the 'real estate' business, you need to truly appreciate the uniqueness of this area. In the 1920's the federal government had a vision of what be done along these lines, but we have been stalled for the past 60 years. We have an opportunity to get on the track again and you owe the people of Montana an investigation of this and action on it.

Thank you.

*Franklin Rigler*

SENATE FISH AND GAME  
EXHIBIT NO. 16 page 2  
DATE 3-24-87  
BILL NO. HB 526

Table 2. Elk numbers and removals, 1923-79.

Winter Period <sup>a</sup>	Winter Census	Removals		
		Hunter Kill	Park	Total
1923		33	49	82
1924		44	11	55
1925		366 <sup>b</sup>	59	425
1926		88	80	168
1927		719	107	826
1928		1529 <sup>c</sup>	187	1716
1929		15	0	15
1930	8257	312	110	422
1931	7696 <sup>g</sup>	316	2	318
1932	10624	290	37	327
1933	11521	177	2	179
1934	10042	136	11	147
1935	10112 <sup>d</sup>	2598	667	3265
1936	10281	2287	557	2844
1937	8794	257	574	831
1938	10976	3587	236	3823
1939		2971	307	3278
1940		122	16	138
1941		275	12	287
1942		2071	145	2216
1943	8235	6539	691	7230
1944		125	10	135
1945		403	0	403
1946	8513	2094	73	2167
1947		3069	76	3145
1948	7815	970	39	1009
1949	9496	2337	49	2886
1950		40	834	874
1951		1265	818	2083
1952		3198	602	3800
1953		110	172	282

SENATE FISH AND GAME  
 EXHIBIT NO. 16 page 3  
 DATE 3-24-87  
 BILL NO. HB 526

Table 2. (continued) Elk numbers and removals, 1923-79.

Winter Period	Winter Census	Removals		
		Hunter Kill	Park	Total
1954		422	387	809
1955		763	598	1361
1956	6963 <sup>f</sup>	3900	2635	6535
1957		345	944	1289
1958		50	536	586
1959	4884 <sup>eg</sup>	372	1334	1706
1960		50	809	859
1961	8150 <sup>ef</sup>	25	1434	1459
1962	5725 <sup>f</sup>	125	4519	4744
1963		530	1290	1820
1964		30	1121	1151
1965	4865 <sup>f</sup>	1012	892	1904
1966		30	1240	1270
1967	3842 <sup>f</sup>	1108	1540	2648
1968	3172 <sup>e</sup>	116	984	1100
1969	4305 <sup>e</sup>	50	0	50
1970	5543 <sup>eh</sup>	50	0	50
1971	7281 <sup>e</sup>	45	0	45
1972	8215 <sup>e</sup>	75	0	75
1973	9981 <sup>e</sup>	154	0	154
1974	10529 <sup>e</sup>	210	0	210
1975	12607 <sup>e</sup>	147	0	147
1976	10807 <sup>e</sup>	1547	0	1547
1977	8980 <sup>eg</sup>	219	0	219
1978	11855 <sup>e</sup>	1086	0	1086
1979	10768 <sup>e</sup>	340	0	340
1980		456	0	456
1981		126	0	126

<sup>a</sup>1923 = winter of 1922-23, etc.

<sup>b</sup>Total removal estimated at 1000 including cripple losses.

<sup>c</sup>Contains estimates of cripple losses.

\* 60% estimated to be "park" etc. Glenn Erickson 2/25/81 memo to 22607210

SENATE FISH AND GAME  
EXHIBIT NO. 16 - page 4  
DATE 3-24-87  
BILL NO. HB 526

Table 2. Summary of harvest results during the recent Gardiner late elk seasons (including illegal kills).

Winter	Permits			Harvest				Percent
	ES <sup>a</sup>	A <sup>b</sup>	Total	Bulls	Cows	Calves	Total	Bulls
1975-76	1,500	0	1,500	705	362	140	1207	58
1977-78	1,500	0	1,500	359	297	179	803	47
1978-79	300	0	300	30	3	2	70	86
1979-80	1,000	0	1,000	285	157	25	467	61
1980-81	1,750	850	2,600	75	42	16	133	56
1981-82	1,600	800	2,400	491	422	100	1015	48
1982-83	1,600	800	2,400	470	712	241	1462	33
1983-84	800	1,600	2,400	396	816	396	1652	24
1984-85	300	2,100	2,400	173	742	291	1206	14
Totals	10,350	6,150	16,500	2984	3553	1390	8016	37

<sup>a</sup>Valid for either-sex elk.

<sup>b</sup>Valid for antlerless elk only.

SENATE FISH AND GAME

EXHIBIT NO. 16 page 5

DATE 3-24-87

BILL NO. HB 526

## YELLOWSTONE UPDATE

# Park studies capacity for elk, bison

By TOM HOWARD  
Gazette Cody Bureau

CODY, Wyo. — National Park Service officials are studying the wildlife carrying capacity of Yellowstone National Park in an attempt to better manage elk and bison, Yellowstone Superintendent Robert Barbee said Monday.

Barbee said the National Park Service is making a "concerted effort" to bring university experts to the park to determine the number of animals the park can support. If research indicates that herds must be reduced, "we'll go with it," Barbee told the Cody Country Chamber of Commerce.

"We hope we can ground our decisions in good, hard data. We're not wedded to any concept," Barbee said in response to a question about how the Park Service plans to manage an increasing bison herd.

Bison management is just one in an endless string of controversies surrounding Yellowstone. Special-

interest groups, each of them concerned about the management of America's oldest national park, are proliferating like mushrooms after a spring rain, Barbee said.

He wouldn't predict when the east entrance of Yellowstone will open this spring because of weather and other variables. But, with snowpack about 50 percent of normal, the Park Service is well ahead of schedule for plowing snow from roads. As another sign that spring is at hand, bears are out of their dens, Barbee said.

A one-year increase in entrance fees to national parks could provide additional money for the park's operating budget, which is \$12 million this year, Barbee said.

The new entrance-fee schedule raises the single-visit fee from \$2 per vehicle to \$5 per vehicle. Traditionally, money raised from entrance fees has been placed in the government's general fund. Under the new fee schedule, Yellowstone could receive about \$600,000 of the money annually, Barbee said.

## Trucking hearings likely

Gazette Cody Bureau

CODY, Wyo. — Yellowstone National Park Superintendent Robert Barbee said Monday that the National Park Service will likely hold public meetings on a citizen's group's demands for halting truck traffic on a highway in Yellowstone National Park.

Commercial trucking is prohibited in national parks, but for years trucks have been traveling a 14-mile section of U.S. 191 that winds into Yellowstone National Park just north of West Yellowstone, Mont. A local group is

new regulation or enforce the restrictions," Barbee said, adding that the Park Service is contacting representatives of the trucking industry and the citizen's group. He said no date has been set on the possible meeting.

Barbee said the Park Service is interested in hearing all sides of the issue. The issue boils down to regulating interstate truck traffic, and Barbee doesn't relish that responsibility. "We've got a lot of other things to do," he said.

Properly defining commercial truck traffic complicates the issue. It's not decided whether the



Gazette photo by Larry Mayer

Kimberly, 6, and Jessica, 8, were petting the horse at the end of a small bridge along Riverside near Laurel.

EXHIBIT NO. #16 page 5

DATE HB 526

## on rail-line sales

but then adopted a new policy of trying to sell financially shaky lines to short-line operators instead of abandoning them.

He said HB 861 would jeopardize such sales because local entrepreneurs couldn't make short lines financially successful if they are forced to assume BN's labor contracts. He said labor is BN's biggest expense, with the average employee getting \$26.41 an hour in pay and benefits.

"What chance of success would a new operator have if he had to take on these labor costs?" he asked.

Stu Doggett of the Montana Chamber of Commerce criticized the bill as an "undue intrusion" of the state into the private sector. He said the Columbia Falls aluminum plant and Butte mines likely wouldn't be in operation today if they had to honor the labor agreements that HB 861 would require of the railroads.

John Green, president of the new Montana Western short-line railroad between Garrison and Silver Bow, questioned whether the labor-agreement provision was constitutional. The bill, he said, "eliminates any new short lines in the state of Montana."

Meanwhile, John Post of Livingston, spokesman for



TESTIMONY -- HB535  
Senate Fish & Game Committee

I'm a licensed Montana outfitter. My wife and I conduct guided packtrips deep into the Bob Marshall Wilderness, and have done so for 18 years. During those 18 years, we've been privileged to have many people return with us many times; one for nine years in a row, two for seven, others for six. As far as I know, during our 18 years of providing a needed public service into one of America's largest Wilderness areas, there has never been so much as one complaint lodged against the quality of that service. I'm justifiably proud of that record.

Ours is not a large outfitting business. Nor do we have an opportunity to grow larger even if we wished, controlled as we are by the U.S. Forest Service. But our high quality "Mom & Pop" outfitting service is an economically marginal one. Without some assurance that those non-resident hunters we've come to love and depend upon and who love and trust us can obtain a license, our lifetime work of high quality service cannot survive.

There are those who'll tell you a lottery system will weed out the so-called "bad" outfitters, but that those with quality operations will survive. That, folks, is ridiculous self-serving poppycock and I'm confident anyone who's risen to your positions of public trust and confidence can readily determine the truth about HB535 -- that it is barely a subsistence level for yet

another Montana industry still staggered by a national recession.

I'd like to leave you with these words, taken from a recent issue of Reader's Digest:

"They say a person needs just three things to be truly happy in this world. Someone to love, something to do, and something to hope for."

I have someone to love -- my beautiful wife of 32 years who has worked shoulder to shoulder to establish our 18-year quality outfitting service. I have something to do. That is to continue our life's work -- our labor of love. I have something to hope for -- that the framework will continue to exist in Montana whereby a dream such as ours can always be a credit to you and to the Treasure State.

Thank you.

Charles Burr, Diamond Bar X from Augusta is in favor of  
HB 406 and HB 535. He wants every person of the Senate  
Fish and Game Committee to receive this notice.

9:00 A.M.

March 24, 1987

Adeline Nesbitt  
Livingstone

222-2362

Support HB 535

9:55 a.m.

324-87

SPECIALIZED HUNTING TRIPS

SUMMER PACK TRIPS



TRIPLE TREE RANCH

RAY AND BILL MYERS  
LICENSED OUTFITTERS

5520 SOURDOUGH ROAD  
BOZEMAN, MONTANA 59715  
USA

RAY 406-587-8513  
BILL 406-587-4821

Mr. Chairman, Members of the Senate Fish and Game Committee, for the record, I am Bill Myers a rancher and an outfitter and guide of 24 years from Bozeman. I am representing Gallitan County Agriculture Preservation Ass'n and I am also President of Montana Outdoors Ass'n, a group of outfitters and landowners, formed 2 years ago to deal with the problems of wildlife management and non-resident licensing.

I come before you today to support HB 535. I had some problems in doing that, but the other alternative was even more distasteful. You have heard testimony from an industry today that has a substantial investment in Montana. The outfitting industry, which brings into Montana \$34,000,000 plus. You are about to hear from others here today that have an interest in the wildlife and its welfare. They will address fairness, fee hunting, and locking up of traditional hunting grounds. That brings me to the arena of my testimony. Fairness, fee hunting, and traditional hunting grounds.

What are these traditional hunting grounds? Private lands--Agricultural lands. Landowners are actually charging a fee to hunt on their lands, they are leasing to outfitters such as you have seen here today, or they are guiding and

outfitting themselves. Why? To answer that question, we need to go back in time. Back to 1978. In 1978 the Department of Fish and Game as it was called then, came out with the 1978 MONTANA STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN, or SCORP as it was abbreviated. I am somewhat embarrassed to say I finally "discovered" a copy of this plan 2 years ago. I have found one [1], outfitter that remembers seeing it prior to my "discovery". I have not found a landowner that owns up to having seen it prior to my "discovery". SCORP has been updated as recently as 1985 holding along the same lines as the original document.

A short review of the document answers several questions that arise. 1. Under major issues to be resolved, the document describes projected wildlife, fish and recreational resource status through 1990. 2. Public access for recreation to private land is limited and is expected to be further restricted in the future. 3. The impact of non-residents on Montana's recreational resources needs to be identified so that goals and policies can be established or reviewed as appropriate.

Going further into SCORP, one finds the Strategic Plan for Montana's Wildlife and Fisheries Programs 1977-1990. Under this chapter, we learn that Montana is 30% controlled

by the Federal Government, 6% by state government, and 64%-- 64% is private. The majority of private land is used for agricultural purposes. In 1975, sportsmen participated in an estimated 5.2 million days of big and small game hunting, fishing and trapping. Projections in the SCORP were 6.5 million days of hunting, fishing and trapping by 1980.

A little further in our review of SCORP, we find the Wildlife Program. We discover management. Quote; "Under sustained yield management, biological surpluses of animal populations are harvested each year and the remainder of the population is continuously available to the non-consumptive user. The majority of wildlife species are not harvested. As we read further, we find the options the Department has to accommodate increasing hunting pressure:

1. Maintain or increase number of animals available through intensive management and/or protection of the habitat.
2. Regulate hunting in a manner that decreases hunting success.
3. Limit the number of participants.
4. Increase access to hunting areas not available to the public.
5. Implement a combination of the above four actions.

Again in our journey through SCORP, we come to the Big Game Strategic Plan. Big Game Goal: To maintain an available supply of big game to meet demand for all types of big game oriented recreation while insuring the protection and perpetuation of all big game species and their ecosystems.

6 year objective. 1977-1982--to strive to maintain reasonable public access to at least 70% of those private lands with big game.

Mr. Chairman, members of the committee, going back through time [1978] has shown us that 1. under sustained yield management we will have more wildlife, and in fact we do. Using the Departments own wildlife counts in most areas we have over 10 times the wildlife we had in 1975 when the non-resident combination license was limited to 17,000. 2. We have learned that 64% of Montana is private land. 3. We have learned that the long range plan called for opening up of at least 70% of those private lands to public big game hunting.

In drafting the Constitution, the founding Fathers gave the individual citizen specific rights in the Bill Of Rights.

All rights not specifically granted to individuals or withheld for the Federal Government were granted to the States. Included in these are the right to manage resident wildlife species. These animals the State holds in trust for the people. The only right any landowner has under this system is to limit access to property. As an economic incentive, he may charge a trespass fee, and charge for services in addition to the hunt, such as horses, guide fees, and so on, but he may not charge for the animal itself.

Montana Fish Wildlife and Parks regularly census populations and project the number which can be harvested without detriment to the population. A conflict arises when the number of permits available are totally allocated to individuals, and a landowner is unable to locate enough hunters to command a respectable price for his services. The landowners economic incentive is reduced for proper management and the resources necessary for wildlife propagation are likely to be allocated to some other non-wildlife use such as increased livestock use or wide scale timber harvest or something that will show economic return.

In review of several court cases, we find that landowners do have the right to restrict the public's access to wildlife:

"The exclusive right to hunt on a particular tract of

land is vested in the owner of such realty; and no one can trespass on such premises without the consent of the owner." [Ohio Oil vs. Jackson 69 Mich. 488: Hall vs. Alford 114 Mich. 165: Lamprey vs. Danz 86 Minn.: L. Realty Co. vs. Johnson 92 Minn.363: Herrin vs. Southerland 241 Pac 328 Mont.].

Further, the legality of a legislature authorizing access to private property was tested in Diana Shooting vs. Lamoreuz [114 Wisc. 44]; "The exclusive use of his own property is a property right of the owner which is protected by the Constitution. A legislature cannot authorize another to enter the premises for the purpose of taking game."

The case of L. Realty vs. Johnson went further towards management in stating: "While true that the title of all wild game is in the State...the owner of the premise it is located...has the right to exercise exclusive and absolute dominion over his property, and incidentally, the unqualified right to control and protect the wild game thereon." If you will also remember Montana's own Attorney General Greely recently reaffirmed this opinion.

It is apparent that the private landowner has legal right to control access over his property. Legally, he may also lease that right to any party he chooses as was

demonstrated in Kellog vs. King; "A landowner may make a lease of the hunting privileges giving the lessee the exclusive right to kill game or waterfowl on the premises.."

Inasmuch as the hunting rights are a property right, and the management authority for game on those properties rests not only on the State, but with the private property owner, restricting his opportunity to choose the hunters he desires by limiting the licenses seems constitutionally questionable.

I would submit to this committee that granted the outfitting industry is in dire straits, we have a major industry that has even worse economic problems. We have an industry that not only is in deep economic trouble, we are attempting to burden them even more by propagating more and more wildlife and forcing access on them without their permission. That industry that is taking the brunt of this abuse is Agriculture. Whether it be farming or ranching, Agriculture is feeding the bulk of the State's wildlife. Therefore, in all fairness, I would request of you an amendment to HB 535 on page 2, line 17 . folowing "and", insert: "5,600 of the authorized Class B-10 licenses and" .

If you look to who has the investment in Montana, who is providing the habitat, and who should participate in any set-a-side program, Agriculture should by all means have a large

part in any such program. East and West, Elk or Deer, Agriculture , ranching and/or farming, wildlife damage is a very real problem. The only economic benefit the landowner might enjoy is a trespass fee, and guiding services on his own property. The only sportsman that will really pay the cost of operating under sustained yield management is the non-resident sportsmen. Again, I urge this committee to amend HB 535 and enable the landowner to be compensated for his management and tolerance of wildlife. Amend HB 535 to give the landowner 5,600 non-resident combination big game licenses.

Again the amendment:

Page 2, line 17

Following: "and"

Insert: "5600 of the authorized Class B-10 licenses,and"

Bill Myers

Agriculture Preservation Association and Montana Outdoors Association.

TESTIMONY ON HB 535

before the Senate Fish & Game Committee, March 24, 1987  
by Lorents Grosfield, cattle rancher from Big Timber

HB 535 is a good bill. It introduces a new and much needed dimension to landowner incentives to provide hunting opportunities for the public. And it introduces a much needed reasonably-priced license for non-resident hunters that want to come to Montana but don't particularly care to hunt elk.

I support the Third Reading Copy of this bill, but I do have some amendment suggestions that I think would make the bill a little fairer to non-resident hunters as well as to landowners, such as myself, that might wish to utilize the landowner sponsor provisions regarding the deer B-11 licenses. Is it really necessary to say that the sponsor must "own" all the land to be hunted on? I don't really own my ranch per se; I am part of a family partnership that owns it. Many "family" ranches are actually owned by (family) corporations. And what about the 40-acre BLM tract that is surrounded by hundreds of acres of our private land--- according to this bill as presently written, I think I would have to post that land to keep a sponsored hunter off. And what about my neighbor--- he's a rancher who's leased "his" ranch for over twenty years from a widow who wanted to keep the ranch in her family name. Is it fair to exclude him? He's been operating longer than I have. What I am suggesting is to change "own" to "own or control". Also, I would suggest deleting the requirement in the present bill that requires the hunter to hunt "only" on lands owned by a particular sponsor. This is unfair to the hunter as well as to the landowner, and would be an administrative nightmare.

I urge your passage of HB 535, and hope you will consider these amendments.

SUGGESTED AMENDMENTS TO  
HB 535 (THIRD READING)

1. Page 2, line 19  
Following: "ON"  
Insert: "private"  
Following: "OWNED"  
Insert: "or controlled"
2. Page 3, line 16-17  
Strike: "THE SPONSOR IS A LANDOWNER AND THAT"
3. Page 3, line 18  
Strike: "ONLY"  
Following: "OWNED"  
Insert: "or controlled"

# Western Montana Fish and Game Association

MISSOULA, MONTANA



Jan. 10, 1987

Senate Fish & Game Committee  
State Capitol Building  
Helena, Montana

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 residents 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

# RESIDENT HUNTERS ALERT! PROPOSALS THREATEN MONTANA

The Western Montana Fish and Game Association is a private, Missoula based sportsmen's organization, which has for about 50 years worked to enhance the sport of hunting in western Montana. The Association has had several members attending the current legislative session in Helena, monitoring all bills directly affecting wildlife, hunting and fishing. The Association wishes to make public the following report on this year's legislative activity to date.

At least 25 bills affecting Montana hunting have been introduced in the current legislative session in Helena. Most contain good, sensible ideas for managing game and hunters. There have been several proposals in this legislature, however, that would take away local hunters' opportunities by:

- 1.) allowing up to 14,000 more non-residents to hunt Montana big-game.
- 2.) enabling some non-residents to avoid the lottery system and guarantee yearly hunts for themselves.
- 3.) allocating more permits to guides and outfitters effectively squeezing Montana and non-guided, non-resident hunters into evermore crowded public hunting areas.

All of the proposals listed above would, if made into law, place increased hunting pressure on Montana game herds, make it increasingly difficult for Montana hunters to find a place to hunt, and REDUCE THE AVERAGE RESIDENT'S CHANCES OF SUCCESS IN ANY AREA OF MONTANA.

Fortunately, many Montana legislators are hunters themselves — or understand the value of hunting to Montanans — and are willing to protect hunting resources and opportunities. They have already rejected some of the most detrimental proposals, but there are some still under consideration. At least one, HB535, NEEDS IMMEDIATE ACTION FROM MONTANA HUNTERS.

Pressure from several sources, including the Montana Outfitters and Guides Association, produced HB535 and pushed it through the House. It is about to come before the Senate. HB535 would create SIX THOUSAND NEW NON-RESIDENT licenses that would allow license holders to hunt for everything except elk and black bear.

Montana presently sells 17,000 non-resident combination licenses a year, which allow license holders to hunt elk, deer, and bear. About 35,000 applications are received annually, and about 4,200 of those receiving combination licenses last year hunted deer exclusively. So by issuing 6000 more deer licenses the state will essentially have created a minimum 4,200 non-resident elk hunters and a maximum of 6000 more non-resident elk hunters. The resulting 35% increase in out-of-state hunters would go into effect in the 1988 season.

6000 MORE NON-RESIDENT HUNTERS IN 1988 would mean a sharp increase in competition for the limited supply of game animals and places to hunt, WHICH WILL EVENTUALLY LEAD TO SHORTER SEASONS, HUNTING BY SPECIAL PERMIT ONLY, OR BOTH.

HB535 also calls for allocation of 2000 of those 6000 new licenses to out-of-state hunters who hunt with guides and outfitters, which tends to further damage hunting chances for Montanans, as explained below.

The state set aside 5600 non-resident permits for clients of outfitters and guides in 1985 and 1986, to help hunters and their guides to plan ahead. Since the recent average number of non-residents hunting with guides and outfitters has been around 5600, the additional 2000 permits allocated under HB535 would raise the total allocations to 7600, well above current proportions of demand for guided hunts. Landowners have also been allocated 2000 non-resident permits, and since some landowners are also outfitters and guides, the allocation is in excess of 7600. This legislation takes much of the risk out of the outfitting and guiding business. THIS HAS A DETRIMENTAL EFFECT ON THE AVERAGE HUNTER. Here's how:

With increased security and profits, outfitters and guides can afford to advertise more heavily and create more demand. They are also able to lease more private property for their clients, effectively squeezing local hunters away from the private property and onto public lands; furthermore, private landholders and their lessees have a vested interest in closing their lands to access to the public lands that frequently lie adjacent to theirs. They are then able to use the public land at their back doors as if they were their own. Local hunters are forced onto increasingly crowded portions of accessible public lands. WITH PASSAGE OF HB535, PRESSURE ON PUBLIC LANDS WOULD INCREASE, AND HUNTING OPPORTUNITIES FOR THE AVERAGE HUNTER WOULD DECREASE.

HB535, bad as it is, doesn't do as much as its backers hoped for. It replaces HB137, which called for issuance of 14,000 new non-resident permits, raising total non-resident annual numbers from 17,000 to 31,000 in 1988. (Another HB16, would have added 100 archery-only licenses this year to the current non-resident permit ceiling.) HB535 is simply one survivor, hopefully short-lived among several recent attempts at exploiting Montana hunting at the expense of Montana hunters.

The Department of Fish, Wildlife and Parks (FW&P), has made record of performance so far in this legislative session. However, Jim Flynn, its governor-appointed director, has done well in backing HB526, a measure designed to help the state acquire, develop and maintain wildlife habitat. Through hunting license fee increases, HB526 will enable the agency to lease, purchase, and/or acquire conservation easements on land especially suited to wildlife. The modest fee increases proposed in HB526 range from \$1 and \$3 for resident deer and elk tags, respectively, to \$50 for the nonresident combination license. The revenues thus collected would produce \$1.5 million in 1988 and \$2.2 million in 1989 to benefit wildlife, wildlife observers and hunters, residents and non-residents alike.

Although there are landowners eager to sell to the state in order to protect the land from development or other undesirable uses, this bill is opposed by others, and faces a tough journey into the law book. Letters and calls SUPPORTING HB526 are urgently needed.

To its discredit, FW&P requested introduction of HB407, which would have allowed nonresidents owning land in Montana to hunt deer, antelope and elk on that property with a resident license. This bill could have opened a number of doors for non-resident hunters and further diminished hunting opportunities for resident Montanans. FORTUNATELY FOR MONTANA HUNTERS, the House Fish and Game Committee went against FW&P and killed HB407.

Because it was such a potentially destructive bill, and because our state agency supported it, HB407's defects deserve to be detailed. It makes it clear that hunters cannot just sit back and expect their agency administrators to know and/or defend their interests. Non-residents write letters and make phone calls urging our agency people to help them out. So do all kinds of people who wish to stand to gain or lose money according to the way our land and wildlife resources are managed. HB407 is a good example of what agency administrators can be led to do.

HB407 created incentive for out-of-state hunters to purchase land in Montana primarily for the purpose of hunting. Not only would it have saved such hunters the annual license fee for non-residents

*Western Montana  
Game Association*

THE WESTERN MONTANA FISH AND GAME ASSOCIATION could use your support in its efforts to protect Montana hunting, for Montanans. Join today! You can help us keep a clear eye on, and give voice to

# LEGISLATIVE MONTANA HUNTERS

(for themselves and any of their immediate family, including spouse, parents, children, brothers and sisters), HB407 WOULD ALSO HAVE GUARANTEED NON-RESIDENT LANDOWNERS A LICENSE EACH YEAR, ELIMINATING THE RISK OF QUOTAS AND DRAWINGS.

Corporate stockholders in companies owning land in Montana would also have received resident licenses to hunt on that land, under provisions of HB407. Companies with huge landholdings in Western Montana, would have become instant hunting clubs for the economically privileged. Anyone owning 5% or more of the outstanding shares such a corporation would have been eligible, along with members of his/her family, for a resident license for hunting on the corporation's land. Since many ranches in Montana are also owned by corporations with non-resident shareholders, quite a few more non-resident hunters would have been encouraged to hunt in Montana by HB407.

HB407 would also have allowed members of a partnership to purchase resident licenses to hunt on property owned by the partnership. This would have provided incentive for hunting clubs to purchase Montana lands exclusively for their own hunting preserves, and guaranteed them yearly permits at resident prices.

FW&P, in backing bills that would hurt resident hunters, may be responding to the state's push for economic development. But poorer hunting opportunities for residents would not be good for most Montanans, hunter and non-hunter alike, economically or otherwise. Proposals that would benefit a few people who make money from hunting, or those who for one reason or another expect special privileges, must be weighed against the sporting interests of the hundreds of thousands of Montana hunters.

RESIDENT MONTANA HUNTERS CONTRIBUTE ALMOST THEIR ENTIRE INCOME TO THE ECONOMY OF MONTANA. People who live in Montana frequently value hunting opportunity higher than money-making opportunity. They've willingly given up money-making and cultural opportunities available elsewhere, so they could live, hunt, and recreate in Montana. They are frequently the people who do the most for conservation and other movements that keep Montana a pleasant place in which to live.

The people of "elsewhere" and yesteryear traded away their hunting opportunities long ago, in favor of making more money. Montana is one of the last strongholds of wildlife and high-quality hunting opportunity. The rest of the world envies Montanans for that. But if hunting is to remain good in Montana, for Montanans, and non-residents alike, hunters must be aware of and oppose those who would trade off hunting in favor of "economic growth." And they must let the lawmakers know if there's something going on that they don't like.

MONTANANS WHO WANT HIGH-QUALITY HUNTING, FOR THEMSELVES, THEIR CHILDREN AND THEIR GRANDCHILDREN, SHOULD ACT NOW by writing or calling their representatives and senators in Helena, and expressing their OPPOSITION to HB535, their SUPPORT for HB526, and their concern about hunting opportunities in general. You can call and leave a message for your senator at 1-444-4800 or write your senator at the following address: (Remember, time is of the essence.)

Montana Senate  
Capitol Station  
Helena, Montana 59620

*Fish and  
Hunting*



THE ASSOCIATION  
to enhance Montanans'  
membership dollars  
stronger voice in

Box 4294  
Missoula, Montana 59806  
728-7746

ACRES OF PUBLIC LAND IN EACH MONTANA COUNTY  
(F.Y. 1983 PILT PAYMENTS)

	COUNTY	ACRES	COUNTY SEAT	MAJORITY
1.	Flathead	2,417,824	Kalispell	
* 2.	Beaverhead	2,049,002	Dillon	FS
3.	Lincoln	1,787,009	Libby	
* 4.	Phillips	1,388,190	Malta	BLM
* 5.	Valley	1,131,822	Glasgow	BLM
6.	Ravalli	1,106,678	Hamilton	
* 7.	Lewis & Clark	1,060,816	Helena	FS
* 8.	Madison	1,050,685	Virginia City	FS
* 9.	Park County	914,571	Livingston	FS
10.	Sanders	905,785	Thompson Falls	
*11.	Garfield	827,329	Jordan	BLM
*12.	Powell	713,349	Deer Lodge	FS
*13.	Granite	709,103	Phillipsburg	FS
14.	Missoula	699,920	Missoula	
*15.	Gallatin	678,156	Bozeman	FS
16.	Mineral	643,392	Superior	
<hr/>				
**17.	Powder River	603,273	Broadus	BLM-FS
**18.	Carter	601,157	Ekalaka	BLM
**19.	Carbon	568,391	Red Lodge	FS-BLM
**20.	Jefferson	556,942	Boulder	FS
**21.	Fergus	499,743	Lewistown	BLM
**22.	Meagher	474,581	White Sulphur	FS
**23.	Blaine	458,462	Chinook	BLM
**24.	Prairie	429,408	Terry	BLM
**25.	Glacier	402,835	Cut Bank	NPS-FS
**26.	Petroleum	346,998	Winnett	BLM
<hr/>				
***27.	Custer	342,445	Miles City	BLM
***28.	Rosebud	329,477	Forsyth	BLM
***29.	Judith Basin	311,023	Stanford	FS
***30.	Broadwater	304,637	Townsend	FS
***31.	Sweetgrass	303,070	Big Timber	FS
***32.	McCone	277,581	Circle	BLM
***33.	Teton	265,434	Choteau	FS
***34.	Butte-Silver Bow	237,737	Butte	FS
***35.	Cascade	215,376	Great Falls	FS
***36.	Stillwater	192,010	Columbus	FS
<hr/>				
37.	Anaconda-Deer Lodge	184,453	Anaconda	FS
38.	Chouteau	157,014	Ft. Benton	BLM
39.	Lake	156,982	Polson	FS
40.	Fallon	121,906	Baker	BLM
41.	Pondera	107,919	Conrad	FS
42.	Musselshell	90,299	Roundup	BLM
43.	Yellowstone	88,779	Billings	BLM
44.	Dawson	68,591	Glendive	BLM
45.	Wheatland	53,369	Harlowton	BLM
46.	Richland	52,862	Sidney	BLM
47.	Hill	47,720	Havre	BLM
48.	Toole	46,013	Shelby	BLM
49.	Big Horn	35,651	Hardin	BLM
50.	Liberty	33,363	Chester	BLM
51.	Golden	31,968	Ryegate	BLM
52.	Wibaux	25,882	Wibaux	BLM
53.	Treasure	11,798	Hysham	BLM
54.	Roosevelt	4,722	Wolf Point	BLM
55.	Sheridan	1,388	Plentywood	BLM
56.	Daniels	200	Scobey	BLM

Source of Data - BLM payments to counties - FY 1983

\* Top ten east side counties with most acres of public land (BLM and National Forest)

\*\* List of east side counties in 11-20 category with most acres of public land (BLM and National Forest)

\*\*\* List of east side counties in 21-30 category with most acres of public land (BLM and National Forest)

County	Acres of Public Land	FY 1986 Payments		FY 1985 Payments		FY 1984 Payments		FY 1983 Payments		FY 1982 Payments	
		PILT	25%	PILT	25%	PILT	25%	PILT	25%	PILT	25%
Flathead	2,417,824	\$235,772	\$1,124,929	\$409,200	\$ 915,410	\$404,689	\$1,374,309	\$230,182	\$ 878,897	\$227,353	\$ 868,737
*Beaverhead	2,049,002	197,141	147,615	232,027	139,488	250,279	200,731	193,077	119,046	200,516	77,391
Lincoln	1,787,009	171,226	2,774,701	173,186	2,221,805	170,852	3,215,152	168,390	1,269,767	164,138	2,052,985
*Phillips	1,388,190	133,328	--	133,863	--	132,212	--	130,809	--	127,575	--
*Valley	1,131,822	256,381	--	234,776	--	237,360	--	231,054	--	221,950	--
Ravalli	1,106,678	438,730	468,915	458,367	393,514	563,771	293,593	152,564	238,786	337,881	64,190
*Lewis & Clark	1,060,816	694,738	149,693	719,846	128,438	699,026	117,509	656,525	80,955	658,219	95,458
*Madison	1,050,685	196,538	85,691	220,952	84,141	229,363	108,999	158,024	75,873	169,366	47,652
*Park	914,571	347,466	66,532	345,443	84,296	356,931	80,439	371,883	89,725	329,410	64,153
Sanders	905,785	86,968	601,539	87,890	632,241	133,498	828,277	85,353	531,695	83,242	304,002
*Garfield	827,329	78,377	--	79,352	--	78,281	--	77,959	--	76,054	--
*Powell	713,349	118,907	239,675	175,359	204,142	181,391	274,957	67,219	189,929	68,806	176,344
*Granite	709,103	68,070	134,396	68,828	111,018	72,148	149,364	66,818	132,875	65,222	63,173
Missoula	699,920	277,528	287,525	361,173	137,508	362,414	376,793	215,614	248,629	210,086	209,716
*Gallatin	678,156	450,306	50,676	450,207	66,112	457,076	60,662	449,832	68,766	442,352	48,392
Mineral	643,392	61,758	227,284	62,446	171,179	61,662	311,880	60,627	213,784	59,128	169,686

\*10 counties only \$2,541,252 \$874,278

\*Top ten east side counties with most acres of public land (BLM and FS)

3/24/87

Gentlemen:

I wish to urge a No vote on HB 535. Our local Ravalli County group has a large majority agreeing with me.

I do not like set asides for any particular group. The outfitters have problems but competition is the big one and this bill won't help. The 5,600 out of 17,000 isn't too bad. But the deal giving a landowner is lousy. It will result in more fee hunting and less access to all of us. I don't believe 2,000 tickets extra for outfitters and 2,000 to landowners is a definite No - No.

John Kantjar  
416 Birch Cr.

Corvallis, MT. 59828

Date: March 23, 1987

To: Senate Fish & Game Committee

From: George H. Holman, Ravalli County Sportsman

Re: H.B. 535 The setaside of 5600 licenses out of 17,000 non-resident plus 2,000 of 6,000 deer, bird and fish licenses.

I urge you to vote "no" on this for these reasons:

1. We all believe in Democracy. All are equal under the law. "Setasides" promote eliteism. The idea is undemocratic.
2. The monetary impact on the state is not dependent upon the setaside. It will accrue with or without this.
3. Outfitting in Montana is a growth industry needing no favoritism.  
In 1975 there were 405 outfitters with 22,275 clients.  
In 1979 there were 430 outfitters with 23,650 clients.  
In 1986 there were over 1400 outfitters pleading for special privileges.  
Perhaps they should strive to regulate themselves.
4. Non-resident hunters need no further inducement to hunt in Montana when 17,000 licenses can be bought in 6 days. What is needed is a better lottery system.
5. Any additional non-resident deer, bird, fish licenses should be confined to the eastern half of Montana during years of over-abundant game only. There has never been an over-abundance of game in western Montana.

Date: March 23, 1987

To: Senators and Representatives

From: George H. Holman, Ravalli County Sportsman

Re: H.B. 526 Habitat Protection Fund

We urge you to vote "yes" for these reasons:

1. A limiting factor in big game numbers is winter habitat. The current 13 elk winter ranges provide food for only 12 to 16% of the states 80,000 elk. This bill, with which most sportsmen agree, will provide ear-marked money for the lease, easement or purchase of land for winter range.
2. This bill will help insure the continued economic benefits of hunting in Montana.

~~HB 535~~  
Doug Gardner  
Mr. Chairman - Senators

HOW DOES A LICENSE SET ASIDE FOR OUTFITTED CLIENTS EFFECT MONTANA?

~~There are two important ways that a set aside effects our~~ state. One way is economic and the other is social.

First let's look at economics. An outfitted hunter, according to a study by MSU, spends exactly \$1,487 dollars more in Montana than a non-outfitted hunter. The set aside in HB 535 will bring an additional \$11.3 million dollars a year of new money into the Montana economy. Even without increasing the number of non-resident hunters, the greater the set aside the more the economic benefit to our state.

~~Next~~, let's look at the social effects. ~~After all, the limits imposed on the non-resident deer and elk licenses were, and are still, based on the social impact of non-resident hunters competing with resident hunters for a place to hunt. How does a set aside change the social effects non-residents impose on resident hunters? The same university study mentioned earlier says that the average outfitted hunter spends 11 days in Montana and the average non-outfitted hunter spends 16 days in Montana. The outfitted hunter is spending one-third less time hunting than the non-outfitted non-resident hunter. A set aside puts more hunters into the 11 day group and fewer in the 16 day group. The greater the set aside the lesser the non-resident social impact, all other things being equal.~~

But, all other things are not equal. Outfitters normally do not take their hunters into areas where they compete with resident hunters, but rather pack them into the backcountry beyond where most residents hunt -- even further reducing the social impacts of outfitted non-residents.

In summary, the set aside in HB 535 not only benefits our state's economy by \$11.3 million dollars a year, it also reduces the non-resident hunting by 38,760 days and puts more non-residents in the backcountry away from residents.

I support HB 535 Robert D McNeill  
Diamond Hitch Outfitters  
3405 10 mi Rd  
Dillon MT. 59725  
683-5494

MARIO CHIESA  
ATTORNEY AT LAW

428 N. GULLEY ROAD  
DEARBORN, MICHIGAN 48128

(313) 277-1967

March 19, 1987

Honorable Edward Smith  
Montana Legislature  
Helena, Montana

Dear Mr. Smith:

Believe me, it is not my habit to go out and look for trouble and then jump in with both feet; enough comes my way naturally. Yet, I really am concerned about a family and a professional I have come to know and admire. I am not going to mention their name; I don't want to be responsible for making them the object of unwarranted attention. I'm speaking of the outfitter I met a number of years ago and who I try to get back to Montana to see and hunt with as often as I can.

I don't have all the facts, but what I've heard so far leads me to believe there is a real problem regarding the allocation of the nonresident big game licenses and specifically the inability of outfitters to maintain their bookings. As I understand it, my friend has had responses from about 28 of the individuals booked for 1987 and 12 didn't receive their licenses. Losing a dozen Elk hunters means losing several thousand dollars of income. I don't think you or I would like to be in that position. If all of the lost dollars caused by hunters who didn't receive licenses and who booked with outfitters are considered, the total would probably be staggering. Dollars that would have paid for outfitter fees, lodging, food, gasoline and numerous other items and which ultimately pay for roads, universities, public programs and public employees, were irrevocably lost. This is in addition to the fact that a number of hard working people and their families are taking it on the chin.

Furthermore, given the fact I get to Montana as often as I can and have spent more money than my spouse can tolerate, I ask you to consider me and people in my position.

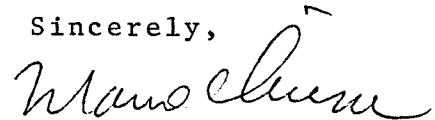
Honorable Edward Smith  
Page Two  
March 19, 1987

I would probably come even if I didn't get a license. There is something about spending time with friends in the Bob Marshall and soaking up its beauty that puts life in focus and cleans out the cobwebs. Yet, I don't think the outfitters should have to depend on people who may share my point of view. Hunting is the attraction, and the goal of most of those who book outfitters is to hunt, and probably hunt Elk.

I get the impression that those who oppose the outfitters are better organized and probably better funded. If this conflict is like others concerning hunting there are probably some pretty big out-state groups opposing any relief for the outfitters. My friend and his dad have been in the outfitting profession for over 50 years. They don't have a well funded organization backing them, they look to you and the law for help. Anyone who can take a midwesterner like me, put me on a horse for ten days, show me the most beautiful country in the northwest, get me within rock throwing distance of a majestic bull and then maintain their sanity when I do something dumb or decide not to shoot, deserves all the help they can get.

I know you and the other lawmakers are being bombarded with arguments and various points of view and competing interests. Some of the tactics people use to get your attention may be fair and some not so fair. I know you are wrestling with a tough problem. Yet, it seems to me that any appropriate result would have to recognize the need for the outfitters to secure some stability in their businesses. Obviously stability is directly linked to nonresident hunters securing licenses. I know there are many facets of the problem; yet, any thoughtful resolution must protect the hard working people who make up the outfitting industry in Montana. They unlike some others who may be involved in this dispute raise families, vote and pay taxes in Montana. They need your help. Thanks for listening!

Sincerely,



MARIO CHIESA

MC:mec



March 23, 1987

Senate Committee for F.W. & P Department of Montana  
Helena, MT 59601

Att: Chairman Ed Smith

Dear Sir:

I want it to be on record that our business has been put in danger as a result of the 1987 non-resident hunting license sales process used by the Montana Department of Fish, Wildlife and Parks.

Six non-resident clientele had booked with me to hunt in Area 560 during the 1987 season. Five of the customers failed to receive a license and the one that did succeed in receiving a license is not now planning to hunt with us this year as his hunting companion who was to accompany him did not get a license.

I am now told that those who put a note with their applications stating they desired a none or all results in the drawing were able to do so. This was not information made known to all, thus discriminating against those unknowing individuals who applied singly.

I understand the department as been working to solve this complex problem, but more is needed if businesses are to survive. Our business revenue comes entirely from the non-resident recreationist of which big game hunting is a large part and we will not survive if this continues.

Respectfully submitted,

ROBERT W. (BILL) JARRETT

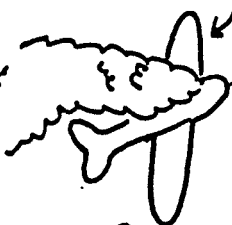
# HOUSE BILL 535



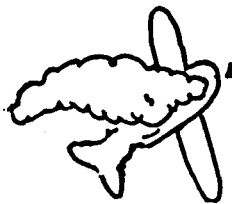
NON RESIDENTS WHO  
DIDN'T GET A LICENSE



GUIDES & COOKS  
WHO DID HAVE  
A JOB.



MONTANA  
OUTFITTER



NON RESIDENTS WHO  
THOUGHT THEY HAD  
A LICENSE, ON THEIR  
WAY TO MONTANA

YOU KNOW, SENATOR,  
WE HAVE THE  
POWER TO CHANGE  
ALL THIS...

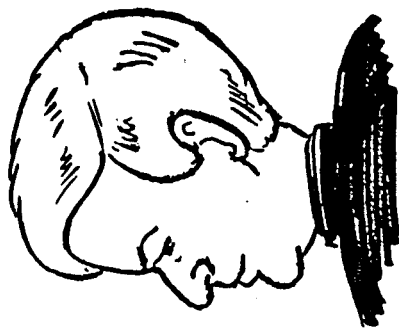
MONTANA RETAIL  
BUSINESS PROFITS.



ECONOMY OF  
MONTANA



REPRESENTATIVE



SENATOR



MONTANA FISH  
& GAME DEPT. →  
EXERCIZING THEIR  
LICENSE DRAWING.



MONTANA  
WILDLIFE  
FEDERATION

March 16/87

To whom it may concern,

My wife and I run a wild game processing business west of Great Falls.

A good portion of our business comes from a local outfitter.

Because of the limited amount of licenses available to him he now has to turn down over 12 clients booked for the '87 season. These people cannot get a hunting license, they are all gone.

This means a great loss of income to him and of course to us!

Please reconsider and make more hunting licenses available for the outfitters of this state. The local economy could sure use money!

Thank You

Harold R. Wahl

Jan M. Wahl

Valley Meat Processing

AMENDMENTS TO HB 535

Page 2, Subsection 2, Line 8  
Add: Not more than

Page 2, NEW SECTION, Section 2  
Line 14  
Strike: 5600  
Insert: 6500

Line 15  
Strike: 2000  
Insert: One third of the

Line 17  
Strike: 2000  
Insert: One third

Date: March 23, 1987

To: Senate Fish & Game Committee

From: George H. Holman, Ravalli County Sportsman

Re: H.B. 535 The setaside of 5600 licenses out of 17,000 non-resident plus 2,000 of 6,000 deer, bird and fish licenses.

I urge you to vote "no" on this for these reasons:

1. We all believe in Democracy. All are equal under the law. "Setasides" promote eliteism. The idea is undemocratic.
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Date: March 23, 1987

To: Senators and Representatives

From: George H. Holman, Ravalli County Sportsman

Re: H.B. 526 Habitat Protection Fund

We urge you to vote "yes" for these reasons:

1. A limiting factor in big game numbers is winter habitat. The current 18 elk winter ranges provide food for only 12 to 16% of the states 80,000 elk. This bill, with which most sportsmen agree, will provide ear-marked money for the lease, easement or purchase of land for winter range.
2. This bill will help insure the continued economic benefits of hunting in Montana.

Russ Barnett  
7373 Hwy 2 East  
Columbia Falls, Mt 59912

Senate Committee on HB 535

As a Montana sportsman I urge you to support HB 535. If more non-residents are required to hunt with an outfitter or private land owner they will be hunting in areas that most residents don't have access to. I believe that this bill would relieve some of the pressure on our already over hunted roads.

A handwritten signature in black ink, appearing to read "Russ Barnett", followed by a long horizontal line extending to the right.

Russ Barnett

March 16, 1987

Senator Ed Smith  
Capitol Station  
Helena, MT 59620

Re: HB 535

Dear Senator Smith:

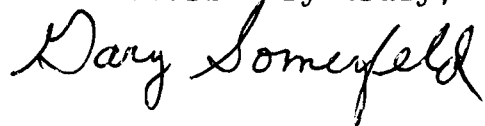
Please vote in favor of HB 535.

HB 535 provides a new system for allocating the limited number of out-of-state game licenses between guided and non-guided hunters.

Mt. outfitters and their clients represent a significant source of out-of-state revenue, and HB 535 assures their continued viability in Montana.

Please work toward passage of HB 535.

Yours very truly,

A handwritten signature in cursive script that reads "Gary Somerfeld". The signature is written in dark ink and is positioned below the typed name "Gary Somerfeld".

cc: Senators Walker, Meyer, Thayer and Manning

Mar. 17, 1987

Dear Senator Smith,

Montana's economy depends in large part upon out of state income. An important source of this revenue is derived from out-of-state hunters who hire Montana outfitters.

Because of current licensing methods, many Montana outfitters are seriously threatened with the loss of their businesses.

House Bill 535 fairly apportions non-resident licenses between guided and non-guided hunters. It will allow outfitters with sufficient numbers of clients to insure the continued existence of their guiding businesses and thereby greatly enhance the state's coffers.

Please actively support HB 535 and vote for its passage.

Sincerely,

Randall O. Olsen

Mar. 17, 1987

Dear Senator Smith,

Montana's economy depends in large part upon out of state income. An important source of this revenue is derived from out-of-state hunters who hire Montana outfitters.

Because of current licensing methods, many Montana outfitters are seriously threatened with the loss of their businesses.

House Bill 535 fairly apportions non-resident licenses between guided and non-guided hunters. It will allow outfitters with sufficient numbers of clients to insure the continued existence of their guiding businesses and thereby greatly enhance the state's coffers.

Please actively support HB 535 and vote for its passage.

Sincerely,

*Orin Olson*  
430 Klock Rd  
Cascadia, MT  
59421

March 16, 1987

Senator Ed Smith  
Capitol Station  
Helena, MT 59620

Re: HB 535

Dear Senator Smith:

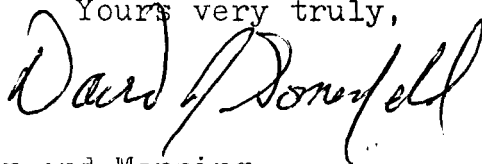
Please vote in favor of HB 535.

HB 535 provides a new system for allocating the limited number of out-of-state game licenses between guided and non-guided hunters.

Mt. outfitters and their clients represent a significant source of out-of-state revenue, and HB 535 assures their continued viability in Montana.

Please work toward passage of HB 535.

Yours very truly,

A handwritten signature in cursive script, appearing to read "David Donnelly".

cc: Senators Walker, Meyer, Thayer and Manning

Testimony of Larry Stanley ~~as~~<sup>my</sup> chairman and committee members

as a representative of the airlines industry I would like to voice my support for any method which would allow more non resident licenses to be sold to those folks that use outfitters and guides services. I will have to make one qualification of my support by saying that the legislature will have to determine the number of licenses to be made available. I am not qualified to make that determination.

what I am qualified for is, to verify the type of person who is most likely to use the airlines that serve Montana during a traditionally slow period is the same one who would be inclined to use an outfitters & guides services. Those same people leave double the amount of money per person in the state than the out of state who comes here on his own.

If we really support "The build Montana theme" then we need to consider supporting those programs that bring the most revenue into Montana.

3/17/87

Montana Dept of Fish, Wildlife + Parks

Dear Sir:

I am writing in concern to the limited number of license that goes to applicants choosing to use the services of an outfitter.

The reason for this letter is to let you know that we, non resident hunters are concerned and would greatly appreciate the Dept. listening to our thoughts on this matter.

Our interest is for the concern of the outfitter as well as our own. When an application for a license is denied things can really get fouled up. We the hunters have to do a lot of advanced planning such as scheduling of work, vacation time and finances just to name a few around the time we book our hunt. As for the outfitters many of them depend on the hunters to help them make their living.

cont.

So when they book a hunt and find out that their hunters didn't receive a license, they have to return them their down payments plus lose the income they depended on to get them through the winter. I have already heard that some will have to go out of business. I realize that there is no easy solution to this matter, but feel that by increasing the number of licenses to applicants choosing to use an outfitter would be a big help.

Thanks very much for taking the time to read this letter

Thanks again  
Ronald Poffenberger

Fram

Ronald Poffenberger  
Rt 3 Box 352  
Boonsboro, Md. 21713

Dear Mr. Smith,

I am sorry to hear that you are unable to go to the office. I hope you will be able to return soon.

I have been thinking about you a great deal lately. I hope you are feeling better now. I will be sure to take good care of the things you left behind.

I am sure you will be back soon. I will be waiting for you.

Yours truly,  
John Doe

P.S. I have been thinking about you a great deal lately. I hope you are feeling better now. I will be sure to take good care of the things you left behind.

1000

1000

1000

1000

March 16, 1987

Senator Ed Smith  
Capitol Station  
Helena, MT 59620

Re: HB 535

Dear Senator Smith:

Please vote in favor of HB 535.

HB 535 provides a new system for allocating the limited number of out-of-state game licenses between guided and non-guided hunters.

Mt. outfitters and their clients represent a significant source of out-of-state revenue, and HB 535 assures their continued viability in Montana.

Please work toward passage of HB 535.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Greg Reble".

cc: Senators Walker, Meyer, Thayer and Manning

Mar. 17, 1987

Dear Senator Smith,

Montana's economy depends in large part upon out of state income. An important source of this revenue is derived from out-of-state hunters who hire Montana outfitters.

Because of current licensing methods, many Montana outfitters are seriously threatened with the loss of their businesses.

House Bill 535 fairly apportions non-resident licenses between guided and non-guided hunters. It will allow outfitters with sufficient numbers of clients to insure the continued existence of their guiding businesses and thereby greatly enhance the state's coffers.

Please actively support HB 535 and vote for its passage.

Sincerely,

*Marie Dubé*

March 16, 1987

Senator Ed Smith  
Capitol Station  
Helena, MT 59600

Re: HB 535

Dear Senator Smith:

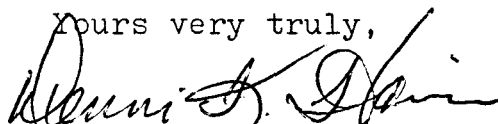
Please vote in favor of HB 535.

HB 535 provides a new system for allocating the limited number of out-of-state game licenses between guided and non-guided hunters.

Mt. outfitters and their clients represent a significant source of out-of-state revenue, and HB 535 assures their continued viability in Montana.

Please work toward passage of HB 535.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Dennis H. Davis".

cc: Senators Walker, Meyer, Thayer and Manning

March 16, 1987

Senator Ed Smith  
Capitol Station  
Helena, MT 59620

Re: HB 535

Dear Senator Smith:

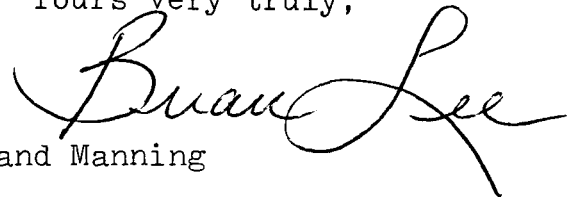
Please vote in favor of HB 535.

HB 535 provides a new system for allocating the limited number of out-of-state game licenses between guided and non-guided hunters.

Mt. outfitters and their clients represent a significant source of out-of-state revenue, and HB 535 assures their continued viability in Montana.

Please work toward passage of HB 535.

Yours very truly,

A handwritten signature in cursive script, reading "Brian Lee". The signature is written in dark ink and is positioned to the right of the typed name "Brian Lee".

cc: Senators Walker, Meyer, Thayer and Manning

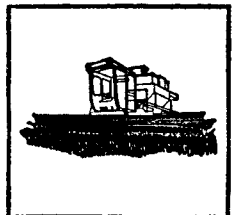
3/20/87

Honorable Ed Smith,

I strongly endorse HB 535. This bill brings much needed income to Montana and provides jobs and money to our depressed agricultural economy. I believe the outfitters should be issued as many licenses as they have committed hunters. If this ultimately means the majority of out of state licenses go to hunters booked with outfitters, then so be it. Every hunter booked with an outfitter brings about double the money into Montana as a non-booked hunter. The current system of outfitters paying for leases and spending large sums to attract hunters to Montana and then the hunters not getting licenses is grossly unfair.

Sincerely

Gwen Hoover



LAW OFFICES OF  
CONKLIN, NYBO & LEVEQUE  
104 FOURTH STREET NORTH  
P. O. BOX 2048  
GREAT FALLS, MONTANA 59403

WILLIAM CONKLIN  
L. D. NYBO  
E. LEE LEVEQUE  
THOMAS J. MURPHY

AREA CODE 406  
PHONE 727-9270

March 15, 1987

Senator Manning  
Senator Meyer  
Senator Smith  
Senator Thayer  
Senator Walker

Re: HB 535

Sir:

I am writing to seek your support of HB 535.

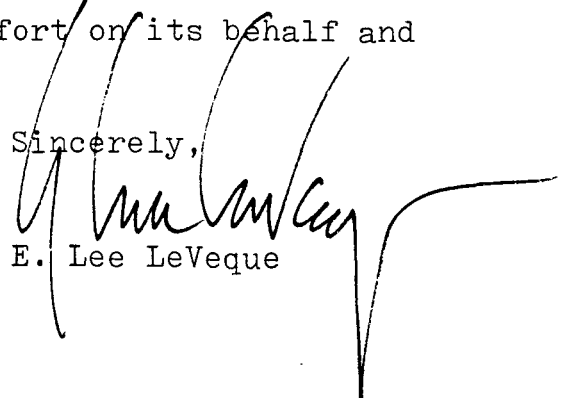
As you know, a major source of Montana's out-of-state revenue is received from hunters who purchase non-resident licenses and hire Montana outfitters as guides.

Presently, many of these outfitters face the very real prospect of losing their businesses because of the current system of license allocation. The economic loss to Montana would be significant.

HB 535 represents a fair and equitable allocation of out-of-state licenses between guided and non-guided hunters, while at the same time protecting one of Montana's most important natural resources.

Please support HB 535 in an active effort on its behalf and by your vote on its passage.

Sincerely,

  
E. Lee LeVeque

ELL:ab

MUNSON RADIO  
616 10th Street South  
Great Falls, Montana 59405  
406-453-1884

March 19, 1987

Senator Edward Smith  
Montana Senate  
Helena, Montana 59601

Dear Senator Smith:

I would like to advise you of my support for  
House Bill 535, the outfitters of Montana bill.

Thank you.

Sincerely,



Anna Munson



**JOHNSON**

TWO-WAY FM RADIO COMMUNICATIONS SYSTEMS

March 18, 1987

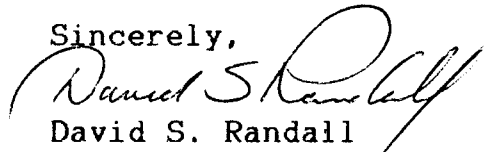
Dear Senator Smith,

I am writing in regard to House Bill 535.

Guiding and Outfitting is one of Montana's notable sources of securing money from out-of-state, and benefits all Montanans. The sharp decrease in the number of out-of-state licenses available to Guides and Outfitters severely limits this revenue.

Please give this your fullest consideration regarding House Bill 535. A guide or outfitter simply cannot book a hunt in advance, if he is not guaranteed a certain number of the non-resident Big Game licenses available.

Sincerely,

A handwritten signature in cursive script, appearing to read "David S. Randall".

David S. Randall

Great Falls, MT 59404

Route 2  
Belington, WV 26250  
March 21, 1987

Honorable Governor Ted Schwinden  
Capitol Building  
Helena, MT 59620

Dear Honorable Governor Schwinden,

I have been informed that legislation will be presented this year that will affect out of state hunters, licensed outfitters and guides. For many years it has been my pleasure to hunt in Montana with Licensed Guides and Outfitters. Therefore, don't allow any legislation to pass that will hurt this group which is so vital to your state's economy.

Each year I spend about \$3,000.00 with the people of Montana. This includes hotel bills, car rental, meals, and guiding services, plus clothes, gifts and presents that I take back to West Virginia.

In order to protect your outfitters and your tourist economy, more licenses need to be made available for hunters who use the service of Licensed Guides and Outfitters.

Entirely too many out of state licenses are made available to out of state hunters who come to your state in their cars, trucks or campers and spend very little money while there. This I know first hand since some of the people are West Virginia people that I know personally.

The people that make hunting a pleasure and build a strong economy are the Licensed Guides and Outfitters.

Please use your influence to protect the outfitters so that people like me can come to Montana each Fall and enjoy your great and beautiful state.

Sincerely yours,

  
A. Houston Booth

CC: Senator William Norman  
Capitol Building  
Helena, Montana 59620

Senator Edward Smith  
Capitol Building  
Helena, Montana 59620

Donald C. Wasser  
7705 Manor House Drive  
Fairfax Station, VA 22039

March 20, 1987

Senator Ed Smith  
Chairman Fish & Game Committee

Dear Senator Smith:

As a visitor to the Bob Marshall on a pack trip in the summer of '82 and since then as an unsuccessful applicant for an out of state hunting license in '86, and a successful applicant for the '87 season, I must express my hope that the House Bill 535 will be supported by you.

As you are well aware out of state visitors, be they tourists, fishermen or hunters, cannot help but contribute to the economy in a rather substantial fashion without demanding much in the way of services in return.

I will not belabor the point but I do hope the Outfitters have an opportunity to show off Montana to more and more summer and fall visitors who, in turn, will become as I have an enthusiastic Montana booster.

Sincerely,



Donald C. Wasser

# SEVEN LAZY P GUEST RANCH

SADDLE HORSES  
PHOTOGRAPHY  
CABINS



PACK TRIPS  
HUNTING  
FISHING

PHONE 466-2044 :: CHOTEAU, MONTANA 59422

Licensed Outfitter and Guide—Chuck and Sharon Blixrud

Member of the Dude Ranchers Association and the

Professional Wilderness Outfitters Association



CHOTEAU, MONTANA 59422

## Seven Lazy P Guest Ranch

March 20, 1987

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

Dear Senator Smith,

I am writing in reference to the House Bill 535, which will set aside 5600 non resident hunting licenses for clients of outfitters.

As the reports come in, we have lost 20% of our booked 1987 fall hunters....This has amounted to over \$6000 in lost revenue to us. This is later going to result in the loss of at least one man which I would have employed this fall. I lost all drop camp hunters, which I take for a lesser fee than our fully guided hunters, but regardless, I could have lost all guided hunters too.

I would urge you to support House Bill 535, but not for the 5600 licenses, but 7000 instead. Many outfitters have lost hunters, and this is new monies coming into the state. It is through these folks that we are able to survive, and we work hard to build a reputation with preferred clients so they will speak well of our business. And two parties we lost were guests of the highest caliber, and not only clients but very dear friends.

Please let me know if I can be of any help to you in furthering these goals.

Sincerely, *Chuck Blixrud*



STEPHEN S. FENNELL, D.D.S., P.C.

PROFESSIONAL CENTER  
600 OGLETHORPE AVENUE  
ATHENS, GEORGIA 30606

(404) 549-5033

DIPLOMATE  
AMERICAN BOARD OF  
ORAL AND MAXILLOFACIAL SURGERY

PRACTICE LIMITED TO  
ORAL AND MAXILLOFACIAL SURGERY

March 20, 1987

Senator Edward Smith  
State Capitol Building  
Helena, Montana 59601

Dear Senator Smith:

I have hunted, fished and vacationed in Montana each year since 1972 and have made many lifelong friends in your beautiful state. I have always used licensed guides and outfitters and have left the economy of Montana in an improved condition on my leaving.

This year I will not be hunting in Montana for the first time in 15 years because I was not drawn. Income planned upon by my guide will not be coming.

In view of this, I feel that the number of outfitter guaranteed permits for hunting should be increased to at least seven thousand.

Sincerely,

*Stephen S. Fennell DDS PC*

Stephen S. Fennell, DDS PC

SSF/keb

Russ Barnett  
7373 Hwy 2 East  
Columbia Falls, Mt 59912

Senate Committee on HB 535

As a Montana sportsman I urge you to support HB 535. If more non-residents are required to hunt with an outfitter or private land owner they will be hunting in areas that most residents don't have access to. I believe that this bill would relieve some of the pressure on our already over hunted roads.

A handwritten signature in dark ink, appearing to read "Russ Barnett", followed by a long horizontal line extending to the right.

Russ Barnett



"TEDDY ROOSEVELT ARCH"



## Gardiner Chamber of Commerce

P. O. Box 81  
Gardiner, Montana 59030

March 19, 1987

Dear Senator,

I am writing to urge you to support HB 535 which will enable outfitters to obtain licenses for their out of state hunters.

Outfitters and the business they and their hunters bring us are vital to the economy of the Gardiner community and the state. Their business comes, for the most part, after the main tourist season in summer and provides some activity during an otherwise very quiet time of year. All year long, they and their families and their hands are a part of this community. We need outfitters and they need HB 535 in order to remain in business.

Please support this bill. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wade Laubach", with a long, sweeping horizontal line extending to the right.

Wade Laubach

President

Gardiner Chamber of Commerce

# Jack Atcheson & Sons, Inc.

INTERNATIONAL HUNTING, FISHING & PHOTOGRAPHIC CONSULTANTS  
INTERNATIONAL TRAVEL AGENCY



3210 Ottawa Street  
Butte, Montana 59701

Telex 551-643

Telephone (406) 782-2382  
(406) 782-3498  
Travel Agency (406) 494-2415  
Taxidermy (406) 782-0569



I am Jack Atcheson from Butte. I am a hunting consultant, which is similar to an airline travel agent. But instead of Hawaiian tours, I find hunters. Our business is worldwide. The majority of our clients are from other states or foreign countries. For 25 years I ran a taxidermy business, all businesses employing an aggregate of 18 people, year round.

I have just lost \$12,000 on commissions because clients did not draw licenses. My sons lost \$42,000, also because clients did not draw licenses.

Licensed outfitters don't block that much land. Landowners block the land. Even doing away with outfitters won't open any private land. Montana would quickly be taken over by unlicensed rogue outfitters from Texas or California. They'll bring their clients to hunt in Montana, but do their banking in Dallas or Los Angeles.

Montana is for sale. The ranches are sold to non-residents as a tax shelter, sub-divisions, or a second home. They post the land 12 months a year, not just during hunting season. What is needed are easements and public roads that get the public behind the blocked area. Don't blame licensed outfitters for this.

In Montana during the last five years only recreation has made money - agriculture, logging, and mining have declined. The destiny of Montana is to be a recreational state. However, Montana is not obligated to furnish low cost vacations or low cost hunting licenses to non-residents. If Montana is to be a recreational state, we must charge for it. The fact that some non-resident does not have enough money does not mean that we have to subsidize him. The residents of

Alaska • Asia • Africa • Australia • British Columbia • Idaho • Mongolia • Montana • Yukon

Go while you are physically able

Montana get all of the big game licenses they want, while the non-residents are limited to under one-fifth of what residents receive. Some residents say that is still too many, and I understand that. Opponents feel that non-residents are not getting a fair shake. Their objective puzzles me, but when you consider that about 40% of this state is Federal land, perhaps opponents would think it even more fair if half the licenses went to non-residents and half to residents. This would be very fair to non-residents, but would make the residents somewhat unhappy.

It would be even more fair if the cost of non-resident licenses were reduced, and the resident licenses were increased. This would make it more fair to the poor non-resident. One of the biggest reasons that non-residents flock to Montana is because the combination license is CHEAP. Montana has the cheapest license of all states offering elk, including Wyoming, Colorado, Idaho, New Mexico, Alaska, Arizona, and Michigan. Yes, elk in Michigan! Consider the poor non-resident from Michigan. He can hunt cheaper in Montana than I, as a non-resident, could hunt in Michigan. I would pay \$470 in Michigan to hunt elk, deer, and black bear, birds, and fish, but only \$350 in Montana. Why so cheap? Is Montana going to give away its resources just because some opponents feel non-residents are not getting a fair deal?

We don't give away our coal. We're going to have a bed tax and a sales tax, yet opponents want us to furnish cheap licenses for cheap vacations for non-residents. Don't feel too sorry for non-residents.

By the year 2000, tourism will be the biggest business in the world. They will clutter up the highways, streams, and mountains. But we need regulated tourism of any type. The licensed outfitter is regulated, but the cost of doing business is high.

The cost of advertising has nearly doubled in the last five years, but the pool of prospective clients has not doubled. If we are to have more hunters or recreationists in Montana, it is just because we took them away from Wyoming, Idaho, or British Columbia, because of cheap licenses and mass advertising. Don't make it any tougher for us. Licensed outfitters bring new money into the State. Guided hunters only take 8% of the elk and 2% of the deer killed each year.

In Wyoming they have a drawing for elk. Outfitters must double book to hopefully draw enough clients. This costs twice as much in advertising. The clients become hesitant because they want to plan and you can't predict the drawing. Therefore, the Wyoming outfitter must cut his prices to make things appealing. I do not handle Wyoming hunters in our booking business, it is not worth the effort. If there is no set-aside of licenses, why gamble to lose \$15,000 more?

If we want to destroy a \$34 million dollar industry, we can do it by making it tough on outfitters, and recreationists.

#### TAXIDERMY SHARE

#### NON-RESIDENT HUNTERS

In 1955 there were 15 taxidermists in the state. Now there are 150. Each person left about \$41 for the taxidermist (\$820,000). 1250 will continue to ship taxidermy to the Montana taxidermists. Out of state shipments originating from Alaska or Africa average \$800. This is a minimum of \$1,820,000. All out of state money. Every year this figure will continue to grow rapidly. If you give us 3000 more licenses, it will mean \$300,000 next year to the taxidermist trade alone.

# LOSS OF PRIVATE LAND READ

Non-residents are limited to only 17,000 combination big game licenses. Maybe that is not fair, since residents get over 100,000. There is no limit on the resident licenses but non-residents are limited. That is not fair.

If you remove, today, all of the licensed guides and outfitters in Montana in just a short time the void would be filled with rogue outfitters from other states. They pay no Montana taxes, they do not pay 3% to the government, the clients they bring to Montana would do their hunting here but all of the money would end up in a bank in Texas.

For many years there have been approximately 5,000-7,000 people hire guides, it was not a problem. Why is it such a big problem this year?

## LOSS OF PRIVATE LAND

Private property is being leased up by resident and non-resident alike. At this time only 1½% of the state of Montana is leased by licensed outfitters. Far more is leased by rogue outfitters and people who just want to lease land to hunt with or without a guide. What brought this all about, where did it go, will we ever see the good ole days again? The answer is no. Enclosed are 10 situations pointing out what has happened with private property. To start off there is nothing wrong with someone trying to make a living off of their private property. Some of the ranchers couldn't make it with livestock or agriculture so must find some way to live. This is a better break for wildlife. If the rancher did not want wildlife he could destroy the habitat and there would be no wildlife. What are the situations?

1. There are many land owners who allow access this year but what about 5 years from now?
2. Non-residents who lease or pay in other ways to hunt on private land. Most of these hunts are semi-guided, quite often by rogue outfitters.
3. The non-residents who do all their hunting on their own and has made some sort of a lease with a land owner.
4. Residents who have private clubs who lease land and lease it to other residents or club members. A lot of us will end up there.
5. Residents who lock up their land but will lease it to anyone on a daily or per annum basis or charge them some other sort of fee.

6. We have residents and non-residents who own private property and just lock it up - nobody hunts. Quite often this land goes into some sort of sub-division in the near future.
7. Licensed outfitters who actually do lease and block some public land. According to our figures only 1½% of the private land in the state is leased by licensed outfitters.
8. The rogue outfitter who brings clients from other states or quite often a local man does a little guiding on the side and is actually a rogue who takes out small parties (maybe only 1 or 2 a year) but he does take cash under the table.
9. What we have left is a few of the good guys who do let as many people hunt as possible. They are in the minority and are fading fast because there is so much pressure; telephone calls late at night, people leaving fences open, that in a short time this 'good ole boy' will hire an outfitter or lease the land to some private resident who acts somewhat as a game warden or policeman just to keep people from bugging him and keep them off his back. He has no other choice.
10. There are probably other situations that if you look back you will find, but these are the present situations which seems to be consuming most of the private property. In a short time most of this state will be in the hands of non-residents because the residents cannot afford to keep their land any longer. I don't think that ever again we will be able to use private land as we did before. The era of paid hunting is here.

Some residents are concerned that non-residents are not getting a fair shake when it comes to the allocation of non-resident big game hunting licenses. What would be fair?

Since about 40% of this state is federal land and since most elk are shot on federal land it would probably be fair to the non-residents if we gave them 50% of all elk and deer licenses. This would be fair. To be even more fair there would be no more 10% limitation placed on drawings for sheep, goat, moose and antelope. Resident and non-resident would draw equally. That would be fair.

Furthermore, we could reduce the cost of the non-resident hunting licenses by having the residents pay more - that would be fair. Do you really believe that we residents want to be that fair?

TESTIMONY ON HB 535

before the Senate Fish & Game Committee, March 24, 1987  
by Lorents Grosfield, cattle rancher from Big Timber

HB 535 is a good bill. It introduces a new and much needed dimension to landowner incentives to provide hunting opportunities for the public. And it introduces a much needed reasonably-priced license for non-resident hunters that want to come to Montana but don't particularly care to hunt elk.

I support the Third Reading Copy of this bill, but I do have some amendment suggestions that I think would make the bill a little fairer to non-resident hunters as well as to landowners, such as myself, that might wish to utilize the landowner sponsor provisions regarding the deer B-11 licenses. Is it really necessary to say that the sponsor must "own" all the land to be hunted on? I don't really own my ranch per se; I am part of a family partnership that owns it. Many "family" ranches are actually owned by (family) corporations. And what about the 40-acre BLM tract that is surrounded by hundreds of acres of our private land--- according to this bill as presently written, I think I would have to post that land to keep a sponsored hunter off. And what about my neighbor--- he's a rancher who's leased "his" ranch for over twenty years from a widow who wanted to keep the ranch in her family name. Is it fair to exclude him? He's been operating longer than I have. What I am suggesting is to change "own" to "own or control". Also, I would suggest deleting the requirement in the present bill that requires the hunter to hunt "only" on lands owned by a particular sponsor. This is unfair to the hunter as well as to the landowner, and would be an administrative nightmare.

I urge your passage of HB 535, and hope you will consider these amendments.

SUGGESTED AMENDMENTS TO  
HB 535 (THIRD READING)

1. Page 2, line 19  
Following: "ON"  
Insert: "private"  
Following: "OWNED"  
Insert: "or controlled"
2. Page 3, line 16-17  
Strike: "THE SPONSOR IS A LANDOWNER AND THAT"
3. Page 3, line 18  
Strike: "ONLY"  
Following: "OWNED"  
Insert: "or controlled"

SPECIALIZED HUNTING TRIPS

SUMMER PACK TRIPS



## TRIPLE TREE RANCH

RAY AND BILL MYERS  
LICENSED OUTFITTERS

5520 SOURDOUGH ROAD  
BOZEMAN, MONTANA 59715  
USA

RAY 406-587-8513  
BILL 406-587-4821

Mr. Chairman, Members of the Senate Fish and Game Committee, for the record, I am Bill Myers a rancher and an outfitter and guide of 24 years from Bozeman. I am representing Gallitan County Agriculture Preservation Ass'n and I am also President of Montana Outdoors Ass'n, a group of outfitters and landowners, formed 2 years ago to deal with the problems of wildlife management and non-resident licensing.

I come before you today to support HB 535. I had some problems in doing that, but the other alternative was even more distasteful. You have heard testimony from an industry today that has a substantial investment in Montana. The outfitting industry, which brings into Montana \$34,000,000 plus. You are about to hear from others here today that have an interest in the wildlife and its welfare. They will address fairness, fee hunting, and locking up of traditional hunting grounds. That brings me to the arena of my testimony. Fairness, fee hunting, and traditional hunting grounds.

What are these traditional hunting grounds? Private lands--Agricultural lands. Landowners are actually charging a fee to hunt on their lands, they are leasing to outfitters such as you have seen here today, or they are guiding and

outfitting themselves. Why? To answer that question, we need to go back in time. Back to 1978. In 1978 the Department of Fish and Game as it was called then, came out with the 1978 MONTANA STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN, or SCORP as it was abbreviated. I am somewhat embarrassed to say I finally "discovered" a copy of this plan 2 years ago. I have found one [1], outfitter that remembers seeing it prior to my "discovery". I have not found a landowner that owns up to having seen it prior to my "discovery". SCORP has been updated as recently as 1985 holding along the same lines as the original document.

A short review of the document answers several questions that arise. 1. Under major issues to be resolved, the document describes projected wildlife, fish and recreational resource status through 1990. 2. Public access for recreation to private land is limited and is expected to be further restricted in the future. 3. The impact of non-residents on Montana's recreational resources needs to be identified so that goals and policies can be established or reviewed as appropriate.

Going further into SCORP, one finds the Strategic Plan for Montana's Wildlife and Fisheries Programs 1977-1990. Under this chapter, we learn that Montana is 30% controlled

by the Federal Government, 6% by state government, and 64%-- 64% is private. The majority of private land is used for agricultural purposes. In 1975, sportsmen participated in an estimated 5.2 million days of big and small game hunting, fishing and trapping. Projections in the SCORP were 6.5 million days of hunting, fishing and trapping by 1980.

A little further in our review of SCORP, we find the Wildlife Program. We discover management. Quote; "Under sustained yield management, biological surpluses of animal populations are harvested each year and the remainder of the population is continuously available to the non-consumptive user. The majority of wildlife species are not harvested. As we read further, we find the options the Department has to accommodate increasing hunting pressure:

1. Maintain or ~~increase~~ number of animals available through intensive management and/or protection of the habitat.
2. Regulate hunting in a manner that ~~decreases~~ hunting success.
3. Limit the number of participants.
4. ~~Increase access~~ to hunting areas not available to the public.
5. Implement a combination of the above four actions.

Again in our journey through SCORP, we come to the Big Game Strategic Plan. Big Game Goal: To maintain an available supply of big game to meet demand for all types of big game oriented recreation while insuring the protection and perpetuation of all big game species and their ecosystems.

6 year objective. 1977-1982--to strive to maintain reasonable public access to at least 70% of those private lands with big game.

Mr. Chairman, members of the committee, going back through time [1978] has shown us that 1. under sustained yield management we will have more wildlife, and in fact we do. Using the Departments own wildlife counts in most areas we have over 10 times the wildlife we had in 1975 when the non-resident combination license was limited to 17,000. 2. We have learned that 64% of Montana is private land. 3. We have learned that the long range plan called for opening up of at least 70% of those private lands to public big game hunting.

In drafting the Constitution, the Founding Fathers gave the individual citizen specific rights in the Bill Of Rights.

All rights not specifically granted to individuals or withheld for the Federal Government were granted to the States. Included in these are the right to manage resident wildlife species. These animals the State holds in trust for the people. The only right any landowner has under this system is to limit access to property. As an economic incentive, he may charge a trespass fee, and charge for services in addition to the hunt, such as horses, guide fees, and so on, but he may not charge for the animal itself.

Montana Fish Wildlife and Parks regularly census populations and project the number which can be harvested without detriment to the population. A conflict arises when the number of permits available are totally allocated to individuals, and a landowner is unable to locate enough hunters to command a respectable price for his services. The landowners economic incentive is reduced for proper management and the resources necessary for wildlife propagation are likely to be allocated to some other non-wildlife use such as increased livestock use or wide scale timber harvest or something that will show economic return.

In review of several court cases, we find that landowners do have the right to restrict the public's access to wildlife:

"The exclusive right to hunt on a particular tract of

land is vested in the owner of such realty; and no one can trespass on such premises without the consent of the owner." [Ohio Oil vs. Jackson 69 Mich. 488: Hall vs. Alford 114 Mich. 165: Lamprey vs. Danz 86 Minn.: L. Realty Co. vs. Johnson 92 Minn.363: Herrin vs. Southerland 241 Pac 328 Mont.].

Further, the legality of a legislature authorizing access to private property was tested in Diana Shooting vs. Lamoreuz [114 Wisc. 44]; "The exclusive use of his own property is a property right of the owner which is protected by the Constitution. A legislature cannot authorize another to enter the premises for the purpose of taking game."

The case of L. Realty vs. Johnson went further towards management in stating: "While true that the title of all wild game is in the State...the owner of the premise it is located...has the right to exercise exclusive and absolute dominion over his property, and incidentally, the unqualified right to control and protect the wild game thereon." If you will also remember Montana's own Attorney General Greely recently reaffirmed this opinion.

It is apparent that the private landowner has legal right to control access over his property. Legally, he may also lease that right to any party he chooses as was

demonstrated in Kellog vs. King; "A landowner may make a lease of the hunting privileges giving the lessee the exclusive right to kill game or waterfowl on the premises.."

Inasmuch as the hunting rights are a property right, and the management authority for game on those properties rests not only on the State, but with the private property owner, restricting his opportunity to choose the hunters he desires by limiting the licenses seems constitutionally questionable.

I would submit to this committee that granted the outfitting industry is in dire straits, we have a major industry that has even worse economic problems. We have an industry that not only is in deep economic trouble, we are attempting to burden them even more by propagating more and more wildlife and forcing access on them without their permission. That industry that is taking the brunt of this abuse is Agriculture. Whether it be farming or ranching, Agriculture is feeding the bulk of the State's wildlife. Therefore, in all fairness, I would request of you an amendment to HB 535 on page 2, line 17 . folowing "and", insert: "5,600 of the authorized Class B-10 licenses and" .

If you look to who has the investment in Montana, who is providing the habitat, and who should participate in any set-a-side program, Agriculture should by all means have a large

part in any such program. East and West, Elk or Deer, Agriculture , ranching and/or farming, wildlife damage is a very real problem. The only economic benefit the landowner might enjoy is a trespass fee, and guiding services on his own property. The only sportsman that will really pay the cost of operating under sustained yield management is the non-resident sportsmen. Again, I urge this committee to amend HB 535 and enable the landowner to be compensated for his management and tolerance of wildlife. Amend HE 535 to give the landowner 5,600 non-resident combination big game licenses.

Again the amendment:

Page 2, line 17

Following: "and"

Insert: "5600 of the authorized Class B-10 licenses,and"

Bill Myers

Agriculture Preservation Association and Montana Outdoors Association.



**CIRCLE KBL  
OUTFITTERS and GUIDES**

Bob & Kathy Lamberson

P.O. Box 25  
Stevensville, Montana 59870  
(406) 777-5969

March 18, 1987

Senator Ed Smith, Chairman  
Senate Fish & Game Committee  
Capitol Station  
Helena, MT 59620

Dear Senator Smith,

As owners and operators of a licensed professional outfitting business in Montana, Kathy and I are writing to ask for your aggressive support for a change in the present Nonresident big game licensing procedures that will allow us and the other members of the outfitting industry to operate in a free, competitive marketplace as any other business does. The 17,000 limit on licenses, which we support in principle, does not allow a free market system to function, under present licensing procedures, when the demand on licenses is so high.

We support, and ask that you support the concept of HB 535, which provides a 30 day period in which our customers can get their licenses. As an independent business, we do not need or want any number of customers guaranteed to us, and this is not the objective of HB 535. We do need a way to assure our customers, those that choose to use our services as a result of our own efforts, that their plans for a hunt in Montana will not be contingent on the luck of the draw for a license. This is the intent of HB 535.

If the number of licenses requested to be set aside, in HB 535, is construed by some to be some sort of subsidy, why not eliminate the number of licenses to be set aside, and simply allow 30 days, before the general sale, for those Nonresidents who choose to use the services of an outfitter to purchase their licenses.

Considering the state of Montana's economy, and the loss of revenue already as a result of the 1987 nonresident license sale procedures, I cannot imagine how anyone can be against simply allowing the opportunity for a clean, and growing industry to bring new dollars into the state, at no cost to Montanans.

HB 535 is a bill for Montanans. Let's support the residents of Montana. The enclosed sheet of facts are documented statistics that prove ALL MONTANANS benefit more from outfitted, than from non-outfitted, Nonresident hunters, in spite of the emotional clamor by some to the contrary.

Thank you for taking the time to consider our problem.

Cordially,

  
Bob and Kathy Lamberson

HB 535 FACT SHEET

1. 2,000 jobs are provided by the Outfitting industry, with an annual payroll of 2.5 million dollars.
2. The Outfitting industry brings about 34 million new dollars into Montana's economy.
3. Since the 1987 B-10 licenses went on sale on February 24th, there have been 2,136 Nonresident license applications rejected that were committed (with deposits paid) to hunt with an outfitter. This is a 6.1 million dollar loss to the economy of Montana.
4. This is the only industry in the state that has a limit on the number of customers that can use its services.
5. FAIRNESS?  
--- 30 % of the total land in Montana is Federal land which is supported by the tax monies of Nonresidents as well as residents--- this Federal land is where most of the hunting takes place, yet Nonresidents are limited to less than 2% of the Elk and Deer hunting licenses.
6. 6,000 Deer "A" tags proposed by HB 535 ---  
--From 1982 through 1985 there has been an average of 3,206 Nonresident Deer "A" tags issued each year, over and above the 17,000 Nonresident B-10 combination licenses.  
--HB 535 provides that 2,000 will hunt only with a resident sponsor on land owned by that sponsor, leaving a net increase of 800 Nonresident Deer "A" tags that ultimately could be used on public land, state wide, through the whole season.
7. 17,000 Nonresident B-10 licenses will be sold, regardless of whether they hunt with an outfitter or not.
8. 17,000 Nonresident B-10 licenses have been offered since 1975; Outfitters have taken a certain percentage of these 17,000 every year.

<u>Outfitted Hunters</u>	<u>Additional Hunters %</u>
1982 4,779	
1983 5,324	Up 545 or 11% increase
1984 5,747	Up 423 or 8% increase
1985 7,324	Up 1,577 or 27% increase
1986 5,600 **	Down 1,724 or 31% decrease **

\*\*(1986 was the first year of the 5600 set aside.)

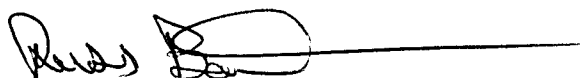
83%

9. 1985 Resident Elk Hunters.....99,404  
1985 Resident Deer Hunters.....135,500  
1985 Nonresident Combination Elk and Deer Hunters.....17,000  
1985 Nonresident Deer Hunters.....2,500
10. With 8500 B-10 Nonresident licenses set aside, as originally proposed in HB 535, there would be 14,790 LESS Nonresident hunter days than there is under the present system with the 5600 set aside.
11. Outfitted hunters spend an average of \$1487 more per hunt, in Montana, than non-outfitted hunters, and spend 5 days less in the state, producing less social conflicts, between residents and nonresidents.
12. Nonresident Deer and Elk license fees make up 71.1% of the Montana Department of Fish, Wildlife & Parks' license revenue, while the Nonresidents only harvest 7% of those species.
13. HB 535 costs the state nothing and brings in about 35 million - how can anybody be against that? If it costs the state nothing, why does it matter to the resident sportsman of Montana if somebody hunts with a guide or not?

Russ Barnett  
7373 Hwy 2 East  
Columbia Falls, Mt 59912

Senate Committee on HB 535

As a Montana sportsman I urge you to support HB 535. If more non-residents are required to hunt with an outfitter or private land owner they will be hunting in areas that most residents don't have access to. I believe that this bill would relieve some of the pressure on our already over hunted roads.

A handwritten signature in dark ink, appearing to read "Russ Barnett", followed by a long horizontal line extending to the right.

Russ Barnett

MONTANA OUTFITTERS AND GUIDES ASSOCIATION

TESTIMONY FOR 6,000 B-11 LICENSES

This bill contains a provision for 6,000 combination deer licenses for non-resident deer hunters. I'd like to address the concerns and rationale behind these licenses.

The B-11 combination deer, bird and fishing license is an appropriate license for deer hunters, and 6,000 is an appropriate number.

Some would have you think these 6,000 licenses mean 6,000 additional hunters in Eastern Montana. This is not true. If you'll follow with me on the support information I passed out with my testimony, I'll show you why it isn't.

From information taken from outfitter reports and surveys, MDFWP estimates about 3,500 non-resident combination licenses are used each year by those hunting just deer in Eastern Montana. Each year the department has issued non-resident deer "A" and "B" tags, and even though they are issued too late to help outfitters, they are utilized by non-resident hunters.

For the past four years the Department has issued deer "A" and "B" tags in the numbers shown on the information you have.

When you combine these licenses with the 3500 B-10 tags used in the East, you come up with the following numbers of non-resident deer licenses used in Eastern Montana: 7,950 in 1982; 12,008 in 1983; 33,733 in 1984; and 24,447 in 1985. This makes a yearly average of 19,534 non-resident deer licenses used over the last four years. HB 535 asks for 6,000 of these to be issued as B-11 licenses. To replace 6,950 non-resident "A" tags.

As you can see, our 6,000 deer tags have not added hunters to Eastern Montana, but have simply made useable licenses available at an appropriate time and price for licensed outfitters' clients, landowner outfitters' clients and other non-residents who must plan their hunts to our state in advance.



3/17/87

Montana Dept of Fish, Wildlife + Parks

Dear Sir:

I am writing in concern to the limited number of license that goes to applicants choosing to use the services of an outfitter.

The reason for this letter is to let you know that we, non resident hunters are concerned and would greatly appreciate the Dept. listening to our thoughts on this matter.

Our interest is for the concern of the outfitter as well as our own. When an application for a license is denied things can really get fouled up. We the hunters have to do a lot of advanced planning such as scheduling of work, vacation time and finances just to name a few around the time we book our hunt. As for the outfitters many of them depend on the hunters to help them make their living.

cont.

So when they book a hunt and find out that their hunters didn't receive a license, they have to return them their down payments plus lose the income they depended on to get them through the winter. I have already heard that some will have to go out of business. I realize that there is no easy solution to this matter, but feel that by increasing the number of licenses to applicants choosing to use an outfitter would be a big help.

Thanks very much for taking the time to read this letter.

Thanks again  
Ronald Poffenberger

From

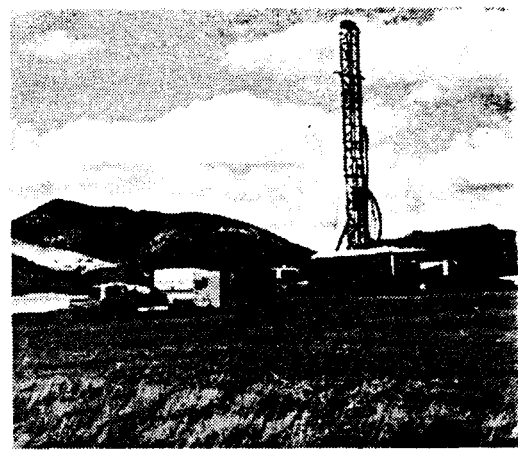
Ronald Poffenberger  
Rt 3 Box 352  
Beansboro, Md. 21713



# Montana Land and Mineral Owners Association

P.O. Box 1301

Havre, Montana 59501



March 21, 1987

Senator Ed Smith  
State Capitol  
Helena, Montana 59620

Re: HB 526 (Allowing the Dept. of FWP to increase license fees to buy more land)

Dear Senator Smith:

The Montana Land and Mineral Owners Association would like to enter their testimony for the hearing scheduled for Tuesday, March 24, in regards to the above House Bill. Our Association believes that to increase license fees which are already quite high for the purpose of buying more land for the Dept. FWP to manage is not what we need in the State of Montana at this time. What will happen when you increase the hunting fees is to even more so restrict the people that can barely afford hunting licenses or prevent them from affording a hunting license altogether.

We also have a problem with the Dept. FWP buying more land as it further erodes an already well-eroded tax base. As has been our experience in this area, when the Dept. FWP gets a piece of land, promises are great but the follow-through has been rather poor. They have, on some tracts, noxious weeds that they're not taking care of as they should be, and we wonder if they should not be putting money and management into upkeep of lands they already own.

As was the case on another tract in Hill County, they have promised they would maintain the fences. It was a good fence built in the beginning, but maintenance has been nil.

Perhaps the Dept. FWP should be proving that they can handle what they now have before the Legislature gives them the go-ahead to buy more land at an accelerated rate. For this reason, we oppose HB 526 and feel when the Montana Dept. FWP proves they have the management and resources to manage the land they now have, then maybe we can look at giving them support to buy additional land.

Sen. Ed Smith

-2-

March 21, 1987

If you would like to discuss this issue with me further,  
please feel to call me at 394-2277. Thank you.

Sincerely,

MONTANA LAND AND MINERAL  
OWNERS ASSOCIATION

*Gary Meland / sn*  
Gary Meland, President

GM:sn

BRIEF COMMENTS ON H.B. 526  
BEFORE THE SENATE FISH AND GAME COMMITTEE  
MARCH 24, 1987, HELENA, MONTANA  
By: PAUL F. BERG

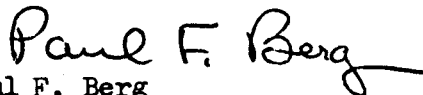
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Mr. Chairman and members of the Committee. I am Paul F. Berg. I represent  
14 sportsman's clubs and 5,900 Montana Sportsmen.

We strongly support H.B. 526. My attached statement supporting this bill is rather detailed and complex. Therefore, I offer the following general comments for your consideration.

1. Hunting is a major recreational activity enjoyed by many residents and nonresident.
2. Hunting produces great economic and aesthetic benefits for the people of Montana and our visitors.
3. I have devoted my entire professional life to wildlife research and management, and I know that habitat is the key to survival and perpetuation of our wildlife resources and hunting opportunities in Montana.
4. Passage of H.B. 526 would result in acquisition, easement, protection, and management of habitats vitally needed by many important wildlife species.
5. Hunters will pay for these habitats through license fee increases only if the money collected is earmarked for these purposes, because this has the greatest potential for increasing wildlife populations and hunting opportunities statewide.
6. Habitat acquisition, easements, and leasing under this bill will not cost the general public anything.
7. Everyone will benefit from these actions by hunters.
8. If we do not acquire these critically needed wildlife habitats soon, Montana will lose a significant part of its wildlife and associated hunting opportunity, economic benefits, and aesthetic values.
9. We should not let that happen.
10. We urge that H.B. 526 be passed.

Thank you,

  
Paul F. Berg  
3708 Harry Cooper Place  
Billings, MT. 59106  
Phone: 656-2015

COMMENTS ON H.B. 526  
BEFORE THE SENATE FISH AND GAME COMMITTEE, MARCH 24, 1987  
HELENA, MONTANA, by Paul F. Berg \*, 3708 Harry Cooper Place  
Billings, MT. 59106, Phone: 656-2015

---

Mr. Chairman and members of the Committee, I am Paul F. Berg, Legislative Committees, Billings Rod and Gun Club and Southeastern Sportsman Association. I represent 9 clubs and 5,000 Montana Sportsmen; also, the Sierra Club (Yellowstone Basin Group), Rosebud/Treasure Wildlife Association, Billings Roughriders, Magic City 4 Wheelers, and Rimrock 4X4 clubs; another 5 clubs and 900 sportsmen, concur with my statement.

We strongly support H.B. 526 because it would help accomplish our longstanding objective of having MDFWP acquire and manage critically needed habitats for many wildlife species in Montana before they are destroyed by land developments.

All Montanans and visitors who enjoy wildlife -- hikers, photographers, campers, bird watchers, tourists, etc. -- in addition to hunters, would benefit.

Hunters are willing to pay for these habitats through the hunting license fee increases listed in the bill because the money collected will be earmarked and used exclusively for habitat acquisition, lease, or conservation easements, and development and maintenance.

The MDFWP currently owns or leases 47 wildlife management areas comprising 280,000 acres which provide vital habitat for elk, deer, ducks, geese, pheasants, grouse, and many other forms of wildlife. Each of these areas protect important wildlife habitat that might otherwise disappear from the Montana landscape.

All of these areas were purchased with money collected since 1937 from a 11% tax on sporting arms and equipment, and from hunting license fees.

Money needed to acquire wildlife habitats has always been difficult to get in past years, and the problem is now super critical.

Time does not permit analysis of all habitats critically needed by all wildlife species throughout our state, but all are equally important to all Montanans and our visitors and must be considered in this bill.

For the above reason, the following analysis focuses on elk and deer, hunter opportunity, and associated economic benefits.

Nineteen of these wildlife management areas, comprising 235,000 acres, winter about 10% of the estimated 100,000 elk and 2% of the estimated 500,000 deer in Montana. The remainder of the elk and deer winter on a mixture of Forest Service, Bureau of Land Management, National Park Service, State School Land, and Burlington Northern, Champion International, and other private lands. A few elk and many deer winter exclusively on privately owned ranches.

About 80% of our elk and 20% of our deer are harvested by hunters on public land, mostly National Forests.

Snow forces big game animals out of the high forest country onto lower elevation winter ranges located mostly on private property. They spend about 4 months there each winter.

Big game numbers are limited by the amount of winter range available. Summer and fall ranges are abundant.

---

\* Paul F. Berg attended the U. of Alaska; received his B.S. from the U. of M.; M.S. from M.S.U.; retired from the U.S. Fish and Wildlife Service in 1980.

COMMENTS ON H.B. 526 (Page 2)  
by Paul F. Berg

We have identified 32 critically needed elk and deer winter ranges comprising about 155,000 acres. If the MDFWP does not get control of these 32 winter ranges, which are threatened with imminent destruction by homesite developments, oil, gas and mining activities, and other causes, the 11,000 elk and 13,000 deer that depend upon them for winter food and survival will be lost from the populations within a few years.

If MDFWP owned or leased and managed the 32 winter ranges, elk and deer carrying capacities could be at least doubled from 11,000 to 22,000 elk, and from 13,000 to 26,000 deer.

The \$8.3 million total hunter expenditures (Table 1) would double to \$16.6 million annually -- a direct result of acquisition and/or conservation easements and management of the 32 winter ranges.

Conversely, the big game animals, hunter use, and associated expenditures would be lost in a few years if we do nothing to get control of the 32 areas by the MDFWP.

Every hunter spent dollar generates 2.5 additional dollars in the economy. Therefore, \$16.6 million X 2.5 = \$41.5 million to the state's economy -- all a direct result of hunter expenditures generated from the 11,000 elk and 13,000 deer that winter on the 32 winter ranges each year!

TABLE 1. Summary of 1982 hunter harvest and expenditures resulting from the elk and deer that depend upon the 32 winter ranges discussed in text.

Hunter Type/Species	Number Animals Harvested	Hunter Days to Harvest @ Elk/Deer	Total Hunter Days	Average Hunter Day Expenditure	Total Hunter Expenditures	Remarks
Resident/Elk	1,452	48	69,696	\$ 62	\$4,321,152	See Exh. 1
Nonres/Elk	393	34	13,022	198	2,578,356	See Exh. 2
Resident/Deer	2,763	8.3	22,933	44	1,009,052	See Exh. 3
Nonres/Deer	<u>455</u>	7.7	<u>3,504</u>	114	<u>399,456</u>	See Exh. 4
Totals	5,063		109,155		\$8,308,016	

Where do the hunters' dollars go? They go into cash registers in many towns throughout Montana -- for guns, ammunition, supplies, camping gear, guide services, groceries, gasoline, motels, restaurants, etc.

These dollars are difficult to identify because they are scattered all over the state. Therefore, some towns may not recognize the importance of hunter dollars.

It is essential that the bill contain the authority to acquire the 32 big game winter ranges and other wildlife habitats throughout Montana by purchase, lease or conservation easement as they become available. This would provide the MDFWP with the flexibility it must have to pursue either route as an individual landowner may wish.

State acquisition of these habitats would not significantly alter the tax income to the counties because of the payment in lieu of taxes laws.

Adjacent private property would be protected from wildlife depredations by fencing and other management practices provided for in the bill.

The opportunity to comment is appreciated.

Attachments

*Paul F. Berg*  
Paul F. Berg

EXHIBIT I - RESIDENT ELK HUNTERS - 1982

## 1. Basic information (from MDFWP)

75,831 hunters devoted 532,800 hunter days and spent \$62 per average day to harvest 11,078 elk from the 100,000 elk in Montana. Herd increase by calf production is 20% annually.

## 2. Hunter use and harvest - statewide

A.  $\frac{532,800 \text{ hunter days}}{11,078 \text{ elk harvested}} = 48 \text{ hunter days to harvest 1 elk.}$

B.  $48 \text{ hunter days} \times \$62 \text{ per average hunter day} = \$2,976 \text{ to harvest 1 elk.}$

C.  $\frac{11,078 \text{ elk harvested}}{100,000 \text{ elk in state}} = 11\% \text{ hunter harvest.}$

## 3. Economic analysis of the 11,000 elk that depend upon the 32 winter ranges for survival for about 4 months.

A. 11,000 elk on winter range increase by 20% calf production to 13,200 elk on fall hunting areas.

B.  $13,200 \text{ elk} \times 11\% \text{ hunter harvest} = 1,452 \text{ elk harvested.}$

C.  $1,452 \text{ elk harvested} \times 48 \text{ hunter days} = 69,696 \text{ hunter days} \times \$62 = \$4,321,152 \text{ spent to harvest the 1,452 elk.}$

EXHIBIT II - NONRESIDENT ELK HUNTERS - 1982

## 1. Basic information (from MDFWP)

14,321 hunters devoted 100,646 hunter days and spent \$198 per average hunter day to harvest 2,949 elk from the 100,000 elk in Montana. Herd increase by calf production is 20% annually.

## 2. Hunter use and harvest - statewide

A.  $\frac{100,646 \text{ hunter days}}{2,949 \text{ elk harvested}} = 34 \text{ hunter days to harvest 1 elk.}$

B.  $34 \text{ hunter days} \times \$198 \text{ per average hunter day} = \$6,732 \text{ to harvest 1 elk.}$

C.  $\frac{2,949 \text{ elk harvested}}{100,000 \text{ elk in state}} = 2.9\% \text{ hunter harvest.}$

## 3. Economic analysis of the 11,000 elk that depend upon the 32 winter ranges for survival for about 4 months.

A. 11,000 elk on winter range increased by 20% calf production to 13,200 elk on fall hunting areas.

B.  $13,200 \text{ elk} \times 2.9\% \text{ hunter harvest} = 383 \text{ elk harvested.}$

C.  $383 \text{ elk harvested} \times 34 \text{ hunter days} = 13,022 \text{ hunter days} \times \$198 = \$2,578,356 \text{ spent to harvest the 383 elk.}$

EXHIBIT III - RESIDENT DEER HUNTERS - 1982

## 1. Basic information (from MDFWP)

139,905 hunters devoted 719,458 hunter days and spent \$44 per average day to harvest 86,404 deer from the 500,000 deer in Montana. Herd increase by fawn production is 25% annually.

## 2. Hunter use and harvest - statewide

A.  $\frac{719,458 \text{ hunter days}}{86,404 \text{ deer harvested}} = 8.3 \text{ hunter days to harvest 1 deer.}$

B.  $8.3 \text{ hunter days} \times \$44 \text{ per average hunter day} = \$365 \text{ to harvest 1 deer.}$

C.  $\frac{86,404 \text{ deer harvested}}{500,000 \text{ deer in state}} = 17\% \text{ hunter harvest.}$

## 3. Economic analysis of the 13,000 deer that depend upon the 32 winter ranges for survival for about 4 months.

A. 13,000 deer on winter range increased by 25% fawn production to 16,250 deer on fall hunting areas.

B.  $16,250 \text{ deer} \times 17\% \text{ hunter harvest} = 2,763 \text{ deer harvested.}$

C.  $2,763 \text{ deer harvested} \times 8.3 \text{ hunter days} = 22,933 \text{ hunter days} \times \$44 = \$1,009,052$   
spent to harvest the 2,763 deer.

EXHIBIT IV - NONRESIDENT DEER HUNTERS - 1982

## 1. Basic information (from MDFWP)

20,172 hunters devoted 106,958 hunter days and spent \$114 per average day to harvest 13,936 deer from the 500,000 deer in Montana. Herd increase by fawn production is 25% annually.

## 2. Hunter use and harvest - statewide

A.  $\frac{106,958 \text{ hunter days}}{13,936 \text{ deer harvested}} = 7.7 \text{ hunter days to harvest 1 deer.}$

B.  $7.7 \text{ hunter days} \times \$114 \text{ per average hunter day} = \$878 \text{ to harvest 1 deer.}$

C.  $\frac{13,936 \text{ deer harvested}}{500,000 \text{ deer in state}} = 2.8\% \text{ hunter harvest}$

## 3. Economic analysis of the 13,000 deer that depend upon the 32 winter ranges for survival for about 4 months.

A. 13,000 deer on winter range increased by 25% fawn production to 16,250 deer on fall hunting areas.

B.  $16,250 \text{ deer} \times 2.8\% \text{ hunter harvest} = 455 \text{ deer harvested.}$

C.  $455 \text{ deer harvested} \times 7.7 \text{ hunter days} = 3,504 \text{ hunter days} \times \$114 = \$399,456$   
spent to harvest the 455 deer.

3/24/87

Gentlemen:

I'm John Kantjas from Corvallis,  
Mt. Re: HB 526

I wish to urge your passage of  
this bill. I believe almost all hunters  
wish to pass this one in order to  
insure a future steady purchase  
of critical wildlife habitat.

It seems to me this is the  
first mandatory set-aside of  
funds for this purpose and I'm  
sure a great majority of good  
sportsmen don't mind paying what  
amounts to a small yearly amount  
for this purpose.

John Kantjas  
416 Birch Creek  
Corvallis, Mt. 59828

Date: March 23, 1987

To: Senators and Representatives

From: George H. Holman, Pavalli County Sportsman

Re: H.B. 526 Habitat Protection Fund

We urge you to vote "yes" for these reasons:

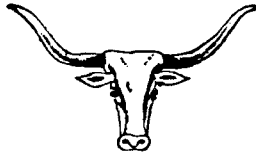
1. A limiting factor in big game numbers is winter habitat. The current 18 elk winter ranges provide food for only 12 to 16% of the states 80,000 elk. This bill, with which most sportsmen agree, will provide ear-marked money for the lease, easement or purchase of land for winter range.
2. This bill will help insure the continued economic benefits of hunting in Montana.

# MONTANA STOCKGROWERS ASSOCIATION, INC.

P. O. BOX 1679 — 420 NO. CALIFORNIA ST. — PHONE (406) 442-3420 — HELENA, MONTANA 59624

## OFFICERS:

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## EXECUTIVE COMMITTEE:

CLARENCE BLUNT	REGINA	JOHN L. HOLDEN	VALER
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JOE ETCHART	GLASGOW	WALTER J. TAYLOR, JR.	BUSBY
WM. T. HARRER	FORT BENTON	DAVID VOLDSETH	MARTINDALE

HB 526

My name is Kim Enkerud and I am representing the Montana Stockgrowers.

This bill state as one of its points, that acquisition of lands suitable for wildlife habitat is necessary to protect and enhance this habitat.

While we do not want to jeopardize a willing buyer-seller arrangement, we feel that State of Montana should not be in the real estate business.

Landowner/sportsmen relationships and hunters might better be served if this money were to be used to open up access for hunting and mitigating damage to the landowner caused by wildlife, *instead of acquisition.*

We do not support this bill and urge to committee to do not concur  
HB 526.

Thank you.

3/24/87

Gentlemen:

I'm John Kantjas from Corvallis,  
Mt. Re: HB 526

I wish to urge your passage of  
this bill. I believe almost all hunters  
wish to pass this one in order to  
insure a future steady purchase  
of critical wildlife habitat.

It seems to me this is the  
first mandatory set-aside of  
funds for this purpose and I'm  
sure a great majority of good  
sportsmen don't mind paying what  
amounts to a small yearly amount  
for this purpose.

John Kantjas  
416 Birch Creek  
Corvallis, Mt. Oregon



March 23, 1987

Senate Committee for F.W. & P Department of Montana  
Helena, MT 59601

Att: Chairman Ed Smith

Dear Sir:

I want it to be on record that our business has been put in danger as a result of the 1987 non-resident hunting license sales process used by the Montana Department of Fish, Wildlife and Parks.

Six non-resident clientele had booked with me to hunt in Area 560 during the 1987 season. Five of the customers failed to receive a license and the one that did succeed in receiving a license is not now planning to hunt with us this year as his hunting companion who was to accompany him did not get a license.

I am now told that those who put a note with their applications stating they desired a none or all results in the drawing were able to do so. This was not information made known to all, thus discriminating against those unknowing individuals who applied singly.

I understand the department as been working to solve this complex problem, but more is needed if businesses are to survive. Our business revenue comes entirely from the non-resident recreationist of which big game hunting is a large part and we will not survive if this continues.

Respectfully submitted,

ROBERT W. (BILL) JARRETT



Chairman Smith: Members of Committee.

Please oppose H.B. 535  
Speak for Skyline Sportsmen Club, 2  
concerned Sportsmen and 2 director for  
Montane Wildlife Federation.

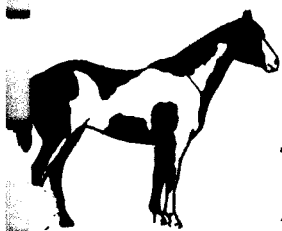
Too many deer permits being issued - H.B.  
535 allows 6000 extra permits.  
Fish & game allows 2,400 - total 8400  
permits. You cannot legislate deer  
populations any more than you can cattle  
crops.

Number of setaside will never be enough  
5600 or 8000 or whatever. Too high  
2 demand

Montane  
H.B. 535 is an anti-hunting-sportsmen  
bill - it is also a privatization bill because  
we are now giving a public resource to  
a special interest group. Where will it  
stop? Sportsmen are opposed.

There are no guarantees for small outfitters  
Large outfitters will end up with  
all the licenses  
Thank you.

Tony Schoenen



# BLACKTAIL RANCH

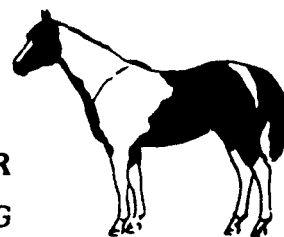
Wolf Creek, Montana 59648

TAG RITTEL

Phone: 406-235-4330

SANDRA RENNER

RANCH VACATIONS • MUSEUM • CAVERN • PAINT HORSES • HUNTING



MAILED 24, 1987

DEAR SEWATE FISH GAME COMM.

I AM FOR H.B. 535. I WOULD LIKE  
TO INFORM YOU THAT I LOST  $\frac{1}{3}$  OF MY  
HUNTERS FOR 1987. THIS IS TROUBLED TO  
TAKE AS I RAISE LIVE STOCK AND OPERATE  
A FAMILY RANCH THAT HAS BEEN IN THE  
FAMILY FOR FOUR GENERATIONS. OUTFITTING  
IS WHAT HAS SAVED THE FAMILY RANCH  
THE LAST 15 YEARS.

YOURS TRULY

Tag Rittel



Date: March 23, 1987

To: Senate Fish & Game Committee

From: George H. Holman, Ravalli County Sportsman

Re: H.B. 535 The setaside of 5600 licenses out of 17,000 non-resident plus 2,000 of 6,000 deer, bird and fish licenses.

I urge you to vote "no" on this for these reasons:

1. We all believe in Democracy. All are equal under the law. "Setasides" promote eliteism. The idea is undemocratic.
2. The monetary impact on the state is not dependent upon the setaside. It will accrue with or without this.
3. Outfitting in Montana is a growth industry needing no favoritism.  
In 1975 there were 405 outfitters with 22,275 clients.  
In 1979 there were 430 outfitters with 23,650 clients.  
In 1986 there were over 1400 outfitters pleading for special privileges.  
Perhaps they should strive to regulate themselves.
4. Non-resident hunters need no further inducement to hunt in Montana when 17,000 licenses can be bought in 6 days. What is needed is a better lottery system.
5. Any additional non-resident deer, bird, fish licenses should be confined to the eastern half of Montana during years of over-abundant game only. There has never been an over-abundance of game in western Montana.

---

AMENDMENT # 526

CHANGE # 1: On Page <sup>4</sup>4, at line <sup>4</sup>25, after the word "<sup>public</sup>purpose", and before the period, add the following language:

"<sup>(3)</sup>~~and provided that~~ selection and securing of such suitable wildlife habitat land shall give preference to securing lands already held in public ownership".

---

AMENDMENT # 3

CHANGE # 1: On Page 2, at line 23, after the word "purpose", and before the period, add the following language:


", and provided that preference shall be given to use of leases and conservation easements, as opposed to purchase, when securing wildlife habitat on land held in private ownership".

---

AMENDMENT # 4, combination of #'s 2 & 3

CHANGE # 1: On Page 2, at line 23, after the word "purpose", and before the period, add the following language:

", provided that selection and securing of such suitable wildlife habitat land shall give preference to securing lands already held in public ownership, and provided that, when securing wildlife habitat on land held in private ownership, preference shall be given to use of leases and conservation easements, as opposed to purchase".



OUR OPINION

# Pass the habitat bill

**Legislation would improve game herds without a tax hike**

**O**f all of the fish and game bills in the Legislature this session, the one that would have the greatest public benefit is House Bill 526, a plan to raise hunting license fees to purchase wildlife habitat.

HB 526 would not cost the average taxpayer a cent. But the average Montanan — whether he or she hunts or not — would gain from the acquisition of these key game ranges.

The bill, which went to a vote by the full House today, would raise the cost of a hunting license slightly for residents and more substantially for non-residents. For example, a deer tag that now costs \$9 would rise to \$11, with the \$2 increase earmarked for the state's game range acquisition program.

The license increase wouldn't be a hardship for most Montana hunters — a \$9 deer tag is a bargain compared to the cost of licenses in other states. The 17,000 non-resident hunting licenses issued yearly would go up by \$50.

In all, \$2 million would be raised annually for the program. With agricultural land selling at bargain basement prices around the state, the time is ripe for the Department of Fish, Wildlife and Parks to add to its holdings. Financially strapped farmers and ranchers are ready to sell, and it would be a shame if sportsmen missed out on this opportunity.

Some landowners in the Legislature are trying to turn HB 526 into a game damage compensation bill in which money from hunting license increases would reimburse farmers and ranchers for damage to their crops and rangeland from deer and elk.

The bill has been amended to address those concerns, but the main thrust should continue to be to acquire winter game range. Otherwise, there is little reason for sportsmen to support the proposal.

Biologists consider winter game range the key to the future of elk

hunting in this state. Low-lying foothill terrain is crucial for elk and deer to survive harsh winters.

The 16 game ranges now managed by the FWP have resulted in remarkable recoveries of elk herds in those areas. For example, on the Wall Creek range in the Madison Valley, only 150 elk spent winters there before the FWP bought it in 1960. Now it carries around 700 every winter.

More than hunters and elk benefit from state-owned rangeland, though. The areas are havens for other wildlife, including non-game species such as songbirds and raptors. They often provide guaranteed access to other public land such as national forests. Other types of recreation, including hiking, camping and fishing, are also provided by the ranges.

HB 526 would raise enough money that the FWP could buy a large ranch every year to add to its winter range areas. In recent years, the department has been stymied by the Legislature in its attempts to buy game range, even though the money would not come from the state's general fund. HB 526 would earmark money specifically for the land acquisition program.

The bill has been amended to require public hearings and approval by both the Fish and Game Commission and the State Lands Board before the FWP can buy rangeland. Those requirements would slow down the process — foothill areas in many areas are being gobbled up by subdividers making them useless as wildlife range.

With public land access being lost and much private land posted, the addition of state-owned game range will help take the pressure off the shrinking areas still open to hunting.

HB 526 won't aggravate the state's red-ink budget. The people who would most benefit from more elk and more public wildlife habitat — hunters — are the ones who will foot the bill for the program.

The user's fee concept of the bill should be approved by the Legislature with few strings attached so the FWP can move quickly to buy winter game habitat while prices are down and the land is still undeveloped.

WITNESS STATEMENT

NAME Lewis E. Hawkes

BILL NO. HB526

ADDRESS 16 Cloninger Lane, Bozeman, MT 59715

WHOM DO YOU REPRESENT? Public Land Access Association, Inc.

SUPPORT X

OPPOSE \_\_\_\_\_

AMEND X

COMMENTS: House Bill 526 is excellent legislation and it should be passed. Today, an estimated 90% of Montana's elk herds do not have adequate guaranteed winter range to support them through severe winters. Summer range is more than adequate, but winter range is critical.

The purchase of key winter range areas is critical to the survival of Montana's big-game herds, and must be done relatively soon or the critical areas will disappear into recreation sub-divisions and summer homes. The acreage required in Montana is a fraction of 1% of the wild land existing in Montana; yet, it is so critical that its long term value of critical wildlife winter range habitat is difficult to estimate. Without these lands in public ownership, a large portion of Montana's wildlife heritage will eventually disappear.

Amendments that tie game damage compensation to landowners as part of the bill <sup>AND</sup> should be eliminated. They are two separate entities and should be considered separately.

Enclosed is an editorial from the Bozeman Chronicle which further supports HB 525.

ARE NOT APPROPRIATE



H.B. 526

Chairman Smith: members of the committee

I'm Tony Schoonen representing Sky line Sportsman  
as a Director and also a director of the  
Montana Wildlife Federation.

We support H.B. 526 on a willing seller  
willing buyer basis.

We support the amendments that have  
been added to H.B. 526.

Wildlife resource is the best renewable resource  
that we have in Montana. We should protect  
this resource by purchasing winter game range.

Our club obtained a letter from a local  
(my name Smith) rancher that grazes cattle on the Fleece  
game range. Wildlife and cattle can co-exist  
in the same areas. The bill is not taking  
land away from local landowners - multiple  
use concepts will be maintained.

Please give a thumbs up to H.B. 526.

Thanks.

Tony Schoonen.

## HOUSE BILL 526

"AN ACT TO PROVIDE FOR THE LEASE OR PURCHASE OF LAND...FOR WILDLIFE..."

SUPPORTING SENATE TESTIMONY BY JEFF BRANDT, INDIVIDUAL SPORTSMAN

DATE: 03/24/87

### INTRODUCTION

Mr. Chairman, members of the committee: My name is Jeff Brandt.

I appear before you today on my own behalf to speak in support of House Bill 526.

### BENEFITS

As a Montana sportsman, I see two major benefits to this legislation:

1. It provides a mechanism to acquire the winter range that is so critical to the survival of Montana's elk herd.
2. It provides a means to reduce land owner problems caused by the elk herds that winter on private land.

### WIDESPREAD SPORTSMEN SUPPORT

This bill is a popular bill. In a recent elk hunting survey, an overwhelming 88% of the resident elk hunters favored more state-owned elk winter range. In fact, resident elk hunters supported an average \$8.60 increase in the price of an elk tag.

### KEEPING THINGS IN PERSPECTIVE

It's important to keep the proposed increase in perspective. As a hunting sportsman who would pay an extra \$3.00 for an elk tag, I offer these examples of what my \$3.00 will buy:

1. One bale of hay for the horseback hunter
2. 35 miles of travel in a four wheel drive pickup
3. 6 30-06 cartridges for the rifle hunter
4. 1 arrow for the archery hunter

Clearly, this bill is not an economic issue for the Montana sportsman.

### CONCLUSION

I urge your support of this legislation for the benefit of the thousands of individual sportsmen like myself who consider Montana's elk one of Montana's most important natural resources.

Thank you.

Ladies and Gentlemen of the Senate Committee on Fish, Wildlife and Parks:

My name is Roger Lincoln, I am a resident of Hill County and engaged in dry land farming along with my wife and son in a family farming operation. I come before you today to oppose House Bill 526.

The Dept. F.W.P. presently owns 189,256 acres of land in the state, thirty nine per cent of which has been purchased in the last ten years. The department also leases 96,942 acres a thirty four per cent increase over the past ten years.

I submit to you that when an agency of the government purchases land and takes it off the tax rolls there is a multiple detrimental effect.

1. The tax base of the county (s) is eroded.

a. the production from that land, either cattle or grain is no longer available to be taxed.

b. the previous farm or ranch is no longer paying income tax.

c. there are no longer employees on that operation to pay taxes.

We have a farm in Toole County bordering the south side of Tiber Reservoir, now known as Lake Elwell. When the dam was built in the '50's the river bottom land was subjected to condemnation proceedings and became federal land. Some years later it was given over to be managed by the Dept. of F.W.P. In the early '80's F.W.P. proceeded to built a four wire fence around the lake. The stated purpose of the fence was to "enhance wildlife habitat." The contracted price for fence construction was running about \$5000 per mile and to date the fence has only been a patchwork. It has been a real nuisance to ranchers who use the lake for livestock water and certainly has not enhanced the wildlife habitat as there are far fewer deer in the area than there were five years ago. I would suggest that before we allow F.W.P. to embark upon more land procurement, they show us they know what they are doing with what they presently manage.

It is not news to any of you that the State of Montana has a financial problem. I contend that the purchasing of more land by F.W.P. in this state which is already one third public land will only compound our economic problems. This is not the time, if ever there is a time, for more land to be going off the tax rolls.

Recent figures released by the U.S.D.A. indicate that 1.2 million acres of (highly erodable) farmland in the state will be taken out of production and placed in conservation through the Conservation Reserve Program. This land will be planted to grass and in some cases trees will be planted too. In many cases this land will be along river breaks and areas already inhabited by wildlife. These acres cannot by law be grazed by livestock nor can the grasses be cut for hay. This leaves prime wildlife habitat at no direct cost to the state. However, I fear there will be some indirect costs that we should be aware of:

1. Former operators of this land will no longer be purchasing supplies and equipment to operate this land.

2. Once this land goes out of production it will be reclassified and the tax base will be further eroded.

3. No longer will there be production from these lands to be taxed. To be sure this list is not complete and I am sure each of you can see more ways this will impact our state.

Rather than going out and purchasing more land, it makes much more sense to cooperate with private agencies such as is now being done with the Boone and Crockett Club on land they recently purchased in the Dupuyer area. I would suggest putting more emphasis on such

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James W. Kehr D.D.S. P.C.  
Family and Preventive Dentistry

64 Medical Park Drive • Helena, MT 59601 • 442-3190

B-10 FACTS

1. Because of the demand B-10 combination licenses WILL BE sold on a lottery.
2. Set asides ( regardless of the number ) will NOT work.

PLEASE - Design a system that allows ample time for all to apply, one that will be workable on a long term basis and most importantly a system that is FAIR TO ALL CONCERNED.

DEER TAGS - Facts

History of B-7 licenses:

1981 - 917  
1982 - 2111  
1983 - 3136  
1984 - 5076  
1985 - 2500  
1986 - 2550

Deer are easier to harvest which makes the percentage of kill much higher.

Proper management dictates harvest only in areas where an excess is available.

Montana Statutes 87-2-504 "Unless purchased as part of a B-10 license, a Class B-7 license must be assigned for use in a SPECIFIC ADMINISTRATIVE REGION or portion thereof."

★ Thank you VERY much for your time and effort in legislating such a complicated and emotional issue.

"...with liberty and justice for all! "

Jani

# Jack Atcheson & Sons, Inc.

INTERNATIONAL HUNTING, FISHING & PHOTOGRAPHIC CONSULTANTS  
INTERNATIONAL TRAVEL AGENCY



3210 Ottawa Street  
Butte, Montana 59701  
Telex 551-643

Telephone (406) 782-2382  
(406) 782-3498  
Travel Agency (406) 494-2415



March 13, 1987

Dear Gentlemen;

I am a member of the Montana Wildlife Federation and have been for many years. I am totally opposed to some of the new directions the Wildlife Federation is headed. This organization does not feel that non-residents are getting a fair shake.

The state of Montana is not obligated to furnish low-cost licenses and low-cost vacations to non-residents. If this is going to be a recreational state we must charge for it. The fact that someone doesn't have enough money does not mean that we have to subsidize them.

The residents of Montana get all of the big game licenses they want while non-residents are allowed 17,000 combination licenses. The Wildlife Federation feels that these non-residents are not getting a fair shake. When you consider that about 40% of this state is Federal land, the non-residents might say that they are not getting a fair deal and want half of the licenses that are available for elk and deer on any Federal land. This would be really fair to non-residents, but would make the residents very unhappy.

The Wildlife Federation might also feel that non-residents do not get a fair shake for the antelope, sheep, goat and moose permits because they are discriminated against on Federal land and are allowed only 10% of the permits. Maybe the non-residents should get 50% - this would really be fair. But, do the residents of Montana really want to be that fair? I don't think so.

I think the Wildlife Federation is setting a dangerous precedent, particularly when you remember that the state of New Mexico lost a court case over license discrimination and, at this very time, Colorado is being sued by the same individual. The Wildlife Federation may be just making it easy for the non-residents to get just exactly what they think is fair (half of all licenses).

If all of the outfitters in Montana were removed in just one year the void would be filled with rogue outfitters from other states. They would bring their clients, take Montana's game, spend no money in the state and do their banking in Texas. How does this help the state of Montana? Is this being fair to the residents? Actually, I personally don't care if any non-residents come to the state to hunt, fish or clutter up our roads during the summer.

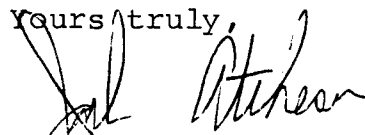
03/13/87

Unfortunately, this is a recreational state and we do need money to operate. It is obvious that the livestock industry is crumbling. When the subsidies are removed from the grain the agricultural people will flounder. Mining and the lumber industry are doing poorly. Keep in mind that recreation has been the only field that made money in this state in the last five years. We must have recreation, whether I want it or not. Therefore, before any of us decide that we want to be super fair to non-residents and give away our resources, maybe we should give away our coal and do away with the coal tax. Maybe we should do away with the bed tax because it is unfair to non-residents.

Think about this before you vote 'no' on HB-535. If the Legislature would vote 'no' enough times you could completely stamp out the outfitting industry, you could also stamp out every rancher in Montana who is trying to make some sort of living off of the wildlife on his land. This would also stamp out the 34 million dollars that hunters pay to outfitters every year. Pretty soon the only people working in this state will be those subsidized by the government or getting some sort of funding. We have to make a living in this state somehow and this is just one of the many ways.

As a member of the Wildlife Federation, I recommend that you vote 'yes' on all three situations on this Action Alert.

Yours truly,



Jack Atcheson, Sr.  
President

cc: Rep. Ed Smith  
Rep. John Yellowtail  
Rep. John Anderson  
Rep. Judy Jacobson  
Rep. Orville Severson  
Rep. Jergenson  
Rep. Al Bishop  
Rep. Bengtson



James W. Kehr D.D.S. P.C.  
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Thank you VERY much for your time and effort in legislating such a complicated and emotional issue.

"...with liberty and justice for all! "

*Jem*

WITNESS STATEMENT

NAME Lewis E. Hawkes

BILL NO. HB535

ADDRESS 16 Cloninger Lane, Bozeman, MT 59715

WHOM DO YOU REPRESENT? Public Land Access Association, Inc.

SUPPORT \_\_\_\_\_

OPPOSE X

AMEND \_\_\_\_\_

COMMENTS: House Bill 535 is bad legislation and its passage will be "buying trouble" for future generations of Montanans. Montana has one of the most successful wildlife programs in the world, and it is based on two fundamentals; (1) the public land management agencies (BLM and Forest Service) maintain the habitat for wildlife on public lands, and (2) the Montana Department of Fish, Wildlife and Parks manages the numbers of animals. This relationship, plus a successful transplanting program, has returned big game animals to all of Montana even where it was wiped out in the early 1900's. For example, Montana had about 2,500 head of elk left in 1920 (excluding Yellowstone herds). Today, there are approximately 100,000 head of elk in Montana. The public land users of Montana, primarily the sportsmen, have directly paid for this return of wildlife through excise taxes on arms, ammunition and fishing tackle via the Pitman-Robertson and the Dingel-Johnson Federal Legislative bills, and State license fees.

Today, a bloated and blatant dude rancher-outfitter-guide complex is seeking to over-commercialize the wildlife resources of Montana at the expense of the average Montanan through HB 535. Region 3 of the Montana Department of Fish, Wildlife and Parks contains the greatest concentration of outfitter-guides in the world, and most of these operate on the Beaverhead, Deerlodge and Gallatin National Forests. The dude rancher-outfitter-guide complex is out of control and running rampant. At least seven outfitters in Montana are teaching students to be guides, and each guide is soon out

looking for a place to set up as an outfitter - preferably where he can control access to public lands. The outfitter contributes nothing to the raising of wildlife. He is a middleman broker who is solely intent on making money from Montana's wildlife and at the direct expense of the average Montanan. He is a "speed trap" on the non-resident. Some states, such as Utah, have refused to let the outfitter-guide industry become established and consider them as "a powerful special interest group, and they pressure the Fish and Game Departments to set special seasons or longer seasons for their own financial benefit and push for excessive trophy hunts to draw their clientele and obtain more money."

The Montana outfitter-guide industry recently worked with the faculty of Business at Montana State University on an economic study of the outfitter-guide industry. While the outfitter-guide industry has hailed this study for the money it brings into Montana, it has only confirmed the Public Land Access Association's suspicions of the industry. A look at the estimates in the study shows the major difference in costs between expenses of guided and non-guided hunters is \$2,878 minus \$1,391 or \$1,487, and the hunting guide personally takes \$1,507 of the \$2,878. In addition, the airfares, hunting gear, gifts, taxidermy, meat locker and tips for guided hunters exceed the non-guided hunters by \$189. Non-guided hunters, however, contribute an average of \$209 more to small businesses on car and gas, motel, restaurant food, non-restaurant food, alcoholic beverages, and other collectively.

The major point is that the guided hunter pays over 50% of his cost personally to the outfitter/guide and as air fares, whereas the non-guided hunter contributes an average of \$209 more to small businesses in Montana for all services. He brings several people with him, and stays an average

of about 5 days longer. While guided hunters bring more total money into the state, it is also very obvious that the outfitter, as a middleman broker of public resources, personally benefits by about \$1,500 with fewer benefits to small businesses in Montana.

The \$1,507 revenue paid solely to the outfitter is the prime reason the dude rancher-outfitter-guide complex is so active in the closing down of access to public lands in Montana. Wherever an outfitter can control access to large tracts of private and public land, he has a monopoly on public resources to be solely used for his economic benefit. The resident is excluded and the non-resident is a captive of the system and pays accordingly.

Today, there are about 23 million acres of public land, mostly east of the Continental Divide in Montana (BLM, Forest Service, and State School Lands). Over 13 million of these 23 million acres, or about 56% are legally inaccessible to the public land user. The dude rancher-outfitter-guide complex is primarily responsible for the closing down of public access to these 13 million acres of public land.

PLAAI would much prefer to see many more of the 17,000 non-residents drive into Montana and have ready access to the public lands.

Again, HB 535 is bad legislation. It sets up a special class of non-residents for special treatment by a special interest group, the dude rancher-outfitter-guide complex and at the direct expense of the average Montanan. It should not be passed because it is only "buying trouble" for future Montanans. Montana's wildlife is not for sale to the highest bidder.

3/24/87

Gentlemen:

I wish to urge a No vote on HB 535. Our local Ravalli County group has a large majority agreeing with me.

I do not like set asides for any particular group. The outfitters have problems but competition is the big one and this bill won't help. The 5,600 out of 17,000 isn't too bad. But the deal giving a landowner is lousy. It will result in more fee hunting and less access to all of us. I don't believe 2,000 tickets extra for outfitters and 2,000 to landowners is a definite No-No.

John Kantjar  
416 Birch Cr.

Date: March 23, 1987

To: Senators and Representatives

From: George H. Holman, Ravalli County Sportsman

Re: H.R. 526 Habitat Protection Fund

We urge you to vote "yes" for these reasons:

1. A limiting factor in big game numbers is winter habitat. The current 18 elk winter ranges provide food for only 12 to 16% of the states 80,000 elk. This bill, with which most sportsmen agree, will provide ear-marked money for the lease, easement or purchase of land for winter range.
2. This bill will help insure the continued economic benefits of hunting in Montana.

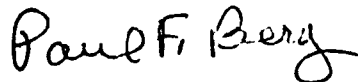
## BEFORE THE SENATE FISH AND GAME COMMITTEE

MARCH 24, 1987, HELENA, MONTANA

By: PAUL F. BERG

1. We believe that the random drawing method is the only fair way to assure that all persons who apply will have an equal opportunity of obtaining one of the 17,000 licenses.
2. Any outfitter set-aside would encourage more outfitters to get into this already overcrowded business. That would encourage more leasing of private lands and blocking of public access to public lands to reduce competition from hunters who do not hire outfitters to hunt on public land.
3. Resident hunters must apply for antelope and deer B tags and many elk tags which are randomly drawn by computer. We believe that the nonresident hunters should follow the same process for the 17,000 licenses.
4. The current economic conditions should not be used as an excuse to jeopardize our big game resources by overcommercialism to benefit outfitters. The Montana Department of Fish, Wildlife and Parks should not be in the business of guaranteeing economic security to any group.
5. Hunting is a management tool which should not be doled out to preferred groups.
6. Hunting is a natural resource recreational activity -- not a monopolistic economic venture.
7. Hunting is a privilege -- not a right to be overcommercialized by outfitters.
8. Hunting is a source of food -- not trophy heads to adorn a Wall Street office.
9. We take our hunting heritage seriously -- that is why we chose to live in Montana.
10. Our heritage is not for sale.

Thank you for the opportunity to comment.



Paul F. Berg, Legislative Committees  
Billings Rod and Gun Club, and  
Southeastern Sportsman Assoc. \*  
3708 Harry Cooper Place  
Billings, Montana 59106

\* Representing 9 clubs and 5,000  
Southeastern Montana Sportsmen.

Phone: 656-2015

SUMMARY OF STATEWIDE ELK AND DEER HUNTER HARVEST AND EXPENDITURES  
BY RESIDENT AND NONRESIDENT HUNTERS - 1982 <sup>1/</sup>

Hunter		Average	
Type/Species	Days	Daily Dollar	Total Dollar
		Expenditure	Expenditure
Res/Elk	532,800	\$ 62	\$ 33,033,600
Nonres/Elk	100,646	198	19,927,908
Res/Deer	719,458	44	31,656,152
Nonres/Deer	106,958	114	12,193,212
Totals	1,459,862		\$ 96,810,872

All resident and nonresident elk and deer hunters statewide spent a total of \$96.8 million during 1982. Therefore, \$98.8 million X 2.5 <sup>2/</sup> = \$242 million contributed to the economy of the state in 1982 by elk and deer hunters.

All resident and nonresident hunters (elk, deer, antelope, bear, moose, sheep, goat, birds, including waterfowl -- excluding trappers and archery hunting) and fishermen expended 5,128,636 days afield and \$207,362,958 during 1982 <sup>1/</sup>.

In its 1982 study, the MDFWP estimated that \$800 million was generated to the economy of the state in 1982 from all hunter and fisherman expenditures.

Using MOGA's multiplier (2.5), \$207.4 (rounded) million X 2.5 = \$518.5 million contributed to the economy of the state in 1982 by all hunters and fishermen.

MOGA claims its industry contributes \$86 million each year to the economy of the state.

All resident and nonresident hunters and fishermen spent \$518.5 million in 1982. Therefore, \$518.5 - \$ 86.0 = \$432.5 million spent by hunters and fishermen who did not use MOGA's services.

*Paul F. Berg*

Paul F. Berg  
3708 Harry Cooper Place  
Billings, Montana 59106  
Phone: 656-2015

<sup>1/</sup> Basic figures from Montana Department Fish Wildlife and Parks (MDFWP).

<sup>2/</sup> Multiplier used by Montana Outfitters and Guides Association (MOGA) to reflect the dollars passed hand to hand through the economy.



March 24, 1987

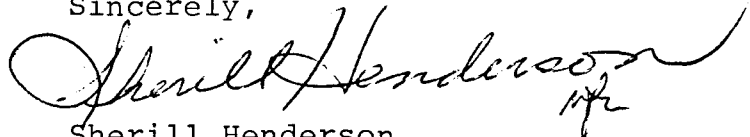
Senator Ed Smith  
Capitol Station  
Helena, Montana 59620

Dear Senator Smith:

I am very much opposed to HB 526! The Fish, Wildlife and Parks Department control too much land already. The Department puts pressure on private land owners for access. Once they acquire the land, there is little chance that the land will ever go back to private ownership.

I urge you to vote against HB 526. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Sherill Henderson". The signature is written in dark ink and is positioned above the printed name.

Sherill Henderson  
Sidney, Montana 59301

# Western Montana Fish and Game Association

MISSOULA, MONTANA



Jan. 10, 1987

Senate Fish & Game Committee  
State Capitol Building  
Helena, Montana

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 residents 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

# RESIDENT HUNTERS ALERT: PROPOSALS THREATEN MONTANA

The Western Montana Fish and Game Association is a private, Missoula based sportsmen's organization, which has for about 50 years worked to enhance the sport of hunting in western Montana. The Association has had several members attending the current legislative session in Helena, monitoring all bills directly affecting wildlife, hunting and fishing. The Association wishes to make public the following report on this year's legislative activity to date.

At least 25 bills affecting Montana hunting have been introduced in the current legislative session in Helena. Most contain good, sensible ideas for managing game and hunters. There have been several proposals in this legislature, however, that would take away local hunters' opportunities by:

- ) allowing up to 14,000 more non-residents to hunt Montana big-game.
- ) enabling some non-residents to avoid the lottery system and guarantee yearly hunts for themselves.
- ) allocating more permits to guides and outfitters effectively squeezing Montana and non-guided, non-resident hunters into evermore crowded public hunting areas.

All of the proposals listed above would, if made into law, place increased hunting pressure on Montana game herds, make it increasingly difficult for Montana hunters to find a place to hunt, and REDUCE THE AVERAGE RESIDENT'S CHANCES OF SUCCESS IN ANY AREA OF MONTANA.

Fortunately, many Montana legislators are hunters themselves — and understand the value of hunting to Montanans — and are willing to protect hunting resources and opportunities. They have already rejected some of the most detrimental proposals, but there are some still under consideration. At least one, HB535, NEEDS IMMEDIATE ACTION FROM MONTANA HUNTERS.

Pressure from several sources, including the Montana Outfitters and Guides Association, produced HB535 and pushed it through the House. It is about to come before the Senate. HB535 would create SIX THOUSAND NEW NON-RESIDENT licenses that would allow license holders to hunt for everything except elk and black bear.

Montana presently sells 17,000 non-resident combination licenses each year, which allow license holders to hunt elk, deer, and bear. About 35,000 applications are received annually, and about 4,200 of those receiving combination licenses last year hunted deer exclusively. So by issuing 6000 more deer licenses the state will essentially have created a minimum 4,200 non-resident elk hunters and a maximum of 6000 more non-resident elk hunters. The resulting 35% increase in out-of-state hunters would go into effect in the 1988 season.

2000 MORE NON-RESIDENT HUNTERS IN 1988 would mean a sharp increase in competition for the limited supply of game animals and places to hunt, WHICH WILL EVENTUALLY LEAD TO SHORTER SEASONS, HUNTING BY SPECIAL PERMIT ONLY, OR BOTH.

HB535 also calls for allocation of 2000 of those 6000 new licenses to out-of-state hunters who hunt with guides and outfitters, which tends to further damage hunting chances for Montanans, as explained below.

The state set aside 5600 non-resident permits for clients of outfitters and guides in 1985 and 1986, to help hunters and their guides to plan ahead. Since the recent average number of non-residents hunting with guides and outfitters has been around 5600, the additional 2000 permits allocated under HB535 would raise the total allocations to 7600, well above current proportions of demand for guided hunts. Landowners have also been allocated 2000 non-resident permits, and since some landowners are also outfitters and guides, the allocation is in excess of 7600. This legislation takes much of the risk out of the outfitting and guiding business. THIS HAS A DETRIMENTAL EFFECT ON THE AVERAGE HUNTER. Here's how:

With increased security and profits, outfitters and guides can afford to advertise more heavily and create more demand. They are also able to lease more private property for their clients, effectively squeezing local hunters away from the private property and onto public lands; furthermore, private landholders and their lessees have a vested interest in closing their lands to access to the public lands that frequently lie adjacent to theirs. They are then able to use the public lands at their back doors as if they were their own. Local hunters are forced onto increasingly crowded portions of accessible public lands. WITH PASSAGE OF HB535, PRESSURE ON PUBLIC LANDS WOULD INCREASE, AND HUNTING OPPORTUNITIES FOR THE AVERAGE HUNTER WOULD DECREASE.

HB535, bad as it is, doesn't do as much as its backers hoped for. It replaces HB137, which called for issuance of 14,000 new non-resident permits, raising total non-resident annual numbers from 17,000 to 31,000 in 1988. (Another HB16, would have added 4000 archery-only licenses this year to the current non-resident-permit ceiling.) HB535 is simply one survivor, hopefully short-lived, among several recent attempts at exploiting Montana hunting at the expense of Montana hunters.

The Department of Fish, Wildlife and Parks (FW&P), has mixed record of performance so far in this legislative session. However, Jim Flynn, its governor-appointed director, has done well in backing HB526, a measure designed to help the state acquire, develop and maintain wildlife habitat. Through hunting license fee increases, HB526 will enable the agency to lease, purchase, and/or acquire conservation easements on land especially suited to wildlife. The modest fee increases proposed in HB526 range for \$2 and \$3 for resident deer and elk tags, respectively, to \$50 for the nonresident combination license. The revenues thus generated would produce \$1.5 million in 1988 and \$2.2 million in 1989, to benefit wildlife, wildlife observers and hunters, residents and non-residents alike.

Although there are landowners eager to sell to the state in order to protect the land from development or other undesirable uses, this bill is opposed by others, and faces a tough journey into the law books. Letters and calls SUPPORTING HB526 are urgently needed.

To its discredit, FW&P requested introduction of HB407, which would have allowed nonresidents owning land in Montana to hunt deer, antelope and elk on that property with a resident license. This bill could have opened a number of doors for non-resident hunters and further diminished hunting opportunities for resident Montanans. FORTUNATELY FOR MONTANA HUNTERS, the House Fish and Game Committee went against FW&P and killed HB407.

Because it was such a potentially destructive bill, and because our state agency supported it, HB407's defects deserve to be detailed. It makes it clear that hunters cannot just sit back and expect their agency administrators to know and/or defend their interests. Non-residents write letters and make phone calls urging our agency people to help them out. So do all kinds of people who might stand to gain or lose money according to the way our land and wildlife resources are managed. HB407 is a good example of what agency administrators can be led to do.

HB407 created incentive for out-of-state hunters to purchase land in Montana primarily for the purpose of hunting. Not only would it have saved such hunters the annual license fee for non-residents

*Western Montana  
Game Association*

THE WESTERN MONTANA FISH AND GAME ASSOCIATION could use your support in its efforts to protect Montana hunting, for Montanans. Join today. You can help us keep a clear eye on, and give voice to, the state legislature.

# LEGISLATIVE MONTANA HUNTERS

(for themselves and any of their immediate family, including spouse, parents, children, brothers and sisters), HB407 WOULD ALSO HAVE GUARANTEED NON-RESIDENT LANDOWNERS A LICENSE EACH YEAR, ELIMINATING THE RISK OF QUOTAS AND DRAWINGS.

Corporate stockholders in companies owning land in Montana would also have received resident licenses to hunt on that land, under provisions of HB407. Companies with huge landholdings in Western Montana, would have become instant hunting clubs for the economically privileged. Anyone owning 5% or more of the outstanding shares such a corporation would have been eligible, along with members of his/her family, for a resident license for hunting on the corporation's land. Since many ranches in Montana are also owned by corporations with non-resident shareholders, quite a few more non-resident hunters would have been encouraged to hunt in Montana by HB407.

HB407 would also have allowed members of a partnership to purchase resident licenses to hunt on property owned by the partnership. This would have provided incentive for hunting clubs to purchase Montana lands exclusively for their own hunting preserves, and guaranteed them yearly permits at resident prices.

FW&P, in backing bills that would hurt resident hunters, may be responding to the state's push for economic development. But poorer hunting opportunities for residents would not be good for most Montanans, hunter and non-hunter alike, economically or otherwise. Proposals that would benefit a few people who make money from hunting, or those who for one reason or another expect special privileges, must be weighed against the sporting interests of the hundreds of thousands of Montana hunters.

RESIDENT MONTANA HUNTERS CONTRIBUTE ALMOST THEIR ENTIRE INCOME TO THE ECONOMY OF MONTANA. People who live in Montana frequently value hunting opportunity higher than money-making opportunity. They've willingly given up money-making and cultural opportunities available elsewhere, so they could live, hunt, and recreate in Montana. They are frequently the people who do the most for conservation and other movements that keep Montana a pleasant place in which to live.

The people of "elsewhere" and yesteryear traded away their hunting opportunities long ago, in favor of making more money. Montana is one of the last strongholds of wildlife and high-quality hunting opportunity. The rest of the world envies Montanans for that. But if hunting is to remain good in Montana, for Montanans, and non-residents alike, hunters must be aware of and oppose those who would trade off hunting in favor of "economic growth." And they must let the lawmakers know if there's something going on that they don't like.

MONTANANS WHO WANT HIGH-QUALITY HUNTING, FOR THEMSELVES, THEIR CHILDREN AND THEIR GRANDCHILDREN, SHOULD ACT NOW by writing or calling their representatives and senators in Helena, and expressing their OPPOSITION to HB535, their SUPPORT for HB526, and their concern about hunting opportunities in general. You can call and leave a message for your senator at 1-444-4800 or write your senator at the following address: (Remember, time is of the essence.)

Montana Senate  
Capitol Station  
Helena, Montana 59620

*Fish and  
Game  
Association*

FISH AND GAME  
ASSOCIATION  
and enhance Mont-  
membership dollars  
stronger voices in



Box 4294  
Missoula, Montana 59806

3. SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, line 9  
Following: "HABITAT"  
Insert: "AND PUBLIC HUNTING AREAS CAPABLE OF BLOCK  
MANAGEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS,"
2. Page 1, line 19  
Following: "habitat"  
Insert: "and public hunting areas capable of block manage-  
ment"
3. Page 4, line 5  
Following: "habitat"  
Insert: "and block management areas"
4. Page 4, line 9  
Following: "habitat"  
Insert: "and public hunting areas capable of block  
management by the department"
5. Page 5, line 12  
Following: "habitat"  
Insert: "and public hunting areas"

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE March 11, 1964

BILL NO. \_\_\_\_\_

2.

SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, line 20

Strike: "are necessary"

Insert: "may be desirable"

2. Page 3, lines 21-22

Strike: "AND (F)"

Insert: "(f) economic impacts to any county in which any portion of the lands are to be acquired, including an analysis of the total annual in lieu of taxes payments pursuant to 87-1-603 compared to the total annual taxes forthcoming to the county had the land remained in private ownership, including amounts attributable to livestock, improvements, machinery, and other personal property as appropriate; and (g)"

3. Page 4, line 4

Following: "PUBLIC."

Insert: "(3) Preference shall be given to acquisition of interests in land by lease or conservation easements over acquisition by purchase of fee title."

4. Page 5, line 18

Following: "habitat."

Insert: "Maintenance shall include mitigation measures for any detrimental impacts to adjacent land pursuant to [Section 1(i)(D)]."

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE Grasfield Page 3

BILL NO. \_\_\_\_\_

/, SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, lines 11-13

Strike: "TO SPECIFY THE NUMBER OF NONRESIDENT DEER "A"  
LICENSES THAT MAY BE SOLD;"

2. Page 9, lines 2-3

Strike: "Not more than 5,000 Class B7 licenses may be sold  
in any license year."

NOTE: The Montana Constitution states in Article 5,  
Section 11(3):

"Each bill, except general appropriation bills and  
bills for the codification and general revision of the laws,  
shall contain only one subject, clearly expressed in its title."

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE

*2/1/71*

BILL NO. \_\_\_\_\_

# TESTIMONY ON HB 526

before the Senate Fish & Game Committee, March 24, 1987  
by Lorents Grosfield, cattle rancher from Big Timber

HB 526 as amended is a much improved version of the Introduced Bill. However, there are still at least three major problems with it:

1. It is unconstitutional. The Montana Constitution states in Article 5, Section 11(3):

"Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title."

This is a wildlife habitat bill. Yet from out of nowhere comes a provision that limits Class B-7 licenses. This has nothing to do with the purpose of the bill--- in fact if anything it is contrary to the purpose because it would be a factor limiting the money available for the real purpose of the bill. I urge the committee to strike that provision from the bill and have included a simple suggested amendment to that effect.

2. Economic impacts are not sufficiently addressed by this bill. These include economic impacts to adjacent lands resulting from enhanced habitat on purchased lands. They would also include impacts to the tax base in any county where a significant amount of land is purchased--- in our county, department lands contribute only one-half to one-fifth as much in lieu of taxes as the county received when the land was previously in private agricultural ownership. Other economic impacts of concern have to do with the cumulative effects of land acquisitions over a number of years--- these are both economic and social impacts associated with expanding government ownership of our land resources. The second set of amendments attached addresses these economic impacts.

3. HB 526 has been sold by some as an access bill. This is not an access bill. It is a habitat bill, and if anything it will quite possibly restrict access in many cases, because wide-open public access is simply not compatible with quality wildlife habitat management. Having a bill aimed exclusively at habitat acquisition is not necessarily a problem, but discussion on the floor of the House on this bill revealed that at least some members thought it was an access bill and may have voted for it on that basis. This is not an access bill. Actually, I think some of the money to be generated by this bill should go to access acquisition; one option is by way of promoting the Department's block management program--- the two or three Department employees involved in this program have succeeded in just a few seasons in opening thousands of acres to hunting access, and, with a little incentive to offer, could open tens of thousands more. This would go a long way toward relieving the present-day tensions between landowners and sportsmen. You will find amendments attached that would provide for funding access.

I URGE YOUR FAVORABLE CONSIDERATION OF THE ATTACHED AMENDMENTS.



Gazette photo by Larry Meyer

berly, 6, and Jessica, 8, were petting the he end of a small bridge along Riverside laurel.

## on rail-line sales

but then adopted a new policy of trying to sell financially shaky lines to short-line operators instead of abandoning them.

He said HB 861 would jeopardize such sales because local entrepreneurs couldn't make short lines financially successful if they are forced to assume BN's labor contracts. He said labor is BN's biggest expense, with the average employee getting \$26.41 an hour in pay and benefits.

"What chance of success would a new operator have if he had to take on these labor costs?" he asked.

Stu Doggett of the Montana Chamber of Commerce criticized the bill as an "undue intrusion" of the state into the private sector. He said the Columbia Falls aluminum plant and Butte mines likely wouldn't be in operation today if they had to honor the labor agreements that HB 861 would require of the railroads.

John Green, president of the new Montana Western short-line railroad between Garrison and Silver Bow, questioned whether the labor-agreement provision was constitutional. The bill, he said, "eliminates any new short lines in the state of Montana."

Meanwhile, John Post of Livingston, spokesman for

## YELLOWSTONE UPDATE

# Park studies capacity for elk, bison

SENATE FISH AND GAME

EXHIBIT/NO.

BILL NO.

By TOM HOWARD  
Gazette Cody Bureau

CODY, Wyo. — National Park Service officials are studying the wildlife carrying capacity of Yellowstone National Park in an attempt to better manage elk and bison, Yellowstone Superintendent Robert Barbee said Monday.

Barbee said the National Park Service is making a "concerted effort" to bring university experts to the park to determine the number of animals the park can support. If research indicates that herds must be reduced, "we'll go with it," Barbee told the Cody Country Chamber of Commerce.

"We hope we can ground our decisions in good, hard data. We're not wedded to any concept," Barbee said in response to a question about how the Park Service plans to manage an increasing bison herd.

Bison management is just one in an endless string of controversies surrounding Yellowstone. Special-

interest groups, each of them concerned about the management of America's oldest national park, are proliferating like mushrooms after a spring rain, Barbee said.

He wouldn't predict when the east entrance of Yellowstone will open this spring because of weather and other variables. But, with snowpack about 50 percent of normal, the Park Service is well ahead of schedule for plowing snow from roads. As another sign that spring is at hand, bears are out of their dens, Barbee said.

A one-year increase in entrance fees to national parks could provide additional money for the park's operating budget, which is \$12 million this year, Barbee said.

The new entrance-fee schedule raises the single-visit fee from \$2 per vehicle to \$5 per vehicle. Traditionally, money raised from entrance fees has been placed in the government's general fund. Under the new fee schedule, Yellowstone could receive about \$600,000 of the money annually, Barbee said.

## Trucking hearings likely

Gazette Cody Bureau

CODY, Wyo. — Yellowstone National Park Superintendent Robert Barbee said Monday that the National Park Service will likely hold public meetings on a citizen's group's demands for halting truck traffic on a highway in Yellowstone National Park.

Commercial trucking is prohibited in national parks, but for years trucks have been traveling a 14-mile section of U.S. 191 that winds into Yellowstone National Park just north of West Yellowstone, Mont. A local group is

new regulation or enforce the restrictions," Barbee said, adding that the Park Service is contacting representatives of the trucking industry and the citizen's group. He said no date has been set on the possible meeting.

Barbee said the Park Service is interested in hearing all sides of the issue. The issue boils down to regulating interstate truck traffic, and Barbee doesn't relish that responsibility. "We've got a lot of other things to do," he said.

Properly defining commercial truck traffic complicates the issue.

Table 2. Summary of harvest results during the recent Gardiner late elk seasons (including illegal kills).

Winter	Permits			Harvest				Percent
	ES <sup>a</sup>	A <sup>b</sup>	Total	Bulls	Cows	Calves	Total	Bulls
1975-76	1,500	0	1,500	705	362	140	1207	58
1977-78	1,500	0	1,500	359	297	179	803	47
1978-79	300	0	300	30	3	2	70	86
1979-80	1,000	0	1,000	285	157	25	467	61
1980-81	1,750	850	2,600	75	42	16	133	56
1981-82	1,600	800	2,400	491	422	100	1015	48
1982-83	1,500	800	2,400	470	712	241	1462	33
1983-84	800	1,600	2,400	396	816	396	1652	24
1984-85	300	2,100	2,400	173	742	291	1206	14
Totals	10,350	6,150	16,500	2984	3553	1390	8016	37

<sup>a</sup>Valid for either-sex elk.

<sup>b</sup>Valid for antlerless elk only.

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE \_\_\_\_\_

BILL NO. \_\_\_\_\_

Table 2. (continued) Elk numbers and removals, 1923-79.

Winter Period	Winter Census	Removals		
		Hunter Kill	Park	Total
1954		422	387	809
1955		763	598	1361
1956	6963 <sup>f</sup>	3900	2635	6535
1957		345	944	1289
1958		50	536	586
1959	4884 <sup>eg</sup>	372	1334	1706
1960		50	809	859
1961	8150 <sup>ef</sup>	25	1434	1459
1962	5725 <sup>f</sup>	125	4619	4744
1963		530	1290	1820
1964		30	1121	1151
1965	4865 <sup>f</sup>	1012	892	1904
1966		30	1240	1270
1967	3842 <sup>f</sup>	1108	1540	2648
1968	3172 <sup>e</sup>	116	984	1100
1969	4305 <sup>e</sup>	50	0	50
1970	5543 <sup>eh</sup>	50	0	50
1971	7281 <sup>e</sup>	45	0	45
1972	8215 <sup>e</sup>	75	0	75
1973	9981 <sup>e</sup>	154	0	154
1974	10529 <sup>e</sup>	210	0	210
1975	12607 <sup>e</sup>	147	0	147
1976	10807 <sup>e</sup>	1547	0	1547
1977	8980 <sup>eg</sup>	219	0	219
1978	11855 <sup>e</sup>	1086	0	1086
1979	10768 <sup>e</sup>	340	0	340
1980		456	0	456
1981		126	0	126

<sup>a</sup>1923 = winter of 1922-23, etc.

<sup>b</sup>Total removal estimated at 1000 including cripple losses.

<sup>c</sup>Contains estimates of cripple losses.

\*60% estimated to be "park" elk. Given 5000 on 2/25/81 memo to 20607 2/25/81

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE \_\_\_\_\_

BILL NO. \_\_\_\_\_

Table 2. Elk numbers and removals, 1923-79.

Winter Period <sup>a</sup>	Winter Census	Removals		
		Hunter Kill	Park	Total
1923		33	49	82
1924		44	11	55
1925		366 <sup>b</sup>	59	425
1926		88	80	168
1927		719	107	826
1928		1529 <sup>c</sup>	187	1716
1929		15	0	15
1930	8257	312	110	422
1931	7696 <sup>g</sup>	316	2	318
1932	10624	290	37	327
1933	11521	177	2	179
1934	10042	136	11	147
1935	10112 <sup>d</sup>	2598	667	3265
1936	10281	2287	557	2844
1937	8794	257	574	831
1938	10976	3587	236	3823
1939		2971	307	3278
1940		122	16	138
1941		275	12	287
1942		2071	145	2216
1943	8235	6539	691	7230
1944		125	10	135
1945		403	0	403
1946	8513	2094	73	2167
1947		3069	76	3145
1948	7815	970	39	1009
1949	9496	2337	49	2886
1950		40	834	874
1951		1265	318	2083
1952		3198	602	3800
1953		110	172	282

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE Alpena Slide Page 3

BILL NO. \_\_\_\_\_

# SLIP & SLIDE RANCH



FRANKLIN & SUSAN RIGLER • BOX 877 • CORWIN SPRINGS, MT 59021 • (406) 848-7648

page 2-

It is time for you to respond to the here and now. We have a responsibility not only to this generation but to generations who will follow us. You must understand this is not creating a 'pseudo-wintering ground' (ie Jackson Hole) but supporting an area traditional to elk migration.

For those of you wary about the state entering into the 'real estate' business, you need to truly appreciate the uniqueness of this area. In the 1920's the federal government had a vision of what be done along these lines, but we have been stalled for the past 60 years. We have an opportunity to get on the track again and you owe the people of Montana an investigation of this and action on it.

Thank you.

*Franklin Rigler*

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE Slip & Slide pg. 2

# SLIP & SLIDE RANCH



FRANKLIN & SUSAN RIGLER • BOX 877 • CORWIN SPRINGS, MT 59021 • (406) 848-7648

March 24 1987

Senators,

I am writing in reference to House Bill 526 which concerns money for acquisition of wildlife habitat. There are a few points for your consideration in this matter.

The Northern Yellowstone Elk herd is the largest in the world. This elk herd has been slaughtered in the 40's, 50's, and 60's in the Park by a direct reduction policy and outside of the Park by the historic firing line. We have a late elk hunt in area 313 now that bottlenecks elk in the Park. Last week, Superintendent Barbee spoke to the Cody Chamber of Commerce stating that studies by professionals on range conditions were being conducted to determine range conditions and that "something would be done" if the situation warranted it.

Historically, area 313 has been one of the mildest wintering areas in Montana, a fact easily verified from the earliest Park Superintendent's reports. Areas below Yankee Jim Canyon combine productive well-watered north slopes with winter winds clearing forage for availability to wintering herds. As present land managers, it is our responsibility to look into the future and envision the fantastic wildlife range potential in the Upper Yellowstone.

We are all aware that Yellowstone's summer range is practically unlimited. If we have the foresight to plan for purchasing winter range properties as they become available, it is easy to envision a day when the rest of the nation and the world will look at the Yellowstone Complex in the same light as the Serengeti Plain is seen today. You gentlemen possess the potential for planning to provide the world with a truly wild and free-ranging wildlife habitat in the Yellowstone Complex. The extent of what can be done is proportional to winter range available and funds laid aside to purchase tracts as they are marketed.

We can easily see what happens when large tracts of land go into private ownership for development as the Forbes Ranch and the efforts of CUT. Large scale development can only spell disaster for a wildlife management plan. Yet, we still have an opportunity on the east side of the Yellowstone River, the traditional wintering grounds for thousands of migrating elk.

3. SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, line 9  
Following: "HABITAT"  
Insert: "AND PUBLIC HUNTING AREAS CAPABLE OF BLOCK  
MANAGEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS,"
2. Page 1, line 19  
Following: "habitat"  
Insert: "and public hunting areas capable of block manage-  
ment"
3. Page 4, line 5  
Following: "habitat"  
Insert: "and block management areas"
4. Page 4, line 9  
Following: "habitat"  
Insert: "and public hunting areas capable of block  
management by the department"
5. Page 5, line 12  
Following: "habitat"  
Insert: "and public hunting areas"

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE

*Chapfield Page 4*

BILL NO. \_\_\_\_\_

2.

SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, line 20  
Strike: "are necessary"  
Insert: "may be desirable"
2. Page 3, lines 21-22  
Strike: "AND (F)"  
Insert: "(f) economic impacts to any county in which any portion of the lands are to be acquired, including an analysis of the total annual in lieu of taxes payments pursuant to 87-1-603 compared to the total annual taxes forthcoming to the county had the land remained in private ownership, including amounts attributable to livestock, improvements, machinery, and other personal property as appropriate; and (g)"
3. Page 4, line 4  
Following: "PUBLIC."  
Insert: "(3) Preference shall be given to acquisition of interests in land by lease or conservation easements over acquisition by purchase of fee title."
4. Page 5, line 18  
Following: "habitat."  
Insert: "Maintenance shall include mitigation measures for any detrimental impacts to adjacent land pursuant to [Section 1(1)(D)]."

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE Grassfield page 3

BILL NO. \_\_\_\_\_

/ SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, lines 11-13

Strike: "TO SPECIFY THE NUMBER OF NONRESIDENT DEER "A"  
LICENSES THAT MAY BE SOLD;"

2. Page 9, lines 2-3

Strike: "Not more than 5,000 Class B7 licenses may be sold  
in any license year."

NOTE: The Montana Constitution states in Article 5,  
Section 11(3):

"Each bill, except general appropriation bills and  
bills for the codification and general revision of the laws,  
shall contain only one subject, clearly expressed in its title."

SENATE FISH AND GAME

EXHIBIT NO. \_\_\_\_\_

DATE 2/1/2014 pg 2

BILL NO. \_\_\_\_\_

TESTIMONY ON HB 526

before the Senate Fish & Game Committee, March 24, 1987  
by Lorents Grosfield, cattle rancher from Big Timber

HB 526 as amended is a much improved version of the Introduced Bill. However, there are still at least three major problems with it:

1. It is unconstitutional. The Montana Constitution states in Article 5, Section 11(3):

"Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title."

This is a wildlife habitat bill. Yet from out of nowhere comes a provision that limits Class B-7 licenses. This has nothing to do with the purpose of the bill--- in fact if anything it is contrary to the purpose because it would be a factor limiting the money available for the real purpose of the bill. I urge the committee to strike that provision from the bill and have included a simple suggested amendment to that effect.

2. Economic impacts are not sufficiently addressed by this bill. These include economic impacts to adjacent lands resulting from enhanced habitat on purchased lands. They would also include impacts to the tax base in any county where a significant amount of land is purchased--- in our county, department lands contribute only one-half to one-fifth as much in lieu of taxes as the county received when the land was previously in private agricultural ownership. Other economic impacts of concern have to do with the cumulative effects of land acquisitions over a number of years--- these are both economic and social impacts associated with expanding government ownership of our land resources. The second set of amendments attached addresses these economic impacts.

3. HB 526 has been sold by some as an access bill. This is not an access bill. It is a habitat bill, and if anything it will quite possibly restrict access in many cases, because wide-open public access is simply not compatible with quality wildlife habitat management. Having a bill aimed exclusively at habitat acquisition is not necessarily a problem, but discussion on the floor of the House on this bill revealed that at least some members thought it was an access bill and may have voted for it on that basis. This is not an access bill. Actually, I think some of the money to be generated by this bill should go to access acquisition; one option is by way of promoting the Department's block management program--- the two or three Department employees involved in this program have succeeded in just a few seasons in opening thousands of acres to hunting access, and, with a little incentive to offer, could open tens of thousands more. This would go a long way toward relieving the present-day tensions between landowners and sportsmen. You will find amendments attached that would provide for funding access.

I URGE YOUR FAVORABLE CONSIDERATION OF THE ATTACHED AMENDMENTS.

ACRES OF PUBLIC LAND, PLUS PAYMENTS IN LIEU OF TAXES (PILT) AND 25% (FOREST SERVICE)  
PAYMENTS TO TOP TEN EAST SIDE COUNTIES (F.Y. 1982-1986)

County	Acres of Public Land	FY 1986 Payments		FY 1985 Payments		FY 1984 Payments		FY 1983 Payments		FY 1982 Payments	
		PILT	25%	PILT	25%	PILT	25%	PILT	25%	PILT	25%
Flathead	2,417,824	\$235,772	\$1,124,929	\$409,200	\$ 915,410	\$404,689	\$1,374,309	\$230,182	\$ 878,897	\$227,353	\$ 868,737
*Beaverhead	2,049,002	197,141	147,615	232,027	139,488	250,279	200,731	193,077	119,046	200,516	77,391
Lincoln	1,787,009	171,226	2,774,701	173,186	2,221,805	170,852	3,215,152	168,390	1,269,767	164,138	2,052,985
*Phillips	1,388,190	133,328	--	133,863	--	132,212	--	130,809	--	127,575	--
*Valley	1,131,822	256,381	--	234,776	--	237,360	--	231,054	--	221,950	--
Ravalli	1,106,678	438,730	468,915	458,367	393,514	563,771	293,593	152,564	238,786	337,881	64,190
*Lewis & Clark	1,060,816	694,738	149,693	719,846	128,438	699,026	117,509	656,525	80,955	658,219	95,458
*Madison	1,050,685	196,538	85,691	220,952	84,141	229,363	108,999	158,024	75,873	169,366	47,652
*Park	914,571	347,466	66,532	345,443	84,296	356,931	80,439	371,883	89,725	329,410	64,153
Sanders	905,785	86,968	601,539	87,890	632,241	133,498	828,277	85,353	531,695	83,242	304,002
*Garfield	827,329	78,377	--	79,352	--	78,281	--	77,959	--	76,054	--
*Powell	713,349	118,907	239,675	175,359	204,142	181,391	274,957	67,219	189,929	68,806	176,344
*Granite	709,103	68,070	134,396	68,828	111,018	72,148	149,364	66,818	132,875	65,222	63,173
Missoula	699,920	277,528	287,525	361,173	137,508	362,414	376,793	215,614	248,629	210,086	209,716
*Gallatin	678,156	450,306	50,676	450,207	66,112	457,076	60,662	449,832	68,766	442,352	48,392
Mineral	643,392	61,758	227,284	62,446	171,179	61,662	311,880	60,627	213,784	59,128	169,686
*10 counties only		\$2,541,252	\$874,278								

\*Top ten east side counties with most acres of public land (BLM and FS)

ACRES OF PUBLIC LAND IN EACH MONTANA COUNTY  
(F.Y. 1983 PILT PAYMENTS)

	COUNTY	ACRES	COUNTY SEAT	MAJORITY
1.	Flathead	2,417,824	Kalispell	
* 2.	Beaverhead	2,049,002	Dillon	FS
3.	Lincoln	1,787,009	Libby	
* 4.	Phillips	1,388,190	Malta	BLM
* 5.	Valley	1,131,822	Glasgow	BLM
6.	Ravalli	1,106,678	Hamilton	
* 7.	Lewis & Clark	1,060,816	Helena	FS
* 8.	Madison	1,050,685	Virginia City	FS
* 9.	Park County	914,571	Livingston	FS
10.	Sanders	905,785	Thompson Falls	
*11.	Garfield	827,329	Jordan	BLM
*12.	<del>Powell</del>	713,349	Deer Lodge	FS
*13.	<del>Granite</del>	709,103	Phillipsburg	FS
*14.	<del>Missoula</del>	699,920	Missoula	
*15.	<del>Gallatin</del>	678,156	Bozeman	FS
16.	Mineral	643,392	Superior	
<hr/>				
**17.	Powder River	603,273	Broadus	BLM-FS
**18.	Carter	601,157	Ekalaka	BLM
**19.	Carbon	568,391	Red Lodge	FS-BLM
**20.	Jefferson	556,942	Boulder	FS
**21.	Fergus	499,743	Lewistown	BLM
**22.	<del>Meagher</del>	474,581	White Sulphur	FS
**23.	<del>Blaine</del>	458,462	Chinook	BLM
**24.	<del>Prairie</del>	429,408	Terry	BLM
**25.	<del>Glacier</del>	402,835	Cut Bank	NPS-FS
**26.	<del>Petroleum</del>	346,998	Winnett	BLM
<hr/>				
***27.	Custer	342,445	Miles City	BLM
***28.	Rosebud	329,477	Forsyth	BLM
***29.	Judith Basin	311,023	Stanford	FS
***30.	Broadwater	304,637	Townsend	FS
***31.	Sweetgrass	303,070	Big Timber	FS
***32.	McCone	277,581	Circle	BLM
***33.	Teton	265,434	Choteau	FS
***34.	Butte-Silver Bow	237,737	Butte	FS
***35.	Cascade	215,376	Great Falls	FS
***36.	Stillwater	192,010	Columbus	FS
<hr/>				
37.	Anaconda-Deer Lodge	184,453	Anaconda	FS
38.	Chouteau	157,014	Ft. Benton	BLM
39.	Lake	156,982	Polson	FS
40.	Fallon	121,906	Baker	BLM
41.	Pondera	107,919	Conrad	FS
42.	Musselshell	90,299	Roundup	BLM
43.	Yellowstone	88,779	Billings	BLM
44.	Dawson	68,591	Glendive	BLM
45.	Wheatland	53,369	Harlowton	BLM
46.	Richland	52,862	Sidney	BLM
47.	Hill	47,720	Havre	BLM
48.	Toole	46,013	Shelby	BLM
49.	Big Horn	35,651	Hardin	BLM
50.	Liberty	33,363	Chester	BLM
51.	Golden	31,968	Ryegate	BLM
52.	Wibaux	25,882	Wibaux	BLM
53.	Treasure	11,798	Hysham	BLM
54.	Roosevelt	4,722	Wolf Point	BLM
55.	Sheridan	1,388	Plentywood	BLM
56.	Daniels	200	Scobey	BLM

Source of Data - BLM payments to counties - FY 1983

\* Top ten east side counties with most acres of public land (BLM and National Forest)

\*\* List of east side counties in 11-20 category with most acres of public land (BLM and National Forest)

\*\*\* List of east side counties in 21-30 category with most acres of public land (BLM and National Forest)

## GAZETTE OPINION

# Wildlife bill has promise

## HB 526 addresses problem

Montana has taken on a new color.

Drive through the mountains of Western Montana, the valleys lining the Missouri, the Gallatin, the Yellowstone, the Stillwater and all the other rivers of the state.

Drive across the high plains of Eastern Montana. Everywhere, it's the same.

Gate posts are topped by fluorescent orange. Orange-topped fence lines mark off territory. This is ours. Stay out!

There are good reasons in most cases for farmers' and ranchers' decisions to close land to the public.

But that leaves the public no less non-plussed.

Montanans are among the poorest paid people in the nation. The state's economy acts as though it is obeying the commands of a WWII submarine captain: "Dive! Dive!"

But we don't leave for greener pastures, because we like the look of pastures here.

Residents glory in living in the state of Montana. We treasure standing on the banks of the state streams, climbing mountain trails, gliding through snow-freshened meadows.

But we are being compressed, crushed between the pressure from the ranchers to keep their lands free of litterers, to make up the money they lose from cattle by fees they charge for hunters on the land.

And the pressure of the hunters continues to grow, both in-state and out. We have become known for what we are, one of the last great hunting and fishing areas in the 48-contiguous states. We are to outdoor sports what Disneyland is to carnival shows.

There is a bill before the Legislature now that is aimed at easing that pressure, providing means by which future Montanans can enjoy the lifestyle we all were reared in.

House Bill 526 adds additional fees to the state's hunting licenses, resident and non-resident alike, to fund the protection and enhancement of wildlife habitat in the state.

The bill would provide the state with an estimated \$1.4 million in fiscal year 1988 to buy or lease lands critical for wildlife.

In FY 89, that figure would swell to \$2.1 million.

There are a number of reasons why this is a particularly opportune time for the bill.

First, access to private lands is shrinking.

Second, because of the woeful state of Montana's agricultural community, land values have become a bargain. The money raised by the fund will buy more quality land than before.

HB 526 is appropriate in still another way. It is a user fee. It takes money collected from the sportsmen who enjoy the state's wildlife resources and uses that money to provide critical wildlife habitat, public lands for the public, and access to existing lands.

The sportsmen enhance their own sport. The Legislature must pass this bill. It's too good to pass up.

SENATE FISH AND GAME

EXHIBIT NO. *See House*

DATE \_\_\_\_\_

BILL NO. \_\_\_\_\_

COST TO HUNT COMPARISONS  
AS OF 1/1/86

RESIDENT

O = lowest in west

STATE/TAG	DEER	ELK	BEAR	TURKEY	MTN LION	MOOSE	ANTELOPE	SHEEP	MTN GOAT	SMALL GAME
AZ	\$24.00	\$69.50	\$17.00	\$18.00	\$11.00		\$59.50	\$159.50		\$9.50
CA	\$22.50	\$115.00	\$25.00	\$15.00			\$50.00			\$15.00
CO	\$17.00	\$25.00	\$25.00	\$7.50	\$32.00	\$200.00	\$17.00	\$100.00	\$100.00	\$7.50
ID	\$14.50	\$20.50	\$13.00	\$13.00	\$17.00	\$67.00	\$33.50	\$67.00	\$67.00	\$6.50
MT	\$11.00	\$12.00	\$10.00	\$5.00	\$12.00	\$52.00	\$8.00	\$52.00	\$52.00	\$6.00
NV	\$28.00	\$88.00			\$23.00		\$43.00	\$88.00	\$63.00	\$13.00
NM	\$19.00	\$38.00	\$10.50	\$10.50	\$10.50		\$23.00	\$38.00		\$9.50
OR	\$14.00	\$24.00	\$13.00	\$12.00	\$28.00		\$18.00	\$33.00		\$8.00
UT	\$15.00	\$45.00	\$40.00	\$13.00	\$40.00	\$115.00	\$40.00	\$215.00	\$215.00	\$12.00
WA	\$27.00	\$32.00	\$27.00	\$27.00	\$32.00	\$162.00		\$87.00	\$62.00	\$20.00
WY	\$20.00	\$30.00	\$15.00	\$11.00	\$25.00	\$55.00	\$20.00	\$55.00	\$55.00	\$10.00
AVERAGE	\$19.27	\$42.95	\$19.83	\$12.66	\$24.38	\$108.50	\$28.05	\$81.66	\$87.71	\$10.75
MAX	\$28.00	\$115.00	\$40.00	\$27.00	\$40.00	\$200.00	\$59.50	\$215.00	\$215.00	\$20.00
MIN	\$11.00	\$12.00	\$10.00	\$5.00	\$10.50	\$52.00	\$8.00	\$33.00	\$52.00	\$6.00

NON RES

O = lowest in west

STATE/TAG	DEER	ELK	BEAR	TURKEY	MTN LION	MOOSE	ANTELOPE	SHEEP	MTN GOAT	SMALL GAME
AZ	\$131.00	\$355.50	\$106.00	\$106.00	\$106.00		\$305.50	\$805.50		\$25.00
CA	\$151.75	\$151.75	\$143.25	\$51.75			\$86.75			\$51.75
CO	\$120.00	\$210.00	\$100.00	\$50.00	\$185.00		\$120.00	\$500.00	\$500.00	\$32.50
ID	\$127.50	\$227.50	\$101.00	\$88.00	\$126.00	\$226.00	\$127.50	\$226.00	\$226.00	\$75.50
MT	\$102.00	\$302.00	\$102.00	\$5.00	\$302.00	\$302.00	\$102.00	\$302.00	\$302.00	\$32.00
NV	\$175.00				\$200.00		\$325.00	\$575.00		\$75.00
NM	\$146.00	\$213.00	\$76.00	\$76.00	\$51.00		\$123.00	\$373.00		\$51.00
OR	\$150.00	\$187.00	\$150.00	\$79.00	\$225.00		\$200.00			\$50.00
UT	\$120.00	\$220.00	\$150.00	\$43.00	\$250.00	\$1120.00	\$220.00	\$1120.00		\$40.00
WA	\$175.00	\$225.00	\$275.00	\$140.00	\$425.00	\$425.00		\$425.00	\$275.00	\$133.00
WY	\$105.00	\$255.00	\$55.00	\$30.00	\$105.00	\$305.00	\$105.00	\$405.00	\$505.00	\$30.00
AVERAGE	\$136.65	\$221.25	\$128.02	\$62.52	\$207.66	\$475.60	\$156.58	\$490.75	\$361.60	\$57.07
MAX	\$175.00	\$355.50	\$275.00	\$140.00	\$425.00	\$1120.00	\$325.00	\$1120.00	\$505.00	\$133.00
MIN	\$102.00	\$151.75	\$55.00	\$5.00	\$51.00	\$226.00	\$86.75	\$226.00	\$226.00	\$25.00

1. Colorado: Moose is not available to nonresidents.
2. Montana: does not sell a separate elk license. A combination license that includes elk, deer, bear, fishing, bird, and conservation license is \$300.00. Under small game, \$6.00 and \$32.00 is for birds only.
3. Wyoming: Includes \$5.00 conservation stamp that is only purchased once.
4. Utah: Buffalo \$215.00 Resident only.

SENATE FISH AND GAME

EXHIBIT NO. Lee Harris

DATE \_\_\_\_\_

BILL NO. \_\_\_\_\_

# LEGISLATIVE MONTANA HUNTERS

(for themselves and any of their immediate family, including spouse, parents, children, brothers and sisters), HB407 WOULD ALSO HAVE GUARANTEED NON-RESIDENT LANDOWNERS A LICENSE EACH YEAR, ELIMINATING THE RISK OF QUOTAS AND DRAWINGS.

Corporate stockholders in companies owning land in Montana would also have received resident licenses to hunt on that land, under provisions of HB407. Companies with huge landholdings in Western Montana, would have become instant hunting clubs for the economically privileged. Anyone owning 5% or more of the outstanding shares such a corporation would have been eligible, along with members of his/her family, for a resident license for hunting on the corporation's land. Since many ranches in Montana are also owned by corporations with non-resident shareholders, quite a few more non-resident hunters would have been encouraged to hunt in Montana by HB407.

HB407 would also have allowed members of a partnership to purchase resident licenses to hunt on property owned by the partnership. This would have provided incentive for hunting clubs to purchase Montana lands exclusively for their own hunting preserves, and guaranteed them yearly permits at resident prices.

FW&P, in backing bills that would hurt resident hunters, may be responding to the state's push for economic development. But poorer hunting opportunities for residents would not be good for most Montanans, hunter and non-hunter alike, economically or otherwise. Proposals that would benefit a few people who make money from hunting, or those who for one reason or another expect special privileges, must be weighed against the sporting interests of the hundreds of thousands of Montana hunters.

RESIDENT MONTANA HUNTERS CONTRIBUTE ALMOST THEIR ENTIRE INCOME TO THE ECONOMY OF MONTANA. People who live in Montana frequently value hunting opportunity higher than money-making opportunity. They've willingly given up money-making and cultural opportunities available elsewhere, so they could live, hunt, and recreate in Montana. They are frequently the people who do the most for conservation and other movements that keep Montana a pleasant place in which to live.

The people of "elsewhere" and yesteryear traded away their hunting opportunities long ago, in favor of making more money. Montana is one of the last strongholds of wildlife and high-quality hunting opportunity. The rest of the world envies Montanans for that. But if hunting is to remain good in Montana, for Montanans, and non-residents alike, hunters must be aware of and oppose those who would trade off hunting in favor of "economic growth." And they must let the lawmakers know if there's something going on that they don't like.

MONTANANS WHO WANT HIGH-QUALITY HUNTING, FOR THEMSELVES, THEIR CHILDREN AND THEIR GRANDCHILDREN, SHOULD ACT NOW by writing or calling their representatives and senators in Helena, and expressing their OPPOSITION to HB535, their SUPPORT for HB526, and their concern about hunting opportunities in general. You can call and leave a message for your senator at 1-444-4800 or write your senator at the following address: (Remember, time is of the essence.)

Montana Senate  
Capitol Station  
Helena, Montana 59620

*Fish and  
Game*



THE ASSOCIATION  
will enhance Montanans'  
membership dollars  
stronger voice in

Box 4294  
Missoula, Montana 59806  
728-7746

Testimony on H. B. 526

Mr. Chairman,

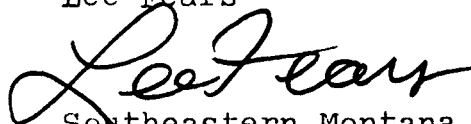
My Name is Lee Fears. I represent the Southeastern Montana Sportsmen Association. We are in support of House Bill 526.

We recognize the need for acquiring quality habitat for protecting our game species for the future. The recreational demand for our game animals is at an all time high. It will only go higher. The need for quality habitat will only become greater. We sportsmen are more than willing to pay the bill for this habitat. It is an investment in the future.

Earmarking of funds is nothing new to the sportsmen of Montana. A portion of our Fishing License fee has been set aside for the purpose of acquiring fishing access sites. I need not remind you how well this system is working.

I again urge you to support House Bill 526. The future of quality sport hunting throughout Montana depends on your decision. Thank you.

Lee Fears

A handwritten signature in cursive script that reads "Lee Fears".

Southeastern Montana  
Sportsmen Association  
Box 401  
Red Lodge, Montana 59068

# RESIDENT HUNTERS ALERT: PROPOSALS THREATEN MONT

The Western Montana Fish and Game Association is a private, Missoula based sportsmen's organization, which has for about 50 years worked to enhance the sport of hunting in western Montana. The Association has had several members attending the current legislative session in Helena, monitoring all bills directly affecting wildlife, hunting and fishing. The Association wishes to make public the following report on this year's legislative activity to date.

At least 25 bills affecting Montana hunting have been introduced in the current legislative session in Helena. Most contain good, sensible ideas for managing game and hunters. There have been several proposals in this legislature, however, that would take away local hunters' opportunities by:

- ) allowing up to 14,000 more non-residents to hunt Montana big-game.
- ) enabling some non-residents to avoid the lottery system and guarantee yearly hunts for themselves.
- ) allocating more permits to guides and outfitters effectively squeezing Montana and non-guided, non-resident hunters into evermore crowded public hunting areas.

If all of the proposals listed above would, if made into law, place increased hunting pressure on Montana game, herds, make it increasingly difficult for Montana hunters to find a place to hunt, and REDUCE THE AVERAGE RESIDENT'S CHANCES OF SUCCESS IN ANY AREA OF MONTANA.

Fortunately, many Montana legislators are hunters themselves — and understand the value of hunting to Montanans — and are willing to protect hunting resources and opportunities. They have already rejected some of the most detrimental proposals, but there are some still under consideration. At least one, HB535, NEEDS IMMEDIATE ACTION FROM MONTANA HUNTERS.

Pressure from several sources, including the Montana Outfitters and Guides Association, produced HB535 and pushed it through the House. It is about to come before the Senate. HB535 would create SIX THOUSAND NEW NON-RESIDENT licenses that would allow license holders to hunt for everything except elk and black bear.

Montana presently sells 17,000 non-resident combination licenses each year, which allow license holders to hunt elk, deer, and bear. About 35,000 applications are received annually, and about 4,200 of those receiving combination licenses last year hunted deer exclusively. So by issuing 6000 more deer licenses the state will essentially have created a minimum 4,200 non-resident elk hunters and a maximum of 6000 more non-resident elk hunters. The resulting 35% increase in out-of-state hunters would go into effect in the 1988 season.

6000 MORE NON-RESIDENT HUNTERS IN 1988 would mean a sharp increase in competition for the limited supply of game animals and places to hunt, WHICH WILL EVENTUALLY LEAD TO SHORTER SEASONS, HUNTING BY SPECIAL PERMIT ONLY, OR BOTH.

HB535 also calls for allocation of 2000 of those 6000 new licenses to out-of-state hunters who hunt with guides and outfitters, which tends to further damage hunting chances for Montanans, as explained below.

The state set aside 5600 non-resident permits for clients of outfitters and guides in 1985 and 1986, to help hunters and their guides to plan ahead. Since the recent average number of non-residents hunting with guides and outfitters has been around 5600, the additional 2000 permits allocated under HB535 would raise the total allocations to 7600, well above current proportions of demand for guided hunts. Landowners have also been allocated 2000 non-resident permits, and since some landowners are also outfitters and guides, the allocation is in excess of 7600. This legislation takes much of the risk out of the outfitting and guiding business. THIS HAS A DETRIMENTAL EFFECT ON THE AVERAGE HUNTER. Here's how:

With increased security and profits, outfitters and guides can afford to advertise more heavily and create more demand. They are also able to lease more private property for their clients, effectively squeezing local hunters away from the private property and onto public lands; furthermore, private landholders and their lessees have a vested interest in closing their lands to access to the public lands that frequently lie adjacent to theirs. They are then able to use the public lands at their back doors as if they were their own. Local hunters are forced onto increasingly crowded portions of accessible public lands. WITH PASSAGE OF HB535, PRESSURE ON PUBLIC LANDS WOULD INCREASE, AND HUNTING OPPORTUNITIES FOR THE AVERAGE HUNTER WOULD DECREASE.

HB535, bad as it is, doesn't do as much as its backers hoped for. It replaces HB137, which called for issuance of 14,000 new non-resident permits, raising total non-resident annual numbers from 17,000 to 31,000 in 1988. (Another HB16, would have added 400 archery-only licenses this year to the current non-resident-permit ceiling.) HB535 is simply one survivor, hopefully short-lived among several recent attempts at exploiting Montana hunting at the expense of Montana hunters.

The Department of Fish, Wildlife and Parks (FW&P), has mixed record of performance so far in this legislative session. However Jim Flynn, its governor-appointed director, has done well in backing HB526, a measure designed to help the state acquire, develop and maintain wildlife habitat. Through hunting license fee increases, HB526 will enable the agency to lease, purchase, and/or acquire conservation easements on land especially suited to wildlife. The modest fee increases proposed in HB526 range for \$1 and \$3 for resident deer and elk tags, respectively, to \$50 for the nonresident combination license. The revenues thus created would produce \$1.5 million in 1988 and \$2.2 million in 1989 to benefit wildlife, wildlife observers and hunters, residents and non-residents alike.

Although there are landowners eager to sell to the state in order to protect the land from development or other undesirable uses, this bill is opposed by others, and faces a tough journey into the law book. Letters and calls SUPPORTING HB526 are urgently needed.

To its discredit, FW&P requested introduction of HB407, which would have allowed nonresidents owning land in Montana to hunt deer, antelope and elk on that property with a resident license. This bill could have opened a number of doors for non-resident hunters and further diminished hunting opportunities for resident Montanans. FORTUNATELY FOR MONTANA HUNTERS, the House Fish and Game Committee went against FW&P and killed HB407.

Because it was such a potentially destructive bill, and because our state agency supported it, HB407's defects deserve to be detailed. It makes it clear that hunters cannot just sit back and expect the agency administrators to know and/or defend their interests. Non-residents write letters and make phone calls urging our agency people to help them out. So do all kinds of people who might stand to gain or lose money according to the way our land and wildlife resources are managed. HB407 is a good example of what agency administrators can be led to do.

HB407 created incentive for out-of-state hunters to purchase land in Montana primarily for the purpose of hunting. Not only would it have saved such hunters the annual license fee for non-resident

*Western Montana  
Game Association*

THE WESTERN MONTANA FISH AND GAME ASSOCIATION could use your support in its efforts to protect Montana hunting, for Montanans. Join today. You can help us keep a clear eye on, and give the state legislature

# Western Montana Fish and Game Association

MISSOULA, MONTANA



Jan. 10, 1987

Senate Fish & Game Committee  
State Capitol Building  
Helena, Montana

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 residents 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

March 24, 1987

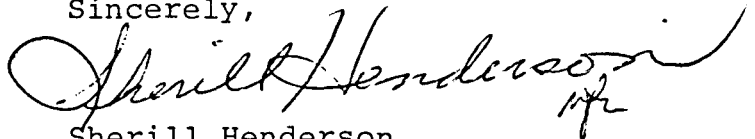
Senator Ed Smith  
Capitol Station  
Helena, Montana 59620

Dear Senator Smith:

I am very much opposed to HB 526! The Fish, Wildlife and Parks Department control too much land already. The Department puts pressure on private land owners for access. Once they acquire the land, there is little chance that the land will ever go back to private ownership.

I urge you to vote against HB 526. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Sherill Henderson". The signature is written in dark ink and is positioned above the printed name and address.

Sherill Henderson  
Sidney, Montana 59301

Sen. Ed Smith

-2-

March 21, 1987

If you would like to discuss this issue with me further,  
please feel to call me at 394-2277. Thank you.

Sincerely,

MONTANA LAND AND MINERAL  
OWNERS ASSOCIATION

*Gary Meland / sn*  
Gary Meland, President

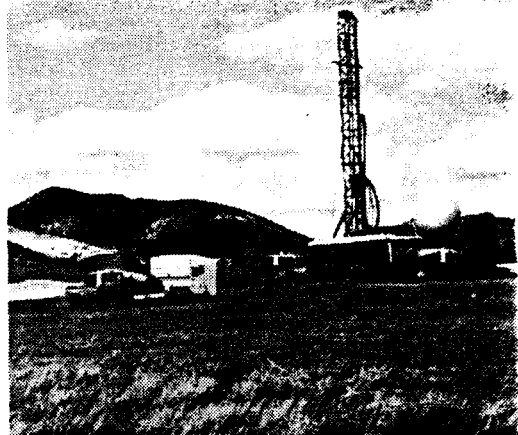
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# Montana Land and Mineral Owners Association

P.O. Box 1301

Havre, Montana 59501



March 21, 1987

Senator Ed Smith  
State Capitol  
Helena, Montana 59620

Re: HB 526 (Allowing the Dept. of FWP to increase license fees to buy more land)

Dear Senator Smith:

The Montana Land and Mineral Owners Association would like to enter their testimony for the hearing scheduled for Tuesday, March 24, in regards to the above House Bill. Our Association believes that to increase license fees which are already quite high for the purpose of buying more land for the Dept. FWP to manage is not what we need in the State of Montana at this time. What will happen when you increase the hunting fees is to even more so restrict the people that can barely afford hunting licenses or prevent them from affording a hunting license altogether.

We also have a problem with the Dept. FWP buying more land as it further erodes an already well-eroded tax base. As has been our experience in this area, when the Dept. FWP gets a piece of land, promises are great but the follow-through has been rather poor. They have, on some tracts, noxious weeds that they're not taking care of as they should be, and we wonder if they should not be putting money and management into upkeep of lands they already own.

As was the case on another tract in Hill County, they have promised they would maintain the fences. It was a good fence built in the beginning, but maintenance has been nil.

Perhaps the Dept. FWP should be proving that they can handle what they now have before the Legislature gives them the go-ahead to buy more land at an accelerated rate. For this reason, we oppose HB 526 and feel when the Montana Dept. FWP proves they have the management and resources to manage the land they now have, then maybe we can look at giving them support to buy additional land.

HB 526

Gentlemen of the committee:

I'm Bill McRae. I'm an outdoor writer/photographer, and I write for a number of national outdoor magazines, including Outdoor Life, Field & Stream, Sports Afield, etc.

I would like to speak in support of HB 526.

Montana's wildlife is a limited resource on which we continue to place more and more demands. It is something that cannot continue for long. However, HB 526 offers a great big ray of hope in that it promises, in time, to expand the resource base.

This bill demonstrates a willingness on the part of sportsmen to invest their money, not only for their own good, but for the good of all Montanans. HB 526 will benefit the state's economy and guiding and tourist industries in particular. It will benefit both resident and nonresident hunters by providing more hunting opportunities and, last but not least, it will benefit wildlife by providing much needed winter habitat.

I respectfully urge that the committee support this legislation.

3. SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, line 9  
Following: "HABITAT"  
Insert: "AND PUBLIC HUNTING AREAS CAPABLE OF BLOCK  
MANAGEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS,"
2. Page 1, line 19  
Following: "habitat"  
Insert: "and public hunting areas capable of block manage-  
ment"
3. Page 4, line 5  
Following: "habitat"  
Insert: "and block management areas"
4. Page 4, line 9  
Following: "habitat"  
Insert: "and public hunting areas capable of block  
management by the department"
5. Page 5, line 12  
Following: "habitat"  
Insert: "and public hunting areas"

2. SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, line 20  
Strike: "are necessary"  
Insert: "may be desirable"
2. Page 3, lines 21-22  
Strike: "AND (F)"  
Insert: "(f) economic impacts to any county in which any portion of the lands are to be acquired, including an analysis of the total annual in lieu of taxes payments pursuant to 87-1-603 compared to the total annual taxes forthcoming to the county had the land remained in private ownership, including amounts attributable to livestock, improvements, machinery, and other personal property as appropriate; and (g)"
3. Page 4, line 4  
Following: "PUBLIC."  
Insert: "(3) Preference shall be given to acquisition of interests in land by lease or conservation easements over acquisition by purchase of fee title."
4. Page 5, line 18  
Following: "habitat."  
Insert: "Maintenance shall include mitigation measures for any detrimental impacts to adjacent land pursuant to [Section 1(i)(D)]."

1. SUGGESTED AMENDMENTS TO  
HB 526 (SECOND READING)

1. Page 1, lines 11-13

Strike: "TO SPECIFY THE NUMBER OF NONRESIDENT DEER "A"  
LICENSES THAT MAY BE SOLD;"

2. Page 9, lines 2-3

Strike: "Not more than 5,000 Class B7 licenses may be sold  
in any license year."

NOTE: The Montana Constitution states in Article 5,  
Section 11(3):

"Each bill, except general appropriation bills and  
bills for the codification and general revision of the laws,  
shall contain only one subject, clearly expressed in its title."

## TESTIMONY ON HB 526

before the Senate Fish & Game Committee, March 24, 1987  
by Lorents Grosfield, cattle rancher from Big Timber

HB 526 as amended is a much improved version of the Introduced Bill. However, there are still at least three major problems with it:

1. It is unconstitutional. The Montana Constitution states in Article 5, Section 11(3):

"Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title."

This is a wildlife habitat bill. Yet from out of nowhere comes a provision that limits Class B-7 licenses. This has nothing to do with the purpose of the bill--- in fact if anything it is contrary to the purpose because it would be a factor limiting the money available for the real purpose of the bill. I urge the committee to strike that provision from the bill and have included a simple suggested amendment to that effect.

2. Economic impacts are not sufficiently addressed by this bill. These include economic impacts to adjacent lands resulting from enhanced habitat on purchased lands. They would also include impacts to the tax base in any county where a significant amount of land is purchased--- in our county, department lands contribute only one-half to one-fifth as much in lieu of taxes as the county received when the land was previously in private agricultural ownership. Other economic impacts of concern have to do with the cumulative effects of land acquisitions over a number of years--- these are both economic and social impacts associated with expanding government ownership of our land resources. The second set of amendments attached addresses these economic impacts.

3. HB 526 has been sold by some as an access bill. This is not an access bill. It is a habitat bill, and if anything it will quite possibly restrict access in many cases, because wide-open public access is simply not compatible with quality wildlife habitat management. Having a bill aimed exclusively at habitat acquisition is not necessarily a problem, but discussion on the floor of the House on this bill revealed that at least some members thought it was an access bill and may have voted for it on that basis. This is not an access bill. Actually, I think some of the money to be generated by this bill should go to access acquisition; one option is by way of promoting the Department's block management program--- the two or three Department employees involved in this program have succeeded in just a few seasons in opening thousands of acres to hunting access, and, with a little incentive to offer, could open tens of thousands more. This would go a long way toward relieving the present-day tensions between landowners and sportsmen. You will find amendments attached that would provide for funding access.

I URGE YOUR FAVORABLE CONSIDERATION OF THE ATTACHED AMENDMENTS.

The area on the east side of the Yellowstone is originally winter elk range and always has been, his ranch on the west side winters very few elk because of snow depth and lack of windswept range. He has owned his place for 10 years and his main residence is in Bozeman. It is sadly amusing to those of us who have lived and grown up with this Northern Yellowstone elk herd and its' history that he feels he knows it all.

I sympathize with the situation you're in on Bills 535 and 526. When one listens to subjective and at times heated testimony one can only hope to draw an objective conclusion and the main concern should be what would benefit this state and this entire country in the future.

I grew up with the stories of what it was like in this country in the early 1900's. I listened to my father and uncles talk about dragging elk carcasses to the river with 6 teams for a month straight. I watched the infamous firing line and the elk reduction in the Park. They never knew how many elk were killed indirectly of pneumonia (it was in the thousands) because they never went into the timber to get a count. I can remember being taken out of school to listen to hearings held in Yellowstone National park with the Director of the Fish & Game, the Governor or Lt. Governor and park officials to talk about how this problem would be solved. Then there were the Congressional Hearings in Cody in 1968 and that changed the cycle of history of the Northern Yellowstone elk herd.

We probably have as many elk now as they did in 1887 when 33,000 elk hides were shipped out of Gardiner on the Northern Pacific Railroad. It was the same year that Charlie Russell drew the picture on the postcard.

Thanks again for your time, if any on the committee have any questions or concerns please call me.

SINCERELY,

Franklin Rugh

# SLIP & SLIDE RANCH

FRANKLIN & SUSAN RIGLER • BOX 877 • CORWIN SPRINGS, MT 59021 • (406) 848-7648

SENATE FISH AND GAME  
EXHIBIT NO. 16 page 1  
DATE 3-24-89  
BILL NO. HB 576

March 23 1987

Senators,

Some points that I did not have time to fully bring our yesterday I wanted to make you aware of today.

In 1968 when Congress mandated that direct/indirect elk reduction (shotting, live trapping, etc.) would stop, they also stated that the Forest Service, Park Service, and Fish & Game need to work together to find an answer to this problem. If the Park Service is talking today about the possibility of reduction of animals, what purpose has this past history served? We need to look to the future and see what we can do to preserve this unique Northern Yellowstone elk herd. A sensible acquisition plan, as properties become available, that would extend wintering ground seems the most practical solution. If you tie the hands of our Fish, Wildlife, and Parks Department on this winter game range acquisition you'll be doing a disservice to future generations who will follow you. In this area for example, we are talking about a total of 10,000 acres, all grass with the exception of 200 acres of scrub timber and no minerals.

When I attended the hearing yesterday, it amazed me that most landowners viewed this acquisition bill akin to condemnation. They are forgetting that areas that are critical to wildlife winter range need to be identified and a master plan implemented from that point on.

When Jim Hubbard of Tom Miner Basin testified that if his hunters did not receive licenses, he would sell out to the highest bidder. He further stated that the state would then miss critical elk winter habitat. It wouldn't take long to disprove what he said.

3/24/87

Gentlemen:

I wish to urge a No vote on HB 535. Our local Ravalli County group has a large majority agreeing with me.

I do not like set asides for any particular group. The outfitters have problems but competition is the big one and this bill won't help. The 5,600 out of 17,000 isn't too bad. But the deal giving a landowner is lousy. It will result in more fee hunting and less access to all of us. I don't believe 2,000 tickets extra for outfitters and 2,000 to landowners is a definite No-No.

John Kantjar  
416 Birch Cr.  
P.O. Box 110

March 24, 1987

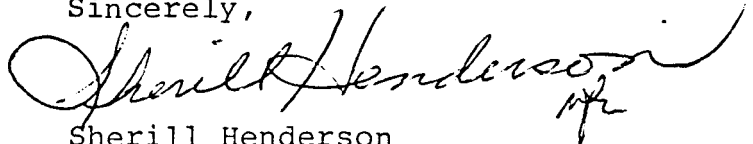
Senator Ed Smith  
Capitol Station  
Helena, Montana 59620

Dear Senator Smith:

I am very much opposed to HB 526! The Fish, Wildlife and Parks Department control too much land already. The Department puts pressure on private land owners for access. Once they acquire the land, there is little chance that the land will ever go back to private ownership.

I urge you to vote against HB 526. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Sherill Henderson". The signature is written in dark ink and is positioned above the printed name and address.

Sherill Henderson  
Sidney, Montana 59301