

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on February 28th 1989, at  
3:05 p.m.

#### ROLL CALL

Members Present: All members present with exception:

Members Excused: Rep. Bob Gervais

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council, Maureen  
Cleary, Committee Secretary

Announcements/Discussion: none

#### HEARING ON SENATE BILL 173

#### Presentation and Opening Statement by Sponsor:

SEN. VAUGHN: Senate District #1. This bill would allow an out-of-state boater to purchase one decal that would be good throughout the entire state of Montana. This money will be used strictly within the counties that the license is purchased, and used for upkeep on the camping facilities. The bill states "may", noting that if the county does not experience an overflow of out-of-state boaters, they would not have to require a license. We are asking for \$10.00 for a 30 day fee, or \$35.00 for a yearly fee. The boater would not have to buy another license if they should travel to other counties. This is a fair bill, in the effort to keep up with the maintenance on our boating and fishing facilities within the state. This bill would give us the opportunity to get some of the monies back from all of the out-of-state boaters that come into our state, such as Idaho and Wyoming.

#### Testifying Proponents and Who They Represent:

Rep. Pavlovich/ House District #70, Butte

Mr. Tony Shoonen/ sportsman, Butte

Mr. Bill Holdorf/ Skyline SportsMen Assoc., Butte

#### Proponent Testimony:

Rep. Pavlovich: I had introduced a bill earlier in the session

that was tabled. I have no problem with this bill being brought before you, they are both basically the same bill. I concur with it. The only clarification I would propose is the word "may" changed to "shall".

Mr. Shoonen: There are times when you can see anywhere from 50 to 100 boats moored from out-of-state on our waters. And they are required to pay nothing. I think that I would like to see it mandatory. When we go to Idaho, it is mandatory and usually we don't complain about the license fee. I think it is time that we see a reciprocal fee for those coming into the state of Montana.

Mr. Bill Holdorf: The group that I represent is in favor of this bill. I am in favor of the mandatory fee.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. PHILLIPS: Regarding the mandatory question. The way that I read this bill, if we make this wording change, then every county will be required to charge this fee. A lot of counties that are not having this trouble, do you think that we should dictate this law to them? MR. HOLDORF: Yes, being a state decal, no matter where you purchased it, it will be good in all of the counties. One decal would take care of it.

REP. ELLIOTT: Who would enforce the compliance with the decals.

MR. MARCOUX: The counties would. REP. HANSON: This is just for motorboats, what about sailboats, rowboats, etc.

SEN. VAUGHN: This is just for fishing, for other types of pleasure boating we are not asking for a fee. This is strictly for fishing.

REP. COHEN: How much will it cost the counties to implement this system? How much money will be taken in and how much spent? SEN. VAUGHN: Two years ago when this was discussed, the counties were held responsible for getting the decals and seeing that they were sold. There seemed to be no problem with the vendors. The Fish, Wildlife and Parks said that they had no problem reporting if a boat was fishing and did not have the decal. REP. COHEN: I have to ask again, how much money is it going to cost? SEN. VAUGHN: I really don't know. REP. COHEN: How much do you expect to bring in? SEN. VAUGHN: I really don't know. REP. COHEN: So you have a situation, where a guy is putting his boat in, he does not have a decal. So how is this going to be enforced?

SEN VAUGHN: I am sure the counties will work that out.  
REP. COHEN: May I ask the Dept. how they will handle that.  
REP. REAM: They already stated that they would not be involved.

Closing by Sponsor: SEN. VAUGHN: We feel that the fee would be a fair fee for those out-of-state fishermen who come into the state and pay nothing. They sometimes come into the state with their own groceries and the only thing they purchase in the state is ice. This would be a way of getting back some of the revenue that the state deserves. As far as the wording of "may" verses "shall", we feel that we would like to leave it up to the counties to decide if they want to implement this system.

#### DISPOSITION OF SENATE BILL 173

Motion: Rep. Phillips motioned a "do pass"

Discussion: Researcher Doug Sternberg clarified some of the conflicting versions referring to House Bill 6, if this bill should pass. Rep. Raney: I have a problem with the wording "may" and "shall". If we make this mandatory, some very small counties will have to employ enforcement personnel. Rep. DeMars: We have the same kind of concerns in our county. I don't see how it can be enforced. Rep. Cohen: I still would like to see a fiscal note on this. Rep. Ream: There is no state impact, and the way that it is written it will be optional to the counties. There is no basis for doing a fiscal note. Doug Sternberg: Clarified questions on the statutes in regard to the definition of "motorboat", and questions on the fines. Rep. Phillips: Noted again the question of enforcement. Rep. Ream: Mentioned that he sees this bill in the light of a reciprocity. Other bordering states require an out-of-state boating license. Rep. Elliott: Suggested looking at the statutes of the other states first and act on the bill later. Rep. Phillips: Looked at this a few years ago, and they have it on a state-wide basis. Rep. Elliott: Questions the enforcement issue again. Rep. Ream: I still see it as an option for the individual counties. Rep. Raney: This is an un-workable bill. Rep. Ream: Is the state-wide fee administered by the Dept. in the state of Idaho. Mr. Marcoux: In Idaho, I know that the county sheriff and deputy sheriff's enforce it. Question was called.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE THE COMMITTEE RECOMMENDS A  
"TO BE CONCURRED IN" FOR THIS BILL.

#### HEARING ON SENATE BILL 231

Presentation and Opening Statement by Sponsor:

SEN. PIPINICH: I was contacted by the Trappers Association, to carry this bill. This bill will make the state on an average year, for confiscated animals, some \$12,500.00. Because they can resell the animals. We ran audits on carcasses and hides that were sold, and found out that we were losing money on the hides. Because they could not resell them.

Testifying Proponents and Who They Represent:

Mr. Ron Marcoux/ Dept. of Fish, Wildlife and Parks, Helena

Proponent Testimony:

Mr. Marcoux: (See Exhibit #1)

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. REAM: Do you ever get, at the auction, cat and dog food people buying the carcasses. MR. MARCOUX: I am sure that some people do that. REP. REAM: Does that cause any problem. MR. MARCOUX: As long as it is not commercially sold. I see what you are saying, the bill does not address that particular concern. REP. REAM: It seems to me that if those persons were to buy the carcass and sell it as cat and dog food, they could not do that now. But if this bill passes they could, we could add wording to that effect.

REP. HANSON: They would only be able to purchase one per person, so that should eliminate the problem.

REP. KELLER: Is there anything in the health provisions that could prohibit this. MR. DON FERLICKA: No, the inspection of pet food product is an optional service. There are inspected and non-inspected products. There would be nothing prohibitive, as long as they were accurately labeled. I see no problem with this proposal. DOUG STERNBERG: The limiting of one carcass per person would limit any commercial abuse of this.

Closing by Sponsor:

SEN. PIPINICH: The Fish, Wildlife and Parks is able to make a bait out of some of these carcasses. And with the present law, they were losing money. This is a sellable item that the Fish and Game could not resell, prior to this bill.

DISPOSITION OF SENATE BILL 231

Motion: Rep. Debruycker motioned a "do pass".

Discussion: Rep. Cohen: What exactly is the problem that the Dept. is trying to solve with this bill? Mr. Marcoux: The intent was that trappers wanted the ability to, if there were a bobcat hides for sale at our auction. When they purchase it, they wanted the ability to go out and sell it. That was the intent, then there was some question about other animals, why couldn't they mount it and sell it. What we tried to do is keep those things that were lawful, to allow those persons that purchased an animal to be able to resell. Rep. Ream: So basically, it would be the same if a person had harvested that animal themselves. Mr. Marcoux: Yes, that is correct. The issue of selling a carcass for the purposes of making bait, we felt that the subsection 3 will clarify the questions about "parts" of animals. Question was called.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A  
"TO BE CONCURRED IN" FOR THIS BILL WITH A UNANIMOUS VOTE.

HEARING ON HOUSE BILL 740

Presentation and Opening Statement by Sponsor:

REP. FRITZ DAILY: House District #69, Butte. This is a bill that I requested. The purpose of the bill is to set up an emergency, and I stress emergency, feeding program for the elk in the state of Montana. This emergency program would be handled by the Dept. of Fish, Wildlife and Parks. I do not endorse the wholesale feeding of elk, and if we did that it would be a tragic error. However, under certain conditions, and elk feeding program would be called for. I have read on several occasions in the past weeks that under normal conditions approximately 10% of the game in Montana will die during the winter season. Some believe that if there is not at least a 50% kill in game, then we should do nothing to assist the wildlife. I think that this is an absurd statement that we would allow 50% of our game to die. That statement was made by the Elk Foundation. I think the Dept. of Fish, Wildlife and Parks, have done a tremendous job over the years to improve the wildlife in the state. I believe that without question, Montana has one of the largest elk herds in the United States. It is ludicrous to believe that we would destroy this excellent population by poor management. I know that there are going to be people that will testify here today in opposition to this bill. And the testimony that they will give to you is that we should let nature take its course, that this is a cyclical situation that will occur no matter what. I would like to

point out to the Committee, that the people that get up here and say that we should let the elk die. They are the same people who told us that we should let the Yellowstone National Park burn naturally too. I have been to the park and I feel that the fires destroyed the park. Montana will suffer because of that. If it is the intention of the park system to let the park go, then I wish that they would approach it in a more straightforward manner, rather than through their back-door approach. They had the let it burn policy now they want a let it starve policy. The reality of the situation is that the elk were forced into the winter range earlier this year, because their summer range was destroyed by fire. I do have some amendments that I propose to the bill, one is a termination date. I am also trying to raise the conservation permit by one dollar. (See Exhibit #2)

Testifying Proponents and Who They Represent:

Mr. Bob Hoppervick/ businessman, Butte

Mr. Dennis Winter/ Mt. Economic Development, businessman, Butte

Ms. Judy Fenton/ Sec. Treas. Federated Humane Societies, Helena

Proponent Testimony:

Mr. Hoppervick: I became involved strictly from a humane point of view. We have organized and raised money in order to purchase hay to feed these starving elk. We just could not stand to watch it any longer. Those are gods creatures, so let's take care of them.

Mr. Winter: Losing elk in those counties will cause economic catastrophe. Our park was destroyed and deeply hurt, now we have a situation with the elk that needs to be addressed.

Ms. Fenton: (See Exhibit #9)

Testifying Opponents and Who They Represent:

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Mr. Jeff Brent/ Rocky Mountain Elk Foundation

Mr. Donald Ferlicka/ veterinarian, Dept. of Livestock

Ms. Janet Ellis/ Mt. Audubon Legislative Fund

Mr. Don Chance/ Mt. Wildlife Federation

Mr. Tony Shoonen/ concerned sportsman

Mr. Bill Holdorf/ Butte

Opponent Testimony:

Mr. Ron Marcoux: This is an emotional concern and a real concern with the Dept. (See Exhibit #4)

Mr. Brent: (See Exhibit #5)

Mr. Ferlicka: (See Exhibit #6)

Ms. Ellis: (See Exhibit #7 and #8) I encourage those amendments that Rep. Daily recommended if you should pass the bill.

Mr. Chance: We strongly oppose the supplemental feeding program. For many of the same reasons that have been brought before you in the previous testimony.

Mr. Tony Shoonen: I compliment the intent of the bill by Rep. Daily, but feel that it is not in the best interest of long range management of the elk to begin the feeding program. For the same reasons that have come before the committee in the previous testimony I urge you to vote against such actions.

Mr. Holdorf: For all of the reasons that have come before you. I also urge you to vote against such actions.

Questions From Committee Members:

REP. BLOTKAMP: What type of income do you expect you will need to generate in order to follow through with this type of program. REP. DAILY: I believe the figure would amount to \$380,000.00 and up to \$800,000.00 for the biennium.

REP. DEBRUYCKER: Why would you want to place a termination date on this bill? REP. DAILY: Mainly to leave a date to terminate if it should not be a good program.

REP. BLOTKAMP: What kinds of symptoms do you see in the elk that are suffering from the brucellosis? DR. FERLICKA: This disease can, mostly commonly, cause the female elk to abort spontaneously. It affects their reproductive system. REP. BLOTKAMP: How is it transmitted? DR. FERLICKA: Through discharges.

REP. DEBRUYCKER: Why is that there is no action in the Wisdom area, with such a terrific problem that appears to be there? MR. MARCOUX: The private citizens began feeding the elk on their own, and this happened before the Dept. was aware that they were doing that. We met with some people in the Dept. and discussed the possibilities for the future. We looked at the general condition of the herds and it was determined that it was not, at that time, an emergency situation. The Commission will be meeting again this Friday, and possibly look over the herds once again. We will then be making another determination on the status of the herds involved.

REP. ELLISON: The Dept. was to work with the parks service on the buffalo, any response? MR. MARCOUX: We have done some fencing, herding but as of yet there are no long term solutions to the situation that we find in the park. REP. ELLISON: Isn't it true that if you don't control the numbers of animals then you will have a perpetual problem on your hands? MR. MARCOUX: That is correct, we need to deal with the issue of population control or we will face the same problems season after season.

REP. REAM: Is the Dept. prepared to feed the elk, if you should determine that the situation is indeed an emergency? MR. MARCOUX: Yes, the Dept. is prepared. REP. REAM: Are you aware of the system that is set up for supplemental feeding in Wyoming, Idaho. What is the yearly cost to run their programs? MR. MARCOUX: I am not certain, my information is limited but I believe that the cost to run the programs is about \$300,000.00 yearly.

Closing by Sponsor:

REP. DAILY: I know that the state of Washington spends approximately \$150,000.00 per year on their program. I know that we need a long term solution to this problem. But this, to me, is an emergency situation already. And we shouldn't have to wait any longer. In Wisdom, you find elk, starving, dying...in the school yards. I don't believe in the "let them starve" policy. I believe that something needs to be done now.

REP. REAM: Asked that the Committee wait until those members of the Committee that are absent today have an opportunity to address the issue before the Committee take action on the bill. Also the Fish and Wildlife Commission will be meeting on Friday, and that may influence what the Committee does in regard to this bill.

ADJOURNMENT

Adjournment At: 5:15 p.m.



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REP. BOB REAM, Chairman

BR/mc



# DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Session - Legislative Council

Date Feb. 28<sup>th</sup>

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily	✓		
Gene DeMars	✓		
<del>Bob Pavlovich</del> Bob Coenraets			
Bob Raney	✓		
Bill Strizich	✓		
Roger DeBruycker	✓		
Orval Ellison	✓		
Ralph Eudaily			
Marian Hanson	✓		
Betty Lou Kasten	✓		
Vernon Keller	✓		
John Phillips	✓		

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/28

BILL NO. SB 173

NUMBER \_\_\_\_\_

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen		✓
Rep. Dally	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	✓
Rep. Hanson		✓
Rep. Kasten		✓
Rep. Keller		✓
Rep. Phillips	✓	
Rep. Raney		✓
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(10)

(5)

maureen Cleary

Secretary

Chairman

MOTION: rep. phillips "do pass"

do pass

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/28/89 BILL NO. SB231 NUMBER \_\_\_\_\_

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(15)

maureen Cleary

Secretary

Chairman

MOTION: up de brucker "do pass"

Do pass

STANDING COMMITTEE REPORT

9:36 am  
3/1/89  
ja  
March 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that  
Senate Bill 173 (blue reference copy) be concurred in.

Signed: Bob Ream  
Bob Ream, Chairman

[REP. \_\_\_\_\_ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

3/1/89  
1:26 am  
f2

STANDING COMMITTEE REPORT

March 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that  
SENATE BILL 231 (blue reference copy) be concurred in .

Signed: Bob Ream  
Bob Ream, Chairman

[REP.        WILL CARRY THIS BILL ON THE HOUSE FLOOR]

EXHIBIT #2  
DATE 2/28  
HB 740.

Amendments to House Bill No. 740  
Introduced Reading Copy

Requested by Rep. Daily  
For the Committee on House Fish & Game

Prepared by Doug Sternberg, Committee Staff  
February 28, 1989

1. Title, line 9.  
Following: "DATE"  
Insert: "AND A TERMINATION DATE"
2. Page 2, line 24.  
Following: "date"  
Insert: "-- termination"
3. Page 2, line 25.  
Following: "approval"  
Insert: "and terminates July 1, 1991"

EXHIBIT #01  
DATE 2/28  
HB 231

SB 231  
February 28, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The department supports SB 231 as amended, to allow the pelts of fur-bearing animals to be resold or used for commercial purposes. Furbearers are taken primarily for sale to fur dealers and the resale of furbearer pelts would be consistent with current law.

Section 87-3-111 (2)(b) provides for the sale of the hides, heads or mounts of lawfully taken game fish, game birds, furbearing animals or game animals, with the exception of grizzly bears which are covered in a separate section. We believe this same provision should also be allowed for items purchased at auctions.

SB 231 provides for this and allows that hides, heads and mounts could be resold. Allowing the resale of wildlife meat and separate parts purchased at auction would create insurmountable enforcement problems.

EXHIBIT # 4  
DATE 2/28  
HB 740.

HB 740  
February 28, 1989

Testimony presented by Ron Marcoux, Montana Department of Fish, Wildlife & Parks

Generally, big game populations in Montana are in good condition for this time of year and we are not experiencing winter mortality beyond normal levels. The department recognizes that even in a more average winter, like this year, a portion of any big game population, primarily the least fit, will be lost to winter mortality.

The department utilizes hunting seasons to reduce herd sizes and reach a balance between population and available winter forage. This past year the department acknowledged that the drought situation and increased herd sizes were a potential problem and increased permit levels substantially for the 1988 hunting season. We have a commission policy that provides for feeding in extreme emergencies. We continue to monitor our herds, but have not identified any emergency situations.

The Yellowstone National Park area is an area faced with high winter mortality, primarily because of our inability to effectively manage the northern elk herd due to the refuge effect provided by the park. The 1988 winter census of approximately 19,000 elk is the highest on record for the northern herd since 1912. Successive mild winters, drought and fires have aggravated this situation by causing elk numbers to become out of balance with the available forage, which is in poor condition.

Extensive winter mortality is and will occur with the park herds, and is symptomatic of problems that need long-term solutions. The protection and enhancement of key winter ranges in the Yellowstone area, coupled with ability to manage populations through harvest programs will best resolve these issues in the long run.

Artificial feeding would only compound the problem by:

- 1) -Prolonging an artificially high elk population which will crash when the feeding program is stopped.
- 2) -Spreading parasites and disease and increasing the potential for transmission to domestic livestock. The elk herd wintering at Jackson Hole, which is fed in winter, has a brucellosis rate of more than 50 percent, while the unfed herd along Yellowstone's northern range has a brucellosis rate of 1.5 percent.
- 3) -Causing increased concentration of animals, impacting native vegetation and soil resources.
- 4) -Concern that utilization of improper hay may spread noxious weeds.



Other concerns with supplemental winter feeding programs include the following:

- A feeding program will not help some animals that are old, or young; mortality will continue to occur.

- Feeding programs are expensive. Once started they cannot be terminated without catastrophic animal losses.

The Rocky Mountain Elk Foundation has taken the lead in establishing a fund to assist with enhancement of the Yellowstone winter range area. We strongly endorse this effort as a significant part of a long-term solution to the Yellowstone elk problem.

Given the concerns with artificial feeding and the efforts being made to find long-term solutions, we urge that HB 740 not be supported.



# ROCKY MOUNTAIN ELK FOUNDATION

2291 W. Broadway  
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P.O. Box 8249  
Missoula, MT 59807-8249  
(406) 721-0010  
FAX: (406) 549-4325

EXHIBIT #5  
DATE 2/28  
HB 740.

February 27, 1989

To: House Fish and Game Committee Members

From: Bob Munson, Executive Director, Rocky Mountain Elk Foundation

The Rocky Mountain Elk Foundation would recommend that any funds appropriated by the passage of House Bill 740 be utilized for the conservation and enhancement of wildlife winter habitat through lease, conservation easement or acquisition. Winter habitat conservation will provide a long-term solution to maintaining healthy wildlife populations, in balance with the available forage. Big game winter habitat conservation will also provide, on a perpetual basis, wildlife habitat year-round for a variety of other species, thereby adding to the habitat's utility.

A similar house bill, HB 526, has already provided long-term benefits by conserving thousands of acres of habitat utilized by wildlife and livestock. The future of Montana's wildlife, and public as well, has been well-served by HB 526 and will continue to be well-served if House Bill 740 funds would be used similarly.

The Rocky Mountain Elk Foundation feels House Bill 740 funds will have lasting benefits if utilized for the conservation of wildlife habitat in areas of historically important winter range.

*Mr Chairman, members committee*

February 28, 1989  
EXHIBIT 6  
DATE 2/28  
HB 740.

My name is Donald Ferlicka, I am a doctor of Veterinary Medicine employed by the Department of Livestock. I have over 20 years experience with brucellosis control in domestic livestock and wildlife.

It is my testimony opposing House Bill 740 that the supplemental feeding of certain elk herds in the winter and spring will adversely affect the incidence of brucellosis infection already endemic in those elk in Montana.

*Assoc. to YNP Park*  
Montana elk today have an estimated prevalence of brucellosis of approximately 1 percent, based on test surveys. In Wyoming where some 22 feed grounds are used to aid winter survival of great numbers of Southern Yellowstone Park elk, a test positivity rate of 50 percent or more has been shown.

It is apparent to me, and published Wyoming data supports, that increased population densities and lack of animal dispersion during the critical period of pregnancy and calving, accounts for the more severe brucellosis problem in Wyoming elk.

An increased incidence of brucellosis in wildlife can have a severe adverse impact on the State's Cattle Industry and intensify undulant fever risks to the public health.

Montana Audubon Legislative Fund

Testimony on HB 740  
House Fish & Game Committee  
February 28, 1989

EXHIBIT # 7  
DATE 2/28  
HB 740.

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents over 2500 members statewide.

The Audubon Fund shares Representative Daily's concern for the problems elk are faced with during the winter months. We cannot support HB 740, however. This bill seeks to set up a long term solution to a very real problem in Montana; but we feel that the solution sought is short-sighted.

This winter we are all aware of the problems elk are having finding enough food. This situation is particularly apparent in the area surrounding Yellowstone and the Big Hole Valley near Wisdom. The problems stem from a combination of situations. Because I am more familiar with the elk herds of Yellowstone, I'll only speak to the situation surrounding those animals.

By far the most difficult time in an elk's life is the winter, when deep snow and cold temperatures can make it impossible to get enough food to make it until spring. The past few winters have been mild, making it easier for more elk to survive until spring. As a result, the elk populations in Yellowstone have reached record high numbers, with a total of 39,000 being recorded in the park last summer (19,000 in the northern herd that enters the Paradise Valley north of Gardiner). (Bison also reached a record high level, with 2,700 recorded in the park last summer.)

When last summer's drought was drying up several rivers in Montana, it was also producing substantially less forage for wildlife. The fires in Yellowstone then consumed 11% of the wildlife winter range. Then the winter of 1988-89 came, with cold temperatures and average to above average snow levels in Yellowstone. The setting has been set for the elk kill now occurring today: a record high population, last summers' drought and fires, and now average to above average snow levels.

So why not feed the elk (and bison??)

1. Feeding elk concentrates animals in an unnatural way. As a result, such diseases as brucellosis and scabies (a disease spread by mites or ticks) are more easily transmitted between individuals.

2. Yellowstone elk are already at record high numbers. There is already much discussion that elk are overgrazing the park. Research is currently being conducted to study whether or not overgrazing is occurring. Overgrazing has been cited as causing the following problems in the Yellowstone area:

a. A decline in the aspen population in the northern part of the park due to overgrazing.

b. Because of less vegetation cover, increased erosion occurring which could ruin the fisheries in the Yellowstone River. The Yellowstone River supports some of the best trout fishing in the country.

c. Because of overgrazing in streamside areas, some individuals feel that the beaver population in Yellowstone has declined: the elk could be competing with animals such as the beaver.

d. The ultimate concern is that if overgrazing is taking place, the elk could be eating themselves out of house and home for years to come.

The cause of overgrazing is too many animals eating too much vegetation. If the Yellowstone elk are at record high numbers now, it seems potentially dangerous to help maintain these high numbers. If long-term damage occurs to the summer feeding ground in Yellowstone because of too many elk eating too much vegetation, could we be setting ourselves up for a feeding program that would extend into the summer months as well?

(Please note: until research is completed, the question of whether or not elk are overgrazing Yellowstone is still speculation. We support the ongoing research and will withhold judgement on the overgrazing issue until enough research has been done and conclusions drawn).

So what solutions to the problem elk face would we support? We offer two long-term solutions to this difficult problem:

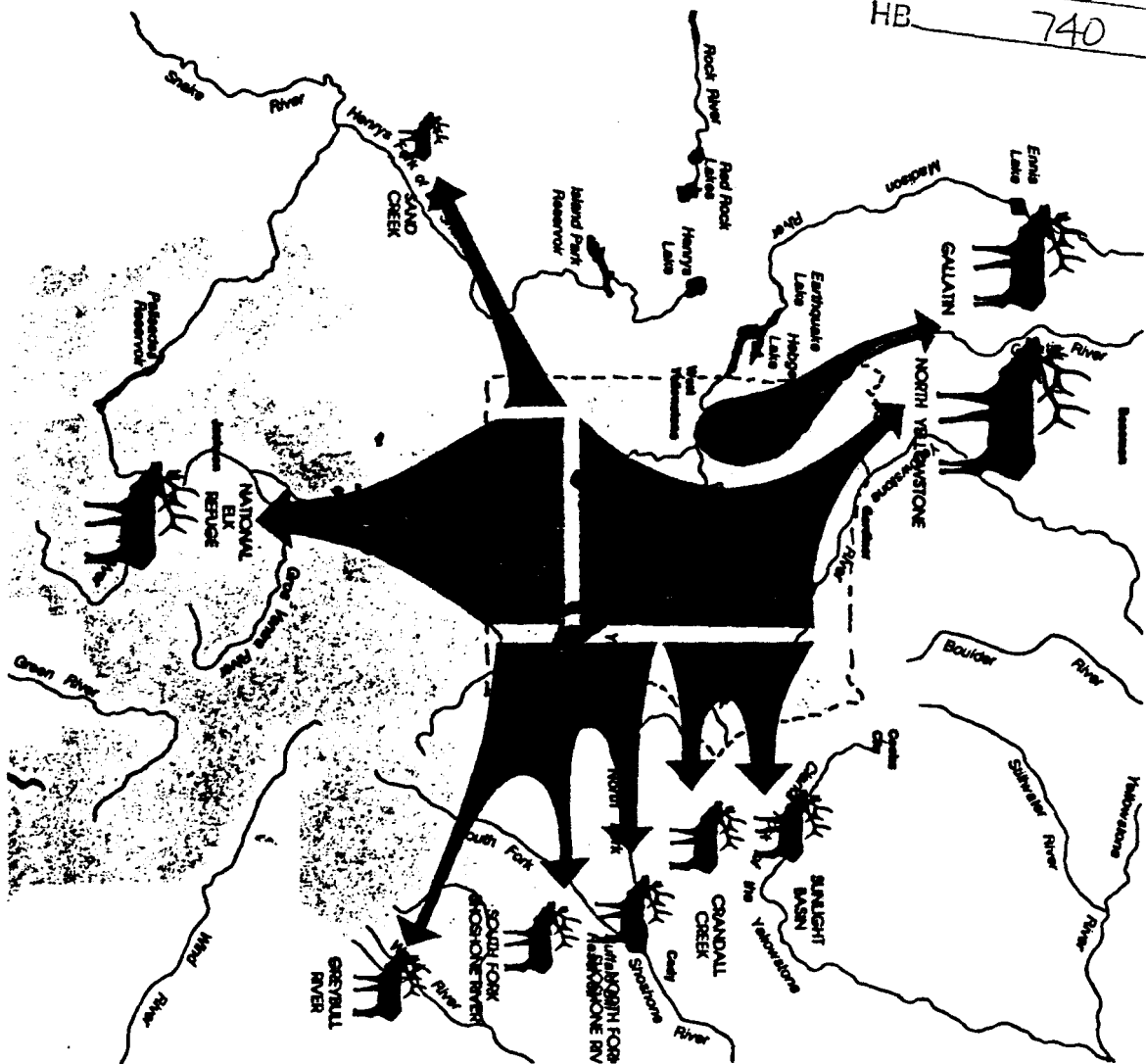
1. Purchase and leasing of critical winter range such as the program currently being developed by the Rocky Mountain Elk Foundation. As the first National Park in the world, the creation of Yellowstone was a farsighted venture. Unfortunately the park was created with geysers in mind - not wildlife. Although the geysers and hot springs are mostly protected within the park boundaries, the wildlife is largely protected in the summer months only. Look at a map of Yellowstone. Very little winter range actually exists in the park. Purchase or leasing of winter range will ultimately benefit all wildlife in the park: elk, antelope, bighorn sheep and bison.

2. Work toward improved land planning, such as subdivision planning, for the state. Many subdivisions occur on winter wildlife range. These are the "perfect" places to build a home: the snow doesn't get as deep and the views can be spectacular. We slowly squeeze the elk out of their critical range during a critical time of the year.

In conclusion, if this committee decided to change HB 740 to a program aimed at purchasing or leasing of critical winter range for elk, we would wholeheartedly support your efforts. We cannot support an elk feeding program as a solution to the elk winter range problem.

# Seasonal Elk Migration

EXHIBIT #8  
DATE 2/28  
HB 740

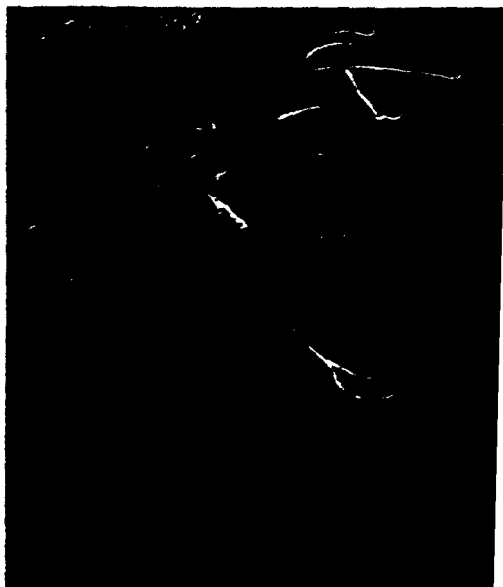


National Parks



Other Federal Lands

--- park boundary



*Elk lying in grass*  
Antlers in velvet, a skin-like substance circulating blood and nourishment to the bony growth. (Tom Dietrich)

From  
Greater Yellowstone  
by Rick Reese  
Published by  
Montana Magazine  
© 1984

DATE 2/28  
HB 740

WITNESS STATEMENT

NAME Judy Fenton BILL NO. HB 740  
ADDRESS Blue Sky Heights #26  
WHOM DO YOU REPRESENT? Federated Humane Society of Mont.  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS:

See attached

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# Federated Humane Societies of Montana

Testimony on HB470 740  
House Fish & Game Committee  
February 28, 1989

By Judith Fenton, Secretary/Treas. Federated Humane Societies of Montana  
Blue Sky Heights #26, Clancy, MT 59634 (406) 933-5922  
also Owner of Kanine Kondo, 390 Norris Road, Helena, MT 59601  
(406) 458-5670

I have two reasons why I think Montana's legislature must pass this bill as soon as possible. The first is that on humanitarian grounds it is impossible to just do nothing while hundreds of animals die a terrible death by starvation. Death is not what we object to, only that it should have been possible to arrange for a more humane end for these poor creatures. This situation should have been expected. We all agree that this is an exceptional winter with the heavy snows on top of the drought and fires that destroyed the Parks vegetation. It could have been predicted that these hundreds of elk, known to have already overpopulated their range, would be leaving the Park now in search of food. All the convenient wildlife management theories that tell us to do nothing don't make sense to me, except that it's easier for government agencies to decide to do nothing. If man should not be allowed to interfere with these wild animals he shouldn't have killed off the elk's major predator, the wolf, in the first place. Experts can tell us to do nothing and their arguments are very logical but on an emotional level doing nothing for these animals is impossible for many of us. If the experts can't arrange for a humane death than we must feed them. It must be done as soon as possible because the situation is already critical.

The second reason to seriously consider this legislation is that the people of Montana are looking very cruel to the rest of the world. We are trying to sell Montana to tourists as a wildlife mecca, and yet on national TV everyone is seeing starving and dying Montana elk. Right or wrong we must show our compassion by doing something for these animals.

Letting hundreds of animals starve to death is an unacceptable method of population control. Maybe this tragedy will finally move some National and State agencies to take real action to limit the overpopulation of these herds in the Park. I do wonder if the herds of elk and buffalo have been maintained at dangerously high levels so that excess animals can be used to generate hunting license fees.

*Judith Fenton*



# VISITORS' REGISTER

## Fish and Game

COMMITTEE

BILL NO.

HB 740

DATE \_\_\_\_\_

Feb. 28<sup>th</sup>

SPONSOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

# Fish and Game COMMITTEE

BILL NO. SB 173

DATE Feb. 28<sup>th</sup>

SPONSOR \_\_\_\_\_

[illegible]

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