

## MINUTES

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

#### COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on March 9th 1989, at 3:45 p.m.

#### ROLL CALL

Members Present: All members present with exception of:

Members Excused: Rep. Ralph Eudaily

Members Absent: none

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

Announcements/Discussion: REP. REAM: I will pass around a draft of the resolution regarding the elk feeding. (See Exhibit #8) I had asked Mr. Marcoux from the Dept. of Fish, Wildlife and Parks, to provide some input. We can ask for suspension of the rules to introduce this resolution. It will provide a good alternative to the bill that was earlier introduced and failed in committee. REP. KELLER: Shouldn't we address reduction management of the herd? REP. REAM: Historically, up until about 1955 that herd had gradually built up to about 12,000. Then for 10 years, from 55' to 65,' the Dept. went in and trapped, removed, and transplanted the elk. And ultimately ended up going to direct reduction. Shooting them. Park rangers went out every winter and just mowed them down. They had butchers there to process and ship them out. They quit in 1965. And within 10 years, the herd had built back up to the 12,000. But they didn't stop there, they kept right on increasing in population, and are now at just about 20,000 head. Professional biologists and others have been saying for quite awhile now. That we were going to have the crash in the numbers of animals. This is the year for that. REP. RANEY: I voted against this bill. And I've lived there all my life. Every time you go many, many consecutive winters where the state does not have tough winters, your elk population grows and grows. And the ones that die off are the ones that are not "biologically" suited to withstand a tough winter. That is what has happened. This is nature's way of weeding out the weakest animals. I think the resolution is the right idea. We shouldn't be making legislation out of emotion in the House. REP. PHILLIPS: Motioned to request to suspend the rules in order to present this resolution. A vote was taken in favor of introducing this resolution.

## HEARING ON SENATE BILL 294

Presentation and Opening Statement by Sponsor:

SEN. RAPP-SVECK: Senate Dist. #26. This bill would give authority to the Dept. of Fish, Wildlife and Parks to regulate the commercial use of crayfish. We have a proliferation of crayfish, along with the proliferation has come the commercial harvesting. These have become quite a delicacy. And are packed and sold to the market in Europe. The Dept. began receiving complaints and concerns expressed regarding the harvesting of the crayfish. Because crayfish are also a prime food source for small-mouth bass. The bass fishermen were concerned. The Dept. reacted the best that they could, and designated the crayfish as a non-game species in need of management. Under the non-game and endangered species act. This bill would allow the Dept. to set seasons, quotas, limits in all areas that are needed to preserve the crayfish. The crayfishermen are committed to working with the Dept. to insure adequate protection of the fisheries. If we manage this industry correctly it can become a long-term industry.

Testifying Proponents and Who They Represent:

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

Mr. Robert VanDerVeer/ Helena

Proponent Testimony:

Mr. Marcoux: (See Exhibit #1)

Mr. VanDerVeer: I support the efforts of this bill.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. DEMARS: About how much does one crayfish usually weigh?

SEN. RAPP-SVECK: They can weigh up to about 3/4 lb. and be up to eight inches long.

REP. KASTEN: You sponsor this legislation, yet oppose the paddlefish roe bill? What is the difference? SEN. RAPP-SVECK: The paddlefish is a species that is of special concern, we have no idea of their numbers. I was concerned when I received letters, both from the Dept. of Fish and Game and others. To me, it is the difference of the importance of grizzly bear verses black bear. There are

billions of crayfish, and we certainly don't know how many paddlefish there are. REP. KASTEN: Yet we don't know the ramifications of this bill. SEN. RAPP-SVECK: You are certainly right, we don't know the ramifications. That is exactly why they need to be regulated. If we don't, we could see devastation of the population very quickly.

REP. RANEY: Tell me how you prepare this fish? SEN. RAPP-SVECK: You steam them and eat like crab or lobster. Last year Montana's crayfish won the most prestigious taste test in Europe. This is a delicacy in the European Continent.

REP. PHILLIPS: It seems to me that we are repeating ourselves here in this bill? DOUG STERNBERG: Section 87-4-604, repealed (reads text of section). This section relates to aquatic insects. REP. REAM: Why is that being repealed? Crayfish are not insects. MR. MARCOUX: This section is proposing to cover "other fish food organisms". Under that the crayfish would be protected.

Closing by Sponsor:

SEN. RAPP-SVECK: The crayfishermen are in favor of this bill. They want regulation. They want to preserve this industry over the long term. Certainly the sports fishermen are in favor of this bill. They want to protect their sport. It would not affect those people that want to catch the evenings dinner. I hope you will support our efforts.

DISPOSITION OF SENATE BILL 294

Motion: Rep. Raney motioned a "do pass"

Discussion: 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 56

Presentation and Opening Statement by Sponsor:

SEN. JENKINS: This bill presents landowner preference in special elk permits. Many of the landowners that were feeding the elk during the summer were not finding the elk on their property during the harvesting season. Another problem that existed, was large pastures where you have state, federal and private landholders. There was confusion on the part of the game warden. This bill would clear up those problems. We have amended it in the Senate, upon the recommendation of the Fish and Game Dept.

Testifying Proponents and Who They Represent:

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

Ms. Kim Enkerude/ Agriculture Coalition, Helena

Mr. Mike Donally/ Wisdom, MT.

Mr. Brad Molnar/ South Eastern Mt. Sportsmen Assoc.

Mr. Robert VanDerVeer/ Helena

Proponent Testimony:

Mr. Marcoux: (See Exhibit #2)

Ms. Enkerude: (See Exhibit #3)

Mr. Donally: (See Exhibit #4)

Mr. Molnar: (See Exhibit #5)

Mr. VanDerVeer: I know some of these ranchers that are feeding these elk. Why shouldn't they get a break.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. RANEY: Is the language clear in this bill? I don't think it is. Shouldn't it be more specific in regard to "the hunting district"? SEN. JENKINS: Under the terms of the permit, it would have that narrowed down. REP. RANEY: How do you know that? SEN. JENKINS: That is under the terms of the hunting permit. We have, in my area, permits that are only good in that area. If you have a landowners permit, you would not be able to travel to any district with that permit. Those specifics would be addressed on the permit. MR. MARCOUX: The individual has to apply for an elk permit in the hunting district where he owns the land. After he has applied and has been selected in the drawing. His permit will allow him to hunt only in the district that he applied. It would be under the terms and conditions of that permit. I don't have any problems with the language in this bill. REP. RANEY: How do you feel about restricting this to cows? MR. MARCOUX: The majority that are applied for are cow permits. There are just a few areas in the state that bulls are permitted. I don't have a preference. I look at this as an opportunity to try to assist those that are raising elk to have an opportunity to hunt.

REP. KELLER: Could you explain the percentage of non-residents verses residents? MR. MARCOUX: I think the issue is, from a non-residents standpoint, that we already have a cap on total number of non-residents that can obtain licenses. Any of those individuals within that category can apply for permits. The real question is, are we encouraging non-residents to come to Montana? I just cannot address that. We have one year of experience with this. Our Dept. sent out a questionnaire and received about 268 responses. In general terms, we found the success rate about 68% on harvesting animals.

REP. REAM: The non-residents landowner, would first of all have to buy a non-residents license, but then could apply for the landowner preference? MR. MARCOUX: The person who holds the title to 640 acres or more. So non-resident landowner isn't restricted from applying for a landowner preference. There is a 10% limit on the overall numbers that non-residents can get.

REP. REAM: I remember this being quite a subject of debate in the last two sessions. Whether or not the non-resident landowners should qualify for this. What is your feeling, and what do you think was the intent of the original legislation in regard to non-resident landowners? SEN. JENKINS: This bill really is not touching that at all. We did have quite a bit of debate on the non-resident. First of all, they are eligible to receive only 15% of the permits. I really cannot see a problem. Since we are not paying game damage, they deserve a better chance. REP. REAM: I am sympathetic to your bill. But I am addressing the problem of the persons that comes to Montana and buys up a ranch.

REP. DAILY: You indicated that there were about 400 of these permits available. What percentage of the total is that? MR. MARCOUX: We had about 18,000 permits last year. REP. DAILY: Are there districts where no one applies? MR. MARCOUX: No, all of our districts had applicants. REP. DAILY: Any situations where you had to have a drawing? MR. MARCOUX: There were situations where there were more landowner applications than there were allowed. Then, it is just through a random draw. There are situations, where corporations can allow many to use one permit. But then again you have to look at what they are providing by maintaining trophy herds.

Closing by Sponsor:

SEN. JENKINS: This bill is introduced to correct a problem, that so far, has not been manageable. Usually the elk don't gather in the same place for the summer season and the hunting season. This would give those that are feeding the elk a better opportunity.

## DISPOSITION OF SENATE BILL 56

Motion: Rep. Keller motioned a "do pass"

Discussion: Rep. Raney: I question the wording of "shareholder", I would like to see that as "resident shareholder". I don't particularly like the idea that you can give that permit to a person "employed" by the landholder. What would the definition of "employed" be anyway? Rep. Keller: There are probably some absentee landowners that have a manager on their place. It seems to me that the manager should be able to use that permit. Rep. Ellison: You have got to remember that if he is a non-resident he is going to have to put up \$450.00 to buy a permit. I don't think you are going to see many people coming into the state buying up a section of land just to get a cow elk. Rep. Hanson: Where does it say non-resident? Rep. Raney: It doesn't. It just says "shareholder", so he could be a New Yorker. Rep. DeMars: They would have to buy that out-of-state license first. Rep. Ream: He would first have to fall under the non-residents category. Then get the preference after that. Have you seen examples of these concerns? Mr. Marcoux: No, we have surveyed the landowners and asked them questions regarding harvest. I suspect that we could get that information.

Amendments, Discussion, and Votes:

Rep. Elliott: In a previous bill, I brought up the questions of the limitations of subsec 2 of 640 acres or more. In my part of the country not alot of people own a section. But there are fair amount of people that own more than 100 acres and are subject to game damage. I have talked with Senator Jenkins, and lobbyists, they do not object to lowering that figure. I would like to offer an amendment to lower that acreage either to 100 or 160 acres.

Mr. Marcoux: That issue was brought up the last session. The only comment that I would make is the lower you go on the acreage, the less chance an individual will have to draw on the permits. Doug Sternberg: This section that you have before you is really only a portion of the law. The other section relates to the A-7 antlerless tag. It does essentially the same thing for that class of licenses. The difference being the special permits. The person had to hunt on land owned by him. Where with the A-7 permit, that particular restriction is not in there. I drafted this bill. That is the reason why I am aware of this inconsistency. I believe that it was the desire to make those provisions consistent for both. It would behoove you to revise the others as well. Rep. Elliott: I believe in simplicity, so I will withdraw my comment.

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

HEARING ON SENATE BILL 240

Presentation and Opening Statement by Sponsor:

SEN. JENKINS: This bill was introduced two years ago, and ran into some rocky ground. It allows the disabled to buy specific tags to allow someone else to take the animal for them.

Testifying Proponents and Who They Represent:

none

Proponent Testimony:

none

Testifying Opponents and Who They Represent:

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

Opponent Testimony:

Mr. Marcoux: (See Exhibit #6)

Questions From Committee Members:

REP. DAILY: Does the person that is doing the hunting required to be with the disabled person that has the permit? SEN. JENKINS: No, the person that has the permit must certify that you are the designated hunter. REP. DAILY: Are you introducing this concept, so that those disabled persons can simply have meat? SEN. JENKINS: Yes, that is correct.

REP. ELLISON: In order to preserve the integrity of the hunting permit system. Why doesn't the Fish and Game provide these disabled persons with the surplus meat that they have. SEN. JENKINS: A bill was passed to allow the Dept. to do that and to my knowledge that never has happened. MR. MARCOUX: The Dept. of Institutions tried to accomplish that. But it got to be a time consuming and expensive process. You have to haul it, cool it, transport it and process it. It became too complex for the Dept. of Institutions. REP. ELLISON: Can't the disabled person come to one of your auctions? They would come to you. MR. MARCOUX: That would be an option.

REP. KASTEN: It is not illegal for a rancher to harvest that animal and to give the meat away is it? MR. MARCOUX: No, it is not. REP. KASTEN: Do you find that people really want

this meat? In my area you can't give it away. SEN.

JENKINS: There are areas where that happens. REP.

BLOTKAMP: It is not legal, but it already takes place. I know that there are situations where someone will harvest an animal for another person that is unable to do this. SEN.

JENKINS: It does happen, but it is not legal. REP.

BLOTKAMP: Do you know what the definition of "disabled" is?

MR. MARCOUX: We have allowed some flexibility in regard to persons that may have a disability already.

Closing by Sponsor:

SEN. JENKINS: Closed briefly to the Committee.

DISPOSITION OF SENATE BILL 240

Motion: Rep. Ellison motioned a "do not pass"

Discussion: Rep. Blotkamp: I have to speak against this motion.

Realistically, if you are out there hunting with a friend and you become disabled. Let's say that you fall, hurt your back in the field, your friend asks you to shoot the elk for you. You will do it. By passing this legislation, you are simply making legal what is already being done. Doug Sternberg:

For clarification, the term "disabled" is not really defined in law. The Dept. has defined "disabled persons" in it's administrative rules as: (See Exhibit #7).

Rep. Ream: Can a disabled person can already apply for a special permit to shoot an animal out of a vehicle? Mr.

Marcoux: All they have to do is get a license to hunt. We try to be flexible in regard to this. They do not need a special permit. Rep. Ream: Has there been any demand for this type of permit that this bill is requesting? Mr.

Marcoux: No, most of our requests are from disabled persons that want to shoot the animal themselves, from a vehicle.

Rep. Ream: My feeling is that you could have alot of abuse with this type of legislation. Question was called.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A  
"NOT TO BE CONCURRED IN" FOR THIS BILL.



ADJOURNMENT

Adjournment At: 6:00 p.m.

A handwritten signature in cursive script that reads "Bob Ream". The signature is written in dark ink and is positioned above a horizontal line.

REP. BOB REAM, Chairman

BR/mc

5505.min

# DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Session - Legislative Council

Date March 9

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily	✓		
Gene DeMars	✓		
Bob Pavlovich — Bob Gervais	✓		
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

BILL NO.

SB56

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

14

1

maureen Cleary

Secretary

Chairman

MOTION:

rep. keller

"do pass"

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE \_\_\_\_\_ BILL NO. SB240 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

(11)

(4)

maureen Cleary

Secretary

Chairman

MOTION: rep. ellison 'do not pass'  
rep. blotkamp.

DO NOT PASS

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE

BILL NO.

SB 294

NUMBER

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

TALLY

13

maureen Cleary

Secretary

Chairman

MOTION:

rep raney "do pass"

to be concurred

2-15-89  
STANDING COMMITTEE REPORT

March 9, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that  
SENATE BILL 56 (third reading copy -- blue) be concurred in.

Signed: Bob Ream

Bob Ream, Chairman

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

3-10-89  
7:30  
STANDING COMMITTEE REPORT

March 9, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that SENATE BILL 240 (third reading copy -- blue) be NOT concurred in.

Signed: Bob Ream

Bob Ream, Chairman

[REP. REAM WILL PRESENT THIS ADVERSE REPORT TO THE COMMITTEE OF THE WHOLE HOUSE.]

STANDING COMMITTEE REPORT

March 9, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that  
SENATE BILL 294 (third reading copy -- blue) be concurred in .

Signed: Bob Ream

Bob Ream, Chairman

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



## VISITORS' REGISTER

Fish and Game

COMMITTEE

BILL NO. SB 294DATE March 9

SPONSOR \_\_\_\_\_

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Robert Van Der Meer</i>	<i>Willem</i>	<i>X</i>	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT #1  
DATE 3/9/89  
HB 80294

SB 294  
March 9, 1989

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

The Department of Fish, Wildlife & Parks supports SB 294. This bill would grant the department authority to regulate commercial harvest of aquatic organisms that provide a food source for fish. Lack of authority to regulate these activities under present statutes is a missing link in the department's ability to, "provide effective management of Montana's aquatic resources in order to perpetuate desirable natural habitat and animal life, and to preserve and increase fishing opportunities" (ARM 12.1.101).

The department is currently empowered to regulate sport fishing, the commercial taking of fish and commercial harvest of bait minnows. We are also able to regulate or participate in processes regulating activities which may alter fish habitat. At the present time, we are not able to regulate commercial taking of fish food organisms without initiating and going through a cumbersome two-step administrative process.

Two cases have recently occurred which demonstrate the need for the department to have this authority. Commercial operators are currently taking crayfish from Noxon Rapids Reservoir near Thompson Falls. These commercial fishermen have expressed interest in expanding to other waters. The public and department expressed concerns over potential impacts of commercial crayfish harvest on sport fish populations, and fishing opportunities.

The only avenue open to the department was to designate crayfish as a nongame species in need of management under the Nongame and Endangered Species Act. This required a scientific investigation and holding a series of public hearings in August 1988 to make the designation. There was unanimous support at the meetings, including commercial operators, for department regulation of commercial crayfishing. Additional rule making will be required for actual management.

The department periodically receives inquiries from parties interested in commercially harvesting other fish food organisms such as insects and freshwater shrimp. Commercial harvest of Mysis shrimp in Flathead Lake is presently occurring. Legislation is needed to enable the department to have some control over these activities as they occur.

Presently an operator could come in and harvest a resource, doing severe damage, before the department could gather information and hold hearings to designate that species in need of management. There is a problem, however, in that the department has little information about the organisms and techniques involved. The permit system will allow the department to control these activities

and at the same time provide an information source for the development of standardized regulations. If the fledgling industry does not expand, administrative rules will not be necessary.

EXHIBIT #2  
DATE 3/9/89  
HB SB 56.

**SB 56**  
**March 9, 1989**

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

The Department of Fish, Wildlife & Parks supports SB 56. Current language allows a holder of a landowner preference elk permit to hunt only on land owned by the individual. This does not accommodate landowners who have elk on their property during times of the year other than the hunting season. In some cases, elk movement may occur such that during the fall few, if any, animals may occur on a landowner's property, while considerable use may occur at other times of the year.

It is our opinion that these landowners should also have a reasonable opportunity to take an elk during the season when the permits are valid. This is not provided when they are required to hunt on their own property. The proposed change would also simplify enforcement, since individual property boundaries are often difficult to define.

Passage of this bill will provide equity to all landowners with elk using their property, and will increase the efficiency of law enforcement.

We urge passage of SB 56.

EXHIBIT #3  
DATE 3/9/89  
HB SB56.

March 9, 1989

TO: House Fish and Game Committee

FROM: Agricultural Coalition

SUBJECT: Senate Bill 56, Revising the Landowner Elk Hunting Preference

Mr. Chairman, members of the committee:

My name is Kim Enkerud. I am representing the following agricultural groups: Farm Bureau, Montana Cattlefeeders, Montana Stockgrowers, Montana Cattlemen, and Montana Association of State Grazing Districts.

We support Senate Bill 56 and urge the committee concur.

Restricting the rancher to fill his special elk permit on deeded land can be difficult when the land ownership pattern in Montana is so mixed and deeded is not often fenced separately from state or federal land. Most ranchers are very aware of where their private land ends and other land ownership begins. However it is oft times the case that when the hunting season begins, that is when the elk are not found on the deeded land.

This bill will open up the area from which a landowner who has a landowner elk permit may fill his tag.

Thank you.

EXHIBIT #4  
DATE 3/9/89  
HB SB56

Submitted To: House Fish & Game Committee

RE: SB 56

From: Michael Donally

I have lived and worked on a family farm all of my life which lies just east of Superior and is about 12 air miles from the state line. Being located in the heart of the Rockies and so close to the Idaho border, our crops and fences suffer severe impacts from ever-increasing herds of elk and deer. We run a dry land operation so we barely have enough hay and pasture to support our cattle let alone feeding over 120 head of elk and 200 white-tailed deer during certain months of the year.

The only control over the population of these game animals lies solely in the hands of the Department of Fish Wildlife & Parks. They dictate how many permits are issued per district that they deem for best management practices. Over the past couple of years the Department has been fairly cooperative and they have gradually added more cow elk tags and even a sub-district encompassing our area. We feel this cooperation between the Department and the landowner has helped out quite a bit, but then another problem arose. There have been ever increasing applicants, but the harvests stay about the same and some years we have even seen the harvests drop considerably. Much of this problem can be

attributed to people who hunt only bulls. These hunters apply for and draw cow tags and then just sit on them to try to keep the female numbers high so there will be more bulls in the coming years. A very high number of these tag holders don't live in our area or ever witness the impacts of the elk. They simply show up during hunting season from all over the state and hunt only bulls. The out of state hunters create a very similar situation in which they apply for the cow tags in the spring and receive the tags in the fall, but by then many have changed their plans and so once again the cow tag lies idle and is never used.

Our family owns ample acreage to qualify for landowner preference but rarely are the elk on our property during shooting hours. The animals feed at night and then they leave our property for the surrounding foothills during the daylight hours. The members of my family have never been able to apply for landowner preference because in the existing law we must shoot the animals on our own land.

This bill will really help out people in our situation and give us the opportunity to help control the elk that live and feed on our land even if it is only one or two animals a year.

Thank you very much and I urge a due pass on this bill.

*Michael Donally*

TESTIMONY CONCERNING SB56. GIVEN BY BRAD MOLNAR ON BEHALF OF THE SOUTHEASTERN MONTANA SPORTSMEN ASSOCIATION AND THEIR 5600 MEMBERS.

When the landowner set-aside was first made law its stated intent was to lessen sportsman/landowner conflict and open access thru landowner appreciation.

I have not seen this happen and, as written, this amendment would have the opposite effect. Therefor I would ask for any or all of the following amendments to lessen the impacts of SB56 now and in the future.

1. Make the permits available to Montana landowners of 1 year (or more) only. Otherwise a New York investor has the same priority as a life-long Montana rancher and I don't think that that is the intent of this bill.
2. Remove the word "shareholder" from qualified recipients.
3. Make the permit good only for the immediate family of the resident landowner.
4. Make the permits for cow elk only. This would help take out the economic incentive to abuse the intent of this bill.
5. Instead of having the permits issued through drawings have them given on a merit basis. Along with the legal description of the qualifying land have the landowner include an "access plan", to, or thru, their land and have the warden of the area (or a landowner/sportsman advisory group) give the permits to those that help alleviate the access problems. As it now stands with upto 10% of the special elk permits set aside for non-residents and a mandated 15% set aside for landowners  $\frac{1}{4}$  of the permits are gone before the drawing takes place. With this amendment many problems would be solved and help bring Montanans back together in a spirit of cooperation as the landowner gets something for his "game damage" and the resident hunter gets something for his loss of opportunity.

EXHIBIT SB56 # 5  
DATE 3/9/89  
HB 56



ARM 12.3.106

"Disabled person" means (i) a person suffering from a condition medically determined to be permanent and substantial, and resulting in significant impairment of the person's functional ability and specifically includes amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions and renal failure; or

(ii) a person who, because of lack of social competence, mobility, experience, skills, training or other successful characteristics, is in need of and is receiving sheltered employment or work activities services in a protective setting.

SB 240  
March 9, 1989

EXHIBIT #6  
DATE 3/9/89  
HB SB 240

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

While we certainly understand and sympathize with the rights of the disabled, this bill attempts to address that plight to a degree that we believe is unacceptable.

The concept of a person who holds the license doing the harvesting of the animal is of long standing in our state. In fact, in 1968 this concept was outlined by our State Supreme Court when it said: "In Montana, big game hunting is a sport. The licensed sportsman-hunter must kill his own animal; he cannot have it done for him."

When the department issues a license, we are issuing primarily a recreational opportunity. There is no guarantee of success nor assurance that an animal will be taken. Each individual buys his license with this in mind and does or does not purchase such license depending upon his personal circumstances with regard to hunting.

Provisions currently in the law allow disabled hunters to shoot out of vehicles and shoot from roadways, with the exception of state or federal highways.

This legislation would seem to indicate that a special provision should be set up to assure that a disabled person who qualifies can have a successful hunt. While we prefer to see individuals have successful hunts, the filling of another's tag is an approach we cannot support.

We request that the committee not approve SB 240 and maintain the integrity of each individual filling the bag limits for his license.

FILE #8  
3/9/89  
HJR DRAFT

HOUSE JOINT RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY

BY REQUEST OF THE HOUSE FISH AND GAME COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE NATIONAL PARK SERVICE TO TAKE IMMEDIATE ACTION TO SEEK AND IMPLEMENT SOLUTIONS FOR THE LONG-TERM MANAGEMENT OF ELK AND BISON IN THE YELLOWSTONE ECOSYSTEM.

WHEREAS, the National Park Service is responsible for management of elk and bison within Yellowstone National Park; and

WHEREAS, the Department of Fish, Wildlife, and Parks is directed by Montana law to provide for the protection, preservation, and management of wildlife and fish within the state; and

WHEREAS, the migratory population of Yellowstone Park's northern herds of elk have important winter ranges within the state of Montana; and

WHEREAS, the National Park Service's natural regulation program, combined with the impacts of fire and drought, has resulted in high numbers of elk and bison; and

WHEREAS, significant elk mortality from malnutrition outside the northern boundary of Yellowstone National Park is occurring; and

WHEREAS, movement of bison threatens Montana's livestock through transmission of brucellosis; and

WHEREAS, residents and others are attempting to feed the elk, risking introduction of undesirable weed seed and concentrating elk, increasing risk of infection and spread of parasites; and

WHEREAS, Montana citizens and hunters are concerned that a critical portion of certain elk herds are endangered; and

WHEREAS, mass starvation of big game animals is not a management tool that is acceptable to the people of the State of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature strongly supports the National Park Service taking immediate action to seek and implement solutions for the long-term management of elk and bison in the Yellowstone ecosystem.

BE IT FURTHER RESOLVED, that the long-term solution be directed toward: (1) providing historic winter range capable of sustaining a managed migratory population of elk; and

(2) addressing the regulation of elk and bison populations within the Park.

BE IT FURTHER RESOLVED, that the National Park Service and the Montana Department of Fish, Wildlife, and Parks are urgently requested to meet and jointly formulate a plan of immediate action to closely monitor the existing situation, dangers posed by the situation, and the physical condition of the elk herds in relation to forecast weather and food supply.

BE IT FURTHER RESOLVED, that consideration be given to feeding the elk if a significant portion of the herd is determined to be in danger.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives send copies of this resolution to the Director of the National Park Service, members of the Montana Fish and Game Commission, the Director of the Montana Department of Fish, Wildlife, and Parks, the Governor, and the members of Montana's Congressional Delegation.

## Fish and Game

BILL NO. SB 56

DATE \_\_\_\_\_

March 9

SPONSOR

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.