

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Senator Bob Williams, on January 31, 1991, at
3:00 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Jr. Anderson (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused: None

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion:

Roll Call taken and noted.

Chairman Williams opened the meeting and turned it over
to Vice Chairman Bianchi in order to testify at another hearing.

HEARING ON HB 89

Presentation and Opening Statement by Sponsor:

Representative Grady, representing House District No. 27,
explained that this bill will change the name of the Fish and
Game Commission to Fish, Wildlife, and Parks Commission. Since
parks have become an inherited part of the Commission's duties,
the Commission felt that the word "PARKS" should be added to
their title. This bill had no opposition in the House.

Proponents' Testimony:

Pat Graham, Director of Fish, Wildlife, and Parks. Presented comments from K. L. Cool. See Exhibit 1.

Tony Schoonen, Ramsey, representing the Anaconda Sportsmen's Assoc. and Skyline Sportsmen stated that his clubs have no problem with the name change and support HB 89.

Questions From Committee Members:

Senator Jergeson commented that he voted against legislation years ago when this changed to Fish and Game Commission. Isn't it going to be tough for someone to cuss the "damn Fish, Wildlife, and Parks Commission rather than just the "damn Fish and Game Commission?" Vice Chairman Bianchi stated that he thought the Fish and Game got discussed, not cussed.

Closing by Sponsor:

Representative Grady felt that it was time to officially get the word "Parks" into the Fish and Wildlife title since they now had the responsibility.

EXECUTIVE ACTION ON HB 89

Motion:

Motion made by Senator Swift that HB 89 do pass.

Recommendation and Vote:

Concurred by unanimous vote. Senator Harding will carry the bill in the Senate.

HEARING ON SB 142

Presentation and Opening Statement by Sponsor:

Senator Tom Beck, representing Senate District No. 24, explained that this bill will require that a person holding a cow elk permit be limited to taking only a cow elk. He stated that an amendment should be made immediately to the bill to include the word "antlerless" instead of "cow" elk. The Department issued over 100,000 elk permits and only 23,000 were issued strictly for cow elk. This bill will protect the rights of people who bought bull elk tags, as people holding cow elk tags can shoot either sex. Many landowners have posted their land but they are

allowing hunters access only if they are holding a cow tag and if they will shoot a cow elk. The cow permit is used to control the volume of elk in the state. He would like to hear from the Department on why the A-7 permit has not been used more in the state.

Proponents' Testimony:

Robert Vander Vere, citizen lobbyist, feels that people have taken advantage of the license. Landowners want the cow elk killed as they are ruining their crops, tearing up everything and on the average there are 13-14 cow elk for every bull. If you buy a cow elk tag, you should only be able to shoot a cow elk.

Jack Perkins, Deer Lodge. See Exhibit No. 3.

Bob Anderson, from the Boulder Valley, representing Headwaters RC&D Big Game Committee, has discussed this in committee meetings and feels that this bill would greatly enhance the ability of the Department to manage their cow elk herds better. In his area there were 125 cow permits out and only 25 were filled. On his ranch alone, he had 125 head of elk on 120 acres of barley for 3 months this year and harvested zero barley from this crop. This comes to a cost of probably \$13,000. There is a lot of landowner tolerance for the elk, but they have got to be managed and the Department must take responsibility of the elk herd. The Fish and Game helped the rancher greatly when they issued only doe antelope permits. Before these were issued, hunters would wait to only shoot the big bucks and landowners were being overrun by antelope.

Dan McQueary, Deer Lodge, (see Exhibit No. 4) stated that in his area the Department issues 450 cow elk tags and last season there was a rough estimate of only 130 elk killed. With the number of elk located in the area, we need to kill 450 head of elk just to hold the population status quo. Landowners will start closing their land unless the hunters start killing only cow elk.

Don Tamke, Deer Lodge Valley, said that there is a large number of elk on his ranch and the number of elk permits given for this area is very small compared to the number of elk grazing on the property. He feels that SB 142, which will require hunters to kill only cow elk will solve the problem of over population of elk that is wintering on private ground.

Representative Grady, representing House District No. 47, stated that he was speaking as a private citizen and a rancher who has property located in the A-7 elk tag area. The A-7 tag was introduced to keep the cow elk in check, but because of apparent problems in marketing, it is not being used. He supports SB 142 and hopes that the Department will properly market this program.

Pat Graham, Deputy Director, Fish, Wildlife and Parks. See Exhibit No. 4.

Opponents' Testimony:

Tony Schoonen, Ramsey, Mt. See Exhibit No. 5.

Scott Snelson, representing Montana Wildlife Federation said that he recognizes the concerns of the landowners. The Montana Federation and the Department are going to work together to see if the A-7 program could work better. The difficulty with the A-7 program is 3 people apply for every one tag that is issued. If this legislation is passed as it is now, the risk of decreasing interest among the sportsmen to harvest cow elk may occur.

Bob Rugni, representing Prickly Pear Sportsmen Assn. of Helena and East Helena, agreed with testimony given by Tony Schoonen and Scott Snelson. He considers this a radical change in the existing status quo and what sportsmen consider their basic privileges as sportsmen. His personal view would be that the Department should have some open hearings to get a feeling of what the sportsmen want. His club has always supported the A-7 tags.

Chairman Williams received a fax from Charles Hahnkamp. See Exhibit No. 6.

Questions From Committee Members:

Chairman Williams questioned Senator Beck as to how the amendments suggested by the Department fit in with his bill. Senator Beck responded that he had previously discussed this with the Department and agreed with the amendments. The word "ANTLERLESS" is very essential to this bill.

Senator Swift questioned Pat Graham on whether or not the amendments recommended by the Department would allow them to hunt in the adjacent area. Would this rectify the cow-bull ratio problem that is in many areas of the state?

Mr. Graham stated that the Department feels that not many people hunt outside the area in which they have a permit. Sportsmen usually hunt only the area they are familiar with. Mr. Graham stated that the A-7 is a license and a person must mail back to the Department the A-5 license and an elk permit is an expanded privilege under the A-5 license.

Senator Svrcek questioned Mr. Graham as to whether or not this amendment would allow someone with a special elk permit to hunt cows in an adjacent district. Mr. Graham responded that it would not allow hunting in the adjacent district.

Senator Svrcek questioned Scott Snelson as to the Federation's concerns. Do they feel that this will limit their hunting of bulls? The members enjoy hunting for the bulls for the majority of the season and toward the end of the season they will shoot a cow.

Senator Svrcek commented on articles he has read lately that we are coming into a time when the big bulls are coming into short supply and if by restricting those who buy cow permits only to shooting cows, then we might rectify this problem. Mr. Graham responded that their surveys do not reflect that there is a problem.

Senator Bianchi questioned Mr. Graham as to the wording of "the regular hunting season" and asked if there was a definition in the law where the regular hunting season was defined or if it needed definition in this law. Mr. Graham stated that there are a variety of different seasons, in fact some of the A-7s in use now do fall outside the general hunting season for rifles. Senator Bianchi further questioned if this would apply to bow hunters and Mr. Graham responded that bow hunters do not have permits and on their A-5 license could shoot either sex. The success rate is low enough not to be considered of any impact.

Senator Bianchi questioned Senator Beck as to his intention of the wording of "the regular hunting season" in his bill. Senator Beck responded that he would like it to be the regular rifle hunting season.

Representative Grady commented that in his district 237 applicants put in for 150 permits. In another area, 150 applicants applied for 50 permits. It is necessary to be flexible as to hunting season and the number of permits issued in order to control the cow elk herd. If the program is designed correctly, it will work. The Department is not using the A-7 license in their management program to control the cow elk now.

Chairman Williams questioned Mr. Perkins if there was any compensation given to him for the damage to his 1,280 acres. Mr. Perkins said "no" as this acreage was all pasture.

Chairman Williams questioned Pat Graham as to the compensation to landowners for damage done to crops by wildlife. Mr. Graham responded that there was no direct compensation to the landowner other than repair of fences, etc. The Department spends about \$150,000 a year in game damage programs.

Closing by Sponsor:

Senator Beck stated that the committee had heard testimony from opponents that 98% of the people are already killing a cow elk with their cow permit. Lift the restrictions and allow the antlerless permit to protect the sportsman who buys his tag on main street and tries to control the elk herds that are infesting the farm land in the State. He would like the committee to look at the amendments.

He agreed with the first amendment. He wanted the second amendment to be broader than it is to encompass a certain amount of area so that the committee is targeting the cow elk herds in these areas.

Chairman Williams closed hearing on SB 142 with executive action to be held at a later date.

ADJOURNMENT

Adjournment At: 4:33 P.M.



BOB WILLIAMS, Chairman



JULIA LEVENS, Secretary

BW/jl

HB 89
January 31, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

The Department of Fish, Wildlife & Parks and the Montana Fish and Game Commission are pleased to support HB 89.

The 1979 Legislature changed the name of the department (then the Department of Fish and Game) to more accurately reflect its responsibilities. The intent in 1979 was to also change the commission's name, but due to technical omissions in the bill, it was overlooked.

The commission, as well as the department, has significant responsibilities beyond the consumptive use of fish and wildlife species. They include the state park system and the Parks Division which were transferred from the Department of Highways in 1965, the snowmobile program, the Federal Land and Water Conservation Fund community grants program, the state capital complex landscape, the management of nongame wildlife species and other responsibilities.

This bill is particularly timely because of the increased attention the public, the administration and the commission are now giving parks matters. The State Park Futures Committee, in its report to Governor Stephens and you, also recommends the change.

There will be no additional cost associated with the name change. Even the cost of stationery is not affected because it must be reprinted when new commissioners are appointed.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 31 day of Jan, 1991.

Name: Jack A. Perkins

Address: 1472 Perkins Rd. Deer Lodge
Mont. 59722

Telephone Number: 846-1365

Representing whom?

Self

Appearing on which proposal?

142

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

I feel this bill wite help
to cut down the elk herds
in Mt. at the present time
they are over grazing the public
and private lands

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 31st day of JANUARY, 1991.

Name: DAN A. M^S QUEARY

Address: 381 Emery Road
Deer Lodge, Mt. 59722

Telephone Number: 846-1265 OR 846-2015

Representing whom?

Andrew A. Beck, E.L. M^S QUEARY, DAN A. M^S QUEARY

Appearing on which proposal?

S.B. 142

Do you: Support? X Amend? Oppose?

Comments:

If this bill is passed it will relieve
the landowner of the responsibility of
making sure that cow tag holders kill
a cow. The idea behind a cow tag is
to control numbers and if a cow is not
killed with such a tag, numbers increase.
The landowners can not stand any more
of an increase in numbers of elk in
certain areas.

SB 142
January 31, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

This legislation provides that hunters who successfully draw for an antlerless elk permit be limited to hunt only cow elk and only in the district specified on that permit. Our Fish and Game Commission presently has authority to issue a license with these restrictions. It is called the A-7 license.

I would like to provide you with some background information that I believe will help clarify this issue.

- * About 23,000 elk permits are issued annually, 21,500 are for antlerless elk.
- * These elk permits are very popular. 75% of elk license buyers apply for the permit drawings.
- * 480 A-7 licenses were issued in 1990 in three hunting districts. These licenses are issued with the intent to increase the harvest of cows in specific areas.
- * Because of the restrictive nature of the A-7 licenses, the department uses the following criteria in recommending use of these licenses to the Commission: 1) public access is adequate; 2) successful license holders will not have to pay access fees in order to use their license; and 3) the distribution of elk will insure a reasonable chance to harvest an elk.
- * Department harvest surveys indicate that only 2% of antlerless permit holders shoot a bull elk.

While the number of bulls harvested by hunters holding antlerless permits is quite low, there remains some public concern about competition for a limited number of bulls. On the other hand, most hunters who comment to the department do not want to have their hunting opportunity too restricted.

We would like to propose two amendments to SB 142 if the committee decides to address the issues raised by the proposed legislation.

The first amendment would substitute the word antlerless in place of cow, since current permits allow for taking calves.

The second amendment would limit holders of antlerless permits to hunt for antlerless elk in the district in which the antlerless permit is valid, but allow them to retain the current opportunity to hunt for bull elk in other hunting districts in the state.

We believe this amendment would maintain the basic intent of this bill, while minimizing the loss of hunting opportunity.

AMENDMENT TO SB 142
INTRODUCED (WHITE) COPY

1. Title, line 5

Strike: "COW"
Insert: "ANTLERLESS"
Following: "ELK"
Insert: "DURING THE REGULAR HUNTING SEASON"

2. Title, lines 6 and 7

Strike: "COW"
Insert: "ANTLERLESS"
Strike: "DURING THE REGULAR HUNTING SEASON;"
Insert: "IN THE HUNTING DISTRICT WHERE THE PERMIT IS
VALID;"

3. Page 1, lines 22 through 25

Strike: (2) in its entirety
Insert: "(2) A person who is issued a special elk permit to hunt during the regular hunting season for antlerless elk is limited in that hunting district or portion of a district for which the antlerless permit is valid to the hunting and taking of only an antlerless elk. The holder of the special elk permit is entitled to the general elk hunting privileges for a holder of an A-5 license in all other hunting districts."

EXHIBIT NO. 5DATE 1/31/91BILL NO. SB 142WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this day of Jan, 1991.

Name: Tony Schoonen

Address: Box 2

Arizmsz, MT 59748

Telephone Number: 782-1560

Representing whom?

Skyline Sportsmen & Anzcondz Sportsmens Assn.

Appearing on which proposal?

S-B. 142

Do you: Support? Amend? Oppose? X

Comments:

Our groups rise in opposition to SB 142
Takes away hunting opportunity from sportsmen
Promotes the sale of bull elk - See hunting
Wildlife is a public resource yet more
and more restrictions are being placed
on the average sportsman to benefit small
special interest groups.
Restrictive hunting of bulls plays into the
hands of outfitters and wealthy out of state hunters
It also benefits archers who have nearly seven
weeks to hunt bulls at their most vulnerable
time - ~~take~~ thus lessening opportunities
for other hunters.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Everyone should be treated equally.
If you need to thin out elk populations
with sex control, it's better to do it with three

SENATE FISH AND GAME

EXHIBIT NO. 6D. 1/31/91BILL NO. SB142

HEADWATERS

Resource, Conservation and Development Area, Inc.
305 W. Mercury, Suite 211
Butte, Montana 59701
(406) 782-7333 • FAX # 782-9675

January 31, 1991

Senator Bob Williams
Chairman, Fish & Game Committee
Capitol Station
Helena, MT 59601

Dear Senator Williams,

The Headwaters RC&D Area, Inc., Butte, MT, supports SB142
(require a person issued cow elk permit may kill a cow elk
only).

We strongly urge passage of this bill.

Sincerely,

Charles Hahnkamp

Charles Hahnkamp, Council Chairman
Headwaters RC&D Area, Inc.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 1, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 89 (third reading copy -- blue), respectfully report that House Bill No. 89 be concurred in:

Signed: _____
Bob Williams, Chairman

2-1-91

Asst. Coord.

2-1 4:35

Sec. of Senate