

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Pipinich, Chair, on January 5, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Bob Pipinich, Chair (D)
Sen. Gary Forrester, Vice Chair (D)
Sen. Tom Beck (R)
Sen. Don Bianchi (D)
Sen. Chris Christiaens (D)
Sen. Bruce Crippen (R)
Sen. Gerry Devlin (R)
Sen. Judy Jacobson (D)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. Dennis Nathe (R)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Kathy Collins, Committee Secretary

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

Committee Business Summary:

Hearing: SJR 1 - SB 17
Executive Action: None

HEARING ON SJR 1

Opening Statement by Sponsor:

Senator John "Ed" Kennedy, Jr., Senate District 3, Kalispell, stated that the wildlife people of Montana are interested in utilizing the elk we have in the state of Montana in areas where there are too many elk, or where they are underharvested. He encouraged the Committee, by SJR 1, to transplant the surplus elk to areas that have less concentration, yet have the habitat to support that elk in that area.

Proponents' Testimony:

Warren Illi, President of Flathead Wildlife, a Flathead Valley sportsmen club with a current membership of 150, read from a prepared statement in favor of SJR 1 (Exhibit #1).

A.J. King, Kalispell, also read from a prepared statement in favor of SJR 1 (Exhibit #2).

Jim Richard, Montana Wildlife Federation, supports the efforts of Flathead Wildlife in their transplant in Northwest Montana, stating that on a state-wide basis there may be some other specific opportunities for transplanting to serve rural wildlife management.

Opponents' Testimony:

Kim Enkerud, representing the Montana Stockgrowers Association, read from a prepared statement in opposition to SJR 1 (Exhibit #3).

Stan Bradshaw, representing the Montana Bowhunters Association, stated that he was not in opposition so much to what the resolution is trying to achieve, but as to the means of trying to get there. The problems he sees with the resolution are: 1) This is, in some sense, a form of micro-management. The department has apparently adopted a policy that these people disagree with--he opposes bills that get that specific about management policy and things like wildlife. The department has spent a considerable amount of time on its elk management plan to get there, and to change that through the course of a resolution like this, isn't necessarily good public policy. 2) There appears to be a specific, legitimate concern on behalf of the proponents with regard to the Bison Range transplants. Unfortunately the language is more global than that, and they explain their reasons for that. His understanding is that there are not a lot of other opportunities in the state to do what they are doing there (Ashley Lake). In any event, if SJR 1 were couched in terms of the specific concern at Ashley Lake and some of the more global language dealing with the state-wide transplant policy were done away with, it would meet the concerns expressed, but leave intact the department's ability to evaluate transplant proposals on a case-by-case basis. Mr. Bradshaw ended his statement by saying that his opposition is qualified, and he thinks the resolution goes too far.

Pat Graham, Department of Fish, Wildlife & Parks (FWP), read from a prepared statement in opposition to SJR 1 (Exhibit #4).

Questions From Committee Members and Responses:

Senator Nathe asked Pat Graham why a bull elk hunting season was allowed where the bulls were just transplanted in an area that was underpopulated. Mr. Graham stated that the season is the

most restrictive one in that area and he didn't believe there is any cow hunting there, thereby providing protection for cows. When asked about specific numbers of transplanted elk taken from that area, Mr. Graham turned the discussion over to Don Childress, Administrator of the Wildlife Division. Mr. Childress stated that Ashley Lake is not the only place there are elk in that hunting district, and Ashley Lake is a relatively small area compared to the entire hunting district.

Senator Pipinich asked Mr. Graham out of the 20 tags that were sent in to the department from the transplanted area, how many of those tags were from bulls. A.J. King answered that 16 of the 20 tags were from bulls and 4 were from cows that had wandered out of the district where they were legal to take.

Senator Klampe asked Mr. Graham what the mortality rate was on the other elk that were transplanted into this area. Mr. Graham answered by stating he did not know. When asked by Senator Klampe if there was an attempt to determine the mortality rate, Mr. Graham replied that he was not aware of any such attempt.

Senator Crippen asked Mr. Graham about the rationale behind shipping elk out of state. Mr. Graham turned the question over to Don Childress. Mr. Childress responded by saying that the elk that are sent out of state are from the Bison Range and those elk are requested by the other states.

Senator Crippen asked Don Childress if any elk have been transferred from places other than the Bison Range. Mr. Childress replied that within recent years there were not.

Senator Crippen asked Don Childress if permission must be given by FWP to ship elk out of state. Mr. Childress replied that FWP is consulted concerning transfers.

Senator Crippen asked Don Childress if FWP is relieved of the costs of the transfer. Mr. Childress stated the cost is incurred by either the agency requesting the elk or the Bison Range.

Senator Mesaros, referring to page 2, line 13-14 of Exhibit #4, asked Senator Kennedy how effective, in the past, the transplanting process has been, and could he expand on the costs of the transplant. Senator Kennedy replied by saying that if the elk can be effectively trapped, the cost would be \$40-\$50. He stated that this does not apply to the Ashley Lake area, where much of the cost was absorbed by the resident volunteers in that particular transplant project.

Senator Beck, referring to elk that were trapped on private property in Powell County, asked Don Childress if he was correct in recalling that those elk were transplanted within the state and not shipped out of state. Mr. Childress stated that was correct.

Senator Beck asked Don Childress if landowners in the transplant area are contacted so they are aware that elk are being transplanted. Mr. Childress replied that with any transplant policy, the department would require landowner written permission before any transplants are made, particularly within the area of the site and any movement of the animals to additional areas.

Senator Beck asked Pat Graham if it was the policy of FWP to trap and transplant elk in an area where there was overpopulation. Mr. Graham replied that it was, given no other alternative. It is not, however, the preferred method.

Senator Beck commented that he thought it was an exception to what the resolution is trying to draw out due to the fact that the Bison Range is federal property and although the Montana Fish, Wildlife & Parks has the authority of letting the elk out of the state, the federal government has some authority concerning where the elk go. He concluded by stating that he questioned the merits of the need of SJR 1.

Senator Jacobson, referring to Exhibit #3, page 2, lines 13-15, asked Don Childress if that is something new since the proponents have been requesting more transplanting. Mr. Childress replied that it is not a rule, but rather a management direction and it did not occur as part of the request from Ashley Lake. It is a standing direction in terms of elk management--that doesn't mean that it will never occur, it just says that, in those areas where there are already elk established, there is no reason to go in and transplant elk to increase population.

Senator Jacobson asked Don Childress when the statement referred to above was written. Mr. Childress replied that it was in late 1991-1992.

Senator Christiaens asked Pat Graham if there were costs incurred to FWP with the transplants to Ashley Lake. Mr. Graham stated that the costs were minimal because funding was raised by residents of the area--that was one of the reasons why the operation was supported.

Senator Christiaens asked Pat Graham what he considered minimal. Mr. Graham replied that there was no standard. FWP looks at on a case-by-case basis. The Ashley Lake case is the only one Mr. Graham can point to where both the interest and the opportunities were present for this type of operation. FWP's intention is to continue to work with the people at Ashley Lake. This resolution broadens it to affect the whole elk management program, and that is the primary opposition. SJR 1 is not consistent with the policy adopted for the elk management plan in 1991-92.

Senator Christiaens asked Pat Graham what kind of a fiscal note is foreseen if SJR 1 is passed. Mr. Graham responded that it is difficult to predict because a senate joint resolution simply

urges the department to do something. If the department chooses not to do it, there would be no fiscal impact. If the department chooses to do it, there could be a significant impact.

Senator Klampe asked Pat Graham what directs the department's policy not to transplant elk if it can be done at a low cost and safely. Mr. Graham stated that it is primarily the cost involved.

Senator Klampe asked Mr. Graham why there would be a policy to not transplant if it could be done at minimal cost. Mr. Graham responded by saying that he would like to take this matter up with other sportsmen in the state of Montana to see if they would prefer utilizing hunting as a means of controlling population as opposed to utilizing transplantation and whether they want to contribute to that. He would like to have a broader sounding on that issue before he gave support.

Senator Klampe asked Mr. Graham is there were any biological reasons to oppose SJR 1, for example, high mortality rates. Mr. Graham stated that biologically, there would be some impact on mortality due to transplanting.

Senator Klampe asked Mr. Graham if he was saying that he would like to research this more. Mr. Graham responded by saying that if it is a public policy question, if there is a lot of interest seeing the department get into transplanting as a matter of a more common practice of policy, then they probably would want to get more information.

Senator Forrester asked Pat Graham about the biological impact concerning the North Yellowstone herd. Mr. Graham stated that no animals would be transplanted out of the ecosystem of that area. Because of the less than 1% incidence of brucellosis from that herd, the Livestock Board would not give the authority to transplant those animals.

Closing by Sponsor:

Senator Kennedy said this resolution is a good idea and he urged the committee to support SJR 1.

HEARING ON SB 17

Opening Statement by Sponsor:

Senator John "Ed" Kennedy, Jr., Senate District 3, Kalispell, stated SB 17 is in regards to disabled hunting laws already in effect. Some possible problems are foreseen with the disabled and non-ambulatory hunters, in the case where they wound an animal and are not able to track the animal to make the kill. The main purpose of SB 17 is to allow a companion of a non-ambulatory hunter. There is an amendment to SB 17 (Exhibit #6). Senator Kennedy also provided statistics on non-ambulatory

hunters from Fish, Wildlife & Parks (Exhibit #5).

Proponents' Testimony:

Pat Graham, Department of Fish, Wildlife & Parks, spoke from prepared, written testimony (Exhibit # 7).

Jean Johnson, Executive Director of the Montana Outfitters & Guides Association, representing 184 licensed packing outfitters in Montana, spoke in favor of SB 17, supporting both amendments (see Exhibits #5, #6). When the bill was last amended in 1989, she believed it was probably just overlooked that it only applied to the resident hunter. With the American's Disability Act going into full force and effect in July of this year to allow a resident disabled person to have special privileges and a non-resident disabled person not to have those privileges would be discrimination.

Kelly Flynn, representing Montana Outfitters & Guides Association, spoke in favor of SB 17. Mr. Flynn told the Committee this bill enables outfitters and guides to better serve the needs of the disabled hunter.

Jim Richard, Montana Wildlife Federation stated the federation also supports SB 17.

Warren Illi, President of Flathead Wildlife, spoke from a prepared statement in favor of SB 17 (Exhibit #8).

Peggy A. Wagner, representing Montanans for Multiple Use's Handicapped Committee, spoke from a prepared statement in favor of SB 17 (Exhibit #9). She also requested an amendment to SB 17 that would allow non-ambulatory hunters to hunt, pursue, take, shoot or kill cow elk in hunting districts with a one-week cow season, so it would be the entire hunting season for the handicapped--and in hunting districts with cow permits. It would be preferred the discretion of these areas be left to FWP. It has been said by FWP this would affect about 1% of the cow elk herds.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Nathe asked Senator Kennedy why the bill was drafted in such a way as to allow the companion of the non-ambulatory hunter not to have a license. He felt a precedent would be set for abuse by non-handicapped hunters. He did not see any reason why

the companion should not be required to have a license. Senator Kennedy replied that FWP did not appear to have a problem with the companion not required to have a license, and he turned the question over to Pat Graham. Mr. Graham stated that this issue was discussed a great deal. He agrees that it does create an appearance that this is a contradiction of the hunting laws in effect, but what some states do is to permit "the hunt"; in essence the license is allowing the disabled person and their companion to pursue the animal.

Senator Pipinich asked Pat Graham if there was a license where a shut-in could buy a deer permit and have someone else shoot the animal for them. Mr. Graham replied the bill concerning this particular issue did not pass. He appreciated Senator Nathe's concern, FWP, however, did not have any opposition to the companion not being required to have a license. From an enforcement point of view, the whole concept raises some questions and it is not as clean as it may appear. Hopefully, there will not be the abuses talked about.

Senator Beck asked Pat Graham what would happen if the companion meets the qualifications referred to by the amendment suggested by FWP (Exhibit #7, paragraph 2), but has had a license suspended. Mr. Graham stated in that case if the license was suspended, the person would not meet the qualifications necessary to assist the disabled hunter. The companion must be licensable. The intent is to have someone who is competent and qualified acting as the companion to the disabled hunter.

Senator Beck asked Senator Kennedy if it would make a difference to the people who support the bill if it was written into SB 17 that the companion must have a valid hunting license. Senator Kennedy replied that it would not create too much of a problem for a resident, but it would for a non-resident who does not have a license.

Pat Graham commented that one option FWP has not fully thought through is whether or not that is a concern, that potentially the disabled hunter would have to designate, at the time they got their license, who their companion would be. That would narrow the field somewhat. This is a tentative suggestion, he would want to check with the licensing people to see if this would be a feasible option.

Senator Forrester asked Pat Graham if he was offering this as an amendment to SB 17. Mr. Graham replied he was not.

Peggy Wagner commented that perhaps the non-resident companion could be required to have a conservation license. The major concern is for the wounded animal--to reduce the suffering of the animal.

Senator Beck commented that there is a disabled hunter in his area that hunts by himself, who, when wounding an animal, gains

assistance from neighbors. While this works for a resident, things might have to be different for the non-resident hunter.

Peggy Wagner suggested putting in the bill that the disabled hunter has to be in the area while the companion is pursuing the animal.

Senator Devlin asked Pat Graham if the companion should be named at the time the disabled hunter buys the license. Mr. Graham stated that the option limits the person who does not know at the time who the companion would be.

Senator Devlin suggested that Senator Kennedy and FWP get together to iron some of these differences out.

Senator Pipinich asked Senator Kennedy if he would like to get with FWP to do this. Senator Kennedy replied that it would be a pleasure.

Closing by Sponsor:

Senator Kennedy would like to close at another time.

ADJOURNMENT

Adjournment: 2:30 p.m.


SENATOR BOB PIPINICH, Chair


KATHY COLLINS, Secretary

BP/kc

ROLL CALL

SENATE COMMITTEE Fish & Game DATE 1-5-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Pipinich	X		
Senator Forrester	X		
Senator Klampe	X		
Senator Nathe	X		
Senator Devlin	X		
Senator Mesaros	X		
Senator Beck	X		
Senator Crippen	X		
Senator Christigens	X		
Senator Bianchi	X		
Senator Jacobson	X		

Good Afternoon Ladies and Gentlemen

I am Warren Illi, President of Flathead Wildlife, a Flathead Valley sportsmen club. Currently we have 150 members.

We thank you for the opportunity to comment on Senate Resolution 1.

Flathead Wildlife is a very active sportsmen club that does a number of wildlife habitat enhancement projects each year.

In 1990 and 1992, we participated in the transplant of 30 elk each year from the National Bison Range to the Ashley Lake area NW of Kalispell. These elk transplants proved to be the most popular projects in the club's 50 year history.

The National Bison Range, unlike National Parks, chooses to management their wildlife populations in a responsible and humane way. Each year they assess their carrying capacity and game populations. Since hunting is not allowed on the Bison Range, surplus animals including elk are rounded up and given away. In past years, most of these elk were shipped out of State to form new elk herds in other States.

Elk cannot be shipped out of State without a permit from the FW&P. They have a major say in where those elk go. In 1990 and 1992, Flathead Wildlife and other local sportsmen convinced the FW&P that those elk should go to local elk management areas that are below target elk populations set by the FW&P.

We had good support from local FW&P biologists, but ran into resistance from Helena officials. But when we asked for a good biological, economical or political reasons why we should not keep those elk in Montana, the answer was some vague reason called "policy".

We had no argument that elk transplants will never be a major factor in State wide elk herds numbering over 100,000 head. We agree that habitat management and hunting season controls will control State wide elk numbers.

The State's new elk management plan has the following language:

The DFW&P elk management program does not include provisions for augmentation of existing elk populations through transplanting. In the context of current elk distribution and population levels, elk transplants are unwarranted.

We have searched earlier drafts of the elk management plan and can find no similar reference to banning elk transplants. We have asked the FW&P for copies of all public involvement to the draft elk management plan that opposed transplants. They have provided no such evidence of any opposition. We can surmise that the new language in the final elk management plan was inserted at the last minute to use as an excuse to say "no" to further elk transplants from the sportsmen of NW Montana.

We ask the Senate and House to pass this Resolution the reflects the desires of Montana sportsmen to keep Montana wildlife in Montana.

Using data from the State Elk Plan and Department economic values for elk and elk hunting, we have established each elk having a value of \$8,000 to \$10,000. An elk hunting day is suppose to be worth \$60 to \$80 per day and hunting in NW Montana takes 100 plus days to bag an elk. Therefore each elk transplanted represents a potential to generate \$8,000 to \$10,000 of hunter revenue before it is bagged. Why ship this valuable resource out of State?

While elk are very valuable, our main reason is not "put and take" hunting, but an effort to increase elk populations without having to constrain hunting seasons. The 60 elk transplanted in 1990 and 1992 were put into an elk management unit where the State is targeting for an increased elk herd of 30%. So why ship elk out of State when there are several elk management units under stocked.

Transplanting elk and 1990 and 1992 proved to be a tremendously popular project for citizens of NW Montana. It made the front page of the daily newspaper each year with large photos. Virtually all of the expenses were donated in terms of time, equipment and money. It costs the FW&P and citizens almost nothing.

There have been no elk damage claims by Region 1 farmers or ranchers for at least 4 years.

In summary, there is absolutely no valid biological, economic or social reason for the FW&P to ban an activity that so popular with NW Montana sportsmen.

SENATE FISH AND GAME

LEGISLATIVE NO. 2

DATE 1/5/93

BILL NO. SJR 1

HONORABLE SENATORS:

IT IS A PLEASURE TO BE HERE AS A PROPONENT OF CONTINUED ELK TRANSPLANTS IN THE STATE OF MONTANA. MY NAME IS A.J. KING. I AM FROM KALISPELL, WHERE I WAS BORN AND RAISED. SINCE 1956, MY FAMILY HAS HAD A VACATION HOME ON ASHLEY LAKE, APPROXIMATELY 20 MILES FROM KALISPELL. WE HAD ONLY SEEN ONE ELK UNTIL DECEMBER 1990, WHICH WAS THE FIRST ELK TRANSPLANT TO THE AREA. I HAVE ALWAYS HAD A GREAT INTEREST IN ELK AND BEING UPSET WITH THE STARVING ELK OF THE 1989 NORTHERN YELLOWSTONE HERD, I ASKED THE DEPARTMENT OF FISH, WILDLIFE AND PARKS IF THERE WAS ANY POSSIBILITY OF TRANSPLANTING ELK TO ASHLEY LAKE. THE DEPARTMENT OF FISH, WILDLIFE AND PARKS SAID I NEEDED LANDOWNERS' PERMISSION AND IN DOING THIS IT TOOK ME 1 1/2 YEARS IN WHICH I ACCUMULATED THE REQUIRED SIGNATURES. I TURNED IN THE PETITIONS AND THE TRANSPLANT WAS APPROVED WITH THE SOURCE OF ELK AVAILABLE FROM THE NATIONAL BISON RANGE. WE TRANSPLANTED 29 ELK ON DECEMBER 12, 1990 AND 31 ELK ON MARCH 2, 1992. SINCE THE TRANSPLANT, THERE HAS BEEN SEVERAL ELK OBSERVED AROUND ASHLEY LAKE AND I HAVE SEEN

2

ELK ON TWO OCCASIONS. I THINK THERE SHOULD BE CONTINUED TRANSPLANTS OF SURPLUS ANIMALS BECAUSE OF THE FOLLOWING:

1) THERE ARE MANY AREAS LIKE ASHLEY LAKE WHICH HAS HABITAT CAPABLE OF HAVING ADDITIONAL ELK.

2) RATHER THAN HAVE ANIMALS STARVE TO DEATH, AS THE HISTORY HAS DEMONSTRATED WITH THE NORTHERN YELLOWSTONE HERD, A TRANSPLANT WOULD KEEP BOTH ANIMALS AND WINTER RANGE HEALTHY AND THERE WOULD BE MORE ELK IN THE STATE OF MONTANA. A TRUE ECONOMIC ASSET.

3) TO DATE THERE HAS BEEN VERY LITTLE COST INVOLVED WITH A TRANSPLANT.

THE DATA OF THE TRANSPLANT FROM THE NATIONAL BISON RANGE TO THE ASHLEY LAKE INDICATE, THE ANIMALS ARE STAYING IN THE ASHLEY LAKE AREA. MANY OF THE PROPERTY OWNERS ARE KEEPING A RECORDS ON ELK SIGHTINGS. IN ADDITION, THE FISH AND GAME HUNTING RECORDS INDICATE THAT OF THE LATEST TRANSPLANT, MOST OF THE ANIMALS HARVESTED WERE CLOSE TO ASHLEY LAKE.

EXHIBIT # 2
DATE 1-5-93

DATE _____

3

SSR-1

I FEEL THERE IS A MAJOR PROBLEM IN THE GARDINER AREA WHERE YEAR AFTER YEAR ELK STARVE TO DEATH ON THE WINTER RANGE. THERE IS OBVIOUSLY NOT ENOUGH WINTER RANGE TO HANDLE THE MIGRATING YELLOWSTONE HERD. IN 1988, THE DRY WEATHER AND FIRE DECIMATED THE WINTER RANGE. IT IS TOO BAD THAT NOBODY RECOGNIZED WHAT THE HARSH WINTER WOULD DO. VOLUNTEERS SUCH AS MY MOTHER SET UP FUNDS AT LOCAL BANKS TO AID IN THE FEEDING OF STARVING ANIMALS. HER FUND GATHERED \$20,000. NEVERTHELESS, IT REMAINS A SHAME THAT THOUSANDS AND THOUSANDS OF ELK STARVED AND WHAT A WASTE FOR MONTANA AND MONTANANS. THE NORTHERN YELLOWSTONE WINTER RANGE STILL REMAINS INADEQUATE FOR THE NUMBER OF ELK WHICH IT INHABITS. THE ELK HERDS OF NORTHWESTERN MONTANA, WEST AND NORTH OF KALISPELL AS WELL AS THE BISON RANGE HERD, ALL CAME FROM TRANSPLANTS OF THIS SAME HERD. I WOULD HOPE THAT TRANSPLANTS OF THIS HERD WOULD CONTINUE IN THE FUTURE.

PART OF BEING INVOLVED WITH THE TWO ELK TRANSPLANTS REQUIRED THAT I BE CHARGED WITH THE GATHERING OF HORSE TRAILERS AND STOCK TRUCKS FOR THE TRANSPLANT. ONCE THE TRANSPLANTS WERE APPROVED,

EXHIBIT 2
DATE 1-5-93
SSR-1

4

ANIMALS TRANSPLANTED, BRUCE CAMPBELL OF THE MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS, ADVISED ME THAT HE WAS HOLDING 20 EAR TAGS FROM THE TRANSPLANTED ANIMALS WHICH WERE TURNED IN BY SUCCESSFUL HUNTERS. THIS IS 33% OF THE TOTAL NUMBER OF ANIMALS TRANSPLANTED. BRUCE'S RECORDS INDICATE 12 EAR TAGS OF HARVESTED BULLS WERE FROM THE MARCH 1992 TRANSPLANT. A COUPLE OF HARVESTED ELK WERE SPIKES, BULL CALVES AT THE TIME OF THE TRANSPLANT. SINCE SOME HUNTERS DO NOT TURN IN EAR TAGS, ALL OF THE BULLS COULD HAVE BEEN HARVESTED. THE NATIONAL BISON RANGE ELK HAD NEVER BEEN HUNTED AND TRANSPLANTED ELK ARE UNFAMILIAR TO THEIR NEW HOME. I THINK IT IS OBVIOUS TRANSPLANTED ANIMALS NEED PROTECTION.

AGAIN IT IS A PLEASURE TO BE HERE AND I HOPE THAT YOU WILL SUPPORT THIS BILL. I HAVE PROVIDED COPIES OF MY TESTIMONY. THANK YOU.

EXHIBIT # 1

DATE 1-5-93

71 SJR-1

5

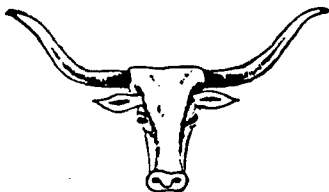
IT SEEMED MY PHONE WAS RINGING OFF THE HOOK. PEOPLE DONATED THEIR TIME, STOCK TRAILERS, TRUCKS AND GASOLINE. IF I WOULD HAVE HAD A THOUSAND ELK TO TRANSPLANT, I THINK I WOULD HAVE HAD TO STILL TURN PEOPLE AWAY. THE ONLY COST INVOLVED WITH THE TRANSPLANT I COULD SEE WERE EAR TAGS, IDENTIFICATION COLLARS AND A HELICOPTER. I FEEL THAT EVEN IF THE FISH AND GAME DID NOT WANT TO SPEND ANY MONEY ON THESE PROJECTS, THERE IS ENOUGH VOLUNTEER SUPPORT AND MONEY THAT COULD BE GENERATED TO FUND EVERY TRANSPLANT.

I WOULD HOPE THAT IF THIS BILL PASSES, THE MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS WILL AGREE TO GIVE THE TRANSPORTED ANIMALS MORE PROTECTION DURING THE GENERAL HUNTING SEASON. AFTER THE TWO TRANSPLANTS, I CREATED A PETITION BEARING THE CLOSURE OF THE HUNTING DISTRICT FOR A 1-2 YEAR PERIOD AND GRADUALLY WORKING INTO A GENERAL HUNTING SEASON. THE PETITION BORE OVER 2,000 SIGNATURES. WE RECEIVED SOME SUCCESS IN GETTING THE COW ELK PROTECTED, THE BULLS WERE FAIR GAME. OF THE 60

EXHIBIT 2

DATE 1-5-93

SJR-1



Montana Stockgrowers Association

Serving Montana's Cattle Industry Since 1884

420 N. California
Post Office Box 1679
Helena, MT 59624
Phone: 406/442-3420
Fax: 406/449-5105

OFFICERS:

President
Ed Lord
Philipsburg

First Vice President
George Hammond
Hardin

Second Vice President
Lynn Cornwell
Glasgow

Exec. Vice President
Jim Peterson
Buffalo

BOARD OF DIRECTORS:

Keith Bales
Otter

Walt Collins
Fort Peck

Larry Descheemaeker
Lewistown

Nancy Espy
Broadus

Bill Garrison
Glen

Dale Johnson
Belt

Bruce Maclay
Florence

John Matovich
Malta

Ken Mesaros
Cascade

Chuck Rein
Big Timber

Gary Ruff
Custer

TESTIMONY SENATE JOINT RESOLUTION 1

TRAP AND TRANSPLANT SURPLUS WILD ELK SENATOR KENNEDY

SUBMITTED BY MONTANA STOCKGROWERS ASSOCIATION KIM ENKERUD

SENATE FISH AND GAME
JANUARY 5, 1993

SENATE FISH AND GAME
LEGISLATIVE NO. 3
DATE 1/5/93
BILL NO. SJR1

Mr. Chairman, members of the committee, for the record my name is Kim Enkerud and I am providing testimony on behalf of the Montana Stockgrowers Association regarding Senate Joint Resolution 1.

The Montana Stockgrowers Association rises in opposition to this resolution. Our position is that any proposed transplantation of animals to another area by the Department of Fish, Wildlife and Parks must take place only after local hearings and discussions with private landowners surrounding such transplant areas. This resolution does not provide for hearings or input from affected interests to take place before any proposed transplantation takes place.

In addition, the elk management plan recently finalized by the Montana Department of Fish, Wildlife and Parks, on page 18 clearly states "The DFWP elk management program does not include provisions for augmentation of existing elk populations through transplanting. In the context of current elk distribution and population levels, elk transplants are unwarranted".

We request a Do Not Pass of Senate Joint Resolution 1.

Thank you.

SENATE FISH AND GAME
EXHIBIT NO. 4
DATE 1/5/93
BILL NO. SJR 1

SJR 1
January 5, 1993

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

Senate Joint Resolution No. 1 urges the Montana Department of Fish, Wildlife & Parks, with the assistance of Montana citizens, to trap surplus wild elk that are not effectively harvested by hunters and transplant them to elk management areas that have not reached desired population levels. We appreciate the intent of this legislation and will continue to transplant animals when there is a need to establish new populations or introduce species. However, we oppose this resolution because its broad scope fundamentally changes the basis of our statewide elk management program.

Since 1910, the department has transplanted over 7,000 elk into suitable areas of Montana. The last transplant was 31 elk from the National Bison Range into the Ashley Lake area of hunting district 102 in northwestern Montana in March 1992.

Today Montana supports a wintering population of approximately 90,600 elk which are widely distributed throughout most of the suitable habitat. The department manages elk distribution by controlling numbers through hunting, and increasing numbers through habitat improvement and occasional transplants.

The department recently completed a statewide elk management plan. An extensive public involvement process resulted in a statewide goal to maintain the current level of elk. Although substantially greater numbers of elk could be supported by the existing habitat base, the current population level is considered compatible with existing land uses and landowner tolerance for elk use of private lands. Of the 35 elk management units identified in the elk plan, only five have objectives to increase elk numbers. Elk currently occur in all these areas, and populations will be increased through habitat improvement and restrictive hunting regulations.

Trapping and transplanting is an alternative to hunting as a means of controlling wildlife numbers. However, transplanting elk is expensive. Trapping and transplanting costs would likely approach \$50 - \$60 per animal. Mortality of animals is another concern. A total of 129 elk were trapped on the Bitterroot Stock Farm in 1984. During that operation 24 elk mortalities occurred and 20 additional elk had to be released on site to prevent further mortalities.


Trapping and transplanting has been a valuable tool for the reintroduction and establishment of various wildlife species in Montana. We do not believe it is a viable alternative for managing elk population numbers.

- 5) The designation of late-season hunting permits (either-sex or antlerless) will be consistent with the hunting season regulation and/or permit designation in place during the general season.

Late-season archery hunts will not be scheduled unless the following criteria (in addition to those above) are met:

- 1) The need for safety precautions (proximity to human population centers, dwellings, livestock and other property).
- 2) The need to achieve short-term elk redistribution.
- 3) Population management objectives are consistent with those used to justify any concurrent late rifle season.

Telemetry will be employed to document herd movements and delineate yearlong distribution in areas where such information is deemed necessary to attain population objectives.

 The DFWP elk management program does not include provisions for augmentation of existing elk populations through transplanting. In the context of current elk distribution and population levels, elk transplants are unwarranted.

Any future increase in Montana's statewide elk population will be contingent upon development and implementation of new programs that will enhance landowner tolerance for elk numbers.

Population Monitoring:

Wildlife populations are dynamic, with fluctuating birth and death rates corresponding to variations in weather conditions and other natural events, plus human influences that affect habitat conditions and annual hunter harvest. Population status and trends will be monitored on an annual basis via aerial and/or ground surveys of major elk herds. Summer production surveys to assess trends in calf production will be conducted for some elk herds. Late-winter/early spring surveys will be conducted on major elk winter ranges to assess population trends and sex and age composition of wintering elk herds. Post-winter herd condition and calf survival will be assessed during early spring surveys.

In EMUs that do not lend themselves to aerial surveys because of dense timber canopy or scattered elk distribution, population trends will be monitored through regular surveys of small "trend areas" representative of major habitats in the unit. Assessment of population trends will be augmented by sex and age data obtained at hunter check stations and results of DFWP's annual, statewide hunter harvest survey.

Observed bull:cow ratios are not necessarily inclusive of all the bulls in an elk population. Recognizing that bulls - particularly older bulls - often segregate themselves from cow/calf herds during winter months, observed late-winter bull:cow ratios are intended to represent trends in population composition rather than actual population composition.

RECOMMENDATIONS

LANDOWNER/RECREATION and WILDLIFE RELATIONS

TRANSPLANTING - 1985; (Renewed 1991)

WHEREAS, the Department of Fish, Wildlife and Parks has transplanted game animals into overcrowded areas without local hearings and discussions with private landowners surrounding such transplant areas,

NOW, THEREFORE BE IT RECOMMENDED, by the Montana Stockgrowers Association that the Department of Fish, Wildlife and Parks and federal agencies secure permission from private landowners who might be affected before transplanting game and endangered species into new areas.

SENATE FISH AND GAME
EXAM NO. 5
DATE 1/5/93
BILL NO. SB 17

53rd Legislative Session
Senate Fish and Game Committee

Information on SB 17-Allow Companion of Disabled Hunter to
Kill Wounded Game Animal
Sponsor: Senator Ed Kennedy

Statistics on non-ambulatory hunters from Fish, Wildlife &
Parks

Here are the figures on non-ambulatory license holders
(permits to hunt from a vehicle) by FWP region:

<u>Region</u>	<u># of non-ambulatory hunters</u>
1	296
2	71
3	16
4	158
5	13
6	7 (estimate)
7	12
8	275 (estimate)

Total = 848

The R-1 Crossing the Barriers Committee discussed establishing a special elk hunting opportunity in hunting districts that currently have a general, 8-day either sex season: (districts 100, 103, 104, 110, 121, 123, 132, 140, 141 and 170).

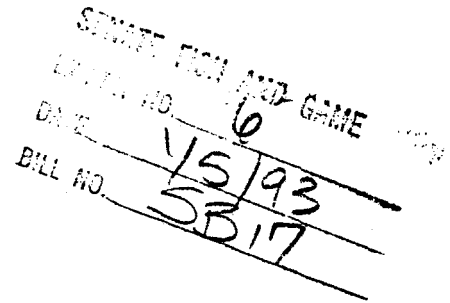
However, Jim Cross pointed out that the opportunity would be concentrated in R-1 only; other regions may want to adopt the either sex opportunity for non-ambulatory hunters. In that case, the Committee talked about establishing the season in hunting districts which the FWP deemed appropriate, to allow for flexibility.

According to Jim Cross, the hunter success rate for elk in R-1 is 15%, and he would expect that success rate or less for non-ambulatory hunters if a season long either sex season was established. The maximum additional harvest by non-ambulatory hunters under this assumption would be $.15 \times 848$ (total # of non-ambulatory hunters), or 127 elk. This also assumes that none of the non-ambulatory hunters would harvest elk if no special opportunity existed.

Amendments to Senate Bill No. 17
1st Reading Copy

Requested by Senator Kennedy
For the Committee on Fish and Game

Prepared by Andrea Merrill
January 5, 1993



1. Title, line 4.

Following: "ACT"

Insert: "ALLOWING A NONRESIDENT PERSON WHO IS CERTIFIED AS A
DISABLED PERSON TO HAVE CERTAIN HUNTING PRIVILEGES PROVIDED
TO A RESIDENT DISABLED PERSON;"

2. Page 4, line 24.

Following: line 23

Insert: "(6) A disabled person who is not a resident of Montana
and who is certified as disabled as prescribed by
departmental rule is allowed those privileges and
responsibilities provided to a resident disabled person in
subsections (3) and (4)."

SENATE FISH AND GAME
7
DATE 1/5/93
BILL NO. SB 17

SB 17
January 5, 1993

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

The department of Fish, Wildlife & Parks supports the basic concept of this bill which is to provide assistance to a disabled hunter to recover wounded game animals.

We are suggesting an amendment that would allow only individuals eligible by law to hunt. We offer the amendment with the intent that it would assure more competent, qualified individuals were assisting in the dispatching, field dressing, and retrieval of the game animal for the disabled hunter.

The 1991 license records indicated that the number of type 34 disabled conservation licenses sold was 2,964. The number of disabled hunting licenses purchased was 1,634. The total number of non-ambulatory hunters was 848.

PROPOSED AMENDMENT TO SB 17
FIRST READING (WHITE) COPY

1. Page 2, line 20.

Following: "animal"

Insert: "and provided the person meets the
qualifications for a license in their resident
state"

SENATE FISH AND GAME
EXHIBIT NO. 8
DATE 1/5/93
BILL NO. SB 17

Good afternoon ladies and gentlemen.

I am Warren Illi, President of Flathead Wildlife, a Flathead Valley sportsmen club with a current membership of 150.

I am pleased to say a few words about Senate Bill 17.

Flathead wildlife fully supports the concept of Senate Bill 17 which helps non-ambulatory hunters bag their animals each year. Many Montana citizens still love to get into the outdoors and enjoy Montana's hunting heritage. There are still many Montana handicapped hunters who depend on hunting to augment there annual meat supply. We do not believe that only able bodied men and women should have this privilege. Yet most handicap hunters need some help. Most handicapped hunters always take an able bodied companion along to prepared for the unforeseen. Two handicapped hunters from the Flathead were prepared to come to Helena today to express support for this Bill, but didn't dare venture out in the winter storm that NW Montana has been experiencing.

Although all hunters strive to kill their game instantly, some wounding does occur. Seldom can the disabled hunter get off the road, let alone pursue and track a wounded animal in the wooded mountain landscape of Western Montana.

Discussions with various game wardens in the Department indicated some confusion about whether a hunting companion of a disabled hunter could legally pursue an animal wounded by the disabled hunter. Senate Bill 17 is an attempt to clear up this authority.

Senator Kennedy has suggested an Amendment that would extend special privileges for handicapped Montana residents to non-residents. Flathead Wildlife supports that Amendment. *WE ALSO SUPPORT FWG P AMENDMENT TO SB #17*

In summary, Flathead Wildlife asks you to help Montana's disabled hunters enjoy Montana's hunting heritage by passing Senate Bill 17.

Thank you.

Are there any questions?

DISABLED (NON-AMBIATORY)

SENATE FISH AND GAME
COMMITTEE NO. 9
DATE 1/5/93
BILL NO. SB 17

NAME Peggy A. Wagner

ADDRESS P.O. Box 190068

HOME PHONE 387-5535 WORK PHONE _____

REPRESENTING Montanans For Multiple Use

APPEARING ON WHICH PROPOSAL? SB 17

DO YOU: SUPPORT X OPPOSE _____ AMEND X

COMMENTS:

Montanans For Multiple Use's Handicapped Committee
recently worked with private landowners & the Forest
Service in gaining handicapped hunting access. In
doing so it came to our attention that if
a handicapped hunter was to wound an
animal, legally that handicapped person would
have to pursue the game. Being handicapped
this is sometimes (most cases) impossible!
As responsible sportsman Montanans For Multiple
Use supports SB 17. All wounded game must
be pursued until no other options are available.
Montanans For Multiple Use would also like to

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

request an Amendment to SB 17. This amendment would allow handicapped (nonambulatory) hunters to hunt, pursue, take, shoot or kill cow elk in ~~districts~~ hunting districts with a one week cow season + in hunting districts with cow permits. We would prefer to let the discretion of these areas to be left to Fish, Wildlife + Parks. It ~~is~~ has been told to us by Fish, Wildlife + Parks that this would only effect 1% of the cow elk harvest.

DATE 1/5/93

SENATE COMMITTEE ON FISH + GAME

BILLS BEING HEARD TODAY: SB 17 - SJR 1

Name	Representing	Bill No.	Check One	
			Support	Oppose
Kim Kernerud	MT Stockman's	SJR 1		✓
Kelly Flynn	Montana Outfitters & Guides	SB 17	✓	
Peggy Wagner	Montanans For Multiple Use	SB 17	✓	
WARREN ILLI	FLATHEAD WILDLIFE	SB 17 SJR-1	✓ ✓	
Kim	Ashley Lake Prop. Owners	SJR-1	✓	
Jeri Stephens	MT. Wildlife Fed	SJR-1 SB 17	✓ ✓	
Glenn D. Johnson	MT Outfitters & Guides	SB 17	✓	
Stan Bradshaw	Montana Bowhunters Assn			✓
Pat Graham	Fish, Wild & Park	SB 17 SJR-1		
Jim Pearson	Montana Backcountry			✓
Mark Daynet	Montana Audubon			

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY