

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN FOSTER, on February 11, 1993, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Mike Foster, Chair (R)
Rep. Chase Hibbard, Vice Chair (R)
Rep. Bob Ream, Minority Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Bob Clark (R)
Rep. Fritz Daily (D)
Rep. Jim Elliott (D)
Rep. Duane Grimes (R)
Rep. Marian Hanson (R)
Rep. Dick Knox (R)
Rep. Bea McCarthy (D)
Rep. Brad Molnar (R)
Rep. Scott Orr (R)
Rep. Bill Ryan (D)
Rep. Emily Swanson (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

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

Committee Business Summary:

Hearing: HB 386, HB 432, HB 498, HB 412
Executive Action: None.

HEARING ON HB 386

Opening Statement by Sponsor:

REP. BRAD MOLNAR discussed different aspects of the controversial issue of outfitting. Many interests are involved and there is much tension between the different groups, who all want recognition of their own concerns. He believed the passage of HB 386 would stabilize a volatile situation. Section 3, subsections (1) through (9), describe the standards that must be met by

licensed outfitters or they may face losing their licenses. A landowner is currently exempt from meeting these qualifications. He did not feel this practice was ethical. Section 3, subsection (10), describes a new qualification for outfitters trying to obtain a license. The outfitter cannot enter into a lease agreement of private land that would prohibit or limit access to adjacent public land. **REP. MOLNAR** distributed an amendment (**EXHIBIT 1**). A select committee would be established to deal with outfitters who have problems with the new qualification. He said that the changes occurring on page 7, lines 15 through 25, are not an attempt to penalize those currently and legitimately in the outfitter business. He said that he would be interested in an amendment that would raise the fines discussed on page 8, line 9, from \$200 to \$2,000 and from \$500 to \$5,000. In his belief, the establishment of a \$20,000 fine for the violation of the lease qualification was not an unreasonable amount. There would be an immediate effective date if the bill becomes law.

Proponents' Testimony:

Mr. Grant Davis, Billings Rod & Gun Club, read testimony written by Mr. John Gibson, President of the Billings Rod & Gun Club (**EXHIBIT 2**). Mr. Paul Berg, Southeastern Montana Sportsmen Association, signed Mr. Gibson's letter.

Mr. Paul Berg, Southeastern Montana Sportsmen Association, presented written testimony (**EXHIBIT 3**).

Mr. Tony Shoonen, Montana Wildlife Federation, expressed their support of HB 386. He felt there are too many outfitters. He agreed with concept that there should be stiff fines for rogue outfitters and for misrepresentation of outfitting licenses. He felt the President of the Board of Outfitters should have authority to conduct testing, monitor insurance forms and recordkeeping, and control the area where landowner outfitters operate.

Mr. L.F. Thomas, Anaconda Sportsmen's Club, declared the organization's support of HB 386.

Mr. Bill Holdorf, Skyline Sportsmen's Association, declared the organization's support of HB 386.

Opponents' Testimony:

Ms. Jean Johnson, Executive Director of the Montana Outfitters and Guides Association, presented written testimony (**EXHIBIT 4**).

Mr. Max Chase, Chairman of the Board of Outfitters, circulated written testimony (**EXHIBIT 5**).

Ms. Candace Torgeson, Montana Stockgrowers Association and Montana Woolgrowers Association, distributed written testimony (**EXHIBIT 6**).

Mr. Robert Hanson, Montana Farm Bureau, felt that HB 386 was an attack on personal property rights and he opposed it.

Mr. Dan Weppler, Rancher, sponsors nonresident hunters and provides all of his own insurance. In his opinion, approximately 65% of the state is private land, and the majority of the deer population reside on that land. He commented that his clients are adamant about the fact that Bureau of Land Management and Forest Service lands are not necessarily state lands. He said there are feelings that a federal permit should allow them on state lands as well as federal lands in other states.

Mr. Robin Cunningham, Fishing Outfitters Association of Montana, said that HB 386 would increase their fees even though the bill does not affect them. He felt that there was no need for a moratorium on hunting outfitter licenses. He declared his opposition to the bill.

Mr. Kelly Flynn, Rancher, felt that there should be a grandfather clause regarding the current landowner sponsors. There are 483 outfitters in Montana. Compared to the four Rocky Mountain states, Montana has the lowest amount per acre. Montana has one outfitter for every 192,000 acres.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. FRITZ DAILY asked Mr. Flynn if he knew how many outfitters were in Alaska. Mr. Flynn said no. He only compared Rocky Mountain states because they are similar to Montana. REP. DAILY said according to his information, there are more outfitters in Gallatin County than in Alaska. Mr. Flynn said he would look into the matter.

Closing by Sponsor:

REP. MOLNAR declared that without this bill, he felt outfitting and wildlife could not be managed effectively. He explained there are more outfitters in Montana than in British Columbia, Alberta, and Alaska combined. According to the Brewer Ranch study, indications are made that there is five and one-half times more true economic growth with open access as opposed to restricted access. He quoted the 1940 Supreme Court opinion in the State vs. Rathbone, which basically says that Montana is an area where wild game abounds. One who acquires property in Montana does so with the knowledge that there may be some injury to property, or inconveniences incurred from wild game. Based on the arguments he presented, he asked for passage of the bill.

HEARING ON HB 432Opening Statement by Sponsor:

REP. LIZ SMITH, House District 48, Deer Lodge, presented HB 432 at the request of the Montana Board of Outfitters. The 1987 Legislature transferred the Montana Board of Outfitters from the jurisdiction of the Fish, Wildlife, and Parks Department to the Department of Commerce. The transfer occurred because of a conflict of interest. HB 432 attempts to provide housekeeping measures for the Board of Outfitters. Several organizations were involved in the drafting of the bill one year ago.

Proponents' Testimony:

Ms. Jean Johnson, Montana Outfitters and Guides Association (MOGA), distributed written testimony (EXHIBIT 7). She distributed a copy of MOGA's proposed amendments (EXHIBIT 8) and a copy of the rationale developed by MOGA (EXHIBIT 9).

Mr. Max Chase, Chairman of the Board of Outfitters, declared his support of HB 432.

Mr. Matthew Cohen, Director of Travel Montana, reported there is a lot of concern regarding cattle drives and wagon trains. He felt the people who organize such events should be considered outfitters. There have been many complaints regarding these events by consumers. After investigation, he found that there are no regulations on cattle drives. He asked if the definition of an outfitter is expanded, cattle drives should be considered.

Mr. Robin Cunningham, Fishing Outfitters Association of Montana, said that the organization is satisfied with the current bill form and urged passage of HB 432.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. MOLNAR asked Ms. Johnson if a dude ranch wants to rent horses or if someone wants to give the owner of a horse money in exchange for hauling the game animal, would an outfitter license be required. Ms. Johnson replied if the person wanting the game animal hauled tipped a person, it would not be considered a commercial interest. She is unaware of how many dude ranches have outfitting licenses. A proposed amendment will delete Section 1 entirely. If the amendment is passed, it will allow the Board of Outfitters to license operations such as dude ranches.

REP. BOB REAM asked Mr. Cohen if cattle drives were included in Section 1. Mr. Cohen said he thought that it was, but Section 1

has proposed amendments. In his opinion, it should be included.

VICE CHAIRMAN CHASE HIBBARD asked Ms. Johnson if Section 19 would be deleted by the proposed amendments. Ms. Johnson replied yes. In the early stages of writing the bill, the Board wanted this provision. As time progressed, they decided otherwise.

Closing by Sponsor:

REP. SMITH reported that there is a fiscal note for HB 432. HB 432 contained provisions that were important for the efficient operation of the outfitter industry. She thanked the committee for the hearing and urged support of the bill.

HEARING ON HB 498

Opening Statement by Sponsor:

REP. ALVIN ELLIS, House District 84, Red Lodge, stated HB 498 sets up wildlife enhancement and management areas. The bill is proposed by the Montana Stockgrowers Association. The fee would be set at \$300. Since there is a sunset clause, he would be receptive to an amendment that would change the fee to \$100 per year.

Proponents' Testimony:

Mr. Chuck Rein, Rancher, distributed written testimony (EXHIBIT 10).

Mr. Dan Weppler, Rancher, stated that the reason wildlife professionals have always been concerned about private land is because of the impact it has on wildlife populations. He felt that it was important to withhold personal values lest they interfere with doing what is best for wildlife populations. A benefit from well-managed private land is well-managed adjacent public lands. Other wildlife enterprises are photography, viewing, habitat study, and education. In his opinion, wildlife benefits from fee hunting. He felt it is a win situation for all those involved.

Mr. Harold Billings, Sportsman, declared his support of HB 498 and circulated written testimony (EXHIBIT 11).

Mr. Jack Stone, Citizen, distributed written testimony (EXHIBIT 12).

Mr. Bill Meyers, Agriculture Preservation Association, expressed their support of HB 498. He reported this concept is working in California, New Mexico, and Oregon. If you own land in Montana, you must expect to have wildlife. Recently, wildlife population has soared to record highs. Wildlife populations have become healthy through a cooperative effort of sportsmen and landowners. Mr. Meyers urged passage of the bill.

Mr. Tom Croft, Sportsman, stated that he was a former rancher and urged support of HB 498.

Ms. Candace Torgerson, Montana Stockgrowers Association, distributed written testimony (EXHIBIT 13).

Mr. Tucker Hughes, Rancher, declared his support of HB 498. He reported that approximately 65% of the people who hunt on his land are Montana residents. Approximately one-half of his deeded land requires a special permit for elk hunting to help control elk hunters and to ensure their safety. The Department owns 5,356 acres in the same area. He has 11 water developments on his property and the Department has none. HB 498 would allow him to manage his deeded land to its fullest potential.

Mr. Robert Williams, Montana Association of Conservation Districts, said that the main function of conservation districts are the conservation of all resources. Proper use and management are very important in conservation practices. He felt HB 498 is a step in the right direction.

Mr. Mike Hollenback, Rancher, urged passage of HB 498.

Mr. Kelly Flynn, distributed written testimony (EXHIBIT 14).

Mr. Knute Hereim, Rancher, declared his support of HB 498. He felt the key issue is the three entities that will be involved in the management of wildlife and its habitat.

Mr. Mark Davis, Landowner, stated that wildlife numbers have increased. He felt it was time landowners have a say in the management of wildlife numbers.

Opponents' Testimony:

Mr. Stan Bradshaw, Montana Bowhunters and Montana Wildlife Federation, said that legitimate concerns have been raised. He felt unilateral solutions were being offered to solve a complex problem. HB 498 allows the landowner to sell the certificates at a price he deemed appropriate. There are no constraints on it. HB 498 allows 25% of permits to go to resident sportsmen. Sportsmen were not approached for input into the bill. He felt that HB 498 may be good for one side but not the other, and that it is too complex for this time. Consensus is needed before solutions can be reached.

Mr. Bob Bugni, Prickley Pear Sportsmen's Club, presented a list of signatures from the club (EXHIBIT 15) and written testimony (EXHIBIT 16).

Mr. Stan Frasier, Montana Wildlife Federation, stated his opposition to HB 498. He did not feel it was necessary to involve the Department with landowners who want to charge for hunting on their land.

Mr. Jim Kehr, President of the Prickley Pear Sportsmen Club, stated that every group wants their particular interests represented. He would encourage the idea of free enterprise. Currently a landowner can outfit, charge fees, or allow free hunting if he chooses. He believed the major problem with HB 498 is that wildlife ownership has been transferred to the landowner when it is actually a public trust. He felt the bill should be tabled and a better approach devised. There needs to be cooperative work. He urged the committee to vote do not pass.

Mr. Greg Hester, Gallatin Wildlife Association (GWA), expressed their opposition to HB 498. They felt it was inappropriate to give landowners the right to reject certain hunters from their land. Since there is an overpopulation of big game animals, he wondered why landowners would try to develop habitat that would produce more. He felt the concept of compensation would create an increased workload for Fish, Wildlife, and Parks biologists. In his opinion, HB 498 would open a door for neglect and abuse and would not allow for adequate review. The GWA recognizes that landowners have the right to charge a fee for hunting access to private lands. The issue needs more study and compromise between all those involved.

Mr. Gary Strum, Citizen, presented written testimony (EXHIBIT 17).

Mr. Paul Berg, Southeastern Montana Sportsmen Association, offered written testimony (EXHIBIT 18).

Mr. Bill Holdorf, Skyline Sportsmen Association, stated on page 6, line 25, it indicates that 25% of the available permits will be granted to resident hunters. That leaves 75% of the animals to be taken by out-of-state hunters. Many game animals are obtained by hunting on adjoining land which is blocked off. He felt that Montana hunters should be allowed more than 25%.

Mr. Pat Graham, Director of the Fish, Wildlife, and Parks Department, distributed written testimony (EXHIBIT 19).

Mr. L.F. Thomas, Anaconda Sportsmen's Club, described two extreme landowners in his area. One landowner allows himself and friends to hunt the elk found on his land. The other wants to kill all the wildlife found on his land. He declared his opposition to the bill.

Mr. Tony Shoonen, Skyline Sportsmen's Club, felt that HB 498 would privatize wildlife resources. It would create another class of outfitters. He urged the committee to defeat HB 498.

Ms. Janet Ellis, Montana Audubon Legislative Fund, wondered why the term "wildlife enhancement" was used when the bill really means game. She reported that California does have a similar program, but it must be supplemented with general fund dollars.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. REAM asked Mr. Rein for clarification of the process. When a landowner submits an application with a management plan and a \$300 fee, he receives the permit. Mr. Rein said that is correct. However, the fee is being amended to \$100 per year. REP. REAM asked if the money helps offset the FTE that is required by the Department to maintain a biologist. Mr. Rein said yes. REP. REAM said assuming that the permit is approved, then a certain number of certificates are issued to be sold as the landowner sees fit. Mr. Rein said that the certificates were not to be sold. They would be transferred to the sportsman free of charge. REP. REAM said once the sportsman gets a certificate he can apply for a hunting license for the specific area he wishes to hunt. The Department would have to set up a hunting license that restricts the hunter to the designated area. Mr. Rein said that is correct. REP. REAM said much work will need to be completed by the Department to make the program work. He asked if the term "private wildlife" could be reworded. Mr. Rein said that it may be removed. The term "private" is in reference to the hunting area and not to the wildlife.

REP. ROBERT CLARK asked Mr. Rein if HB 498 will change the way drawings are done for antelope and cow elk. Mr. Rein said yes. It is important for a person who hunts one place to be able to hunt there year after year because they are most proficient in harvesting that particular game animal. REP. CLARK inquired how HB 498 ties in with HB 369, the compensation bill. Mr. Rein replied that there is no direct tie. The landowners want to be compensated for lost production and opportunity costs. HB 369 obtains money from the existing land acquisition program established under HB 526. The money for HB 498 will be funded mostly by out-of-state hunters. However, resident hunters may agree to pay an access fee. REP. CLARK asked if HB 498 is passed, whether the landowner will be compensated two different ways. Mr. Rein said that was not correct. With HB 369, compensation comes through some kind of trade-off with access. HB 498 compensates landowners for habitat they have created and provides incentives to further develop the habitat.

REP. MOLNAR asked Mr. Rein why he chose not to erect a fence. Mr. Rein said that he may or may not choose to do so. He does not lock the public out of his land. He provides habitat for the state's wildlife. He has lost production and opportunity costs that he feels should be addressed. REP. MOLNAR asked if the Department or landowner chooses the sportsmen group representative. Mr. Rein replied that sporting groups from the area submit the name. The landowner has the ultimate decision. REP. MOLNAR said on page 6, line 25, and page 7, lines 1 and 2, 25% of the licenses issued must be granted to resident hunters. He asked if 25% would be "given" permits on an equal basis. Mr.

Rein stated 25% of each category of licenses are given to residents. The landowner retains the right to transfer the permit. However, the landowner cannot give 100% of the hunting to nonresidents. REP. MOLNAR asked if there was compensation involved. Mr. Rein replied no compensation is involved in transferring the permit.

REP. JIM ELLIOTT asked Mr. Rein what the carrying capacity was of his ranch. Mr. Rein replied he calved 350 head of cows. REP. ELLIOTT asked if the carrying capacity was around 350 AUM's. Mr. Rein said that it would be closer to 425 AUM's. REP. ELLIOTT inquired if he had ever identified and counted the game. Mr. Rein said he keeps count and it varies from season to season. He has antelope, mule deer, white-tail deer, and elk. REP. ELLIOTT asked if the number of each species has increased over the years. Mr. Rein said that it definitely had. REP. ELLIOTT asked if there was an increase in the number of cattle on his ranch. Mr. Rein said no. He said he had completed a lot of cross-fencing, irrigating, and range improvement. REP. ELLIOTT asked how many hunters Mr. Rein had on his land last season. Mr. Rein said he had about 15 to 20. In his outfitting business, he had 21 out-of-state hunters. During the last week of the season, he opens his property to all hunters and about 4 or 5 elk hunters will come to his property. REP. ELLIOTT asked if HB 498 is successful, will he be able to increase the number of hunters. Mr. Rein said that he would not be interested in doing so. REP. ELLIOTT asked how Mr. Rein expects to decrease the number of game without increasing the number of hunters. Mr. Rein stated that he did not believe he mentioned decreasing the numbers of wild game on his property. REP. ELLIOTT stated if it is not his desire to decrease the wildlife, then it must be to be compensated for the game animals that live on his land. Mr. Rein explained that his desire is to be compensated for the habitat he provides or enhances because of the wild game.

CHAIRMAN MIKE FOSTER asked if REP. ELLIS would address the fiscal note in his closing.

Closing by Sponsor:

REP. ELLIS explained that there is a fiscal note; however, he did not sign it because he was unable to discuss it with the Department. The cost for the Department will be approximately \$113,000 the first year and \$108,000 the second year. He is disturbed by one section of the fiscal note, and that is the 20 days the Department has designated for inspection and review of each new area. He reported that his ranch is bothered by elk. The elk winter on private land. HB 498 will enable ranchers to decrease the wildlife populations. He felt the Department and the sportsmen should listen to the landowner regarding the number of game animals that should be harvested. He believed that dialogue should start between the landowner and sportsman, with the Department officiating.

HEARING ON HB 412Opening Statement by Sponsor:

REP. WILLIAM MENAHAN, House District 67, Anaconda, said that HB 412 places a moratorium on game farm licenses. He distributed a copy of proposed amendments (EXHIBIT 20).

Proponents' Testimony:

Mr. Stan Frasier, Wildlife Federation, requested HB 412. He reported there are serious problems, especially in the area of disease transmittal and hybridization of wild native species with escaped game animals. He distributed a copy of an Audubon magazine article titled, The Elk-Ranch Boom (EXHIBIT 21). Fencing of game farm animals has been unsuccessful. Cost of capture and elimination of escaped animals are carried out by the Department. He felt that game farm license fees were extremely low. Mr. Frasier urged passage of the bill.

Mr. Tony Shoonen, Skyline Sportsmen's Club, declared that he would like to see a gradual phase-out of game farms and supported HB 412.

Mr. Paul Johnson represented Last Chance Audubon Society, Friends of Mount Helena, and the Montana Audubon Council. He stated these organizations are very concerned with the proliferation of game farms in Montana. Game farms present a threat to natural wildlife populations. The escape of animals is inevitable. Two side effects of this are genetic pollution and spread of diseases and parasites. The red deer readily hybridizes with elk. Wyoming outlawed game farms 20 years ago. Other states and provinces have experienced the same problems as Montana. Mr. Johnson distributed a copy of the Risks of Game Farming (EXHIBIT 22). He urged passage of HB 412 as amended.

Mr. L.F. Thomas, Anaconda Sportsmen's Club, declared their support of HB 412. They feel there should be strong controls on game farming.

Ms. Clare Evans, Citizen, expressed her support of HB 412. She said there is a great deal of concern regarding disease transmittal. There have been incidents where tuberculosis has been transmitted from game farm animals to livestock. It has not happened yet in Montana. New York and Pennsylvania have lost their tuberculosis-free status. It costs a great deal of money to eradicate tuberculosis from herds once it gets in. Measures must be taken for immediate control of the problem.

Ms. Jan Hamer, Montana Bowhunters, declared their support of HB 412. She distributed a copy of an article from a book regarding elk (EXHIBIT 23).

Mr. Paul Berg, Southeastern Montana Sportsmen Association, presented written testimony (EXHIBIT 24).

A brief video about game farms was presented.

Opponents' Testimony:

Mr. Les Graham, Montana Game Breeders, declared their opposition to HB 412. He stated that he is the former administrator of the Department of Livestock. He reported that there has not been an outbreak of tuberculosis in Montana. Mr. Graham distributed a copy of a letter from the Department of Livestock (EXHIBIT 25). Game farming started in the early 1900's. He became involved in game farming issues in 1974. In March 1992, a new group formed and it has been trying to clean up the industry. He stated hybrids are a problem. Until June 1992, it was not illegal to possess hybrids. There are approximately 100,000 elk in Montana, with 17,000 residing on game farms. He declared he does not tolerate theft of wildlife or other objects because of his long career in law enforcement. Montana Game Breeders requested former Governor Stephens to appoint a committee to look into game farm problems. HB 338 was the result of the committee's work and should address the problem areas. The organization supports HB 338 fully and does feel there is a need for HB 412. He urged defeat of the bill.

Mr. Steve Musick, Citizen, presented written testimony (EXHIBIT 26).

Mr. Jack Shubarth, Citizen, offered written testimony (EXHIBIT 27).

Written testimony from Ms. Gerri Backes, Citizen, was distributed (EXHIBIT 28).

CHAIRMAN FOSTER presented a letter from Ms. Connie Bellet, Citizen, opposing HB 412 (EXHIBIT 29).

CHAIRMAN FOSTER presented a letter from Mr. Lee Wallace, Citizen, opposing HB 412 (EXHIBIT 30).

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. MOLNAR asked Mr. Les Graham if insurance for damage done by escaped animals through broken fences is required of people trying to acquire a game farm license. Mr. Graham said no. REP. MOLNAR inquired who handled the expense for disease testing. Mr. Graham said the Department of Livestock handled the cost of the testing. The game farm owner is responsible for preparing the game for the test.

REP. HIBBARD asked Mr. Les Graham regarding the amount of elk on game farms. Mr. Graham corrected his error. There are 1,700 elk on game farms in Montana.

REP. DOUG WAGNER asked Mr. Graham if he was familiar with Department procedure on catching and tagging elk. Mr. Graham said yes. REP. WAGNER asked if tuberculosis is tested for on the elk that are caught and tagged. Mr. Graham said not in all cases. REP. WAGNER referred the question to the Department. Mr. Don Childress, Fish, Wildlife, and Parks Department, said that it is not their normal routine to test for tuberculosis; however, they do test pretty frequently for brucellosis, particularly around the Yellowstone area.

Closing by Sponsor:

REP. MENAHAN thanked the committee for the hearing. He clarified that HB 412 was a moratorium on issuing further licenses for game farms. It does not affect people currently in the business. He urged passage of the bill.

ADJOURNMENT

Adjournment: 7:10 p.m.



REP. MIKE FOSTER, Chair



MARY RIITANO, Secretary

ML/MR

HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

ROLL CALL

DATE

2/11/93

NAME	PRESENT	ABSENT	EXCUSED
VICE-CHAIRMAN CHASE HIBBARD	✓		
VICE-CHAIRMAN BOB REAM	✓		
REP. BARNHART	✓		
REP. CLARK	✓		
REP. DAILY	✓		
REP. ELLIOT	✓		
REP. GRIMES	✓		
REP. HANSON	✓		
REP. KNOX	✓		
REP. MCCARTHY	✓		
REP. MOLNAR	✓		
REP. ORR	✓		
REP. RYAN	✓		
REP. SWANSON	✓		
REP. WAGNER	✓		
CHAIRMAN MIKE FOSTER	✓		

Amendments to House Bill No. 386
White Reading Copy

Requested by Rep. Molnar
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 5, 1993

EXHIBIT 1
DATE 2/11/93
HB 386

1. Page 6, line 2.

Following: "land"

Insert: "or if no reasonable access is provided within 10 miles
of the applicant's lease"



BILLINGS ROD & GUN CLUB

EXHIBIT 2

DATE 2/11/93

HB 386

P.O. BOX 33

BILLINGS, MONTANA 59103

The Montana Legislature
To those concerned.

Feb. 8, 1993.

The Billings Rod and Gun Club favors the passage of H.B.386 because we believe that commercialization of the wildlife resource through outfitting is the single greatest destroyer of hunter opportunities in our state. Every year we see more and more land become off-limits to the average Montana citizen because some outfitter has it locked up for the exclusive use of his clients.

In these days when we see fewer and fewer young people taking up hunting as an activity we should be doing all that we can to increase hunting opportunities. Instead, we are permitting the outfitting industry to choke them off at an alarming rate.

The Montana Fish, Wildlife and Parks expresses a concern for hunting opportunities in Goal B of their Vision statement. Their actions belie their words, however, as they continue to accommodate outfitter permits beyond the number found in any other state.

The federal land management agencies continue to issue permits to outfitters who are responsible for blocking public access to vast tracts of National Forest and B.L.M. land.

Consider the impact on hunting opportunities from the following situation described by a Montana outfitter in a national magazine. "Our hunting territory comprises 25,000+ acres of private property and private-access National Forest land."

The wildlife resource in Montana is to be managed for the benefit of Montana Citizens. Consequently non-residents hunt in this state only at the pleasure of it's citizens. When those same citizens are relegated to second class status by schemes designed to produce and market trophy animals for wealthy out-of-state clients, then there will be some changes made in the amount and manner of out-of-state hunting that takes place in our state.

H.B. 386 is a first step in that direction.

John Gibson

John Gibson
President

We concur: SOUTHEASTERN MONTANA SPORTSMEN ASSOCIATION

Paul F. Berg Paul F. Berg, Chairman, Legislative Committee
Representing 9 clubs and 5,000 Montana sportsmen

EXHIBIT 3
DATE 2/11/95
HB 386

NAME Paul F. Berg
ADDRESS 3708 Harry Cooper Place, Billings MT. 59106
HOME PHONE 656-2015 WORK PHONE —
REPRESENTING Southeastern Montana Sportsmen Assoc
APPEARING ON WHICH PROPOSAL? H. B. 386
DO YOU: SUPPORT X OPPOSE — AMEND X

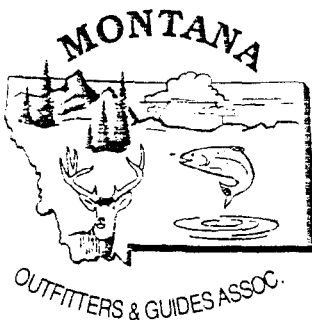
COMMENTS:

Support with amendment to provide
public access about every 5 ± 2 miles to
the boundary of public lands on a case by
case method.

Many areas in Montana do not have
public access to 25 and more miles - so
25,000 acres of public lands (mostly Forest
Service) are privatized, commercialized and
de facto managed by outfitters, guides and
adjacent landowners for exclusive use and profit
while taxpayers pay management costs -

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



34 W. Sixth, Suite 2 E • P.O. Box 9070 • Helena, MT 59604 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

EXHIBIT 4
DATE 2/11/93
HB 386

**HB 386 — Rep. Brad Molnar
Feb. 11, 1993**

Testimony of the Montana Outfitters and Guides Association

HB 386 would have four distinct impacts on the outfitting industry:

1. 440 landowner/sponsors would be eliminated. This category is the result of a legislative compromise in the 1987 session when outfitters requested an allocation of deer licenses to be set aside for the guided nonresident hunter. Then-Representative Leo Giacometto was instrumental in fashioning a compromise to divide 6,000 deer combination licenses three ways: 2,000 to guided nonresidents, 2,000 to the nonguided nonresidents, and 2,000 to landowners who could then conduct fee hunting on their own land. En. Sec. 2, Ch. 458, Laws of 1987; codified in § 87-2-511.

One could argue that outfitting for compensation should require a license and all the testing, insuring, and regulations that accompany a license. One could also argue that what an individual does on his own land is his own business and his own risk. That argument must have prevailed because the law is silent regarding licensure and only stipulates that a landowner sponsor operates solely on his own deeded land. (§ 87-2-511 (1) (3))

In reality, the landowner/sponsor classification is one way to compensate the landowner for feeding the deer and antelope of eastern Montana.

Granted, there are abuses with this system, but there are laws in place to regulate the abuses. Landowner/sponsors that stray from their land and are caught should not be allowed certificates for clients the following year. **HB 386 is not the appropriate method for controlling the situation.** Nor should we lightly discard a partnership that was created with the landowner.

2. HB 386 would make leasing of private land that borders at least 2,560 acres of public land a condition of licensure — unless the land owner provides "reasonable access" across his land to the public land beyond. I want to address this in two parts. First, I recognize the reason for making the outfitter responsible for providing the reasonable access rather than the landowner: you simply can't dictate to the landowner what he must do with his property. Second, while I commend Rep. Molnar on his efforts to give "reasonable access" a fair hearing and for including an outfitter organization in the process, it's hard to believe the landowner whose property is being discussed, is not a part of the panel. Finally, I want to make the point that this is a back-door attempt at access and anyone who thinks a landowner will willingly throw open his gates if he has been forced to give up the only compensation available, should ask a landowner if he agrees.

The war of access will not be won with legislation that leaves one group feeling victorious and the other group feeling bludgeoned. HB 386 isn't the answer.

3. The total number of outfitters would be capped at the point the bill is signed into law — with the exception of those landowner/sponsors who can prove an income from outfitting. I want to address this section in three parts. First, this cap impacts the floating/fishing outfitters as well as hunting outfitters, despite the implication that hunting outfitters are the subject of limitation.

Second, there are 440 landowner/sponsors currently sponsoring nonresident hunters applying into the 2,000 B-11 deer licenses set aside for them. Page 7, lines 18 thru 19 refers to "a license issued to a landowner" and makes income the only criteria for receiving that license. What about the application and test requirements others have met? We believe the test is a critical ingredient in ensuring a quality operation. The Dept. of Fish, Wildlife and Parks will estimate the number who might qualify for a license and it may be reasonably low. But what if there are even 100 who suddenly became licensed outfitters? We have a public perception right now that says there are too many outfitters.

And finally, MOGA has also recognized that concern, and we have a tool to address it. SB 317 would impose an 18-month hold on the number of new licenses issued pending a study of the outfitting industry. The study will be facilitated by the Dept. of Fish, Wildlife and Parks and has been informally blessed by the governor's office as the best method for arriving at solutions to contentious problems. The study will be a comprehensive look at such critical issues as kinds and magnitude of conflicts; amount of private land leased to hunting outfitters; biological limits of wildlife populations; appropriate level of hunting outfitters; economic impact of outfitting; strategies to minimize loss of non-outfitted hunting access. The study group includes the appropriate regulatory agencies, the Montana Wildlife Foundation and the Bow Hunters Association and the results will be aired in the public arena before legislative recommendations are made.

4. **\$20,000 fine for violation of Section 3. page 5, lines 24 thru page 6, line 2.**
This is a pretty excessive fine for an access violation and the bill doesn't say who is cited and fined: the landowner who leased his private land, or the outfitter who leased private land. The excessiveness of the fine speaks very clearly to the underlying issue in this bill and it is access. Again, HB 386 will not buy access.

Again I commend Rep. Molnar for his absolute willingness to stick his head into a buzz saw to right what he perceives to be several wrongs. HB 386 certainly raises some interesting and valid concerns: landowner sponsors who abuse the intent of the legislation that created their category; outfitters that block access to public lands by leasing private lands; limiting the number of outfitters in Montana. All will be addressed by the study and we just ask that you give the process an opportunity to provide solutions that may not give everyone a victory but will bludgeon noone.

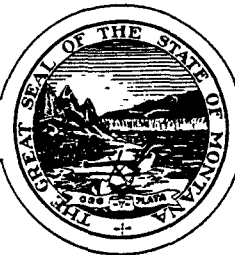
DEPARTMENT OF COMMERCE
BOARD OF OUTFITTERS

EXHIBIT 5

DATE 2/11/93

HB 386

1424 9TH AVENUE



(406) 444-3738

STATE OF MONTANA

HELENA, MONTANA 59620-0407

Date: February 5, 1993
To: Legislative Committees
From: Board of Outfitters
Subject: Outfitter Growth Pattern

According to past records the Department of Fish, Wildlife and Parks identified that in mid 1986 there were 512 licensed outfitters. They also identified that in May of 1987, that number had increased to 573 outfitters. Keeping in mind that Fish, Wildlife and Parks did not have a cut off date in which an outfitter must be renewed or be treated as a new applicant - many outfitters elected to renew late in the season. Consequently the 573 outfitter number that was given to us by Fish, Wildlife and Parks in May of 1987 grew to 580 by the year ending December 31, 1987. In 1988 the Board established a date in which an outfitter would be treated as a new applicant if not renewed timely. So, the number we licensed early in 1988 is the correct number of outfitters we actually inherited from Fish, Wildlife and Parks October 1, 1987. We gave the first test to new outfitter applicants on April 12, 1988.

In April of 1988 after all outfitters had renewed we had a total of 580 outfitters, 99 of which were Float Fishing outfitters only, leaving 481 outfitters licensed to provide hunting services. The number of inactive persons has always remained about the same which is approximately 43. So, we had 438 outfitters licensed to provide services for hunters. Comparing these figures with the 669 Outfitters we have at the present time, we now have 2 additional hunting Outfitters and 87 additional Float Fishing only Outfitters.

1992: 669 Total Outfitters
 186 Float Fishing Only Outfitters
 483 Total Licensed Outfitters to Hunt
 43 Inactive Status
 440 Licensed Outfitters that may provide
 various types of hunting services

April 1988: 580 Total Outfitters
 99 Float Fishing Only Outfitters
 481 Total Licensed Outfitters to Hunt
 43 Inactive Status
 438 Licensed Outfitters that may provide
 various types of hunting services

(Ref.) Outfitter Council Meeting May 27, 1987

Fish, Wildlife and Parks identified the number of Outfitters in each of the Outfitter Board Districts that would be transferred to Commerce effective October 1, 1987.

District 1	... 178 Outfitters
District 2	... 242 Outfitters
District 3	... 64 Outfitters
District 4	... 19 Outfitters
District 5	... <u>70 Outfitters</u>
TOTAL	... 573 Outfitters

Below is a breakdown in the number and class of outfitters that the Board inherited in 1987 after re-licensure was complete and before the Board gave the first test to new Outfitter applicants., April 12, 1988. Fish Wildlife & Parks licensed 7 additional Outfitters between May 27th, 1987 and date of transfer to Commerce, Oct. 1st 1987.

94	Special #1 and 2 Hunting & Fishing Day Trips Only
97	Special 1 only - Hunting day trips only
99	Special 2 only - Float Fishing only
<u>290</u>	General - Licensed to provide Hunting & Fishing
580	TOTAL OUTFITTER BREAKDOWN

The first test given by the Board was April 12, 1988. 65 people took the outfitter test...8 passed = 12%

CLASSES OF OUTFITTER'S LICENSE

Prior to Oct.1, 1987

GENERAL LICENSE: A general license authorizing one to engage in the business of outfitting for hunting and fishing parties, or to provide saddle and pack animals or personal service on back country or wilderness pack trips of more than one day duration for hunting or fishing parties; or to also provide camping equipment, vehicles, or other conveyance, for any person to hunt, capture, take or kill any game animal, upland game bird, migratory game bird, or to catch fish or attempt to take or catch fish and to accompany such a party or person on an expedition for any of these purposes.

SPECIAL LICENSE: Authorizing the outfitter to perform only the function of outfitting listed on the license in accordance with the following classifications:

Class I —Special outfitter license for taking hunting parties out from a permanent base of operations for day trips only.

CLASS II—Special outfitter license for taking fishing parties or river float fishing parties out from a permanent base of operations for trips by watercraft.

EXHIBIT 60
DATE 2/11/93
HB 386

TESTIMONY ON HOUSE BILL 386
AN ACT REVISING THE DEFINITION OF OUTFITTERS
BY REMOVING AG EXEMPTION INCLUDING RESTRICTIONS
ON LEASE OF CERTAIN LAND; REMOVING LANDOWNER SET ASIDE
HOUSE FISH AND GAME COMMITTEE
FEBRUARY 11, 1993

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS CANDACE TORGERSON AND I AM A REGISTERED LOBBYIST FOR THE MONTANA STOCKGROWERS ASSOCIATION. I AM TESTIFYING TODAY ON BEHALF OF THE STOCKGROWERS ASSOCIATION IN OPPOSITION TO H.B. 386.

ESSENTIALLY THIS BILL IS A PUNITIVE ATTEMPT TO PROHIBIT LANDOWNERS FROM LEASING TO OUTFITTERS, AND ATTEMPTS TO PENALIZE LANDOWNERS WHO LEASE PRIVATE LAND THAT BORDERS PUBLIC LAND IF PUBLIC ACCESS IS NOT PROVIDED TO THE ADJACENT PUBLIC LAND. THE ADDED PROVISIONS IN SECTION 3 OF THE BILL ON PAGES 5 AND 6 ILLUSTRATE THE MISGUIDED APPROACH THIS BILL TAKES.

ESSENTIALLY THE BILL IS DESIGNED TO MANDATE TO LANDOWNERS OR OUTFITTERS THAT THEY MUST PROVIDE ACCESS TO PUBLIC LAND ACROSS PRIVATE LAND SHOULD THEY CHOOSE TO LEASE THE PRIVATE LAND. THE DIFFERING TREATMENT OF OUTFITTER QUALIFICATIONS DEPENDING UPON WHETHER PRIVATE LAND IS LEASED OR UNLEASED, IS A POOR ATTEMPT TO MANDATE ACCESS. FURTHERMORE, THE PROVISION IS PROBABLY UNCONSTITUTIONAL AS A DENIAL OF EQUAL PROTECTION AS TWO CLASSES OF OUTFITTERS ARE TREATED DIFFERENTLY UNDER THE LAW.

THE FALLACY OF THIS PROVISION IS FURTHER INDICATED IN THE "COMMITTEE" WHICH IS SETUP TO DETERMINE WHETHER ACCESS IS REASONABLE. THE "COMMITTEE" ODDLY ENOUGH, DOES NOT INCLUDE THE LANDOWNER, BUT IS INSTEAD MADE UP OF FIVE PARTIES NONE OF WHOM HAVE ANY INTEREST IN THE PRIVATE LAND WHICH IS THE SUBJECT OF THIS PROVISION. SADLY ENOUGH, AS IF THIS PROVISION WAS NOT INHERENTLY DEFECTIVE, SECTION 5 OF THE BILL IMPOSES A \$20,000 FINE FOR VIOLATION OF THIS LEASE PROVISION DESCRIBED.

THE AGRICULTURAL EXEMPTION IN THE DEFINITION OF OUTFITTER, AND THE LICENSE SET ASIDE FOR RESIDENT LANDOWNERS ARE SIMPLY TOOLS AVAILABLE TO AGRICULTURE TO TRY TO RECOUP SOME OF THE LOSSES IMPOSED BY DEPRIVATION ASSOCIATED WITH INCREASING WILDLIFE POPULATIONS. THE LANDOWNER SET ASIDE IS ALSO A PROVISION WHICH PROVIDES THE LANDOWNER WITH A TOOL TO ATTEMPT TO MANAGE WILDLIFE POPULATIONS IN A MANNER WHICH IS REASONABLE. THE ELIMINATION OF THESE PROVISIONS IS UNNECESSARY AND SHOULD NOT BE TREATED WITH FAVOR BY THIS COMMITTEE.

FOR THE REASONS SET FORTH ABOVE THE MONTANA STOCKGROWERS ASSOCIATION URGES A VOTE OF DO NOT PASS ON H.B. 386. THANK YOU.



34 W. Sixth, Suite 2 E • P.O. Box 9070 • Helena, MT 59604 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

EXHIBIT

7

DATE 2/11/93

HB 432

HB 432

House Fish and Game Committee — Feb. 11, 1993

Testimony of the Montana Outfitters and Guides Association

A year ago, representatives of the outfitting industry — floating/fishing and hunting — sat down with the Board of Outfitters and discussed some areas of concern and some solutions. After working for several months, a legislative package was submitted to the Director of the Department of Commerce and then-Governor Stan Stephens for review and approval. Because of Governor Stephen's commitment to "less" government, the proposal to expand the definition of an outfitter to include those who, for compensation, furnishes guiding services for mountain, rural, or other recreational excursions, outings, or trips, including those conducted on water, was not accepted. (Section 1. "37-47-101")

The sections that were approved by the Governor's office — which include authority to hire another staff person — are expressed in HB 82.

The Board of Outfitters agreed to language that expands the definition of an outfitter in response to pressure from the Forest Service and later, from the tourism side of Commerce. The Forest Service has identified over 300 commercial activities that they currently permit without any evidence that these special service providers are trained, insured, experienced, inspected, and certified in first aid and CPR. Yet these providers are offering services to the public on public land for compensation.

The Dept. of Commerce is responding to public pressure regarding wagon trains that operate without the benefit of an outfitter; we will hear testimony from their representatives.

For all these reasons, MOGA agreed to carry a bill that included the definition expansion and several minor adjustments — HB 432.

All of this effort was supervised by a staff attorney who is no longer with the Board of Outfitters. It wasn't until Lance Melton, the Board's new staff attorney, came on board recently, did the Board realize that Section 1 mandates that the Board license all commercial activity. The Board never had a desire to expand to include as many activities as exist today and because HB 82, which authorizes an additional FTE, is stalled in committee, the Board is offering an amendment to **delete Section 1 in its entirety.**

A second amendment is being offered to **delete Section 19 in its entirety.** Section 19 was voted down in a Board meeting last spring; unfortunately, the former staff attorney neglected to delete it from his computer and it simply slipped by without anyone noticing it.

The Montana Outfitters and Guides Assn. supports HB 432 with the amendments and encourages a "Do pass" recommendation from this committee.

Amendments to House Bill No. 432
White Reading Copy

Requested by Jean Johnson, MOGA
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 9, 1993

1. Title, lines 10 and 11.
Strike: "ALLOWING" on line 10 through "INVESTIGATORS;"
on line 11
2. Title, line 13.
Strike: "37-47-101,"
3. Page 1, line 20 through page 3, line 22.
Strike: section 1 in its entirety
Renumber: subsequent sections
4. Page 23, line 11 through line 25.
Strike: section 19 in its entirety
Renumber: subsequent sections
5. Page 24, line 8.
Strike: "[Sections 15 and 19] are"
Insert: "[Section 14] is"
6. Page 24, line 10.
Strike: "[sections 15 and 19]"
Insert: "[section 14]"

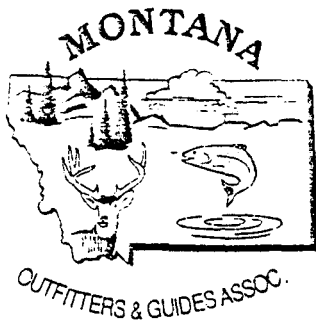


EXHIBIT 7
DATE 2/11/93
HB 432

34 W. Sixth, Suite 2 E • P.O. Box 9070 • Helena, MT 59604 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

Rational developed by the Montana Outfitters and Guides Association

HB 432 — Rep. Liz Smith

This bill has been written in view of the experience the Montana Board of Outfitters has had since that board was transferred from the jurisdiction of Fish, Wildlife and Parks in 1987 to the Montana Department of Commerce. Those involved in drafting this bill are the Board of Outfitters, its legal counsel, Fishing Outfitters Assn. of Montana, and the Montana Outfitters and Guides Assn. Both associations represent the majority of fishing, floating, and packing outfitters in Montana.

This bill has no personal impact on existing outfitters, but focuses more on the rogue, or illegal, operators. It also allows for the assessment of fines on licensed outfitters and guides, rather than a revocation or suspension of a license.

This bill has 21 sections, including one which provides for an effective date. Of the remaining 20 sections, only three are NEW SECTIONS and one of those deals with standard severability.

Section 1. "37-47-101" expands the definition of an outfitter to include those who, for compensation, furnishes guiding services for mountain, rural, or other recreational excursions, outings, or trips, including those conducted on water.

Rational. The Montana Board of Outfitters (hereafter MBO) has included this new language at the request of other agencies who are concerned that special service providers are not trained, insured, bonded, experienced, inspected, and knowledgeable in first aid and CPR, and yet are offering services to the public for compensation. The Forest Service and Dept. of Commerce are two agencies that have expressed concern and we will hear testimony from their representatives.

Section 2. "37-47-201" — Powers and duties of the board relating to outfitters and guides. This is a housekeeping measure to more clearly understand the intent of the subsection (b) and (c).

Section 3. "37-47-301" — disallows a person from holding an outfitter's license for more than one corporation, proprietorship or partnership, but does not prevent the outfitter from owning more than one business.

Rational.

Section 4. "37-47-302" — Outfitter's qualifications. With the exception of subsection (7) and (10), this section provides housekeeping and the intent is not effected.

Subsection (7) makes the qualifications for licensure more restrictive by increasing the length of time preceeding the application process whereby the applicant can not have been adjudged guilty by a court.

Subsection (10) was deleted as unnecessary because it is addressed earlier in the chapter.

Section 5. "37-47-303" — Professional guide's qualification. Housekeeping only.

Section 6. "37-47-304" — Application. Mostly housekeeping. Subsection (2) includes proprietorships as a necessary addition to "corporations or partnerships" to carry out the original intent which is to connect one individual — one licensed outfitter — to the business.

Section 7. "37-47-305" — Outfitter's examination. Housekeeping only.

Section 8. "37-47-307" — Investigation of applicant, etc. This section has been rewritten as the original language allows for an outfitter to re-license at any time during the current year, simply by submitting to a \$50 fine. This is not consistent with other boards and MBO believes that the board should have the authority to write rules that identify a deadline for submitting an outfitter renewal. MBO is required to provide the printed list of licensed outfitters by a certain deadline and renewals should be cognizant of that.

Section 9. "37-47-308" — Kinds of licenses. The licensing categories of "general" and "special" have been removed as MBO feels an outfitter should be licensed for the services he provides and not for the services he does not provide.

Section 10. "37-47-309" — Professional guide's license. Subsection (2) pertains to a licensed guide and not the independent contractor.

Section 11. "37-47-310" — Transfer or amendment of outfitter's license. "Proprietorship" has been added to partnership and corporation throughout, in order to cover all types of owners.

Section 12. "37-47-341" — Grounds for suspension or revocation of license. Subsection (5) clarifies the intent to cover any state, since the United States may only cover federal laws.

Subsection (7) deletes the word "professional" because an unlicensed guide is not a professional.

Subsection (9) allows the board to define "misconduct" by rule.

Section 13. "37-47-343" — Appeal procedure. This part is simplified by adding "a final order of the Board" to suspend or revoke. A licensee may petition for judicial review, a process which is already defined in Title 2, chapter 4, part 7.

Section 14. "37-47-344" — Penalties, disposition of fines. Subsection (1), which has no amendments, provides a \$500 fine against a **licensed** outfitter who violates game laws, and this is a misdemeanor.

Subsection (2) is amended to allow the assessment of a fine of \$200 to \$1,000 on an individual **pretending** to be a licensed outfitter or guide, and providing that each day of violation is a separate offense. It allows a judge to assess a high misdemeanor fine to those who are convicted of rogue (or unlicensed) outfitting. Without the stiffer penalty, the fine becomes just another cost of doing business and a more attractive option than quitting the hunt.

It also provides a way for MBO to recover "all prosecution costs, including but not limited to witness transportation and per diem expenses." Because the witness is most often a nonresident hunter, the cost of bringing that individual to Montana to testify is often prohibitive, yet very important to the case.

Subsection (3) provides for handling the revenue generated by the fines. It directs the cost recovered to the state revenue fund for use for the MBO in enforcing this chapter. This subsection is self-explanatory and should help recover MBO's costs.

New subsection (4) stiffens the penalty by making the unlicensed individual reimburse in full, any fees received to the one to whom the illegal outfitter services were provided.

NEW SECTION. Section 15. Administrative penalty. Allows MBO to assess an administrative penalty of up to \$500 for each violation of this chapter if found guilty, thus making the violator more responsible for the cost of enforcement. Idaho has the authority to assess up to \$5,000 for violation of their laws.

HB 432, page 3

Section 16. "37-47-402" — Duties of outfitters and guides. Housekeeping.

Section 17. "37-47-404" — Responsibility for violations of law. Subsection (1) separates equal responsibility of a person for game violations, providing the violation is reported to a peace officer at the earliest convenience or opportunity.

Subsection (2) charges the outfitter or guide with reporting any known or suspected game violations.

Section 18. "45-1-205" — General time limitation. Mostly housekeeping. NEW subsection (6) extends the time in which an offence can be prosecuted. The present statute of limitations of one year is often inadequate because of the nature of the activities. Often it is necessary to extend an investigation well over a year because of additional violations which may also be more severe in nature, such as felony game violations tied to the Lacey Act. The nature of these violations may cause the investigation to be extended to account for all the illegal activities. It was this same logic that enabled the Dept. of Fish, Wildlife and Parks to extend their statute of limitations to three years. Game violations are often tied to illegal outfitting activities.

NEW SECTION. Section 19. Investigators, qualifications. Allows the Dept. of Commerce to hire investigators to assist the board in investigation of any provisions of the chapter, and provides for qualifications. Currently, MBO can hire investigators on a contract basis.

NEW SECTION. Section 20. standard severability language.

NEW SECTION. Section 21. Effective date: July 1, 1993

TESTIMONY TO THE HOUSE FISH AND GAME COMMITTEE

HOUSE BILL #498

Mr. Chairman and members of the committee, for the record my name is Chuck Rein. I am a rancher from Big Timber. I serve on the board of directors of the Montana Stockgrowers Association and am co-chair of the Governors' Landowner/Sportsman council. I rise in support of house bill 498.

The major issue this bill attempts to address is game management. How we handle the management issue directly affects landowner/sportsman relations. As members of this committee you have probably seen first hand the serious confrontation between landowners and sportsmen. It is my hope that this bill will establish a forum by which both sides can work to obtain mutually satisfactory goals and in doing so re-establish the traditional good relationship that has eroded over the years.

I would like to give you a brief explanation of how this legislation, if passed into law, will work. A landowner (or group of landowners) who voluntarily decides to become involved in a wildlife enhancement and management area contacts his local department biologist. The landowner and the biologist then ask the local sporting group to submit a name of a member of the hunting public for their approval as a management team member. The first responsibility of the team is to write a management plan that includes the following:

- (a) a legal description of the land;
- (b) an estimate of affected wildlife and habitat;
- (c) a statement of management objectives; and
- (d) a description of recommendations to achieve the management goals.

The plan is then submitted to the department along with a \$300 application fee for their approval, modification, or denial. Upon approval of the plan the department shall issue a permit, subject to annual review, for the operation of the private wildlife enhancement and management area. The department shall issue to the permittee an appropriate number of certificates as determined by the plan. The certificates, which are species and sex specific, may then be transferred to any person who may then buy the appropriate resident or non-resident hunting license through the department.

Montana is two-thirds private land. The crop this private land produces is grass. There are several ways to harvest this grass so it can be sold to and utilized by humans. Combines glean our vast grain cropland. Swathers and balers turn the grass on our hayfields into saleable packages. But the largest percentage of our private lands

are covered with grass that can be harvested only by ungulates. These animals, domestic and wild, turn grass into a form of protein which can be digested by humans. The owner of these private lands has the ability to manage his domestic stock to use the grass as efficiently as possible. Some of the management tools the landowner uses to enhance the animals habitat include: rest rotation, deferred grazing, water development, weed spraying, cross fencing, pasture renovation, and holistic resource management to name a few. The private landowner does not do these things just because they are good for the land, although that is an important consideration, but because he also expects an economic return for habitat enhancement. Simply put, if he produces more grass he expects to sell more grass. The situation today on private lands, except those leased to an outfitter or where fee hunting is occurring, is that the big-game animal is considered a liability. And a growing liability I might add. Wildlife is very dependent on private land for survival, especially during the winter. These animals eat our grass and become direct competition to the beef we sell. Habitat improvements benefit the wildlife as much or more as domestic stock, yet the wildlife contribute nothing toward economic incentive. Since the private landowner is nothing more than a distant third party when it comes to wildlife management he is thrust into a very difficult situation. His best option is then to lease his private land to a outfitter to derive at least some economic return from habitat improvement. However the resident sportsman, while he may benefit indirectly, is not usually willing to pay the fee required to hunt these leased private lands. Also the need for good wildlife management is not addressed because only trophy animals are harvested. As we have seen in the past, game damage hunts to control excessive non-trophy game numbers often bring protests from resident hunters who want to be included in harvesting the trophy side as well. The Department of Fish, Wildlife, and Parks is frustrated too because of their inability to effectively manage wildlife on private land. All of this leads to misunderstanding, anger, and division within the landowner, sportsman, and Fish, Wildlife, and Parks communities.

Is there a solution? I think so. The resolution of any problem has to offer benefits to all of the concerned parties. Some of the benefits I foresee are:

- 1) Landowners and sportsmen gain a significant role in wildlife management on private property;
- 2) Landowners receive economic incentive for habitat enhancement from the non-resident sportsman and are able to guarantee him a license to hunt;
- 3) As wildlife habitat is enhanced because of economic incentive hunter opportunity and success increases both on and adjacent to the management areas;

- 4) Sportsmen are guaranteed access to hunt on private lands that may not be available without this option;
- 5) Landowners, sportsmen, and Fish, Wildlife and Parks benefit from sitting down together to establish management policies that are mutually beneficial.

The establishment and operation of private wildlife enhancement and management areas may be the solution to a number of problems that now face us. This act terminates July 1 1999. If it fails to be a benefit to all concerned we will not ask for re-authorization. I hope you will support House Bill 498. Thank You.

PRESENTATION February 11, 1993 before the House Fish and Game Committee

There are two groups of big game hunters. The first group consists of antelope, deer, and elk hunters. This includes both resident and non resident hunters. Resident hunters hunt primarily on week ends and the extended Thanksgiving Vacation period. The non resident usually for a week, a small fraction longer. The non resident hunter that does not use the services of an outfitter, comes with a camper or camping equipment with food purchased in their home town. The same holds true of the resident hunter. The hunter that uses the services of an outfitter drops approximately \$ 4,000 for a hunt does does not face the problem of hunting access.

The second group is the professional hunter that realizes he must employ the services of an outfitter if he is to succeed. These people are seeking the Grand Slam of Sheep (Dall, Stone, Bighorn, Desert) goat, Alaska Yukon moose, caribou, musk ox, Polar bear and other game animals of the far north. Usually these hunts are scheduled far in advance and there is no problem with land access or license purchase.

The typical Montana big game hunter consists of the first group, namely deer, antelope, and elk. Both the resident and non resident try to find hunting on private lands, when they can't, they turn to the State and Federal lands. In recent years this has become a problem for both the resident and non resident and will continue unless there is some monetary compensation for the land owner to allow hunting on his property. We are far past the time in history where hunting was for subsistence, it now is for pleasure, pure and simple.

In closing, I recommend you seek out the advise of the States that utilize some type of financial insentive to land owoners allowing hunting on private lands and to develop a plan for Montana. It will be difficult and I am sure there will be errors or changes in what ever program is adopted, however, to remain as we presently are will just continue and prolong the present problem.

Harold Billings
2806 Langohr Avenue
Bozeman, MT 59715
586 3278

*Sportsman
supports 498*

EXHIBIT 11
DATE 2/11/93
HB 498

EXHIBIT 127
DATE 2/11/93
HB 498

Honorable Alvin Ellis, State Representative
and the Honorable Members of the
Fish & Game Committee.

My name is Jackie R. Stone and I moved from
Texas to Montana in 1982. While in Texas I served
as Chairman of the Texas Parks and Wildlife Commission
under two Governors.

Knowing full well that a transplanted Texan's
recommendation might be taken with a grain of salt,
I still would like to pass on my thoughts concerning
House Bill No. 498.

Passage of the Bill would be to Montana's advantage.
It would increase the value of the owner's land.
Based on my experience, the value of the land,
where abundant wildlife exists, is worth at least
\$200.00 more per acre. Further, it would allow additional
annual income for the Farmer or Rancher. It is an
established fact that they need all the help they
can get. Additionally, it would make it possible for
any excess game to overflow on to other private
and public hunting areas.

In short, this Bill would be a boost to Montana's recreation and economy.

Thanking you for letting me enter these comments.

James R. Stone
Rancher & Attorney at Law
Hewittown, Montana

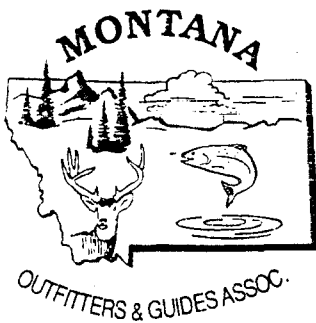
TESTIMONY ON HOUSE BILL 498
AN ACT PROVIDING FOR PRIVATE WILDLIFE ENHANCEMENT MANAGEMENT AREAS
HOUSE FISH AND GAME COMMITTEE
FEBRUARY 11, 1993

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS CANDACE TORGERSON AND I AM THE REGISTERED LOBBYIST FOR THE MONTANA STOCKGROWERS ASSOCIATION. THE MONTANA STOCKGROWERS ASSOCIATION IS AN ORGANIZATION OF OVER 3,500 RANCHERS AND LANDOWNERS LOCATED THROUGHOUT MONTANA. I AM TESTIFYING TODAY IN SUPPORT OF H.B. 498.

THE MONTANA STOCKGROWERS ASSOCIATION VIEWS THIS LEGISLATION AS A TOOL FOR RANCHERS, THE DEPARTMENT OF FISH, WILDLIFE AND PARKS, AND SPORTSMEN TO ADDRESS CONCERNS OF ACCESS TO SPORTSMEN FOR HUNTING OPPORTUNITIES AS WELL AS PROBLEMS PRESENTED TO LANDOWNERS FOR UNCONTROLLED GAME POPULATIONS. ALSO, THIS LEGISLATION COULD BE USED AS A TOOL BY A LANDOWNER IN THE DEPARTMENT TO ADDRESS CERTAIN AREAS OF CONCERN REGARDING WILDLIFE POPULATIONS AND THE AVAILABILITY OF HABITAT.

THE CONCEPT HAS BEEN UTILIZED IN OTHER STATES SUCH AS UTAH AND CALIFORNIA UNDER SIMILAR PROVISIONS. ESSENTIALLY, BY CREATING A MANAGEMENT TEAM TO ADDRESS INDIVIDUAL CIRCUMSTANCES OF WILDLIFE POPULATION AND HABITAT, THIS BILL CREATES AN OPPORTUNITY FOR MORE EFFECTIVE MANAGEMENT OF WILDLIFE AND INCREASED HUNTING OPPORTUNITIES FOR SPORTSMEN. THIS BILL WILL ALLOW LANDOWNERS TO VIEW WILDLIFE IN CERTAIN CIRCUMSTANCES AS AN ASSET RATHER THAN A LIABILITY. IT WILL ALSO PROVIDE INCREASED HUNTING OPPORTUNITIES, AS WELL AS BEING A MECHANISM FOR THE INDIVIDUAL LANDOWNER IN CONJUNCTION WITH THE DEPARTMENT TO ADDRESS CERTAIN WILDLIFE POPULATION PROBLEMS. THIS COMBINATION OF OPPORTUNITY IS AN APPROPRIATE PROGRAM FOR WILDLIFE MANAGEMENT.

FOR THE REASONS SET FORTH ABOVE, THE MONTANA STOCKGROWERS ASSOCIATION STRONGLY URGES CONSIDERATION OF THE CONCEPTS SET FORTH IN H.B. 498 AND URGE FAVORABLE TREATMENT OF THIS BILL. THANK YOU.



34 W. Sixth, Suite 2 E • P.O. Box 9070 • Helena, MT 59604 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

EXHIBIT 14
DATE 2/11/93
HB 498

TESTIMONY ON HB 498

Mr. Chairman, members of this committee. For the record, my name is Kelly Flynn and I am a 4th generation rancher and outfitter from Broadwater County. I am here also representing the Montana Outfitter and Guides Association.

It is with many mixed feelings that we rise to any side of HB 498. For many years, there has been a hue and cry from sportspeople asking for access and from landowners on the opposite side who ask for compensation for habitat provided for both wildlife and hunters.

Mr. Chairman, members of this committee - - - we need to find a way to compensate landowners not for the wildlife, but for the habitat that these landowners have provided for wildlife and for hunters. It is these landowners who live, manage, and work with this land and keep the open spaces of Montana open that need to be compensated and need to be encouraged to stay on the land.

We support the concept of alternate choices of compensation for these landowners. Right now, some of the landowner's choices are leasing to hunting clubs, outfitters, or individuals, charging trespass fees or providing his own services to sportspeople, or by participating in a block management program. Some of these seem to be unacceptable for some of the sportspeople so we welcome additional choices. Is this the right choice?

We don't know. We do know it brings to the forefront the issues of access and of landowner compensation.

We would suggest some amendments to the bill. On page 6 which is Section 7, we would suggest that "at least 25% of the licenses issued under this subsection must be granted to resident hunters" be changed to "25% of each category of these licenses issued must be granted to resident hunters".

On page 4 Section 4 line 20, we would suggest an amendment to change the application fee for that six year period to \$600 with a renewal fee of \$200 per year. We wonder from the language if the resident hunter has to pay for the privilege to hunt these areas. We wonder where these licenses are going to come from. All in all, while we strongly support the concept of compensation to the private landowner, we have some reservations about this bill being the mechanism to do that.

Whether you support a pass or fail situation for this bill, please use this forum that pleads for landowner compensation as a springboard for alternatives that address the access and compensation situation.

Thank you for allowing me this opportunity to testify.



Prickly Pear Sportsmen's Association

EXHIBIT 15
DATE 2/11/93
HB 498

Representative Hibbard
State Capital
Helena, Montana 59601

Dear Representative Hibbard,

February 10, 1993

We are pleased to have one of our local representatives on the House Fish and Game Committee. As the largest sportsmens club in the Helena area we would always be glad to provide you input on any issue that you may have questions on. Currently we represent over 600 paid members in the Helena, East Helena and Clancy area.

We are concerned about the continued attacks on sportsmen and our ability to raise and spend money to enhance our wildlife and opportunity to access it. We encourage you to VOTE NO ON:

H.B. 214, H.B. 369 and especially no on H.B. 498 the wildlife enhancement management areas bill.

Thanks

Sary Schiller *JE B. Hill* *David Cole*
Dave Yen *Kenneth A. Platt* *Don Dickman*
Al M. Harte *Ralph W. Boland* *Ronald Anties*
Kenneth Carpenter *James L. Sorensen* *Joni Behrman*
Chuck Draz *Harry Spoge* *Harry L. Harte*
Ken Sargis *Shirley F. Hylburn*
Bob Decker *George M. Schiller*
Waele Rosetta *Steve Draxler*
Mike Vashro *Bob Beyer*
Daniel Harris
Fred Easy

EXHIBIT 16
DATE 2/11/93
HB 498

NAME BOB BUGNI
ADDRESS 3865 REMINGTON ST EAST
HELENA
HOME PHONE 227-8749 WORK PHONE 444-0001
REPRESENTING HB 498 SELF
APPEARING ON WHICH PROPOSAL? HM 498
DO YOU: SUPPORT OPPOSE X AMEND

COMMENTS:

- MAMMAN + OFFICER PAICKY PEAR SPORTSMAN ASS.
- WE WERE UNAWARE OF THIS BILL
UNTIL THIS WEEK AND WERE
FORTUNATE TO HAVE HELD OUR MONTHLY
MEETING LAST NIGHT.
- THIS BILL WAS REVIEWED BY OUR
MEMBERSHIP + MEMBERS OF PUBLIC
WHO ATTENDED - OUR MEETING ARE
ALWAYS OPEN TO PUBLIC + ADVERTISED
THAT WAY
- MEMBERSHIP WAS "SHOCKED" AT INTENT
OF THIS BILL AND ARE HOPEFUL THAT
THIS COMMITTEE WILL TAKE BILL BY
UNANIMOUS VOTE.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Pear Sportsmen's Association

EXHIBIT 16
DATE 2/11/93
HB 498

EXHIBIT 15
DATE 2/11/93
HB 498

February 10, 1993

of our local representatives on the
As the largest sportsmens club in the
glad to provide you input on any issue
Currently we represent over 600 paid
ena and Clancy area.

continued attacks on sportsmen and our
to enhance our wildlife and
encourage you to VOTE NO ON:

pecially no on H.B. 498 the wildlife
is bill.

Platt
Beland
Brewer
Hoge
Hylburn
McCheller
Thacker
Pryor

David Cole
Don Dickman
Ronald Anties
Joni Kehring
Gary L. Hume

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PHONE 444-0001
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WITH COMMITTEE SECRETARY

MCA RUBEN

- VERY RADICAL CHANGE FOR MONTANA WILDLIFE
- WILDLIFE BELONG TO PEOPLE AND CITIZENS OF STATE OF MONTANA
- WILDLIFE IS NOT A "FREE TITLE OR LEASE HOLD INTEREST"
- HOW COULD THIS POSSIBLY BE AN BEST INTEREST OF LAND OWNER / SPORTSMAN RELATIONS
- ~~SPORTSMAN OF MONTANA WOULD BE SHOCKED IF THIS BILL IS PASSED BY YOUR COMMITTEE~~
- READING THIS BILL IS DIFFICULT ^{AND HARD TO} UNDERSTAND. SOME OF LANGUAGE IS UNCLEAR.
- PLEASE CHECK WITH SPORTSMAN DISTRICTS IF YOU THINK POSSIBLY

EXHIBIT 17

DATE 2/11/93

HB 498

TESTIMONY IN OPPOSITION TO HOUSE BILL 498

I am not sure what the purpose of this bill is other than to decrease hunting opportunities for Montana residents. In my mind it can not be considered a property rights bill. A private landowner already has the privilege to control who hunts on their land and if the landowners is willing to assume liability for potential injury, the right to charge an access fee to those who choose to hunt their land. What is it, though, is a method of circumventing the existing legislated limits on the number of non-residents who are allowed to hunt in Montana.

This bill, if passed, would duplicate a program that is presently in place in the State of California. To me at least, there are damn few things that the State of California does in the way of wildlife management, and for that matter in anything, that warrant copying in Montana.

I strongly urge this committee to kill this bill. It will do nothing to improve landowner - sportsmen relations. It will, however, continue an ethically bankrupt policy of exploiting a publicly owned resource for the benefit of a privileged few. If you vote to support this bill, then I and other Montana sportsmen must assume that you support such a concept. I can not believe that you do. Thank you.

Gary Lee Sturm
146 Briarwood
Helena, MT 59601

EXHIBIT 18
DATE 2/11/93
HB 498

NAME Paul F. Berg
ADDRESS 3708 Harry Cooper Place Beltsville, MD 20710
HOME PHONE 656-2015 WORK PHONE —
REPRESENTING Southwestern Mt. Sportsmen Assoc.
APPEARING ON WHICH PROPOSAL? HB 498
DO YOU: SUPPORT — OPPOSE X AMEND —

COMMENTS:

Passage of this bill will further
putting wildlife, across private landowners
to take ^{over} legal FWP duties, aggravate
resident sportsmen (start a war!) and
reverse all efforts to improve landowners/
sportsmen cooperation. Hunters have already
given up too much to landowners -
attached -

Do not pass -

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

LANDOWNER/SPORTSMAN COOPERATION

Montana hunters have cooperated with landowners for many years to improve landowner/sportsman relations. For example, hunters and the Montana Department of Fish, Wildlife and Parks have agreed to:

1. give up the early elk bugling season in most national forest areas,
2. delay opening of the big game hunting season until Oct. 15,
3. allow landowner preference for 15% of the elk permits,
4. allow landowner preference for special drawings for deer and antelope permits,
5. assist in enforcing livestock rustling laws,
6. contribute \$80,000 per year for predator control on private land,
7. provide about \$200,000 annually in recent years for facilities to control crop damage by big game animals,
8. provide weed control on all MDFWP lands,
9. allow livestock grazing on many Wildlife Management Areas, share cropping on all WMA's in eastern Montana, and timber harvesting on the Mt. Haggin WMA,
10. establish the TIP-MONT program to help control trespass and poaching on private land, and
11. many other cooperative endeavors financed by hunter license fees and Pittman-Robertson Act tax money.

BRIEF HISTORY OF WILDLIFE MANAGEMENT IN MONTANA

History reveals that in the late 1800's you could ride a horse across Montana and find only a few deer and antelope, and about 2,500 elk existed in the high country because settlers shot everything they could on the flatlands for food and clothing.

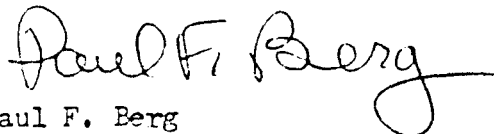
During the early 1900's, sportsmen helped organize state fish and game agencies that established hunting seasons, hunting licensing, harvest restrictions, and law enforcement programs.

The Pittman-Robertson Wildlife Restoration Act of 1937 established a tax on sporting arms and equipment. The money collected, along with hunting license fees, was used to purchase the 48 Wildlife Management Areas comprising about 300,000 acres owned or controlled and maintained by the MDFWP today.

Montana now has over 100,000 elk, 500,000 deer, and more antelope and other game and nongame animals, including birds, than we can count.

The MDFWP pays taxes on its Wildlife Management Areas under the Payment in Lieu of Taxes Law.

Monies from hunting licenses and P-R taxes are used to acquire, develop, and maintain all WMA's.



Paul F. Berg

Aug. 5, 1989

EXHIBIT 19
DATE 2/11/93
HB 498

HB 498
February 11, 1993

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

House Bill 498 would create private wildlife enhancement areas and provide for the issuance of certificates for hunting permits. These certificates would be issued to landowners who could then transfer them to hunters, of which 25% must be residents. We oppose this legislation.

We understand that this bill is an attempt to provide a means for private landowners to receive compensation through their ability to select those individuals who would receive the permits. In theory this would give landowners an incentive to improve habitat and tolerate larger numbers of wildlife. Allocating 25% of the permits to residents would provide access to some Montana hunters on lands that may not be currently open to them. There is no assurance, however, that they would not have to pay a fee to hunt.

Landowners can currently charge any amount of access fee they choose for the opportunity to hunt on their lands. They can also lease their land to outfitters. There is no assurance under this bill that either of those practices will not continue to occur. The primary difference is that the landowner would be guaranteed a specific client base - one of the landowner's choosing.

It is not clear why the current free market methods of charging for access and leasing to outfitters do not provide sufficient

incentive for landowners to improve habitat or tolerate more wildlife. The set asides of nonresidents for both outfitters and landowners already provide a form of stability for developing a client base.

The system would require increased assistance and oversight from the department, but the benefits are difficult for us to see. The general public would benefit little from this proposal unless they were fortunate to know a landowner or financially able and willing to pay for the right to hunt on the land. This is an opportunity they can pay for now if they desire to do so.

There is no question that the current fee-based hunting and loss of opportunity to hunt private land because it is leased is a major source of frustration for resident hunters. We do not see how the proposal as currently designed will do much to change this.

There is also no question that some landowners are frustrated by the number of big game animals on their land and others are interested in ways to make wildlife an economic asset to their operations.

There are a number of proposals this legislative session which are seeking to address these concerns. Each has emanated from one side with little consultation with the other side. I, for one, believe our department must play a more active role in bringing the two sides together to develop solutions that address the basic interests of as many parties as practical.

Amendments to House Bill No. 412
White Reading Copy

EXHIBIT 20
DATE 2/11/93
HB 412

Requested by Jim Richard, Mt Wildlife Fed.
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 11, 1993

1. Title, line 7.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 25 through page 3, line 1.

Following: "the" on page 2, line 25

Strike: remainder of line 25 through page 3, line 1

3. Page 3, line 2.

Following: "not"

Strike: "exceed the number of current licenses on [the effective date of this act]"

Insert: "issue a license to any game farm not in existence on
October 1, 1993"

4. Page 4, lines 2 and 3.

Strike: section 4 in its entirety

The Elk— Ranch Boom

By Ted Williams

EXHIBIT 21
DATE 2/11/93
HB 412

Elk ranching is thriving. But is it a livestock bonanza or a wildlife disaster?

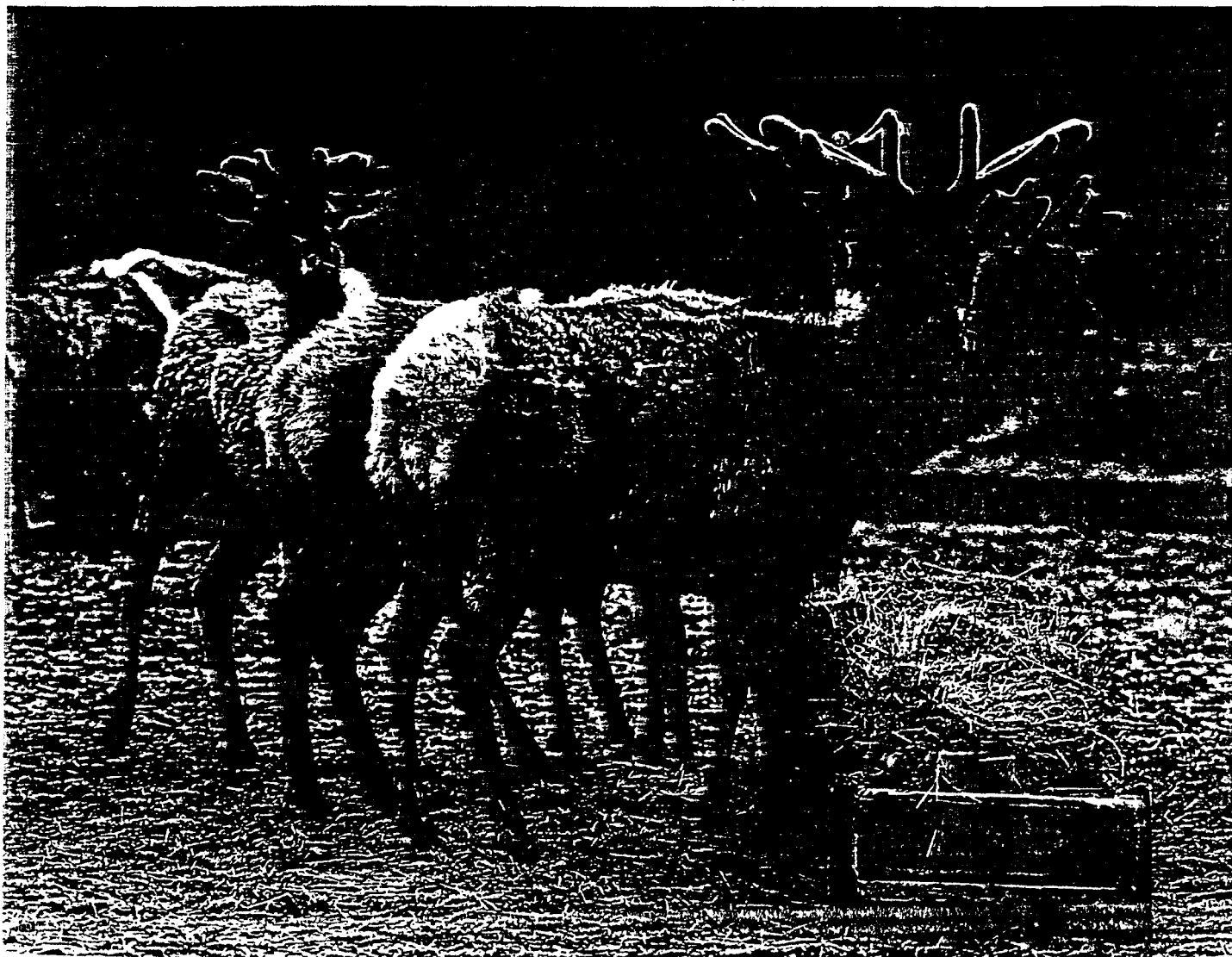
FEBRUARY 13, and already spring is busting out all over central Colorado. Flights of horned larks, carried like cottonwood leaves on the sweet Chinook wind, swirl over muddy pastures; and along the creek beds, burbling redwings ride bobbing cattails. In front of us Long's Peak rises white and cold; behind us red sandstone cliffs are washed in

muted sunlight. With my companions—Rick Kahn and John Seidel of the Colorado Division of Wildlife—I hike up into the realm of the wild elk. But now it is the realm of captive elk, too.

The yearling bull pushes his glistening black nose through the wire fence and browses the collar of my nylon parka.

When I step back he rolls his eyes, showing the whites the way wild elk do, then butts me with the painted stumps of his amputated antlers. A plastic square with a "1" on it dangles like an automobile air freshener from his left ear, and both ears carry punch-through metal tags. His neck is bare with mange.

Not having been bottle-fed, the other elk in the pasture hang back; but their coats are ratty, too. Human-habituated cervids are not, as the ranchers like to call them, "domesticated," nor will they be for thousands of generations. So while they may appear calm as cattle, there's a stress factor that shows up in their general condition. Further, they seem to have difficulty assimilating trace elements, and parasite



loading is heavy.

Like most biologists, Kahn and Seidel don't like to see wild animals confined, but neither are they fighting elk ranching. It's too late for that. Instead, they are trying to work with the new industry in order to protect Colorado's 200,000 free elk—the most of any state or Canadian province. Kahn had apologized for taking me to this and another ranch because

maladies and enhance sexual prowess. The state commissioner of agriculture was on hand to welcome us to the "Elk Capital of the World," so called for its free, not captive, elk. He was, he said, "proud" and "excited" to be associated with an industry so "dynamic" and "innovative," one that "epitomizes" agricultural diversification and has "blazed a trail" for the rest of agriculture.

dynamic and growing. And let me tell you, you just have to grab and get ahold of yourself because the speed at which these things are happening is phenomenal."

How right he was. In 1990 elk breeders powwowed to set up an organization that would promote their mutual interests, i.e., procuring a bigger chunk of the Asian antler market. Then there were 17 members. Now there are 700, and they control about 85 percent of the 20,500 captive elk in North America, 17,000 of which are incarcerated south of the Canadian line.

Sounds impressive until you

INCITE

consider that there are 1 million European elk, better known as red deer, under fence in New Zealand.

Later there were speeches, seminars, movies, open bars, exhibits, and a lavish banquet of elk steaks—the best red meat that ever passed my lips, after Yankee whitetail. There were auctions, too, in which members bought live brood stock from around the country, shown live by satellite on TV screens, and elk-product gew-

We had lots in common, these elk ranchers and I. For instance, we adored wild cervids and were bored by domestic ungulates. I liked everyone I met. They struck me as more animated and, well, smarter than other stockmen; and certainly I couldn't blame them for wanting to diversify. Environmentalists had been nagging them about their cattle, trying to push grazing fees on public land closer to fair market value and chanting "Cow Free by '93." With America souring on beef and even cowboys, a light bulb switches on in the intelligent rancher's head when he looks out his bedroom window and sees a wild

animal worth \$8,000 grazing on the far side of his barbed wire.

Recently, environmentalists have been nagging ranchers about their elk, too. When NAEBA members asked for my opinions, I told them I hadn't come to Colorado to lecture but to listen and learn. When they pressed, I admitted to harboring grave concerns about the commercialization and privatization of any native fauna—an approach that has failed spectacularly in Europe and that clashes with 75 years of successful wildlife management on this continent. Amidst all the excitement and festivity and happy, positive, can-do attitudes, it pained me to throw in with the forces of negativism. But I suppose that's the lot of environmental reporters these days.

Regular reporters as well, according to the Colorado Elk and Game Breeders Association, whose officers I met at the convention. "As we all know, the press loves to

they were so well managed as to be not "representative." The others, though, were too far out of Denver for us to make it back to the downtown Radisson in time for the grand opening of the North American Elk Breeders Association's annual convention.

The NAEBA convention's theme was "Elk! Livestock of the Future." But unlike livestock, captive elk usually aren't killed; instead, their antlers are cut off in the blood-engorged, velvet-covered stage and consumed by Asians in the belief that they ward off

Association president Sam Withiam, a beaming, white-haired Santa Claus of a man, warned about the forces of negativism that want "to see this industry fail and would enjoy seeing it fail." The association, he declared, is "an agent of an industry that is

gaws lofted about the room. President Withiam offered "two ampoules of semen rated 'excellent' in motility, volume, density, and morphological evaluation." This from his prize bull elk "Northern Exposure," sired by the great "Kojak."



Above: Antlers are cut from an anesthetized elk with a common wood saw, then sold to Asian buyers for use in medicines and aphrodisiacs. Left: A de-antlered bull in Alberta, Canada. Opposite: Elk, with antlers in the velvet-covered stage, feed on hay at a ranch in Checkerboard, Montana.

"Should be read by every
nature-oriented citizen."

—Roger Tory Peterson

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distort and emphasize the negative," proclaims the group's publication, *Elk Family News*. The *Denver Post* had reported that two former members were "fined" \$6,450 each after the state accused them of luring 25 free elk into pens. The real story, reveals *Elk Family News*, is that the two ranchers "each donated \$6,450 to Operation Game Thief." Technically correct, although the "donation" was part of an agreement in which they pleaded guilty to illegal possession of elk for sale.

"Never trust the media's intentions," instructs NAEBA's quarterly magazine, *North American Elk*. And by all means keep it away from "velveting" operations (cutting antlers in the marketable "velvet"

2-11-93
HB-412
able resource goes from excellent to good to poor to worthless. Do it right and you can make as much as \$110 a pound. Sometimes antlers get bacteria inside them, but you can sort these in the drying room—with your nose. ("It's the rottenest stink you ever smelled," said a convention panelist). Throughout the week I learned lots more about velveting, but it is hard for the public to comprehend its true nature. So hard, in fact, that when I attended a session on the subject I was asked to turn off my tape recorder.

So I took careful notes during a session entitled "Starting an Elk Farm—The First Two Years." The panel included a hunting outfitter who spoke about the booming trade in "shooter bulls," geriatric elk shot in enclosures by trophy hunters [see "Canned Hunts," January-February 1992]. "It's a manage-



Working from the back of a pickup truck, Dean Baumann feeds oats to the elk herd at his Alberta ranch, where he has built a \$275,000 "velveting" facility for cutting antlers and where he has hosted a major antler auction.

ment decision," he explained. "If he's absolutely prime, has a Boone and Crockett rack, I'll stage). Otherwise, the public will be reading such descriptions as this, from the October 16, 1989, *Albuquerque Tribune*: "The body of the drugged animal leaps. Its hooves paw the ground. . ."

Velveting, at least as it is now practiced by most NAEBA members, is no more inhumane than any of the other things people do to livestock. The bulls are thoroughly anesthetized. Occasionally they are turned on their sides so more of the highly valued blood, from which the medicine supposedly gets its potency, will drain into the still spongy antlers. Sometimes Asian buyers hover around, asking to imbibe the raw liquid as it spurts from the antler stumps. ("I can't stand that—to see them guys drinking that," one rancher told the *Tribune*.)

You have about four days to velvet, during which the quality of this renew-

pay twelve thousand dollars for him. Is three thousand dollars' worth of horns this year worth a gamble on keeping him another year, when you can put twelve thousand dollars in your pocket?"

I learned even more at the bars and display booths. But when I asked about the dangers to free cervids posed by genetic swamping, disease, and the new infrastructure for laundering stolen wildlife, the ranchers got tight-lipped and testy. "The people worried about that stuff never had shit on their boots or signed a paycheck on the back," boomed NAEBA board member Bob Spoklie, of Antelope, Montana, a square-jawed man with green eyes and steel wool hair who looks as if he just stepped off the *Gunsmoke* set. In addition to annually harvesting 200 antlers from his own herd (more than any operation in the United

Statés), Spoklie canvasses the northwestern quarter of the nation, from Minnesota to Washington, collecting frozen velvet. He is honest, hardworking, and well respected in the industry. Recently he installed his own drying

the Canadian Wildlife Federation to raise \$1 million to sabotage game ranching and was helping it spread "half-truths and total lies," and how his group had "contacted one of the best lawyers in Saskatchewan" to write Geist a cease-and-desist letter.

The antlers are cut off in the blood-engorged, velvet-covered stage and shipped to Asian markets.

facility and staffed it with Koreans, some of whom were brewing up pungent antler tea at a convention booth. "Who are we to say it doesn't work?" he said.

But Spoklie hasn't used the stuff. I have. Sunny Chae showed me the ingredients—thin slices of dried antler perched like burned potato chips on a rat's nest of twigs, leaves, bark, and berries. "No," she said when I pointed suspiciously to the black, shiny pellets, "they are not elk droppings." She prescribed the \$400 dosage; I opted for the \$10 shot. Even this, said Sunny Chae, was a powerful aphrodisiac, and more important to me at the moment, it would cure my cold.

"Is your wife with you? This could get ugly," commented the rancher behind me as I pinched my nose and gulped. She wasn't and it didn't. During the rest of the evening I felt no more passionate than usual, and the next morning I awoke with clogged sinuses.

By far the most vocal opponent of privatization and commercialization of wildlife—the man elk ranchers love to hate—is Valerius Geist, 54, the ecologist who directs the Environmental Sciences Program at the University of Calgary, in Canada. Whenever an interview started to bog down, I'd bring up his name. It was like whistling "Marching Through Georgia" to the Savannah Elks Club.

"Valerius Geist! I'll tell you, the man is crazy," cried Welch Brogan, 84, when I phoned his ranch, in Corwin Springs, Montana. "The man is a radical."

The "Canadian Update" session was positively abuzz with talk of the vile and evil Geist. Wilf Jurke, president of the Saskatchewan Game Farmers Association, explained how this "self-acclaimed alien from another planet" had incited

brandishing puffy letters. His strong spine and custom of saying precisely what he believes make him aberrant in the wildlife business, where the meek and manageable rise fastest and highest. "Do we endorse the bestial cruelty to elk on Canadian game ranches in order to fatten the profits of whorehouses in Seoul, Hong Kong, Bangkok, and Tokyo?" Geist demanded of the Canadian minister of the environment.

Geist may be a radical, but he is not, as his enemies contend, a crackpot or a charlatan. One of the most respected wildlife professionals on the continent, he has worked with Ian McTaggart-Cowan and Konrad Lorenz, serves on all manner of international committees, and has advised foreign governments. "The consequences of game ranching were predictable and have been borne out entirely so far," he wrote last November, "only earlier and worse than predicted, even by pessimists."

What does frighten Geist is red deer, the European subspecies of our elk—at least when they are shuttled about the planet in the deadly shell game humans play with plants and animals. Red deer are redder than elk, thinner in the shoulders and hips, with antlers that rise more vertically. They don't "bugle," they "bellow"; and when they duel they don't lock up and push, they thrust and parry. Bull elk refuse to fight them. In fact, if a rutting elk hears a red deer bellow in another pasture, he'll lie down. So when an escaped red deer stag meets a band of elk, he absconds with the females and breeds them all.

At Wildlife Division headquarters, in Denver, I sat at Rick Kahn's desk as he showed me a computer model of what would befall 500 Rocky Mountain elk if one were to unleash upon them 10 red deer. In 80 years, 95 percent of the herd

Scarcely anything that walks or haunts this earth frightens Val Geist, least of all gored elk breeders

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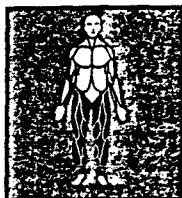
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Treadmills

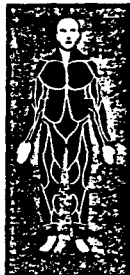


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INCITE

wouldn't be elk anymore. They'd be something else, something less—monstrels. This disturbs Kahn and his colleagues, because they know that the only real guarantee you get with "game-proof" fencing is that sooner or later it



A worker unloads a pile of "hard" antlers at a warehouse in Ennis, Montana. Although not as highly prized as those in the velvet stage, these antlers are sold to South Korean pharmaceutical firms.

ingest these slugs and snails with their browse. The young worms penetrate the gut wall

will be breached by water, wind, snow, fire, vandals, or free elk sparring with captives; and because they see in their native elk a treasure more valuable than trophies, venison, or even antlers, a treasure that belongs not just to Colorado but to the planet.

So in late 1990 they set about testing Colorado's captive elk for red deer genes. Fourteen percent of the animals checked turned out to be hybrids. These the state ordered deported, paying the ranchers the difference between what they could hawk them for and their alleged worth. The bill came to half a million dollars.

But elk ranching can't really make it in North America

without red deer. Or so says the man who should know best—Mike Bringans, the young, affable vet from New Zealand (and more recently Ontario) who supervises the care and artificial insemination of some NAEBA elk. Reds, he told me, are cheaper, gentler, and more adaptable to diet. When you cross them with elk, "hybrid vigor" ensures faster growth. "What about genetic pollution of free elk?" I asked.

"Tell me what genetic pollution by an animal that looks like an elk is going to

do in the wild," he pronounced. "If they interbreed, what are they going to do?" There was nothing left for me to say. We were speaking different languages.

One thing they might do, even if interbreeding doesn't occur, is contaminate elk with a nasty little nematode called *Elaphostrongylus cervi*, which, in the infective stage, lives in snails and slugs. Red deer in Europe and New Zealand accidentally

and migrate to the spinal cord, brain, and muscles, where they mature and lay eggs. Larvae flow with the blood to the lungs and are coughed up in sputum, swallowed, and shed with the feces, which then attract slugs and snails. Red deer can usually handle *E. cervi*. North American cervids have no natural immunity and very likely can't.

So last November ranchers and game managers were appalled to learn that the test by which they'd been confidently certifying red deer *E. cervi*-free and shipping

**The only real guarantee you get
with "game-proof" fencing is that
sooner or later it will be breached.**

them around the continent was unreliable. But at least the hosts and maybe the worms were being kept within game-proof fences. Except, of course, around Colorado's Eagle Rock Ranch, where a flash flood had taken out the game-proof fence, and where red deer, along with all sorts of other weird exotics used in canned hunts, were reproducing in the wild. Then in October, *E. cervi* showed up in three red deer held in New Brunswick. Solution: The three were immediately killed, and the remainder of the herd was

taken to Ontario for routine slaughter.

All the red deer arrived safely in Ontario—whereupon 91 escaped, taking up residence in the woods before eventually being hunted down and shot by game managers on foot and in helicopters. No *E. cervi* were found in the carcasses. If any infected feces were deposited, they will remain contagious for three Canadian winters.


Wildlife advocates west of the Great Plains are even more terrified of *E. cervi*'s cousin, the North American brain worm. Eastern white-tailed deer, which evolved with brain worms, aren't bothered by them. However, probably because the Great Plains are too dry to support many slugs and snails, brain worm doesn't occur in the West. If it gets there, it will devastate mule deer, elk, moose, caribou, mountain sheep, and mountain goats. So after Alberta rewrote its Wildlife Act to permit private ownership of public wildlife, it required game ranchers wishing to import stock to certify that it came from somewhere west of brain-worm land. Unfortunately, reports Margo Pybus of the provincial Fish and Wildlife Division, some of them cheated, laundering eastern game through western ranches. As a result Alberta closed its borders to all captive big game in 1988.

Another nasty creature threatening North American wildlife is the bacterium that causes bovine tuberculosis (TB). Elk, moose, and caribou are especially susceptible because they evolved in the dry, cold climate of Siberia, where pathogens were scarce and strong immune systems superfluous. Captive elk spread TB by mutually grooming open sores and by dripping contagious saliva, feces, pus, and probably urine.

"I don't know what we'll do if TB gets established in wildlife populations," remarked the thoroughly unexcitable Mitchell Essey, senior staff veterinarian for the USDA's Animal and Plant Health Inspection Service. "No one knows how we'd control it if it got into elk herds like those in Yellowstone National Park. The potential ramifications are almost inconceivable." Unfortunately, the USDA has no jurisdiction over cervids because they're not "livestock." Responsibility lies with the states, which don't like to dispatch TB carriers because they fear the courts will force them to pay compensation. Two years ago ranchers and game

Scientists Lick Bugs.


 Mosquitos

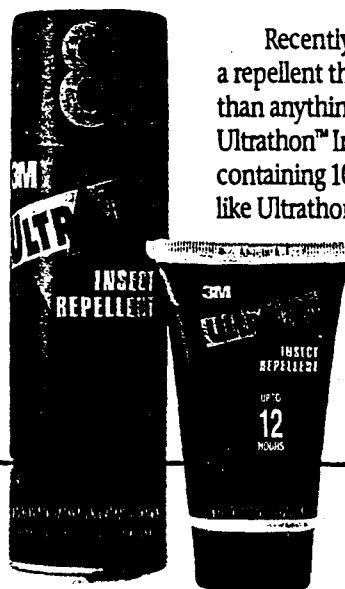
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INCITE

managers were appalled to learn that the test by which they'd been confidently certifying elk TB-free and shipping them around the continent had been detecting only about 20 percent of the cases.

Having been in the business 46 years, Welch Brogan is the grand old man of North American elk ranching. He says he's had problems with some of the statements the state veterinarian has made to the press about his TB-infected elk, now under quarantine. It has, however, been documented by U.S. and Canadian wildlife and health authorities that Brogan shipped 18 elk to Alberta in 1988, and that they were later diagnosed with TB. Some U.S. and Canadian officials believe that TB had arrived at Brogan's ranch a year earlier via a shipment of 27 infected elk from Nebraska.

During the last two years Canadian officials have found TB in pigs, cattle, bison, and deer. Infected animals destroyed to date, costing the Canadian government \$10 million in compensation, include 2,200 elk—close to half of Alberta's captive herd. At this writing the disease has been seen in captive game in 5 Canadian provinces, from New Brunswick to British Columbia, and 14 states, from New Jersey to Oregon.

But the threat extends beyond livestock and wildlife. The disease can be contracted by humans who handle a host, inhale its breath, touch its body fluid, or drink its unpasteurized milk. It used to be rampant in its native Europe, where, according to a report in *Time* magazine, it may have caused lesions on Joan of Arc's brain and other organs, bringing on her visions and loss of menstruation. The recent outbreak in Alberta quickly spread to farmers, vets, postmortem technicians, meat inspectors, and tanning-plant workers, most of whom were put on preventive medication but at least one of whom developed the actual disease.

If TB does get a toehold in the wild, Geist predicts, then "in national parks tame, infected elk, dripping contagious body fluids, will mingle with the public on golf courses, lawns, picnic grounds,

campgrounds, promenades, even school yards."

Because Yellowstone elk play in Brogan's backyard, wildlife officials were hoping he'd tend his game-proof fences. Alas, there has been ebb and flow between Brogan elk and public elk. Brogan told me he's been offended by statements made by the local game warden, who, like the state vet, "get carried away with stories" when they talk to the press. However, the Montana Sixth Judicial District Court told this story as a "finding of fact": "The defendant [Brogan] within a few minutes after the game wardens left his home drove up through the 'cow' pasture to open the gate on the triangular pen and herded out the wild elk he had lured onto his premises . . . by leaving the gates open, baited with hay." On September 5, 1991, Brogan was found guilty of "capturing over eighty head of wild elk for use in his game farm business."

Brogan is the exception, not the rule. Were he an NAEBA member, he could be summoned before the organization's board of directors for possible reprimand, suspension, or expulsion. In all aspects of their privatization and commercialization of public wildlife, elk ranchers of the NAEBA want desperately to be responsible and ethical. The tragedy for them, as well as for wildlife and the public, is that the nature of the business makes this impossible.

According to the state of Colorado, TB bacteria allegedly hitched a ride from the Brogan ranch to the Royal Elk Ranch in Powderhorn—another atypical operation whose owner, accused by the U.S. government of passing cocaine and converting his barn into a "hydroponic laboratory for the growing of marijuana," also is not an NAEBA member. The point, though, is that pathogens, parasites, and alien genes don't care who's typical and who isn't.

Recently the Division of Wildlife gravely offended the NAEBA by showing slides of TB eradication at the Royal Elk Ranch, where it killed and burned 52 animals. In one photo a firestorm rages around the carcass of a diseased bull. But through the flames, standing as tall and beautiful as Joan of Arc, is a pair of perfect antlers. Antlers worth perhaps \$2,500. It was the most powerful image I took home with me. 🐾

THE RISKS OF GAME FARMING

MONTANA AND CURRENT GAME FARMING

- Montana has 101 licensed game farms, of which 55 have elk.

- State and provincial resource officials have concerns about game farming including: (1) escape, (2) transmission of disease and parasites, (3) hybridization, (4) social and habitat competition and habitat damage caused by feral game farm animals, (5) cost of control and enforcement, and (6) potential impacts on public hunting.

- The state of Wyoming has a prohibition against game farming.

REASONS FOR GAME FARMING

- Indigenous wildlife can be raised and husbanded on game farms like livestock for "canned" trophy shoots. Many hunters believe that canned trophy shoots on game farms will influence the public's perception of hunting, escalating anti-hunting sentiment and jeopardizing the future of traditional sport hunting.

- The destination of most game farm animal parts (horns, etc.) is Asia, where they are used as aphrodisiacs and as ingredients for traditional folk remedies.

COST- IS IT WORTH IT?

- \$60 billion is spent annually by North Americans on wildlife viewing, hunting, and fishing.

- 50,000 jobs are created per billion dollars expended for wildlife viewing, hunting, and fishing.

- 160 million to 270 million North Americans participate annually in wildlife viewing, hunting, and fishing.

- Only \$5 billion is made on the world market from game farm animal parts.

A CLOSER LOOK AT THE RISKS

Tb AND OTHER DISEASES

- Brucellosis or Tb-infected game farm animals could threaten Montana's Brucellosis-free or Tb accredited-free status, which has major implications for the state's cattle industry. In 1992, both New York and Pennsylvania lost their accredited Tb free status because of Tb transmission between game farmed elk and cattle.

- New York spent \$637,000 in 1992 and \$500,000 in 1993 due to the loss of their Tb free status.

- Tuberculosis testing procedures are less reliable for game farm animals than for the domestic livestock species for which they were developed.

- Should Tb become established in free-ranging wildlife populations, attempts to control the disease would be expensive and futile (as proven in other countries around the world, including New Zealand, which has spent millions of dollars in a futile attempt to eradicate Tb).

- Each year the U.S. Government and the livestock industry spend more than \$12 million nationwide to eradicate Tb.

- As of the spring of 1992, fourteen captive elk and deer herds tested positive for Tb, including four in Montana, four in New York, and one each in Colorado, Nebraska, Oklahoma, Texas, Washington, and Wisconsin. Several other herds are pending confirmation.

- Tb (*M. bovis*) is pathogenic to people and can cause severe disease, even death. The bacteria that causes it is exhaled into air by infected animals and shed in feces, sputum, milk, vaginal discharge, and discharge from lymph nodes.

- There are no effective treatments for animals infected with Tb.

- 2,500 game farm animals were destroyed in Alberta, Canada, following a major outbreak of Tb in December 1991. The Canadian government spent \$15 million in expenses associated with controlling the outbreak and for compensation to affected game farm operators.
- Existing programs and testing protocol have limited ability to accurately detect disease at low prevalence levels, or to identify individual animals that are infected. Due to the limitations of Tb testing procedures, it is used to identify infected herds rather than infected individuals—in the case of domestic wildlife as well as game farm species.
- The spread of Tb to wildlife would make the current problems of brucellosis in elk and bison seem minor in comparison.
- Testing procedures and disease monitoring for nontraditional captive species have not kept pace with emerging disease risks. Detection methods are virtually nonexistent for diseases associated with wildlife species.
- The risk of inter-species transmission of Tb or other diseases is greatest in areas that have the highest densities of captive game farm animals and domestic livestock.
- Game farm animals pose a threat of disease and parasite transmission, particularly Tb, to native deer and elk populations and to livestock.

ESCAPE AND HYBRIDIZATION

- Hybridization or introduction of diseases or parasites to native wildlife populations would be irreversible. Either occurrence jeopardizes the wildlife heritage that is highly valued by Montanans and by visitors to this “last best place.”
- The escape of game farm animals is an inevitable fact as evidenced by a truck record of both reported and unreported escapes in adjacent states and provinces, as well as Montana.
- Red deer and red deer/elk hybrid bulls are dominant over native North American elk and therefore are likely to breed more cows than their elk counterparts if they escape into the wild.

From A Book ABOUT ELK BY V. GELST

EXHIBIT 23
DATE 2/11/93
HB 412

① I wish I could be cheerful about the elk's future. Alas, I cannot. I will lead you now, briefly, through the insidious problems facing this magnificent creature.

Along with existing problems wildlife face with widespread loss of habitat, and with global pollution by deadly chemicals that strangle their reproduction, there is also an international market that pays premium prices for their carcasses, alive and dead.

② We face today in North America a deep, but still silent, crisis in wildlife conservation: the commercialization of wildlife. This crisis has grown, cancer-like, and its severity has not been sufficiently recognized or appreciated. The crisis is a determined effort to convert wildlife from a public to a private resource. Such a transfer is devastating to wildlife, including our elk.

There are and have been landowners, here and abroad, under whose loving care wildlife have found their only home, and who have greatly contributed to conservation. These landowners have remained incorruptible, but a corrupting force is afoot: money. There is money to be made from dead elk, a lot of money. However, to achieve maximum profits on elk in the international luxury market, one must first dismantle the policies and laws that have so successfully conserved wildlife for the last 75 years on this continent.

There are four basic North American conservation policies: (1) retain wildlife as a public resource, ensuring that nobody maintains large numbers of native wildlife for private manipulation and exploitation; (2) prohibit the sale of dead wildlife, except

furs; (3) allocate surplus wildlife by law to all citizens and avoid allocation by the pocketbook and special status, and (4) prohibit frivolous killing of wildlife.

If you want to make money from elk, you must have the ability to manipulate elk genetically, to exploit the whims of the market. Therefore, you must own elk to control them. To make money from elk you must be able to sell their parts—venison, velvet antlers, penises, tails and other parts—to the highest bidder. And with that you create an "infrastructure" of producers, processors, wholesale dealers and retailers, an ideal situation for laundering illegally killed public elk in the market. A legal market in dead wildlife may then be fed dead public wildlife by the clever and corrupt.

Allocating elk according to the power of the pocketbook excludes the very persons that future conservation depends on, young hunters, and passes elk on strictly to the highest bidders on private hunting ranches. However, those bidders want "quality" for their money. They may especially want "big antlers." Unscrupulous hunting ranch operators have been known to go to extremes, illegal or otherwise dangerous extremes such as genetic manipulation, to provide those so-called trophies.

To service market demands, hybridizing and breeding elk for "improved" characteristics are unavoidable for the elk industry. That means the destruction of adaptations of captive elk is also unavoidable. Also, to develop an industry in elk and other deer, be it for venison ranching or for sport hunting on private ranches, the animals need to be transported between jurisdictions.

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Transporting elk between game breeders and sport ranches and other dealers in game animals means that elk will have to be free of diseases or they may infect other elk herds or livestock. In the process of shipping elk there are untold opportunities for diseases to transfer as the badly stressed, weakened elk meet other elk, deer, exotic game animals and livestock in quarantine stations, in auction halls, in transit, and on ranches. These are ideal situations for transferring diseases, particularly because many diseases cannot be diagnosed in living elk and because quarantine regulations are inadequate to detect the afflictions. In addition, there is a criminal element which not only illegally catches public elk for private gain, or engages in organized killing of public wildlife for profit, but also defies veterinary regulations. The latter guarantees that wild animals laden with diseases are transported, and so spread the diseases.

All this is current reality in the game ranching industry. In my home province of Alberta, for example, there are now about 4,000 elk behind game farm fences, but 150,000 are expected in a few years. Sixty-two game farms are currently under quarantine because of tuberculosis, including 13 elk farms in Saskatchewan and four in Montana. All this happened in one year! With an approximate escape rate of 1.3 percent, about 2,000 or more potentially infected elk will escape into the wilds in Alberta alone each year once the elk ranching industry is fully established. The possibilities of widespread cataclysmic disease outbreaks in our free-roaming elk herds are imminent, as is genetic pollution and the slow extinction of the elk due to hybridization with farmed red deer.

Because elk and other game ranch wildlife are notorious for escaping from captivity, diseases and genetic pollution are sure to spread to wild populations of elk. Tall game farm fences are broken by falling trees, washed out by flash floods along creeks, buried by snowdrifts that form around the wire, collapsing the fences, or the captive deer walk over the top of the drifted-in fence. Gates on game farm fences are sometimes accidentally left open, and elk wander out. Fences are also sometimes demolished by wild bull elk trying to gain entry to fenced-in areas to mate with captive females. Fences have also been cut by vandals. Moreover, after a few years, game fences corrode, weaken and break, and some species of deer continually test these barriers for opportunities for escape.

All this is not hypothetical, but already stark fact in North America. Unscrupulous dealers have sold elk and red deer hybrids as pure elk, and these have found their way into the wilds. In the particular case I am aware of, it is likely that the hybrids have not withstood wolf predation—at least I hope they have not. Colorado, which allowed red deer ranches for game ranching purposes, is now buying back the red deer and exchanging them for elk. The genetic degradation of our elk, then, is looming with the growth of the deer ranching industry, and has already begun.

The introduction of livestock diseases into our populations of wild elk will increase infection rates in wild as well as domestic ungulates, placing all livestock producers at risk and precluding the hope of making livestock operations free of major diseases. Much money

has been spent on the prevention of livestock infestations in the United States and Canada. The multiple outbreaks of Bovine Tuberculosis on deer ranches in 1990 in western Canada, however, have shown just how fragile such disease-preventive measures can be.

The escape of diseases into wild elk also puts at risk more than the livestock industry. Native people are affected, for the diseases not only destroy populations of one species but can be transmitted to other animal species, putting whole wildlife communities at risk and thereby the welfare and health of subsistence-hunting peoples. Wildlife plagues may also severely damage legitimate sport hunting and a tourist industry that earns much of the \$65 billion spent annually on wildlife-related activities on this continent.

Diseases carried by ranched elk would also put the public at risk. Take, for instance, the fatal neurological disease called "scrapie" in sheep, which manifests itself in humans as the dreadful Creutzfeld-Jakob disease, and as "mad cow disease" in British cattle. The disease is transmitted in food via organs of affected livestock, via the growth-promoting pituitary extract derived from slaughtered sheep for injection in people deficient in growth, and via the ingestion of soil contaminated with the infective agent.

The scrapie neurological agent is a virus-like protein that withstands very high temperatures, immersion in formaldehyde or alcohol, protein digesting enzymes, and years of burial in soil; once it enters a new host the disease lies dormant for five or more years. This disease is currently found in ranched elk in the western states.

In sheep, scrapie can be effectively controlled. We eat sheep as lambs, well before the disease organism can saturate the organ systems of the lamb. The disease carrier has not been found in red meat, but only in the neural tissue, bone marrow, lymphatic tissue, the thymus, liver, kidney and spleen. Any infected sheep herd is quickly slaughtered, the carcasses burned, and the raising of sheep prohibited on the infested ground.

In elk we do not even know how scrapie is transmitted, let alone its prevalence in the wilds. The disease cannot be detected in living animals. Free-living elk could get it if they nibbled the bones of sheep that died of scrapie on elk ranges, or they could become infected on game ranches if fed bone or protein meal from infected sheep as a dietary supplement to promote antler growth. Since elk on game ranches are kept to ages not usual in wild populations, for antler production or for reproductive purposes during herd build up, any elk over five years of age sent to slaughter could be a scrapie carrier. Moreover, cutting the carcass with a saw—so neural tissue, cerebrospinal fluid and bone marrow is sprayed over the carcass—transfers the infective agent to the meat.

Scrapie is just one disease. The study of wildlife diseases is a rather new field of science. New diseases are being discovered as old ones appear in surprising new hosts. Granted that elk, unlike domestic stock, have not been kept for thousands of years under unhygienic conditions in close confinement, stressed captive elk are ideal breeding grounds for many diseases. Ranched deer are a veterinarian's dream. Keeping these animals alive means they

have to be carefully watched and medicated. Granted such treatment with drugs, and granted the possibility of latent scrapie, I personally would not touch a piece of elk meat from a game ranch.

Thus the current thrust by agricultural bureaucracies to make money for game ranchers by ruthlessly pushing for game and hunting ranches presupposes the uncontrollable spread of diseases to wildlife, livestock and people. It also endangers and degrades wildlife via genetic pollution and unleashes the threat of competition by feral populations of ecologically dangerous exotics and hybrids. All this has already happened, though as yet on a moderate scale. It could probably still be rectified, but it would be a hopeless task if widespread game ranching were to become reality.

North America has lived splendidly without this destructive industry that inflicts hideous cruelties on deer, unless you call the sawing off of velvet antlers, without benefit of anesthesia, as happens to Canadian reindeer, anything else. The medicinal value of the organs of elk is uncertain if not nonexistent, and the only effective drugs in velvet antlers may be those injected into some elk before deantlering. Any medical doctor prescribing these drugs for human use would speedily lose his licence for quackery. However, the velvet antlers of the tortured animals are heralded in eastern and southeastern Asia as an aphrodisiac, which raises little more than the hopes of old men but does raise the profits of bordellos from Seoul to Bangkok.

The trophy craze affecting many affluent hunters has already caused much damage too.

Game growers, eager to sell unique trophies, have hybridized elk and other deer. This genetic pollution is the more tragic as large antlers, rather than the result of amateur "genetic engineering," are largely a matter of diet and protection. Raising the body and antler size of male ungulates can be accomplished over four or five generations by supplying them a forage with a surplus of digestible protein, energy, and calcium phosphate, and ensuring them undisturbed conditions. Heredity has only a small part to play here. This was proved years ago in the classic experiments of Franz Vogt on European red deer. Of 35 stags he raised to beyond six years of age, 34 exceeded the 100th best stag in antler record book scores, and seven of his stags exceeded the then world record set of antlers.

Our elk are clearly and presently in danger. If they are to remain unadulterated, if we are to pass them on to those who follow, as was done for us, then we need to make sure that elk have large areas of public land to roam and that they are not threatened with poaching and genetic pollution, diseases, and other perils generated by wildlife ranching.

We know that in Montana we do have problems with the game farms. I have sat in two committee meetings in ~~Helena~~ with regards to a Yellow who had applied for a Game Farm in this area. One of the things that was a concern was the monitoring of these game farms. The other day HB #338 was introduced - to tighten game farms regulations.

I have ~~to~~² Prochures to hand out - I know you have lots of reading - but I have marked some important remarks.

EXHIBIT 24
DATE 2/11/93
HB 412

HB
DATE
EXHIBIT

NAME Paul F. Berg
ADDRESS 3708 Harry Rogers Place, Billings, MT, 59106
HOME PHONE 656-2015 WORK PHONE —
REPRESENTING Southwestern Montana Sportsmen Assoc
APPEARING ON WHICH PROPOSAL? N. B 412
DO YOU: SUPPORT X OPPOSE — AMEND X

COMMENTS:

Game farms have serious potential to
infect native populations of wildlife with
diseases, parasites, and will dilute the
native animal gene pool -- by escaping
game farm animals --

Attempt to phase out all game farms within
5 years and make them illegal thereafter.
Otherwise the native populations of game could
be destroyed by the above escapes -- by
accident -- Game farms do not have a good
track record -- Tuberculosis may already
be in wild, native populations --

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXHIBIT 25
DATE 2/11/93
HB 4/12

DEPARTMENT OF LIVESTOCK
DIAGNOSTIC LABORATORY



STAN STEPHENS, GOVERNOR

BOX 997

STATE OF MONTANA

(406) 994-4885

BOZEMAN, MONTANA 59711

March 26, 1992

Dear [REDACTED]

This is in response to your letter concerning livestock diseases in Montana. Looking at your list of diseases first, I would make the following comments:

Brucellosis (Brucella abortus) - Montana is currently brucellosis free in our cattle herds, however, Brucella abortus is found in bison originating from Yellowstone National Park.

Brucellosis (Brucella suis Type IV) - This form of brucellosis has been previously diagnosed in Montana. I am not aware of any active cases at the present time.

Tuberculosis (Mycobacterium tuberculosis variety bovis) - Montana is free of bovine tuberculosis at this time with the exception of the Game Farms in which tuberculosis has been identified in elk, and these Game Farms are currently under quarantine.

Johne's Disease (Mycobacterium paratuberculosis) - This disease has been diagnosed in Montana and sporadic cases still occur in both cattle and sheep.

Malignant Catarrhal Fever - This has been diagnosed in Montana and we currently see sporadic cases spread over the state.

Ram Epididymidis (Brucella ovis) - This disease has been diagnosed in Montana and we currently see cases scattered over the state.

Orbivirus is a group of viruses and the orbivirus seen in Montana is Bluetongue. Bluetongue occurs as a sheep disease periodically in Montana.

Epizootic Hemorrhagic Disease - This disease is closely

March 26, 1992

Page 2

related to Bluetongue and affects wildlife species predominantly whitetail deer and we currently see this in Montana.

Pseudorabies - This disease has been diagnosed in Montana but there are no current cases to the best of my knowledge.

Scrapie - This disease has been diagnosed in Montana but there are no current cases to the best of my knowledge.

Bovine Spongiform Encephalopathy - There have been no diagnosed cases in Montana.

Meningeal Worm (Parelaphostrongylus tenuis) - This is a parasite affecting wildlife. To the best of my knowledge, it has not been diagnosed in Montana.

Tissue Worm (Elaphostrongylus cervi) - I am unaware of any diagnosis of this parasite.

Besnoitiosis - I am unaware of any diagnosis of this disease.

Arterial Worm (Elaeophora schneideri) - This parasite has been found in moose and mule deer in Montana.

You also inquired if there have been other diseases or parasites found in Montana domestic livestock beyond those listed in your table. There certainly are many other diseases that we seen in Montana livestock, for example, a short alphabetized list of some of the diseases we seen in cattle would have to include:

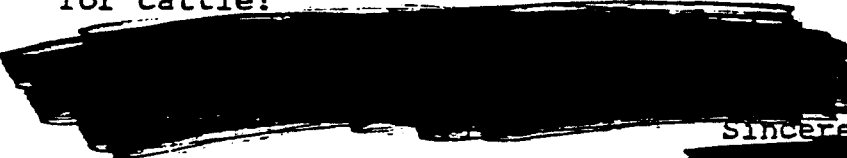
Acariasis	Hemophilus infection
Actinobacillosis	High mountain disease
Actinomycosis	Impaction
Anaplasmosis	Infectious bovine kerato-
Anthrax	conjunctivitis
Avitaminoses	Infectious bovine rhino-
Bacillary hemoglobinuria	tracheitis
Black Leg	Leptospirosis
Bloat	Leukemia
Bovine virus diarrhea	Listeriosis
Bracken fern poisoning	Liver abscesses
Calf diphtheria	Liver flukes
Coccidiosis	Malignant catarrhal fever
Cysticercosis	Malignant edema
Enterotoxemia	Mastitis
Foot rot	Milk fever
Gastrointestinal parasitism	

March 26, 1992

Organophosphate toxicity
Osteomyelitis
Papillomatosis
Pasteurellosis
Photosensitization
Polioencephalomalacia
Rabies
Red water disease
Ringworm
Rheumanitis liver abscess complex
Salmonellosis

Scabies
Shipping fever
Tetanus
Thromboembolic
meningoencephalitis
Traumatic reticulitis
Urolithiasis
Vibriosis
Vitamin deficiencies
Warts
Water belly
Wooden tongue

As you can see, the list is quite long but is not complete and only for cattle!


Keep up the good work.

Sincerely yours


D.V.M., Ph.D.

\klr

cyphered x
2-11-93
HB-412

APPOSED TO HOUSE BILL 412 IN ANY FORM

FACT SHEET TO DISPEL MAJOR CONCERNS OF OPPONENTS OF GAME FARMING

DISEASE

The diseases of concern to native Montana wildlife are already present in Montana domestic free ranging livestock. Please read the Department of Livestock Diagnostic Laboratory report attached. The Game Farm Industry is now under the strict rules of health administered by the Montana Department of Livestock and the State Veterinarian. Game Farm animals are kept behind EIGHT FOOT FENCES. Domestic cattle carrying the diseases of concern free range with Montana wildlife apparently without problems since we have record numbers of Montana WILDLIFE..

HABITAT DEPRAVATION

The B L M and Forest Service lease our native habitat to cattle and sheep ranchers for \$1.86 per animal unit to the tune of 250,000 units per year. There are only 2,200 total game farm animals in the whole state and all are confined behind EIGHT FOOT fences. There are no free ranging game farm animals.

HYBRIDIZATION

Because of natural herding instincts and natural mating behavior the possibility of a loose game farm animal mating to a wild one is SLIM. Valerius Geist (FW&P MOST QUOTED EXPERT) states in his book MULE DEER COUNTRY and I quote "Breeding between mule deer bucks and white-tailed deer does is incompatible."

HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME STUE MUSICK BILL NO. 412

ADDRESS 106 E LAKE AVE, LOT, MT. DATE 2/11/93

WHOM DO YOU REPRESENT? JUDITH RIVER RANCHES

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: I held Judith River Ranch Game Lane
license and shooting preserve permit from
1978 to 1991.

I terminated my land lease in 1991
and when the property I leased was sold.
At this time my Game Lane permit and shooting
permit could not be renewed and was
permanently terminated on that property.

I am now searching for property to purchase
and rebuild a game farm and which would
require a new game farm application and
shooting license permit.

Should HB 412 become law I would be
prohibited from continuing the business I
have built the past 13 years.

EXHIBIT 27
DATE 2/11/93
HB 412

MR CHAIRMAN AND COMMITTEE MEMBERS

MY NAME IS JACK SCHUBARTH. I AM AN ALTERNATIVE LIVESTOCK
~~LIVESTOCK~~ RAISER.

I WAS JUST HERE LAST WEEK IN SUPPORT OF H B 338 AS I AGREED
THAT THE INDUSTRY REQUIRED MORE REGULATION, BOTH IN FENCING
REQUIREMENTS AND ANIMAL HEALTH MONITORING. I ONLY BRING UP MY
EXPERIENCES AS A GAME FARMER TO SHOW YOU WHAT AS AN INDUSTRY WE
HAVE UNDERGONE.

IN 1988 I STARTED GAME FARMING. A FISH AND GAME MAN INSPECTED
MY FACILITY FROM THE DECK OF MY HOUSE. I NEVER SAW ANOTHER FISH
AND GAME REPRESENTATIVE UNTIL MARCH OF 1992. MOVEMENT OF OUR ANIMALS
IN THE STATE WAS ALLOWED WITH ONLY A BILL OF SALE. WE DIDN'T EVEN
HAVE TO GET OUR ANIMALS HEALTH TESTED. THOSE OF US WITH ANIMAL
HUSBANDRY BACKGROUNDS HAD OUR ANIMALS TESTED ANYWAY. BY THIS BRIEF
DISCRIPTION OF MY CIRCUMSTANCES YOU CAN SEE THIS INDUSTRY WAS NOT
HANDLED PROPERLY. NO BLAME IS PUT ON ANY AGENCY. WE JUST FELL
THRU THE CRACKS. IT WAS TIME TO TREAT GAME FARMING LIKE ANY OTHER
LIVESTOCK GROUP. HOUSE BILL 556 STARTED ADDRESSING THE PROBLEMS
WE HAD. PUTTING US UNDER THE DEPT OF LIVESTOCK, ^{DEPT OF LIVESTOCK} MAKING IT SO OUR
ANIMALS HAD TO BE TESTED HAS CLOSED THE DOOR TO THE POSSIBLE
HEALTH PROBLEM.

TESTING BY THE LIVESTOCK DEPT. FOUND WE DID HAVE A PROBLEM
FOR THEY FOUND T B ON SOME GAME FARMS. THIS T B PROBLEM IS COMING
TO THE END OF THE TUNNEL. GAME FARM ANIMALS ARE BEING RELEASE FROM
QUARENTINE HAVING BEEN REPEATEDLY TESTED TO ELIMINATE REACTORS FOR T B

THIS IS HOW WE FIXED THE PROBLEM IN THE MONTANA CATTLE WHICH
HAD A RAMPED T B PROBLEM. NOW WE HAVE A CATTLE INDUSTRY FREE OF T B.

WE TRUSTED THE DEPT OF LIVESTOCK TO TAKE CARE OF THE CATTLE
T B PROBLEM. Put your trust in these same PROFESSIONAL PEOPLE

our industry just TO PROTECT ALL THE ANIMALS OF OUR STATE, WE ONLY NEEDED TO BE TREATED LIKE OTHER LIVESTOCK INDUSTRIES WITH REQUIREMENTS FOR HEALTH TESTING. NOW THAT FISH AND GAME IS DOING THEIR JOB, I DON'T BELIEVE THIS INDUSTRY IS A THREAT TO OUR DOMESTIC OR WILD ANIMALS. HOUSE BILL 412 LEADS YOU TO BELIEVE THAT THE GAME FARM PROBLEMS HAVE NOT BEEN ADDRESSED. I SAY THEY HAVE.

STATE HEALTH VETERINARIANS SAY THAT DISEASES CAN BE FOUND BY TESTING. PARASITES CAN BE FOUND BY TESTING. EITHER THIS IS TRUE OR ALL LIVESTOCK CATTLE, SHEEP ETC. POSE AN EVEN MORE SERIOUS THREAT TO OUR NATIVE WILDLIFE AS THEY CARRY THE SAME DISEASES AND PARASITES AND ARE ALLOWED TO MINGLE FREELY WITH OUR NATIVE WILDLIFE.

WE TRUST THIS SAME TESTING TO PROTECT NATIVE WILDLIFE FROM DOMESTIC ANIMALS. WHY IS IT THIS SAME TESTING, WHEN IT COMES TO GAME FARM ANIMALS IS NOT TRUSTED? DISEASE TESTING IS NOW DONE ON ALL ANIMALS MOVED OR SOLD. THIS WAS THE ANSWER TO THE INDUSTRIES HEALTH PROBLEMS, NOT HOUSE BILL 412. IN WYOMING THIS TYPE OF LEGISLATION WAS FOUND TO BE UNCONSTITUTIONAL. IT DID NOT AFFORD EQUAL RIGHTS TO ALL CITIZENS.

OUR VERY EXISTENCE HINGES ON THIS BILL, OUR LIVIHOOD, OUR RIGHT TO PERSUE HAPPINESS. If hoUSE BILL 412 IS PASSED, WE WHO HAVE INVESTED SO MUCH MONEY, TIME AND OUR LIVES INTO MONTANA WILL END.

HOUSE BILL 556 AND HOUSE BILL 338 WHEN PASSED AND THE DEPT OF LIVESTOCK HEALTH DEVISION HANDLE ALL PROBLEMS...MAKING THIS A SAFE INDUSTRY.

TO STOP A GROWING INDUSTRY WHICH CONTRIBUTES IN ALL ASPECTS OF OUR MONTANA ECOCOMY, WOULD BE A TERRIBLE LOSS TO OUR STATE WHICH NEEDS ALL THE BUSINESS IT CAN GET..... MONTANA IS AGRICULTURE!

THIS BILL KILLS AGRICULTURE AND GROWTH. STOP THIS HISTERICAL TYPE THINGING. CHOOSE REASONABLE PROTECTION LIKE SCIENTIFIC TESTING

EXHIBIT 28
DATE 2/11/93
HB 412

Most Honorable Bill Rehbein:

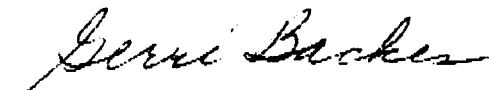
It seems like everyday there is a new game farm lobby group coming at us from different directions. It seems like we spend our lies putting out fires. The main reason is that the message of misconception and myths about our industry have created first impressions in the minds of people. They accuse us of destroying natural habitat, when we know the reverse is true. We preserve natural habitat. We don't need to disturb over-worked soil by tilling each year...and we don't use harmful chemicals.

Our fences protect livestock areas including our own from dangers of would be predators. They say we are a breeding ground for diseases when the fact is game farms are the only vehicles with which to eliminate disease in our wildlife population. We have research programs, continuous testing and countermeasures-we are examples of how to control disease...not the reverse.

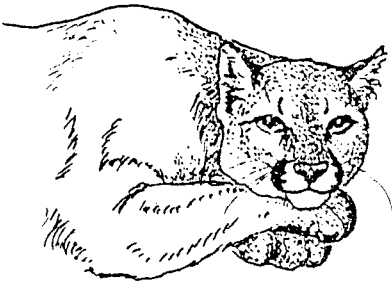
Is our industry a tax burden? Many people who rely on grain-growing alone are growing \$2.00 wheat every year and stand in line for subsidies; assistance programs paid with tax dollars. In the meantime our game farms are paying taxes. We're not a burden. We are a boon to the tax base.

As a game farmer, I am strongly opposed to (HB412) regarding a moratorium on the issuing of game licenses. I am a young widow, trying to preserve the family farm to enable my children to stay in Montana. Please consider a vote in opposition to HB412. Would appreciate a testimony on my behalf from you if all possible. Wish I could be there to do so, but just can't get away at this time. Thanking you in advance, I remain

Truly,



Gerri Backes
Box 154
Lambert, Mt. 59243



"I Scratch For A Living"

CONNIE BELLET

Artist and Scrimshander

Fickle Finger Flats
Box 111
Ringling, Montana 59642
(406) 547-2272

EXHIBIT 29
DATE 2/11/93
RE 412

February 10, 1993

Representative Mike Foster
Capitol Station
Helena, Montana 59620

Dear Mike:

I got a call late last night from a friend who is a game rancher. He owns the beautiful and historic ranch where Cortland DuRand rescued Central Montana's elk herds from death by starvation some seventy years ago. Phil and I have known Steve Killorn for 12 years and have seen how expertly and well he cares for his elk and buffalo. His family has been suffering great duress at the hands of the Fish, Wildlife, and Parks Department, who have not yet returned the computer, files, vehicle titles, and other property they confiscated without due process last March.

Steve told me about a bill which will be heard today (the 11th) concerning a two-year moratorium on the issuance of any further game farm permits in the state. Due to health, financial, and personal problems, there are several game ranches that will certainly need to change hands in the next two years. A moratorium on permits would be grossly unfair to ranchers trying to sell their property, which has already been approved by FWP.

Furthermore, I am appalled by the opposition that FWP has shown toward game ranching. This is a **non-polluting, tourism-enhancing, high-profit agricultural industry**. As far as I'm concerned, the FWP can round up all the excess cow elk that are causing problems here, 4-way test them, and sell them to game ranchers for a fair market price. That will take a chunk out of our State deficit!

I have enclosed a copy of a letter that I sent to Kathy Hadley of the Montana Wildlife Federation. It outlines my concerns, and I have highlighted main points for your convenience.

Thank you for your attention to this issue!

Best regards,

Connie Bellet

Connie Bellet

Encl.

See you Monday at the demonstration!

EXHIBIT 30
DATE 2/11/93
HB 412

11:12

PRINT DATE February 11, 1993
BIG VELVET RANCH
LEN & BARBIE WALLACE
137 DOEHAVEN WAY
DARBY, MT 59829 406-821-3131 FAX 821-3129

DATE 2-11-93

MIKE FOSTER, CHAIRMAN
HON MEMBERS, HOUSE FISH & GAME COMMITTEE
HOUSE FISH & GAME COMMITTEE
HELENA, MT FAX 444-4105

DEAR MR FOSTER

THIS IS TO ADVISE YOU I AM OPPOSED TO HOUSE BILL 412(MENAHAN)
WHICH PLACES A MORATORIUM ON THE ISSUANCE OF NEW GAME FARM
LICENSES.

GAME FARMING IS AN IMPORTANT NICHE IN MONTANA'S
RANCHING/FARMING BUSINESS AND NEEDS THE SUPPORT AND ENCOURAGEMENT
OF THE LEGISLATURE.

THANK YOU FOR YOUR HELP.

SINCERELY
LEN WALLACE



HOUSE OF REPRESENTATIVES
VISITOR REGISTER

FISH & GAME

COMMITTEE

BILL NO. 386

DATE 2/11/93

SPONSOR(S)

MOLNAR

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
ROBIN CUNNINGHAM	FISHING OUTFITTERS ASSN. OF MONTANA		X
BILL HOLDORF	SKYLINE SPORTSMEN	✓	
Nancy Klick Kbar L			X
Harold Billings	Mupiff		X
Dad Kell	K Bar L Hunt		X
Keely Flynn	MOYA		X
DAN WEPPLER	Self		X
Paul F. Berg	Southern mt sportsmen Association	X	
Paul Roberts	Self		X
Robert Hanson	mt Farm Bureau		X
Grant Davis	Billings Rod & Gun	X	
CANDACE Torgerson	Montana Stockgrowers Association Mont. Woolgrowers Assn		X
Maytaul Hoeffner	Seneca mt		X
May Chase	Board of outfitters		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

COMMITTEE _____

BILL NO. HB 386

DATE 2/11

SPONSOR(S) Molnar

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim R. Schlar	MWF	✓	
Tom Croft	sportsman		✓
L. F. Thomas	ANACONDA SPORTSMEN	X	
Jeane W. Johnson	MT Out. & Guide		✓
Jack Rich	MT Outfitters & Guide		✓
Chuck Rein	Self		X
Bill Myers	Agri. Pres. Ass'n		X
Jim W. W.	Self	X	

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

COMMITTEE

BILL NO. HB 386

DATE 2/11 SPONSOR(S) Moinan

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Jim R. Schaefer</i>	<i>MWF</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Tom Croft</i>	<i>sportsman</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>L.F. Thomas</i>	<i>ANACONDA SPORTSMAN</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Jeane D. Johnson</i>	<i>MT Outf. & Guides</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Jack Rich</i>	<i>MT Outfitters & Guides</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Chuck Rein</i>	<i>Self</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Bill Myers</i>	<i>Agri. Pres. Ass'n</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Quilley</i>	<i>Self</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

FISH & GAME

COMMITTEE

BILL NO.

432

DATE 2/11/93

SPONSOR(S)

SMITH

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
ROBIN CUNNINGHAM	FISHING OUTFITTERS ASS'N. OF MONTANA	X	
Paul S. Roos	Self	X	
Paul R. Berg	Southern Mnt Sportsman Assoc		
Way Chow	Board of outfitters	X	
Tony Schoonen	Self	X	
Jean K. Johnson	Mt Outfitters & Guides	X	
Bill Holdorf	Self	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

FISH & GAME

COMMITTEE

BILL NO.

498

DATE

2/11/93

SPONSOR(S)

Ellis

PLEASE PRINT

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tom Craft	sportsman	X	
Bill Holdorf	SKYLINE SPORTSMEN		✓
Gregg Hester	GALLATIN Wildlife Assoc.		✓
Robert E. Williams	MACD	✓	
Harold Billings	Myself	X	
Don K. Lott	K. Bar L. Hunt	X	
Kelly Lynn	M O D A		X
Don Wappler	Self	X	
Paul F. Berg	Southern Mt Sportsmen Assoc		X
Conrad Torgerson	Mont. Stockgrowers Assn, Mont. Wool Growers Assn	X	
Mary Faith Hoffme	Lincoln Mt		X
Kenneth Carpenter	Sportsmen		X
Jim Rechin	MWR		X
Stacy Frosier	Prickly Pear		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

COMMITTEE _____

BILL NO. HB 498

DATE _____

SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tucker Hughes Stanford	landowner	X	
Tony Schoonen	Styline Sportsman		X
L.F. Thomas	ANACONDA SPORTSMAN		X
Mike Hollenbeck	Landowner	X	
Janet Ellis	MT Audubon		X
Kimble Herin	Landowner	X	
Mark Davies	landowner	X	
Bob Ricci	PRICKY PEAR SPORTSMAN		X
Chuck Rein	Self	X	
Stan Bradshaw	MT. Bombardiers		✓
Bill Myers	Ag. Pres. Ass'n	X	
Gary Sturm	Montana Sportsman		X
Jim Kelm	Helena		X
Fred Eason	Helena		X

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

2 FISH & GAME

COMMITTEE

BILL NO.

412

DATE

2/11/93

SPONSOR(S)

Menahan

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Les Graham	Mt. Game Breeders Assn		X
BILL HOLDORF	SKYLINE SPORTSMEN	✓	
JACK SCHUBARTH	MT Game Breeders Assn		X
Ellen Schubarth	M. G. B. A		X
JACK BRIDGEMAN	M. G. B. A		X
DIYRA BRIDGEMAN	"		X
STEVE MUSICK	"		+
Don & Linda	Castle Reef		X
Nancy Klick	Castle Reef Game Farm		X
CLAIRE EVANS	myself + Last Chance Enduro Soc	X	
Dan Weppler	Mont. Game Breeders		X
JAN HAMER	Montana Bowhunters Assoc	X	
MIKE MILLER	EIKU VALLEY LAKE RANCH		X
TOM CRAFT	Sports men		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

COMMITTEE

BILL NO.

HB 412

DATE

SPONSOR(S)

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Paul F. Berg	Southeastern Mt Sportsmen Association	X	/
Lloyd E. Hilkey, Denton Mt	Hilkey Farms Inc.		X
Jim Richards	MWF	✓	
Stan Frosier	Rocky Pear	X	
Kenneth Carpenter	sportsman	X	
Tony Schoonen	Skyline Sportsman	X	
L.F. Thomas	AWACONDA SPORTSMEN	X	
Janet Ellis	MT Audubon	X	X
Bob B. B. B.	SELF SELF	X	
Stan Bradshaw	MT. Bowhunters Ass'n	✓	
Jim Allen	Self	X	
Paul Johnson	Last Chance Audubon	X	
Paul Johnson	Friends of Mt. Helena	X	
LINDA ROBBINS CLANCY, MT	Myself	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

COMMITTEE

BILL NO.

AB 412

DATE

SPONSOR(S)

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Gary Sturm	Self	X	
Mark Buga	SELF	X	
Fred Easy	Self		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.