

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON FISH & GAME

**Call to Order:** By CHAIRMAN FOSTER, on February 18, 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: SB 81  
Executive Action: HB 214, HB 498, HB 369, HB 386

#### HEARING ON SB 81

#### Opening Statement by the Sponsor:

SEN. BRUCE CRIPPEN, Senate District 45, Billings, stated SB 81 deals with crayfish. They are found in Montana lakes and rivers and are eaten by fish and people. In 1987, the European market for crayfish increased dramatically because there was a disease which almost depleted their crayfish. The source of the disease

is unknown. A problem arose in Montana regarding people commercially harvesting crayfish. The Clark Fork River is a prime area for harvesting. The Department designated crayfish as a nongame species. Buoys were put at sites where crayfish traps were laid and there were problems of fishing lines getting tangled with trap lines. The local people did not like it. Prohibiting the commercial harvesting of crayfish is the proposed solution. The Department has no conclusive evidence that commercially harvesting crayfish is affecting the fishery on the Clark Fork. It has created a conflict between those who harvest the crayfish and the fishermen. He felt SB 81 was important to help impede commercial crayfish operation expansion and to emphasize what the residents desire. The bill was amended in the Senate to exclude private ponds.

#### Proponents Testimony:

Mr. Robin Cunningham, Fishing Outfitters Association of Montana, expressed the organization's support of SB 81.

Mr. Tom Collins, Citizen, distributed written testimony (EXHIBIT 1). He also distributed a letter from Mr. Arnold Bolle, Chairman of the Forever Wild Endowment (EXHIBIT 2) supporting the bill. He presented a list of names supporting the bill (EXHIBIT 3). Mr. Collins distributed a letter supporting SB 81 from Mr. Steve Schombel (EXHIBIT 4). He circulated a letter from Mr. Bruce Farling, Conservation Director at the Clark Fork-Pend Oreille Coalition, supporting SB 81 (EXHIBIT 5). He distributed a memo from Mr. Craighead, Chairman of the Craighead Wildlife-Wildlands Institute, (EXHIBIT 6).

Mr. Bockemuehl, Sportsman, distributed written testimony (EXHIBIT 7).

Ms. Mitze Schwab, Department of Health and Environmental Sciences, circulated written testimony (EXHIBIT 8).

#### Opponents Testimony:

CHAIRMAN MIKE FOSTER read a letter from Ms. Jane Cline, Bear Creek Fisheries (EXHIBIT 9) opposing SB 81.

#### Informational Testimony:

Mr. Al Elser, Fish, Wildlife, and Parks Department distributed written testimony (EXHIBIT 10).

#### Questions From Committee Members and Responses:

REP. BRAD MOLNAR referred to the last page of the bill and asked Mr. Elser what the administrative costs of the program were. Mr. Elser said that some administrative costs deal with issuing permits and analyses. REP. MOLNAR asked if there were regulations regarding the weight, length, and sex of the crayfish

which are allowed to be kept. **Mr. Elser** referred the question to **Mr. Howard Johnson, Fish, Wildlife, and Parks**. **Mr. Johnson** replied that current regulations require that a crayfish must be over 3.25 inches long and that a female with eggs must be returned. **REP. MOLNAR** asked if this was the reason there has been little adverse biological impact on the commercial fishing of crayfish. **Mr. Johnson** said that both regulations are important in maintaining a healthy crayfish population.

**REP. DOUG WAGNER** asked **Mr. Johnson** if crayfish are classified as game fish. **Mr. Johnson** reported that crayfish are considered a nongame species.

**REP. JIM ELLIOTT** asked **Mr. Elser** if there were other commercial fisheries in Montana near crayfishing areas. **Mr. Elser** said yes. **REP. ELLIOTT** asked if the Department had handled crayfishing complaints on the Clark Fork. **Mr. Elser** said yes. **REP. ELLIOTT** asked if he knew where the complaints originated. **Mr. Elser** said that the complaints came mostly from Missoula residents. **REP. ELLIOTT** stated that it was his understanding there are crayfish in Lake Mary Ronan but no fishery has been built. **Mr. Elser** said that he was stationed in Kalispell during the time the crayfish issue reached its peak. He said that there was a large concern by those who fished the lake of a crayfish fishery being built. **REP. ELLIOTT** asked if the crayfishery on the Clark Fork has had adverse effects on the trout fisheries located at the reservoir. **Mr. Elser** stated that to his knowledge there was no impact.

**REP. SCOTT ORR** asked **Mr. Johnson** if there were two species of crayfish. **Mr. Johnson** said there is the large species, which is located primarily west of the divide, and the small species, which is located east of the divide. **REP. ORR** stated that it was his understanding the western species could grow to seven inches. **Mr. Johnson** said that he has not seen the specific measurements, but it is possible for them to grow that large.

**REP. MOLNAR** asked **Mr. Elser** what the Department could do without legislation to help control the problem. **Mr. Elser** said they could meet with the concerned fishermen and try to help in resolving the conflicts. **REP. MOLNAR** inquired if rules could be passed without legislation. **Mr. Elser** said yes.

**REP. WAGNER** asked **Mr. Elser** if someone wanted to raise crayfish in their private pond, would the Department regulate it. **Mr. Elser** said that the amendment to the bill removes a private pond from the legislation. Commercially harvesting crayfish from a private pond remains acceptable.

**REP. ELLIOTT** asked **Mr. Elser** what rules the Department had on the size and placement of buoys to mark traps. **Mr. Elser** referred the question to **Mr. Johnson**. **Mr. Johnson** said that initial rules were created because the Department felt it was necessary to mark the traps for enforcement reasons and for people to locate the traps. The crayfisherman stated that they had no problem finding

the traps. The Department changed the rules and buoys were no longer required. However, some people marked rocks with spray paint to locate the traps and many fisherman and residents did not like that.

REP. FRITZ DAILY felt that there was a problem with the private pond arrangement because in section one they are exempt from regulation, but in section two they are added to regulation. Mr. Elser referred the question to Mr. Bob Lane, Fish, Wildlife, and Parks Department who said the reason for that was so some type of regulation will remain on private ponds regarding exotic species.

Closing by the Sponsor:

SEN. CRIPPEN was not able to close at this time on SB 81 due to the necessity to be present on the Floor while the Senate was in session.

EXECUTIVE ACTION ON HB 369

Motion/Vote: REP. BOB CLARK MOVED TO RECONSIDER HB 369. Motion carried 9 to 7 with REPs. BARNHART, DAILY, ELLIOTT, MCCARTHY, SWANSON, WAGNER, and RYAN voting no.

Motion: REP. MARIAN HANSON MOVED HB 369 DO PASS AS AMENDED.

Motion: REP. CHASE HIBBARD MOVED HB 369 BE AMENDED.

Discussion:

REP. HIBBARD distributed proposed amendments (EXHIBIT 11).

Mr. Sternberg explained that the amendments set forth qualifications for those applying for grants and to regulate how grant money will be spent. The criteria, which will be set up by the Department to determine grant awards, will be as follows: 1) number of hunting access days; 2) type of species hunted; 3) improvements needed to encourage hunter access; and 4) improvements to wildlife habitat.

REP. HIBBARD explained that a landowner may apply to the Department for the access grant. The commission, through its rulemaking authority, will establish rules for eligibility using the criteria discussed by Mr. Sternberg.

REP. BEA MCCARTHY asked REP. HIBBARD if all landowners in the affected area would apply for the grant and out of the those, would only a specified number receive grants? REP. HIBBARD said that there are limited resources; therefore, criteria will need to be established.

REP. EMILY SWANSON stated that in her understanding of other grant programs, there are stipulated criteria, such as a grant application period, a deadline to apply, and a review of the

application. She asked REP. HIBBARD what the process will involve. REP. HIBBARD stated that he believed the process will be established through the Commission's rulemaking authority. He felt that this was getting away from the intent of the original legislation and was heading in the direction of public access, hunting, and improvements.

REP. DAILY believed the amendments will create potential access problems. He declared that he would not vote for the amendments or the bill.

REP. BOB REAM felt that the amendments improved the bill somewhat. The amendments partly resulted from discussion he had with REP. HIBBARD. He expressed strong objection to giving grants to landowners with no constraints. In the Statement of Intent, the bill gives the Department and the Commission rulemaking authority. Two criteria listed for reviewing grant applications are if a landowner incurs expenses or enhances wildlife habitat

REP. MOLNAR asked if access meant open access or block management access. REP. HANSON said the intent of HB 369 in the beginning was to allow landowners who traditionally left their land open have a reward for doing so. The Department's first priority should be to people who have left their land open.

REP. DICK KNOX agreed with REP. HANSON. He felt that having strict criteria will make people think twice before applying for a grant. In his opinion, the current situation between landowners and sportsmen is a stalemate.

Vote: ROLL CALL VOTE AMENDMENTS DO PASS. Motion carried 14 to 2 with REPS. DAILY and MCCARTHY voting no.

Motion: REP. HANSON MOVED HB 369 DO PASS AS AMENDED.

Motion: REP. ELLIOTT MOVED TO AMEND HB 369. He stated one additional criteria for granting money should be that the landowner must have allowed access for at least the past 10 years.

Discussion:

CHAIRMAN FOSTER asked REP. ELLIOTT if he was interested in allowing for the situation where a landowner has not owned the land for 10 years but has allowed public hunting during the time he has owned the land. REP. ELLIOTT wondered if a person who had just bought a piece of land would be eligible. He believed that the concept of the bill is to reward the landowner who has had his land continuously open to the public. The reward should be contingent on whether or not the landowner has dealt with the inconveniences of wildlife and hunters.

REP. HIBBARD commented to REP. ELLIOTT that his amendment would be an incentive for people to open up their land. REP. ELLIOTT said the stipulation is that the land must have been open for the previous 10 years. REP. HIBBARD asked if he was suggesting that the land must have been opened to the public for 10 years in order to qualify for a grant. REP. ELLIOTT said he was correct, the landowner must have a history of open access. REP. HIBBARD said he believed that the amendment could also be an incentive to the landowner to provide access.

REP. KNOX asserted that in a 10-year time frame there is a potential for problems among neighbors. He said he would like to see the time frame reduced.

Substitute Motion: REP. ELLIOTT MADE A SUBSTITUTE MOTION TO MODIFY THE AMENDMENT TO 7 OUT OF THE LAST 10 YEARS.

Discussion:

REP. MCCARTHY asked if it would be agreeable to require the first consideration be those individuals who have had a history of open access; and those having the longest ownership combined with open access would receive first consideration.

REP. MOLNAR commented that an exception should be made for those who have owned the land less than 10 years. REP. ELLIOTT remarked that if REP. MOLNAR wanted to offer his idea as an amendment, he would support it. His amendment is for a landowner who has allowed access for at least seven of the previous 10 years.

Mr. Sternberg said that a subsection (e) would be added to amendment four, which would say, "as a criteria for consideration whether a landowner has provided public hunting access for seven of the previous 10 years prior to application for a grant."

Vote: SUBSTITUTE MOTION DO PASS. Motion carried unanimously.

Motion: REP. MOLNAR MOVED TO AMEND HB 369. He stated that his amendment is, "or for as long as they have owned the land."

Discussion:

Mr. Sternberg said that subsection (e), as further amended, would read, "whether a landowner has provided public hunting access for seven of the previous 10 years prior to application for a grant or for the duration of ownership if owned for less than seven years."

Motion: AMENDMENT DO PASS. Motion carried 14 to 2 with REPs. RYAN and KNOX voting no.

Motion: REP. HANSON MOVED HB 369 DO PASS AS AMENDED.

Discussion:

REP. WAGNER asked how new landowners will be inspired to open their land if consideration is given to the veteran landowners who have allowed open access. CHAIRMAN FOSTER replied that would be part of the rulemaking process.

REP. REAM inquired what the purpose and direction of the bill were in relation to the HB 526 program. REP. HIBBARD stated that it was his intent to offer a motion to table HB 214 and HB 498 if HB 369 passes. The objectives for HB 214 and HB 498 would be accomplished in the amended version of HB 369. In his opinion, the amended version of HB 369 will help make the HB 526 program more acceptable to those who have serious problems with it. He felt it would be inconsistent to oppose the proposed sunset on HB 526.

REP. KNOX said he saw this as positive opportunity to modify the opposition on the landowners' side to the land acquisition program.

REP. MOLNAR commented that he is interested in HB 369 because of the resolution being proposed.

REP. REAM presented the scenario of the Committee passing the bill, the House passing the bill, and then the Senate killing it. He wondered what would happen in the Committee to SEN. BIANCHI's bill which proposed extending the sunset of HB 526. The Committee could kill the Senate bill and, in the process, kill the land acquisition program. He asked for an indication from Committee members on what might happen to the Senate bill and the future of the HB 526 program.

CHAIRMAN FOSTER asked REP. REAM if he understood correctly that SEN. BIANCHI's bill extended the sunset 10 years. He also confirmed that REP. REAM was interested in Committee members' positions in relation to that Senate bill and to the entire habitat acquisition program.

REP. HANSON remarked that she had no desire to kill the HB 526 program. Through HB 369 and its amendments, two-thirds of the program remains intact.

REP. KNOX said that REP. REAM proposed an interesting scenario and that chances of HB 369 passing in the Senate were not great. He would support SEN. BIANCHI's bill if HB 369, as amended, is passed to the House floor.

REP. MOLNAR declared if the committee cannot agree if the HB 526 program is over regardless of fate of HB 369, he cannot support HB 369.

REP. HIBBARD announced that he would support SEN. BIANCHI's bill.

REP. WAGNER related that he would not support the Senate bill. He would like to see the program sunset. In the area he represents, there is plenty of habitat.

REP. BILL RYAN contended that the amendments made to HB 369 are good. However, he did not believe HB 526 money should be used for that purpose. The program has options to require easements or leases as the first choice. He declared support of HB 526.

CHAIRMAN FOSTER asked REP. REAM if he was suggesting a coordinating clause between HB 369 and SEN. BIANCHI's bill. REP. REAM said that he was just trying to perceive what the Committee's position was and that there were no hidden agendas. He will support HB 369 to secure its passage to the House floor.

REP. CLARK stressed the importance of developing a resolution to get people working together.

Vote: HB 369 DO PASS AS AMENDED. Motion carried 9 to 7 with REPs. BARNHART, DAILY, ELLIOTT, MCCARTHY, RYAN, SWANSON, and WAGNER voting no.

#### EXECUTIVE ACTION ON COMMITTEE RESOLUTION

Motion: REP. HIBBARD MOVED TO REQUEST A COMMITTEE JOINT RESOLUTION.

#### Discussion:

REP. HIBBARD distributed copies of a joint resolution (EXHIBIT 12). There is much alarm about the sportsmen, outfitters, and landowner relationship and the types of decisions the Committee is having to deliberate. The relationships are very strained and much polarization exists. In Europe, wild game is a private resource and sport hunting has disappeared. The joint resolution attempts to recognize the tension and direct efforts on state, local, and regional levels to develop mutual agreements that are not totally exclusive to one side.

CHAIRMAN FOSTER said that the Committee is past the deadline for being able to introduce the resolution. It should not be a problem to work with the House; however, there are concerns about mechanically processing the resolution to allow for House discussion. He discussed placing a minor appropriation in the resolution or getting help from REP. REAM and other Democrats to request Senate leadership allow for the resolution to be transmitted after the transmittal date.

REP. ELLIOTT suggested that the resolution be classified as a study resolution since it has no deadlines for transmittal.

REP. REAM confirmed that a study resolution can be introduced and passed at any time up to the 90th day. At the end of the session, committees of legislators will be set up to address



those problems and will return to the next legislature with suggestions. He felt the Department or the Legislature should be given the mandate to pull it together.

REP. MOLNAR felt the Governor should be made aware of the problems and the efforts made to resolve them. It is going to take more effort than what the Sportsman/Landowner Council has been doing. He thought REP. HIBBARD would be an excellent choice to lead the effort.

REP. SWANSON asked if it was appropriate to have the effort chaired by the Department director.

REP. REAM suggested that the Sportsmen's Council be revitalized. He expressed his concern about the overall structure of the project.

REP. CLARK agreed with REP. MOLNAR's suggestion. He felt REP. REAM should work with REP. HIBBARD.

REP. HANSON reported that the Governor has strong feelings on getting issues resolved.

REP. ELLIOTT asked if the intent is to ask that the rules be suspended so that a resolution can be drafted and then introduced.

CHAIRMAN FOSTER said yes. He would ask the House on the floor if the rules could be suspended for the late drafting and introduction of a committee resolution. He stated the objective would be to get it to second reading before the transmittal date.

REP. ELLIOTT said that technically it would be extremely difficult to get the resolution drafted, hold a hearing, and pass it through the House. A hearing is necessary for the public. He said he would speak to the Senate leadership on behalf of the committee. He felt that much thought should go into the drafting of the resolution.

REP. CLARK stated to keep in mind the suggestion of doing a study resolution. If the Governor is supporting the idea, it would appear on the study list.

CHAIRMAN FOSTER designated REPS. HIBBARD, REAM, KNOX, and ELLIOTT to work on drafting the resolution. He expressed that this is a statewide problem and both sides should work on it.

#### EXECUTIVE ACTION ON HB 214

Motion/Vote: REP. HIBBARD MOVED HB 214 BE TABLED. Motion carried 15 to 1 with REP. HANSON voting no.

EXECUTIVE ACTION ON HB 498

A list of signatures from people against HB 498, HB 369, and HB 214 from the Prickley Pear Sportsmen's Association was presented (EXHIBIT 13).

Motion/Vote: REP. CLARK MOVED HB 498 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 386

Motion: REP. MOLNAR MOVED HB 386 DO PASS.

Discussion:

REP. MOLNAR stated that he hoped someone would step forward to amend the bill to make it less contentious. He urged passage of the bill.

REP. CLARK asked REP. MOLNAR what people supported in the bill. REP. MOLNAR stated that the bill capped the outfitters; however, they had their own bill to cap the industry. In their bill, they request 500 additional deer licenses. In HB 386, 1,000 additional deer licenses are given to them, and the private landowner exemption is lifted.

REP. CLARK asked REP. MOLNAR if the Forest Service or the Department already limits the number of outfitters in an area. REP. MOLNAR reported that the Forest Service does not allow new outfitting. There is no limit on private land.

REP. ELLIOTT asked REP. MOLNAR how HB 386 will affect resident sponsors. REP. MOLNAR said they fall under the landowner exemption.

Motion: REP. KNOX MOVED HB 386 BE TABLED. Motion carried 12 to 4 with REPs. FOSTER, MOLNAR, HANSON, and CLARK voting no.

ADJOURNMENT

Adjournment: 5:40 p.m.

  
REP. MIKE FOSTER, Chair

  
MARY RIITANO, Secretary

ML/MR

# HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

ROLL CALL

DATE

2/18/93

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	✓		

HOUSE STANDING COMMITTEE REPORT

February 19, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Fish and Game report that House Bill 369 (first reading copy -- white) do pass as amended

Signed: \_\_\_\_\_  
Mike Foster, Chair

And, that such amendments read:

1. Page 3, line 8.

Strike: "(a)"

Following: "~~Eighty~~"

Strike: "Forty"

Insert: "Eighty"

2. Page 3, line 9.

Following: "section"

Strike: ", "

Insert: "must be divided in the following manner:

(a) one-third,"

3. Page 3, line 11.

Following: "87-1-209"

Strike: "."

Insert: ";

4. Page 3, lines 12 and 13.

Strike: "Forty percent of the money allocated by this section"

Insert: "one-third"

5. Page 3, line 15.

Strike: "."

Insert: "; and

(c) one-third, together with the interest and income from the money, must be used for leases, cooperative management agreements, and conservation easements on wildlife habitat."

6. Page 4, line 23.

Following: "grant."

Insert: "(4)"

7. Page 4, line 24.

Following: "on"

Insert: ": (a) "

8. Page 4, line 25 through page 5, line 1.

Following: "landowner" on page 4, line 25

Strike: "and on"

Insert: "; (b) "

9. Page 5, line 1.

Following: "taken"

Strike: ", and"

Insert: "; (c) improvements needed to encourage hunter access,  
which may include gates, cattle guards, signs, road  
maintenance and improvements, establishment of parking  
areas, and similar improvements;

(d) improvements that enhance wildlife habitat; and

(e) whether the landowner has provided public hunting access  
for 7 of the 10 years prior to application for a grant or  
for the duration of ownership if less than 7 years.

(5) After considering the criteria set out in subsection  
(4), the commission shall"

10. Page 5, line 2.

Following: "eligible."

Insert: "(6) "

Renumber: subsequent subsections

-END-

HOUSE OF REPRESENTATIVES  
FISH & GAME

COMMITTEE

ROLL CALL VOTE

DATE 2/18/93 BILL NO. 369 NUMBER 1

MOTION: Reconsider HB369

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD	✓	
VICE-CHAIRMAN 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 FOSTER	✓	

HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

ROLL CALL VOTE

DATE 2/18/93 BILL NO. 369 NUMBER 2

MOTION: Hibbard Set of amendments

NAME	AYE	NO
VICE-CHAIRMAN HIBBEARD	✓	
VICE-CHAIRMAN 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 FOSTER	✓	

HOUSE OF REPRESENTATIVES  
FISH & GAME COMMITTEE

ROLL CALL VOTE

DATE 2/19/93 BILL NO. 369 NUMBER 3

MOTION: do pass as amend

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD	✓	
VICE-CHAIRMAN 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 FOSTER	✓	



HOUSE OF REPRESENTATIVES  
FISH & GAME COMMITTEE

ROLL CALL VOTE

DATE 2/18/93 BILL NO. 386 NUMBER 4

MOTION: Table 386

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD	✓	
VICE-CHAIRMAN 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 FOSTER		✓

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SB 81

Mr. Chairman and members of the Fish & Game Committee, my name is Tom Collins from Missoula. I am a semi-retired small businessman and former University of Montana administrator. Although I am on the board of the Trout & Salmon Foundation, my participation here today is largely that of a concerned citizen hoping to preserve some of Montana's most valuable resources.

My first encounter with the problem addressed in SB-81 was two summers ago when I was taking some visiting dignitaries on a float trip down the Clark Fork River, through one of the more scenic and pristine areas of Western Montana. This was always a favorite place to show visiting fishermen some of the beautiful wonders of our state. To my dismay this picturesque stretch of water had been transformed into a maritime Las Vegas strip. Miles of the river were cluttered with numerous red buoys each of which marked a length of cable attached to a cluster of steel cages. Upon contacting the local Dept. of FW & P, I was informed that this marvelous river, for which many people had labored so long and hard to restore a devastated fishery, was now being subverted to a licensed commercial crayfisherman.

After many complaints the Dept. of FW & P attempted to resolve some of the concerns by authorizing the removal of the red buoys. Now, instead of the clutter in the stream, this commercial fisherman conveniently marks his traps by spraying large red circles on the canyon walls and boulders along the banks.

This condition, of course, is part and parcel of a major concern. A commercial crayfisherman has been allotted a treasured troutstream for his own personal gain to the detriment of the other Montanas who have enjoyed the recreational qualities of these waters. He is harvesting part of a food chain and this action could ultimately destroy this priceless fishery. No research has been done to determine the long-range implications of such exploitation.

Recently we have learned this initial incursion has been an incentive to extend such commercialism with the goal of harvesting fresh water mussels and establishing a processing plant in this area.

We urge your favorable consideration of this legislation before our priceless streams of Montana are ravaged for the short term profit of a few who are looting these magnificent public treasures. There is no way to truly measure in dollars the economic and social value of such natural resources. We are blessed to have them and this legislation will do much to assure their preservation for future generations.

Thank you for permitting me the opportunity of presenting this viewpoint and I urge your support of this legislation.

EXHIBIT 2  
DATE 2/18/93  
SB 81

January 17, 1993

To the Chairman  
Committee on Fish and Wildlife  
Montana State SAenate  
Helena, MT.

Dear Senators:

I write you in support of the proposed bill to limit commercial taking of Crayfish in Montana's trout waters.

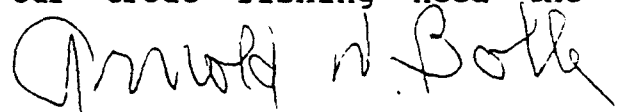
While I can always have sympathy for someone trying to make a living, I feel uncomfortable with any action by the Department of Fish, Wildlife and Parks which might permit the expansion of this program which might encourage establishment of a processing plant which would make it increasingly difficult to change this activity if future conditions or knowledge made that necessary.

I have tried to learn from fellow scientists just what place crayfish have in the life cycles of our trout streams but find that knowledge is presently insufficient to know. We don't know whether taking crayfish is bad, good or indifferent to trout. But ignorance does not justify action. Ignorance calls for caution while we push vigorously to learn.

At present trout fishermen (and women) are mainly concerned with the nuisance they present. It is also a shock to run into these traps on our pristine rivers where much of our enjoyment comes from the natural conditions of these streams. We just don't see any good reason for their presence. We also harbor a strong feeling that crayfish have an important place in the native food chain. We want to know that. All citizebns need to know that.

We generally take pride in the quality of our state department officials. They are tops. But they too can make mistakes. We believe that the condition of our native trout streams is too valuable a resource to put at risk. Our Montana citizens as well as the many visitors attracted to our trout fishing need the protection of this bill. Thank you.

Sincerely,

  
Arnold W. Bolle, Retired Dean,  
UM School of Forestry  
Chair, Forever Wild Endowment  
Board Member, Wilderness Society.  
and 6 other citizen groups.

**TO WHOM IT MAY CONCERN:**

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4. Enforcement of FWP regulations for the taking of crayfish diverts both funds and effort from the performance of FWP's more important public duties. Funds provided by sport fishermen should not be used to support commercial activities.

**NAME**

**ADDRESS**

Don Krapp	1720 So. 7 <sup>th</sup> W. MSLA, MT.
Sam [unclear]	911 CHARLIE #3 MSLA MT
Charles [unclear]	2408 57 <sup>th</sup> MSLA MT
James J. Breuninger	311 West Spruce MSLA MT.
Gene [unclear]	3530 Washburn MSLA MT.
Bob [unclear]	1001 [unclear] MSLA MT.
Jeff [unclear]	101 Takme Dr. MSLA MT.
Don [unclear]	PO Box 11011 Great Falls
Mike [unclear]	11956 Tolana Dr. Missoula, MT
Harold [unclear]	1500 [unclear] Butte MT
Rene [unclear]	1806 Farragut Butte MT
Red [unclear]	1000 [unclear] Helena MT
Bill [unclear]	100 [unclear] Helena MT
Robert [unclear]	107 E. Sussex MSLA MT
Gandy [unclear]	1800 [unclear] MSLA
Jim [unclear]	301 [unclear] Helena, MT 59847
Mike [unclear]	2348 Cloverdale Dr. MSLA MT 59802
	3618 [unclear] P.O. Box 2 MT 59802

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### NAME

### ADDRESS

Eric Brinkman  
Linda Cole  
Curtis E. Caud  
Miguel

51 N. Dear Hill  
Box 724 Jolo  
5465 Skyway TR 2360  
155 Cottonwood NE 47001

M. FREITZ

2310 HILLVIEW CT MT 59101

Scott Cooper

2518 1st Ave

Tommy Blythe

1500 1st Ave

Ken Crawford

1560 5th ST MS 2

Jim Farrington

1241 Park Lane Steu

Deane Dehnbarger

311 1st St, MT

Bob Klien

1200 Trotting Horse Lane  
Missoula, MT

Barbara Watson

2225 Rathbone Drive

Michael Layman

2204 38th St. Missoula

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## NAME

## ADDRESS

Dan Funsch	Box 7613 Missoula
RICK NASH	11005 Horseback Rdg 59802
Faye Red Fox	730 N. 6th W. MSLA MT
David Koucky	1810 Stoddard Msla MT 59802
Stan Hogan	527 N. Higgins
LARRY BISHOP	1724 S 3rd west Msla, MT.
Douglas ROHN	Box 578 FLORENCE, MT
ROBBIN WOOD	12025 <del>21025</del> MULLAN RD MSLA
Paula Ferrel	MT 59802
Gail Hyder	12025 mullan RD msla mt
Dr. D. Suthers et	1906 S 3 W #72 MSLA MT 59802
DAVID SANDERS	1628 Tule #1 MSLA MT 59802
Glenn R. Barth	972 LEESE LN STEVI
Betty A. Henry	598702
Western Jones	2320 Gilbert ave. missou
Paul Jones	1817 DeForest Msla 59802

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### NAME

### ADDRESS

Terry Brady	1250 Big Flat Rd MSLA
Alfred S. Tuttle	#12 Patricia Hlsk, Mt.
Wm. E. Schuler	1712 W. Con. Rd. MSLA
Barbara W. W. W.	2225 Pitt. Canyon Rd
Art Horton	5750 CASHIE DR.
Capt BRINTON	2006 Kensington
Yon Quaker	9265 CUSKAWA LAKE MSLA
Neal Leather	106 Camelot #7 MSLA
Chig Oron	1452 Lower Lumber Hill MSLA, MT
Lydia Clark	PO Box 100000 MT 59747
Rick Leonard	P.O. Box 64 Banville Mont.
Grant L. L. L.	2210 North Ave W MSLA
Shirley L. L.	7100 S. L. L. Dr #15 MSLA MT
Jerry Crayhon	520 N Ave. E. MSLA. Mont.
John Boyer	#12 Columbia Rd, MSLA, MT.
Roh + Holly	2110 Hemlock + Deer Lodge



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## NAME

## ADDRESS

Bill Brinkman	Mska. Mt.
Tracey Blyton	Lolo mt
David Tillman	Mska Mt.
Jerry Hiler	Mska mt.
Tom R. Hillier	Mska Mt.
Robert R. Schmitt	Missoula. Mont
Mike Lyons	Missoula, Mt.
Donald D. Steele	Mska. MT.
John	Mska. MT.
Wayne	Missoula mt.
Arvid M. Madsen	Missoula mt.
Kate Davis	Clinton MT
Jerri Johnson	Mska - mt.
Leopold Hillman	Missoula Mt.

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### NAME

### ADDRESS

NAME	ADDRESS
Charles E. Collins	2412 Phillips Dr. Missoula
John G. Fulton	730 Woodworth
Richard Roth	114 Wapiti Ave
James D. Holm	3023 Old Bond Rd
Kenneth Muler	593 So. Ave W
William R. Sait	3509 Phillips St
Dora A. Mai	1385 Tremper Drive
John R. Strom	5225 Elk Ridge
William C. R.	10. Box 966
R. Burns	128 N. Helena Dr.
Lauren B. Carr	4343 Upper Waller
Steve Edgar	8150 LAZY H TRAIL
Chad Baker	2118 Queen St
	Butte, Mont.
	Missoula, MT
	Idaho, MT
	Missoula, mt.
	Missoula, Montana
	Missoula, MT
	Missoula, MT

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## NAME

## ADDRESS

Robert Henry	413 Artemus, Missoula, Mont.
George W. Casas	10 Greenbrier Ct Missa Mont
Tom C. Harris	3023 Old Bone Rd - Missoula
J B Fatten	Box 445, Florence, Mont.
Ray McAllister	102 W. 3rd St, Missoula, Mont
E. W. Anderson	30 Box 515 Glacier, Mont.
Robert L. Smith	1119 Old Richmond Avenue, Missoula
John L. Smith	2000 Park Ave. Missoula, Mont
Edgar	485 Royal Point Ct. Missa, Mont
Chuck Hunt	1009 Patty Ann, Missoula, Mont
Ken Ball	2555 Sunlight, Missoula

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NAME

ADDRESS

Kevin Mertine

Paul Thelving

Melvin Freymark

Thomas E. Elmer

Irish Ferland

Eugene Healey Rumm

Robb Wood

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Stevensville, MT

3065. 3rd W #3

MSLA, MT 59801

1522 Sherwood / MSLA, MT 59802

3708 Lake Ave. / MSLA 59802

Box 7773 - MSLA 59807

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## NAME

## ADDRESS

Linda L. Hedding	111 West Alder - Missoula
Kathleen McLaughlin	2105 1/2 River Rd. - Missoula 59801
Gregory A. Smith	1522 Sherwood Msla.
Laura L. Bratt	Box 138 Tucson, Mt. 59846
Nurse Blodgett	P.O. Box 5233 Missoula MT 59806
Gary LeDran	Rt #1 Arlee MT
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Cynthia Johnson	1551 S. 4th St. Missoula, MT -
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Eric F. Davis	2301 W. Broadway Missoula 59801
Dan Standish	1944 Strand Msla, MT. 59801
Freeman	460 Minnesota Ave. E. Missoula 59802

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## NAME

## ADDRESS

STAN Stockton	SUNDANCE RANCH, OVANDO MT 5985
Amy Visscher	Upsate Lake Ranch, Ovand. MT 5985
Theodore Garrard	520 Garrard Ln Victor MT
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Michele	Box 46741 Missoula MT 59806
Dave Jarmy	2332 W. Summit MSLA. MT. 59803
Brad Clinician	516 E. Fronts MSLA, MT. 59802
Joan Crowder	P.O. Box 413 Alberton, MT. 5982
Ida Bacon	P.O. Box 187 Alberton MT. 5982
Carl Q. Thuring	930 Edith Mde. MT. 59801
William Gove	1614 S. 11th W. Mda, MT 59801
Tom Beaudette	10475 O Otis Summit Missoula 59803
Julie	1149 Harrison 59802
Marsha Barnes	15995 Mullen Rd. Missoula, MT. 59802

2-18-93  
58-91

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### NAME

### ADDRESS

Chaffin Madson	220 Sentinel Ave Missoula MT
Cliff Jordan	1185 Fontaine Dr. Missoula MT
Mike B...	7200 Boonsboro Ln Missoula, MT
Roger Woodworth	800 College St. Stevensville, MT
Terry R. Rain	2000 9th St HUSON, MT
Harold ...	1040 8th St Missoula, MT
Garret & Ball	4125 Snowshoe Ln Missoula MT
Mr. Quare Olson	1016 Locust " "
Daniel Gallacher	1525 220TH PL NE REDMOND WA
John J. Migliaro	" " " " " "
James ...	2819 S. 3W Missoula MT
Jeffrey A. Stenson	34 River Pines Rd Missoula MT 59801
Jacqueline C. Ackert	" " " " " "

The undersigned hereby protest the commercial taking of crayfish in Western Montana rivers and ask that the licensing of such activities be terminated for the following reasons:

- 3375 KC 2000 ROUTE



Jerry Johnson  
Owen Peralta  
David Swan  
Matt D. Pesikan  
William Z. Haller  
James F. Gleason  
Lou Carlyle  
Ben Sandoval  
Norman Ward  
Milo Kemmer  
John Tuzig  
San Pening  
Hans Butow

1454 Dewey  
1701 Maria  
732 W. Broadway Butte  
2538 KOSSUTH, CITY  
1414 W. aluminum  
Butte  
3011 Carter Street,  
Butte mt.  
7 West Center st.  
111 W platinum  
3502 East Lake St Butte, MT  
3211 Floral Blvd. Butte, MT  
1325 Sunset Butte #7  
2923 PHILLIP'S Butte  
3400 Hill Butte

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NAME

ADDRESS

Matt Henderson

MAYO LAKES

John F. HERZER

John R. Perry

STEVE MALITO

Don Currier

Dena Fraehlich

Steve Allen

Jason Magerick

Mauro Jordan

John E. Salter

John E. Salter

John E. Salter

A.R. SPETTKE

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W 902 7th SPOKANE WA

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730 Big Flat Road

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604 Jesse Hall

Missoula, MT 59801

Bx 803 Thompson Falls, MT

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Box 1147 MISSOULA MT. 59802

651 West 1st Street, Missoula, MT

4329 Hamilton Lane Minnetonka MN 55345

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## NAME

## ADDRESS

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Kelly Swinmaki	3811 Stephens #18 Missa MT
Gary Latta	13 Julie St. Missa, mt. 59801
Dwight Paulson	3200 Terrace Dr Missa, MT 59801
Robert J. Bunker	1941 ERNST Missa MT. 59801
L. R. Hook	9317 Upper Miller Cr. Missa 59801
Ken Hook	9317 Upper Miller Cr Missa 59801
Miss Elsie	20 E. 605 Victor MT 59815
Leith Wimmer	Box 506 Frenchtown, MT 59834
But Wustner	744 W. Kent Missa,
Ken J. Long	125 W. FRANKLIN ST. MISSA, MT 59801
Michelle Linder	4711 Chandler Missa, MT 59801
SON T. STEKHEN	624 25th AVENUE GE MT 59404
Mark & Maria	Box 73 Frenchtown mt. 59834

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2-18-93

SB-81

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## NAME

## ADDRESS

NAME	ADDRESS
Art Bogy	1224 1/2 Jackson
Bob Woaner	P.O. Box 2094 MSLA, MT
Pat McDonald	1808 35 MSLA
George P. Martin	1850 W Sussex, MSLA.
Jan Schmidt	St. Rt. Box 233 Hudson, MT
Gary Smith	13815 Harpers Br Rd. MSLA
Don Smith	1000 B. Ave. Missoula
Bill Ward	121 1/2 N. Ave. W. MSLA. 59801
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W.G. Davis	212 Laguna Dr. Milltown, MT. 59851
Rich A. Kemmer	6955 Grass Valley Dr, MSLA 59802
Skip Brunt	1721 Market Dr. #15. MSLA. MT 59802
Stephen Struble	4641 Chandler MSLA
Lawn Struble	6011 Sunview <del>MT</del> Missoula MT 59802
	6011 Sunview Missoula MT 59803

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### NAME

### ADDRESS

Vernon Erickson

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Robin Colles

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Charles Colles

PO Box 22 FLORENCE

KEVIN Colles

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Larry R. Kgarve

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Kiss Kecher

2811 Raymond Missoula, MT

Tom Butera

3235 PAUL LN, MISSOULA, MT.

Mr. Kecher

5775 Eastwood Ln Missoula, MT.

Ron Stidly

1449 Missile Ave, MISSOULA, MT 59807

Terry Klampe

POB 368 Florence

John P. Kecher

11415 Paradise, MT

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### NAME

### ADDRESS

Barbara Weston

Ted Bladholm

Jenna Jacobs

Lance Gregory

Travis Tidens

Tim Ibe

Kyle Davis

Don T. Duck

Don Larson

Ed Gallagher

Scott Cass

Lance Cross

2225 Patton Dr  
Chick Point Ranch  
Huson MT.

512 South Ave Missoula  
610 Yering Ave. 59801

1007 Edith MSLA 5801

1203 Montana MSL 59801

614 Hype St. Salmon, ID 83467

1745 S 6th WSH MT 59801

3719 S 3rd MSLA, MT 59801

P.O. Box 7762 Helena MT 59801

6844-2 Meade LP. FTRley KS  
1014 YREKA of Missoula 6644

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2-18-93  
83-81

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### NAME

### ADDRESS

Tom Dunn	1210 Hanson Av.	Butte
Charles Dunn	1210 Hanson Av.	Butte
Al Lewis	2760 Melrosebrook	Butte
Harold Bodzinski	2510 St Anne	Butte
Richard Walter	1044 S Wyo	Butte

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### NAME

### ADDRESS

Joseph A. Cleverlin	1110 Deevey Blvd	Butte, MT
William R. Sait	2509 Phillips St.	Butte, MT
John McQualiffe	3155 Quincy	Butte, MT
Mr. Brian Cullen	38 Farmer Rd	Butte, MT
Robert H. Lunnemann	3727 State	Butte, MT
Henry E. Glass	156 Parrot Creek Rd	Whitehall, MT
W. Martell	5500 N. Main	Butte, MT
John Johnson	1090 W. Rophyry	Butte, MT
Robert H. Hargis	2815 Main St.	Butte, MT
Paul J. Janda	9 Quincy Ave.	Butte, MT
John E. Warner	133 Rocky, M. Lane	Butte, MT
Paul J. Janda	29 Talbot	Ramsay, MT
Ed. J. Janda	3800 End McRae	Butte, MT
John J. Janda	302 Galaxy	Butte, MT
John J. Janda	2150 North Drive	Butte, MT



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NAME	ADDRESS
Thomas H. Stynes	3650 Albany Butte
Mr. Burnett	3000 Yale Butte
Lester G. Zieher	834 W. Silver Butte
Donald H. Johnson	1359 Evans Ave Butte
Gay Hirsch	316 GALAXY DR. Butte
Sam Jensen	3016 Ottawa Butte
Doug Suro	223 TERRA LORE Butte
RC Alexander	1108 W. Galena Butte
A. F. Jundt	3475 Humboldt Butte
E. J. Hester	129 Rocky Mtn Lane Butte

# TO WHOM IT MAY CONCERN:

The undersigned hereby protest the commercial taking of crayfish in Western Montana rivers and ask that the licensing of such activities be terminated for the following reasons:

1. The long term effect upon numbers of crayfish and the possible reduction of available food for sport fish in Western Montana has not been adequately investigated.
2. The trap floats are unsightly and offensive to other users of the river.
3. Traps and floats, particularly when set in holes, substantially interfere with sport fishing.
4. Enforcement of FWP regulations for the taking of crayfish diverts both funds and effort from the performance of FWP's more important public duties. Funds provided by sport fishermen should not be used to support commercial activities.

## NAME

## ADDRESS

Narrath Bottomwell	409 Astoria Drive Missoula MT 59801
Dale Doherty	534 Marshall St. Missoula MT 59801
John F. Felt	165 1st St. W. Helena, MT 59601
David J. Frankson	109 Crestline Missoula MT 59801
John R. Kiple	176 Cypress Ct. Missoula MT 59801
Leonard Lander	82 Brookside Missoula 59801

West Slope Chapter Trout Unlimited  
Steve Schombel, President  
2200 Applewood Ln.  
Missoula, Mt. 59801  
January 15, 1992

Senator Bob Pipinich, Chairman  
Senate Fish and Game Committee  
Montana State Senate  
Capitol Station  
Helena, MT. 59620

EXHIBIT 4  
DATE 2/18/93  
BB 81

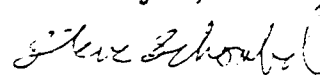
Dear Senator Pipinich:

The West Slope Chapter of Trout Unlimited would like to see passage of S.B. 81, Senator Crippen's bill prohibiting the commercial harvest of crayfish. Trout Unlimited stands for catch and release fishing and conservation of our nation's coldwater resources. Certainly commercial harvesting does not mesh well with this philosophy. We do not seek to stop all such activities overnight; instead we try, through education and some lobbying, to move the public toward this end. As each year passes we become more and more aware of the delicate balance our State's streams and rivers exist in. Many outside influences, both natural such as the current drought and extreme cold and ice formation, and man made such as mining, logging and loss of recruitment tributaries, have placed great stress on our aquatic environment. We are very uncomfortable with the possibility of a new industry being formed which potentially could lower the population of one important link in the food chain. Not only trout but many other forms of wildlife eat these crayfish.

Other chapter members have expressed opposition to commercial harvesting in the fear that it will interfere with existing recreational uses of our waterways, from an aesthetic standpoint if nothing else. So far there have been very few reported instances of commercial crayfish harvesting creating problems with traditional fishermen; however a more widespread industry undoubtedly would make these conflicts more common.

Lastly, we realize that the Department of Fish, Wildlife and Parks has a very limited budget and we do not want to see sportspeople's dollars spent studying and monitoring an activity that will benefit only a few.

Thank you,



Steve Schombel

copy of comments mailed 1/15/1993



EXHIBIT 5  
DATE 2/18/93  
SB 81

## Clark Fork - Pend Oreille Coalition

P.O. Box 7593 • Missoula MT 59807 • (406) 542-0539  
P.O. Box 1096 • Sandpoint ID 83864 • (208) 263-0347

19 January 1993

Sen. Bob Pipinich, Chairman  
Senate Fish and Game Committee  
Montana State Senate  
Capitol Station  
Helena, MT 59620

Dear Sen. Pipinich:

The Clark Fork - Pend Oreille Coalition urges the Fish and Game committee to adopt S.B. 81. Sen. Crippen's bill to prohibit the taking of crayfish for commercial distribution. The Coalition is a regional conservation group comprised of more than 1,300 individuals and 100 businesses and groups. Our membership includes a large group of anglers and other recreationists that use the Clark Fork River.

We don't oppose new business ventures unless we've carefully weighed their effects on the economy as well as water quality and fish. We have done that with the commercial taking of crayfish, and we oppose it for compelling reasons:

1.) The State has a trust obligation to manage fish and wildlife for the benefit of all Montanans. We don't believe a commercial venture that benefits a few at the possible expense of reduced resources for all Montanans is appropriate. Yet that is the case with commercial taking of crayfish.

2.) The State has no policy defining the extent of its obligation to all the people out there who have ideas on how to make money from commercializing Montana's fish and wildlife. Apparently anyone can come into Fish, Wildlife and Parks with a proposal to make money off of fish or wildlife, and the department -- provided a specific law does not prohibit the activity -- has to give the person serious consideration. Yet the department has no charge to promote or even manage fish and wildlife for commercial use. Its charge is to manage fish and wildlife for all Montanans, primarily the sporting public that funds it.

Basin-wide support for an outstanding resource

3.) The cost of regulating commercial taking of crayfish, despite a permit that costs the operator \$200, is largely borne by anglers and hunters. The costs of processing a permit with associated environmental analysis, monitoring crayfish populations and permit enforcement are higher than \$200.

Therefore, license dollars from anglers and hunters are now paying for administration of a commercial venture that benefits few. Currently, because Fish, Wildlife and Parks has few dollars available, monitoring of commercial taking of crayfish is sparse and analysis on its effects on trout and other prey species such as eagles, otters and herons is nonexistent.

4.) Qualitative biological information on the effects commercial taking of crayfish will have on Montana's aquatic communities is not available.

Detailed information has not been collected on the role crayfish have in the foodchains of the state's rivers and lakes, especially the effect reducing their numbers will have on sport fish such as trout or fish-eating game birds such as mergansers.

5.) The State has determined that there are two species of crayfish in the Clark Fork river. One is a native species and the other introduced. The state's size limits for commercial taking of crayfish favors the taking of the larger species, the natives. No study has been done to see if commercial taking of crayfish, which has been occurring in the river with an expansion proposed, will change crayfish populations such that the native species is pushed out in favor of the non-native.

Currently, the state's regulation of commercial taking of crayfish is not based on biological research, such as is the case with regulation of fishing and hunting. In the Clark Fork watershed, permits have been issued based on anecdotal observations that "there are a lot of crayfish." State regulations allow for each permit holder to collect essentially an unlimited number of large crayfish.

If the state doesn't prohibit commercial taking of crayfish, and similar ventures, it must do four things:

a.) adopt a specific policy, with public participation, on the role commercial ventures have in Montana's fish and wildlife picture.

b.) base all commercial taking of fish and wildlife on peer-reviewed biological research.

c.) demonstrate that the commercial interest is paying 100 percent of the costs to the state of permit administration, environmental analysis and enforcement.

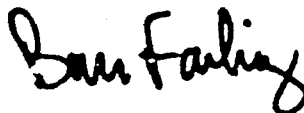
EXHIBIT 2  
2-18-93  
SB-81

d.) develop a regular, biologically based program that monitors population trends for species being commercialized.

You should know that many of our scientific and management concerns were examined by Andy Sheldon, a University of Montana biologist, in a report he prepared for the Department of Fish, Wildlife and Parks in 1988. Most of his recommendations for crayfish management have not been heeded, presumably because the department does not have the money to carry them out. On the other hand, they would be unnecessary if there was no commercial fishery.

Thanks for your time and please support S.B. 81.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Farling". The signature is fluid and cursive, with the first name "Bruce" and last name "Farling" clearly distinguishable.

Bruce Farling  
Conservation Director

EXHIBIT 6DATE 2/18/93SB 81

# Craighead Wildlife-Wildlands Institute

5200 Upper Miller Creek Road • Missoula, Montana 59803 • 406. 251-3867

To: The Senate Fish and Game Committee  
Montana Department of Fish, Wildlife and Parks  
Helena, Montana

From: John J. Craighead  
Chairman: Craighead Wildlife-Wildlands Institute

Date: 18 January 1993

Subject: The Taking of Crayfish For Sale or Commercial Distribution

Gentlemen:

I am the founder of the Wildlife-Wildlands Institute, am currently Chairman of the Board, and was formerly Head of the Montana Cooperative Wildlife Research Unit and faculty member of the University of Montana's Department of Zoology. I have spent the past 40 years in the State pursuing my profession of wildlife biology.

I have serious reservations concerning the commercialization of any of the aquatic organisms that form the food base for the game and nongame fisheries of our State. I was particularly concerned when the legislature enacted a law permitting the sale and commercial distribution of crayfish. I am delighted to see that a bill is now being introduced in the 53rd legislature to amend Section 87-4-609, MCA of that law.

Our state has one of the finest fresh water fisheries in North America, and it has been well-managed by the Department, based on extensive research. Because of the complexity and diversity of aquatic ecosystems, I urge you to repeal the legislation permitting commercial taking of crayfish until research justifies the issuing of permits for that purpose. The biological knowledge essential for evaluating the pros and cons of commercial taking does not now exist. Harvesting against an unknown resource is poor management and not in keeping with the excellent goals and accomplishments of the Department's fisheries program.

John J. Craighead

Mr. Chairman and members of the Fish and Game Committee, my name is H. W. Bockemuehl, and I live in Missoula. I am retired from the University of Montana as an Associate Professor, Emeritus. Although I have earned the Ph.D. degree, I come before you as a concerned sportsman, rather than as a scientist.

During the past twenty or so years, I have floated and fished most of the Clark Fork River from Rock Creek to Paradise, many times accompanied by visitors to our state. On at least three occasions during the summer of 1990, fishermen with me lured a trout into striking an artificial fly, only to have the fish and line become entangled with a cable anchoring a crayfish trap to the accompanying buoy. In each instance, it was a frustrating event because although we were releasing all fish, the entangling caused the loss of the fly and leader, as well as the time to attach a fresh leader and fly. The irritation is expressed in a letter from Mr. Daniel J. Pickrell, of Burlingame, CA, who writes of his experience:

"...I was fortunate in being able to hook, land and release a beautiful Cutthroat in excess of 20 inches - However, shortly after this thrilling experience, another fish was hooked and played until he wound my tackle around a cable leading from an ugly red pot to the crayfish trap..."

I did not have the problem in 1991 or 1992 because I deliberately avoided floating those stretches of the Clark Fork River which were defaced with crayfish traps.

I strongly urge you to support this legislation. Thank you for allowing me to express these thoughts.



DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 8  
DATE 2/19/93  
SB 81



COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

Testimony Concerning Senate Bill 81  
Before the House Fish and Game Committee  
February 18, 1993

Chairman Foster and Committee Members:

The Department of Health and Environmental Sciences (DHES) supports the intent of SB 81 to prohibit the taking of crayfish for sale or commercial distribution. There are several public health reasons for supporting this bill.

Commercial fishing permits for crayfish issued by the Department of Fish, Wildlife, and Parks (FWP) in 1991 included areas of the Clarks Fork River and Seeley Lake. Due to crayfish feeding habits, an evaluation of the possibility of heavy metal or pesticide concentrations exceeding recommended toxic substance residual levels needs to be done. The only evaluation for toxic substance levels in crayfish by FWP was done in 1985 on copper (Cu) concentrations of the crayfish exoskeletons. Cu exoskeleton concentrations cannot be correlated with Cu concentration in the edible flesh. No sample data is available for either heavy metal or pesticide residual levels from edible flesh of crayfish taken from previously authorized crayfish harvesting areas.

DHES is also concerned about the lack of a commercial fish sanitary inspection program in Montana. Commercial fishing permits issued through FWP are concerned only with the numbers and species of fish removed from specific waters. The commercial fishing permits issued through FWP do not cover sanitary handling procedures of the harvesting, transportation, or storage procedures of crayfish from the source through to either wholesale marketing or direct retail sale.

DHES was notified in 1991 that Montana crayfish taken from the Clarks Fork River were sold in some western Montana restaurants and retailers. Administrative rules, adopted under the authority of 50-50, MCA, for Montana food purveying establishments require that food sold be from an inspected, approved source and at the time of sale be safe for human consumption. Also, Montana crayfish were wholesale marketed on the west coast, becoming subject to the regulatory authority of the U.S. Food and Drug Administration (FDA). The FDA was unable to procure any sampling of the crayfish offered for sale or verify existence of a minimum sanitary procedures program by the permit holders.

Until sufficient resources are procured to assure no reasonable public health risk to consumers from the consumption of Montana crayfish flesh and the implementation of a commercial fishing industry sanitary inspection program, caution should be exercised. The DHES requests the committee to favorably consider this bill. A "do pass" committee report would be appreciated. Thank you.

Respectfully Submitted,

Mitzi Schwab, Chief  
Food and Consumer Safety Bureau  
Telephone: 444-2408



Feb. 8 1993

Senator Bruce Criggen  
Capitol Station  
Helena, MT. 59620

EXHIBIT 9  
DATE 2/18/93  
~~BB 81~~

Dear Senator Criggen,

I understand that Senate Bill # 81 is to prohibit the taking of crayfish for commercial purposes. We helped get the regulations in for commercial crayfishing to prevent out of State interests from devastating the resource. Even if no one is at present commercial fishing them, the potential of an enterprise is available. The regulations prevent taking of females with eggs or young or of any crayfish under a specific size depending on the species. That leaves the prime size for fish such as trout, bass, etc. to feed upon and a breeding stock. The larger crayfish won't be eaten by any fish but will create havoc in the nesting sites of the fish by eating their eggs. So in essence commercial fishing for the larger crayfish helps the swimming fish (trout, bass, etc) by eliminating the larger predatory crayfish and producing more of the edible size which are also breedable size. Sportsman, I've been told, can take the small crayfish to use for bait - with no restrictions? The other plus is Montana needs all the possible employment it can get and commercial crayfishing is a very distinct opportunity that shouldn't be denied.

I hope you will reconsider your bill and allow it to die.

Yours for a better Montana

Jane Cline  
Bear Creek Fisheries  
358 Bear Creek Rd  
Libby, MT. 59923

cc Scott Orr

EXHIBIT 10  
DATE 2/18/93  
~~SB~~ 81

SB 81  
February 18, 1993

**Testimony presented by Al Elser, Dept. of Fish, Wildlife & Parks  
before the House Fish and Game Committee**

The Department of Fish Wildlife and Parks is neither an opponent nor a proponent for this proposed legislation. We offer this testimony as information to assist the legislature in understanding the issue.

Commercial crayfishing first became an issue in Montana in 1987. Responding to a new market in Europe, a few individuals in northwestern Montana began to harvest crayfish in the lower Clark Fork River and some surrounding waters. The harvested animals were transported to the west coast where they were sold at relatively high prices.

Many individuals contacted the Montana Department of Fish, Wildlife and Parks to express concern that the harvest would be detrimental to the populations and to fish and wildlife that utilize crayfish for food; others objected to the commercialization of public resources.

Because the department did not have specific authority to regulate commercial harvest, administrative rules were adopted in 1989 to designate the crayfish as a species in need of management. Subsequently in 1989, the legislature enacted SB 294 which provided

for regulation of commercial taking of aquatic fish food organisms and required the department to adopt rules to regulate the harvest of crayfish.

Commercial crayfishing regulations were adopted by the department after consultation with a citizen's committee and with other states where commercial crayfishing had taken place for many years. We also reviewed some scientific studies that had evaluated the impacts of harvest on crayfish populations. The annual rules adopted for commercial crayfishing regulate the number and distribution of permittees, the type of gear, the sex and size of harvestable animals and require permittees to report the quantity of their catch. We believe the regulations provide protection against overharvest of crayfish populations.

The department issued one permit in 1990, three in 1991 and none in 1992. We have been informed of a plan to develop a processing plant in Montana but have not received any details. A majority of the permittees' efforts have been exploratory, with only one operator known to have marketed his catch. There are reports that some crayfish have been sold to local restaurant markets.

There have been social conflicts resulting from the relatively limited fishery. Some individuals have complained that placement of traps and trap markers in the river were unsightly and offensive. Some complain that traps and floats, particularly when

set in holes, interfere with sportfishing. Anglers also object to the department's administrative costs for this program, which far exceed the fees paid by the commercial operators. The costs are associated with processing applications, MEPA compliance, public involvement, enforcement and investigation to evaluate the effects of harvest.

We have no evidence that commercial harvest has adverse biological effects, but we have little data on crayfish in Montana waters. We rely primarily on data collected in other states. If commercial crayfishing activity increases in the future, we expect the level of social conflict and complaint to increase.

EXHIBIT 11  
DATE 2/18/93  
HB 3109

Amendments to House Bill No. 369  
White Reading Copy

Requested by Representative Bob Ream  
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff  
February 18, 1993

1. Page 4, line 23.  
Following: "grant."  
Insert: "(4)"
2. Page 4, line 24.  
Following: "on"  
Insert: ": (a)"
3. Page 4, line 25 through page 5, line 1.  
Following: "landowner" on page 4, line 25  
Strike: "and on"  
Insert: "; (b)"
4. Page 5, line 1.  
Following: "taken"  
Strike: ", and"  
Insert: "; (c) improvements needed to encourage hunter access,  
which may include gates, cattle guards, signs, road  
maintenance and improvements, establishment of parking  
areas, and similar improvements; and  
(d) improvements that enhance wildlife habitat.  
(5) After considering the criteria set out in subsection  
(4), the commission shall"
5. Page 5, line 2.  
Following: "eligible."  
Insert: "(6)"  
Renumber: subsequent subsections

# Draft Copy

Printed 10:34 am on February 18, 1993

LCF&G

\*\*\* Joint Resolution No. \*\*\*

Introduced By \*\*\*\*\*

By Request of \*\*\*\*\*

EXHIBIT

DATE 2/18/93

HB

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging landowners, outfitters, the sportsperson community, the Sportsman Landowner Council, and the public to work together to address common goals that will mutually benefit the interests of all parties as well as the Montana wildlife resource.

WHEREAS, landowner/sportsperson/outfitter relations have become increasingly strained over the past several years, leading to increased polarization between the groups; and

WHEREAS, landowners feel victimized and helpless to control increasing game populations and resent the lack of acknowledgement of their contributions to wildlife habitat; and

WHEREAS, sportspersons resent diminishing access to private and public land for hunting opportunity and increasingly view commercialization as a threat to the long-term viability of wildlife management and our hunting heritage; and

WHEREAS, there is also growing frustration concerning the outfitter industry; and

WHEREAS, proposals presented to the 53rd Legislature have been largely one-sided, with little sensitivity to other groups with equal interest in the resource; and

# Draft Copy

Printed 10:34 am on February 18, 1993

WHEREAS, this approach has intensified polarization rather than being conducive to lasting solutions; and

WHEREAS, many of these matters involve complex, emotional, and philosophical issues that do not lend themselves easily to legislative solutions.

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

That landowners, outfitters, and the sportsperson community be strongly urged to work together to address these issues in a cooperative, positive manner and to mitigate the tension arising from polarization by defining common goals, including but not limited to:

- (1) achieving optimum hunter access;
- (2) protecting wildlife habitat;
- (3) minimizing landowner forage loss;
- (4) minimizing landowner property damage;
- (5) minimizing hunter nuisance;
- (6) recognizing the contribution of outfitting and addressing sportspersons' concerns regarding the outfitting industry; and
- (7) addressing the contribution of private landowners to wildlife habitat through consideration of landowner reimbursement for providing wildlife habitat and access.

BE IT FURTHER RESOLVED, that the Sportsman Landowner Council be directed to address these goals.

BE IT FURTHER RESOLVED, that the public be encouraged to form local or regional groups to address these goals.





# Prickly Pear Sportsmen's Association

EXHIBIT 13  
DATE 2/18/93  
HB 498

Representative Grimes  
State Capital  
Helena, Montana 59601

Dear Representative Grimes,

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

*Sam Schiller*  
*Dave York*  
*Mark Miller*  
*Kenneth Carpenter*  
*Chuck Bantz*  
*Don Largin*  
*Bob Decker*  
*David L. Hunt*  
*Kenneth A. Platt*  
*Fred Casey*

*Dr. Harold*  
*Michael Rosetta*  
*Ray Holt*  
*Ralph Baland*  
*Jim Brown*  
*Harvey Groge*  
*Thyge T. Tjellhus*  
*George M. Schiller*  
*Steve Francis*  
*Pat Byr*

*David Cole*  
*Don Nielsen*  
*Ronald D. Antis*  
*Joni Edwards*  
*Harry J. Th...*

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

FISH GAME

COMMITTEE

BILL NO. SB 81

DATE 2/18/93 SPONSOR(S) Crippen

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tom COLLINS - OLD FOND RD. Missoula, MT. 59802		X	
JIM PATTEN MISSOULA, MT	Self	X	
Sack Stevenson Missoula MT.	Self.	X	
H.W. Bockemuhl Missoula, MT	Self	X	
Janet Ellis	MT Audubon	X	
Mitzi Schwab	DRES	x	
AL ELSEN	FWP	neither	
Jim Richard	MWF	✓	
REBIN CUNNINGHAM	F.O.A.W. FISHING-OUTRIGGERS ASSN. MONT.	X	
Stan Bradshaw	MT. T.U.	✓	

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