

**MINUTES**

**MONTANA SENATE  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH & GAME**

**Call to Order:** By **CHAIRMAN KEN MESAROS**, on February 7, 1995, at  
1:00 p.m.

**ROLL CALL**

**Members Present:**

Sen. Kenneth "Ken" Mesaros, Chairman (R)  
Sen. Al Bishop, Vice Chairman (R)  
Sen. Bruce D. Crippen (R)  
Sen. William S. Crismore (R)  
Sen. John R. Hertel (R)  
Sen. Ken Miller (R)  
Sen. Mike Sprague (R)  
Sen. Gary Forrester (D)  
Sen. Judy H. Jacobson (D)  
Sen. Terry Klampe (D)  
Sen. Bob Pipinich (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Andrea Merrill, Legislative Council  
Serena Andrew, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 259, HB 285  
Executive Action: SB 210

*{Tape: 1; Side: A & B;}*

**HEARING ON SB 259**

**Opening Statement by Sponsor:**

**SENATOR DON HARGROVE, SD# 16, BOZEMAN**, told the committee that SB 259 was a very simple bill allowing the use of an atlatl for a special two-day deer hunting season preceding the special archery season.

**SENATOR HARGROVE** said he had three basic reasons for introducing the bill:

(1) To promote a clean, Montana-oriented industry by legitimatizing use of the atlatl.

(2) To stimulate, enhance and cooperate with the major Montana industries of hunting and tourism.

(3) To promote something uniquely Montanan, as this particular hunting instrument has been part of Montana culture for thousands of years.

**Proponents' Testimony:**

**REPRESENTATIVE GEORGE HEAVY RUNNER, HD #85, BROWNING**, said that in addition to his House district, he spoke for seven reservations, urging support of the bill. The atlatl has historical significance, as it was used thousands of years ago by his ancestors, the first people who lived in Montana.

**BOB PERKINS, BPS Engineering, Manhattan**, told the committee he was the first to manufacture atlatl and dart systems, not only in this country, but across the world. He requested passage of this bill as an aid to tourism, as well as his industry. **(EXHIBIT #1)**.

**TROY HELMICK, Townsend**, said his long-standing interest in archaeology led to his interest in the atlatl. He urged support for the bill **(EXHIBIT #2)**.

**ROBERT J. GARRITSON, Billings**, sent the committee a FAX message in support of the bill **(EXHIBIT #3)**.

**Opponents' Testimony:**

**DAVID BROWN, Montana Bowhunters Association**, told the committee there are 1000 members in his organization and it has been in existence for 21 years. Bowhunters purchased approximately 26,000 archery tags last year.

He had some concerns about this legislation which allows the Fish and Game Commission to authorize use of the atlatl within the existing license structure. His organization feels bowhunting education should be a requirement for an archery stamp and it is not mentioned in the bill. He also would like to know the effectiveness of the weapon.

The Montana Bowhunters Association is opposed to SB 259.

**Questions From Committee Members and Responses:**

**SENATOR MIKE SPRAGUE, SD #6, BILLINGS**, asked **Mr. Perkins** why atlatl season could not be concurrent with archery season. **Mr.**

**Perkins** responded that atlatl hunters just want to be out during archery season when they can wear camouflage clothing. Atlatls are quite accurate and effective; anyone who questions that fact has not seen one used. These weapons would not have persisted since prehistoric times if they were not.

**SENATOR SPRAGUE** asked what a system cost and if it is most effective on small game. **Mr. Perkins** replied that there are no size restrictions on its use - it can be effective on animals ranging in size from rabbits to mammoths. Armor-piercing atlatls used by Aztecs were the only weapons feared by the Conquistadors. The atlatl system circulated through the committee sells for \$93 with three aluminum darts included. It is the top of the line; other atlatls can be purchased for as little as \$40.

**Informational Testimony;**

**PAT GRAHAM**, Director, Department of Fish, Wildlife & Parks (DFWP), presented testimony suggesting that the atlatl be allowed during archery season rather than creating a special two-day hunt with a new license (**EXHIBIT #4**).

**Questions from the Committee (Continued):**

**SENATOR KEN MILLER SD #11, LAUREL**, asked what a two-day season would cost. **Mr. Graham** said it would be necessary to print licenses and distribute them to 450 license agents. It would be possible, however, to print a smaller number and restrict their sale to the Helena office. Maps would also be necessary.

**SENATOR MILLER** asked if this would cost more than the \$8 price of the license. **Mr. Graham** agreed that it would, but didn't have any idea how many people would apply for a license.

**SENATOR BRUCE CRIPPEN, SD #10, BILLINGS**, asked if an atlatl is legal now during regular rifle season. **Mr. Graham** said the law isn't structured to exclude what cannot be used. A crossbow may be used during regular hunting season.

**SENATOR CRIPPEN** asked if game checking stations had ever reported an animal being taken with an atlatl. **Mr. Graham** said it hadn't been reported to him. **Mr. Perkins** commented that he has filled several tags.

**SENATOR CRIPPEN** asked if expenses would be lowered if atlatls were allowed during the special archery season. **Mr. Graham** said they would.

**SENATOR CRIPPEN** commented that the weapon is designed for stalking and it is difficult to stalk wearing hunter orange. **Mr. Perkins** stated that he didn't see any reason why atlatls shouldn't be allowed in the field with bowhunters, since atlatls are really archery equipment.

**SENATOR AL BISHOP, SD #9, BILLINGS,** asked if an administrative rule allows the use of atlatls during general hunting season. **Mr. Graham** said use of an atlatl is not specifically precluded; the law doesn't list all legal methods of taking.

**SENATOR BISHOP** asked (1) if a special license is required for use of an atlatl at the present time and (2) if a special license would be required, if the atlatl were allowed during archery season. **Mr. Graham** responded that if the atlatl is simply allowed during archery season, an archery stamp and a bowhunter education certificate would be required.

**SENATOR BISHOP** asked if line 21, page 1 should read "preceding special archery season" or just "preceding archery season."

**BOB LANE, DFWP Chief Legal Counsel,** responded that there is just one archery season and it is called "special archery season."

**SENATOR WILLIAM CRISMORE, SD #41, LIBBY,** asked **Mr. Brown** if his concern centered around the special two-day season and if his organization would object to use of the atlatl if it coincided with archery season. **Mr. Brown** responded that Montana has an excellent bowhunter education program, with volunteer teachers. He asked where people would be found to teach use of the atlatl. **SENATOR CRISMORE** said atlatl users should be required to take bowhunter education. **Mr. Brown** said lack of an education requirement in the bill was one of his objections.

**SENATOR MIKE SPRAGUE, SD #6, BILLINGS,** asked if bowhunters would have a problem with the bill if atlatl hunters were required to meet the same criteria as bowhunters. **Mr. Brown** said he wouldn't personally, but thought the bill should be amended and submitted for additional discussion. He didn't like the special two-day season and would like to discuss the whole matter with his organization.

**SENATOR SPRAGUE** asked **SENATOR HARGROVE** if he would be willing to amend his bill and put use of the atlatl into archery season. **SENATOR HARGROVE** said he would. There was no intention of being special; atlatl hunters just wanted several days to use their weapons. They would not object to bowhunter education.

**SENATOR BISHOP** asked if the bow and arrow exam had an accuracy requirement. **Mr. Perkins** responded that he didn't know, but thought there were enough atlatl enthusiasts who would be willing to act as volunteer instructors in a hunter education and safety program.

In response to the question from **SENATOR BISHOP**, **Mr. Brown** said there is no accuracy requirement in bowhunter education - it is simply an educational process aimed at ethical methods of bowhunting.

{Tape: 1; Side B}

Closing by Sponsor:

SENATOR HARGROVE said he felt the two-day atlatl season was important to highlight the intent of his bill. He had requested information from DFWP but hadn't received it prior to the hearing and had assumed all requirements for bowhunters would apply. The cost of putting one more line on a license should be negligible. The atlatl people were only asking for an opportunity to hunt with bowhunters and wanted to highlight the weapon for industrial purposes.

SENATOR HARGROVE commented that there is a display of atlatls at the Historical Society as well and at the Museum of the Rockies. Following the meeting, Mr. Perkins would provide a demonstration for anyone interested. The real reason for his bill was to promote tourism, a local industry that has an opportunity for expansion, and Montana's cultural heritage.

HEARING ON HB 285

Opening Statement by Sponsor:

REPRESENTATIVE DON LARSON, HD #58, SEELEY LAKE explained that his bill exempts certain employees of licensed outfitters from the overtime law. The House has already amended out the minimum wage portion of the bill.

Outfitter camps have very erratic hours. Because of their special circumstances, they have requested an exemption from overtime laws. Employees from other industries are exempt: agriculture, some medical practices, taxi drivers, etc.

Proponents' Testimony:

JEAN JOHNSON, Executive Director, Montana Outfitters & Guides Association (MOGA), told the committee this was a very simple and logical bill. It asks recognition of what a hunting camp is. When wildlife and livestock are involved, it's difficult to put the industry into an eight-hour timeframe. For years outfitters thought they had an agricultural exemption from overtime requirements. A year ago an outfitter fired a guide and that guide sued for overtime. This bill is an attempt to protect these small businesses.

A good guide can earn around \$100/day; a good cook from \$350-500/week. A day starts early for stock tenders and doesn't end until the guests go to bed; a good portion of the day is spent being hosts, not working.

Outfitters' business for the most part is governed by length of the hunting season; it is not year-round employment. Most people are guides because they like to do it. They are paid by the day,

by the week, or by the hunt.

There was no opposition to this bill in the House. Labor was there and didn't oppose it.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR CRIPPEN commented that he had worked in an outfitter camp and never thought of anyone being paid overtime.

Closing by Sponsor:

REPRESENTATIVE LARSON said some fishing guides keep a party out until they catch a fish. These people are seasonal and their working day goes from daybreak to sunset. They rely on tips for a big part of their compensation.

EXECUTIVE ACTION ON HB 285

Motion: SENATOR BOB PIPINICH, SD #29, MISSOULA, MOVED HB 285 BE CONCURRED IN.

Vote: THE MOTION TO CONCUR IN HB 285 PASSED UNANIMOUSLY. SENATOR CRISMORE offered to carry the bill.

EXECUTIVE ACTION ON SB 210

SENATOR MESAROS said DFWP furnished some amendments to SB 210. ANDREA MERRILL, Legislative Council Staff, commented that she hadn't changed the DFWP amendments, but had added applicable sections of law.

Motion: SENATOR BISHOP MOVED THE AMENDMENTS.

Discussion: BOB LANE, DFWP, Chief Legal Counsel, explained the department's proposed amendments (EXHIBIT #5) as intended to clarify the bill.

SENATOR CRIPPEN asked if a fisherman can carry his spouse's license. Mr. Lane responded that anyone can carry a spouse's license or that of minor children.

Motion/Vote: THE MOTION TO PASS THE AMENDMENTS TO SB 210 CARRIED UNANIMOUSLY. SENATOR BISHOP MOVED THE BILL AS AMENDED.

Vote: THE MOTION TO PASS SB 210 AS AMENDED CARRIED UNANIMOUSLY.

INFORMATION ON REQUEST FOR COMMITTEE BILL

CHAIRMAN MESAROS said Pat Graham, DFWP, had responded to the

committee's concerns on Walleyes Unlimited's request for a committee bill naming the walleye a native species in Montana (EXHIBIT #6). Mr. Graham stated that he didn't believe a committee bill was necessary for this matter.

SENATOR MESAROS asked if the committee would like to proceed with a committee bill as requested and the consensus was that such a bill was unnecessary.

INFORMATION FROM SENATOR MILLER

SENATOR MESAROS said SENATOR MILLER also had a request for a bill.

SENATOR MILLER told the committee he had talked to Mr. Lane and other DFWP personnel about a problem meat processors are having with customers who bring in game animals and don't pick up the finished product. The meat processors have incurred costs and can't sell the meat.

The requested bill would release these meat products to DFWP for auction with any proceeds going first toward the processing bill and the remainder to DFWP. He said the department wanted to make a few adjustments to the suggested bill.

SENATOR SPRAGUE said programs exist to dispose of this meat and asked whether or not this legislation was really needed. SENATOR MILLER said the existing programs don't give any money back to the meat processor.

BOB WINFIELD, Chief of Enforcement Operations, DFWP, commented that it is illegal to sell game meat, but under the program SENATOR SPRAGUE mentioned, a meat processor can deduct his costs from his income tax if he is not paid for his services.

Under the bill being proposed, the department would sell this meat at a regular game sale. The bill would provide that the processor notify the owner of the meat by certified letter. After 30 days the meat processor would contact DFWP regional headquarters with the name of the person who did not respond and the department would issue a citation for abandoning a game carcass. The resulting penalty would reimburse the meat processor's costs.

SENATOR SPRAGUE asked if a fiscal note had been prepared. SENATOR MILLER replied that he didn't think so.

MR. WINFIELD said the bill wouldn't entail much extra work - probably only one or two more sales.

CHAIRMAN MESAROS asked if there would be time to get a bill out and acted upon.

MS. MERRILL responded that the revenue in the bill might allow it

to go through with the money bills.

SENATOR CRIPPEN asked if committee bills have another date.

SENATOR JUDY JACOBSON, SD #18, BUTTE, said it would be preferable to go with a committee bill. Ms. Merrill asked the committee to remember it takes a three-fourths majority to vote on these bills. SENATOR JACOBSON said if SENATOR MILLER went to the Speaker and asked if he would accept the bill as a revenue bill and the Speaker agrees it would be fine.

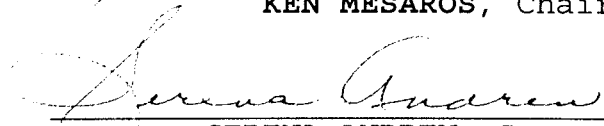
SENATOR MESAROS asked SENATOR MILLER if he would be able to do that and SENATOR MILLER said he would.

SENATOR MILLER MOVED A REVENUE COMMITTEE BILL BE PREPARED ON SAID ISSUE AND THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

Adjournment: The meeting adjourned at 2:35 p.m.

  
KEN MESAROS, Chairman

  
SERENA ANDREW, Secretary

KM/sa



MONTANA SENATE  
1995 LEGISLATURE  
FISH AND GAME COMMITTEE

ROLL CALL

DATE \_\_\_\_\_

2/07/95

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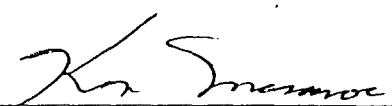
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SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
February 7, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration SB 210 (first reading copy -- white), respectfully report that SB 210 be amended as follows and as so amended do pass.

Signed:   
Senator Ken Mesaros, Chair

That such amendments read:

1. Title, line 12.

Following: "87-3-104,"

Insert: "87-3-107,"

2. Page 12, line 1.

Following: "valid"

Insert: "and unused"

3. Page 12, line 12.

Following: "licenses"

Insert: "that are"

Following: "persons"

Insert: "and that are used or intended to be used on game animals not taken by the person or persons to whom the licenses were issued"

4. Page 20, line 19.

Following: "in"

Strike: "87-3-107(1)"

Insert: "87-3-127 and 87-3-128"

5. Page 20, line 28.

Following: line 27

Insert: "**Section 27.** Section 87-3-107, MCA, is amended to read:

**"87-3-107. Use of snare lawful under certain conditions.**


(1) It ~~shall be~~ is lawful to use a snare trap for the purpose of snaring ~~any animal or bird~~ a fur-bearing animal, a predatory animal, or a nongame species under the following conditions:


(a) ~~Each~~ A snare trap must be tagged with a numbered metal device identifying the owner's name, address, and telephone number.

(b) It is unlawful to set snare traps on private property without the landowner's consent.

(c) Snare traps ~~shall~~ must be set in a manner and at a time so as not to unduly endanger livestock.

(d) A person who injures livestock in snare traps is liable

 Amd. Coord.

 Sec. of Senate

321554SC.SRF

for damages to the owner of the livestock.

(2) A person convicted of violating the provisions of this section is guilty of a misdemeanor.

(3) The commission may adopt rules to enforce this section.""

Renumber: subsequent sections

-END-

SENATE STANDING COMMITTEE REPORT


Page 1 of 1  
February 7, 1995


MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration HB 285 (third reading copy -- blue), respectfully report that HB 285 be concurred in.

Signed: \_\_\_\_\_

  
Senator Ken Mesaros, Chair

 Amd. Coord.

 Sec. of Senate

Sen. Crismore  
Senator Carrying Bill

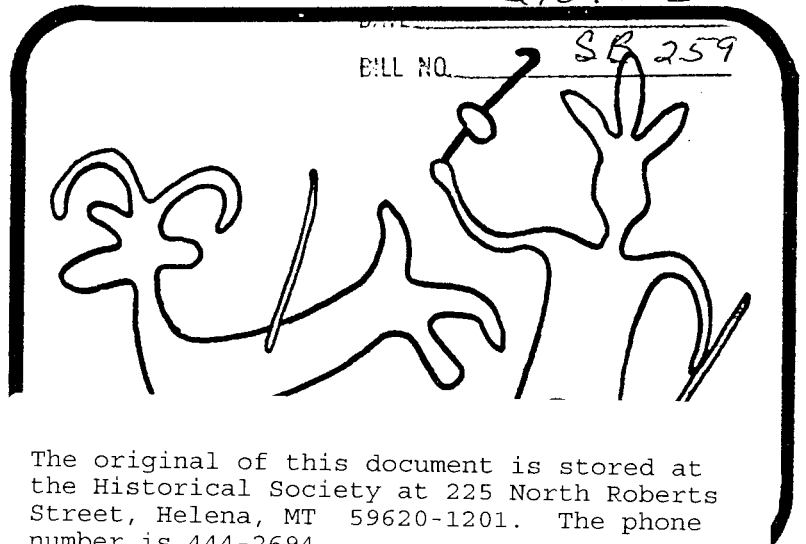
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BPS ENGINEERING

TM

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Manhattan, MT 59741  
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## PRECISION ATLATL & DART SYSTEMS



(bound folders)

Over 12,000 years ago, hunters tracking the migrating herds of the last ice age across the frozen tundra of what is now the state of Alaska became the first emigrants to enter the North American continent. These hunter/gatherers brought with them a weapon that reigned supreme among them and their descendants for thousands of years to come, the *atlatl*. It was the first true weapons system developed by humans, originating in Europe over 30,000 years ago and spreading to every corner of the globe that humans occupied. In fact, the atlatl and dart were used and improved upon for so long by our ancient ancestors that, comparatively speaking, the bow and arrow can be considered a recent development in projectile technology. So powerful and effective was the atlatl that scientists and scholars speculate that it, along with the overkill tactics so common to the human race, caused the extinction of the woolly mammoth in North America before the end of the last ice age.

Largely replaced by the bow and arrow around the birth of Christ, it was still being used by some Native Americans during the Age of Discovery, 500 years ago. When Columbus encountered Natives using the atlatl during his voyages to the New World, Europeans who had long forgotten the weapon, soon became familiar with it again. These encounters were most certainly with the business end of the weapon, the European wondering "What was that?" just before dying.

The Aztecs preferred the atlatl as a weapon of war. In fact we get the word "atlatl" (pronounced at-la-tal) from their language. The atlatl and dart was the only weapon Cortez and his men feared, easily piercing Spanish armor and often sending the hapless conquistador to meet his Maker. If Monezuma had not mistaken Cortez for the Feathered Serpent God Quantzaquatl, history may have been very different, with the two hundred or so Spanish soldiers being only a footnote in the history of that nation, foolish invaders who were overwhelmed by superior firepower.

The atlatl and dart have enjoyed widespread use throughout the world. At one time or another people everywhere have used it as their main weapon, and even today it is used by the natives of Australia, Papua New Guinea, and some tribes in South America and northwest Mexico. But it was in North America, more specifically in what is now the continental United States, that the weapon was developed to its fullest potential. In a trait so common to our species, Native Americans tinkered and toyed with this weapons system, developing and improving the technology to such a high level of sophistication that its technology is impressive even by today's standards. Just as firearms have developed from muzzleloaders to breechloaders, lever-actions and automatics, the atlatl has undergone a similar evolution.

SENATE FISH AND GAME

EXHIBIT NO. 2

DATE 2/07/95

BILL NO. SB 259

Senate Bill No. 259 Room 402  
February 7, 1995

Senator Hargrove and members of the committee;

For the record, my name is Troy Helmick, I live in Townsend, Montana.

I have had an active avocational interest in archaeology for many years which led to my involvement with the Atlatl.

A recent Billings Gazette article about Senate Bill 259 included the statement " With virtually no Atlatl enthusiasts in Montana except, perhaps, a handful in the Belgrade area, will it all be worth it." .

I can share with you some facts that will show that there are more than a handful of Atlatl enthusiasts in Montana, they are not all in the Belgrade area and I hope that we can agree that it will all be worth it.

Modern Atlatl competition began in 1980 at the Middle School in Saratoga , Wyoming as a primitive technology project. That event developed into the Annual World Open Atlatl Contest and continues today at Fort Caspar Wyoming. Several Montana Atlatlist participate each year.

The first Atlatl contest in Montana was held at Birds Eye, north of Helena, in 1988. That contest has developed into the Annual Montana Mammoth Hunt. Contestants from at least nine Montana cities and five other states have participated.

Annual Atlatl competition is now held in at least 17 states and several countries.

The Atlatl weapon system has experienced a renewed interest, world wide, over the past ten years. Exhibits, demonstrations and contest are annual events. Commercial equipment is on the market and survival schools are teaching how to make your own Atlatl. Successful Wild Boar hunts have been held on private resorts. Atlatl records have been recognized in The Guinness Book of World Records.

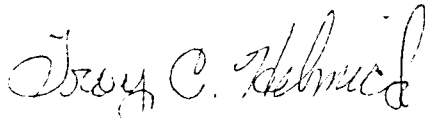
Local Atlatl and Primitive Weapon clubs have been organized and in 1987 The World Atlatl Association was chartered in the state of Colorado. The WAA membership started small, quickly doubled and has now nearly doubled again. The WAA now has members in the U.S. and at least seven other countries. Atlatl enthusiasts from ten cities in Montana, from Glendive to Missoula, belong to the WAA.

I have here a letter from the president of the World Atlatl Association which I will read into my presentation.

[letter attached]

The number of World Atlatl Association members make up a small portion of the active Atlatl list in Montana and around the world. I think you must agree that the number far exceeds a handful and I urge your support of this effort to legalize the Atlatl weapon system as a means of taking deer in the state of Montana.

Thank You:

A handwritten signature in cursive script that reads "Troy C. Helmick".

Troy C. Helmick  
128 N. Cherry Box 303  
Townsend, MT 59644

## THE WORLD ATLATL ASSOCIATION

P.O. BOX 56

OCOTILLO, CA 92259-0056

(619) 358-7835

EXHIBIT 2  
DATE 2-7-95  
SB 259


February 6, 1995

The Honorable Don Hargrove  
The State Senate  
State Capitol  
Helena, Montana

Dear Senator Hargrove:

This letter is to advise you that The World Atlatl Association supports Senate Bill #259 which will legalize the use of the weapon system - the Atlatl/Spearthrower - for hunting in the State of Montana.

Sincerely,

A handwritten signature in cursive script that reads "Bonifacio A. Cosyleon". The signature is written in dark ink and is positioned above the printed name.

Bonifacio A. Cosyleon

President

THE WORLD ATLATL ASSOCIATION

BC/lc



FEB 07'95

13:34 No.009 P.01  
SENATE FISH AND GAMEEXHIBIT NO. 3DATE 2/07/95BILL NO. SB 259SB 259

I want to thank you for reading my statement at today's hearing.

I want to put my full support behind this bill allowing an attlatl hunting season. I have used an attlatl for nearly ten years and found that there is as much skill required in using an attlatl as a bow and arrow and it is just as effective.

For thousands of years man in Montana had used the attlatl to hunt bear, moose, deer, elk, buffalo and mastodons and it would be fitting to see this tool in use again.

If passed I would also recommend a skill test similar to that of bow hunters before they can get a license.

Thank you for your time

Robert J. Garritson

Robert J. Garritson

1246 Wicks Lane

Billings Mont

59105

EXHIBIT NO. 4  
DATE 2/07/95  
BILL NO. SB 259

TSB259.S0

Bill No. SB 259  
February 7, 1995  
Testimony presented by Pat Graham  
Montana Fish, Wildlife & Parks  
before the Senate Fish and Game Committee

This bill would create another special hunting season. Under the current statutes the use of an atlatl is legal during the regular general hunting season. Hunters are required to wear hunter orange, possess a valid license and abide by the same rules and regulations as other hunters.

In the spear-it of cooperation we have withheld judgement on the proposed atlatl season. Our lack of experience with this method does not provide an adequate basis to determine the effectiveness of this weapon. We wanted to hear from supporters to assure us that wounding of animals was not going to be a concern.

The special archery season is currently a six week season which begins September 2 and closes October 15. Other "primitive" weapons such as muzzleloaders are allowed under the general season with a few areas designated for specified arms use only, primarily for safety reasons.

The proposed bill requires that a new license be created specifically for the atlatl deer hunter. The number of people who would utilize this license is expected to be limited. The revenue is not expected to offset the cost of this season.

If this committee should decide to move this bill, you may want to consider allowing the atlatl during the special archery season rather than creating a special two day season and new license. September 2 should still be early enough to allow the use of a breech cloth to hunt deer.

Amendments to Senate Bill No. 210  
First Reading Copy

For the Committee on Fish and Game

Prepared by Fish, Wildlife & Parks  
February 1, 1995

1. Page 12, line 1.

Following: "valid"

Insert: "and unused"

2. Page 12, line 12.

Following: "persons"

Insert: "that are used or intended to be used on game animals not  
taken by the person or persons to whom the licenses were issued"

3. Page 20, line 19.

Following: "in"

Strike: "87-3-107(1)"

Insert: "87-3-127 and 87-3-128"

4. Page 20.

Following: line 27

Insert: "**Section 27.** Section 87-3-107, MCA, is amended to read:**"87-3-107. Use of snare lawful under certain conditions.**(1) It shall be lawful to use a snare trap for the purpose of  
snaring any ~~animal or bird~~ fur-bearing animals, predatory  
animals or nongame wildlife under the following conditions:

...."

Renumber: subsequent sections

**Montana Department  
of  
Fish, Wildlife & Parks**

SENATE FISH AND GAME

EXHIBIT NO. 6

DATE 2/07/95


BILL NO. N/A



**MEMORANDUM**

Ref: PG0069.95  
February 7, 1995

**TO:** Senator Kenneth Mesaros

**FROM:** Pat Graham 

**SUBJECT:** Native Status of Walleye in Montana

I spoke with my staff regarding the issue of considering walleye a native species in Montana and am passing this information on to the committee. We have talked with Walleye Unlimited over the past year several times on this subject. As a result, Larry Peterman, the chief of Fisheries on my staff, contacted the North Dakota Game and Fish Department and requested underlying scientific justification for their determination that walleye were native to North Dakota. Larry received the letter on August 22, 1994, and subsequently forwarded it to Walleye Unlimited. We also conducted a search of all fish collection records archived in locations other than Fish, Wildlife and Parks to obtain baseline information on historic fish populations. We found a recording of a walleye in eastern Montana earlier this century. We suggested Walleye Unlimited search the newspaper archives for additional sitings.

The Department commonly does not make findings on whether species of fish were native or non native. We rely on the work of Dr. C.J.D. Brown, a renowned fisheries expert from Montana State University, who authored Fishes of Montana. Dr. Brown passed away several years ago.

To make a determination at this time, we would gather whatever information is available and submit it to knowledgeable fisheries experts for an opinion. One such person is Dr. William Gould, formerly with the Cooperative Fishery Research Unit at MSU, currently retired. Dr. Gould assumed some of Dr. Brown's curator activities and responsibilities at MSU. We are willing to take whatever records we have found and any that others may have and submit them to Dr. Gould or a panel of experts for their review. This is similar to what is done for determinations of Species of Special Concern where the scientific evidence is reviewed by the Montana Chapter of the American Fisheries Society and the Natural Heritage program and a recommendation made to the Department.

There are two other items in the correspondence which I can address.

Mesaros - PG0069.95  
February 7, 1995  
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The Department has focused more attention on native species in an effort to keep them off the Endangered Species list. We have not, however, neglected our sport fisheries. It should be recognized that management of our sport fisheries can be significantly impacted by an ESA listing.

We have managed paddlefish harvest on the Yellowstone River at Intake since the late 1960s. Several years ago there was a petition filed to list the paddlefish under the ESA. We are managing the paddlefish population to prevent its decline and have entered into a cooperative management plan for that species with North Dakota. Should the paddlefish become listed, it would have significant implications for walleye management on Fort Peck Reservoir and Lake Sakakawea. Part of the current management effort is funded by the Paddlefish Roe Program.

c: Senate Fish and Game Committee

SENATE COMMITTEE ON *Fish & Game*

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