MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN DOUG WAGNER, on January 31, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Douglas T. Wagner, Chairman (R)

Rep. William Rehbein, Jr., Vice Chairman (Majority) (R)

Rep. Emily Swanson, Vice Chairman (Minority) (D)

Rep. Charles R. Devaney (R)

Rep. Jim Elliott (D)

Rep. Daniel C. Fuchs (R)

Rep. Marian W. Hanson (R)

Rep. Hal Harper (D)

Rep. Chase Hibbard (R)

Rep. Dick Knox (R)

Rep. Rod Marshall (R)

Rep. Brad Molnar (R)

Rep. Robert J. "Bob" Pavlovich (D)

Rep. Bob Raney (D)
Rep. Robert R. "Bob" Ream (D)

Rep. Paul Sliter (R)

Rep. Bill Tash (R)

Rep. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council

Mary Riitano, Committee Secretary

These are summary minutes. Please Note: Testimony and

discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 288, HB 291, HB 94

Executive Action: HB 291 DO PASS AS AMENDED

HB 288 DO PASS AS AMENDED HB 94 ACTION POSTPONED

{Tape: 1; Side: A; Approx. Counter: 000; Comments: N/A.}

HEARING ON HB 288

Opening Statement by Sponsor:

REP. ROD MARSHALL, House District 28, Bozeman, stated HB 122 was an act providing that a person who takes a mountain sheep, with the exception of an adult ewe, was not eligible to receive another special license for that species for the next seven years. There were two proposed amendments. The reason behind HB 288 was that mountain sheep were classified in the same category as moose and mountain goat. REP. MARSHALL reserved the right to close and wanted the proponents to explain the bill.

Proponents' Testimony:

Pat Graham, Director, Department of Fish, Wildlife, and Parks (FWP), voiced their support for HB 288 and distributed written testimony, several tables showing unlimited area quotas, number of kills, and number of hunters taking two or more sheep. Graham also handed out a proposed amendment. Statutes currently mandate a seven year waiting period for anyone receiving a permit for moose, goat, or limited area mountain sheep. "Limited area" refers to those areas of the state that limit the numbers of hunters through the issuance of permits. In an unlimited area, the harvest is regulated either by the length of the season or by a quota on the harvest; the number of hunters were not limited. Current law allows harvesting multiple rams in unlimited areas within less than a seven year period. The institution of a seven year waiting period for successful hunters in unlimited areas would make the system more equitable and afford others the opportunity to harvest a ram from these areas. The department felt some of the language of the bill was unclear and offered an amendment for clarity. EXHIBIT 1, 1A, 1B, and 1C

Harold Billings, Foundation North America Wild Sheep (FNAWS) expressed support for the bill and presented written testimony along with a trophy inventory. He explained the difference between limited and unlimited licenses. FNAWS desired to have the unlimited sheep areas included in the seven year waiting period. Some hunters shoot a ram each year and following the close of the season go to a taxidermist to sell the cape and horns. Including the unlimited sheep areas in the seven year waiting period would be a step in the right direction and would show that trophy hunters were trying to improve hunting ethics. EXHIBIT 2 and 2A

Jean Johnson, Executive Director, Montana Outfitters and Guides Association voiced her support for the bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

REP. MARSHALL stated he was pleased with the way the hearing proceeded. The proponent's support made the bill worthwhile.

HEARING ON HB 291

Opening Statement by Sponsor:

REP. DAN FUCHS, House District 15, Billings, passed around a tool that was made from the leg bone of an elk. This bill was designed to allow an individual to make tools out of the bones from deer and elk. The tools were used for sculpturing in taxidermy work. Wooden tools wore out too quickly. The person making the tools found that FWP did not allow the use of those particular bones. Bob Lane, Attorney, FWP helped draft the language in HB 291. Provision (d) was inserted on line 25, "The possession, transportation, sale or purchase of the bones of elk or deer that has been lawfully killed or that has died of natural causes." He stated he would let the proponent explain the bill in more detail. REP. FUCHS felt HB 291 was a good bill because a use was found for a resource that was otherwise thrown away.

Proponents' Testimony

Jim Ziggler, True Life Taxidermy owner, said he found that wood tools did not last and they went through many of them. He experimented with animal bones and horns in making the tools but was unsuccessful. After trying deer and elk bones, which he had a plentiful supply of, he found that they were hard and did not disintegrate. They did not break and worked really well. Ziggler gave them to taxidermist friends and they liked them. man who worked at a taxidermy supply company in Oregon became interested in marketing the tool. In researching the law, they found out that it did not say that a person could or could not use them. As a result, he decided to wait until the 1995 legislative session to see if the law could be clarified. emphasized that the leg bones were a waste product. The part of the leg used was from the hoof to the knee. A large quantity was hauled to the landfill every year. Mr. Ziggler simply found a way to use them and wanted the current law modified.

Opponents' Testimony:

None.

Informational Testimony:

Pat Graham, Director, Department of Fish, Wildlife, and Parks, presented informational written testimony. The FWP denied requests in the past from jewelry makers to use parts of bones in jewelry. Because the use of the bones is currently unlawful, taxidermists use artificial materials to support mounted animals. Historically bone was used. HB 291, if passed, would allow manufacturers to use such bones in their products. FWP was not aware of a major commercial market for deer or elk bones. Therefore, they did not believe that allowing people to use these bones commercially would create any additional threat to Montana's wildlife resources. EXHIBIT 3

Questions From Committee Members and Responses:

REP. BILL TASH asked REP. FUCHS if other bones such as livestock could be used. He referred the question to Jim Ziggler. Mr. Ziggler said other bones have been experimented with and found them to be too porous. When he tried making tools with them, they would not become smooth and were not nearly as hard. Elk and moose bone seemed to be the best. REP. TASH asked if there was a change in the whole section on page 2, line 14, subsection (d). REP. FUCHS said there was no change. Section (c) was moved to (d) and a new subsection (c) was inserted.

REP. JIM ELLIOTT asked Mr. Ziggler about the purpose of the tool. Mr. Ziggler explained there was a lot of clay work in the taxidermy business. The eye was set in clay and was sculpted to achieve a natural looking eye. It required a longer tool to complete fine detailed work. The tool could also be used to smooth wrinkles out of the hide. Clay sculptors have also used the tool and liked it.

REP. JACK WELLS asked Pat Graham for the reason requests by jewelry makers were denied. Mr. Graham explained according to the FWP interpretation, it was illegal to sell animal parts including meat, heads, mounts, and antlers. However, bones were not specifically addressed in statute. REP. WELLS remarked that HB 291 would open that area up to jewelers and taxidermists. He asked Mr. Graham if he anticipated problems such as those experienced with people gathering animal parts for the Asian market. Mr. Graham replied FWP was not aware of that kind of demand. If that did occur, the legislature could reconsider this law and further limit its purposes. Under the current market, FWP did not perceive the market would stimulate harvest for those purposes to produce such products. There was a sufficient supply generated to satisfy the needs of the taxidermist.

REP. MARSHALL expressed support of Mr. Ziggler's idea. He enjoyed promoting small industry in Montana. He asked Mr. Ziggler about the forecast for his business if HB 291 passed. Mr. Ziggler did not believe additional people would be hired. Three tools were produced from one leg bone. One tool required

35 to 40 minutes. At present, he and his wife operated the shop as well as a full service commercial tannery. He preferred the business remain small and not require additional employees. Income level was not predictable. The Oregon company wanted eight dozen immediately. As soon the bill becomes law, they could begin production. The tool would not show up in the catalog until next September. Mr. Ziggler was unsure if there would be only one contract with this company or several involving other companies.

REP. HAL HARPER asked Mr. Ziggler about including moose in the bill. Mr. Ziggler said he did not know exactly what bones would be included. An attorney for the Investigations Division for the state told him that since the language was unclear, he recommended that Mr. Ziggler not proceed making the tools. Once the law was changed, he assumed it would include other bones as well. REP. HARPER said livestock bones were too porous but there may be other bones that may be as good as deer and elk. HB 291 included only elk and deer bones to make the tools. It was better to be more inclusive rather than exclusive. Mr. Ziggler agreed.

REP. PAUL SLITER asked Mr. Graham if FWP objected adding moose bones. Mr. Graham stated he understood deer and elk were the only bones requested and the bill was drafted to include those. Mr. Graham felt uncomfortable adding language "just bones in general" because it opened up other concerns. Deer, elk, and antelope bones were abundant. It would also be acceptable to add moose bones. Moose is far less abundant species than deer, elk, or antelope. Based on the information presented, it did not appear that it would be a problem to add those animals' bones.

REP. MARIAN HANSON asked Mr. Graham about the effective date of July 1, 2003. She understood that it was currently unlawful to possess, transport, sell or purchase any naturally shed antlers or skull. CHAIRMAN DOUG WAGNER referred the question to legislative council. Doug Sternberg, Legislative Council explained there were actually two versions of the section. The first version appeared on page 1 and the second version appeared on page 2. The version that will become effective in 2003 omitted subsection (e), which dealt with the donation and sale of paddlefish roe as caviar. In 2003, the donation and sale of paddlefish roe as caviar will no longer be legal and that subsection will be dropped. Subsection (d) will subsequently be subsection (c). There was nothing dealt with in either of the sections beyond possession, sale or purchase of bones of an elk or deer.

CHAIRMAN WAGNER asked Mr. Graham if moose was classified in the deer family. Mr. Graham said he had just discussed that with other people from FWP. From a practical point of view, it would be very difficult to determine if a bone was from a moose, elk or deer once it had been processed into tools. In that respect, he believed the committee may want to include moose.

CHAIRMAN WAGNER asked Mr. Ziggler if he had experimented making the tools out of sheep bones. Mr. Ziggler said no. CHAIRMAN WAGNER was concerned that if HB 291 was confined to deer, elk, and moose, the Fish and Game Committee may review the issue next session. He thought the definition should read "bones" and not be limited to any species. Mr. Ziggler said he did not know. He commented that he had not tried many different bones in his tool making nor did he know of anyone who had tried to make the tools out of game animal bones.

Closing by Sponsor:

REP. FUCHS remarked the discussion was good and provided advice on possible amendments. He would support the amendments. From the original bill's perspective, he and Mr. Ziggler had only discussed deer and elk bones. If he wanted to come to the 1997 session and add bones, that could also be done. HB 291 could be viewed in a few different ways including adding jobs and finding a use for a natural resource that was originally thrown away.

HEARING ON HB 94

Opening Statement by Sponsor:

REP. MATT BRAINARD, House District 62, Missoula stated that the bill had passed out of committee earlier and passed second reading. At that point, he received allegations the testimony might not have been accurate; Jim Chaffin was an opportunist and was being deceitful to make a profit. REP. BRAINARD felt even though the committee had voted on it and it had passed second reading, he was bound "by a code of honor to make sure that the House produced good legislation before it was passed to the Senate." He wanted to return HB 94 to the Fish and Game Committee so they could hear the information from both sides and make a decision on it. This bipartisan project had been an ongoing project since 1990. People overcame some major difficulties preparing licensing, falcons, and falconry practices. The program was backed by U.S. Rep. Pat Williams and U.S. Senators Conrad Burns and Max Baucus, and the American Legion. He distributed copies of letters from these people in support of the program. The scope of the program's operation was expanded to include veteran and civilian disabled people. the first hearing, reasons were discussed for the need to designate the property as a shooting preserve. In his handouts was a letter from Mr. Chaffin that further described various requirements for handicapped people including such things as helicopter evacuation area, proper sanitary facilities, and 4wheel drive access. There were a number of considerations not mentioned last time that REP. BRAINARD believed were pertinent. A letter presented from Richard Clough, Department of FWP, expressed no objections to the project. Louis Kinney, property owner of the proposed preserve, wrote a letter in support of the program and copies were distributed. A budget for the Institute

of Falconry was created in applying for a 501(c)3 nonprofit status. One of the allegations involved the proper articles of incorporation not being filed. REP. BRAINARD handed out a copy to show that everything was in order. There was also a copy of the 501(c)3 application. This was a legitimate corporation and an attempt to develop the program. He said he would answer any questions he could. EXHIBITS 4 THROUGH 14

Discussion:

CHAIRMAN WAGNER asked if REP. BRAINARD brought proponents to testify on the bill other than Mr. Chaffin. REP. BRAINARD said no, but that Mr. Graham was also present.

CHAIRMAN WAGNER asked if Mr. Graham wished to testify. Mr. Graham said he could submit the same testimony presented earlier. CHAIRMAN WAGNER asked if the committee desired to see it again. They indicated they did not. CHAIRMAN WAGNER opened the hearing up to questions. REP. BRAINARD said there were questions about testimony given in the original hearing. He reviewed the transcription and listened to the tape recording of the session. He advised committee members to pay special attention to speak into the microphones.

REP. BOB RANEY stated he had no difficulties with the original hearing and wanted to proceed.

REP. EMILY SWANSON said as she recalled floor action, REP. BRAINARD made a motion to return the bill to committee. She asked REP. BRAINARD if he had changes he wanted to make or if he wanted the committee to just pass the bill out again. REP. BRAINARD stated he would basically like to have it just passed out. However, he wanted committee members to have a fair chance of asking questions, discussing the validity of the bill or verifying the honesty of Mr. Chaffin. When HB 94 goes to the Senate, he wanted to feel that the House did a good job and reviewed it carefully.

CHAIRMAN WAGNER explained that there were some questions in the testimony that arose after we passed it out in second reading. An opportunity was given to rehear the bill.

{Tape: 1; Side: B; Approx. Counter: 000; Comments: N/A.}

Questions From Committee Members and Responses:

REP. BRAD MOLNAR stated Mr. Chaffin gave testimony consistently throughout the original hearing that the land was his; it was donated. He referenced page 2 and 3 of the minutes from the original hearing. In those minutes, REP. MOLNAR had asked if the organization could sell or trade the land in the event the land could not be established as a preserve. Mr. Chaffin had replied that it could not. REP. MOLNAR asked Mr. Chaffin if he still maintained that the land was willed to him for the purpose of

establishing a preserve. Mr. Chaffin replied that he did not say REP. MOLNAR asked for further clarification. Mr. Chaffin explained that if he said "we" owned the property, he meant all parties involved. Louis Kinney physically owned the property. Several people went into this venture and planned to stay together. REP. MOLNAR said he did not remember him saying the word "we." He read from the minutes, Mr. Chaffin replied the land could not be sold or traded because it was donated to the organization for the purpose of establishing a preserve. MOLNAR asked if the 360 acres in question had been willed to the organization for the purpose of establishing a preserve. Chaffin explained that he said there was property west of Missoula that Mr. Kinney willed to somebody. He did not know who it was willed to. The property could never be developed. **Kinney** had said he would sell it as long as part of it remained open for an elk corridor. REP. MOLNAR asked if he was now saying that the land had not been willed to your organization for the purpose of establishing a preserve. Mr. Chaffin maintained the statements he made earlier. REP. MOLNAR asked if he thought the minutes were wrong.

Mr. Chaffin said yes, if that was the content of them. MOLNAR asked about the manner in which he controlled the property, through lease, grant, or purchase. Mr. Chaffin replied "You asked me what time it was, now I am going to be telling you how to build a watch." He had flown falcons on Mr. Kinney's property for 30 years. One day somebody approached him and said he had to pay \$100 to continue to flying falcons. It was not Mr. Kinney. About one month later he saw Mr. Kinney fixing his fence and stopped to help him. He saw the falcon sitting in the back seat of his car and asked about it. Mr. Chaffin explained it was a falcon and what he did with it. Mr. Kinney asked him why he did not fly the falcon on his property. Mr. Chaffin said he had, but he quit when a man attempted to charge him money. This oth r man had leased part of Mr. Kinney's property to fly falcons on. Sometime later, he stopped to help Mr. Kinney fix a fence again. Mr. Chaffin asked him if he approached the man who tried to charge him \$100. Mr. Kinney tried to talk to him but all he would do was scream and yell. He threatened his life and threatened to burn his house down. Mr. Chaffin went to a friend, who was a detective sergeant, and told him the story. Mr. Chaffin confirmed Mr. Kinney's story with a neighbor and found that it was true. Mr. Chaffin obtained help from the police department and they evicted the bad tenant. During that process, Mr. Kinney told him that they could hunt there and start the Institute of Falconry for Americans with Disabilities. organization had a contract with him and would move off the property if problems arose. The deputy sheriff told him to get an attorney to draw up the deed. As far as the sale or willing of the property, Mr. Chaffin declared that he "made it a point and doubly made it a point to not stick my nose in anybody's business, especially not their financial business." The manner in which Mr. Kinney decided to dispose of the property was of little consequence to him.

In five years, Mr. Chaffin said he will no longer be with the organization. The program is designed to be totally taken over by the disabled. CHAIRMAN WAGNER pointed out that when the secretary wrote the minutes, she does paraphrase. REP. BRAINARD indicated that he had an audio copy of the tape which he listened to and felt that there were possible discrepancies because at times the tapes were nearly inaudible. The reason for the second hearing was to resolve discrepancies in what was told to the committee. REP. MOLNAR said that he will allow Mr. Chaffin a lot of latitude. He asked if the land had been purchased, leased, or rented. Mr. Chaffin said the land had not been purchased or leased. They had a reciprocity agreement and were preparing to sign a lease.

REP. MOLNAR asked if Mr. Chaffin requested Upland Habitat Enhancement Funds. Mr. Chaffin said he did not. He asked about them but was told that he should not try. He could not remember if he filed an application. REP. MOLNAR asked Mr. Graham whether an application for Upland Enhancement Funds was filed by the organization. Mr. Graham said he did not know. He had to check with the regional office. REP. MOLNAR asked if he would get that information. Mr. Graham said that he would. REP. MOLNAR read a portion of the minutes from the original hearing regarding this issue, which follows in parentheses. (REP. MARSHALL asked Mr. Chaffin the reason he asked for an exception to the 10-mile rule was that there was no planned change for that rule. Mr. Chaffin said anytime a preserve was established there was a good reason.) The reason was because the game was plentiful and the area was REP. MOLNAR asked Mr. Chaffin if he chose the area for the preserve because the game was plentiful and the area was pristine. Mr. Chaffin said that was part of it and it also met all of the required criteria. Currently, there were few pheasants on the property. REP. MOLNAR asked him if he implied that the game was not plentiful. Mr. Chaffin replied there were Neighbors of the property do not object to the land becoming a preserve.

REP. MOLNAR asked CHAIRMAN WAGNER if he recalled his line of questioning in the original hearing regarding the land being willed to the organization. CHAIRMAN WAGNER answered that he remembered the question being asked but did not remember the response. CHAIRMAN WAGNER understood the point he was trying to make. However, listening to the new testimony provided today, perhaps it was the elk habitat corridor that he was referring to when he spoke of the land being willed. He asked for Mr. Chaffin's response. Mr. Chaffin remembered the question that REP. MOLNAR asked. He was referring to the elk corridor habitat.

REP. MARSHALL stated he understood the preserve would be established exclusively for falconry hunting for the disabled. Ordinarily, preserves were required to be 10 miles apart but the proposed preserve is about 9 1/2 miles from the nearest preserve. He asked Mr. Graham if the lease fell through, could it be opened up for any other type of use. Mr. Graham explained that the

amendment includes the wording "and operated" on line 19. The intent of the amendment was to require that the preserve had to be "established and operated" exclusively for the disabled. REP. MARSHALL asked if Mr. Chaffin lost the lease or left the property as manager, the preserve license would continue only in the manner prescribed. Mr. Graham said yes, only for the practice of falconry hunting by the disabled.

REP. SLITER asked Mr. Chaffin about the projected numbers in the budget for public support of \$50,000 for 1995, and \$60,000 for Mr. Chaffin said that was "wishful thinking." The federal government required a budget and they hired an accountant to draft it. He said he could not begin to answer any technical questions about the budget. However, it was a goal to procure that amount of money from public supporters. REP. SLITER asked about the possibility of grants. Mr. Chaffin said they may or may not obtain a grant. REP. SLITER asked Mr. Chaffin if he intended to charge the disabled falconers. Mr. Chaffin said no. The organization was providing the falcons, falcon's furniture, house, and food, and providing a place to hunt for game. SLITER asked if he had set up nonprofit corporation status. Chaffin said yes. REP. SLITER said there was a projected excess in revenue over expenditures. Mr. Chaffin said yes. REP. SLITER asked what he intended to do with that. Mr. Chaffin said it will be reinvested into the program.

REP. CHASE HIBBARD asked Mr. Chaffin to clarify the issue of the lease. Mr. Chaffin said the organization did Mr. Kinney a favor by removing the bad tenant. The organization placed a disabled veteran onto the property as a tenant. He helped Mr. Kinney watch over his property. Mr. Kinney once lost 38 head of cattle and not one fence was cut; however, the gate showed a great deal of use. Currently, the veteran stays in the house to watch over the property. That was part of the reciprocity agreement along with driving 5 mph and not bothering the cattle. REP. HIBBARD asked whether there was actual written or formal lease on the property. Mr. Chaffin said yes, but it had not been signed.

REP. HIBBARD asked Mr. Graham if the existence of a lease made a difference in granting a permit for the shooting preserve. Mr. Graham said it could be issued to any person, partnership, association, or corporation, and he did not believe it would affect the permit.

REP. BOB REAM said the committee could not expect Mr. Chaffin to have a lease before the bill became law. This was his seventh session on the Fish and Game committee and he found the proceeding of a second hearing irregular. He had known Mr. Chaffin for years and he has appeared before the committee on occasions when there were falcon issues. He was a master falconer and had a strong code of ethics. He found it disconcerting that some of the lines of questioning were totally unrelated to the bill, but rather related to Mr. Chaffin's

character. He stated a mild objection of returning the bill to the committee for a second hearing.

REP. HARPER asked Mr. Chaffin about the effect of placing a four year sunset date on the bill for the purpose of reviewing the success of the program. If it did work successfully, the termination date could be removed. Mr. Chaffin asked if he could guarantee that termination date would be removed. It would give them a goal to strive for. REP. HARPER said he could not guarantee it. However, any legitimate organization or business has an opportunity to present their case. Mr. Chaffin said he would accept a handshake.

Closing by Sponsor:

REP. BRAINARD said he conferred with Mr. Graham about who has control. Section 87-4-502 stated that operating licenses or permits may be issued to any person, partnership, association, corporation for the operation of a shooting preserve that met the requirements. Until a contract is signed between the organization and Mr. Kinney, the owner of the land, it will directly affect him as long as he has control of it.

REP. BRAINARD stated that the committee members have become used to engaging in debates with lobbyists or agency personnel who are skilled speakers regarding laws. There are many common usages of terms, such as "deeds," that people use in everyday language that are not technically correct. It is not often the committee heard from regular citizens. He believed committee members should reexamine the standards held for some people and consider them while going over the written testimony and audio tape. When he listened to the tape certain phrases and words could have different meanings bestowed upon them. REP. BRAINARD maintained HB 94 was a good bill and that it would provide a worthwhile service. It was supported by Mr. Chaffin, the American Legion, and Montana's U.S. representatives and senators.

EXECUTIVE ACTION ON 291

Motion: REP. TASH MOVED HB 291 DO PASS.

Discussion:

REP. RANEY questioned if action should be taken on the bill on this day. He thought the department might need a few days to reconsider potential problems. Perhaps there were animal bones that should be excluded. He asked if FWP was confident about including "all bones." Mr. Graham said as the motion stood, the bill would limit it to elk and deer. CHAIRMAN WAGNER commented there was a conceptual amendment offered to change that. Mr. Graham asked for clarification. CHAIRMAN WAGNER said the discussion was about the potential of amending the bill to include other bones. Mr. Graham felt that adding moose bones

would be acceptable. However, bear and a few others, would need to be examined for conflicts with statutes. The subject needed more discussion. He did not know if Mr. Ziggler experimented with the other bones, he limited his practice to elk and deer. The difficulty for FWP was that they could not make a determination where the bones came from once they were made into tools. CHAIRMAN WAGNER asked if FWP would be comfortable amending the bill to include all bones. Mr. Graham said no. He would not object to adding moose bones. Although no immediate problems were perceived, amending the bill to include all bones may create an opening for problems. He expressed concern over using big horn sheep, mountain goats, and bear's bones.

Motion/Vote: REP. RANEY MOVED TO ADD MOOSE AND ENTELOPE BONES. Motion carried unanimously.

Motion/Vote: REP. ELLIOTT MOVED HB 291 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON 288

Motion: REP. HARPER MOVED HB 288 DO PASS.

Discussion:

REP. BILL REHBEIN thought that if someone was unsuccessful he/she should not be "put back another seven years." If there was an adequate reason a hunter could not fill the tag, they should have the opportunity to return the tag and have another chance at the drawing. REP. HANSON understood that a person could apply for the sheep license every year as long as he/she was unsuccessful. The question was referred to Mr. Graham for clarification. Mr. Graham asked if REP. REHBEIN referred to the unlimited or limited area. REP. REHBEIN said limited. Mr. Graham said in the limited area if a person draws a tag, that was his chance. HB 288 proposed that in the unlimited area a person could continue to draw for a tag until he was successful. Currently, in both areas the only chance a person gets was when they drew a tag.

CHAIRMAN WAGNER asked for further clarification on the last question. Mr. Graham said HB 288 allowed a person to continue drawing for a tag in the unlimited areas as long as they were unsuccessful in filling the tag. A person continued hunting until either the season ends or the quota was filled. Once the quota was filled a hunter could not draw for a license for seven years.

REP. MARSHALL commented he had become ill last fall and was unable to go hunting. FWP agreed to refund the money he spent for his license. The total license price would be refunded if a person went to FWP before the time frame elapsed. Mr. Graham said there was also another example. A person shot a moose and

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the meat was tainted. That person came into FWP and they reissued the license.

CHAIRMAN WAGNER asked REP. REHBEIN if he was comfortable with the answer. REP. REHBEIN said yes.

Motion/Vote: REP. DEVANEY MOVED THE DEPARTMENT OF FWP AMENDMENTS DO PASS. Motion carried 17 to 1 with REP. SLITER voting no.

Motion/Vote: REP. ELLIOTT MOVED HB 288 DO PASS AS AMENDED. Motion carried unanimously.

Discussion:

CHAIRMAN WAGNER said legislative council indicated he would amend the title to reflect the amendments.

EXECUTIVE ACTION ON 94

Motion: REP. REAM MOVED HB 94 DO PASS.

Discussion:

REP. MOLNAR requested that the committee refrain from taking executive action because he requested further information from FWP regarding the application.

Action was suspended until a later date.

ADJOURNMENT

Adjournment: 4:37 p.m.

REP DOUG WAGNER, Chairman

MARY RITTANO, Secretary

DW/mr

HOUSE OF REPRESENTATIVES

Fish and Game

ROLL CALL

DATE <u>January</u> 31, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Doug Wagner, Chairman	V		
Rep. Bill Rehbein, Vice Chairman, Majority	V		
Rep. Emily Swanson, Vice Chairman, Minority	V		
Rep. Charles Devaney	V		
Rep. Jim Elliott	V		
Rep. Daniel Fuchs	V		
Rep. Marian Hanson	V		
Rep. Hal Harper	V		
Rep. Chase Hibbard	V		
Rep. Dick Knox	V		
Rep. Rod Marshall	V		
Rep. Brad Molnar	/		
Rep. Bob Pavlovich	V	1	
Rep. Bob Raney	V		
Rep. Bob Ream	<i>V</i>		
Rep. Paul Sliter	/		
Rep. Bill Tash	V		
Rep. Jack Wells	V		



HOUSE STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on Fish and Game report that House Bill 291 (first reading copy -- white) do pass as amended.

And, that such amendments read:

1. Title, line 5.

Following: "ELK"

Insert: ", ANTELOPE, MOOSE,"

2. Page 1, line 25. Following: "elk"

Insert: ", antelope, moose,"

-END-



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· February 1, 1995

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Mr. Speaker: We, the committee on Fish and Game report that House Bill 288 (first reading copy -- white) do pass as amended.

Signed: Jong las Jagner Chair

And, that such amendments read:

1. Title, line 5. Following: "SHEEP"

Insert: "USING AN UNLIMITED MOUNTAIN SHEEP LICENSE"

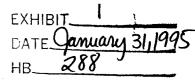
2. Page 1, line 24. Following: "sheep"

Insert: "using an unlimited mountain sheep license"

3. Page 1, line 26. Following: "year."

Insert: "For the purposes of this subsection (b), "unlimited
 mountain sheep license" means a license that is valid for an
 area in which the number of licenses issued is not
 restricted."

-END-



THB288P.H

House Bill No. HB288

January 31, 1995

Testimony presented by Pat Graham

Montana Fish, Wildlife & Parks
before the House Fish and Game Committee

The Department supports HB 288. Statutes already mandate a seven year waiting period for anyone receiving a permit for moose, goat or limited sheep. Including those people who harvest rams in unlimited areas will increase equity in those area.

First, I want to clarify the definition of a limited and unlimited bighorn sheep hunting areas. Limited refers to those areas of the state that limit the numbers of hunters through the issuance of permits. In an unlimited area the harvest is regulated either by the length of the season or by a quota on the harvest and hunter numbers are not limited, therefore, anyone who purchases a license may hunt.

Montana currently has five hunting districts that are managed as unlimited areas. Two of these are open for a six day period and the other three have quotas on the harvest. Hunting is restricted to rams having horns that comprise at least three-fourths of a full circle in all five hunting districts.

While all applicants in unlimited areas receive a permit, hunter success rates in those areas is much lower than in permitted or limited areas. Licenses are nonrefundable and license holders may not change districts, even if the area closes before they have an opportunity to hunt. Quota areas often close within 4-10 days after they open (Table 1).

All of Montana's unlimited areas are located near the northern boundaries of Yellowstone Park. The rugged topography of these hunting units present the challenge of not only locating a legal ram but also serves to test the physical endurance of the hunters willing to participate in the hunt. Because of the remote aspect of these areas, the difficulty in locating sheep and the unique experience the Commission and Department intends to continue management in these units using the unlimited hunter number concept.

Between 1984 and 1993 an average of 237 hunters have participated in this hunt annually. Harvest during the same period has averaged 18 rams per year. Since 1977, 388 rams have been taken in these areas by 349 hunters. A total of 14 hunters have taken two rams, one has taken three and two have accounted for four rams each. The number of years between harvest ranged from one (six hunters) to seven (one hunter) and has averaged four years (Tables 2 and 3).

Current law allow the taking of multiple rams from these areas in less than a seven year period. However, in the face of increasing interest in the unlimited hunt doing so reduces the opportunity afforded to other hunters, particularly in the quota areas.

Because bighorn sheep are a highly sought after big game animal current statute already restricts successful applicants in limited entry districts with a seven year waiting period before they may reapply for a license. The institution of a seven year waiting period for successful hunters in the unlimited areas would make the system more equitable and afford others the opportunity to take a ram from these areas.

Montana statute 87-3-111 allows for the sale of head, hide or mount of legally killed bighorns. There is also a market for illegally taken animals, and our covert unit has investigated 12 cases of illegal trafficking of bighorns since 1987. The institution of a seven year wait in the unlimited areas would also reduce the opportunity for an individual to profit from what is an exceptional sport hunt by limiting the opportunity to consistently harvest marketable rams from these areas.

The institution of the seven year wait for successful hunters in the unlimited areas would have affected 17 hunters since 1977. However, it would have allowed 22 additional hunters the opportunity to harvest an animal from the area.

The Department would like to offer an amendment. The language is correct as written however remains unclear. We offer the attached amendment for clarity only.

DATE PARLANG 31

Table 1. Unlimited Areas Closed by Reaching Quotas 1985-94

REGION THREE:

			Days open (quota/kill)	ill)		
No. HD's Open	Year	No. HD's Closed	HD 300	НD301	HD302	HD303
4	1985	3	30 (3/3)	30 (4)		19 (2/2)
3	1986	3	36 (2/3)		6 (5/6)	23 (2/2)
3	1987	3	29 (3/3)		5 (5/6)	22 (2/2)
3	1988	2	12 (3/3)		6 (5/6)	
3	1989	2	4 (3/5)		6 (5/6)	
3	1990	2	4 (3/5)		7 (5/10)	
		Season change	Season changed to a 6 day season in HD 300,301	n HD 300,301		
1	1991		6 (72)		6 (/5)	- (72)
1	1992	1	6 (/2)		6 (718)	58 (2/2)
1	1993		6 (/4)		6 (/11)	51 (2/2)
1	1994		(9/)9		6 (/5)	61 (2/1)

EXHIBIT 1A

DATE 1-31-95

HB 288

Table 1. (cont.)

REGION FIVE

			Days open (quota/kill)	
No. Hd's Open	Year	No. HD's Closed	HD 500	HD 501
2	1985	0		1
2	1986	0		•
2	1987	2	10 (2/2)	4 (3/3)
2	1988	2	17 (2/2)	10 (3/3)
2	1989	2	11 (2/2)	11 (3/4)
2	1990	1	***	7 (3/3)
2	1661	1	-	10 (3/4)
2	1992	1	-	14 (3/2)
2	1993	1	-	7 (3/3)
2	1994	0	- (2)	- (3/2
118.5				

1B January 31,1995 288

Table 2. Number of years between kills in unlimited areas 1977-93.

3 5 7								
Number of years between Ains in unimited area	Hunters	9	3	5	3	2	1	1
TADIE Z. INUITION OF Y	Years	1	2	3	4	5	. 6	7

Number of hunters taking two or more sheep in the unlimited areas (1977-93). Table 3.

Hunters	14	1	2
Number Killed	2	3	4

119.2

EXHIBIT IC DATE PARISHED ASS

Amendments to House Bill No. 288
First Reading Copy

For the House Fish & Game Committee

Prepared by Fish, Wildlife & Parks January 25, 1995

1. Page 1, line 24. Following: "sheep"

Insert: "using an unlimited mountain sheep license"

2. Page 1, line 26.
Following: "years."

Insert: "For the purposes of this subsection (b), "unlimited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is not restricted."

DATEGANNIANY 31, 1995

My name is Harold Billings, I reside in Bozeman and I am on the State Board of Directors of the Montana chapter of the Foundation for North America Wild Sheep and I rise in support of HB #288. I will refer to the Foundation for North america Wild Sheep as FNAWS. FNAWS national headquarters are located at Cody, Wyoming.

At the outset, I would like to explain the difference between a limited license and an unlimited license. A limited license means only a limited number of licenses are computer drawn from the applications received. All limited licenses issued by drawing must be applied for prior to May 1.

Unlimited licenses are also subject to a drawing, however, as long as your check is good and you apply prior to May 1, you will receive an unlimited license.

Limited licenses have one restriction that unlimited licenses do not have. That is the seven year wait period. If you draw a limited license you can not apply until after a seven year wait period. You must then take your chances through the computer drawing again. Unlimited licenses are not subject to the seven year wait period.

At the present time a hunter my obtain a moose, goat, or sheep license in the limited areas of Montana once every seven years. This law was established several years ago and has been accepted by the hunting fraternity.

When the present law was passed and signed, paragraph (5) governing the unlimited areas of sheep hunting was omitted. I can not tell you why, but it has proven to be a mistake and is causing a bad reflection upon trophy, both resident and nonresident.

hunters

The Montana Chapter of FNAWS desires to have the unlimited sheep areas included in the seven year wait period. These areas are located starting with the West Rosebud River west of Red Lodge, then the Boulder River south of Big Timber and west to the Gallatin River south of Bozeman in and around Big Sky. The sheep numbered areas on the west are 300, 301, and 303 and those on the east 500, 501, and 502. Applying the seven year wait period to the unlimited areas would place the entire state under the same law governing moose, goat, and sheep.

The reasoning behind including the unlimited sheep areas in the seven Year wait period has to be due to hunting for profit. Hunters now in the unlimited sheep areas can and do shoot a ram each year and following the close of the season, approach a local taxidermist and try to sell the cape and horns. A good cape will bring upwards to \$1,500.00 while a trophy ram head will start at about \$500.00 for a small 3/4 curl ram horn and increase rapidly in relation to the size of the horn, topping out in the \$2,500.00 range. The Montana Chapter of FNAWS believes this should not be the intent of trophy hunting.

Including the unlimited sheep areas in the seven year wait period would be a step in the right direction showing the anti hunting people that trophy hunters are trying to improve hunting ethics.

Thanking you for allowing me to make this presentation and I would be willing to answer any questions. I have copies for the committee.

TROPHY INVENTORY

• These values are not to be used for tax deduction purposes.

 Please circle the applic All appraisals are based on guided hunts.

KUDU, LESSER

KUDU, SOUTHERN GREATER

KUDU, WESTERN GREATER LECHWE, BLACK

LECHWE, KAFUE FLATS

LEOPARD, AFRICAN (RUG

HON AFRICAN (RHG) NYALA, MOUNTAIN

NYAUA, SOUTHERN

ORIBI, HAGGARD

ORYX, FRINGE-EARED

REEDBUCK, COMMON

REEDBUCK, NAGOR

RHEBOK, VAAL

REEDBUCK, EASTERN BOHOR

REEDBUCK, NIGERIAN BOHOR

REEDBUCK, SUDAN BOHOR

ROAN ANTELOPE, ANGOLAN

ROAN ANTELOPE, SUDAN

ROAN ANTELOPE, WESTERN

SHEEP, AOUDAD OR BARBARY

SITATUNGA, EAST AFRICAN

SITATUNGA, SESSE ISLAND

SITATUNGA, WESTERN

SITATUNGA, ZAMBEZI

SPRINGBOK, ANGOLAN

SPRINGBOK, KALAHARI SPRINGBOK, SOUTH AFRICAN

SPRINGBOK, WHITE

SUNI, EAST AFRICAN

SUNI, LIVINGSTONE

STEENBOK

TIANG

TOP

TSESSEBE

WARTHOG

DEFASSA

DEFASSA

OR COMMON

WATERBUCK, CRAWSHAY

WATERBUCK, EAST AFRICAN

WATERBINCK RINGED

WATERBUCK, SING-SING

WILDEBEEST, COOKSON

WILDEBEEST, WHITE-BEARDED

SOUTH PACIFIC

WILDEBEEST, NYASA

ZEBRA (RUG)

BANTENG

BUFFALO, WATER

CHAMOIS, EURASIAN

DEER AXIS OR CHITAL

BOAR FERAL

2,280 4,680

2,557 5,017

2,320 4,780

3 518 5,918

i ≥o0 4,920

WILDEBEEST, BLACK

WILDBEEST BLUE

SPRINGBOK, BLACK

SITATUNGA, FOREST

SABLE ANTELOPE

REEDBUCK, SOUTHERN MOUNTAIN 1,595 3,110

RHINOCEROS, SOUTHERN WHITE 41,495 57,695

ROAN ANTELOPE, EAST AFRICAN 2,685 5,465

REEDBUCK, AETSSINIAN BOHOR

REEDBUCK, CHANIER MOUNTAIN

ORYX, BEISA

PIG. BUSH

ORIBI

LECHWE, NILE LECHWE, RED

MODEU AMEDICA

NORTH AME	RIC.	A
	Head	Life Sized
	2 520	
REAR, WERICAN BLACK (RUG)	3,925	5,075
SEAR, GRIZZLY (RUG)	8,025	9,670
BISON AMERICAN	4 060	7,435
BOBCAT (RUG)	1,307	1,537
BROCKET RED	3,285	4,525
JARIBOU, ALASKA		
Yukon BARREN GROUND	5,465	7.600
CARIBOU, ARCTIC ISLANDS	5,590	7,725
CARIBOU, MOUNTAIN	3,665	5,300
CARIBOU GUESEC-LABRADOR	4.650	6,750
CARIBOU, WOODLAND	5,490	7,625
CARIBOU, CENTRAL CANACA		
BARREN GROUND	4,465	5,500
COUGAR OR MOUNTAIN LION		
(RUG)	4,155	5,500
DEER, COLUMBIA BLACK-TAILED	3,816	5,131
DEER, MULE DESERT	2,870	4,145
DEER, MULE ROCKY MOUNTAIN	2,870	4,145
DEER, SITKA BLACK-TAILED	5,355	6,670
DEER, WHITE-TAILED		
CENTRAL AMERICAN	3,005	4,320
DEER, WHITE-TAILED COUES	2,768	4,083
DEER, WHITE-TAILED MEXICAN	4,930	6.245
DEER, WHITE-TAILED		
HORTHEASTERN	2,390	4,245
DEER, WHITE-TAILED		
NORTHWESTERN	3,055	4,370
DEER, WHITE-TAILED	2 700	
SOUTHEASTERN	2,780	
DEER, WHITE-TAILED TEXAS	3,005	4,320
ELK OR WAPITI, ROCKY MOUNTAIN	4 050	4 220
ELK OR WAPITI, ROOSEVELT	3,950	6,320
ELK OIL WAPITI, TULE	13,855	6,220
GOAT, MOUNTAIN, AMERICAN LYNX, CANADA	4,155	5,695
	2,260	
MOOSE, WESTERN CANADA MOOSE, SHIRAS	5,235	8,420
		7,370
MOOSE, ALASKA-YUKON MOOSE, EASTERN CANADA	6,785 4,660	9,970 7,845
MUSEOX, BARREN GROUND	5,250	8,055
MUSKOX, GREENLAND	5,180	7,935
PECCARY OR JAVELINA, COLLARED		2,143
PRONGHORN	2,680	
SHEEP, BIGHORN ROCKY	2,000	3,773
•	12,166	13 646
SHEEP, DESERT BIGHORN	13,865	15,345
	2,000	

NORTH AMERICAN

8,790 10 320

9,135 10,795

2,175 3,100

HARTEBEEST, COKE

HARTEBEEST, LELWEL

HARTEBEEST, WESTERN

HARTEBEEST, LICHTENSTEIN

HARTEBEEST, NEUMANN (HYBRID)

SHEEP, DALL OR WHITE

SHEEP, 570-

WOLF, GRAY

INTRODUCE))	AIT
ADCAX	4,675	5,920
BARASINGHA	4,650	6,920
BLACKBUCK OR INDIAN ANTELOPE	3,275	4,620
BOAR, FERM	1,475	2,620
BOAR, WILD (PURBED)	1,575	2,720
DEER, AXOS OR CHITAL	1,735	3,070
DEER, FALLOW	1,315	2,695
DEER, PERE DAVID	8,925	11,195
DEER, RED	4,650	6,920
DEER, SILKA	2,540	3,820
ELAND, COMMON	3,700	8,770
GAZELLE, DAMA	4,210	5,475
GAZELLE, PERSUAN GOITERED	3,185	4,450
GENSBOX	3,650	5,995
GOAT, "CATALINA" OR FERAL	2,020	3,275
IBEX, IMBRIO	1,290	2,770
IBEX, HUBIAN	7,290	8,770
IBEX, PERSONN OR BEZONR	3,515	4,000
HAZISBEZ, COBI	6,315	7,795

cable limit of li		
cable limit of it	abili	ıy. •
AFRICA		
AI KIYA		Life
DIFFERON	Head	Sized
BLESBOK WHITE	7,560	
BLESBOK, WHITE	2,355	3,955
BOAR, WILD BARBARY BONGO, WESTERN	3,600	4,745
BONTEBOK	7,340	
BUFFALO, CAPE	3,140	9,345
BUFFALO, DWARF FOREST		11,070
BUFFALO, NILE	3,228	9,178
BUFFALO, NORTHWESTERN	3,108	9,060
BUSHBUCK, ABYSSINIAN	3,148	4,398
BUSHBUCK, CAPE	1,965	3,215
BUSHRUCK, CHOBE	2,225	3,475
BUSHBUCK, EAST AFRICAN	2,325	3,575
BUSHBUCK, HARMESSED	2,375	3,625
BUSHBUCK, LIMPOPO	2,165	3 415
BUSHBUCK, MENELIK	2,236	3,486
BUSHBUCK, NILE	3,411	4,661
DIK-DIK, CORDEAUX	1,915	2,690
DIK-DIK, DAMARA	4,100	4,855
DIK-DIK, GUENTHER	2,075	2,850
DIK-DIK, HARRAR	3,002	3,777
DIK-DIK, KIRK (TYPICAL)	2,385	3,160
DIK-DIK, SALT	4,105	4,880
DUIKER, ABBOTT	5,135	
DUIKER, ANGOLAN BUSH	3,020	3,875
DUIKER, BAY	4,645	5,500
DUIKER, BLACK	7,595	8,450
DUIKER, BLACK-FRONTED	6,395	7,250
DUIKER, BLUE	2,035	2,890
DUIKER, BUSH SOUTHERN	2,000	3,250
DUIKER, BUSH WESTERN	2,133	2,988
DUIKER, EAST AFRICAN BUSH	1,825	2,680
DUIKER, GABON	4,710	5,565
DUITER, HARVEY RED	2,875	3,730
DUIKER, MAXWELL	4,820	5,675
DUIKER, NATAL RED	2,345	3,200
DUIKER, OGILBY	6,845	1,770
DUIKER, PETERS	5,050	5,775
DUIKER, RED-FLANKED	2,522	3,770
DUIKER, WEYNS	3,258	4,113
DUIKER, YELLOW-BACKED	3,089	4,400
DUIKER, ZEBRA	6,845	7,770
ELAND, CAPE	3,725	8,795
ELAND, EAST AFRICAN	2,925	7,995
	12,130	
ELAND, LIVINGSTON	3,055	8,125
ELEPHANT, AFRICAN (MOUNT)	24,550	
GAZELLE, BRIGHT	4,075	5,575
GAZELLE, DORCAS SAHARA	4,260	5,525
GAZELLE, ERITREAN	4,500	6,000
GAZELLE, GRANT NORTHERN	2,155	3,655
GAZELLE, GRANT SOUTHERN	2,155	3,655
GAZELLE, MONGALLA	2,139	3,404
GAZELLE, PETERS	2,030	3,530
GAZELLE, RED-FRONTED OR KORIN	3,675	5,175
GAZELLE, ROBERTS	2,965	4,530
GAZELLE, SOEMMERRING SOMALI	2,270	3,770
GAZELLE, THOMSON	2 065	3,330
GENSBOK, ANGOLAN		5,870
GEMSBOK, KALAHARI	2 494	5,945
GERENUK, NORTHERN	3,494	5,464
GERENUK, SOUTHERN GRYSBOK, CAPE	2,795	4,765
GRYSBOK, SHARPE	2,035	2,890
HARTEBEEST, CAPE	1,880 2,460	4,920
	4,700	7,740

ASIA

Life Head Sized

2.583 4.483

4,225 5,845

2,975 4,595 3,270 4,890

2,700 4,320

7,295 8,495 4,220 6,420

11 337 14 007

2,955 4,775

1,930 2,785

5,670 6,525

2,710 4,790

2,585 4,665

2,220 3,420 2.275 4.395

3,161 4,676

1 970 3 485

2,160 3,660

2,025 3,540

3,211 4,726

2.175 3.690

2,450 3,965

2,125 3,635

2,695 5,345

3 965 6 745

2.940 5.720

3,490 6,270

4 500 6.200

3,495 5,340

3,500 5,345

5,900 7,745

5,200 7,045

3,075 4,920

3,930 5,795

2,065 3,685 2,100 3,720

1,840 3,460

2,065 3,685

1,920 2,775

1,885 2,660 2 095 2,950

2,865 5,345

2,610 5,070

2,660 5,120

2,040 3,340

2,610 5,070

2,625 5,085

3,160 5,620

2,598 5,058

2,060 4,520 2,310 4,770

2,605 5,065

2,730 5,190

2,230 4,690

2,390 5,340

4,745 10,695

2,375 3,520

3,085 4,325

3 990 5 200

WATERBUCK, ANGOLAN DEFASSA 3,385 5,845

2,845 6,945 9,645 Life

	Head	Life Sized
ARGALI, ALTAI		29,650
ARGALI, GOBI	16,190	
ARGALI, MARCO POLO		33,600
ARGALI, TIAN SHAN		
		33,750
SEAR, BROWN EURASIAN (RUG)	6,820	8,520
BEAR, BROWN MIDEASTERN		2 030
(RUG)	8,270	
BHARAL, CHINESE		12,745
BHARAL, HIMALAYAN	11,265	
BOAR, WILD	1,700	2,935
CHAMIS, ANATOLIAN	5,985	1,225
(HAMOIS, CAUCASIAN	2,860	4,100
CHINKARA OR INDIAN GAZELLE	10,075	12,125
DEER, AXIS OR CHITAL	4,015	5,350
DEER, INDIAN HOG	5,035	6,275
DEER, RED MIDEASTERN	3,990	
DEER, ROE SIBERIAN	3,060	
EASTERN OR DAGESTAN TUR	6,270	
EUROPEAN ROE DEER	0,270	7,070
(TIPICAL ANTLEIS)	3,685	4,925
GAZELLE, GOA OR TIBETAN	2,535	
CATELLE WILLIED CONTEDED	2,185	
GAZELLE, HILLIER GOITERED		
GAZELLE, MONGOLIAN	4,210	$\overline{}$
GAZELLE, PERSIAN GOITERED	3,375	
GAZELLE, PRZEWALSKI	4,210	
IBEX, GOBI		7,045
IBEX, HIMALAYAN	4,690	
IBEX, MIDASIAN	5,775	
IBEX, NUBIAN	8,925	11,195
IBEX OR PASANG, BEZOAR	6,065	7,545
IBEX, SIBERIAN	6,190	7,670
IBEX, SIND	6,740	8,220
KAMCHATKA SNOW SHEEP	15,140	16,620
LYNX, EURASIAN (RUG)	3,625	3,850
MARKHOR, ASTOR	31,460	
MARKHOR, KASHMIR	29,165	
MISHMI TAKIN	14,140	
MOOSE OR ELK, SIBERIAN	5,710	
MOUFLON, ARMENIAN	12,045	
MUNTIAO, INDIAN	3,985	
NILGAL OR BLUE BULL	3,800	
REINDEER OR CARIBOU	5,390	
RUSA, JAVAN	4,665	
SAIGA, RUSSIAN		4,725
SAMBAR, INDIAN	3,365	10,595
SAMBAR, INDOCHINESE		
SHEEP, SNOW SIBERIAN	11,740	
TAHR, HIMALAYAN	4,810	
URIAL, AFGHAN	11,370	
URIAL, BLANFORD	12,570	13,970
URIAL, PUNJAB	12,970	14 370
urial, transcaspian	16,690	18,170
WAPITI, ASIAN CENTRAL	6,475	8,755
WAPITI, MANCHURIAN	6,625	8,895
WATER BUFFALO (SEE AUSTRALIA)	4,745	10,695
WOLF, GRAY (RUG)	2,325	3,250
.,,		
COUTH AME	DIC	_

SOUTH AMERICA

BLACKBUCK OR INDIAN ANTELOPE	2,850	4,195
BOAR, FERAL	1,700	2,845
BROCKET, BROWN OR GRAY	2,935	4,175
BROCKET, RED	2,935	4,175
BUFFALO, WATER	5,320	11,270
(OUGAR OR PUMA (RUS)	5,025	6,370
DEER, AXIS OR CHITAL	2,630	3,965
DEER, FALLOW	2,415	4,195
DEER, PERE DAVID	9.250	11,520
DEER, RED	4,900	7,170
DEER, WHITE-TAILED		
SOUTH AMERICAN	2,850	4,195
GOAT, FERAL	2,040	3,525

EYHIBIT

RATING POLIC

TC: INVENTORY VALUE	* TOTAL TROPHY INVENTORY VALUE	
0 - 50,000		
50,001 - 100,000		. [
100,001 - 250 900		
250,001 - 500,000] ,
EXCESS 500,001	REFER TO COMPANY	

Rating Example:

Total Inventory Value 100,00 (Total values under each Lin circled to figure Total Invento $$142,000 \times .0085 = $1,207.00$

\$750.00 Deductible Minimum premium \$100.00

* Note:

A) It is a condition of this trophies must be schew B) To add additional sp-

an individual appraisa

increase the standard

Comprehensive Covere This policy is written on ϵ replacement cost basis inc



Safari Club Intel **Hunt and Trophy**

SCI'S PROGRAM IS S NO PHOTOS OR APP SAVING YOU THOUSAT

The attached standard apr trophies only. They do not that occur when a trophy number one in the record be expensive to hunt.

An individual appraisal is values or add additional s

Trophy appraisals by: Jack H. Jonas, Professiona 1675 South Birch Suite 506 Denver, CO 80222 (303) 757-7347

This entire ad is your appl Please complete, detach of rating policy and return to:

EXHIBIT 3

DATE PARMACH 31,1995

HB 291

THB291N.H

House Bill No. 291
January 31, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the House Fish and Game Committee

Montana Fish, Wildlife & Parks has denied requests in the past from jewelry makers to use parts of bones in their jewelry. We are also aware of historic use by taxidermist of bone in mounted animals. Because the use of the bones is currently unlawful, taxidermists use artificial materials to hold up mounted animals. We understand that elk bones can also be used to make pottery tools. The change proposed in HB 291 will also permit rendering plants to use such bones in their products. We are aware of no major commercial market for deer or elk bones and therefore do not believe that allowing persons to use these bones commercially will create an additional threat to Montana's wildlife resources.

P.01

EXHIBIT 4 9DATE **January 31,1995**HB 94

The Honorable Matt Brainard To The Committee:

RE: HB 94 - A Requested exemption to the 10 mile rule for the Institute of Falconry for Americans with Disabilities.

During the training of Falcons, game birds are "entered" (Released in front of them to teach them about a proper target.). Some Game birds are not taken by young raptors and escape, they are in essence released. Since we are within 10 miles of another Game Enhancement area this is a violation. The Fish and Game people are concerned that this (release) may induce disease or thru inferior birds contaminate the Gene Pool. IFAD is dedicated to the improvement of the Game Bird population for the use of our RAPTORS! It is essential to our organization that any Game Bird that Escapes does not create a problem! All Game Birds are purchased from the same source as those used by any Game Enhancement Facility. Our facility in Missoula is 9.5 miles from another game enhancement area. We seek to be exempted from this rule in order to fully utilize our present facility and eliminate a significant obstacle in obtaining other Montana sites.

The Institute of Falconry for Americans with Disabilities (IFAD) is designed to give the physically challenged a theater of operations which will let them pursue the opportunities provided by IFAD. IFAD does to want financial help from the Montana Department of Fish, Wildlife and Parks. We would like their personal support for our program. We would like to work in conjunction with the protectors of our Fish and Wildlife.

SITE REQUIREMENTS (To operate A Raptor rehab - training - hunting area for IFAD)

The area needs to be fairly secluded and large. There must be an open water body which can be crossed easily and located centrally. The site needs to be within a 30 minute distance of a medical facility and be able to land a helicopter (Life Flight). The area must be attractive to wildlife and accessible by a 4 wheel drive vehicle. Area must have a suitable building site which will allow a handicapped accessible building to be erected, complete with heat and bathroom facilities. These needs eliminate many properties more are eliminated by the purchase price. The further complication of the ten mile rule could eliminate this facility and the opportunity to create other facilities. The combination of the high demand, increasing cost of this type of property and our specific additional needs make it difficult to find and establish a place an organization like ours needs. Your help is essential in this effort.

Proposed Programs of IFAD:

1. Raptor Rehabilitation - Those members who do not wish to hunt with raptors can be in charge of it's rehabilitation until it can be released. This is being done through an established agreement with the Raptor Rehabilitation Program - Kate Phillips-Davis - Missoula, Montana. Raptor rehabilitation is an entity of its own, with its own 501 (c)(3) tax status. We need to have space for releasing rehabilitated birds so that we can monitor them effectively. To monitor a released bird you need to see it everyday. No tracking devices can be put on a released bird. It needs to be monitored to insure it can fend for itself and that it is strong enough to defend itself. If it is Frightened enough to fly away the monitoring is over.

- 2. Raptor Propagation. Members can utilize a wide variety of birds through the organization to create breeding program for raptors in captivity. The new birds will be given to members, or sold to other falconers. This program will reduce the number of birds taken from the wild. Raptor food will also be raised by members. Surplus food could also be sold to other falconers nationwide.
- 3. Game Bird Habitat Enhancement This program deals with members who are interested in improving the habitat so that more game birds will use it. The University of Montana may allow college credit for this program.
- 4. Falconry Equipment is hard to find and then expensive to purchase. JFAD members will be trained to make these items for their own use and for sale to other falconers worldwide.
- 5. Perent Child Bonding Program IFAD will incorporate the above programs with members and their children providing quality time—gether. The parent teaches the child specifics about the program and they will work on it together. Most everyday activities that young children and parents participate in have either a COACH, teacher or another person to direct it. This leaves few opportunities for the challenged to bond together.

A PLACE OF OUR OWN

Falconry and Guns do not mix well. Adding limited mobility further complicates our need for a place of our own and thus this requested exemption. Falconry needs a much larger area than weapon hunting. We have a fine site to make this work but we can't move it the 1/2 mile we need.

The 10 mile rule is jeprodizing the entire program. Without the opportunity to "enter" Pheasants for raptor training some of our terminal members will never have the time to get their bird to hunt. We are only 9.5 miles from another Game Enhancement facility but even if we were 5 miles away what difference is made when the same type birds are released for hunting in each area?

We are trying hard to fund this within our own capabilities and not with State or Federal money. Individual Pride can be derived from the activities we are endeavoring to provide our members. We feel that this Pride is essential to our members and this project will allow them a place to develop it! Please allow us to the opportunity to provide these important programs by allowing an exemption to the TEN MILE RULE for the Institute of Falconry for Americans with Disabilities.

Respectfully Submitted,

James R. Chaffin Chairman of the Board Institute of Falconry for Americans with Disabilities 406 251 2098

THE INSTITUTE OF FALCONRY FOR AMERICANS WITH DISABILITIES BUDGET YEARS ENDING SEPTEMBER 30, 1995 AND 1996

EXHIBIT 5

DATE Garmony 3/1/995

HB 94

	1995	1996
ESTIMATED REVENUES		
Public support	\$50,000	\$60,000
Grants	35,000	30,000
Total estimated revenues	85,000	90,000
Total detinated revenues .		00,000
ESTIMATED OPERATING EXPENDITURES		
Caretaker's salary	4,800	4,800
Assistant's salary	2,400	2,400
Payroll taxes	720	720
Consulting services - grant writers	5,000	5,000
Fund raising expenses at 5%	2,500	3,000
Domesticated raptor purchase cost (10 per year @ \$600)	6,000	6,000
Raptor shelters (10 per year @ \$800 each)	8,000	8,000
Feed costs for hawks (quail at .35 ea.)	1,300	1,300
Transmitters for raptors (10 per year @ \$140 each)	1,400	1,400
Receivers (10 per year @ \$700 each)	7,000	7,000
Specialized equipment (10 per year @ \$85 each)	850	850
Insurance	375	375
Telephone	450	500
Utilities	1,000	1,200
Repairs, maintenance, contingency	8,000	10,000
Total estimated operating expenditures	49,795	52,545
rotal collinated operating experiences		
ESTIMATED CAPITAL EXPENDITURES		
Mobile structure and setup costs	21,000	_
Remodel existing structure for rehab center	_	30,000
Tractor with front end loader	5,000	-
Sickle bar and mower	3,000	_
Blinds (10 per year at \$100 each)	1,000	1,000
Computer and printer	_	1,800
Fax	1,000	
Freezer	500	
Total estimated capital expenditures	31,500	32,800
Total estimated operating and capital expenditures	81,295	<u>85,345</u>
Estimated excess revenues over expenditures	\$3,705	\$4,655

1-31-95 To Whom It May Concern: DATE **January 31,1995** НВ 94 in agreement with the group to growide facilities for ten board of directors because of <u>_</u> = = (Louis Kinney)

WASHINGTON, DC (202) 224-2651

MONTANA TOLL FREE NUMBER 1-800-332-6106

United States Senate

WASHINGTON, DC 20510

EXHIBIT 7 DATE **January 31, 1995** HB 94

July 26, 1991

Mr. Richard A. Jinotti 201 Pattee Creek Drive Missoula, Montana 59801

Dear Mr. Jinotti:

I have received a response to my inquiries in your behalf. A copy of the letter from Sam Marler, Acting Director of the U.S. Fish and Wildlife Service, is attached for your files.

Mr. Jinotti, I am pleased to know that after all the effort put forth by your friends and supporters, the U.S. Fish and Wildlife Service has amended your falconing permit to allow the use of the Harris hawk. I know that Sue Tillett, in my Missoula Office has talked with Jim Chaffin many times about this situation. You are fortunate to have such a devoted friend.

Thank you for writing in this regard. I know you have been facing a difficult time and hope your participation as a falconer will be fulfilling. Please don't hesitate to call or write if I can be of help with other matters relating to the federal government.

With best personal regards, I am

Sincerely

Enclosure



United States Department of the Interior

TAKE PRIDE IN AMERICA

FISH AND WILDLIFE SERVICE Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR, FISH AND WILDLIFE SERVICE

2 2 1991

In Reply Refer To: FWS/LE 91-3067

Honorable Max Baucus United States Senate 211 N. Higgins Avenue Suite 102 Missoula, Montana 59802 JUL 1 1 1991

Dear Senator Baucus:

This is in response to your letter dated June 14, 1991, on behalf of Mr. Richard A. Jinotti who requested that he be allowed to use a captive-bred Harris hawk as an apprentice falconer. You will be pleased to know that the Fish and Wildlife Service (Service) has amended Mr. Jinotti's permit to allow the use of the Harris hawk as he requested.

The Service appreciates Mr. Jinotti's bringing the issue of handicapped access to the sport of falconry to our attention. I am pleased that we were able to accommodate Mr. Jinotti, and believe that we can develop a permanent solution to this problem. The Service will be reviewing many of its regulations within the next year. During this review we will identify and implement measures that can be made to assist handicap persons in participating in falconry and other wildlife related activities regulated by the Service.

I appreciate your bringing this matter to our attention. If I may be of further assistance, please let me know.

Sincerely,

/s/ Sam Mullel

DIRECTOR

Copy To Your Washington Office



IN REPLY REFER TO: USFWS/LE MAIL STOP 69400 ADM 5-04

United States Department of the Interior FISH AND WILDLIFE SERVICE

MAILING ADDRESS: Post Office Box 25486 Denver Federal Center Denver, Colorado 80225 STREET LOCATION: 134 Union Blud. Lakewood, Colorado 80228



AUG 19 1991

Honorable Conrad Burns United States Senator Attention: Julie Altemus 415 N. Higgins Avenue Missoula, Montana 59802

Dear Senator Burns:

This letter responds to your correspondence of August 6, 1991, on behalf of your constituent, Mr. Jim Chaffin, who contacted you concerning Mr. Richard A. Jinotti's desire to use a Harris Hawk during falconry.

The Law Enforcement Division, Permits Section, has been in contact with Mr. Jinotti for some time and is aware of the circumstances surrounding his needs.

Just as soon as Mr. Jinotti's permit application is received by that office, a special purpose permit will be issued allowing him to acquire a restricted species for use in the sport of falconry.

Your office should also be aware that there are at least 20 other Vietnam veterans in Montana who collectively exhibit like circumstances and will also be addressed in a similar manner.

The U.S. Fish and Wildlife Service welcomes the opportunity to "pioneer" in the permit issuance arena (special purpose permit versus the required falconry license) in order to address the common sense issue of serving those who made such a sacrifice in defense of their country.

Rest assured Mr. Jinotti, and other*like individuals, will be served by the system not hindered.

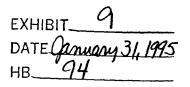
Thank you and Mr. Chaffin for your concern and comments. If you want additional information regarding this matter, please contact my Assistant Regional Director for Law Enforcement at (303) 236-7540, or me.

Sincerely,

ELLIOTT N. SUTTA Acting Regional Director

cc: Your Washington Office

SECRETARY OF STATE STATE OF MONTANA





Mike Cooney Secretary of State

February 03, 1994

Douglas Donald Harris Harris Callaghan & Velk PO Box 7937 Missoula MT 59807-7937 Montana State Capitol PO Box 202801 Helena, MT 59620-2801

RE: INSTITUTE OF FALCONRY FOR

AMERICANS WITH DISABILITIES, INC., a Montana public benefit

corporation

Filed - February 28, 1994 File D 078472 - 327312

Dear Mr. Harris:

Enclosed please find the filed Articles of Incorporation for INSTITUTE OF FALCONRY FOR AMERICANS WITH DISABILITIES, INC., a Montana public benefit corporation.

If you need to reference this filing for any reason, please refer to file D 078472 - 327312.

It has been a pleasure to have served you. If I can be of further help to you, just let me know.

Sincerely,

James Coss

MC:cb Enclosure

RECEIVED

DATE 3-7-74
DOMESTAS BONALD HARRIS, P.C.
ALECTORY and Courseler at Law

FEB 28 1994

ARTICLES OF INCORPORATION FOR SECRETARY OF STATE INSTITUTE OF FALCONRY FOR AMERICANS WITH DISABILITIES. INC.

The undersigned, acting as incorporators of the Institute of Falconry for Americans with Disabilities, Incorporated, under the Montana Non-Profit Corporation Act, Title 35, Chapter 2 of the Montana Codes Annotated, adopt the following Articles of Incorporation for such corporation.

- I. The name of the corporation shall be the Institute of Falconry for Americans with Disabilities, Incorporated.
 - II. The corporation is a public benefit corporation.
- III. The objects and purposes for which the corporation is organized are:
 - A. For charitable, educational, and scientific purposes, including the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue law), and within the foregoing, and in particular, to make the therapeutic sport of falconry accessible to Americans with Disabilities by adapting falconry to their needs, by providing expert instruction and support services, and by making small grants available to meet the individual costs of the sport;
 - B. To enrich the hunting theater for falconers with disabilities by building the infrastructure required to efficiently access various hunting sites by disabled persons;
 - C. To involve Americans with disabilities in studies directed towards conserving the habitat of raptors; and
 - D. To develop, promote, and support educational programs based upon scientific, technical, and study of falconry by disabled persons.
- IV. The corporation is organized exclusively for charitable, educational, and scientific purposes, and no part of the net earnings of this corporation shall ever inure to or for the benefit of or be distributable to its members, officers, or other private persons, except that the corporation shall be empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the exempt purposes for which it is formed.

At the first meeting of directors, the number of directors constituting this Board of Directors of this corporation shall continue to be five (5), and the directors named in these Articles shall elect the five (5) directors. Thereafter, the terms and other qualifications, if any, of the directors shall be more fully described in the By-laws.

- VII. The corporation shall not have members.
- VIII. The authority to make By-laws for the corporation is hereby vested in the Board of Directors, and they may change and amend such By-laws so long as they do not conflict with the provisions of these Articles of Incorporation.
- IX. The personal liabilities of the directors of the directors of the corporation are specifically limited in accordance with Montana Code Annotated Section 35-1-202(2)(a)(v), (1989).
- Upon dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986 corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by order of the District Court Judge of the Montana Fourth Judicial District Court, Missoula County, or the District Court of the county in which the principal office of the corporation is then located, in accordance with the Montana Non-Profit Corporation Act, Title 35, Chapter 2, Part 7, Montana Code Annotated, and said court shall determine the purposes for which this corporation was organized and operated exclusively for such purposes, and said court shall order distribution of assets to other qualified exempt organization or organizations accordingly.
- XI. The name and address of the incorporator is Herbert R. Monk, 2325 South 7th Street, Missoula, Montana, 59801.
- XII. The address of the initial registered office of the corporation is 2325 South 7th Street, Missoula, Montana, 59801 and the name of its initial registered agent is Herbert R. Monk.

No substantial part of the activities of this corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any campaign on behalf of any candidate for public office.

Notwithstanding any other provisions of these Articles of Incorporation, this corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, as amended, or by an organization, contributions to which are deductible under Section 170(c)(2) of such Code and regulations as they now exist or as they may hereafter be amended.

Upon the winding up and dissolution of this corporation, the assets and income shall be distributed exclusively to charitable, scientific, or educational organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1943, as amended, and its regulations as they now exist or may hereafter be amended.

- V. The corporation shall not have or issue shares of stock, and no dividends shall be paid, and no part of the income or profit of the corporation shall be distributed to its directors or officers; provided, however, that reasonable compensation may be paid for any services rendered to, and reimbursement may be made for any expenses incurred for the corporation by any officer, director, agent, or employee, or any other person or corporation, pursuant to and upon authorization of the Board of Directors.
- VI. The number of directors constituting the initial board of directors of the corporation is five (5). The names and addresses of the persons who are to serve as the directors until the first meeting of the directors are:

Name:					Ado	dr	<u>ess</u>
_ ,	_	 					

Joseph T. McInnis 514 Cleveland Street

Missoula, Montana 59801

Herbert R. Monk 2325 South 7th Street Missoula, Montana 59801

Larry I. Vervick, CPA 127 East Front, Suite 201 Missoula, Montana 59802

Bradley Bernier 565 Burton Street, Apt. 105 Missoula, Montana 59802

Jay S. Sumner Two Crows Lane
Arlee, Montana 59821

EXHIBIT.	9
DATE	1-31-95
;	HB 94

IN WITNESS WHEREOF, the incorporator and all directors have hereunto set their hands and seals this $\frac{235}{94}$ day of February, 1994.

Sumner

STATE OF MONTANA

)ss:

County of Missoula)

On this 254 day of February, 1994, before me, the undersigned, a Notary Public for the State of Montana, personally appeared JOSEPH T. McINNIS, HERBERT R. MONK, LARRY I. VERVICK, BRADLEY BERNIER and JAY S. SUMNER, known to me to be the persons whose names are subscribed to the Articles of Incorporation, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day and year first above written.

(SEAL)

Insan Ciandall Robb Notary Public, State of Montana Residing at Missoula, Montana
My Commission expires: /-/5-99

DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERV TOGDEN UT 84201

DATE OF THIS NOTICE: 04-12-94
NUMBER OF THAT NOTICE: CP 575 F
EMPLOYER IDH FICATION NUMBER: 81-0491442
FORM: SS-4
2916603013 0

INSTITUTE OF FALCONRY FOR AMERICANS % LARRY I VERVICK DIRECTOR 2325 S 7TH ST MISSOULA MT 59801

FOR ASSISTANCE CALL US AT: 1-800-829-1040

OR WRITE TO THE ADDRESS SHOWN AT THE TOP LEFT.

IF YOU WRITE, ATTACH THE STUB OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER (EIN)

Thank you for your Form SS-4, Application for Employer Identification Number (EIN). We assigned you EIN 81-0491442. This EIN will identify your business account tax returns and documents, even if you have no employees. Please keep this notice in your permanent records.

Use your complete name and EIN shown above on all federal tax forms, payments, and related correspondence. Using any variation in your name or EIN may cause processing delays, incorrect information in your account, or erroneous assignment of more than one EIN.

Assigning an Employer Identification Number does not grant tax-exempt status to non-profit organizations. If your organization mants to establish its exemption and receive a ruling or determination letter recognizing its exempt status, file Form 1023/1024 (Application for Recognition of Exemption) mith your IRS District Office. Publication 557 (Tax Exempt Status for Your Organization), available at most IRS offices, has details on how to apply.

Please use the label IRS provided when filing tax documents. If that is not possible, use your EIN and complete name and address as shown below to fully identify your account and avoid delays.

INSTITUTE OF FALCONRY FOR AMERICANS WITH DISABILITIES INC % LARRY I VERVICK DIRECTOR 2325 S 7TH ST MISSOULA MT 59801

If this information is incorrect, please correct it on page 2 of this notice. Raturn it to the address shown so we can correct your account.

Thank you for your cooperation.



IN REPLY REFER TO: USFWS/LE MAIL STOP 69400 ADM 5-04

United States Department of the Interior FISH AND WILDLIFE SERVICE

MAILING ADDRESS: Post Office Box 25486 Denver Federal Center Denver, Colorado 80225 STREET LOCATION: 134 Union Blvd. Lakewood, Colorado 80228

EXHIBIT

AUG 1 9 1991

Honorable Conrad Burns United States Senator Attention: Julie Altemus 415 N. Higgins Avenue Missoula, Montana 59802

Dear Senator Burns:

This letter responds to your correspondence of August 6, 1991, on behalf of your constituent, Mr. Jim Chaffin, who contacted you concerning Mr. Richard A. Jinotti's desire to use a Harris Hawk during falconry.

The Law Enforcement Division, Permits Section, has been in contact with Mr. Jinotti for some time and is aware of the circumstances surrounding his needs.

Just as soon as Mr. Jinotti's permit application is received by that office, a special purpose permit will be issued allowing him to acquire a restricted species for use in the sport of falconry.

Your office should also be aware that there are at least 20 other Vietnam veterans in Montana who collectively exhibit like circumstances and will also be addressed in a similar manner.

The U.S. Fish and Wildlife Service welcomes the opportunity to "pioneer" in the permit issuance arena (special purpose permit versus the required falconry license) in order to address the common sense issue of serving those who made such a sacrifice in defense of their country.

Rest assured Mr. Jinotti, and other like individuals, will be served by the system not hindered.

Honorable Conrad Burns

Thank you and Mr. Chaffin for your concern and comments. If you want additional information regarding this matter, please contact my Assistant Regional Director for Law Enforcement at (303) 236-7540, or me.

Sincerely,

ELLIOTT N. SUTTA Acting Regional Director

cc: Your Washington Office

2

Montana Department Fish Wildlife & Parks



3201 Spurgin Road Missoula, MT 5980 January 30, 1995

Representative Matt Brainard Capitol Station Helena, MT 59620-1706

Dear Representative Brainard:

I discussed the questions you asked with the Enforcement Division, and hopefully can answer those relative to Jim Chaffin's request for an exemption to the Shooting Preserve statutes.

Mr. Chaffin can operate a Shooting Preserva on leased property, since the law does not require fee title ownership. In addition, he would not even need such a license if he were to hust wild birds from September 1 through March 31. However, since he states he needs to release artificially propagated birds for training hawks and/or falcons, the license would be required.

The only real issue at hand is the restriction that prevents a shooting preserve from being located closer than le miles from another preserve. This provision is intended to protect wild birds from being used exclusively by such preserves, and reducing the public's ability to access these wild populations.

We would like to maintain this legal separation, and to treat the request as an exception to the existing law. The purpose of this area, according to Mr. Chaffin, is to provide individuals with disabilities the opportunity to be trained and to hust with hawks and/or falcons. Few individuals are expected to participate, and the proposed preserve would not appear to impact existing shooting preserves or the public's ability to access the wild resources on adjoining lands.

Let me know if you need additional information.

Sincerely,

Richard Clough Regional Superviser

cc: Pat Graham Bob Lane

Beate Galda

WASHINGTON, DC (202) 224-2651

MONTANA TOLL FREE NUMBER 1-800-332-6106

United States Senate

WASHINGTON, DC 20510

EXHIBIT 12 DATE **January 31,1995** HB 94

July 26, 1991

Mr. Jim R. Chaffin 5008 Orchard Avenue Missoula, Montana 59803

Dear Mr. Chaffin:

I have enclosed a copy of the letter written by Sam Marler, Acting Director of the U.S. Fish and Wildlife Service, regarding Richard Jinotti and attempts to gain a permit that will allow the use of the Harris hawk for falconing purposes.

I want to thank you for all the time and effort you have put forth in trying to help Mr. Jinotti. There really is no greater asset than honest and true friendship and you exemplify that status. Sue Tillett, in my Missoula Office, has told me about the time and energy you extended. The best part is that it worked!

Please don't hesitate to call or write if I can be of further assistance to you with other matters relating to the federal government.

Sifterely, Juneus

With best personal regards, I am

Enclosure



United States Department of the Interior

TAKE PRIDE IN AMERICA

FISH AND WILDLIFE SERVICE Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR, FISH AND WILDLIFE SERVICE

2 2 1991

In Reply Refer To: FWS/LE 91-3067

Honorable Max Baucus United States Senate 211 N. Higgins Avenue Suite 102 Missoula, Montana 59802 JUL 1 1 1991

Dear Senator Baucus:

This is in response to your letter dated June 14, 1991, on behalf of Mr. Richard A. Jinotti who requested that he be allowed to use a captive-bred Harris hawk as an apprentice falconer. You will be pleased to know that the Fish and Wildlife Service (Service) has amended Mr. Jinotti's permit to allow the use of the Harris hawk as he requested.

The Service appreciates Mr. Jinotti's bringing the issue of handicapped access to the sport of falconry to our attention. I am pleased that we were able to accommodate Mr. Jinotti, and believe that we can develop a permanent solution to this problem. The Service will be reviewing many of its regulations within the next year. During this review we will identify and implement measures that can be made to assist handicap persons in participating in falconry and other wildlife related activities regulated by the Service.

I appreciate your bringing this matter to our attention. If I may be of further assistance, please let me know.

Sincerely,

15/ Sam Marias

DIRECTOR

Copy To Your Washington Office

United States Senate Washington, DC 20510-2603

October 23, 1991

COMMITTEES.

COMMERCE, SCIENCE, AND
TRANSPORTATION

ENERGY AND NATURAL RESOURCES
SMALL BUSINESS

SPECIAL COMMITTEE ON AGING

DATE January 31,199:

Mr. Richard Jinotti 201 Pattee Creek Drive Missoula, MT 59801

Dear Rick,

Thanks for contacting my office regarding the problem you are having with the Montana State Fish, Wildlife and Parks Department.

It's one of my top priorities to be especially sensitive to the problems facing Montanans with government agencies at various levels.

Since your particular concern can be best addressed at the state level, I have taken the liberty to contact the regional director, Mr. Rich Clough.

I've enclosed a copy of this letter for your information and hope for a quick resolution. If I can be of assistance on any other matter, please don't hesitate to call upon my staff at:

Senator Conrad Burns Attention: Julie Altemus 415 North Higgins Missoula, Montana 59802 (406) 329-3528

Thanks again for keeping me informed. I appreciate the opportunity to help you in any way.

Conrad Burns

United States Senator

CRB/jaa

enclosure: 1

COMMITTEES.

COMMERCE, SCIENCE, AND TRANSPORTATION

ENERGY AND NATURAL RESOURC

SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510

April 12, 1991

Mr. James Chaffin 5008 Orchard Avenue Missoula, MT 59803

Dear Jim,

I was happy to hear that you have been able to acquire a Harris hawk. This will provide a good opportunity for apprentice falconers to practice with a hawk that has proven its abilities on larger game animals.

A Harris hawk will greatly assist your work with culled wheelchair challenged individuals, who rely/on hunting as a vital source of their food supply. It will also provide an opportunity for apprentice falconers to complete the necessary two year apprenticeship requirement in order to obtain a master falconer license and continue hunting on their own.

The education and experience gained by this opportunity will be critical to the future endeavors of the many physically challenged hunters in Montana.

I commend your efforts and your commitment to your craft.

Sincerely,

Conrad Burns United States Senator MAJORITY DEPUTY WHIP

COMMITTEES:

STEERING AND POLICY
INTERIOR
EDUCATION AND LABOR

CHAIRMAN:
ABOR-MANAGEMENT RELATIONS
SUBCOMMITTEES:
POSTSECONDARY EDUCATION
ELEMENTARY, SECONDARY AND
VOCATIONAL EDUCATION
SELECT EDUCATION

TIONAL PARKS AND PUBLIC LANDS

PAT WILLIAMS MONTANA, WESTERN DISTRICT

DATE 1-31-95

HB 94

2457 RAYBURN BUILDING WASHINGTON, DC 20515 (202) 225-3211

DISTRICT OFFICES:

HELENA 59601 32 N. LAST CHANCE GULCH (406) 443-7878

> BUTTE 59701 FINLEN COMPLEX (406) 723-4404

MISSOULA 59802 302 WEST BROADWAY (406) 549-5550

Congress of the United States House of Representatives

Washington, DC 20515

July 29, 1991

Mr. Jim Chaffin 5008 Orchard Avenue Missoula, Montana 59803

Dear Jim:

I wanted to pass along the Fish and Wildlife Service response to my second letter to them about your efforts to make the sport of falconry more accessible to handicapped persons.

I am confident that a new policy will be written which provides for the kind of opportunity you have been working on. I will be following up with the agency over the next few weeks to make sure this issue remains on the front burner.

This is an excellent project, Jim, and I'm glad to be able to help.

Best regards.

Sincerely,

Pat Williams

Enclosure



United States Department of the Interior



FISH AND WILDLIFE SERVICE Division of Law Enforcement P.O. Box 3247 Arlington, Virginia 22203-3247

In Reply Refer To: FWS/LE REG 21-03-018263

Mr. James R. Chaffin
The Montana American Legion's
Disabled Falconer's Program
5008 Orchard Ave.
Missoula, Montana 59803

Dear Mr. Chaffin:

Thank you for your letter dated November 9, 1993. Please accept my sincerest apologies for the delayed response. In order to assure that your concerns are properly examined, I have forwarded your letter and a copy of the Falconry Permit Qualification Examination to the U.S. Fish and Wildlife Service's (Service) Office of Human Resources. The Service will make what ever changes the Office of Human Resources recommends. We will let you know of their decision once we have received it.

Thank you once again for your letter.

Sincerely,

John J. Doggett, III

Chief, Division of Law Enforcement

1-703-358-1949

DATE 1-31-95 #B 94

July 1, 1993

Dear Dennis & Jim,

Thank you for coming to our Daisy Girl Scout Picnic and sharing your hawk, Freedom, with us. What a wonderful name and bird! The kids and parents were enthralled. It's hard to keep a kindergartner's attention focused for long, but you definitely did it!

When you first got to Stacie McCarthy's and brought Freedom out, I thought the girls were going to smother both of you. You handled it perfectly by sitting down and letting the girls come close and talking to them one-on-one. It was very impressive. Anyone can tell you love Freedom and take great care of him; it shows when you handle Freedom.

We also thank you for letting us be a part of the documentary for the Disabled Veteran's Hawking Program. It's a worthwhile program, and I hope you can get funding to carry on. Jim Chaffin and yourself did an excellent job telling the girls about hawks, and you seemed comfortable doing it. The kids enjoyed petting Freedom the best, of course. They never thought they could be that close to a predatory bird — let alone touch one. Freedom handled it great, too!

Thanks again, to you and Jim, for coming and sharing with us, and best of luck to you.

Sincerely,

Jeannie Nelson-Vohs and the Daisy Girl Scout

Troop #1413

Florence, Montana

July 1, 1993

Dear Dennis & Jim,

Thank you so much for helping make our final Daisy Girl Scout meeting and picnic such a memorable success! The girls and parents thought your presentation — and Freedom — were wonderful.

Dennis, I just want you to know I really noticed you were so much more relaxed and at ease with everyone this time compared to last Fall. At that time, you were really quiet and reserved. Now you look comforatble talking with new people, and I think it's great! Jim Chaffin is doing a wonderful job for the Disabled Vietnam Veterans. If the big difference I have seen in you is an example of the change a hawking program can do for any man, it should be expanded and given a chance to help so many more people. Not only does it help the veterans, it helps the people who receive the presentation. Most people aren't aware of what predatory birds do, or how beautiful they are. Knowledge is to be shared, and you and Jim are doing a wonderful job.

Stacie 111º Charth

Stacie McCarthy and the Daisy Girl Scout

Troop #1410

Florence, Montana

BRAINARD GUNSMITHING

"Where Gunsmithing is a Profession, Not a Hobby"

818 WOODY STREET MISSOULA, MONTANA 59802

June 23, 1993

EXHIBIT_	
DATE	1-31-95
11	HB 94

James R. Chaffin 5008 Orchard Ave. Missoula, MT 59803

Dear Jim:

I would like to express my support for your work in developing a hawking program for disabled veterans. I have witnessed the beneficial effects that hawking has had with the vets that you have been working with locally.

You may not know it, but my own father was a disabled veteran from WWII and I understand what many of the vets go through as they seek to live as normal lives as possible. Many of these men enjoyed vigorous outdoor sports prior to their injuries and maintain a keen interest in such sports and participate as they are able.

You have demonstrated that hawking is an outdoor sport that even some of the most severely disabled vets can participate in. While a vet might be confined to a wheel chair, little strength left to a once robust body, his spirit can soar with the flight of his hawk and the quality of his life will be immeasurably improved. If I can be of assistance to your program, please let me know.

Sincerely,

Matt Brainard



THE AMERICAN LEGION OF MONTANA ★ P.O. BOX 6075 ★ HELENA, MONTANA 59604 VETERANS AND PIONEERS MEMORIAL BUILDING ★ (406) 442-5260 ★ SERVING GOD AND COUNTRY

July 6, 1993

Dear Potential Donor:

It is because I have witnessed firsthand the healing of two severely disabled veterans through their involvement in falconry that I am writing in support of the Disabled Veterans' Falconry Program. Falconry is a sport that has challenged them to reach deeply for personal resources they had forgotten they possessed, and it has made them live again.

Falconry requires that long hours be spent each day in feeding, caring for, and training a hawk or falcon. The hawks used by the Disabled Veterans' Falconry Program are one-man birds; thus, the disabled veteran is compelled to get out of his house on a daily basis and to calmly care for a creature so vitally dependent on him. Beyond the routine purpose and discipline this offers the falconer, there is also a feeling of pride and accomplishment that comes through watching one's well-trained hawk hunt. One veteran has suggested to me that he vicariously experiences the sheer beauty of flight and power through his hawk. Falconry can be seen as a form of therapy that can permanently change, and even save, the lives of disabled veterans.

I believe so strongly that falconry has curative affects on disabled combat veterans that I have permitted the Disabled Veterans' Falconry Program to come under the umbrella of Montana's American Legion and to use our 501(c)(3) number for the time-being. Further, I am committed to representing this program to the National American Legion in September 1993 in order to seek full funding for its nation-wide expansion.

Between now and September, however, the Disabled Veteran's Falconry Program is in need of immediate resources for further program development planning, comparative costbenefit analysis, office equipment and supplies, promotional literature, training manuals, mailings, and so on. The program must also prepare a promotional video for airing at the national convention of the American Legion in September. I would be grateful for any monies you can make available to the program to help meet these costs.

Finally, let me personally vouch for the character of the two principals involved. I have known both Jim Chaffin and Tim McInnis for some time and know them to be highly ethical, hard-working, dedicated, and trustworthy individuals. I have the highest degree of confidence that they will put together a program of enormous value to this nation's severely disabled veterans.

Sincerely,

Charlie Brown
State Commander of the American Legion



February 4, 1994 2-52-2

Jim Chaffin 5008 Orchard Avenue Missoula, Montana 59803

Dear Jim:

I am sorry for my late response to your letter concerning the Disabled Veterans' Falconry Program. Thank you for the very interesting demonstration.

This is a very positive program in the rehabilitation of disabled veterans. You are to be commended for your commitment to the veterans of this nation.

I deeply appreciate your time and effort and the courtesies extended to me while in Montana.

Sincerely,

BRUCE THIESEN
National Commander

CC: Ric Jinotti, Missoula, MT Dennis Hanna, Missoula, MT January 27, 1995

RE: FALCONRY FOR PHYSICALLY CHALLENGED AMERICANS

To Whom It May Concern:

I have known the Chaffin family for over 20 years and have always been impressed with their honesty and integrity. Over the past five years I have repeatedly discussed the falconry program with Jim Chaffin and have caught some of his enthusiasm for the program.

To date this group of falconry enthusiasts have trained two domestic hawks to hunt with their physically challenged partners. This has been done on a hit and miss basis without any established facility or location to work from. If the proposed facilities become a reality they could annually train upwards of 50 physically challenged americans to hunt with their birds. This will give them the opportunity to get afield to hunt which would not be possible by conventional methods.

I urge you to give all support possible to this non-profit project that will allow this group of dedicated people to offer a structured falconry program to physically challenged americans from all walks of life.

Sincerely,

James A Brouelette



EXHIBIT_	
DATE	1-31-95
	HB 94

Craighead Wildlife-Wildlands Institute

5200 Upper Miller Creek Road • Missoula, Montana 59803 • (406) 251-3867 • Fax (406) 251-5069

25 January 1995

To Whom It May Concern:

I writing to express my full support of Mr. James Chaffin and the commendable job he has done in establishing a falconry program for disabled veterans. I have known Jim for nearly 15 years and recall well discussing with him the possibilities for that program in the 80s. He began directing serious efforts at getting it off the ground in the early 90s and, with the help of Richard Jinotti, succeeded in 1992. To my knowledge, no one involved in the program receives compensation for services. In fact, the organization is incorporated as a 501(c)3 nonprofit and its bylaws prohibit participants from making any money from the program.

In closing, I would urge that you grant any support possible to furthering the success of the falconry program for the disabled. Its objectives are laudable and deserving.

Sincerely,

John A. Mitchell, Ph.D.

Director

AMERICAN LEGION DISTRICT 5

January 26, 1995

SUBJECT: HOUSE BILL 94

DEAR CHAIRPERSON AND COMMITTEE MEMBERS

I WOULD LIKE TO EXPRESS SUPPORT FOR THE EFFORTS OF THE "INSTITUTE OF FALCONRY FOR AMERICANS WITH DISABILITIES" (IFAD) IN THEIR PROPOSAL TO OBTAIN AUTHORITY TO "HARVEST" PHEASANTS.

THE FOLLOWING BRIEF COMMENTS ARE IN SUPPORT OF THEIR REQUEST. AS I UNDERSTAND THEIR PROPOSAL, IT IS TO ALLOW THEM TO HARVEST PHEASANTS ON 360 ACRES NEAR MISSOULA WHICH THEY CONTROL. THEY WOULD BE GRANTED AUTHORITY TO RELEASE BIRDS ONTO THIS SITE FOR FALCON HUNTING. THEIR INTENT IS THAT BIRDS WOULD BE ENTICED FROM THE NEIGHBORING AREA THROUGH IMPROVEMENTS ON THE FALCON RANGE. THERE IS NO INTENTION OF RELEASING BIRDS FROM ANY EXOTIC SOURCE AND POSING A THREAT TO THE NATIVE POPULATION. IN SHORT THIS IS NOT SOME FORM OF GAME FARM. ALL PRECAUTIONS REQUIRED BY FWEP WOULD BE RIGIDLY COMPLIED WITH.

THE AMERICAN LEGION HAS ACTIVELY SUPPORTED THE FALCONRY PROGRAM FOR SEVERAL YEARS. THERE ARE NUMEROUS VETERANS INVOLVED IN IFAD. THESE FOLKS ARE SERIOUS ABOUT FALCONRY AS A SPORT. THEY ARE DEDICATED TO PROTECTION OF NATIVE SPECIES. THE ACREAGE IS A GODSEND FOR THEM. THE COMMITTEE SHOULD BE AWARE THAT THIS IS A SELF SUPPORTING GROUP---THEY HAVE NOT ASKED FOR GRANTS FROM ANYONE.

I AM CONCERNED THAT THE PRESENT AWARENESS OF THE POTENTIAL HAZARDS OF GAME FARMS TO NATIVE SPECIES MAY BE COLORING THE LEGISLATURES'S VIEW OF THIS REQUEST. THERE IS NO RELATION; THE TIME IS UNFORTUNATE AS POSSIBLE CONFUSION MAY RESULT.

I AM COMMANDER OF DISTRICT 5 OF THE AMERICAN LEGION. I AM WRITING THIS LETTER OF SUPPORT ON BEHALF OF SOME 1500 LEGIONNAIRES IN THE MISSOULA AREA. YOU CONSIDERATION IS SINCERELY APPRECIATED. THANK YOU!

ED_SPERRY

MMANDER

5163 EASTSIDE HWY STEVENSVILLE, MT. 59870

United States Senate

COMMERCE, SCIENCE, AND TRANSPORTATION ENERGY AND NATURAL RESOURCES SMALL BUSINESS SPECIAL COMMITTEE ON AGING

COMMITTEES

WASHINGTON, DC 20510-2603

October 23, 1991

DATE /-31-95

Mr. Richard Jinotti 201 Pattee Creek Drive Missoula, MT 59801

Dear Rick,

Thanks for contacting my office regarding the problem you are having with the Montana State Fish, Wildlife and Parks Department.

It's one of my top priorities to be especially sensitive to the problems facing Montanans with government agencies at various levels.

Since your particular concern can be best addressed at the state level, I have taken the liberty to contact the regional director, Mr. Rich Clough.

I've enclosed a copy of this letter for your information and hope for a quick resolution. If I can be of assistance on any other matter, please don't hesitate to call upon my staff at:

Senator Conrad Burns Attention: Julie Altemus 415 North Higgins Missoula, Montana 59802 (406) 329-3528

Thanks again for keeping me informed. I appreciate the opportunity to help you in any way.

and

United States Senator

CRB/jaa

enclosure: 1

EXHIBIT_14

DATE JANUARY 31, 1995

HB 94

To whom it may concern,

I'm writing this to support the IFAD program of Jim Chaffin. At the present time, my husband and myself are the owners/breeders of the WIREHAIRED POINTING GRIFFONS that Jim is using in this project.

I first met Jim when he came to pick-up his personal from us WAYFARER'S V. GERFALKE BRETTA, when she was 8 weeks old back in Oct. '92. At that time, he told us about the plans he had for BRETTA and what he invisioned as her future role in the Disabled Americans' lives. Over the next few years, Jim received WAYFARER'S DRACHE, a male puppy that is being raised in WI by Dave McCarrier, since June '94 (market value \$600.), and just recently WAYFARER'S COLONEL SANDERS (market value \$1,000.), has been placed with Fred Brown of Missoula, MT for his "field training" and lives' work. These pups' Sires and Dams have been "proven" by their Field Tests (NAVHDA Tests, WPGCA Tests, Trials), OFA Certifications, AKC Titles NSTRA (CH conformation), and temperment evaluations to be the "Best of the Best" before they were mated. We got lucky, because it seems that their "get" is strong, healthy and getting their field "marks" with more consistency at earlier ages than their parents did.

I believe in Jim's project——no money is being made by Jim in this project, or are we (WAYFARER'S KENNEL) making any money, as these pups are being donated by us (WAYFARER'S KENNEL) to IFAD a non-profit organization. Currently, WAYFARER'S KENNEL has a waiting list for our pups, but we have oped to donate at least one pup per litter to Jim and his project, because we beleive there is a real need for these dogs in this particular program.

WAYFARER'S KENNEL Gerald W Good Therese A Good P.O.Box 1042, Hwy 93 Ravalli, MT, 59863

Though A Good

HOUSE OF REPRESENTATIVES VISITORS REGISTER

FISH & GAME	COMMITTEE	DATE <u>January</u> 31, 1995
BILL NO. HB 291	SPONSOR(S) FUCHS, REHBEN	

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:vissbcom.man

CS-14

HOUSE OF REPRESENTATIVES VISITORS REGISTER

FISH & GAME	COMMITTEE	DATE January 31, 1995
BILL NO. HB94	sponsor(s) BRAINARD	

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

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HOUSE OF REPRESENTATIVES VISITORS REGISTER

FISH \$	GAME			COMMITTEE	DATE January 31, 1995
BILL NO.	HB288	sponsor(s)	MARS	SHALL	/ / /

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
BOZUMAN	Ameria Wild Sheep	y	
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

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