

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By **CHAIRMAN JOE BARNETT**, on March 14, 1995, at
3:00 P.M.

ROLL CALL

Members Present:

Rep. Joe Barnett, Chairman (R)
Rep. John "Sam" Rose, Vice Chairman (Majority) (R)
Rep. Don Larson, Vice Chairman (Minority) (D)
Rep. Dick Green (R)
Rep. Harriet Hayne (R)
Rep. Rick Jore (R)
Rep. Gay Ann Masolo (R)
Rep. Judy Murdock (R)
Rep. Karl Ohs (R)
Rep. George Heavy Runner (D)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Kenneth Wennemar (D)

Members Excused: Rep. Jon Ellingson (came later in the meeting)

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

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

Committee Business Summary:

Hearing: SB 296, SJR 17, SB 389
Executive Action: SB 144 BE CONCURRED IN
SB 296 BE CONCURRED IN
SJR 17 BE CONCURRED IN

EXECUTIVE ACTION ON SB 144

CHAIRMAN BARNETT stated they would reopen executive action on SB
144 for the purpose of an amendment.

Motion: REP. ROSE MOVED SB 144 BE CONCURRED IN.

Motion: REP. ROSE MOVED THE AMENDMENT.

Discussion:

REP. ROSE stated he wanted to amend two words which was found on page 8, line 27. He wanted to strike "or converting", because no one knew what it meant.

Vote: The motion to adopt the amendment carried.

Motion: REP. ROSE MOVED SB 144 BE CONCURRED IN AS AMENDED.

Vote: The motion carried unanimously.

HEARING ON SB 296

Opening Statement by Sponsor:

SEN. ETHEL HARDING, SD 37, said SB 296 was a compromised bill with the Department of Health and Environmental Science. She said the permits cost \$60 for licensing for a farmers market and SB 296 would eliminate that fee. She said this bill would allow an individual to sell baked goods and preserves. SEN. HARDING concluded it would provided that an individual would not have to rent commercial kitchens to do their baking. She said on the last page, it says the farmers market would have to keep records of the individual seller's name and date, in addition to what products were sold.

Proponents' Testimony:

Maureen Cleary-Schwinden, founder and market manager for the Wolf Point Annual Farmers Market, stated there was a need in their community to provide an open market. She said she kept records listing the individual name, the date, and the type of produce they were selling. She felt SB 296 was a good bill and she urged the committee to support it.

Lucille Buckman, Polson, said she and her husband were starting their 20th year as vendors at the Polson Farmers Market. She said retired people need a way to supplement their income and selling goods at the Farmers Market allowed them this opportunity. She hoped the committee would pass SB 296.

Joan Bennett, Polson, stated she was the Farmers Market manager for their local market. She said their kitchens were clean, so there should be no worry of contamination. She said the Farmers Market provides an avenue for retired folks to earn extra income. She urged the committee to pass SB 296.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. SAM ROSE asked SEN. HARDING where the bill states on page 4, line 19, if they accidentally stuck that part of the bill. SEN. HARDING asked Mitzi Schwab to answer. Ms. Schwab, Department of Health and Environmental Sciences asked REP. ROSE to repeat his question.

REP. ROSE asked if they are not adopting rules to prohibit the sale of hazardous foods. Ms. Schwab stated that this part of the bill referred to the state health authority who could not tell someone they could not sell the produce. In addition, the reason that particular line was deleted is because the scope of the bill was reduced. She confirmed the statute already provided an exception.

REP. DORE SCHWINDEN assured REP. ROSE the deleted line that dealt with "potentially hazardous foods" would be taken care of with the Senate amendments found on page 3.

REP. BILL RYAN asked Maureen Cleary-Schwinden if the list of hazardous and nonhazardous food included fruit cake. Ms. Cleary-Schwinden nodded yes.

Closing by Sponsor:

SEN. HARDING said they would never allow cream pies because it may have potentially hazardous ingredients. She said many people across the state enjoy their local farmers market and she urged the committee's passage of this bill. SEN. HARDING said REP. MARGE FISHER would carry the bill on the House floor.

HEARING ON SJR 17

Opening Statement by Sponsor:

SEN. LOREN JENKINS, SD 45, stated SJR 17 was a "local area" bill. He said there is a 17,000-acre complex in the Big Sandy area that was set aside in the early 1900s as a drainage field for an irrigation project called Lonesome Prairie. Until presently, the Lonesome Prairie Irrigation Project had been dismissed and the land had been used for farming and grazing. The Bureau of Reclamation had the jurisdiction over Lonesome Prairie and then the Department of Fish, Wildlife and Parks became interested in the land. He said they discovered in 1991 that the intent was to turn this land into a wildlife refuge. As a result, all farming and ranching activities would have to cease in that 17,000 acre area.

Proponents' Testimony:

Keith Edwards, Resident of Lonesome Prairie, stated he has been a longtime believer in multiple use of public land. He stated that

public use includes the human species along with the others. He said he has lived in the Lonesome Basin for the last 75 years. A lake may form once in seven years in the Lonesome Prairie area. **Mr. Edwards** said in the last 20 years no taxpayers' money has gone into the improvement of the land. He said he has personally spent \$30,000 on the improvement of the land in the last 20 years.

{Tape: 1; Side: B; Approx. Counter: 000; Comments: None.}

Nona Danreuther, rancher of the Lonesome Prairie Basin, read testimony. EXHIBIT 1

Dan Kidd, family farm owner in the Lonesome Basin, stated he has leased 40 acres from the Lonesome Prairie Basin. Mr. Kidd referred to the "Draft Environmental Assessment and Plan Amendment for the Lonesome Lake Prairie Wetlands Project, October 1994" (EA). He felt if the 17,000 acres were taken from those currently using it, there would be a dramatic economic impact on the local community and would have little positive impact the wildlife. He said the Bureau of Reclamation and the U.S. Fish and Wildlife Service are trying to set a precedent. He said that they admitted to them in Great Falls that the EA would become their standard and they would base all other projects in the area on it. He urged the committee to pass SJR 17. **EXHIBIT 5**

Lochiel Edwards, Lonesome Prairie Basin, stated the problem began when the Bureau of Reclamation decided to relinquish ownership, they held meetings and asked the local people what they wanted, but those people's concerns were ignored. He said it seemed as though an unfair advantage was taken here by a group that has a \$80 million budget a year to "run over the people of Montana." He stated the federal government gave Ducks Unlimited \$20,000 to study the Lonesome Prairie and they found the waterfowl population was doing very well in the area. Mr. Edwards stated they wanted to work out a good management plan for the Lonesome Prairie area. He urged the committee's support of the bill.

Fred Finke, Lonesome Prairie Protect Association, read written testimony. EXHIBITS 2

Mr. Finke referred to newspaper articles which he submitted for the record. EXHIBITS 3 and 4

Lorna Frank, Montana Farm Bureau, stated they and the producers in the area supported SJR 17.

Bob Stephens, Montana Grain Growers, wanted to go on record as being in support of SJR 17.

Charles Danreuther, Chouteau County Commissioner, said the economic impact, if the bill was not passed, would be great. He urged the committee to support SJR 17.

Jennifer Hill, Montana Stockgrowers Association, wanted to go on record in support of SJR 17.

Opponents' Testimony:

Jim Richards, Montana Wildlife Federation, stated they realized local residents had economic concerns. He said they were not interested "kicking" all the cows out of the area but noticed some extreme overgrazing. He said in most summers there was not enough water to support a lake, but seven out of 10 springs there would be enough water to support some pintail populations.

Mr. Richards said he as well as the conservation community would like to see the issue resolved and to come to a consensus among the groups involved.

Stan Frasier, Helena, stated he went to the Lonesome Prairie area and observed a portion by the lake. He said it no longer had grass growing and that what existed was floor dust and looked more like a gravel pit. He said the cattle had grazed off most of the sagebrush. The proposal was not intended to throw all of agriculture off the land. He wanted the opportunity to improve the habitat for prairie fowl and they need more grass for nesting and hiding. **Mr. Frasier** asked the committee to treat this piece of land in a multiple use fashion. He felt the area had been neglected and abused by the farmers and ranchers. He said, "Talk about special interest, who are the special interests? Is it the five plus percent of the people in this state that are farmers and ranchers or is it the other 95% plus percent people in the state?" He said the intent was to make some room for wildlife in the Lonesome Prairie Basin.

Janet Ellis, Montana Audubon Legislative Fund, said they were sad the resolution was there because they had been trying to work on a consensus process. She said what the resolution was asking them to do was maintain current management practices.

{Tape: 2; Side: A; Approx. Counter: 000; Comments: None.}

Questions From Committee Members and Responses:

REP. JUDY MURDOCK asked **Mr. Frasier** who he was representing. **Mr. Frasier** said he was representing himself.

REP. GEORGE HEAVY RUNNER asked **SEN. JENKINS** if they had tried to work things out amongst the members involved. **SEN. JENKINS** stated if the resolution was passed by the committee, they would sit down and work everything out. He said they had not gotten anywhere after meeting for about two years.

REP. SAM ROSE asked **Mr. Richard** if this was a prairie pot-hole. **Mr. Richard** said he was not sure if it was a "true" prairie pot-hole.

REP. ROSE asked Mr. Richard what percentage of the pintails remain in Montana to nest. Mr. Richard could not answer the question. REP. ROSE asked what their constant water source would be to prevent disease. Mr. Richard said the question was too technical and he could not answer the question.

REP. ROSE asked Mr. Richard if this would be a manageable "water constant area" for waterfowl. Mr. Richard stated that was a possibility, but he felt there could be some alternatives.

REP. LILA TAYLOR asked Mr. Frasier what time of the year it was when he went to look at the Lonesome Prairie area. Mr. Frasier said it was early spring. REP. TAYLOR asked Mr. Frasier what the surrounding area looked like. She said living in eastern Montana there were times when everything looked overgrazed because it was dry. Mr. Frasier said he had photographs of a fence line close to the area mentioned in his testimony and the grass was over a foot high by the fence line.

REP. TAYLOR asked Mr. Frasier how the land appeared to be used in the area he had referred to in his testimony. Mr. Frasier said the worst abuse was "up above where the water was." He said there were no cattails in the area the cattle used.

REP. TAYLOR asked SEN. JENKINS if they could see the environmental assessment. SEN. JENKINS said he would provide a draft of the EA for the Lonesome Lake Prairie Wetlands Project.

REP. RICK JORE asked Mr. Edwards about the \$20,000 the federal government gave Ducks Unlimited to study the area and if they found it was feasible to create the dikes. Mr. Edwards said that was true and the conclusion arrived by Ducks Unlimited was in the Environmental Assessment.

REP. ROBERT STORY asked Mr. Edwards to comment on the condition of the range. Mr. Edwards said it was the same as what Mr. Frasier had been looking at. He said the particular area Mr. Frasier was referring to had been farmed and planted to native grasses. REP. STORY asked if the lake was flat and shallow. Mr. Edwards said it was extremely flat. He said the evaporation of the water was high because the lake was so shallow. REP. STORY asked if it would be difficult to establish a riparian area around the lake because there was no constant shoreline. Mr. Edwards said the shoreline changes a lot. He said the reason no cattails grow in that area, was due to the lack of moisture needed to support that type of vegetation.

REP. CLIFF TREXLER asked Mr. Edwards if there were a lot less ducks now than there were 20 years ago. Mr. Edwards stated he lived there all of his life and there were far more ducks now than ever before.

REP. TREXLER asked Mr. Edwards how much of the area was CRP land. Mr. Edwards said within the boundary there was some private land.

He said there was 160 acres of CRP land in bottom of the shore of the "alleged" lake. **REP. TREXLER** asked **Mr. Edwards** if that CRP land would make good bird habitat and he asked if birds were living on and around that area. **Mr. Edwards** agreed and said there were many birds living in and around that area. The experts believe CRP also attracts a lot of predators and the predator population "exploded" because of it.

REP. ROSE asked **Mr. Frasier** about the EA's statement that the watershed would have a 30% chance of generating 400 acre feet in any particular year and he asked if this is a marsh land. **Mr. Frasier** agreed this place would not have a lot of water in it, but he didn't think that was the issue. He said the issue was if there was going to be enough cover left for the ground nesting birds. **REP. ROSE** said it looked like they were talking about two different things. He said the Environmental Assessment was about the Lonesome Lake Prairie Wetlands Project. **Mr. Frasier** said they should remember they're looking at a government document.

CHAIRMAN BARNETT asked the committee if they had any objection to allowing **REP. DEBRUYCKER** to go on record as a proponent. **REP. DEBRUYCKER** had been busy testifying in another hearing and couldn't be present during the proponents' testimony.

Additional Proponents' Testimony:

REP. ROGER DEBRUYCKER, HD 89, stated the Lonesome Prairie area was a dry lake bed. He said it was not a lake, it was a basin and it had a gravel bottom and that it would not hold water.

Closing by Sponsor:

SEN. JENKINS stated farmers and ranchers were good stewards of the land. He said in his entire lifetime, he had seen Lonesome Lake filled once in the span of 45 years. He urged the committee to pass SJR 17.

{Tape: 2; Side: B; Approx. Counter: 000; Comments: None.}

HEARING ON SB 389

Opening Statement by Sponsor:

SEN. LARRY TVEIT, SD 50, said this bill had a long history. He stated that it had started out as SB 215. It started in the Senate Agriculture, Livestock, and Irrigation Committee and then ended up in a subcommittee. **SEN. TVEIT** said originally the basic jurisdiction of the game farm would be administered by the Department of Livestock. He said the way the bill reads now, the responsibilities would be shared by the two agencies.

Then he handed out the first set of amendments. These amendments were agreed by both the game farm people and the Department of Fish, Wildlife and Parks (FWP). **EXHIBIT 6**

SEN. TVEIT handed out the next set of amendments that the FWP and game farm operators did not agree on, but were provided for the committee's consideration. **EXHIBIT 7** **SEN. TVEIT** felt the reason for the bill was the breakdown of communication between the game farm owners and FWP that dealt with their overall management of the game farm operations.

SEN. TVEIT hand out another set of amendments that dealt with the creation of a quasi-judicial board. The board would be made up of five people, with the Governor appointing the chairman. He said this amendment would allow for an appeals process for the game farm owners. **EXHIBIT 8** He explained to the committee that the Governor was opposed to the bill.

SEN. TVEIT distributed to the committee literature submitted by the Montana Game Breeders Association. **EXHIBIT 9**

Proponents' Testimony:

Ward Swansor, an attorney from Billings, stated he had a game farm in Roundup and has been a member of the Game Farm Industry since 1981. He said they began the session by asking for "a divorce" of the game farms and the Department of Fish, Wildlife and Parks. **Mr. Swansor** stated they could not exist under two agencies. They were trying to serve under the Department of Livestock and the Department of Fish, Wildlife, and Parks. What has resulted is little or no communication between the industry and the Department of Fish, Wildlife and Parks.

He felt 66% of the difficulties would be addressed if the committee would pass the amendments **SEN. TVEIT** presented to the committee (see Exhibit 6). He said identification seemed to be a major issue for the groups involved. **Mr. Swansor** said they had a proposal to address identification as to when they identify the animal.

Gerri Backes, Lambert, read written testimony. **EXHIBIT 10**

Len Wallace, Big Velvet Elk Ranch in Darby, stated at the present time when there was a problem the "quasi-judicial board" was the Governor and he did not think it was right to put the Governor in that place. He felt it was better for everyone if they had someone they could appeal to, such as a board.

Robert Spoklie, President of the Montana Game Breeders Association, stated when they first started they were "million miles apart," but as of currently they are agreeing on more and more issues. He stated his industry wanted to work together with both departments. He said they felt the amendments would meet all the concerns of the sportsmen, land owners and citizens of

Montana. He urged the committee to pass SB 389 with the agreed upon amendments.

He said one of the things the industry wanted was to speed the process up in order to get a license. At the present time it takes about 16 to 18 months to get a license.

Dan Weppler, Montana Game Breeder Association, handed in written testimony. **EXHIBIT 11**

Les Graham, Montana Game Breeders Association, said he had a lot of background to deal with the issues facing the industry. He said their purpose was the need for a split of power and authority between the two agencies. **Mr. Graham** felt since he had been both the administrator of a state agency and in the private industry, they could not survive under the current situation of serving both "masters." He asked the committee to realize the clear lines of authority between the two agencies so the game farms could work their problems out.

Glenn Marx, Policy Director for Governor Racicot, handed in written testimony. **EXHIBIT 12** **Mr. Marx** added the Governor would not support the quasi-judicial amendment.

{Tape: 3; Side: A; Approx. Counter: 000; Comments: None.}

Lorna Frank, Montana Farm Bureau, wanted to go on record as being in support of SB 389.

Pat Graham, Director of the Department of Fish, Wildlife and Parks, handed in written testimony. **EXHIBIT 13** He then presented the committee with an amendment. **EXHIBIT 14** **Mr. Graham** stated they were against the quasi-judicial board because they currently have something similar to it in place.

Richard Hier, game farmer from Lambert, urged the committee to pass SB 389 with the game farm amendments.

Mike Hier, game farmer from Lambert, stated he supported SB 389 with the game farm amendments.

Vince Goffena, Montana Game Breeders Association, said they would support the bill with the game farm amendments.

Arlene Goffena, Montana Game Breeders Association, stated she supported SB 389 with the amendments.

Marty Boehm, Fins and Feathers Game Farm, hoped the committee would support SB 389.

Myra Bridgewater, Game Farm Breeder from Townsend, urged the committee's support of the bill.

Jack Bridgewater, Game Farm Breeder from Townsend, wanted the committee to pass SB 389.

Jerome Robidou, Montana Game Farmer from Kalispell, would support the bill with the amendments.

Chancy Ralls, Game Farm Breeder, wanted to go on record as being in support of the bill.

Janet Ellis, Montana Audubon Legislative Fund, stated they supported the bill. She said they were a reluctant supporter of the bill as it came out of the Senate. She said the problem they had with the bill was that FWP would not recoup enough of the "enforcement" dollars they were contributing to it. **Ms. Ellis** stated many people are afraid of game farms and she asked the committee to allow them to get a copy of the amendments for review.

Opponents' Testimony:

Jim Richards, Montana Wildlife Federation, read written testimony. **EXHIBIT 15**

SEN. TERRY KLAMPE, SD 31, wanted the committee to know SB 389 was not a compromise bill. He told the committee his bill would have phased game farms out of existence in two years and it would have offered a "whole host" of regulations for the game farms to abide by. He said not one of his ideas were accepted and therefore there was no compromise. **SEN. KLAMPE** opposed the amendments by **SEN. TVEIT** and he believed the amendments offered by Fish, Wildlife and Parks had merit.

Stan Frasier, Helena, stated this had been a long painful process. He said the Wildlife Federation wanted to put a moratorium on all game farms and he was a supporter of **SEN. KLAMPE'S** bill to outlaw game farms. He handed in written testimony and examples for the committee to read. **EXHIBITS 16a-16g**

He said this amended bill was not a compromise, but a "mess." **Mr. Frasier** said the bill did not address the main issues and he even doubted game farms were a true industry. Furthermore, the bill did not address who should pay the cost and regulation of the game farms. He said sportsmen license fees had been paying more than 90% of the costs to regulate game farms.

Mr. Frasier suggested the state of Montana should have a wildlife veterinarian who would be qualified to recognize the harmful diseases these commercial herds spread. He urged the committee to oppose the bill.

Jim Bradford, Montana Bowhunters Association, stated they did not support SB, 389 but they would be a reluctant supporter if the

bill passed with the FWP amendments. He added they did not support the quasi-judicial board amendment.

Questions From Committee Members and Responses:

REP. LILA TAYLOR asked **Pat Graham** to explained the tuberculosis problem in Big Horn County. **Mr. Graham** stated they discovered tuberculosis in a game farm last spring and then they tested some big game outside of the game farm area and discovered tuberculosis in a mule deer. As a result of the positive test found in the mule deer, they eliminated some of the populations of big game around the game farm boundaries. He stated over 100 wild animals were tested for tuberculosis and one coyote and one mule deer had lesions. He said these lesions "were indicative to tuberculosis but not cultured positive." **REP. TAYLOR** asked **Pat Graham** if the expense of testing the animals last spring came from the sportsmen license fees or did it come from the Department of Livestock. **Mr. Graham** stated the testing was paid from their license account and other projects and he didn't know what the Department of Livestock contributed.

{Tape: 3; Side: B; Approx. Counter: 000; Comments: None.}

REP. TAYLOR said she was concerned about the fees. She said the Department of Livestock had the ability to increase their fees and asked if that meant all livestock would have their fees increased. **Mr. Graham** stated they could raise the fee for a particular type of livestock.

REP. KARL OHS asked **SEN. TVEIT** if he was having trouble with the number of amendments. He asked about the quasi-judicial board and if the amendment had been approved by the Department of Fish, Wildlife and Parks. **SEN. TVEIT** replied that the FWP did not agree with it.

REP. JUDY MURDOCK asked **Pat Graham** what happened to the animals within the game farm who were tested. **Mr. Graham** stated they had been killed. **REP. MURDOCK** asked how many of the animals that were killed had contracted tuberculosis. **Bob Spoklie** stated none of them. He said the first test was conducted when they destroyed six animals. The game farm owners asked to have the entire herd killed. He said 120 animals were killed and not one had tested positive for the disease as well as the 129 deer outside of the game farm. **Mr. Spoklie** added that the entire cost of destroying the animals was paid by the game farm.

REP. JAY STOVALL asked **Pat Graham** if they did tuberculosis testing throughout the state in areas not close to a game farm. **Mr. Graham** stated they did some general testing of wildlife but it was tuberculosis testing. **REP. STOVALL** asked **Pat Graham** about the tests conducted and the fact that not one had come back positive for tuberculosis. **Mr. Graham** stated other than the Big Horn incident **REP. TAYLOR** asked about, no they had not. **REP.**

STOVALL asked **Mr. Graham** how many animals outside of the game farm tested positive. **Mr. Graham** said, just one.

REP. STOVALL asked **Pat Graham** why the Department of Fish, Wildlife and Parks needed to do so much regulating. **Mr. Graham** said the Department's area of responsibility was to protect the native wildlife within the state. He said most often species found within the game farm were the same species outside of the game farms. He said the three areas of regulation by the Department of Livestock was the transmission of disease and the potential escape of game farm animals and the subsequent breeding of those animals with their wild counterparts, theft or capture of native wildlife brought into a game farm, and accidentally moving native wildlife with game farm animals when they are being transported from one place to another.

REP. STOVALL asked **Pat Graham** if he knew how many native animals infiltrated into the game farms or how many game farm animals had escaped. **Mr. Graham** did not have that type of information with him, but he would provide the information to the committee before executive action.

REP. STOVALL asked **Bob Spoklie** why the game farm industry needed to be heavily regulated. **Bob Spoklie** said he wanted to comment on the issue of disease between game farm animals and native animals. He said the state veterinarian stated TB was the only disease found within a captive elk herd within the state of Montana. He said TB was introduced to Montana through the "old cow test." Since 1991, the "cervical test" on the neck of the animal was used to detect TB.

REP. STOVALL asked **Ward Swanson** why he thought it was necessary to have a quasi-judicial board. **Mr. Swanson** stated it would provide the game farm industry with an appeals process and it would help the industry "keep on track" for the existing rules.

REP. SAM ROSE asked **Dr. Hal Sheets**, Department of Livestock for his opinion on the tuberculosis situation in the state of Montana. **Dr. Sheets** stated as a veterinarian he viewed the tuberculosis problem in game farm animals as a big problem. He said in Elk Valley they had approximately a 10% to 12% reactor rate. However, he felt tuberculosis was not as terrible a threat as some have thought.

REP. ROSE asked **Pat Graham** if he thought there was some administrative ease provided to the Department of Fish, Wildlife and Parks by eliminating game farms. **Mr. Graham** said it was not the Department's position and he said they have the responsibility to regulate game farms and they do that to the best of their ability. **REP. ROSE** asked **Pat Graham** about the escape of the red deer in the Avon area who mixed with the native animals. He asked what the DNA test indicated for the animals harvested. **Mr. Graham** asked **Karen Zackheim**, Fish, Wildlife and Parks, to answer the question. **Ms. Zackheim** stated the DNA test

performed was done on tissue samples and they could only look at two different genetic markers. She said the primary marker which was hemoglobin. One animal out of the 12 or 13 animals tested showed a hemoglobin pattern typical of red deer. She said the one animal was the only animal indicative of red deer. **REP.**

ROSE asked **Ms. Zackheim** where the laboratory work was conducted. **Ms. Zackheim** stated the tests were sent to Oregon.

REP. ROSE asked **Bob Spoklie** to comment on the samples performed on the red deer in the Avon area. **Mr. Spoklie** said the doctor who did the tests concluded it was either a cow elk or a red deer hybrid elk. **Mr. Spoklie** said he called the doctor who said, "I never told anyone there was definitely a red deer hybrid there, only there could be a possibility."

REP. DICK GREEN asked **Bob Spoklie** about the old cow test and the new cervical test on the neck. **Mr. Spoklie** asked **Dr. Sheets** to comment. **Dr. Sheets** said the old test involved injecting tuberculin into the fold on the tail and for many years it was common to test cattle and elk. They discovered the test was not a sensitive enough reactor for elk, so they went to the cervical test. He said they clip and inject into the neck, then read it in 72 hours. He said this type of test had proven to be more satisfactory. He stated if they get a reaction on the cervical test, they run a comparative cervical test. **REP. GREEN** asked **Dr. Sheets** if the test was completely inclusive with the exception of a false/positive test. **Dr. Sheets** stated there was no test that was 100% accurate.

{Tape: 4; Side: A; Approx. Counter: 000; Comments: None.}

REP. GREEN asked **Dr. Sheets** if there was a possibility of tuberculosis existing within the wild herds. **Dr. Sheets** said, that tuberculosis is not going to be able to persist in a wild game population under normal population concentration and he didn't believe it will stay there. **REP. GREEN** asked **Dr. Sheets** if the likelihood for an infectious disease to spread from game farm animals to native animals was remote due to veterinary care of game farm animals. **Dr. Sheets** stated the more concentration of animals, like on a game, farm would increase the infection rate in the animals. He said tuberculosis was not a highly contagious disease and if spread to the wildlife population, the disease would die out.

REP. GREEN wanted **Dr. Sheets** to address the brucellosis found in other animals. **Dr. Sheets** stated the infection rate found in bison was around 50% to 70%. He said this winter the test of bison ran as high as 76% and he said this was in a wild, free-roaming herd. He said brucellosis was much more contagious under natural conditions than the tuberculosis would be.

CHAIRMAN BARNETT stated he planned to place SB 389 in a subcommittee.

REP. OHS asked **Pat Graham** if this was a compromise to define which department had certain responsibilities. **Mr. Graham** stated he believed that was correct. **REP. OHS** asked **Pat Graham** about the amendments his Department offered and if the first and seventh amendment "clouded" the definition of the responsibilities between the two departments. **Mr. Graham** stated they were not trying to change the authority of who keeps the records. He said the seventh amendment was drafted to clarify their regulatory responsibilities. The intent was to develop an information system between the two agencies.

REP. BILL RYAN asked **SEN. TVEIT** if he would support bill with the amendments by FWP. **SEN. TVEIT** stated some of the amendments he would accept, but not all. **REP. RYAN** asked **SEN. TVEIT** if he supported the bill without the quasi-judicial board amendment. **SEN. TVEIT** stated he would have a tough time supporting it without the amendments because they had put so much work into it.

REP. RYAN asked **Pat Graham** if he would support SB 389 with all the amendments proposed by **SEN. TVEIT**. **Mr. Graham** stated he would not support the amendments or the bill with the amendments. He stated there was currently regulation in place that adequately addressed the needs that the quasi-judicial board would do. **REP. RYAN** asked **Pat Graham** if he would support the bill without his amendments. **Mr. Graham** said he would support the bill as it read at the present time.

REP. GAY ANN MASOLO asked **Bob Spoklie** to address the 90% to 96% regulatory cost of game farm fees by sportsmen. **Mr. Spoklie** said, "I think under an agency that really wanted us from the beginning that cost would have probably been around \$30,000, but if you charter a twin engine plane from Bozeman to Helena to Great Falls to Conrad to Plentywood, Montana, to do what one game warden was asked to do, your costs are going to go way out of the top." He felt the 96% was a high figure.

REP. RICK JORE asked **SEN. KLAMPE** if he could explain the difference between the National Bison Range and a game farm. **SEN. KLAMPE** stated there was no difference between the National Bison Range and a game farm. **REP. JORE** asked **SEN. KLAMPE** if he reintroduced his bill, would he include the National Bison Range. **SEN. KLAMPE** said he probably would not reintroduce the bill and he was not sure about the type of operation that existed at the National Bison Range.

REP. TAYLOR asked **Cork Mortensen** how the Department of Livestock felt about the whole process and where they stand on the issues. **Mr. Mortensen** said they were satisfied with the legislation "as it is moving along" and they would support the delineation and separation of authority. **REP. TAYLOR** asked **Cork Mortensen** if he was satisfied with the fees needed to cover the costs. **Mr. Mortensen** stated they had the authority to increase the fees. He said they have responsibility in the area of disease control and the Department of Livestock accepted the responsibility to

monitor brucellosis in livestock and wildlife. He affirmed they accept the costs associated with the testing.

REP. TAYLOR asked **Stan Frasier** what a legitimate industry was. **Mr. Frasier** it was up to the legislature to decide what a legitimate industry was. He said the state of Wyoming decided years ago that the game farm industry was not legitimate. **REP. TAYLOR** stated she knew about the one big elk farm in Wyoming. They were on the border between Montana and Wyoming. She said the family went broke in the cattle business and their game farm operation saved them.

REP. ROBERT STORY asked **Cork Mortensen** what the per capita fee was and what was their budget for dealing with the testing of animals. **Mr. Mortensen** stated the per capita fee on game farm animals was \$5 per head. **REP. STORY** asked if the total budget for the Department of Livestock's total budget was around \$15,000 or was there additional money. **Mr. Mortensen** stated that the per capita would generate that additional money. He stated they spent more than \$15,000 for the disease control efforts by the Department. He said they were looking at one FTE to coordinate activities with Fish, Wildlife and Parks and the game farm industry. The activities would include drawing up regulations, implementing them, and operational expenses.

REP. STORY asked **Mr. Mortensen** if their work "on the ground" would be done with existing staff. **Mr. Mortensen** stated their work in the past had been done by existing staff.

Closing by Sponsor:

SEN. TVEIT stated when the bill was introduced in the Senate it would have taken the jurisdiction of the game farms and placed it under the Department of Livestock. He stated the Department of Livestock had concerns regarding that decision. As it progressed, the Department of Fish, Wildlife and Parks wanted the outer fencing and the licensing to stay with them. All testing, tagging (all veterinarian duties) would go to the Department of Livestock.

SEN. TVEIT felt the quasi-judicial board was needed. He said last fall he was visiting game farms in his district and discovered 20 months earlier, the Department of Fish, Wildlife and Parks had a secret raid on one of the game farms. He said, "They came in, stayed for several hours, they confiscated several things. They went through all the drawers, even the women's clothes in the bedroom, and they wouldn't let the woman go to the bathroom without them coming right with them. ... They said what are you looking for [and] they wouldn't say. They said keep your mouth shut and don't tell nobody." **SEN. TVEIT** said he happened to be their senator and it took 20 months before he found out. **SEN. TVEIT** said he was concerned with this type of management.

{Tape: 4; Side: B; Approx. Counter: 000; Comments: None.}

SEN. TVIET felt the game farm industry was a legitimate business; it was an alternative business. He said the bill as it currently was written, would put much of the responsibility under the Department of Livestock.

SEN. TVIET read testimony by Gary Marbut representing the Montana Shooting Sports Association. EXHIBIT 17

CHAIRMAN BARNETT stated SB 389 would be placed in a subcommittee. REP. ROSE was appointed as Chairman and REP. GREEN and REP. HEAVY RUNNER were asked to serve on the subcommittee. CHAIRMAN BARNETT asked if SEN. TVEIT had someone to carry the bill. SEN. TVEIT said he did not at the present time but he would let the chairman know who it would be.

EXECUTIVE ACTION ON SB 296

Motion/Vote: REP. STORY MOVED SB 296 BE CONCURRED IN. Voice vote was taken. The motion carried unanimously.

EXECUTIVE ACTION ON SJR 17

MOTION: REP. TAYLOR SJR 17 BE CONCURRED IN. A roll call vote was taken. The motion carried 17-1 with REP. ELLINGSON voting no.

ADJOURNMENT

Adjournment: 6:53 P.M.



JOE BARNETT, Chairman



JAELENE RACICOT, Secretary

JB/jr

HOUSE OF REPRESENTATIVES

Agriculture

ROLL CALL

DATE 3/14/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Sam Rose Vice Chairman, Majority	✓		
Rep. Don Larson, Vice Chairman, Minority	✓		
Rep. Jon Ellingson			✓
Rep. Dick Green	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Rick Jore	✓		
Rep. Gay Ann Masolo	✓		
Rep. Judy Rice Murdock	✓		
Rep. Karl Ohs	✓		
Rep. Jay Stovall	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Robert Story	✓		
Rep. Lila Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Ken Wennemar	✓		
Rep. Joe Barnett, Chairman	✓		



HOUSE STANDING COMMITTEE REPORT

March 15, 1995

Page 1 of 1.

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Joint Resolution 17 (third reading copy -- blue) be concurred in.

Signed: Joe Barnett
Joe Barnett, Chair

Carried by: Rep. DeBruycker

Committee Vote:
Yes 7, No 1.

601345SC.Hdh



HOUSE STANDING COMMITTEE REPORT

March 15, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 144 (third reading copy -- blue) be concurred in as amended.

Signed: _____
Joe Barnett, Chair

And, that such amendments read:

Carried by: Rep. Larson

1. Page 4.

Following: Line 1

Insert: "(d) prepare and submit a report concerning the relationship between surface water and ground water and the cumulative impacts of ground water withdrawals in each subbasin;"

Renumber: subsequent subsections

2. Page 8, line 18.

Following: "(1)"

Insert: "(a)"

Strike: "The"

Insert: "In the Upper Clark Fork River basin as defined in 85-2-335, the"

3. Page 8, line 21.

Strike: line 21 in its entirety

Insert: "(b) If a final decision of the department on an application for a change approval in the Upper Clark Fork basin is appealed to a district court, the district court shall award the prevailing party reasonable attorney fees."

Committee Vote:

Yes 17, No .

601350SC.Hdh

4. Page 8, line 22.

Strike: "or change approval"

5. Page 8, line 27.

Strike: "or converting"

6. Page 21.

Following: line 10

Insert: "NEW SECTION. **Section 11. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

-END-



HOUSE STANDING COMMITTEE REPORT

March 24, 1995

Page 1 of 6

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 389 (third reading copy -- blue) be concurred in as amended.

Signed: Joe Barnett
Joe Barnett, Chair

Carried by: Rep. Rose

And, that such amendments read:

1. Page 1, line 17.

Following: "farms."

Insert: "It is intended that rules promulgated pursuant to Title 87, chapter 4, part 4, be adopted in accordance with the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1."

2. Page 2.

Following: line 10

Insert: "(6) It is the intent of the legislature that in adopting rules pursuant to 87-4-426(6), the department of fish, wildlife, and parks provide for a timely and simplified process for minor amendments to an existing license. This may include, when appropriate, a categorical exclusion under the provisions of Title 75, chapter 1, part 1."

3. Page 2.

Following: line 15

Insert: "(1) 'Cloven-hoofed ungulate' means an animal of the order Artiodactyla, except a member of the families suidae, camelidae, or hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks, domestic sheep,

Committee Vote:

Yes 18, No 0.

681439SC.Hbk

domestic goats that are not naturally occurring in the wild
in their country of origin, or bison."

Renumber: subsequent subsections

4. Page 2, line 24.

Strike: "reindeer,"

5. Page 2, line 26.

Following: "Montana"

Insert: ", a privately owned reindeer,"

6. Page 3, line 6.

Following: "quarantine,"

Insert: "hold orders, interior facilities,"

7. Page 3, line 14.

Following: "~~possible~~"

Insert: "to the extent possible"

8. Page 3, line 15.

Strike: "direction"

Insert: "observation"

9. Page 3, line 20.

Strike: "by trapping them"

10. Page 3, line 22.

Strike: "by trapping"

11. Page 3, line 27.

Strike: ", and the licensee may deal with them as provided for in
this part"

Following: "."

Insert: "Under certain circumstances, a licensee may request a
waiver from the identification and marking of animals in the
base number on a licensed game farm."

12. Page 4, line 26.

Following: "that"

Strike: "1"

Insert: "all imported game farm animals are marked"

Strike: "OR"

Insert: "and that all other game farm animals are marked"

Following: "YEAR"

Strike: ", each"

Insert: ". Each"

13. Page 4, line 27.

Following: "animal"

Insert: "must"

14. Page 5, line 3.

Following: "(5)"

Insert: "Upon the request of a licensee, the department of livestock may grant a temporary waiver as to the time for identification and to the manner of identification if necessary to address a special circumstance. (6)"

Renumber: subsequent subsection

15. Page 5, lines 3 and 4.

Strike: "Only" on line 3 through "animal" on line 4.

Insert: "A game farm animal may be kept only on a licensed game farm. A licensee who keeps a game farm animal owned by, leased to, or leased from another person shall comply with all of the requirements of this part as if the animal belonged to the licensee. Records and reports submitted by the licensee pursuant to 87-4-417 must identify any game farm animal kept by the licensee during the reporting period and the name and address of the owner or lessee"

16. Page 5, line 9.

Strike: "and"

Insert: ", "

Following: "sale"

Insert: ", and disposal"

17. Page 5, line 11.

Strike: "stock inspector"

Insert: "designated agent"

18. Page 5, lines 13 and 14.

Strike: "This" on line 13 through "dead." on line 14

Insert: "All dead game farm animals, except carnivores and omnivores, must be reported to the department of livestock within 1 working day of the discovery of the death."

19. Page 5, line 15.

Following: "(1)"

Insert: ", except inspection of carnivores and omnivores,"

20. Page 6, line 4.

Following: "quarantine"

Insert: "or issue a hold order on"

21. Page 6, line 10.

Following: "reporting"

Insert: " -- rules"

22. Page 6, line 18.

Following: "."

Insert: "However, a calf or fawn that dies prior to being marked pursuant to 87-4-414(4) need not be identified."

23. Page 6, lines 25 through 29.

Following: "(3)" on line 25

Strike: remainder of line 25 through violations." on line 29

Insert: "The department may establish by rule the conditions under which the frequency of reporting requirements may be reduced to one report a year or increased to three reports a year. The department may establish by rule the conditions under which a licensee may submit an abbreviated report. In adopting those rules, the department shall consider the number of animals present on a game farm, the number of reported transactions during previous reporting periods, a history of accurate recordkeeping, and a historical absence of violations."

24. Page 7, lines 15 through 18.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

25. Page 7, line 20.
Following: "of"
Insert: "game farm"
Following: "quarantine,"
Strike: "and"
Insert: "hold orders, interior facilities,"

26. Page 7, line 21.
Following: "regulations"
Insert: ", and the care and maintenance of game farm animals"

27. Page 7.
Following: line 21
Insert: "(3) Rules promulgated pursuant to this part must be adopted in accordance with the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1."

28. Page 7, line 24.
Strike: "Restrictions"
Insert: "Classification -- restrictions"
Strike: "-- classification"

29. Page 7, line 25 through page 8, line 3.
Following: "(1)" on line 25
Strike: remainder of line 25 through page 8, line 3 in their entirety
Insert: "In order to properly regulate importation:
 (a) the department shall classify cloven-hoofed ungulates that have been determined through scientific investigation to pose a threat to native wildlife or livestock through nonspecific genetic dilution or habitat degradation or competition caused by feral populations of escaped game farm animals and shall notify the department of livestock of any changes in classification as they occur; and
 (b) the department of livestock shall classify cloven-hoofed ungulates that have been determined through scientific investigation to pose a threat to native wildlife or livestock through parasites or disease.
 (2) The department of livestock shall restrict from

importation for purposes of game farming any species or subspecies and their hybrids with native species that have been classified in accordance with subsection (1) as posing a threat to native wildlife or livestock. Importation permitted by the department of livestock must comply with the requirements of Title 81, chapter 2, part 7. Copies of import permits issued by the department of livestock must be shared with the department within 10 calendar days. Other pertinent documentation relating to importation must be shared as it becomes available."

30. Page 8, line 6.
Following: "requirements"
Insert: " -- rules"

31. Page 9.
Following: line 22
Insert: "(6) The department shall by rule establish:
 (a) criteria for the classification of amendments to an existing license as major or minor; and
 (b) an expeditious amendment process for minor amendments."

32. Page 10, line 7.
Following: "2-15-102."
Insert: "The department and the department of livestock shall provide staff support and assistance necessary for the council to perform its functions."

-END-

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

DATE

BILL NO.

NUMBER

MOTION

STP 17

Rosa Taylor

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority	✓	
Rep. Don Larson, Vice Chairman, Minority	✓	
Rep. Jon Ellingson		✓
Rep. Dick Green	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Rick Jore	✓	
Rep. Gay Ann Masolo	✓	
Rep. Judy Rice Murdock	✓	
Rep. Karl Ohs	✓	
Rep. Jay Stovall	✓	
Rep. Bill Ryan	✓	
Rep. Dore Schwinden	✓	
Rep. Robert Story	✓	
Rep. Lila Taylor	✓	
Rep. Cliff Trexler	✓	
Rep. Ken Wennemar	✓	
Rep. Joe Barnett, Chairman	✓	

?

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

DATE: _____ BILL NO. _____ NUMBER _____

MOTION: _____

5/10/08 SB 296
passed

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority	✓	
Rep. Don Larson, Vice Chairman, Minority	✓	
Rep. Jon Ellingson	✓	✗
Rep. Dick Green	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Rick Jore	✓	
Rep. Gay Ann Masolo	✓	
Rep. Judy Rice Murdock	✓	
Rep. Karl Ohs	✓	
Rep. Jay Stovall	✓	
Rep. Bill Ryan	✓	
Rep. Dore Schwinden	✓	
Rep. Robert Story	✓	
Rep. Lila Taylor	✓	
Rep. Cliff Trexler	✓	
Rep. Ken Wennemar	✓	
Rep. Joe Barnett, Chairman	✓	

- My name is Nona Danreuther. My husband Russ and I, along with my parents, Fred and Edna Bitz, have grazing and farming leases on the federal lands near Lonsome Lake. So probably the most obvious reason why I'm here today is to say that we are most anxious for those leases to be continued. Farming and ranching is our livelihood, our way of life, our roots.

- I'm also here to tell you that it is most definitely possible and exceptable for farmers, ranchers, recreationists, wildlife groups, cows, wildlife and wildfowl to all coexist on our federal lands. Since this project began, I have been doing much extra reading. Take for instance, "Range" magazine. It's pages are filled with well written and informative articles about people who live on and care for different lands, their problems - how they overcame their obstacles and improved their lands and also how the lands are being used by diverse groups of people.

Also there are many magazines & books which offer scientific data that proves for example: that grazing is good for plants and soils; wildlife of all kinds benefit from farming and grazing and so on & ~~so~~ so on! One quick example - where are all the Canadian geese at feeding time? From our cars we notice many numbers in the grain stubble fields!

Before 1991, when all this Wetlands project stuff got started, we hardly ever had any contact with Bureau of Rec or BLM people. Seems the agency people didn't much care about the "almost always" empty Lonesome Lake or its semi-arid club moss infested surrounding lands. My Father has had grazing leases for 40 years, and except for last year, all improvements upon the lands have been paid for out of his own pocket!

Well since 1991 we have been meeting with BLM Range scientists & Biologist (out of the Havre office - really good people) and we were beginning to set up some management plans for the grazing lands. We were coming up with some good ideas for improving the grasses and water, enhancing wildlife and so on. Obviously, these plans ~~have~~ are on hold and instead we are dealing with the absolutely horrible alternatives - which make no sense at all!

So we are asking to be able to work with the BLM - NOW!! before decisions are made that will cut down our grazing numbers and take away the farming leases. We need time to implement those new ideas for the grasslands and for wildlife. It is no longer acceptable for agriculture to just be thrown out the back door by special interest groups who hardly know the difference between club moss and crested wheat grass. We also wonder why BLM would take away the farming lease without any justification.

EXHIBIT

DATE

3/14/95

JR-17760

Reason!

Of course you can always talk money -
can the BLM justify taking away over \$500,000
from our local economy when state & Federal
funds are hard to come by and how many
trillions of dollars are we in debt?

My last point - The so called Lonesome
Lake Wetlands project relies on water and
as we speak - Lonesome Lake is as dry as
a bone and probably will be most years!
So lets work with what we have - keep
the local permittees as stewards of the lands -
allow us to work with BLM as managing agency
in the future, we will see that cattle, farming,
wildlife, wildfowl, people, wildlife supporters -
all can live in harmony on the Lonesome
Prairie!

America is a rich nation, and agriculture is ^{one} ~~part~~ of the reasons why America is prosperous. Cheap and plentiful food has allowed the U.S. to become a super power. But we cannot allow America's prosperity to be taken for granted. We cannot destroy agriculture & destroy jobs and remain a great nation. Common sense tells us we should allow agriculture to continue at current levels on the federal lands surrounding Lonesome Lake.

If you were to read the environmental assessment compiled by the BOR, BLM, and the US F&WS, you would assume that agriculture has destroyed the land surrounding Lonesome Lake. The message is clear - the land is overgrazed and over farmed. ~~The soil and water~~ But this is not true. The land is not overgrazed, the soil is not eroding, and the water quality is fine.

Agriculture, ~~the~~ ^{our} livelihood, depends on the ability of the land to produce. Our operations must be ~~be~~ sustainable. Agriculture has not hurt Lonesome Lake, in fact, the opposite is true. The land is better off because of the improvements the people have made.

Another reason agriculture must continue at Lonesome Lake is to protect the ~~economic health~~ local economy.

Big Sandy would stand to lose \$536,777 in ^{net} economic activity if agriculture were to cease at Lonesome Lake. This affects not only the 15 families connected with Lonesome Lake, but our entire community - the grocers, the fuel stations, ^{the elevators} the hardware store, the churches, and the schools. We must protect the economic health of Big Sandy and all of our small towns.

And finally, agriculture should be allowed to continue at current levels on Lonesome Lake because the wildlife

I urge you to vote in favor of Senate
Joint Resolution No 17.

Let's renovate the range, enhance wildlife habitat,
but most importantly - let's keep agriculture at
the current levels. ~~the~~ This is what is best for
Lonesome Lake, ~~the~~ ~~the~~ for Big Sandy, and for the
State of Montana.

In conclusion, I've brought a couple of newspaper
articles. I'd like to present,

potential of Lonesome Lake is vastly overstated. We are told in the environmental assessment that if agriculture ceases at Lonesome Lake, ~~we~~ ^{there} will be a huge increase in the number of wildlife. This is clearly untrue. The wildlife numbers ~~depend~~ depend on whether or not Lonesome Lake has water in it. And Lonesome Lake is dry the vast majority of the time. Lonesome Lake has been known to be dry for over 10 years in a row. The wildlife in the area is ~~is~~ sustained by agriculture - the ducks ~~nest on~~ ^{swim on} the stock ponds & reservoirs created for livestock. The ducks nest and feed on our rangelands and grain fields. Agriculture sustains the wildlife in good years and bad. ~~PP~~ ~~the~~ ~~reservoirs~~ If the ~~the~~ agricultural leases are revoked at Lonesome Lake, ~~the~~ if agriculture is cut back in any way from the current levels, wildlife will be hurt as well.

EXHIBIT 4
DATE 3/14/95
SBR 17

~~CRIT~~ ~~Just~~ ~~quack~~! Feathered friends flourishing

HB
USA Today

Last year, after years of declining duck populations, signs of a turnaround were spotted. There were more than 10 million nesting ducks in the prairies, and more than 71 million in the fall migration, an increase of about 20 percent.

And this year could be even better for ducks, and their feathered friends, says Jeff Nelson, chief biologist for Ducks Unlimited, a conservation group.

Nelson credits the 10-year-old federal Conservation Reserve Program with helping to start the recovery. The program, up for renewal as part

Wildlife news

of the new farm bill, pays farmers to set aside cropland and allow it to return to its natural state.

Most of the acreage is in the central U.S., which, once was, all grassland, Nelson says, and it's important because to flourish, the birds need "a large grassland tract with small wetlands spotted throughout it."

The reserve program has enrolled 36.4 million acres, at an annual cost of \$1.8 billion, an average of \$50 per acre.

The cost is high, Nelson says, but

for wildlife, results have been dramatic: The lark bunting population, on a sharp decline in North Dakota, has made a steady return since the program's start. The same is true for the ring-necked pheasant, eastern meadowlark and grasshopper sparrow, all increasing where grasslands are allowed to grow.

Nature writing sparkles

Too often, nature writing is pedestrian or just dull. "Heart of the Land: Essays on Last Great Places" (Pantheon, \$24), a collection of the work of 30 writers, is neither.

Each essay focuses on one of the

75 "last great places" identified in 1992 by scientists at the Nature Conservancy, an environmental group that buys and protects ecologically sensitive land. The conservancy launched a campaign to raise funds and awareness of the importance and fragility of these sites. Book proceeds benefit the campaign.

Included in the collection are essays by Terry Tempest Williams, Dorothy Allison and Joel Achernbach. Other wonderful writers represented include Thomas McGuane, Rick Bass, Bill McKibben, Pam Houston and Barbara Kingsolver.

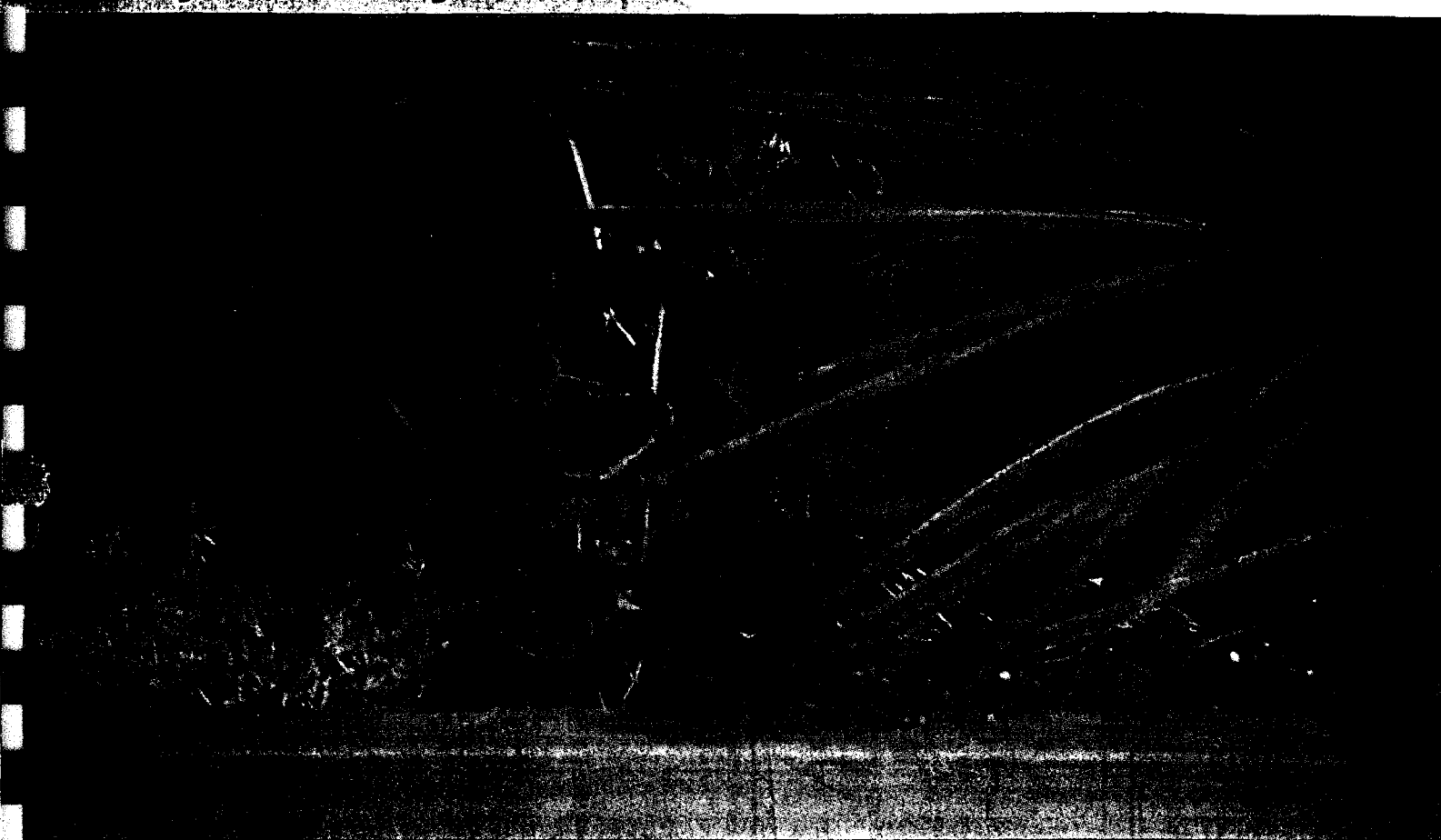
Duck populations are increasing, thanks to a federal program.

Tribune photo by Stuart S. White



March 9, 1995

That's just ducky



Tribune Photo by Wayne Ar

A mallard hen warily eyes the camera from her nest in a flower planter at the Rainbow Hotel in downtown Great Falls.

Mom-to-be mallard moves in at hotel

By WILLIAM BROCK
Tribune Staff Writer

Rainbow Hotel staff members have hatched a marketing plan that has guests flocking to the Great Falls landmark.

A female mallard duck — presiding over a clutch of eight eggs — has taken up residence in the "planter suite" adjoining a parking lot on the building's west side. Another duck has been seen snoozing in a planter box at the corner of the building, directly across from the main Post Office on 1st Avenue N.

The mama duck, nicknamed "Dizzy" by hotel engineer Bob Woods, began laying eggs about 11 days ago.

"Heck, we've got guests flying in from all over the country," said Woods, who first noticed the

mallard three weeks ago.

Dizzy made the hotel's head housekeeper, Marlys Rardon, feel like a dumb cluck one morning last week.

"I was just walking in to work and looking at the flowers when she flew right up at me," Rardon recounted. "I didn't know what it was at first and she scared me pretty bad.

"I had to laugh at myself afterward."

Head caterer Tom Kelley had a similar experience, "and I didn't know what it was," he said. "It came straight for my face and I thought it might have been an owl or a falcon."

The assailant has mellowed and employees now characterize her as "a good egg" who appears to be feathering her nest for the future. She used to abandon the nest every day around 11:30 and fly in the direction of the river, but

maternal responsibilities have clipped her wings.

"All she does now is waddle over to a puddle in the parking lot whenever it rains," Woods said. The maintenance man is considering remodeling the planter suite to include a vaulted-ceiling sawhorse and an attached bath fashioned from a kid's wading pool.

And LaValley said she's considering upgrading the fowl's accommodations.

"We do have a V.I.P. suite with a big Jacuzzi," she mused, "and maybe ..."

Hotel chef Everette Cornwell also has the waterfowl's best interests at heart and has been feeding her lots of bread.

"I want her to get nice and fat," he said, ducking the question of what was for dinner.

EXHIBIT 5
DATE 3/14/95
SER 17

DRAFT

Environmental Assessment

and

Plan Amendment

LONESOME LAKE

PRAIRIE WETLANDS PROJECT

October 1994

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.



Bureau of Reclamation
Great Plains Region
Billings, Montana



U.S. Fish & Wildlife
Service
Great Falls, Montana



Bureau of Land Management
Havre Resource Area
Havre, Montana

EXHIBIT 6

DATE 3/14/95

HB SB 389

AGREED

Amendments to Senate Bill No. 389
Third Reading Copy

Requested by Sen. Tveit
For the Committee on Agriculture

Prepared by Doug Sternberg
February 28, 1995

1. Page 1, line 17.
Following: "farms."
Insert: "It is intended that rules promulgated pursuant to Title 87, chapter 4, part 4, be adopted in accordance with the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1."
2. Page 2, line 11.
Insert: "(6) It is the intent of the legislature that in adopting rules pursuant to 87-4-426(6), the department of fish, wildlife, and parks provide for a timely and simplified process for minor amendments to an existing license. This may include, when appropriate, a categorical exclusion under the provisions of Title 75, chapter 1, part 1."
3. Page 2, line 24.
Strike: "reindeer."
4. Page 2, line 26.
Following: "Montana,"
Insert: ", a privately owned reindeer,"
5. Page 3, line 6.
Following: "quarantine,"
Insert: "interior facilities,"
6. Page 3, line 14.
Following: "~~possible~~"
Insert: "to the extent possible"
7. Page 3, line 15.
Strike: "direction"
Insert: "observation"
8. Page 3, line 20.
Strike: "by trapping them"
9. Page 3, line 22.
Strike: "by trapping"
10. Page 4, line 27.
Following: "animal"
Insert: "must"
11. Page 5, line 9.
Strike: "and"

Insert: ", "

Following: "sale"

Insert: ", and disposal"

12. Page 5, line 15.

Following: "(1)"

Insert: ", except inspection of carnivores and omnivores,"

13. Page 6, lines 25 through 29.

Following: "(3)" on line 25

Strike: remainder of line 25 through violations." on line 29

Insert: "The department may establish by rule the conditions under which the frequency of reporting requirements may be reduced to one report a year or increased to three reports a year. The department may establish by rule the conditions under which a licensee may submit an abbreviated report. In adopting those rules, the department shall consider the number of animals present on a game farm, the number of reported transactions during previous reporting periods, a history of accurate recordkeeping, and a historical absence of violations."

14. Page 7, lines 15 through 18.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

15. Page 7, line 20.

Following: "of"

Insert: "game farm"

Following: "quarantine."

Strike: "and"

Insert: "interior facilities,"

16. Page 7, line 21.

Following: "regulations"

Insert: ", and the care and maintenance of game farm animals"

17. Page 7, line 22.

Insert: "(4) Rules promulgated pursuant to this part must be adopted in accordance with the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1."

18. Page 9, line 23.

Insert: "(6) The department shall by rule:

- (a) establish criteria for the classification of amendments to an existing license as major or minor; and
- (b) establish an expeditious amendment process for minor amendments."

19. Page 10, line 7.

Following: "2-15-102."

Insert: "The department and the department of livestock shall provide staff support and assistance necessary for the council to perform its functions."

Amendments to Senate Bill No. 389
Third Reading Copy

Requested by Rep. Tveit
For the Committee on Agriculture

Prepared by Doug Sternberg
March 14, 1995

*These are the
amendments that
the farm people
did not agree on*

1. Page 4, line 8.

Following: "(2)"

Insert: "(a)"

Strike: "THE"

Insert: "Two-thirds of the"

2. Page 4, line 12.

Insert: "(b) One-third of the fees must be deposited in the state special revenue fund for the use of the department of livestock in administering its game farm responsibilities."

3. Page 4, line 26 through page 5, line 2.

Following: "that" on line 26

Strike: remainder of page 4, line 26 through "distance" on page 5, line 2

Insert: "each game farm animal be identified at the time and in the manner required by department of livestock rule"

4. Page 5, lines 3 and 4.

Strike: "Only" on line 3 through "animal." on line 4

Insert: "A game farm animal may be kept only on a licensed game farm. However, a licensee is responsible for all game farm animals kept upon the licensed premises, regardless of ownership."

5. Page 6, line 16.

Following: "made;"

Strike: "and"

6. Page 6, line 17.

Following: "(c)"

Insert: "except as provided in subsection (d),"

7. Page 6, line 18.

Following: "died"

Insert: "; and

(d) a calf or fawn that dies prior to being marked pursuant to 87-4-404 need not be identified"

8. Page 8, lines 9 through 11.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

Amendments to Senate Bill No. 389
Third Reading Copy

Requested by Sen. Tveit
For the Committee on Agriculture

Prepared by Doug Sternberg
March 14, 1995

1. Page 5, line 2.

Following: "(5)"

Insert: "The department of livestock may by rule grant a waiver
as to the time for identification and to the manner of
identification if necessary to address special circumstances
of individual licensees.

(6)"

Renumber: subsequent subsection

EXHIBIT 9

DATE 3/14/95

HB SB 389

QUASI-JUDICIAL
OPPOSED BY
DFWD

Marc
OFF

Amendments to Senate Bill No. 389
Third Reading Copy

Requested by Sen. Tveit
For the Committee on Agriculture

Prepared by Doug Sternberg
March 1, 1995

1. Title, line 8.
Following: "PARKS"
Strike: "AND"
Insert: ", "

2. Title, line 9.
Following: "LIVESTOCK"
Insert: ", AND THE GAME FARM BOARD"

3. Title, line 10.
Strike: "ADVISORY COUNCIL"
Insert: "BOARD"

4. Page 1, line 16.
Following: "parks"
Strike: "and"
Insert: ", "
Following: "livestock"
Insert: ", and the game farm board"

5. Page 2, line 8.
Strike: "advisory council"
Insert: "board"

6. Page 2, line 10.
Following: "act]."
Insert: "It is further intended that the board exercise its
quasi-judicial authority in the establishment of regulations
regarding the approval or disapproval of stipulations to a
game farm license, the determination of rights and interests
of parties in disputes regarding game farm administration,
and any other acts appropriate to the performance of its
quasi-judicial functions."

7. Page 7, line 22.
Insert: "(4) The game farm board established under [section 12]
may adopt rules regarding game farm administration and any
other rules appropriate to the performance of its quasi-
judicial functions."

8. Page 9, lines 24, 25, and 27.
Strike: "advisory council"
Insert: "board"

9. Page 9, line 27.
Following: "members,"
Insert: "one of whom must be an attorney licensed to practice law"

in this state,"

10. Page 10.

Following: line 3

Insert: "(3) Members appointed under subsections (2)(a) through (2)(d) must be chosen from a list of three names submitted to the governor by the respective board, department, or state organization."

Renumber: subsequent subsections

11. Page 10, lines 4 and 6.

Strike: "advisory council"

Insert: "board"

12. Page 10, line 7.

Strike: "an advisory"

Insert: "a quasi-judicial"

Following: "capacity"

Strike: "only, as defined in 2-15-102"

Insert: "and may exercise its functions as set out in subsection (6)"

13. Page 10, line 8.

Strike: "Council"

Insert: "Board"

Following: "are"

Strike: "not"

Following: "compensation"

Strike: "or"

Insert: "and"

Following: "in"

Strike: "2-15-122"

Insert: "2-15-124"

14. Page 10, line 9.

Insert: "(6) The game farm board is authorized to exercise quasi-judicial functions, as defined in 2-15-102(9), in the administration and regulation of game farms."

The Cutting Edge of Montana Agriculture: Game Breeding as an Alternative Livestock

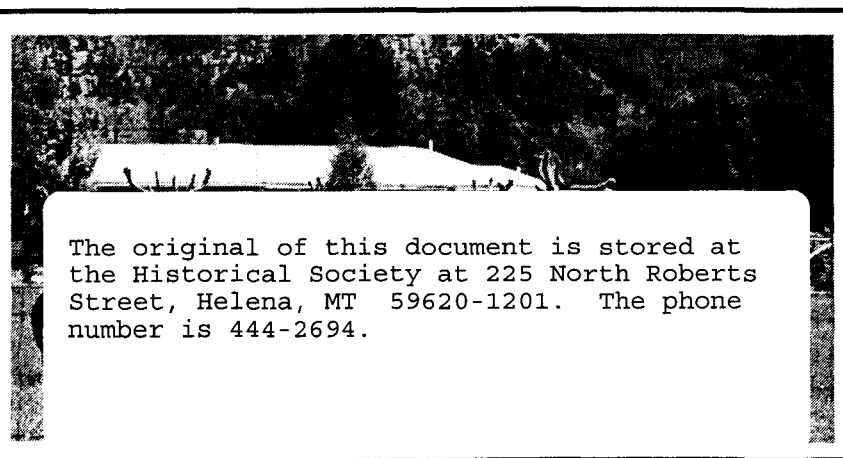
A White Paper Presented To The
1995 Montana State Legislature

Submitted By The
Montana Game Breeders Association

"And God blessed Noah and his sons and said unto them, 'Be fruitful and multiply, and fill the earth. And the fear of you and the terror of you shall be on every beast of the earth and on every bird of the sky; with everything that creeps on the ground, and all the fish of the sea, into your hand they are given. Every moving thing that is alive shall be food for you; I give all to you, as I gave the green plant....'" Genesis 9:1-3

INTRODUCTION

Like Noah on Mount Ararat charged with the task of being fruitful, government is charged with the task of nurturing Montana's agricultural economy. The State of Montana has always been on the cutting edge of agricultural developments, and it now has the ability to continue that tradition by saving the small farm and ranch in Montana from its economic woes through a new style of livestock: deer and elk.



The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

Deer and elk ranching provide a profitable alternative to traditional agriculture in Montana.

The game breeding industry has matured in recent years to become a valuable economic resource to the State's livestock industry. As an alternative livestock, game breeding exceeds the typical cattle or sheep ranch for income per animal. This is a breath of fresh air to Montanans who watch helplessly as cattle prices dwindle and the Wool Act shrinks the bank accounts of sheep producers. Deer and elk ranching provide a profitable alternative to traditional agriculture in Montana, and it is a legislative obligation to recognize and nurture this burgeoning industry.

Game breeding is a multi-million dollar industry in Montana. No longer can it be contested that captive deer and elk are raised for legitimate agricultural pursuits.¹ There are presently approximately 94 game farms in Montana that raise deer, elk, and other cervidae.² Nationwide, the North American Elk Breeder's Association has about 600 members which may represent only half of those actually farming elk in the United States. There are currently about 25,500 elk on private farms in the United States.³ The Montana Game Breeders Association ("MGBA") is eager to

provide the 1995 Legislature with accurate and reliable information to clarify popular "Chicken Little" philosophies -- misconceptions and speculations regarding disease and genetic pollution -- as well as to address other legitimate concerns regarding game breeding. The game breeding industry desires to form a successful relationship with government which will promote the industry's economic success, *and* which will address government's regulatory concerns. This document is intended to prepare the 1995 Legislature for dealing with proposed legislation regarding game breeding in Montana.

HISTORY

Deer and elk have been raised in Montana as an alternative livestock for a number of years. As early as 1896, Montana farmers and ranchers owned and ranched elk and deer.⁴ In the 1920's the Montana Department of Fish and Game, the Montana Department of Fish, Wildlife and Park's ("MDFWP") predecessor, issued permits to individuals allowing them to capture wild game animals. Throughout the 1930's,

Mr. Chairman:

EXHIBIT 10
DATE 3/14/95
HB 58389

Committee Members of the Committee
Jim Guri Backs from Lambert.

As an educator it saddens me to be part of a system that ~~promotes~~ ^{generates} quality education to our students only to loose them to an exodus to other states due to economic disadvantages. Montana's most important resource, our children, take leave of our beautiful state to find careers & job opportunities elsewhere.

I am a widowed mother of 4 of those Natural Resources & am ~~generating~~ ^{concentrating} my energies to enable at least one of my offspring to return & survive on the family farm that my late husband & I worked so hard for 30 yrs.

The viable industry of game farming offers us the opportunity to ~~enhance~~ ^{enhance} those endeavors. This is a source of stability to maintain the family farm.

We ^{lost} ~~lost~~ ^{our eldest} daughter to New York 8 yrs ago & she has no plans of returning to Mt.

Our only son pursued a college degree & employment away from home because of the economics factor of farming. He hopes to return - as you can't take the boy out of the ~~country~~ country out of a boy.

Daughter # ² B is in her third yr. of college. Daughter # 3, a Sr. in high school, will go on to further her education but has grown to love & cherish the elk that she helps Mom tend to daily before her school day begins. She has invested \$ to aid in her financial obligation for her college days. She hopes to be able to be a "game farm lady".

Being a game farmer has been difficult & trying @ times because of rules & regulations, but I'm confident the industry can thrive & flourish thru Cooperation & Collaboration of all parties involved. Hopefully the conflicts will allow resolutions through the passage of SB 389 / Attached amendments.

I want my Children to look to the future favorably / enthusiasm & confidence with a promise of hope that the ^{fourth} ~~third~~ generation of a Homestead farm can be part of their lives.

Please support SB 389, T.Y.
As Amended

1. Bernard Backer

2. Otis Backer

3. Kenneth O. Backer

4. Kenneth M. Backer, Marissa, Yvette, Alesia

EXHIBIT

DATE

3/17/95

HB

SB 589

Weppeler

~~for~~ ~~the~~

These animals are livestock to us, as is likewise considered as such by most all other States. Our concerns for them are genuine as well as other livestock - both traditional & nontraditional - owned either publically or privately.

I can sympathize with our Governor regarding his frustrations in dealing with multi-governed concerns - I'm referring to the Yellowstone Bism situation. Is there a comparison here? - I believe so. This bill is intended to clarify responsibilities involving the two agencies which serve us.

We are not asking for leniency in regulation, but are seeking responsible, accountable direction. We are asking to be involved in the processes that govern our industry. We ask for cooperation - not conformation.

I have recently been appointed to the animal health committee of the MT. Stockgrowers Assoc. An appointment I accept with pride, as a vote of confidence from that Assoc.

Ladies - gentlemen - please consider our request as if made upon your own respective business,

All industries require regulation, private or public. - adequate, not excessive regulation. All need involvement in decision making - again not excessive. Discipline is needed from both sides. Everyone needs encouragement.

As an old adage goes - no pain, no gain - no risk, no reward.

May I add - No pride, no progress.

I encourage your support of SB. 389 with ~~the~~ amendments. Thank you.

I am proud to be a Montana - to be a private property owner - Along with ~~this comes~~ ^{responsibility} a ^{privilege of} responsibility - which I assume. I do not wish to place this privilege in jeopardy.

might I add - a legacy with all hope we can leave to further generations.

EXHIBIT ¹²

DATE 3/14/95

HB SB 389

TESTIMONY ON SENATE BILL 389
HOUSE AGRICULTURE COMMITTEE
MARCH 14, 1995
GLENN MARX, GOVERNOR'S OFFICE

Mr. Chairman, for the record my name is Glenn Marx and I serve as policy director for Governor Marc Racicot.

State agency authority and game farm management has been an interesting issue this session, and I am pleased to represent Governor Marc Racicot and stand before you as a proponent to SB 389.

This bill, crafted by the Senate Agriculture, Livestock & Irrigation Committee, reflects a consensus approach that was developed with hard work, good thought and honest purpose. The bill is a solid compromise that provides essential regulation for an industry, but at the same time allows that industry to move forward and remain a part of Montana's vibrant economy and rural landscape.

The bill, in its present form, successfully identifies that delicate and razor-sharp distinction between Department of Livestock and Department of Fish, Wildlife & Parks authority, and allows both departments to take advantage of their respective expertise, experience, personnel and authority for the benefits of the game farm industry as well as Montana sportsmen and Montana wildlife.

Governor Racicot extends his gratitude to the sponsor of this bill, the Game Breeders Association and the two departments for their determination in working through the potential conflicts inherent with an emerging, complex and sensitive issue such as this.

As I understand it, Mr. Chairman, a flurry of amendments will be offered and debated in executive session. One set of these amendments would transform the game farm advisory council of the current bill into a quasi-judicial game farm board. This quasi-judicial board appears to have full regulatory authority for establishing rules, serve as a kind of final appeal board on game farm permit stipulations and other vague authority.

The governor does not support this change. The five-member advisory council -- as it exists in the current bill -- serves a valuable role in assisting the two departments, keeping lines of communications open, providing nonregulatory advice and counsel to the agencies and serving as a sounding board between the industry and sportsmen. By vesting regulatory authority with this board, the amendments would needlessly duplicate existing authority already vested in the Board of Livestock and Fish, Wildlife & Parks Commission. There appears to be neither a sound reason nor a rational basis to create this onerous, wasteful, redundant, bureaucratic layer of government.

Mr. Chairman, outside of those amendments which for sensible and practical reasons we urge you to resist, the governor encourages your approval and passage of Senate Bill 389.

13
EXHIBIT
DATE 3/14/95
HB SB 389
TSB389.HP

Senate Bill No. 389

March 14, 1995

Testimony presented by Patrick Graham

Montana Fish, Wildlife & Parks

before the House Agriculture, Livestock and Irrigation Committee

Mr. Chairman and members of the committee, for the record, my name is Patrick Graham, and I am director of Montana Fish, Wildlife & Parks (FWP).

As you may be aware, earlier in the session there was a great deal of controversy in the legislature surrounding game farms. Two divergent and controversial bills were introduced into the Senate. One would have banned game farming in Montana all together. The other would have shifted responsibility for the regulation of game farms from a shared jurisdiction between FWP and the Department of Livestock (DoL) entirely to DoL.

The Senate Agriculture Committee in turn drafted a committee bill - SB 389. We believe the Senate Subcommittee did a thorough job of evaluating the respective strengths and expertise of FWP and DoL. And, while no party got everything it wanted, I believe SB 389 establishes a rational and balanced framework for game farm regulation.

There is no question in my mind that we will be watched very closely over the next two years--the agencies and the industry. Communication will be important, and I believe that the advisory council established by section 12 will ensure that communication is more consistent and productive than in the past.

I assure you that FWP is committed to working with DoL to implement SB 389 and to develop a regulatory framework that both meets the game farmers' concern for an efficient and effective permitting process and concern about protecting Montana's native wildlife.

The Department and the Montana Game Breeders Association have come to agreement on a set of amendments that are being offered by Senator Tveit. I urge you to support these amendments.

My intent today had been to respect the compromise developed in the Senate and offer only clean-up amendments in the House. As I said earlier, neither party got everything it wanted. However, since the door has been opened by the industry, I am going to offer an additional set of amendments to this bill that the Department believes are necessary. They include an amendment to clarify that we have the authority to inspect game farm animals to ensure the number of animals present corresponds to the game farm records; an amendment to establish a reasonable fee structure; amendments to

clarify importation requirements, and an amendment to require quarantine facilities.

In addition, there are several proposed amendments related to the advisory committee that the Department and FWP Commission urge you to resist. The first is a series of amendments that make what is now an advisory committee designed to facilitate communication and information exchange between all affected parties into a quasi-judicial board. As a policy matter, this proposal makes little sense. FWP is already overseen by a citizens commission that has these functions, as is DoL. These amendments duplicate and circumvent the power and authority of two existing boards to create yet a new layer of bureaucracy, at tax payer's expense. It would give the game farm industry their own exclusive governing board. Just imagine if this practice were applied to entities regulated by government. Take the Department of Health and Environmental Sciences (DHES), for example. If a separate boards were established in DHES, in addition to having the existing Board of Health, DHES would have an Air Quality Board, a Water Quality Board, a Solid Waste Board, and a Hazardous Waste Board, just to name a few. And each would be quasi-judicial, with the same authority and responsibility of the existing Board of Health. This is NOT streamlined government. The Governor's Task Force on Government Renewal recommended just the opposite approach.

Due process is already available. Currently, if a game farmer is not satisfied with a decision made by FWP that decision can be appealed to the director. If the person is still not satisfied, then the decision can be appealed to the Commission. The final remedy available is to seek review by the court. What purpose is served by adding a Game Farm Board to this mix? We urge you to resist this amendment.

The second amendment we urge you to resist changes the way in which advisory committee members are selected. As currently drafted, advisory committee members are appointed by the Governor. This amendment would require the Governor to select members from a list of three names submitted by each of the respective agencies or organizations. While this process could work for the two agencies, from which "respective state organization's" list of three candidates does the Governor pick a sportsmen's representative? Look at the various organizations testifying on this bill. There is not a single sportsmen's group as assumed by this amendment. So, how does the Governor make this decision? The same holds true for the game farm industry. While only one is very active, there are two game farm associations in Montana. I am sure the Montana Game Breeders Association thinks one of their members should be selected. However, there are a number of game breeders in the state who are not members of that association. We urge you to trust Governor Racicot to make wise appointments in the same manner he does for other boards and to resist this amendment.

A third amendment that I urge you to oppose would give the DoL one-third of the license fee revenue. As I will explain in a moment, the existing and proposed fee schedules do not come close to covering our costs of regulating game farms. DoL already has a mechanism by which to raise revenue -- a per capita head fee. FWP does not. If the revenue DoL generates through the per capita fee is not adequate, they have the authority to increase it by rule. We do not; our fees are set in statute.

On behalf of Montana sportsmen and women, I feel obligated to raise the issue of funding for the program. In 1994, FWP spent \$109,000 regulating game farms while game farm license fees raised only \$3,990 in revenue. The difference between expenditures and revenue -- \$105,000 -- was made up by hunter license dollars.

This is an equity issue. While the Department and Montana hunters expect to bear some of the cost of regulating game farms because of our interest in protecting Montana's native wildlife, Montana's sportsmen and sportswomen do not believe they should not bear 96 percent of the cost. Game farmers need to pay for a larger share of the regulatory costs. Some may argue that FWP's cost could become inflated, or that we may inefficiently administer the program. I do not believe this is the case. Even if those assertions had some basis, Montana hunters still pay far more than what could reasonably be considered their share of the cost of regulating game farms.

The Senate made a sincere effort to address this issue by amending section 4 to increase the fees. However, at the time these amendments were made, the Department did not have the data to document the number of game farms qualifying for each fee scale, and as a result, no one knew how much revenue would be generated. The Department now estimates the new fee schedule will generate about \$7,500. While this nearly doubles the amount paid by game farmers, it still leaves sport license dollars absorbing 93 percent of the cost of regulating game farms. We are proposing some amendments to increase the fees to a more equitable amount. I ask that you reconsider this issue.

Mr. Chairman, thank you for your time today, and I would be happy to answer any questions.

Attachments

Amendments to Senate Bill No. 389
Third Reading Copy

Requested by Fish, Wildlife and Parks
For the Committee on Agriculture, Livestock and Irrigation

Prepared by Paul Sihler
March 14, 1995

1. Page 3, line 1.
Following: "recordkeeping,"
Insert: "inspection of animals to insure compliance with report and recordkeeping requirements,"
2. Page 4, line 1.
Following: "license fee"
Insert: "of \$500"
Following: "renewal fee"
Insert: "of \$15 per game farm animal with a minimum annual renewal fee of \$50."
3. Page 4, lines 1 through 7.
Strike: the remainder of subsection 1 in its entirety
4. Page 4, line 26.
Following: "that"
Strike: "1"
Insert: "all imported game farm animals are marked"
Following: "IMPORTATION"
Strike: "OR"
Insert: "and that all other game farm animals are marked"
Following: "YEAR"
Strike: ", each"
Insert: ". Each"
5. Page 6.
Following: line 7
Insert: "(4) Each game farm must have a quarantine facility inspected and approved by the department of livestock."
6. Page 7, line 25.
Strike: "may"
Insert: "shall"
7. Page 7, line 30.
Following: "1"
Insert: "Within 10 days of the issuance of an importation permit, the department of livestock shall provide to the department a copy of the importation permit, health certificate, and genetic purity test results."

TESTIMONY ON SENATE BILL 389
Before House Agriculture Committee
March 14, 1995

MONTANA WILDLIFE FEDERATION

- Although SB 389 better defines the roles of the Department of Livestock and the Department of Fish, Wildlife and Parks, the Montana Wildlife Federation opposes the bill primarily because the fees paid by game farm applicants and operators under the bill cover less than 15% of the FWP's costs of licensing, regulating, monitoring and enforcing game farms.

Sportsmen and women would still subsidize 85% of the costs of regulating the industry.

- MWF opposes the amendments offered by Senator Tveit.
 - We believe that it is inappropriate to change the proposed advisory council into an appeals body that could shape public policy.
 - The method of selecting council members proposed in the amendments is unworkable. The amendments do not state who in each constituency would select the 3 nominees.
- We oppose Amendment 19, which would remove the prohibition against issuing a license to a person who has committed more than one violation of fish and game laws.
- We prefer the amendment offered by the Department of Fish, Wildlife and Parks regarding the frequency of reporting.

EXHIBIT 16a
DATE 3/14/95
#3 SB 389

Jan. 30, 1991

389
Testimony On SB ~~173~~

Deer and Elk farming pose an excessive risk to Montana's livestock and wildlife.

New York, Pennsylvania, and Virginia have lost their TB free status for livestock.

Canada had a TB outbreak, caused by game farm elk from Montana, that cost \$20 million. This included cattle, elk, and over 80 people.

Disease in deer farms in New Zealand is nearly uncontrollable.

Escape of farmed deer and elk is inevitable.

If TB were to become established in small animal populations it would be impossible to control.

Wyoming outlawed game farms 20 years ago. Why is Wyoming's Legislature so much smarter than Montana's?

Stan Frasier
Box 5841
Helena MT

Do not agree that G.F. is a
legitimate enterprise!

1st. This bill does not address
the real issues should
there even be game laws.

2nd who pays the cost
of regulation?

Montana should have
wildlife Vet.

if the purpose is to help
poor farmers hang on
let them grow Hemp

The Elk-Ranch Boom

By Ted Williams

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

FEBRUARY 13, and already spring is busting out all over central Colorado. Flights of horned larks, carried like cottonwood leaves on the sweet Chinook wind, swirl over

muddy pastures; and along the creek beds, burbling redwings ride bobbing cattails. In front of us Long's Peak rises white and cold; behind us red sandstone cliffs are washed in

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

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

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

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



PATRICK DAVISON

loading is heavy.

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

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

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

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

Sounds impressive until you

INCITE

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

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

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

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

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

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

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



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

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



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

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

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

—Roger Tory Peterson

BIRDS IN JEOPARDY



The Imperiled and Extinct Birds
of the United States and Canada
Including Hawaii and Puerto Rico

Paul R. Ehrlich, David S. Dobkin,
and Darryl Wheye

As the impact of society spreads, more and more familiar birds are on the decline. Why? How can we reverse the trend? This first comprehensive review of the status of 184 endangered or extinct species, by the authors of *The Birder's Handbook*, alerts us to factors critical in the work of conservation and recovery. Striking color portraits by Darryl Wheye.

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

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

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

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



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

stage). Otherwise, the public will be reading such descriptions as this, from the October 16, 1989, *Albuquerque Tribune*: "The body of the drugged animal leaps. Its hooves paw the ground. . ."

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

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

ment decision," he explained. "If he's absolutely prime, has a Boone and Crockett rack. I'll

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

taken to Ontario for routine slaughter.

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

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

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

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

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

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

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

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

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

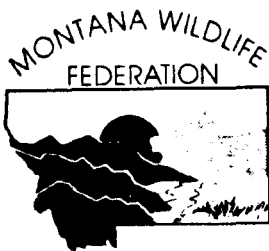
campgrounds, promenades, even school yards."

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

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

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

Recently the Division of Wildlife gravely offended the NAEBA by showing slides of TB eradication at the Royal Elk Ranch, where it killed and burned 50 animals. In one photo a firestorm raged around the carcass of a diseased bull, through the flames, standing as tall and beautiful as Joan of Arc, is a pair of perfect antlers. Antlers worth perhaps \$2,500. It was the most powerful image I took home with me. ■



MONTANA WILDLIFE FEDERATION

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ISSUES AND ANSWERS

"GAME FARMING"

The Issue:

Game Farms are privately owned 'farms' in which captive 'game' are penned for commercial purposes. They are operated to: a) harvest antlers for use as aphrodisiacs in the orient, b) provide trophy 'hunting', c) create meat for restaurants, and d) raise breeding stock. Currently there are over 100 such farms in Montana, with over 55 raising elk.

Game farms represent an immediate and on-going threat to our native wildlife as we know it. Real risks related to game farming include: a) transmission of disease and parasites, b) hybridization (genetic pollution) from cross-breeding, c) escape, d) social and habitat competition with native game, e) cost control and enforcement using public dollars, and f) serious impacts on public hunting

Montana's native game is a publicly owned resource that is held in trust by the state. The state has the right to protect that resource for the good of the people, and to maintain it for present and future generations. Game farms threaten the future of wildlife in Montana, and as such should be strictly regulated if not outlawed.

The Facts:

- 1) Disease:** Tuberculosis (TB) has been discovered in game farm animals throughout the state. Tb has been transmitted to wild deer in SE Montana from game farm animals. Once established in wild herds, many experts assert that TB cannot be eradicated, and that wide scale death will spread throughout big game in the state. TB is especially difficult as it does not physically 'express itself until well into development of the disease, and there is no cure for animals. Parasites are another major threat.
- 2) Hybridization (Genetic Pollution):** Elk in western Montana have been found with Red Deer Genes -- thus signifying that Montana's native game has been cross bred with escaped game farm animals. Cross breeding will alter pure genetic strains forever, change behavior patterns, and lead to the loss of our native game as we know it.
- 3) Cost Control/Enforcement:** Sportsmen dollars are spent on enforcement and monitoring of all game farms in the state. The 106 licensed game farms yielded \$5,300 in fees last year, but cost conservatively over \$150,000 to administer; those are sportsmen dollars.
- 4) Escape:** All experts agree that escape is inevitable -- that there is simply no way to guarantee no escape.
- 5) Habitat Competition:** game farms remove viable wild game habitat from availability for wild game.
- 6) Impacts to Public Hunting:** some game farm operators have been cited for stealing public game by luring them into their pens.

The Players

- a) Seeking Game Farm Reform:** The Montana Wildlife Federation as well as a number of local sportsmen and wildlife groups are seeking game farm reform
- b) Against Game Farm Reform:** Some state agriculture groups, such as the Stockgrowers and Farm Bureau are against reform because they don't believe government should interfere with private enterprise; they adopt this position despite the major threat TB poses to cattle, and also despite the fact that they are the lead advocates in the killing of bison wandering outside Yellowstone Park because of their fear of Brucellosis. Also against Game Farm reform is a group calling itself "Putting People First", which is a front group for the industry itself, but tries to bill itself as 'pro-sportsmen group, anti animal rights' group.
- c) Neutral On Game Farm Reform:** The Montana Department of Fish, Wildlife and Parks (DFWP) seeks greater control over game farming but does not advocate a moratorium. The Mt. Dep't of Livestock generally sides with the livestock industry in taking a nonchalant approach to the issue and being supportive of the agricultural perspective.

The Answers

The only real answer to the Game Farm threat to Montana's native game is the elimination of game farms. However, short of that, a number of steps can be taken to more tightly regulate the industry. Key to such steps is the recognition that wild game is a public trust resource and is held by the state for the people.

The following steps would tighten regulation:

- a) establish a moratorium on all new game farms
- b) increase licensing, bonding and insurance costs such that they cover all administration and enforcement costs of the state
- c) ban further cervid imports into Montana
- d) transfer all regulatory functions of the Dep't of Livestock over to the Dep't of Fish, Wildlife and Parks
- e) provide the state with the ability to deny new licenses and expansion of existing permits for all but the most benign proposals
- f) provide the state with the ability to impose extremely strict development and operational requirements on the operations
- g) radically increase penalties and fines for violations

What You Can Do To Help:

- 1) Support the MWF's position on game farm reform, which is to establish a moratorium on new operations, begin buying out existing operations, and place strict requirements on all existing ones
- 2) Write to Governor Racicot and the DFWP urging immediately reform of game farms:

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**REPORT OF THE DEER FARMING COMMITTEE TO THE
VIRGINIA COMMISSION OF GAME AND INLAND FISHERIES
PREPARED BY**

Carvel Blair,	President, Virginia Wildlife Federation
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Robert Dennis,	Piedmont Environmental Council
Don Gardner,	Veterinarian, private practice
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Betsy Stinson,	Wildlife Biologist Supervisor, VDGIF

EXECUTIVE SUMMARY

"In April 1993, the Virginia Department of Game and Inland Fisheries (VDGIF) appointed an 8 member Deer Farming Committee to 1) examine the status of deer farming in Virginia, and 2) make recommendations on the future of deer farming in Virginia to the Board of the VDGIF. The Committee was established after the VDGIF received resolutions from the Virginia Chapter of the Wildlife Society, The Virginia Cattlemen's Association and the Virginia Dairyman's Association.

"The Committee was assisted (technical advisors) by personnel of the VDGIF who provided documentation on policies, legal status, and guidelines regarding deer farming in Virginia, and volumes of current scientific and popular literature related to the deer farming issue. The Committee invited input from deer farmers and visited a deer farming operation. In addition, the Committee invited several outside authorities to provide expert opinion and advice on various aspects of deer farming, including disease problems, environmental issues, and legal concerns.

"Based on materials reviewed and expert testimony, the Committee offers the following recommendations:

Recommendation 1: "The VDGIF issue no further permits for the commercial farming of endemic or exotic deer in the Commonwealth of Virginia.

Recommendation 2: "That individuals now holding permits to farm fallow deer, who are actively involved in deer farming, be allowed to continue their operations under restricted guidelines. We recommend that these permits be non-transferable for any reason, including inheritance.

Recommendation 3: "That the following restriction and regulations be placed on fallow deer operations permitted to continue:

1. "That each fallow deer operation be assessed an annual fee that approximates the cost of enforcing regulations on deer farming.
2. "That extensive controls and guidelines be established to ascertain the presence of and prevent the introduction of diseases, including tuberculosis, brucellosis and parasitic diseases. These should include:
 - a) "quarantine of new stock both before and after arriving in Virginia for disease testing.
 - b) "multiple whole herd testing for Tb using the most effective test available (cost to be borne by herd owner). Note: Whole herd testing of all deer farms remaining in operation should be completed as soon as possible, but no later than 1 year from the date the VDGIF establishes a policy on deer farming to determine the current disease status of those herds.
 - c) "necropsy by VDACS veterinarians or other approved veterinarians of all animals that die of any cause.
 - d) "inspection of all slaughtered animals by federal Food Safety and Inspection Service or VDACS personnel.
3. "That all animals be marked with a permanent identification (e.g. lip tattoo, PIT tag) and a marker that is visible from a distance (e.g. ear tag).
4. "Complete documentation of livestock, which must include accurate inventories of stock, origin of stock, records of disease testing, and disposition of stock. Documentation should be reviewed annually by the regulating agency.
5. "No combining or exposure of wildlife or domestic stock with farmed deer. This includes exclusive use of pastures and provision of a buffer zone for water courses that could carry fecal material from fallow deer to domestic livestock.
6. "Double fencing of fallow deer enclosures to provide a buffer from nose-to- nose contact between fallow deer and wild deer or domestic stock. The area between the double fencing should be graveled as a snail barrier. Also, fencing should be of adequate height and of sufficient strength to prevent fallow deer from escaping and to prevent wild burrowing or digging animals or domestic dogs from going under the fence. Fences should be checked and maintained on a regular basis.
7. "Immediate notification of the proper authorities in the event of an escape. If escaped animals are not recaptured by the owner within 30 days. VDGIF personnel should make every effort to locate and destroy the animal(s) and the owner should be assessed a fine sufficient to cover the cost to the VDGIF.

Recommendation 4: "That the VDGIF address the issue of captive exotics in general. Petting zoos, hunting preserves and other unregulated operations holding exotic animals present threats similar to those presented by deer farms."

be busy during hunting season but are aware of the importance of surveillance in the Elk Valley area. It may be impossible to ensure that all wild elk in the vicinity of Elk Valley are harvested.

All Elk Valley female elk have been TB tested and shooter bulls are being harvested at a rate of approximately two per week. Twelve shooter bulls tested in August were negative for TB. The remaining shooter bulls have not yet been tested and will only be tested after they are shot. DoL has an agreement with Elk Valley to depopulate shooter bulls by the beginning of December. The Montana Game Breeders Association has offered to provide replacement animals to Elk Valley in the spring or early summer, at the discretion of DoL, if Elk Valley depopulates all animals by December 8, 1994. A tentative agreement for depopulation is attached.

With the implementation of efforts to harvest wild elk outside the Elk Valley fences and eventually depopulate the Elk Valley game farm animals, the risk to wildlife should be limited to the short term. Capturing, testing and holding the entire herd in isolation in a double fenced holding facility would have been preferable but would have required extensive construction on site. Hopefully, depopulation of the entire herd by December will prove to be an acceptable alternative.

6. What specific steps are your two departments undertaking to assure we do not have repeat instances of the Elk Valley occurrence?

DoL and FWP are working together to further revise game farm rules for better management of game farms. Improved record keeping and accounting for game farms, better communication between agencies, and a stronger enforcement program are anticipated. FWP will require compliance with game farm rules, particularly fencing and record keeping requirements. Disease risk will be considered in licensing requirements for new game farms. DoL expects all game farms to comply with holding and handling facilities requirements, including quarantine/isolation facilities. In addition to follow-up research and surveillance at Elk Valley, FWP will attempt wildlife surveillance efforts near Phillipsburg and Corwin Springs where TB has been identified in game farms in the past. Resources are a limiting factor. DoL and FWP will be reviewing game farm records to ensure adequate disease monitoring at all game farms. Rule revisions are expected to incorporate annual testing for diseases such as TB and brucellosis.

The difficulty of capturing and testing animals in large game farms needs to be addressed. The authority to depopulate and indemnify a herd when necessary will probably require legislation.



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March 8, 1995

Senator Larry Tveit
Montana Senate
Capitol Station
Helena, Montana 59620

Dear Senator Tveit,

The Montana Shooting Sports Association is a state-wide organization of gun owners and hunters.

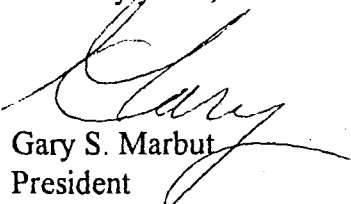
We are familiar with SB 389, to clarify administration and oversight of game farms between FWP to the Department of Livestock. MSSA supports SB 389. We especially like the appointment of a "quasi board" to settle disputes, and the decreased reliance on hunter license fee funds to pay for game farm administration.

We believe that regulation of game farms is not consistent with the focal mission of FWP to regulate, protect and enhance the state's public wildlife resources, and to manage the hunting opportunities related to Montana's public game animals. As game farms have evolved, they appear and operate much more like livestock operations, and are area of activity that should be well within the expertise and mission of the Department of Livestock.

Further, there are too many Montana ranches coming to be owned by the Ted Turners and Jane Fondas of the world. If family-owned Montana ranches cannot pay taxes and mortgage payments on the slim profits from beef or sheep, but the land can be kept in Montana-based ownership by raising game, we believe that is a far better alternative than losing ranches to out-of-state buyers. More responsibility for game farm supervision by DOL, we believe, would help insure that this opportunity remains open to Montana landowners.

You are welcome to copy this letter and share it with the committees that will hear SB 389, or to cite our support for SB 389 on the floor of the Senate or House.

Sincerely yours,


Gary S. Marbut
President

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

COMMITTEE

BILL NO.

389

DATE 3/14/95 SPONSOR(S)

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Myra R. Spawton	MGBA	389		✓
Jack Bridgewater	"	389		✓
Arlene Goffena	MGBA	389		✓
Vince Goffena	MGBA	389		✓
Les Wallace	MGBA - Big Valley ELM Ranch	389		✓
Jerome Robinson	MGBA - RR Ranch	389		✓
Henry Stephens	Self - MGBA	389		✓
Berri Backes	MGBA	389		✓
Stan Frazier	Self	389	X	
Janet Hill	MSGA	517		-
Les Mahon	MGBA			✓
Jim Richard	MWF		✓	
Janet Ellis	MT Audubon	389		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Agriculture

COMMITTEE

BILL NO.

SB 389

DATE 3/14/95 SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Terry Day	Senate	SB 389	X	
Beth Wheatley	Self	SB 389	X	

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House

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Agriculture Livestock & Hrs. COMMITTEE

BILL NO. SB-389

DATE 3/14/95

SPONSOR(S) Sen. Iversen

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Marty Boehm Fins + Feathers Game Farm	Kalispell mt	389		✓
Richard Hier Lambert mt	Lambert Self	389		✓
Mike Hier Lambert MT	//	"		✓
Bob Spokkie	Antelope Mnt.	"		✓
Ward Swanson	Billings, MT	389		✓
Lorna Frank	mt. Farm Bureau	389		✓
DAN WEPPLER	MGBA	SB 389		✓
Jim Bradford	Montana Bowhunters Association	SB 389	X	
Chancy Balls	Self Farm stock	SB 389		✓
Norman Mangel	Kalispell, MT	389		✓
Bob Bachman	M.G.B.A.	389		✓
DENNIS IVERSON	MGBA	389		✓

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

House Ag. COMMITTEE BILL NO. SJR 17
 DATE 3-14-95 SPONSOR(S) Sen. Jenkins

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Janet Ellis	MT Audubon	SJR17	X	OP
Charles Danreuther	Commissioner Holt Co. County	SJR17		X
Isabel Edwards	Lonesome Basin	SJR17		X
Frederick W. Fink	Lonesome Prairie Protect. Assn.	SJR17		X
Keith Edwards	BIG SANDY - LONESOME BASIN	SJR17		X
DAN KIDD	BIG SANDY - LONESOME BASIN	SJR17		X
NONA DANREUTHER	Big Sandy - Lonesome Prairie	SJR17		X
Bart Bitts	Big Sandy - L.P.P.A	SJR17		X
Russ Danreuther	Big Sandy - Lonesome Prairie	SJR17		X
Bob Stephens	Mt. Grain Growers	SJR17		X
Lorna Frank	Mt. Farm Bureau	SJR17		X
Roger R. Byrnes	H.P. 89	SJR17		X
Les Chapman	Self			X

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Agriculture COMMITTEE BILL NO. SB-389
DATE 3-14-95 SPONSOR(S) Joint

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Glenn Marx	Governor's office	389		X
Pat Graham	FWP	389		X

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Agreement COMMITTEE BILL NO. SB 296
DATE 3-14-95 SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Mareen Gray-Schindler	WOLF POINT FARMERS INC	296		X
Mitz: Schwab	MDHE Dept. of Health	296		

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