

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 17, 1987

The meeting of the Fish and Game Committee was called to order by Chairman Orval Ellison on February 17, 1987, at 7:40 p.m. in Room 325 of the State Capitol.

ROLL CALL: All committee members were present.

HOUSE BILL NO. 486: Rep. Francis Koehnke, District #32, sponsor, stated HB 486 was the "Daniel Boone" bill which permits the muzzleloaders to hunt in the shotgun areas and included two changes, those being: on line 20, page 1, it states "deer and elk" and then on page 23, it changes "may" to "shall". He stated he understands the Fish and Game have some proposed amendments and he and the muzzleloaders have no objections to the amendments.

PROPONENTS: Jim Flynn, Director of Fish, Wildlife and Parks submitted testimony (Exhibit 1). He stated the 1985 legislative session authorized the use of muzzleloaders in hunting districts open to the use of shotguns only. Because the state has no shotgun-only areas, there were no additional hunting opportunities for this type of hunter during the 1985 and 1986 seasons. To institute such seasons would have required that bowhunters lose some of their opportunities, since all shotgun areas also authorize bowhunting. Upon legal review, it was determined that muzzleloaders could be added to shotgun/archery areas if restrictions were placed on the caliber of shot used by the muzzleloader. In addition, they were suggesting amendments which clarify that the areas can be only elk or only deer or both. The language in the bill could be interpreted to only apply to areas where deer and elk are allowed to be taken.

RALPH YAEGER, muzzleloader, stated there were two reasons why the concept of using muzzleloaders and shotgun only areas before the legislature and again, one was for the amendments mentioned by Rep. Koehnke, and the other was with the regard for bowhunters mentioned by Mr. Flynn. Although Senator Galt's bill was very specific, after the last session, there was a feeling on the part of some Montanans that the bill was a step on the part of muzzleloaders toward establishing their own seasons, similar to that enjoyed by the bowhunters. He felt many bowhunters in fact, felt it was a move to establish a muzzleloading season either by shortening the present archery season, or by combining the archery season with the muzzleloading season. He stated he

did not support a special muzzleloading season, even though he was a muzzleloading hunter, and in the future, he would oppose such a season if it were established, at the loss of any privileges for other Montana hunters, particularly the bowhunters. They work hard for their privileges and should deserve to keep them. HB 486 would benefit muzzleloading hunters, without diminishing hunting opportunities for other Montana sportsmen.

BILL HOLDORF, President of the Skyline Sportsmen Association, stated although he was not a muzzleloader himself, he has thoroughly discussed the issue with their Board of Directors and came to the conclusion that the Board would vote very favorably for HB 486 and asked the committee's support.

VERLE RADEMACHER, editor and publisher of the Meagher County News, White Sulphur Springs, submitted testimony (Exhibit 2). He agreed with the offered amendments and stated in consulting the newly-amended section of Montana Codes, it was discovered that they could authorize the use of muzzleloaders only in deer areas, and they were seeking the amendment to give the department and commission authority to use the law for elk also. They also felt in authorizing the use of shotguns, muzzleloaders should be included in areas open to their use. He emphasized that those sportsmen who wished to use muzzleloaders in those special areas and also in the regular deer and elk seasons throughout Montana do not want and do not seek a special season outside the present law. They do not wish to tamper with those special privileges allowed archers or to infringe upon their season. He urged support for HB 486.

NO OPPONENTS

Rep. Moore asked Mr. Flynn regarding his statement of no shotgun areas, that she thought they did have specific areas for firearms.

Mr. Flynn stated no, the law was specific to shotgun only and all the areas they have are shotgun and archery areas. The specific area she was referring to was archery only, and is a shooting preserve with no firearms allowed in that area.

Rep. Koehnke closed by stating on behalf of the muzzleloaders, he hoped the committee would give HB 486 a DO PASS.

HEARING WAS CLOSED ON HB 486.

HOUSE JOINT RESOLUTION NO. 20: Rep. Ed Grady, District #47, sponsor, stated HJR 20 was requesting the Department of Fish, Wildlife and Parks to promote projects to increase walleye fishing opportunities.

PROPONENTS: Jim Flynn, Director, Department of Fish, Wildlife and Parks, submitted testimony (Exhibit 3). He stated in August, 1986, the department issued a draft of their first statewide warm water fish management plan. That plan outlined objectives and management strategies for dozens of lakes, reservoirs and streams across the state. In addition, many projects have been jointly initiated with local organizations. They would recommend the committee amend page 2, line 20 to include the words "consistent with the state warm water fish management plan." They do intend to maximize warm/cool water fishing to the full extent of their resources, and with the suggested amendments, support the resolution.

JIM BENDER, representing Walleyes Unlimited, submitted testimony (Exhibit 4). He stated for many years the fishing opportunities in Montana have been managed largely for trout and the trout fisherman. They have observed a change in the attitude of Montana's fishing population. Fishermen are no longer willing to limit their sport fishing time to trout, but are looking for a more diverse fishery within the state. Walleyes Unlimited does not believe that the potential for attracting out-of-state sportsmen to Montana for the express purpose of fishing for walleye has been recognized. They see the increase of quality walleye fishing, not only as a benefit to Montanans, but as an attractant of tourists and tourist dollars. They believe because of the diversity of quality fishing opportunities, Montana has the capacity to greatly increase the monies spent by tourism and urged the committee to support HJR 20.

NO OPPONENTS

NO QUESTIONS (OR DISCUSSIONS) FROM THE COMMITTEE

HEARING CLOSED ON HJR 20.

HOUSE BILL NO. 526: Rep. Ted Schye, District #18, sponsor, stated he had many discussions with landowners and sportsmen, and this was why the bill was before them now. He stated as written, the lease or purchase of land suitable for wildlife habitat and the acquisition of conservation easements to protect and enhance habitat were necessary; and whereas, allocating revenue from increases in hunting license fees was appropriate to fund the protection and enhancement of wildlife habitat. He stated this was a very

important bill to a lot of people, and at that time, he reserved the right to close.

PROPOSERS: Jim Flynn, Director, Department of Fish, Wildlife and Parks, submitted testimony (Exhibit 5). He stated the acquisition of land by the state wildlife management agency and the dedication of that land to wildlife conservation and public access, was not a new concept for Montana. The state's initial purchase occurred in 1915 at Red Rocks Lake. The first major acquisition for big game, the Judith River Game Range near Utica, MT, was completed in 1940. Each of these areas of important wildlife habitat purchased might otherwise have been altered or lost to other land uses without such protection. The wildlife management program has proven to be a successful way to ensure that these special lands will remain available for use by wildlife for generations to come as human encroachment made other habitat unavailable. Ultimately, the key to success in securing wildlife enhancement opportunities will be maximizing the options available to the willing landowner. Some landowners vie outright fee title as the only option suitable. Others wishing to protect key habitats yet retain ownership find conservation easements a realistic approach. Leasing is generally a short term approach utilized while more long term options are reviewed. It is important to point out that in these land dealings the department has only negotiated with willing sellers and would not pursue an acquisition under other circumstances. Finally, there were several screening processes which allow considerable review and public input into each acquisition potential. First, the department has a process of evaluating and ranking land potentials. The process was being formalized and a copy was attached for their review (Exhibit 5). Once the department has a recommendation, it goes to the Commission for their consideration which included a public review. The final step was review by the State Land Board consisting of the Governor, Secretary of State, Attorney General, Auditor and Superintendent of Public Instruction. Those individuals had the final say on acquisitions of any size. These steps were opportunity for consideration for all affected parties. Given the major contribution HB 526 would make toward the long term conservation of Montana's wildlife and their habitats for current and future generations to enjoy, they urge support for the legislation.

JEANNE KLOBNAK, representing the Montana Wildlife Federation, stated MWF did support HB 526 and submitted testimony (Exhibit 7). She stated, for the record, on behalf of Jeanne Marie-Sourigney and the Sierra Club which she represents, she stated support for HB 526, since she was unable to attend the hearing. She also voiced support for George Engler, who represented the Wildlands and Resources

Association of Great Falls. Ms. Klobnak submitted written testimony from Mr. Engler (Exhibit 8).

REP. RED MENAHAN, District #67, stated support for the bill, and submitted testimony on behalf of Greg Seitz (Exhibit 6). He stated the bill was not a competition, it was a system, whereby, they work together. They have had an experience with this property in their area and found it had brought a lot of success in dealing with the managers of the Flying D Ranch, and the people in the community seem to think it is a good program. Rep. Menahan mentioned Greg Seitz, who does run cattle on the property, does not have the investment in the land, but he has all the grazing rights on the property. If he had to make the investment to buy all the property for his grazing, it would be a large investment for him. The people in the cities are making an effort to respect the people in the country and their property rights. That was the intent of the legislation, for people to work together.

SCOTT ROSS representing the Montana Bowhunters Association, stated MBA recognizes that Montana enjoys direct and indirect economic benefits from non-resident hunters. They can increase those benefits by allowing more non-residents to hunt, but could do so in good conscience, only if the question of potential impacts of the wildlife resource were addressed. HB 526 appropriately responded to that concern by providing for the continuing need for quality habitat. MBA believes that the provisions provided by HB 526 would provide for relief in some measure through lease payments, the acquisition of conservation easements or block management programs funded by a portion of hunting license fees which was an approach MBA felt was quite appropriate. While it was their understanding that the habitat program would initially prioritize needs on a regional basis, they believed that the potential for future expansion could offer wildlife management incentives to growing numbers of landowners.

JANET ELLIS, representing the Montana Audubon Legislative Fund, stated HB 526 allowed user fees to be used in a way that would enhance public wildlife values. All wildlife would benefit from the proposal, and the program would allow them to keep the best of what they had as Montana continued to grow.

JIM RICHARD, a sportsman from Malta, stated one aspect of the bill he felt was particularly significant was the sportsmen were willing to take a positive, affirmative approach toward trying to protect wildlife habitat. As a resident of Phillips County, he stated he was impressed by the fact it provided some of the landowners in Montana, especially eastern Montana, some options they might not

otherwise have regarding future considerations for their land. Many landowners gratefully are not interested in subdividing in these difficult agricultural times, and HB 526 provides a positive incentive for agricultural people that keep their land as productive wildlife habitat. He urged the committee to give HB 526 approval and passage.

CRAIG FLETTY, representing the Lewistown Rod and Gun Club and the Central Montana Landowner Sportsman Advisory Council, stated both groups supported HB 526. Area sportsmen saw the bill as an excellent method of establishing better relations between sportsmen and landowners. The landowners in their area, after discussing the consideration with the Advisory Council, were comfortable with the bill because it allowed the commission to administrate those funds, with the commission being the landowner/sportsman's voice in the decision making process for the department. The criteria developed through public hearings and through the process mentioned earlier by Mr. Flynn, would not lend themselves solely to large land purchases and would include several priorities. Also, the amount of money raised by the effort, would certainly be a welcomed shot to their ag sector. Such a system of check and balances would not allow for either interest to be abused. Mechanically, the bill benefits wildlife, landowners and sportsmen while not allowing the abuse of either group.

LEE FEARS, representing the Southeastern Montana Sportsmen Association, submitted testimony (Exhibit 9). He stated his organization supported HB 526 and urged the committee to give a DO PASS to the legislation.

JEANNE KLOBNAK stated, in the interest of saving time, the remaining proponents to the bill simply state their name, who they represent, and leave any testimony they may have.

PAT SIMMONS, representing the Montana Wildlife Federation, submitted written testimony in support of HB 526 (Exhibit 10).

JOHN GIBSON, representing the 900 member Billings Rod and Gun Club, supported HB 526, and submitted a fact sheet of results of a survey of recreation use done by Clemson University (Exhibit 11).

CHRIS MARSHAUN, representing the Anaconda Sportsmen Club, with a membership of approximately 400 members, recommended a DO PASS on the bill.

GARY S. MARBUT, Director/Chairman for the Legislative Committee of the Western Montana Fish and Game Association,

stated the association had taken the official position of supporting HB 526.

BUDDY LUNDSTROM, President of the Montana Bowhunters Association, stated they supported the bill.

BILL HOLDORF, President of the Skyline Sportsmen Association, stated their organization supported HB 526.

MIKE CHANDLER, from Missoula, past president of the Western Fish and Game Association, stated he strongly supported the bill.

ROB BRAACH, Vice-President of the Western Montana Fish and Game, urged the committee to pass HB 526.

MIKE KELLY, a Bozeman resident and area representative for the Montana Bowhunters Association, stated he did support HB 526.

MARK SWETYE, representing the Gallatin Valley Bowhunters, stated full support for HB 526.

JIM SCHULZ, Helena science teacher, stated he supported HB 526.

HARRY MCNEIL, former president and current member of the Montana Wildlife Federation, submitted testimony (Exhibit 12). He stated he supported the bill 100%.

JERRY TAYLOR, a landowner/sportsman and member of the MBA stated his support of HB 526.

JEFF BRANDT, a concerned individual, stated hopefully, he represented the silent majority of literally thousands of Montana elk hunters who supported the bill.

PAUL F. BERG, supporting 14 clubs and 5,900 sportsmen from Billings, submitted testimony in full support of HB 526 (Exhibit 13).

BLAIR HAMMER, member of the Lewis and Clark Archers and MBA, stated support for HB 526.

TONY SCHOONEN, a concerned sportsman from Butte, submitted a letter from a rancher who could not make it to the hearing, who grazed cattle on the MT. Fleecer Game Range and he stated support for HB 526.

JOE GUTKOSKI, President of the Gallatin Wildlife Association, stated support for HB 526.

OPPONENTS: KEITH BALES, a resident from Otter, MT, and Vice-Chairman of the Montana Stockgrowers Landowner Recreation Committee, stated he agreed with Jim Flynn's remarks about the purchasing of easements and felt it must be done this way; however, he stated he did have serious concerns about the bill, especially regarding acquisition of land. He realized there were critical areas in the state that needed to be protected, but felt it could be done through easements and leases, and of course through purchase. However, at this time, any purchase had to be approved by elected representatives. If the bill passed, no longer would it be a check and balance system. The department would have the say through their agreement with only bureaucratic control as to whether or not it was purchased. He stated the legislature are the people who decide whether or not the state should be purchasing land. If they were going to give the department large sums of money, which it would do, and also gave them the right to buy land and do what they want with it, sets an extremely dangerous precedent. He urged the committee to stop passage of HB 526.

REP. LEO GIACOMETTO, District #24, stated he was in opposition to the bill because he felt they could not get into purchasing more land. He had heard on numerous occasions where the Montana Wildlife Federation had talked about how they did not want to see it go back to the old days when the king ruled over the forest, and that was what he saw happening. He saw the state acquiring more lands just like in the old days and the king was going to rule over everything. He stated there might be something there to work with regarding the lease and easement agreements, but as far as the state getting into purchasing more lands, it just would not work in the state, and would become a detriment in the future.

LORENTS GROSFIELD, representing the Sweetgrass County Preservation Association, stated he did agree with Mr. Bales and stated there were a number of bills in front of the legislature regarding improving the wildlife resources of the state. This bill, however, did recognize a lot of critical habitat, for many if not most species, occurred on private land. An obvious question concerned whether purchasing some limited quantities of habitat was the best and most effective way to approach the problem. It seemed that a much more sensible approach was to encourage the reimbursement of landowners for habitat development from their lands, with the money most likely going much further that way. In general, they were opposed to the practice of the state purchasing lands. The impact of that practice in a year or two was negligible, but the impact over a number of years was significant. They urged the committee to DO NOT PASS HB 526.

KIM ENKERUD, representing the Montana Association of State Grazing Districts, submitted testimony (Exhibit 15). She stated HB 526 stated the acquisition of lands suitable for wildlife habitat was necessary to protect and enhance the habitat. They felt the State of Montana did not need to own more land. There were many other ways to protect and enhance habitat. In fact, the ranchers and farmers on whose private land they found most wildlife were prime examples of enhancing wildlife habitat. Instead of buying land, maybe the ranchers and farmers could be paid for the use of their land by the same increase in hunting license fees. They did not want to jeopardize a willing buyer-willing seller arrangement, but they felt the State of Montana should not be in the real estate business.

CAROL MOSHER, speaking for the Montana Cattlemen, stated they did not think a raise in fees was right, at this time, when they were all being told to keep their expenses down. Secondly, they opposed giving the Fish, Wildlife, and Parks additional funds to acquire land, where it would put them in a competing position with farmers and ranchers who may be interested in that piece of property. This would not be a welcome piece of legislation to the farmer/rancher as had been testified by the sportsman's groups. She represented a landowner group who strongly urged the committee to vote no.

DARRYL HANSON, rancher from Ashland, MT, stated he opposed the bill because they felt the Fish and Game did not need any more land, and they could not agree with using public money to buy more land. He urged the committee to vote no against HB 526.

DICK WILSON, from Coffee Creek, MT, wondered about the increase in license fees, stating they have raised them 35 times since 1962. These license increases are unnecessary and he believed the Fish and Game should not own more land in the state. He urged the committee to vote against HB 526.

NO FURTHER OPPONENTS

Rep. Rapp-Svrcek asked Mr. Bales if he saw anything in the bill that would limit private property rights.

Mr. Bales stated what he saw in the bill was a department of the government given ample money to bid on land against private people for the purchase. The sportsmen of the state had thought that maybe, the Fish and Game could manage the land better in their interest than what the private landowners could, and also, that thought had been carried on, that maybe government could manage land better than the people could.

Rep. Rapp-Svrcek stated that Mr. Bales seemed to indicate that once we get the program under way, and have some funding, the program would get so big you would be back in two years asking for more funding for management. Which drives which? Does the funding drive the management, or does the management drive the funding specific to a program such as this.

Mr. Flynn stated there was a number of misconceptions around the room he would like to clear up. First of all, the 10% mentioned in the bill, as being set aside, was not going to be the only money that was used to manage those areas. Secondly, the committee heard testimony from the department within the last week about their feelings of having more people out on the ground and an increase in the payroll in order to take care of the wildlife management area responsibilities that they had. They have found economic ways to do that for implementing those and they do not see the program growing by leaps and bounds and require suddenly, a dramatic increase in the department employees to manage it. He stated, in regard to the question, the funding for the program was going to drive it because if they do not have the funding, they are not going to have the program.

Rep. Cobb asked why his bill did not make provisions for game damage, and asked Rep. Schye if he would object to them putting game damage in the bill. Rep. Schye replied he would have to think about it and look at it.

Rep. Cobb asked Rep. Schye if he was aware of how much the Fish and Game's total budget each year was, and wondered if he was aware they had seven million, before the beginning of the session, set aside and at the end of the session, they would still have three million above and beyond what they want to spend.

Rep. Schye stated yes, he had studied the budgets and was aware of that.

Rep. Ream asked Mr. Bales, in regard to his objection about the government acquiring any land, "who" in fact, buys the land. He stated he had heard from the proponents they want to spend "their" money to buy land, and wondered if "they" were the government.

Mr. Bales stated yes, they were part of the government. However, he felt they were misguided in that they were turning the reins over to a non-elected body as to whether or not the land was purchased and how it was decided.

Rep. Phillips stated it seemed they had gone full circle and commented that when he was here in 1981, there seemed to be

a strong clash between DFWP and landowners. Even then, they were still interested in sportsmen/landowner relationships. He asked Mr. Flynn if he felt the bill was going to hurt the relationships between DFWP, the landowner and the sportsmen.

Mr. Flynn stated as to whether or not that was going to impact negatively or positively, landowner/sportsmen relations, he felt the answer was going to be as varied as the number of landowners you talked to. Those that were opposed to the bill were definitely going to say it was going to have a deteriorating effect on landowner/sportsmen relations and to them, it would have a deteriorating effect. He did not think they could clearly say "yes, it will, or no it would not", because everyone looked at it with a different viewpoint and those viewpoints were going to dictate their judgement as to whether it was good or bad. Personally, he felt it would be a wash.

Rep. Ellison asked Rep. Schye if he would have objections to amending the part in the bill which dealt with public hearings, to state the hearing be held in that affected district. Rep. Schye had no objections to that.

In closing, Rep. Schye stated he was very strong on private landowner rights, due to the fact that he was a landowner himself. He stated he thought long and hard before he decided to bring the bill before the legislature. The bill, when originally written, was 95% and 5%; 95% money put in, and 5% for the management. He requested the bill be amended to 10%, and did not feel 5% was enough to cover some of the problems that were brought up. He also felt they had to have strong management of those areas when they got them. He felt some of the problems regarding game damage could be benefited by the legislation. He felt all across the state, there will be a mixed reaction to the bill; some in favor, some against. The committee had to look at this and figure out which was going to be best for the sportsmen, the landowner, and everyone in the state.

HEARING WAS CLOSED ON HB 526.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 9:48 a.m.

The Committee suggested holding Executive Session back in Room 312-B, because it was easier than the Supreme Court Chambers for discussion purposes. This was agreed upon by all committee members. The meeting was then called to order by Chairman Orval Ellison in Room 312-B at approximately 10:00 p.m.

ROLL CALL: A quorum being present, Chairman Ellison opened Executive Session.

EXECUTIVE SESSION

HOUSE BILL NO. 535: Rep. Giacometto moved HB 535 DO PASS AS AMENDED by his grey bill. Rep. Grady moved to amend the grey copy of HB 535 and distributed copies of the amendments (Exhibit 1). He reviewed the amendments with the committee, and stated he felt it seemed to be fairly compromised; however, felt they must go with a set aside considering all the information they have had from the outfitters. He stated outfitting was a big industry in Montana, and they must know where they were at which necessitated a set aside as originally proposed. They felt it was in line with the department's figures. The new Class B-10 deer license, which was brought out, was needed in the eastern part of the state, would relieve some of the pressure on the other licenses. The landowner/outfitter should be addressed also if they were going to have a set aside for the outfitter, where the landowner/outfitter hunted on his own land. He felt it must be addressed as well, stating he felt the amendment did cover it.

Rep. Pavlovich wondered if the 5,600 were being taken out of the total 17,000 and asked if the 17,000 would not be increased. Rep. Grady stated the 17,000 would not increase at all, and he explained that would take 4,000 out of the Class B-11, which still gave an additional 2,000 or just 4,000 out of the 6,000. Rep. Peterson asked Rep. Grady that, as listed in his amendment, 5,600 had been set aside for outfitters and throughout many discussions on this, was it still his intention to have 6,000 B-11 deer tags.

Rep. Grady stated no; the reason the 5,600 was set aside, was they felt it was a fair figure and would relieve the pressure that would be put on the combination licenses.

Rep. Giacometto stated he felt the committee should all understand each detail by now, and felt Rep. Grady's amendment covered most of the set aside questions. He stated the difference between his set aside was 6,500 for the outfitters, and Rep. Grady's amendment was setting aside a total of 7,600 licenses set aside for the outfitters. There were some questions about not enough set aside at the 5,600

level, and this clarifies it to state there would be 7,600 total set asides for outfitters; 2,000 for landowners and felt it should be clear to everyone.

Rep. Pavlovich made a substitute motion to reduce the numbers Rep. Grady had proposed by exactly half, and instead of having 2, 2, and 2, make it 1, 1, and 1.

Rep. Ream wanted to know about the legality for resident landowners as sponsors of non-residents and wondered if there were or are legal problems in the set aside for resident landowners as sponsors.

Rep. Cobb stated no one knew for sure if they could set aside for non-residents, and he felt this will all go to court anyway. The whole issue was can you set aside different non-residents for different classifications, and this no one knows for sure either. Rep. Rapp-Svrcek called the question on the Pavlovich amendment. A roll call vote was taken, the motion failed 13-5.

Rep. Grady made a substitute motion to adopt Giacometto's amendments with three changes: 1) Reduced Class B-10 set aside for outfitters from 6,500 to 5,600; 2) Reduced Class B-11 landowner set aside from 3,000 to 2,000; and 3) Set aside 2,000 Class B-11 licensed outfitters.

QUESTIONS (OR DISCUSSIONS) ON HOUSE BILL 535: Rep. Rapp-Svrcek moved to amend the sub-committee grey bill, stating there was a provision for taking what was left from the set aside, which says it must be issued by a drawing among all other applicants, and he was unsure how to state the amendment, but it would involve subtracting whatever number they had created by adopting the Grady amendment, and subtract that from the 17,000, and provide that the rest of those out-of-state applicants be issued by a drawing among all other applicants.

Rep. Peterson asked how that made it different than what was being done?

Rep. Giacometto explained that the way it was in his bill, he did not address and left as is, that being first come, first serve. He stated at the time, he did not think about the fairness issue, and that was why he agreed with Rep. Rapp-Svrcek, to make the left over licenses go on a drawing basis.

Question was then called on the Rapp-Svrcek amendment. The motion carried unanimously.

Rep. Rapp-Svrcek moved to amend HB 535 to increase the number of B-10 licenses from 5,600 to 6,500. He stated he had many more outfitters in his district, and in talking with the outfitters, they indicated to him they needed more than just 5,600. He stated the original bill had 8,500 set aside, which was half of the 17,000. He felt the 6,500 set aside was a fair compromise and gave the outfitters something that would provide them some stability and a number they could work with within their ranks, as well as provide workable numbers for the people who would not be hunting with outfitters.

Rep. Peterson agreed with Rep. Rapp-Svrcek stating the industry they had promoted in Western Montana needed that assurance of 6,500. She stated with the 5,600, it was almost like having those people on a starvation diet, and felt they could move the number and see how it went. She emphasized they need not put it in stone, and if, in two years, they see it not working, they could adjust the numbers at that time.

Rep. Grady stated they have got to think in terms of getting it through the House and Senate. He stated there were a lot of committee members, as well as several members of the legislature that did have a problem with the issue of set aside entirely. He felt with the 5,600, it did have a chance of making it through the House and Senate; however, if they raised it to 6,500, it seemed they were making the problem that much worse and that was why he was opposed to raising the figures.

Question was then called on the Rapp-Svrcek amendment to raise the number of B-10 licenses from 5,600 to 6,500. A roll call vote was taken, the motion FAILED 11-7.

Rep. Pavlovich moved to amend the price of the B-11 license to \$250. Question being called, a roll call vote was taken. The motion FAILED 11-7.

Rep. Giacometto called the question on HB 535 as amended. A roll call vote was taken. The motion CARRIED 14-4. See Standing Committee Report, pages 1-3.

HOUSE BILL NO. 104: Rep. Daily moved HB 104 DO PASS. Question called, a roll call vote was taken. The motion FAILED.

Rep. Giacometto moved that HB 104 be TABLED. Question being called, a roll call vote was taken. The motion FAILED 10-8. Rep. Daily then moved to reverse the DO PASS vote that failed to a DO NOT PASS in order to get it to the House

floor. Question being called on reversing the vote, the motion CARRIED unanimously.

HOUSE BILL NO. 379: Rep. Driscoll moved to TABLE HB 379. Question being called, a roll call vote was taken. The motion FAILED 11-7. Rep. Rapp-Svrcek moved HB 379 and then moved the amendment. He distributed copies of the amendments and explained how they address objections expressed at the hearing. (Exhibit 2).

Rep. Giacometto asked if the amendments could be segregated when voting on the, due to the fact that he can support all of them with the exception of #10.

Rep. Rpp-Svrcek stated he had no objections to segregating the amendments and would speak to amendment #10 at the appropriate time.

Question was then called on amendments 1-12, excluding #10. The motion CARRIED unanimously. See Standing Committee Report Nos. 1-9. 11-12. Rep. Rapp-Svrcek then addressed the #10 amendment stating it was a significant change in management of wildlife in this state. He added it was something that needed to be tested and that was why the number has been limited of management areas that may be approved. Rep. Brandewie stated he had concerns regarding a possible lawsuit that could occur with the limitation of three per district. He stated he felt it would be complicated enough with the flood of applications already.

Rep. Rapp-Svrcek stated he had no fear of a lawsuit under the bill as it was being amended, because it was clear they were setting up test projects to limit the number of applications allowed and it was a six year long test project. If, at that point, the state decided it wanted to continue with the program, the argument could be made so that it would need to be opened up. The intent of the amendments and the intent of the bill with the amendments, meant you had to limit. If you were going to be testing a concept like that, you do not throw it wide open immediately, which was irresponsible. Rep. Rapp-Svrcek moved the #10 amendment. Question being called, a roll call vote was taken. The motion CARRIED 13-4, with Rep. Ream having been excused for an emergency. See Standing Committee Report No. 10. Rep. Rapp-Svrcek moved HB 379 DO PASS AS AMENDED, and moved the Statement of Intent for HB 379 DO PASS. Question being called, a roll call vote was taken. The motion CARRIED with Rep. Ream having been excused. See Standing Committee Report Nos. 1-12. Statement of Intent (Exhibit 3).

Rep. Cobb stated he wanted to get HB 464 out of committee and stated all the amendment would do was put one manager on

the Judith River Game Range. Rep. Cobb then moved HB 464 DO PASS. He also moved the amendments to HB 464. Question was called on the amendment, the motion CARRIED unanimously. Rep. Cobb moved HB 464 DO PASS AS AMENDED. Question being called for, the motion CARRIED unanimously.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 11:00 p.m.

Orval J. Ellison

ORVAL ELLISON, CHAIRMAN

DAILY ROLL CALL

FISH & GAME

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb 17, 1987

NAME	PRESENT	ABSENT	EXCUSED
ORVAL ELLISON, CHAIRMAN	X		
MARIAN HANSON, VICE CHAIRMAN	X		
RAY BRANDEWIE	X		
TOM BULGER	X		
JOHN COBB	X		
FRITZ DAILY	X		
GENE DEMARS	X		
JERRY DRISCOLL	X		
LEO GIACOMETTO	X		
ED GRADY	X		
LOREN JENKINS	X		
VERNON KELLER	X		
JANET MOORE	X		
BOB PAVLOVICH	X		
MARY LOU PETERSON	X		
JOHN PHILLIPS	X		
PAUL RAPP-SVRCEK	X		
BOB REAM	X		
STAFF: DAVE COGLEY			

STANDING COMMITTEE REPORT

FEBRUARY 13

19 37

FISH AND GAME

Mr. Speaker: We, the committee on

HB 535

report

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. ORVAL ELLISON

Chairman

1. Title, line 4.

Strike: "REVISING" through "OF" on line 5

Insert: "ALLOCATING CLASS B-10"

2. Title, line 6.

Following: "LICENSES"

Insert: "BETWEEN APPLICANTS INTENDING TO EMPLOY LICENSED
OUTFITTERS AND ALL OTHER APPLICANTS"

3. Title, line 9.

Strike: "ALL"

Insert: "CLASS B-11"

4. Title, line 11.

Following: "RESIDENT"

Insert: "LANDOWNER"

5. Page 2, line 4.

Strike: "Not more than 6,000"

Insert: "Six thousand"

Strike: "may" through "one" on line 5

Insert: "are authorized for sale each"

6. Page 2, line 8.

Strike: "April 1"

Insert: "March 15"

Strike: "one-half"

Insert: "5,600 of"

7. Page 2, line 9.

Following: "authorized"

Insert: "Class B-10"

Strike: "of each class"

Insert: "and 2,000 Class B-11 licenses"

9. Page 2, line 11.

Following: "outfitter"

Insert: ", "

Strike: "one-half"

Insert: "2,000 of the authorized Class B-11 licenses"

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9. Page 2, line 12.

Following: "sponsor"

Insert: "on land owned by that sponsor"

10. Page 2, line 13.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

11. Page 2, line 14.

Following: "application"

Insert: "for a reserved license under subsection (1)"

12. Page 2, line 20.

Strike: "other"

Strike: "of" through "87-2-102," on line 21

Insert: "sponsor"

13. Page 3.

Following: line 6

Insert: "(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor."

Reamumber: subsequent subsection

14. Page 3, line 7.

Strike: "offer the"

Insert: "make the reserved"

15. Page 3, line 8.

Strike: "May 1"

Insert: "April 15 available"

16. Page 3, line 10.

Strike: "These" through "sold." on line 12

Insert: "(5) All Class B-10 and Class B-11 licenses not reserved under subsection (1) and all unsold reserved licenses available under subsection (4) must be issued by a drawing among all applicants for the respective unreserved licenses."

17. Page 4, line 7.

Strike: "administrative regions 4, 5, 6, and 7"

Insert: "the state"

18. Page 4, line 14.

Strike: "part 1,"

7049g/L:JZA\WP:jj

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987 BILL NO. HB 535 TIME 10:15p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN			X
MARION HANSON, V. CHAIRMAN			X
RAY BRANDEWIE			X
TOM BULGER			X
JOHN COBB			X
FRITZ DAILY		X	
GENE DEMARS			X
JERRY DRISCOLL		X	
LEO GIACOMETTO			X
ED GRADY			X
LOREN JENKINS			X
VERNON KELLER			X
JANET MOORE		X	
BOB PAVLOVICH		X	
MARY LOU PETERSON			X
JOHN PHILLIPS			X
PAUL RAPP-SVRCEK			X
BOB REAM		X	

TALLY

5 13

Leon F. ...
Secretary

Orval S. Ellison
Chairman

MOTION: Rep. Pavlovich made a substitute motion to reduce the numbers Rep. Grady has proposed by exactly half, all the way, and instead of 2,2 and 2, make it 1,1 and 1. The motion failed 13- 5.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987 BILL NO. HB 535 TIME 10:20 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN		X	
RAY BRANDEWIE		X	
TOM BULGER			X
JOHN COBB		X	
FRITZ DAILY			X
GENE DEMARS		X	
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY		X	
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE			
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK		X	
BOB REAM		X	

TALLY

14 4

Lee Pugh
Secretary

Orval Ellison
Chairman

MOTION: Rep. Grady made a substitute motion to adopt Giacometto's amendments with three changes: (1) Reduced Class B-10 set aside for outfitters from 6,500 to 5,600; (2) Reduced Class B-11 land-owner set aside from 3,000 to 2,000; (3) Set aside 2,000 Class B-11 for licensed outfitters. Motion carried 14-4

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987 BILL NO. HB 535 TIME 10:30 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN			X
RAY BRANDEWIE			X
TOM BULGER			X
JOHN COBB			X
FRITZ DAILY			X
GENE DEMARS		X	
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY			X
LOREN JENKINS		X	
VERNON KELLER			X
JANET MOORE			X
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS			X
PAUL RAPP-SVRCEK		X	
BOB REAM		X	

TALLY

7 11

Lon Poutel
Secretary

Orval S. Ellison
Chairman

MOTION: Rep. Rapp-Svrcek moved to amend to increase the number of B-10 licenses from 5,600 to 6,500. A roll call vote was taken, the motion failed 11-7.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987 BILL NO. HB 535 TIME 10:32 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN			X
MARION HANSON, V. CHAIRMAN			X
RAY BRANDEWIE			X
TOM BULGER			X
JOHN COBB			X
FRITZ DAILY		X	
GENE DEMARS		X	
JERRY DRISCOLL		X	
LEO GIACOMETTO			X
ED GRADY			X
LOREN JENKINS			X
VERNON KELLER			X
JANET MOORE		X	
BOB PAVLOVICH		X	
MARY LOU PETERSON			X
JOHN PHILLIPS			X
PAUL RAPP-SVRCEK		X	
BOB REAM		X	

TALLY

7 11

Lisa Pritz
Secretary

Orval Ellison by Lisa Pritz
Chairman

MOTION: Rep. Pavlovich moved to amend the price of the B-11 license to \$250. Rep. Moore seconded the motion. A roll call vote was taken, the motion failed 11-7.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987 BILL NO. HB 535 TIME 10:35 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN		X	
RAY BRANDEWIE		X	
TOM BULGER		X	
JOHN COBB		X	
FRITZ DAILY			X
GENE DEMARS		X	
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY		X	
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE		X	
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK		X	
BOB REAM			X

TALLY

14 4

Don Rapp
Secretary

Orval Ellison
Chairman

MOTION: Rep. Giacometto called a question on the bill as amended.
A roll call vote was taken, the motion carried 14-4.

STANDING COMMITTEE REPORT

FEBRUARY 13

19 37

Mr. Speaker: We, the committee on FISH AND GAME

report HB 104

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. ORVAL ELLISON

Chairman

"AN ACT TO APPORTION THE AUTHORIZED NONRESIDENT BIG GAME COMBINATION LICENSES BETWEEN APPLICANTS INTENDING TO EMPLOY OUTFITTERS AND OTHER APPLICANTS ACCORDING TO THE TOTAL NUMBER OF APPLICANTS IN EACH CATEGORY; TO PROVIDE FOR A DRAWING WHEN THE NUMBER OF APPLICANTS EXCEEDS THE NUMBER OF LICENSES AUTHORIZED TO BE ISSUED; AND AMENDING SECTION 87-2-505, MCA."



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ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987 BILL NO. HB 104 TIME 10:40 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN			X
MARION HANSON, V. CHAIRMAN			X
RAY BRANDEWIE			X
TOM BULGER		X	
JOHN COBB			X
FRITZ DAILY		X	
GENE DEMARS		X	
JERRY DRISCOLL		X	
LEO GIACOMETTO			X
ED GRADY			X
LOREN JENKINS			X
VERNON KELLER			X
JANET MOORE			X
BOB PAVLOVICH		X	
MARY LOU PETERSON			X
JOHN PHILLIPS			X
PAUL RAPP-SVRCEK			X
BOB REAM			X

TALLY

5 13

Lisa Routh
Secretary

Orval S. Ellison
Chairman

MOTION: Rep. Daily moved HB 104 DO PASS. A roll call vote was
taken. The motion failed 13-5.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987 BILL NO. HB 104 TIME 10.42 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN		X	
RAY BRANDEWIE			X
TOM BULGER			X
JOHN COBB			X
FRITZ DAILY			X
GENE DEMARS			X
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY		X	
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE			X
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK			X
BOB REAM			X

TALLY

8 10

Lia Routh
Secretary

Orval E. Ellison
Chairman

MOTION: Rep. Giacometto made a substitute motion to table
HB 104. A roll call vote was taken, the motion failed 10-8.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987 BILL NO. HB 104 TIME 10:43 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		✓	
MARION HANSON, V. CHAIRMAN		✓	
RAY BRANDEWIE			X
TOM BULGER			X
JOHN COBB			X
FRITZ DAILY			X
GENE DEMARS			X
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY		X	
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE			X
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK			X
BOB REAM			X

TALLY

8 10

Lia [Signature]
Secretary

Orval E. Ellison
Chairman

MOTION: Rep. Daily then moved to reverse the DO PASS vote
that failed to a DO NOT PASS. Question being called, the
motion to reverse the vote carried unanimously. This is copy
of reversed roll call vote.

STANDING COMMITTEE REPORT

FEBRUARY 18

19 37

Mr. Speaker: We, the committee on FISH AND GAME

report HB 379

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. ORVAL ELLISON

Chairman

1. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 2, line 10.

Strike: "fish and"

3. Page 3, line 4.

Following: "big game"

Strike: ", game fish,"

Insert: "animals"

Following: "and game"

Strike: "bird permits to be requested for the area;"

Insert: "birds that may be harvested on the private wildlife management area and for which hunting licenses must be guaranteed by the department. The number of licenses authorized to be issued pursuant to the plan must be determined by the management objectives stated in the plan and is not subject to other general limitations imposed by quotas established by law or rules."

4. Page 3, line 8.

Following: "objectives"

Insert: "; and

(e) provisions for reasonable public access to public land within the private wildlife management area"

5. Page 3.

Following: line 15

Insert: "(b) In evaluating the application, the department shall review the accompanying proposed wildlife management area plan for compliance with this section. It shall approve the plan if it determines the plan complies with this section and provides for the protection, preservation, and propagation of wildlife species in accordance with the commission's responsibilities under 37-1-301(1) and under


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applicable rules and policies adopted by the
commission."

Renumber: subsequent subsection

6. Page 5, line 5.

Strike: "Permit and tag procedures"

Insert: "Area use permit -- hunting license requirements"

7. Page 5, line 7.

Strike: "hunting permit applications"

Insert: "area use permits"

8. Page 5, line 8.

Following: "plan."

Strike: remainder of line 8 through line 11

Insert: "A person obtaining from a licensee a permit to hunt on the private wildlife management area must be issued, upon application to the department or its license agent, the hunting license indicated on the permit."

9. Page 6, line 13.

Strike: "or fishing"

10. Page 7.

Following: line 15

Insert: "Section 11. Limitation on number of areas that may be approved. No more than three private wildlife management areas may be approved in any fish and game district designated in 2-15-1402(2)."

Renumber: subsequent sections

11. Page 7, line 19.

Following: "date"

Insert: "-- termination"

12. Page 7, line 20.

Following: "approval"

Insert: "and terminates July 1, 1991"

7049e/L:JEA\WP:jj

TS

STATEMENT OF INTENT

House Bill No. 379

A statement of intent is required for this bill because it allows the fish and game commission in section 10 to adopt rules that are necessary to implement the act. It is the intent of the legislature that the commission adopt rules that address but are not limited to contents of a private wildlife management area plan, application procedures, terms and conditions of an area license, issuance of hunting permits to licensees, and licensee recordkeeping.

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ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 17, 1987

BILL NO. HB 379

TIME 10:45 a.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN			X
MARION HANSON, V. CHAIRMAN			X
RAY BRANDEWIE			X
TOM BULGER			X
JOHN COBB			X
FRITZ DAILY		X	
GENE DEMARS			X
JERRY DRISCOLL		X	
LEO GIACOMETTO			X
ED GRADY			X
LOREN JENKINS		X	
VERNON KELLER			X
JANET MOORE			X
BOB PAVLOVICH		X	
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK			X
BOB REAM		X	

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Secretary

Orval S. Ellison
Chairman

MOTION: Rep. Driscoll moved that HB 379 be tabled. Question being called, a roll call vote was taken, the motion failed 11-7.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE February 17, 1987 BILL NO. HB 379 TIME 10:47p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN			X
RAY BRANDEWIE			X
TOM BULGER		X	
JOHN COBB			X
FRITZ DAILY		X	
GENE DEMARS		X	
JERRY DRISCOLL		X	
LEO GIACOMETTO		X	
ED GRADY		X	
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE		X	
BOB PAVLOVICH		X	
MARY LOU PETERSON			X
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK		X	
BOB REAM	X		

TALLY 13 4

Lin Routh
Secretary

Orval S. Ellison
Chairman

MOTION: Rep. Rapp-Svrcek moved the #10 amendment only.
Question being called, a roll call vote was taken, the motion
carried 13-4 with Rep. Ream having been excused for an
emergency.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE February 19, 1987 BILL NO. HB 379 TIME 10:48 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN		X	
RAY BRANDEWIE		X	
TOM BULGER			X
JOHN COBB		X	
FRITZ DAILY			X
GENE DEMARS		X	
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY		X	
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE		X	
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS			X
PAUL RAPP-SVRCEK		X	
BOB REAM			X

TALLY

12 6

W. R. Rapp
Secretary

Orval Ellison
Chairman

MOTION: Rep. Rapp-Svrcek moved that HB 379 DO PASS AS AMENDED.

He also moved the Statement of Intent for HB 379 with his original motion. Question being called, a roll call vote was requested.

The motion carried, 12-6.

STANDING COMMITTEE REPORT

FEBRUARY 13

19 37

Mr. Speaker: We, the committee on FISH AND GAME

report HB 464

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. ORVAL ELLISON

Chairman

1. Title, line 5.

Strike: "MANAGERS AND TO PROVIDE FOR THE MANAGEMENT OF"

Insert: "A MANAGER FOR THE JUDITH RIVER"

2. Title, line 6.

Strike: "AREAS UNDER THE JURISDICTION OF"

Insert: "AREA, AS DESIGNATED AND OPERATED BY"

3. Page 1, line 10.

Following: "of"

Insert: "the Judith River"

Strike: "areas"

Insert: "area"

4. Page 1, lines 11 through 14.

Strike: subsection (1) in its entirety

Re-number: subsequent subsections

5. Page 1, line 16.

Strike: "and assistant manager for each"

Insert: "for the Judith River"

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HB 486
February 17, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

The 1985 legislative session authorized the use of muzzleloaders in hunting districts open to the use of shotguns only. Because the state has no shotgun-only areas, there were no additional hunting opportunities for this type of hunter during the 1985 and 1986 seasons. To institute such seasons would have required that bowhunters lose some of their opportunities, since all shotgun areas also authorize bowhunting. This would have led to undesirable conflicts between user groups.

We have attempted to resolve this situation in our 1987 big game season setting process. Upon legal review it was determined that muzzleloaders could be added to shotgun/archery areas if restrictions were placed on the caliber of shot used by the muzzleloader.

The addition of muzzleloaders to all shotgun/archery areas in the state with a restriction of 50 caliber or greater and a round ball, was passed by the commission as part of the tentative season recommendations in January. This recommendation is now out for public review and will be acted upon March 6 of this year. We assume this proposal will be adopted and the statute language should retain the commission's authority to regulate ammunition utilized for deer and/or elk with shotguns and muzzleloaders. We have attached an amendment which serves that purpose. This will allow for conformance to proper loads for both shotgunners and muzzleloaders by action of the commission.

In addition, we are suggesting amendments which clarify that the areas can be only elk or only deer or both. The language in the bill could be interpreted to only apply to areas where deer and elk are allowed to be taken.

With these amendments, we support HB 486.

HOUSE BILL NO. 486

Ladies and Gentlemen of the House Fish and Game Committee:

For the record, my name is Verle L. Rademacher, editor and publisher of the Meagher County News in White Sulphur Springs.

I appear before you to support the enactment of House Bill No. 486 into law. The bill would add the words "and elk" to the sentences concerned with areas open to shotguns and muzzleloaders. Additionally, it would amend the present law to "shall" instead of "may" authorizing the use of muzzleloaders in shotgun areas.

Section 81-1-304, MCA, was amended in the 1985 session to include muzzleloaders in shotgun areas for deer. Last year, when the Montana Department of Fish, Wildlife and Parks and the Montana Fish and Game Commission were setting seasons, a particular area in Northwest Montana was having an elk problem, for which they sought to authorize the use of muzzleloaders in the area. In consulting the newly-amended section of Montana Codes, it was discovered that they could authorize the use of muzzleloaders only in deer areas. Thus, we are seeking this amendment to give the department and commission authority to use this law for elk also. We also feel that in authorizing the use of shotguns, muzzleloaders should be included in areas open to their use.

When authorizing the use of shotguns in areas of concern, they are used because of their short range. Muzzleloaders, also, are short range weapons, particularly with the use of round balls. The muzzleloader is a far more accurate weapon than the shotgun using slugs.

In closing, I wish to reiterate that those sportsmen who wish to use muzzleloaders in these special areas and also in the regular deer and elk seasons throughout Montana do not want and do not seek a special season outside of the present law. We do not wish to tamper with those special privileges allowed archers or to infringe upon their season.

Those who use muzzleloaders feel that this section of the law, properly amended as stated in the bill, would assist the Montana Fish and Game Commission in regulating hunting in areas of concern to property owners with game problems.

I urge your favorable consideration of House Bill No. 486. Thank you.

HJR 20
February 17, 1987

EXHIBIT (3)
DATE 2-17-87
HB HJR 20

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

In August 1986, the department issued a draft of our first statewide warm water fish management plan. That plan outlines objectives and management strategies for dozens of lakes, reservoirs and streams across the state. These include enhancing fisheries by stocking fish and improving access and habitat. This plan will be finalized in March after the public review has been completed.

In addition, many projects have been jointly initiated with local organizations, including developing artificial reefs in several reservoirs, construction of a boat ramp at Rock Creek on Fort Peck, rearing of walleye fingerlings in ponds for stocking and others.

We disagree with the resolution on two points. The third "whereas" states that man-made reservoirs provide the best available choice for maximizing sport fishing opportunities. Some do provide good opportunities; however, all were built for other purposes and their operation and features often do not lend themselves to providing stable sport fisheries.

The fourth "whereas" states that most man-made reservoirs should be stocked with warm and cold water fish. This is an inaccurate generalization. Those which are suitable are being managed for warm water fish or will be considered for such management in the future. It should be pointed out, however, that warm water sport fish like walleye are predators, and can significantly impact prey fish including rainbow trout stocked for fishing.

We would recommend that you amend page 2, line 20 to include the words "consistent with the state warm water fish management plan."

In summary we do intend to maximize warm/cool water fishing to the full extent of our resources, and thus support this resolution.

2.17.87

HJR 20

AMENDMENT TO HJR 20
INTRODUCED (WHITE) COPY

REQUESTED BY DEPARTMENT OF FISH, WILDLIFE & PARKS

On Page 2, line 20,

Following: "propagation."

Strike: "."

Insert: ", consistent with the state warm water fish
management plan."

TESTIMONY IN SUPPORT OF HJ20

Mr. Chairman, members of the committee, my name is Jim Bender and I represent the 2700 members of Walleyes Unlimited of Montana in supporting HJ 20.

For many years the fishing opportunities in Montana have been managed largely for trout and the trout fisherman. This has resulted in Montana's reputation as one of the finest trout fishing areas in the U.S. and has brought countless tourist dollars to the state. During this time, very little emphasis was placed on the less pristine waters that we have in Montana, if the water would not support a good trout fishery, management efforts were very limited.

We have observed a change in the attitude of Montana's fishing population. Fishermen are no longer willing to limit their sport fishing time to trout, but are looking for a more diverse fishery within our state. We are also hesitant to drive to North Dakota or Saskatchewan to get the diversity that we desire. This change in attitude was recognized by the legislature and resulted in the appropriation of monies for the warm water hatchery at Miles City. The desires of the public have also been recognized by the Department of Fish, Wildlife and Parks and the first Montana warm water fisheries management plan was written in 1986.

Walleyes Unlimited of Montana does not believe that the potential for attracting out of state sportsmen to Montana for the express purpose of fishing for walleye has been recognized. We see the increase of quality walleye fishing, not only as a benefit to Montanans, but as an attractant of tourists and tourist dollars

(4)

2-17-87

HJR 20

that will equal those brought to Montana for trout fishing. These tourists would be largely drawn to eastern Montana where tourism is somewhat limited providing the economy of this area with a much needed shot in the arm. Both North and South Dakota attract large amounts of tourist money aimed directly at walleye fishing. We believe that because of the diversity of quality fishing opportunities, Montana has the capacity to greatly increase the monies spent by tourists and urge you to support the continued efforts to increase the walleye fishing opportunities in Montana.

HB 526
February 17, 1987

Testimony presented by Jim Flynn, Department of Fish, Wildlife and Parks

The acquisition of land by the state wildlife management agency and the dedication of that land to wildlife conservation and public access, is not a new concept for Montana. The state's initial purchase occurred in 1915 at Red Rocks Lake. The first major acquisition for big game, the Judith River Game Range near Utica, MT, was completed in 1940. Each of these areas of important wildlife habitat purchased might otherwise have been altered or lost to other land uses without such protection.

The wildlife management area program has proven to be a successful way to ensure that these special lands will remain available for use by wildlife for generations to come as human encroachment makes other habitat unavailable.

Over the past 70 years management philosophies and land opportunities have evolved to include the utilization of conservation easements and leases where they are cost effective and where landowners attitudes have been favorable. In addition, some federal lands adjacent to state wildlife management areas have been dedicated and managed for wildlife enhancement under cooperative agreements, thus expanding the positive benefits of these holdings.

Ultimately the key to success in securing wildlife enhancement opportunities will be maximizing the options available to the willing landowner. Some landowners view outright fee title as the only option suitable. Others wishing to protect key habitats yet retain ownership find conservation easements a realistic approach. Leasing is generally a short term approach utilized while more long term options are reviewed.

The department currently has about 295,000 acres for wildlife management areas of which about 97,000 acres are leased and about 9,000 acres are in conservation easements.

Since 1981 the department has acquired 7,629 acres of fee title and leases for wildlife using sportsman's dollars at a cost of \$2,235,750. A total of about 500 of these 7,629 acres have been leased from the Corp of Engineers and the Bureau of Land Management. These are itemized in Attachment 1.

In addition, conservation easements received by the department have been donated or purchased. Three easements were donated for wildlife habitat purposes. They are the Sourdough in Gallatin County, Sun River in Lewis and Clark County and a Rock Creek easement east of Missoula in Granite County. Other conservation easements which were donated were at Kleinschmidt Lake in Powell

County and Fox Lakes in Richland County. These easements are floodage easements to provide for waterfowl habitat improvements.

Easements which were purchased are located along the Blackfoot River, at Rock Creek WMA near Missoula and along Spring Creek south of Lewistown. The Blackfoot River conservation easement provides for protection of the scenic beauty of the Blackfoot Canyon and some public access. The Rock Creek easement provides for protection of the natural setting of Rock Creek and the surrounding area which is bighorn sheep habitat. The Spring Creek easement protects the unique fishery and provides public access. All of these easements prevent subdivision of the lands and allow for grazing and other consistent uses which are compatible with the purpose of the conservation easement.

Out of a total of 47 wildlife management areas managed by the department, 23 have programs which involve private agricultural interests including 2,055 acres of sharecropping, 1,525 acres of hay leasing, 6,644 AUMs of livestock grazing and 9 million board feet of timber harvest. A number of other areas are under review for the potential application of similar programs.

It is important to point out that in these land dealings the department has only negotiated with willing sellers and would not pursue an acquisition under other circumstances.

The department is sensitive to public opinion, not only those representing sportsman interest, but also local residents and officials who may have special concerns about the acquisition of large tracts of land.

A good example of this is the case of the 6,000 acre Charlie Marshall Ranch located 15 miles southwest of Absarokee along the Stillwater River. Acquisition of this property offered the department the opportunity to acquire excellent deer and mountain sheep range, the potential for increasing an elk herd as well as securing important public access to thousands of acres of public land and the protection of a significant portion of both shores of the Stillwater River.

Negotiations for this property began in 1976 when Mr. Marshall offered the department, through the Nature Conservancy, the opportunity to buy his property. By 1984, the department had the necessary funding and an acceptable agreement to acquire the property. It also had sportsman support because the property provided significant habitat and recreational values.

However, the project did not enjoy the support of the neighboring ranchers and the decision was made not to buy the property in deference to their concerns.

The issue of property taxes affected by department acquired lands is often a concern. By making in lieu payments to counties, the department pays an amount equal to what would be assessed as if the property were owned by a private entity. In 1986 taxes paid for wildlife lands will be about \$160,000. Our 1985 payments by county are in Attachment 2. This equates to over 12 percent of total operational expenses.

Maintenance and upkeep on department acquired land is another area of concern often expressed. SB 526 addresses this by taking a portion of the earmarked revenue and directing that it go to the Real Property Trust Account. The interest would then be used for maintenance costs such as weed control, fencing, road improvements, signing, etc.

A Real Property Trust Account was authorized by the 1981 Legislature through the enactment of Section 87-1-601 (5), MCA. This statute requires the deposit of monies received from the sale of department surplus real property and the revenue from the use of certain department lands into a trust account, with the principal to remain inviolate. The interest derived from this account may be used only for the operation, development and maintenance of department real property.

Deposits into the Trust Account through FY 1986 as well as expenditures from that account are detailed in Attachment 3.

We regularly receive inquiries from landowners indicating their willingness and, in fact preference, to deal with the department regarding their land holdings. Examples of these offers have included the Robb Creek Grazing Association near Dillon, interested in selling, but only a subdivider as an interested buyer; the Wittmayer Grazing Association along the "Highline," the Dreyer Ranch near Clearwater Junction (Attachment 4) and an interest in conservation easements along the Smith River (McMicking Property and Doggett Property).

Funds have not been available on a consistent basis to favorably respond to these requests. We must continually put these inquiries off to see if any funds will be available in the next session. This bill would allow a timely response to inquiries and allow a basis for looking at priority habitat needs.

Finally there are several screening processes which allow considerable review and public input into each acquisition potential. First, the department has a process of evaluating and ranking land potentials. The process is being formalized and a copy is attached for your review.

Once the department has a recommendation it goes to the Commission for their consideration which includes a public review. The final step is review by the State Land Board consisting of the Governor, Secretary of State, Attorney General, Auditor and Superintendent of Public Instruction. These

EXHIBIT (5)

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HB 526

individuals have the final say so on acquisitions of any size. These steps ensure opportunity for consideration for all affected parties.

Given the major contribution this HB 526 would make toward the long term conservation of Montana's wildlife and their habitats for current and future generations to enjoy, we urge your support on this legislation.

(5)

2.17.87

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ATTACHMENT 1

Wildlife Management Areas Purchased by Montana Department of Fish, Wildlife and Parks Since 1981

<u>WMA</u>	<u>County</u>	<u>Grantor</u>	<u>Acres</u>	<u>Date</u>	<u>Cost</u>
Seven Sisters (addition) - along Yellow- stone River near Sidney	Richland	Private	193	10/81	\$ 119,000
Big Lake - near Billings	Stillwtr.	Private	240	12/81	43,750
Isaac Hmstd. (addition) - along Yellow- stone near Forsyth	Treasure	BLM	85	5/82	(Donation)
Kootenai - near Eureka	Lincoln	COE	2,443	10/82	(Mitigation)
Wall Creek - near Ennis (inholding)	Madison	Private	320	8/84	504,000
Pablo (addition) for waterfowl	Lake	Private	25	12/84	35,000
Blackleaf (inholding) on game range	Teton	Private	1,632	10/85	494,000
Dailey Lake - Rigler property near Gardiner	Park	Private	<u>2,691</u>	4/86	<u>1,040,000</u>
	TOTAL		7,629		\$2,235.750

(5)
2-17-87

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ATTACHMENT 2

MDFWP 1985 TAX PAYMENTS BY COUNTY FOR WILDLIFE MANAGEMENT AREAS

<u>REGION</u>	<u>COUNTY</u>	<u>TAXES PAID</u>
1	Flathead	\$ 289.65
	Lake	14,936.25
	Lincoln	1,824.16
2	Powell	4,596.51
	Missoula	3,383.52
	Ravalli	4,688.16
3	Anaconda/Deer Lodge	17,914.73
	Beaverhead	4,262.99
	Butte/Silver Bow	4,898.72
	Gallatin	2,042.84
	Jefferson	207.50
	Madison	2,950.01
4	Cascade	3,338.61
	Judith Basin	2,389.48
	Lewis and Clark	14,775.62
	Teton	14,955.14
5	Bighorn	143.64
	Stillwater	80.18
	Wheatland	316.86
6	Hill	275.64
	Phillips	90.96
	Valley	118.82
7	Richland	4,187.15
	Treasure	1,007.71
1985 TOTAL		<u>\$103,674.75</u>

216.2

ATTACHMENT 3

I. DEPARTMENT OF FISH, WILDLIFE AND PARKS DEPOSITS INTO THE REAL PROPERTY TRUST ACCOUNT THROUGH FY 1986

<u>CATEGORY</u>	<u>AMOUNT</u>
Mt. Haggin Timber Sales	\$ 741,390
Sale of Department Real Property	227,001
Mineral, Grazing, Land & Building Leases	216,596
	<hr/>
	\$1,184,987

II. PROJECTS FUNDED BY THE TRUST ACCOUNT

<u>Project & A/E#</u>	<u>Amount Allocated</u>	<u>Spent and/or Encumbered to Date</u>	<u>Balance</u>
Mt. Haggin WMA Fence 85-35-21	\$76,000.00	\$53,036.38	\$22,963.62
Wall Creek WMA Fence 85-35-22	25,000.00	15,893.54	9,106.46
Milk River WMA Fence 85-35-23	13,500.00	- 0 -	13,500.00
Miscellaneous ¹ 85-35-15 Nevada Lake WMA Fence	1,344.00	360.20	983.80
Warm Springs WMA Fence	1,344.00	1,545.05	(201.05)
PARKS: Klabunde Mem Yellow Bay Fence	32,812.00	7,338.93 9,866.14	15,606.93
	<hr/>		
	\$150,000.00	\$88,041.24	\$61,958.76

¹ all figures as of 9/11/86

2-17-87

526

January 26, 1987

RECEIVED

JAN 28 1987

WILDLIFE DIVISION

Arnie Olson
Department of Fish Wildlife & Parks
1420 East 6th Avenue
Helena, Montana 59620


Dear Mr. Olson,

We have our ranch for sale and thought the Fish & Game might be interested. We have thought about selling the ranch to a large corporation as a hunting & fishing retreat, but we think the place would better serve the Fish & Game in preserving their elk and deer population.

Our ranch is located Northeast of the Blackfoot Clear-water Game Range. Our land is a corridor from the game range to Forest Service land and the Bob Marshall Wilderness. We have 2,960 acres that are a natural habitat for elk and deer.

There are elk and deer on this ranch year round, many elk and deer stay on the place thru the winter. Several hundred use the ranch to pass thru to higher country and to return to the game ranch in fall and winter. Around 100 head of elk have their calves in our pasture and stay there thru the summer and fall. In the early fall during breeding season, the elk congregate in the pastures and meadows near our buildings. Our meadows and some timber land are in Area 282.

We also, have about 1 mile of Cottonwood Creek passing thru our property.

 We are interested in selling this ranch and are not interested in a Conservation Easement. We look forward to a response from you soon.

Sincerely,

Jim Dreyer
Susan Dreyer

Jim & Susan Dreyer
Star Route Box 435
Greenough, MT. 59836

Telephone 793-5714

As a rancher and landowner I have no problem with the Dept. of Fish Wildlife + Parks purchasing land for winter elk range as long as they do so with a multiple use concept such as is being practiced on the Mt. Haggis Game range and on the Fleever Winter range. As the study's on these game ranges have shown that cattle + elk complement each other when a good management system such as Rest Rotation grazing is used. Good management through multiple use is the key to such projects as these.

Doug Seitz
Permitter on Mt. Haggis Game
Range

Montana Wildlife

EDUCATION - CONSERVATION

Montana Wildlife Federation



HB 526

WILDLIFE HABITAT PROTECTION FUND

EXHIBIT (7)

DATE 2-17-87

HB 526

HB 526 WILL PROVIDE:

- economic diversification for many landowners whose properties offer important wildlife habitat;
- fair payment (lease or purchase) to willing landowners of such properties;
- tax breaks (conservation easements) to landowners who wish to manage their properties for wildlife values;
- funding for on-the-ground maintenance and development of the wildlife management area (fences, other structures, weed control);
- the opportunity for continued co-operative grazing programs;
- landowners of such properties the option of leasing such lands to benefit Montanans;
- landowners the option of selling their land to the benefit of wildlife and Montanans, rather than to developers or non-residents.
- user fees, in the form of hunting license fee increases, to establish an earmarked fund within Fish, Wildlife & Parks' budget which allows only for this program;
- approximately (2.1) million dollars over the FY88-89 biennium. ^{+ 1.49} = 3.66
- access for hunting and other recreational activities, as lands are leased to provide corridors to adjoining public lands or purchased allowing for direct access.

HB 526 WILL NOT AFFECT:

- state budget problems, as the program is self-sufficient and tied directly to user fees;
- county tax collections, as equal payments in lieu of taxes provide stable revenues for counties;
- other selling or leasing opportunities available to landowners.

The leasing, purchase, and management of wildlife habitat are, to sportsmen, the most wise and necessary expenditures of hunting and conservation license dollars. MWF believes that HB 526 offers:

- the best investment possible for present and future wildlife benefits;
- ~~the most~~ direct method of addressing game damage on private lands, as wildlife management areas provide for winter range needs, reducing pressure on neighboring private land;
- increased options to landowners;
- landowners a guarantee that their land will remain intact as a natural unit if they choose to sell, allowing for the integrity of its heritage to be passed on.



PLEASE VOTE YES ON HB 526!!!



EXHIBIT (8)
DATE 2-17-87
HB 526

Representative Orval Ellison, Chmn
Fish and Game Committee
Montana State legislature
Helena, MT

February 17, 1987

Chairman Ellison and Members of the Committee:

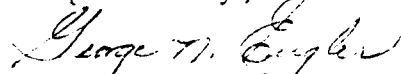
My name is George Engler. I speak on behalf of the Wildlands & Resources Ass'n of Great Falls, in support of House Bill 526.

Over the past 50 years, through purchase, lease, and conservation easement. the State has acquired nearly 50 wildlife management areas. Because of increasing competition for land, and changing hunting patterns, it's important that acquisition of wildlife habitat be speeded up. This will help to maintain more diverse public hunting opportunities, as well as improved geographical distribution of opportunity. Furthermore, wildlife management areas are becoming increasingly important for other kinds of public recreation. For example, hiking, nature photography, and observing of birds and animal life.

Acquisition of habitat under the Bill would be funded by increased hunting license fees, thus conforming to the principle of "user pays". Also, wildlife management lands pay a sum to the Counties in lieu of taxes, so that an erosion of the County tax base does not result from their conversion to public land.

I urge your support of House Bill 526.

Respectfully,


George N. Engler
Wildlands & Resources Ass'n
Great Falls, MT

Testimony on H. B. 526

Mr. Chairman,

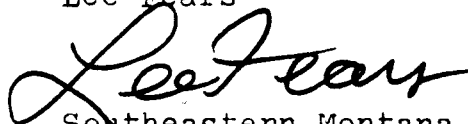
My Name is Lee Fears. I represent the Southeastern Montana Sportsmen Association. We are in support of House Bill 526.

We recognize the need for acquiring quality habitat for protecting our game species for the future. The recreational demand for our game animals is at an all time high. It will only go higher. The need for quality habitat will only become greater. We sportsmen are more than willing to pay the bill for this habitat. It is an investment in the future.

Earmarking of funds is nothing new to the sportsmen of Montana. A portion of our Fishing License fee has been set aside for the purpose of acquiring fishing access sites. I need not remind you how well this system is working.

I again urge you to support House Bill 526. The future of quality sport hunting throughout Montana depends on your decision. Thank you.

Lee Fears



Southeastern Montana
Sportsmen Association
Box 401
Red Lodge, Montana 59068

WESTERN STATES
COST TO HUNT COMPARISONS
AS OF 1/1/86

(9)
DATE 2-17-87

O = lowest in west HB 526

RESIDENT STATE/TAG	DEER	ELK	BEAR	TURKEY	MTN LION	MOOSE	ANTELOPE	SHEEP	MTN GOAT	SMALL GAME
AZ	\$24.00	\$69.50	\$17.00	\$18.00	\$11.00		\$59.50	\$159.50		\$9.50
CA	\$22.50	\$115.00	\$25.00	\$15.00			\$50.00			\$15.00
CO	\$17.00	\$25.00	\$25.00	\$7.50	\$32.00	\$200.00	\$17.00	\$100.00	\$100.00	\$7.50
ID	\$14.50	\$20.50	\$13.00	\$13.00	\$17.00	\$67.00	\$33.50	\$67.00	\$67.00	\$6.50
MT	\$11.00	\$12.00	\$10.00	\$5.00	\$12.00	\$52.00	\$8.00	\$52.00	\$52.00	\$6.00
NV	\$28.00	\$88.00			\$23.00		\$43.00	\$88.00	\$63.00	\$13.00
NM	\$19.00	\$38.00	\$10.50	\$10.50	\$10.50		\$23.00	\$38.00		\$9.50
OR	\$14.00	\$24.00	\$13.00	\$12.00	\$28.00		\$18.00	\$33.00		\$8.00
UT	\$15.00	\$45.00	\$40.00	\$13.00	\$40.00	\$115.00	\$40.00	\$215.00	\$215.00	\$12.00
WA	\$27.00	\$32.00	\$27.00	\$27.00	\$32.00	\$162.00		\$87.00	\$62.00	\$20.00
WY	\$20.00	\$30.00	\$15.00	\$11.00	\$25.00	\$55.00	\$20.00	\$55.00	\$55.00	\$10.00
AVERAGE	\$19.27	\$42.95	\$19.83	\$12.66	\$24.38	\$108.50	\$28.05	\$81.66	\$87.71	\$10.75
MAX	\$28.00	\$115.00	\$40.00	\$27.00	\$40.00	\$200.00	\$59.50	\$215.00	\$215.00	\$20.00
MIN	\$11.00	\$12.00	\$10.00	\$5.00	\$10.50	\$52.00	\$8.00	\$33.00	\$52.00	\$6.00

NON RES STATE/TAG	DEER	ELK	BEAR	TURKEY	MTN LION	MOOSE	ANTELOPE	SHEEP	MTN GOAT	SMALL GAME
AZ	\$131.00	\$355.50	\$106.00	\$106.00	\$106.00		\$305.50	\$805.50		\$25.00
CA	\$151.75	\$151.75	\$143.25	\$51.75			\$86.75			\$51.75
CO	\$120.00	\$210.00	\$100.00	\$50.00	\$185.00		\$120.00	\$500.00	\$500.00	\$32.50
ID	\$127.50	\$227.50	\$101.00	\$88.00	\$126.00	\$226.00	\$127.50	\$226.00	\$226.00	\$75.50
MT	\$102.00	\$302.00	\$102.00	\$5.00	\$302.00	\$302.00	\$102.00	\$302.00	\$302.00	\$32.00
NV	\$175.00				\$200.00		\$325.00	\$575.00		\$75.00
NM	\$146.00	\$213.00	\$76.00	\$76.00	\$51.00		\$123.00	\$373.00		\$51.00
OR	\$150.00	\$187.00	\$150.00	\$79.00	\$225.00		\$200.00			\$50.00
UT	\$120.00	\$220.00	\$150.00	\$43.00	\$250.00	\$1120.00	\$220.00	\$1120.00		\$40.00
WA	\$175.00	\$225.00	\$275.00	\$140.00	\$425.00	\$425.00		\$425.00	\$275.00	\$133.00
WY	\$105.00	\$255.00	\$55.00	\$30.00	\$105.00	\$305.00	\$105.00	\$405.00	\$505.00	\$30.00
AVERAGE	\$136.65	\$221.25	\$128.02	\$62.52	\$207.66	\$475.60	\$156.58	\$490.75	\$361.60	\$57.07
MAX	\$175.00	\$355.50	\$275.00	\$140.00	\$425.00	\$1120.00	\$325.00	\$1120.00	\$505.00	\$133.00
MIN	\$102.00	\$151.75	\$55.00	\$5.00	\$51.00	\$226.00	\$86.75	\$226.00	\$226.00	\$25.00

- 1. Colorado: Moose is not available to nonresidents.
- 2. Montana: does not sell a separate elk license. A combination license that includes elk, deer, bear, fishing, bird, and conservation license is \$300.00. Under small game, \$6.00 and \$32.00 is for birds only.
- 3. Wyoming: Includes \$5.00 conservation stamp that is only purchased once.
- 4. Utah: Buffalo \$215.00 Resident only.



**Stillwater
Sportsman
Association
Incorporated**

(9)

2-17-87

526

P.O. Box 1022 • Columbus, Montana 59019
February 13, 1987

Mr. Lee Fears
Box 401
Red Lodge, MT 59068

Dear Mr. Fears:

The Stillwater Sportsman Association, Inc. would like to express our support for House Bill 526 and recommend that it be passed at this legislative session. This recommendation is made on behalf of our 85 officers and members.

We feel that most sportsmen would not object to the minimal increases in fees in order to provide conservation easements and sorely needed habitat protection.

Sincerely,

Lynda L. Reese

Secretary/ Treasurer



Safari Club International

P.O. BOX 1754

BILLINGS, MONTANA 59103

EXHIBIT (9)

DATE 2-17-87

HB 526

February 15, 1987

House Fish and Game Committee
Helena, Montana

Hon. Chairman and Members of the Committee,

Safari Club International is an organization of trophy hunters dedicated to the preservation of wildlife and the protection of our hunting heritage. There are over 60,000 members internationally, with 77 chapters throughout the world and many international members not affiliated with a chapter. The Montana Chapter has approximately 100 members in harmony with the goals of SCI, and is concerned in particular with the welfare of hunters and hunting in Montana.

Within the last five years the Montana Chapter has donated funds in excess of \$30,000 to wildlife projects in Montana. These projects have included the Mill Creek black bear study (which has directly lead to the current quota system proposed for black bears in Region 5), and an \$8,000 contribution to Montana Fish, Wildlife and Parks for research and development of the grizzly bear delisting proposal on the East front of the Rocky mountains. SCI has within the last week granted \$2,000 to the Montana Chapter to be given to FWS&P as matching funds for the grizzly bear study.

Our projects are just further examples of how hunters are willing to spend generously to promote wildlife in Montana and to preserve our hunting heritage for future generations.

House Bill 526 is before you. This bill once again illustrates that hunters are willing to pay. We are asking that you increase our hunting fees. But we are asking that the increase this time be earmarked for a specific purpose: that hunters in Montana will continue to be given access to the wildlife that is the object of their pursuit. As more and more private land is closed to hunting or contracted for commercial hunting purpose, the needs of the average sportsman become more acute. Acquiring habitat will, most importantly, assure that management of large numbers of deer, elk, antelope and the rest of our big game continue to be under the control of the public through the Department of Fish, Wildlife and Parks.

We do not take issue with private attempts to improve and develop wildlife habitat, but we insist that the State of Montana continue to acquire and improve big game habitat in the public interest as well.

Thank you for your time and consideration.

Respectfully yours,

Lance K. Parks, M.D.
President, Montana Chapter
Safari Club International

February 17, 1987

I am Pat Simmons from Bozeman and Treasurer of the Montana Wildlife Federation. I urge you to support HB 526 to set up a permanent earmarked wildlife habitat fund.

There are currently 47 wildlife management areas purchased or leased by the Dept of Fish, Wildlife & Parks, acquired over the last 49 years in 255 transactions. They range in size from 2 acres to 54,137 at Mt. Haggin south of Anaconda. These 281,087 acres amount to less than 1/3 of 1% of Montana and only 187,994 of that is owned. The 18 elk wintering lands only provide winter range for only 12 to 16% of the public's 80,000 elk. The balance are not protected from man's various types of developments.

Sportsmen and sportswomen paid for all of these purchases and continue to pay for the leases and all the operating costs including payments in lieu of taxes, of these lands so we are good landowners and neighbors. Purchasing of hunting licenses and federal taxes on sporting arms and ammunitions have paid for these purchases, leases and operating expenses. No money comes from the general fund. All sales were from willing ~~buyers~~ *sellers*.

A similar program exists in the fishery program. Since 1974, \$1 of each resident fishing license and \$5 from each non resident fishing license has been earmarked for the fishing access site acquisition and operations program. This program has bought over half of the 200 plus fishing access sites in the State.

Dept of Fish, Wildlife & Parks biologist studies have shown that elk use the same winter ranges each year. But winter ranges available amount to only 10% of the summer ranges in Montana. Winter ranges are located in lower elevation foothill areas with southerly or westerly exposures where the wind blows and the sun shines to keep snow depth minimal and the animals can access the grasses. Wildlife Management Areas are managed primarily for wildlife.

over

The areas are usually closed to the public from the end of the general hunting season until May to minimize disturbance. Other than this, the lands are open for public activities. The Dept of Fish, Wildlife & Parks work very hard on restoring the food by improving the range on wildlife management areas. Sometimes it takes years to repair the damages. It has been very successful. The first Wildlife Management Area, Judith River changed from almost no elk in the 1930s to providing winter forage for 700-800 elk and 400 mule deer. The Gallatin Porcupine Wildlife Management Area has recovered from losing 200 elk the winter of 1943 to a 350-450 elk wintering area. The Sun River Wildlife Management Area now supports the single largest elk herd 'n Montana outside Yellowstone National Park.

But even with all these successes it is critical we continue our acquisition plan. There are a number of key winter range lands for sale at low prices. This bill provides for a modest program - only \$2 million a year. Since Jim Flynn has been Director of the Dept of Fish, Wildlife & Parks, he has determined that Department buildings are in very poor repair and provide inadequate facilities for Department employees to do their work. Also fish hatcheries and dams have declined in condition, so he has enacted a good program to restore all the facilities, all using sportam'n money. With all these demands for our monies, including operations of the Department, we find we need to increase the license specifically for wildlife habitat. There is no money elsewhere budgeted in the 1988-89 biennium. But to protect these funds from other requests, we wish to earmark the monies for Wildlife Habitat only, just like the Fishing Access Site Fund. The opportunity may never arise again when the land prices are this low and bargains are available. The growing demand by the public for outdoor recreation, means that we must be farsighted and provide for the wildlife that the public loves to see.

The sportsmen throughout the State support this program and are willing to assess themselves to continue a conservative habitat program of 49 years to benefit all the people of Montana. The sportsmen and women in this room who came to Helena from throughout the State to support this bill are just a few of the people who could leave their jobs on a work day to let you know what they feel. The non hunting public will also benefit - those who like to hike and photograph and who love to see elk, deer, moose, antelope and all the small and non game who will live on lands protected primarily for wildlife. The license increases are very modest, averaging \$2-3 per license for residents. Hunters realize that a ^{#13} elk license is very reasonable for 3 weeks of entertainment in the outdoors each fall.

The statistics I've mentioned can be substantiated by the Dept of Fish, Wildlife & Parks and are found in the Montana Outdoors Nov/Dec issue "Dedicated to Wildlife".

Thank you for listening and for your vote.

Pat Simmons

Dr. Gina McLelland of Clemson University disclosed some results of a recently concluded survey of recreation use in October of 1986. Consider the following predictions in terms of the relationship between wildlife and Montana's economic future.

1. Within the next ten years the 35 to 55 year age group in our population will double. This group spends 25 percent more income on recreation than any other age bracket.

2. Ten percent of the families in the United States now own a recreation vehicle - one that is designed to accommodate overnight occupancy. Within five years 30 percent of all U.S. families will have a recreation vehicle.

Montana's wildlife resources cannot help but be a primary attraction to these Americans with money to spend and a desire to see more of their country.

But in many areas, Montana's critical wildlife habitats are vulnerable to a host of serious threats -- many brought on by short term economic pressures.

The profusion of housing developments in the Flathead and Gallatin Valley are grim reminders of how big game winter range can disappear.

Let's invest now in Montana's wildlife resources by securing those critical habitats before they are lost. As usual, sportsmen will pay the bill and all Americans will profit from HB 526.

John Gibson

Billings Rod & Gun Club

Southeastern Sportsmen Association

As a past president and current member of the Montana Wildlife Federation, I support HB 526. It appears from the number of sponsors signing on to this bill, that many Legislators also agree with the content of HB 526.

To the best of my knowledge, license fee increases of the past have always had the support of Montana's organized sportsmen. This support has been in appreciation for professional management of our wildlife resources and agreement that proposed program expansions are needed. We support the expansion proposed in HB 526 because we see the need to secure and protect and perhaps expand habitat areas, especially wintering areas for big game animals; *and we will oppose any amendments that will eliminate the bills authorization to purchase land.*

The Dept. of F, W & P has estimated for the 1985 hunting season that about 89,000 Montanans hunted elk with a success rate of 20% and about 191,000 hunted deer with a success rate of 62%. These figures represent about 25% of Montana's population and could easily represent half of our Montana families. With these population figures in mind, it is evident that actions taken by this Legislature that affect wildlife can have a lasting impact on how Montana citizens continue to enjoy and use our wildlife resources.

The Nov/Dec issue of Montana Outdoors says that about 188,000 acres are owned by the Dept. of F,W&P, and used primarily as wildlife management areas in 29 counties. This is only a fraction of 1% of Montana's 90+ million acres, and seems like an insignificant amount to be set aside for a resource as valuable as our big game populations are and can be in the future.

During the current biennium, the F,W&P Dept. budget allocated \$1 million for land acquisition, or \$500,000/year. The Dept's budget proposal for this next biennium, with approval of the Governor, does not include 1 penny for land acquisition. That \$1 million of this biennium has been absorbed into ongoing and increased programs.

Sportsmen believe there is still room for improvement of our fish and wildlife programs, as well as for increases in wildlife numbers. I want to cite just one example: The 1985 Draft Environmental Impact Statement prepared by the Gallatin

National Forest (p. III-28) provides this information - 9,800 elk and 13,000 deer currently inhabit the Gallatin Natl. Forest and adjacent or intermingled private lands. Of the 9,800 elk, about 5,600 winter on Natl. Forest and the remaining 4,200 winter on State (Porcupine, Bear Creek) and private lands in and adjacent to the Forest boundary. Most of the deer winter on Burlington Northern and private land.

The impact statement goes on to say that summer range on the Forest is estimated to be capable of supporting as many as 32,000 elk. If this estimate is correct, then it becomes obvious that we are short changing Montana citizens a potential 20,000 animals by failing to provide adequate habitat for 3-5 months during the winter. Other Forests in Montana can probably provide similar data.

If sportsmen are willing to pay for programs that will continue to increase wildlife populations, and if recreation based on wildlife commercialization is as profitable to Montana's economy as has been portrayed by special interests before this committee the past 2 or 3 weeks, then I would suppose there will be little opposition to HB 526.

In summary, HB 526 has the potential to:

1. Reduce wildlife damage on privately-owned lands
2. To provide money for purchase of land from those who want Fish & Game to own their land for the benefit of wildlife
3. To provide additional access to adjacent public lands
4. And to expand recreational opportunities in Montana.

BRIEF COMMENTS ON H.B. 526
BEFORE THE HOUSE FISH AND GAME COMMITTEE
FEB. 17, 1987, HELENA, MONTANA
By: PAUL F. BERG

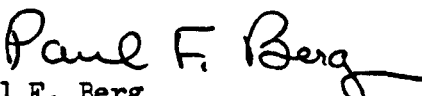
EX-13 (13)
DATE 2-17-87
HB 526

Mr. Chairman and members of the Committee. I am Paul F. Berg. I represent 14 sportsman's clubs and 5,900 Montana Sportsmen.

We strongly support H.B. 526. My attached statement supporting this bill is rather detailed and complex. Therefore, I offer the following general comments for your consideration.

1. Hunting is a major recreational activity enjoyed by many residents and nonresidents.
2. Hunting produces great economic and aesthetic benefits for the people of Montana and our visitors.
3. I have devoted my entire professional life to wildlife research and management, and I know that habitat is the key to survival and perpetuation of our wildlife resources and hunting opportunities in Montana.
4. Passage of H.B. 526 would result in acquisition, easement, protection, and management of habitats vitally needed by many important wildlife species.
5. Hunters will pay for these habitats through license fee increases only if the money collected is earmarked for these purposes, because this has the greatest potential for increasing wildlife populations and hunting opportunities statewide.
6. Habitat acquisition, easements, and leasing under this bill will not cost the general public anything.
7. Everyone will benefit from these actions by hunters.
8. If we do not acquire these critically needed wildlife habitats soon, Montana will lose a significant part of its wildlife and associated hunting opportunity, economic benefits, and aesthetic values.
9. We should not let that happen.
10. We urge that H.B. 526 be passed.

Thank you,


Paul F. Berg
3708 Harry Cooper Place
Billings, MT. 59106
Phone: 656-2015

Mr. Chairman and members of the Committee, I am Paul F. Berg, Legislative Committees, Billings Rod and Gun Club and Southeastern Sportsman Association. I represent 9 clubs and 5,000 Montana Sportsmen; also, the Sierra Club (Yellowstone Basin Group), Rosebud/Treasure Wildlife Association, Billings Roughriders, Magic City 4 Wheelers, and Rimrock 4X4 clubs; another 5 clubs and 900 sportsmen, concur with my statement.

We strongly support H.B. 526 because it would help accomplish our longstanding objective of having MDFWP acquire and manage critically needed habitats for many wildlife species in Montana before they are destroyed by land developments.

All Montanans and visitors who enjoy wildlife -- hikers, photographers, campers, bird watchers, tourists, etc. -- in addition to hunters, would benefit.

Hunters are willing to pay for these habitats through the hunting license fee increases listed in the bill because the money collected will be earmarked and used exclusively for habitat acquisition, lease, or conservation easements, and development and maintenance.

The MDFWP currently owns or leases 47 wildlife management areas comprising 280,000 acres which provide vital habitat for elk, deer, ducks, geese, pheasants, grouse, and many other forms of wildlife. Each of these areas protect important wildlife habitat that might otherwise disappear from the Montana landscape.

All of these areas were purchased with money collected since 1937 from a 11% tax on sporting arms and equipment, and from hunting license fees.

Money needed to acquire wildlife habitats has always been difficult to get in past years, and the problem is now super critical.

Time does not permit analysis of all habitats critically needed by all wildlife species throughout our state, but all are equally important to all Montanans and our visitors and must be considered in this bill.

For the above reason, the following analysis focuses on elk and deer, hunter opportunity, and associated economic benefits.

Nineteen of these wildlife management areas, comprising 235,000 acres, winter about 10% of the estimated 100,000 elk and 2% of the estimated 500,000 deer in Montana. The remainder of the elk and deer winter on a mixture of Forest Service, Bureau of Land Management, National Park Service, State School Land, and Burlington Northern, Champion International, and other private lands. A few elk and many deer winter exclusively on privately owned ranches.

About 80% of our elk and 20% of our deer are harvested by hunters on public land, mostly National Forests.

Snow forces big game animals out of the high forest country onto lower elevation winter ranges located mostly on private property. They spend about 4 months there each winter.

Big game numbers are limited by the amount of winter range available. Summer and fall ranges are abundant.

* Paul F. Berg attended the U. of Alaska; received his B.S. from the U. of M.; M.S. from M.S.U.; retired from the U.S. Fish and Wildlife Service in 1980.

We have identified 32 critically needed elk and deer winter ranges comprising about 155,000 acres. If the MDFWP does not get control of these 32 winter ranges, which are threatened with imminent destruction by homesite developments, oil, gas and mining activities, and other causes, the 11,000 elk and 13,000 deer that depend upon them for winter food and survival will be lost from the populations within a few years.

If MDFWP owned or leased and managed the 32 winter ranges, elk and deer carrying capacities could be at least doubled from 11,000 to 22,000 elk, and from 13,000 to 26,000 deer.

The \$8.3 million total hunter expenditures (Table 1) would double to \$16.6 million annually -- a direct result of acquisition and/or conservation easements and management of the 32 winter ranges.

Conversely, the big game animals, hunter use, and associated expenditures would be lost in a few years if we do nothing to get control of the 32 areas by the MDFWP.

Every hunter spent dollar generates 2.5 additional dollars in the economy. Therefore, \$16.6 million X 2.5 = \$41.5 million to the state's economy -- all a direct result of hunter expenditures generated from the 11,000 elk and 13,000 deer that winter on the 32 winter ranges each year!

TABLE 1. Summary of 1982 hunter harvest and expenditures resulting from the elk and deer that depend upon the 32 winter ranges discussed in text.

Hunter Type/Species	Number Animals Harvested	Hunter Days to Harvest @ Elk/Deer	Total Hunter Days	Average Hunter Day Expenditure	Total Hunter Expenditures	Remarks
Resident/Elk	1,452	48	69,696	\$ 62	\$4,321,152	See Exh. I
Nonres/Elk	393	34	13,022	198	2,578,356	See Exh. I
Resident/Deer	2,763	8.3	22,933	44	1,009,052	See Exh. I
Nonres/Deer	455	7.7	3,504	114	399,456	See Exh. I
Totals	5,063		109,155		\$8,308,016	

Where do the hunters' dollars go? They go into cash registers in many towns throughout Montana -- for guns, ammunition, supplies, camping gear, guide services, groceries, gasoline, motels, restaurants, etc.

These dollars are difficult to identify because they are scattered all over the state. Therefore, some towns may not recognize the importance of hunter dollars.

It is essential that the bill contain the authority to acquire the 32 big game winter ranges and other wildlife habitats throughout Montana by purchase, lease or conservation easement as they become available. This would provide the MDFWP with the flexibility it must have to pursue either route as an individual landowner may wish.

State acquisition of these habitats would not significantly alter the tax income to the counties because of the payment in lieu of taxes laws.

Adjacent private property would be protected from wildlife depredations by fencing and other management practices provided for in the bill.

The opportunity to comment is appreciated.

Attachments

Paul F. Berg
Paul F. Berg

(13)

EXHIBIT I - RESIDENT ELK HUNTERS - 1982

2-17-87

526

1. Basic information (from MDFWP)

75,831 hunters devoted 532,800 hunter days and spent \$62 per average day to harvest 11,078 elk from the 100,000 elk in Montana. Herd increase by calf production is 20% annually.
2. Hunter use and harvest - statewide
 - A. $\frac{532,800 \text{ hunter days}}{11,078 \text{ elk harvested}} = 48$ hunter days to harvest 1 elk.
 - B. 48 hunter days X \$62 per average hunter day = \$2,976 to harvest 1 elk.
 - C. $\frac{11,078 \text{ elk harvested}}{100,000 \text{ elk in state}} = 11\%$ hunter harvest.
3. Economic analysis of the 11,000 elk that depend upon the 32 winter ranges for survival for about 4 months.
 - A. 11,000 elk on winter range increase by 20% calf production to 13,200 elk on fall hunting areas.
 - B. 13,200 elk X 11% hunter harvest = 1,452 elk harvested.
 - C. 1,452 elk harvested X 48 hunter days = 69,696 hunter days X \$62 = \$4,321,152 spent to harvest the 1,452 elk.

EXHIBIT II - NONRESIDENT ELK HUNTERS - 1982

1. Basic information (from MDFWP)

14,321 hunters devoted 100,646 hunter days and spent \$198 per average hunter day to harvest 2,949 elk from the 100,000 elk in Montana. Herd increase by calf production is 20% annually.
2. Hunter use and harvest - statewide
 - A. $\frac{100,646 \text{ hunter days}}{2,949 \text{ elk harvested}} = 34$ hunter days to harvest 1 elk.
 - B. 34 hunter days X \$198 per average hunter day = \$6,732 to harvest 1 elk.
 - C. $\frac{2,949 \text{ elk harvested}}{100,000 \text{ elk in state}} = 2.9\%$ hunter harvest.
3. Economic analysis of the 11,000 elk that depend upon the 32 winter ranges for survival for about 4 months.
 - A. 11,000 elk on winter range increased by 20% calf production to 13,200 elk on fall hunting areas.
 - B. 13,200 elk X 2.9% hunter harvest = 383 elk harvested.
 - C. 383 elk harvested X 34 hunter days = 13,022 hunter days X \$198 = \$2,578,356 spent to harvest the 383 elk.

EXHIBIT III - RESIDENT DEER HUNTERS - 1982

EXHIBIT (13)

DATE 2-17-87

HB 526

1. Basic information (from MDFWP)

139,905 hunters devoted 719,458 hunter days and spent \$44 per average day to harvest 86,404 deer from the 500,000 deer in Montana. Herd increase by fawn production is 25% annually.

2. Hunter use and harvest - statewide

A. $\frac{719,458 \text{ hunter days}}{86,404 \text{ deer harvested}} = 8.3$ hunter days to harvest 1 deer.

B. 8.3 hunter days X \$44 per average hunter day = \$365 to harvest 1 deer.

C. $\frac{86,404 \text{ deer harvested}}{500,000 \text{ deer in state}} = 17\%$ hunter harvest.

3. Economic analysis of the 13,000 deer that depend upon the 32 winter ranges for survival for about 4 months.

A. 13,000 deer on winter range increased by 25% fawn production to 16,250 deer on fall hunting areas.

B. 16,250 deer X 17% hunter harvest = 2,763 deer harvested.

C. 2,763 deer harvested X 8.3 hunter days = 22,933 hunter days X \$44 = \$1,009,052 spent to harvest the 2,763 deer.

EXHIBIT IV - NONRESIDENT DEER HUNTERS - 1982

1. Basic information (from MDFWP)

20,172 hunters devoted 106,958 hunter days and spent \$114 per average day to harvest 13,936 deer from the 500,000 deer in Montana. Herd increase by fawn production is 25% annually.

2. Hunter use and harvest - statewide

A. $\frac{106,958 \text{ hunter days}}{13,936 \text{ deer harvested}} = 7.7$ hunter days to harvest 1 deer.

B. 7.7 hunter days X \$114 per average hunter day = \$878 to harvest 1 deer.

C. $\frac{13,936 \text{ deer harvested}}{500,000 \text{ deer in state}} = 2.8\%$ hunter harvest

3. Economic analysis of the 13,000 deer that depend upon the 32 winter ranges for survival for about 4 months.

A. 13,000 deer on winter range increased by 25% fawn production to 16,250 deer on fall hunting areas.

B. 16,250 deer X 2.8% hunter harvest = 455 deer harvested.

C. 455 deer harvested X 7.7 hunter days = 3,504 hunter days X \$114 = \$399,456 spent to harvest the 455 deer.

EXHIBIT (18)
DATE 7-17-87
HB 526

SMITH & DAN S LIVESTOCK
P. O. BOX 107
GLEN, MONTANA 59708
406-896-8441

February 16, 1987

To: The House Fish & Game Committee
Mr. Orville Ellison, Chairman

For the past six years we have been grazing cattle on the Fleecker game range in southwestern Montana on an exchange-of-use agreement with the MFW&P Department. This plan has worked well for both parties..

Before implementation of this exchange-of-use program, there was extensive elk use on our rangeland which is adjacent to the Fleecker game range. This use was particularly heavy during the spring months before the elk left for higher country.

For the most part, since cattle have been put on the game range, we have not had the extensive problems with elk that we experienced in the past. The damage done by the elk herd has been compensated for, to some extent, by the exchange-of-use grazing agreement.

I would support HB 526 if in fact the MFW&P Department would allow grazing, where practical, by domestic livestock on existing game ranges, as well as on the new lands they will acquire..

Such a policy would be very beneficial because:

- a) Some ranchers experiencing financial problems may be able to sell some of their land.
- b) Access to private land would become more available to the sportsman/hunter if ranchers were able to graze the game ranges.
- c) It can result in a better landowner - sportsman relationship as each has a clearer understanding of the others interests and concerns.

Since we have been able to work out an equitable agreement with the MFW&P, we feel that such agreements could work just as well elsewhere.

Sincerely,

E. Maynard Smith
E. Maynard Smith, President
Smith & Dan S Livestock

Presented by
Sheylene Sportsman
Butte

MONTANA ASSOCIATION OF STATE GRAZING DISTRICTS

420 North California St.

Helena, Montana 59601

(406) 442-3420

(15)
2-17-87
526

John Pfaff, President Miles City
Sever Enkerud, Vice President Glasgow
Stuart Doggett, Executive Secretary Helena

DIRECTORS
Bill Abney Tonaw
Lynn Cornwell Glasgow
Mark Davies Chinook
Joe Eihart Glasgow
Jack Hughes Grassrange

HB 526

My name is Kim Enkerud and I am representing the Montana Association of State Grazing Districts.

This bill states as one of its points, that acquisition of lands suitable for wildlife habitat is necessary to protect and enhance this habitat.

We feel the State of Montana does not need to own more land.

There are many other ways to protect and enhance habitat. In fact, the ranchers and farmers on whose private land you find most wildlife are prime examples of enhancing wildlife habitat. Instead of buying land, maybe the ranchers and farmers could be paid for the use of their land by the same increase in hunting license fees.

We do not want to jeopardize a willing buyer-willing seller arrangement, but we feel the State of Montana should not be in the real estate business.

In Monday's Great Falls Tribune, there was an article about turning 15,000 square miles of eastern Montana into a giant wildlife range called the "Big Open". Funding for this was planned to come from the sale of hunting permits. Passage of this bill just might get this "Big Open" started.

We urge the committee to do not pass HB 526.

Thank you.

Amendments to HB 535 (Introduced bill)

1. Title, line 4.
Strike: "REVISING" through "OF" on line 6
Insert: "ALLOCATING"
2. Title, line 5.
Following: "NONRESIDENT"
Insert: "DEER "A" AND"
3. Title, line 6.
Following: "LICENSES"
Insert: "BETWEEN APPLICANTS INTENDING TO EMPLOY LICENSED OUTFITTERS AND ALL OTHER APPLICANTS"
4. Title, line 6.
Following: "LICENSES;"
Strike: "CREATING" through "LICENSE;" on line 8
5. Title, line 8.
Strike: "B-11"
Insert: "B-7"
6. Title, line 9.
Strike: "6,000" through "HUNTERS" on line 12
Insert: "5,000"
7. Title, line 12.
Following: "87-2-504"
Insert: "AND 87-2-505"
8. Page 1, line 16 through line 12, page 3.
Strike: Sections 1 and 2 in their entirety
Re-number: subsequent sections
9. Page 3, line 15.
Following: "licenses."
Insert: "(1)"
10. Page 4, line 3.
Strike: "or B-11"
11. Page 4, line 5.
Strike: "If" through end of line 7
Insert: "(2) No more than 5,000 Class B-7 licenses may be sold in any license year. Of these licenses 3,000 must be issued in the order applications are received to applicants intending to employ a licensed outfitter, and 2,000 must be issued by drawing between all other applicants."
12. Page 4.

Following: line 7

Insert: "Section 2. Section 87-2-505, MCA, is amended to read:

" 87-2-505. (Effective March 1, 1986) Class B-10--nonresident big game combination license. (1) Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of \$350 and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, Class B-7, and black bear licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202.

(2) Not more than 17,000 Class B-10 licenses may be sold in any one license year. Of these licenses 5,600 must be issued in the order applications are received to applicants intending to employ a licensed outfitter, and 11,400 must be issued by drawing between all other applicants."

Renumber: subsequent sections

13. Page 4, lines 12 through 15.

Strike: Section 5 in its entirety

Amendments to HB 535 (introduced bill)

1. Page 2, line 4.

Strike: "Not more than 6,000"

Insert: "Six thousand"

Strike: "may" through "one" on line 5

Insert: "are available for sale in each"

2. Page 2, line 8.

Strike: "April 1"

Insert: "March 15"

Strike: "one-half"

Insert: "6,500 of"

3. Page 2, line 9.

Following: "authorized"

Insert: "Class B-10"

Strike: "of each class"

Insert: "and 3,000 of the authorized Class B-11 licenses"

4. Page 2, line 11.

Strike: "one-half" through "sponsor," on line 12

Insert: "the remaining licenses available for applicants indicating they will hunt with a resident sponsor on private land owned by that sponsor,"

5. Page 3, line 8.

Strike: "May 1"

Insert: "April 15"

6. Page 3, line 11.

Strike: "on May 15"

Insert: "after April 15"

7. Page 4, line 7.

Strike: "administrative regions 4, 5, 6, and 7"

Insert: "the state"

Amendments to HB 379 (Introduced bill)

1. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 2, line 10.

Strike: "fish and"

3. Page 3, line 4.

Following: "big game"

Strike: ", game fish,"

Insert: "animals"

Following: "and game"

Strike: "bird permits to be requested for the area;"

Insert: "birds that may be harvested on the private wildlife management area and for which hunting licenses must be guaranteed by the department. The number of licenses authorized to be issued pursuant to the plan must be determined by the management objectives stated in the plan and is not subject to other general limitations imposed by quotas established by law or rules."

4. Page 3, line 8.

Following: "objectives"

Insert: "; and

(e) provisions for reasonable public access to public land within the private wildlife management area"

5. Page 3.

Following: line 15

Insert: "(b) In evaluating the application, the department shall review the accompanying proposed wildlife management area plan for compliance with this section. It shall approve the plan if it determines the plan complies with this section and provides for the protection, preservation, and propagation of wildlife species in accordance with the commission's responsibilities under 87-1-301(1) and under applicable rules and policies adopted by the commission."

Renumber: subsequent subsection

6. Page 5, line 5.

Strike: "Permit and tag procedures"

Insert: "Area use permit -- hunting license requirements"

7. Page 5, line 7.

Strike: "hunting permit applications"

Insert: "area use permits"

8. Page 5, line 8.

Following: "plan."

Strike: remainder of line 8 through line 11

Insert: "A person obtaining from a licensee a permit to hunt on the private wildlife management area must be issued, upon application to the department or its license agent, the hunting license indicated on the permit."

9. Page 6, line 13.

Strike: "or fishing"

10. Page 7.

Following: line 15

Insert: "Section 11. Limitation on number of areas that may be approved. No more than three private wildlife management areas may be approved in any fish and game district designated in 2-15-3402(2)."

Renumber: subsequent sections

11. Page 7, line 19.

Following: "date"

Insert: "-- termination"

12. Page 7, line 20.

Following: "approval"

Insert: "and terminates July 1, 1993"

dc/amdhb379

EX-100
DATE 4587
HB 379

50th Legislature

LC 255

STATEMENT OF INTENT

H Bill No. 379

A statement of intent is required for this bill because it allows the fish and game commission in section 10 to adopt rules that are necessary to implement the act. It is the intent of the legislature that the commission adopt rules that address but are not limited to contents of a private wildlife management area plan, application procedures, terms and conditions of an area license, issuance of hunting permits to licensees, and licensee recordkeeping.

VISITORS' REGISTER

FISH & GAME

COMMITTEE

BILL NO. 486, 526 HJR 20 DATE Feb. 17, 1987

SPONSOR _____

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
LEE FEARS	Stillwater Sportmen Southern Swimsuits Safari	X 526	
Buddy Lundstrom	MONTANA Bowhunters	X 526	
JERRY TAYLOR	MONTANA BOWHUNTERS	X 526	
ART SWETYE	MBA GALLATIEN Bowhunters	X 526	
MIKE ELLIG	MONTANA BOWHUNTERS	X 526	
J.P. BENDER	WALLEYES UNLIMITED	HJR 20	
Ralph Gager		486 ✓	
Debra L. Rademacher	Bea Tooth Int'l. Men	486 ✓	
Michael Chandler	Self	526	
Bob Braach	Western MT Fish & Game Assoc	526	486
James M. Clawson	Western Montana Fish & Game	526	486
Pat Simmons	Gallatin Wildlife Assoc Montana Wildlife Fed	526	
Esther Steenberg	Montana Wildlife Fed	526	
Scott Ross	MT Bowhunters	526	
Bill Holden	Skyline Sportmen	526	
Bob Carlson	Skyline Sportmen	526	
GARY S. HARBIT	WEST. MT. FISH & GAME ASSN	526	
Owen Perals	Skyline Sportmen	526	
Keith Bales	Myself		526

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. 486, 526, HJR 20

DATE Feb 17 '87

SPONSOR _____

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Robert VanCuren</i>	<i>Self</i> 486 526 HJR 20	✓	
<i>Les Gusten</i>	<i>Self</i> 526	✓	
<i>Wain Hamer</i>	<i>Lewis Clark Archans</i> 526	✓	
<i>Jeff Brandt</i>	<i>Self</i> 526	✓	
<i>Douglas Gardner</i>	<i>Self</i>		
<i>Kim Enkerud</i>	MT Assoc State Grazing Dist MT Stockgrowers		526 ✓
<i>Dana Field</i>	MT Audubon Legis Fund	526 ✓	
<i>Bob Corrao</i>	Agriculture Preservation Assoc		526
<i>Bill Myers</i>	APA		526
<i>Lorents Grosfield</i>	Sweet Grass Preservation Assn		526
<i>Carol Masher</i>	Montana Cattle Women		526 ✓
<i>Jim Richard</i>	<i>Self</i>	526	
<i>Janet Ellis</i>	MT Audubon	526	
<i>James G. Schuck</i>	<i>Self</i>	526	
<i>Carl Chudman</i>	<i>Outfitter</i>		526
<i>Steve Jaworski</i>	<i>Guide</i>	486	526
<i>Jack Fuchs</i>		526	
<i>Richard C. Wilson</i>	<i>Land owner</i>		526
<i>Log Kistler</i>	<i>LAND OWNER</i>		526

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Fish + Game

COMMITTEE

BILL NO. 486, 526, HJR 20 DATE 2/17/87

SPONSOR _____

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
EMILY SWANSON	Mt. Wildlife Federation	526	
Harry Lee Deal	" " "	526	
Joe Outkoski Pres	Gallatin Wildlife Assoc	526	
Art Williams	self - landowner		526
L. H. Thomas	Anacosta Sportsman	✓	
Long Schooner	Mt. F. Skyline	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.