

EXHIBIT 1  
DATE 3.15.05  
SB 503

Senate Bill 503  
March 15, 2005  
Presented by Larry Peterman  
House Fish, Wildlife & Parks Committee

Mr. Chairman and committee members, for the record I am Larry Peterman, Chief of Field Operations for Montana Department of Fish, Wildlife & Parks (FWP).

I am here to ask your support in passing SB 503, an act that proposes to abolish the remainder of the Teton Spring Creek Bird Preserve, located approximately one mile north of Choteau, Montana.

This was one of 46 bird and game preserves established in Montana by 1936. In 1972 that number had declined to 16 and by 1999 there were only 7 preserves still in existence.

In 1923, a 10-square mile area of the Teton River/Spring Creek drainage was set aside as a state bird preserve. A portion, 2,024 acres, of that original Teton Spring Creek Bird Preserve still exists today (87-5-405 MCA). The purpose of the preserve was to protect and enhance upland bird populations, particularly ring-necked pheasants, and to provide a source of birds for an expansion of the local pheasant population. Pheasants have since become well established in suitable habitat in north-central Montana, and with the advent of suitable farming and ranching practices and the establishment of the Conservation Preserve Program (CRP) lands there is no longer a biological need for this bird preserve.

Game preserve statutes prohibit a person within the preserve from carrying or discharging firearms, creating any unusual disturbance tending to frighten or drive away any game animals or birds, or chase them with dogs (87-5-401 MCA). As a result, these lands within the Teton Spring Creek Bird Preserve have become a refuge for an ever-increasing white tail deer and mule deer population.

In 1981, the legislature amended Teton Spring Creek Bird Preserve provisions by allowing for a special archery season within the preserve boundaries to address game damage concerns and increasing deer numbers. The season was liberalized in both length and bag limits and has typically been from the first weekend in September through the 31<sup>st</sup> of December with the general deer license valid as well as over-the-counter antlerless deer licenses and at times multiple antlerless deer licenses available to the archery hunter. Despite all these opportunities, the deer numbers have not been controlled. In 2004, the reported archery harvest in the preserve was 59 deer, and 38 deer on the lands recently removed from the preserve. This was in spite of unlimited antlerless licenses being available to archery hunters during the season. The Department does not believe an archery season will in and of itself resolve the game damage problems associated with the preserve.

Current statute (Section 87-5-402, MCA) allows the Department, when properly petitioned, to alter and change the boundaries of the preserve. In December, 2002, the FWP Commission received a petition from three landowners, who had been experiencing game damage, to remove

their properties from the preserve. Following an environmental review, the FWP Commission adjusted the boundaries of the preserve. Since that action, another landowner petitioned the Department to remove another 760 acres from the preserve. With these actions only about 36% of the area within the original preserve boundary would remain.

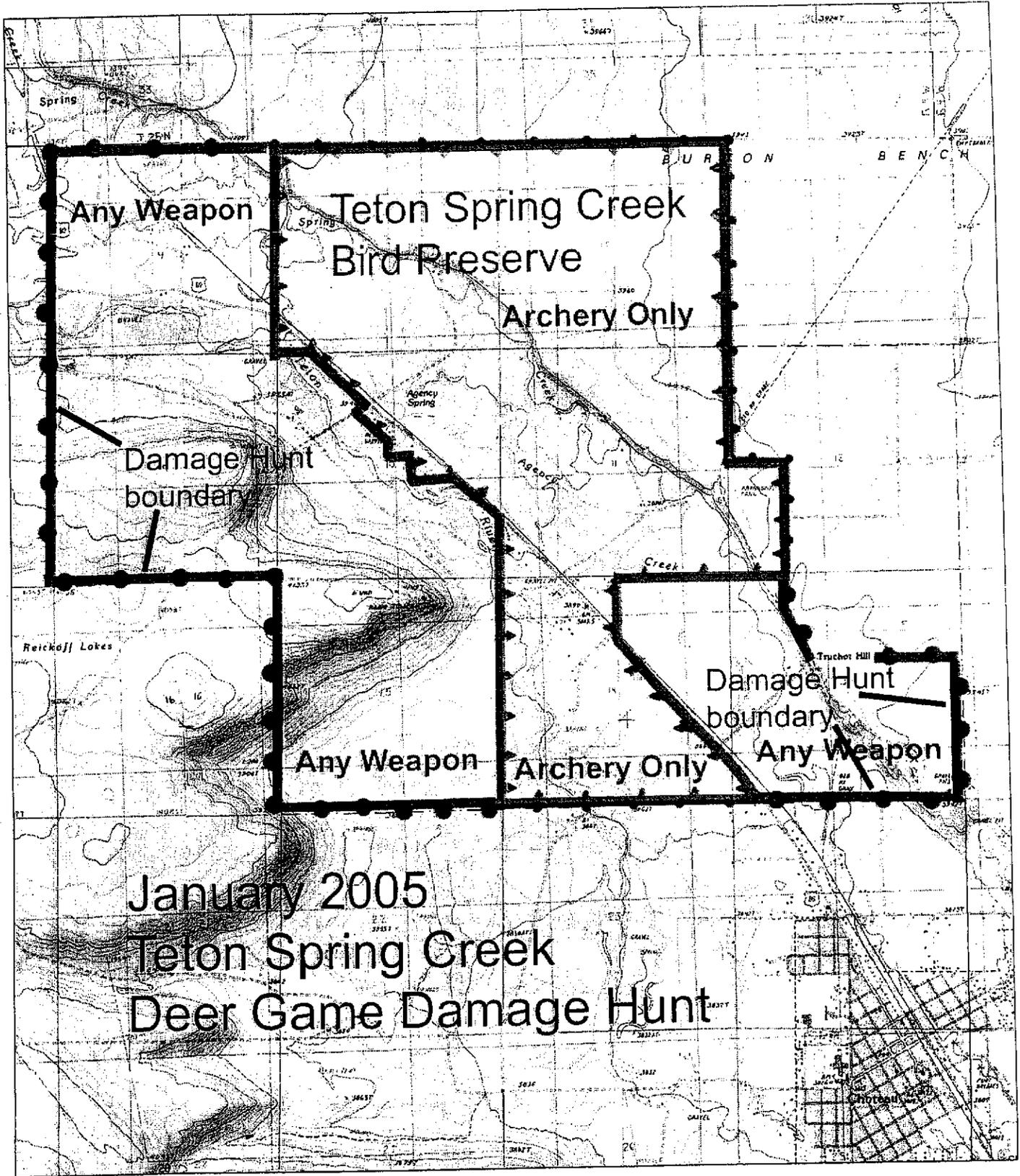
We have a very serious, real world situation with the Teton Spring Creek Bird Preserve. We have landowners who sustain thousands of dollars of game damage each and every year from an over abundance of deer. We have local residents who are justifiably concerned about safety, and we have a seven-mile stretch of Highway 89 through the preserve where, from 1997 to 2002, 132 deer carcasses were picked up by MT Dept. of Transportation. We have a bird preserve, which is no longer needed, but which restricts even the possession, much less the use of firearms.

We established a game damage hunt in January of 2005 to reduce the deer herd on lands removed from the preserve. Any weapons were allowed, because we felt the landowners had a safe situation where the shooting was only allowed against a hill and away from residences. This was challenged, and upon review we agreed to disallow the use of firearms until such time as FWP fully considers the issue of safety through a public process that includes an analysis and public review pursuant to MEPA and determines that, and under what conditions, other hunting weapons can safely be used.

We have a couple of options to consider.

We can proceed ahead with the MEPA analysis as well as remove additional landowners who petition FWP from the preserve. We will likely wind up with a patchwork of no shooting area based on what's left, or we can eliminate the Teton Spring Creek Bird Preserve and look comprehensively at the entire area through a public process and decide which areas should be closed, which should be open and what weapons will be allowed.

We believe the removal of the Teton Spring Creek Bird Preserve will allow the department to more effectively manage the deer populations associated with the preserve, respond to game damage and address the safety issue. We urge your support of Senate Bill 503.



January 2005  
Teton Spring Creek  
Deer Game Damage Hunt