

Senate Bill 503
February 18, 2005
Presented by Larry Peterman
Senate Fish and Game 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 by the FWP Commission. A portion, 2,024 acres, of that original Teton Spring Creek 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 Preserve have become a refuge for an ever-increasing white tail deer and mule deer populations.

In 1981, the legislature amended 87-5-405, allowing for a special archery season within the preserve boundaries to address game damage concerns and increasing deer numbers. The season has typically been from the first weekend in September through the 31st 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.

Section 87-5-402, MCA allows the Department, when properly petitioned, to alter and change the boundaries of the preserve. In December, 2002, the Fish, Wildlife and Parks 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 36% of the area within the preserve boundary as adjusted previously in 1995 would remain in the preserve.

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 multiple 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.

There are local residents adjacent to or within the boundaries of the preserve who believe the use of weapons other than archery equipment creates a safety concern. The rural/residential situation in and around Choteau is not unique. These conditions exist in numerous communities with similar habitat, resident densities and rural/urban interfaces. The FWP Commission has successfully established Special Weapons Restrictions in 23 locations across the state to address these concerns.

The Teton Spring Creek Game Preserve is no longer needed for its intended purpose. These lands have become a refuge for deer and landowners experiencing game damage within and adjacent to the preserve. Removal of the Teton Spring Creek Preserve will allow the department to more effectively manage the deer populations associated with the preserve and respond to game damage. We urge your support of Senate Bill 503.