

**JOHN C. LOCKE
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EXHIBIT 9
DATE 2-17-09
HB 314

RE: HB 314

Montana Big Game Animal Damage Mitigation Act

To Whom It May Concern,

I live, ranch and farm in the Nine Mile Valley, 30 miles west of Missoula.

Less than two air miles from my place at any given time there are 150 to 300+ elk that reside on a ranch that is owned by a well known business man in Missoula. He and his immediate family believe the elk are "theirs". This ranch has "Harbored" these elk for many years now, and grown to a very large herd and has become a problem for neighboring ranches including Little Beaver Creek Ranch as well as Historic Nine Mile Remote Ranger Station. The Nine Mile Ranger Station during the winter months has several hundred pack mules that winter there. The ranger station is a working ranch and has many acres of hay fields, as does several other ranches in the immediate area. During the summer months the large number of elk come into these various ranch fields and destroy the hay crop, during the winter months they consistently get into the feed being fed to the livestock.

This ranch which "Harbors" the elk, even has their ranch manager "haze" the elk from leaving the ranch all during hunting season before daylight along the county road and with in their property boundaries. This has been witnessed and reported to FWP on numerous occasions with consistency, with little results. This same ranch does not allow hunting, but will tell FWP otherwise. A great example of this is: My neighbor who is a quadriplegic, has called to gain permission to hunt this ranch out of his wheelchair, and has been denied access, every year he has asked. Because of the large number of elk which cause damage there has been a limited damage hunt for elk in the immediate

area in January and early February. It too has been less than effective.

If you doubt my words, please feel free to contact FWP Region 2 offices and talk with their big game biologists.

Although I think HB 314 is a good measure, it will still be hard to enforce, unless steps are followed to insure that a proper investigation by FWP wardens and biologist can and will be allowed.

With Kindest Regards,

John C. Locke

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DATE 2-17-09
HB 314

February 16, 2009

Rep. Kendall Van Dyk, Chair
MT House Fish, Wildlife & Parks Committee
State Capitol
Helena, MT 59601

RE HOUSE BILL NO. 314: Dispersal of concentrations of big game animals

I represent the Ninemile Wildlife Workgroup (NWW), an all-volunteer citizen group organized in 2005 to collaborate with federal, state and local land management agencies and county government to maintain wildlife movement areas in the Ninemile-Sixmile drainages of western Missoula County. Our community resides in the historical, regionally important Ninemile linkage zone recognized by agency wildlife biologists (written testimonials to Missoula County Commissioners, 2007; IGBC Public Lands Wildlife Linkage Taskforce, June 2004.)

We support House Bill No. 314 and have, perhaps, a unique perspective to share in the debate regarding this Bill's passage.

In an effort to establish with the Montana Department of Transportation the need for a wildlife crossing structure where Interstate 90 bisects the Ninemile-Sixmile drainages' confluence with the Clark Fork River, NWW has monitored wildlife movement since 2006 by field tracking and the installation of motion-sensitive remote cameras at heavily used wildlife trails. Relevant to HB 314, we have observed the following:

(1) At Cayuse Hill, a long, low ridge which is the southernmost extension of Reservation Divide, and which terminates at the Clark Fork River, the elk herd known by local residents and USFS and MT FWP biologists to winter-range on the ridge, stopped migrating south across the Interstate and down to the river. Suddenly, we were not picking up signs of movement. Reports of yarding of the elk herd by a large landowner on the ridge reached us, complete with eye witness accounts of ranch personnel hazing animals that tried to leave back onto the property. In discussing this with MT FWP biologists, they expressed serious concern about the unnatural build-up of the population recorded during recent aerial observations.

(2) At the confluence of Ninemile Creek and the Clark Fork River, the same phenomenon began appearing in late 2007. Suddenly, we were barely able to detect sign in the I-90 corridor of the movement of elk between Ellis Mountain at the southernmost terminus of Ninemile Divide, across the Clark Fork River and an 1,100-acre ranch, and higher

elevation USFS lands abutting the ranch. Again, credible sources reported that deliberate concentration of elk on that ranch had begun, with winter haying of the animals. As with the Cayuse landholding, public access is not allowed.

Of course, we are frustrated that our efforts to document the movement of elk, a flagship species, across the Interstate are being stymied (especially as there have been human deaths at the Cayuse crossing). But we are also concerned about the long-term health of local elk populations. Building a herd to unnatural proportions risks disease outbreak and transmission. Moreover, inhibiting migratory patterns may lead to diminution of innate behaviors. As one biologist commented to me, most likely the few animals which persist in crossing the I-90 corridor are the ones most strongly imprinted with that population's historical migratory pathway. Ironically, they will be the ones most likely to be lost to wildlife-vehicle collisions.

To perpetuate and protect the free movement of Montana's wide-ranging species, NWW strongly supports House Bill No. 314, with the following exception:

We do NOT support Section 9 of the current Bill, "87-1-225. *Regulation of wild animals damaging property – public hunting requirements*, finding subsection (3) a bit heavy-handed in unnecessarily destroying wild animals without sufficient cause, most especially as regards properties containing or neighboring "concentrations." Dispersal of these animals takes time, but in the bigger picture, they are no less valuable than livestock or crops. Section 9 needs re-thinking.

Thank you for consideration of the above comments.

Eleanor Danesh, M. S.
Wildlife Passages Coordinator
NINEMILE WILDLIFE WORKGROUP