



Montana Fish, Wildlife & Parks

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TO: Governor's Office, State Capitol Station, PO Box 201901, Helena, MT. 59620-1901
Environmental Quality Council, Capitol Building, Helena, 59620-1704
Dept. of Environmental Quality, Metcalf Bldg., P.O. Box 200901, Helena, 59620-0901
Montana Fish, Wildlife & Parks
Director's Office
Legal Unit
Regional Supervisors
Wildlife Division

Montana Department of Livestock, Animal Health Div., P.O. Box 200201, Helena, 59620-2001
Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800
All parties commenting on the draft PEIS for Shooting Preserves and Game Bird Farms

Ladies and Gentlemen:

A decision notice regarding Fish, Wildlife & Parks' Final Programmatic Environmental Impact Statement on Game Bird Farms and Shooting Preserve Programs is attached. That decision notice, concurred with by the MFWP Commission at their November 14, 2002 Commission Meeting, was signed by MFWP Director Hagener on December 24, 2002.

In accepting the MFWP preferred alternative presented in the Final Programmatic Environmental Impact Statement, the Department has committed to initiating changes that have been formulated through that PEIS. Some of those changes will be pursued through legislation while some will be pursued through ARM revisions. In addition, the preferred alternative establishes a categorical exclusion from MEPA analysis for new game bird farm applications and revises the MEPA review process for shooting preserves. Individual shooting preserves will initially be evaluated through a checklist system to determine whether MEPA review of the project is necessary.

Sincerely,

Tim Feldner
Manager, Commercial Wildlife Permitting

Game Bird
L. 015-1010

Decision Notice Regarding Fish, Wildlife & Parks Programmatic Environmental Impact Statement on Game Bird Farm and Shooting Preserve Programs

Montana Fish, Wildlife and Parks (MFWP) administers and regulates game bird farm and game bird shooting preserve programs, and general possession and release of game birds in Montana under the provisions of Title 87, chapters 1 through 5, Montana Code Annotated. Game bird farms are enclosed areas upon which game birds may be kept for purposes of obtaining, rearing in captivity, keeping, and selling game birds or parts of game birds. Shooting preserves are land areas of less than 1,280 acres upon which captive reared game birds may be released for private or commercial shooting from September 1 through March 31. Money used to administer these programs is raised through general license fees including license fees assessed for licensed game bird farms and shooting preserves.

There are currently over 100 licensed shooting preserves in Montana that represents over a 10 fold increase since 1990. In the same time period, the number of game bird farms licensed and actively operating in the state has increased and also currently numbers approximately 100. Because of significant increases in the numbers of these facilities licensed by MFWP, and similar increases in the number of free permits issued by MFWP authorizing the private release of captive reared game birds, the conduct of field trials using captive reared game birds, and the killing of captive reared game birds for dog training purposes, MFWP decided to review the current programs to determine if any changes were needed. This program review was conducted in a manner consistent with the Montana Environmental Policy Act (75-1-101, MCA) for the purpose of implementing program changes that will be beneficial to the programs involved, to the sportspersons of Montana, and to the native wildlife populations of Montana.

MFWP considers the game bird farm and shooting preserve programs to be an important alternative amid the variety of outdoor experiences that may be enjoyed by both resident and non-resident sportspersons in the state of Montana. Although not all upland bird hunters make use of the recreational opportunities offered by the shooting preserves, the decline in public access for upland bird hunting opportunities faced by Montana hunters and hunters from other states has served to create an important niche for the services offered by shooting preserves and for the captive reared game birds supplied by the game bird farms. At the same time, wild populations of upland game birds are an important resource to the state of Montana. Protection of those wild bird populations for the enjoyment of upland bird hunters on public and private lands is the responsibility of MFWP. The MFWP preferred alternative presented in the final PEIS seeks to achieve a balance between support for the game bird farm and shooting preserve industry and maintenance and protection of the established wild populations of upland game birds. The game bird farm licensees are themselves an important part of the MFWP pheasant enhancement program which seeks to provide more abundant pheasant populations as well as more opportunities for free upland bird hunting for the sportspersons of Montana. Shooting preserves may also provide an influx of birds into the wild bird populations when captive reared birds leave the boundaries of the shooting preserve thus providing opportunities for public upland bird hunting.

Along with a growth in the game bird farm and shooting preserve industries in the state of Montana has come an increased demand for services necessary to regulate those industries. Wildlife biologists and enforcement personnel from MFWP provide those services to protect the licensees, the wild bird populations and the environment. Although both shooting preserve and game bird farm licensees share with sportsmen in the financial support required to provide these services, the bulk of the financial support has increasingly come from money generated through

the purchase of fishing and hunting licenses in the state. To make support for the programs more equitable, fee increases for game bird farm and shooting preserve licensees have been included as part of the MFWP preferred alternative presented in the PEIS. Those fee increases represent the first increases since 1963 for the game bird farm and shooting preserve licensees. Also, to assure that licensed shooting preserves requiring regulatory expenditures are active, the required release of upland game birds will be set at 100 birds of each species for which the licensee is authorized. In the case of ring-necked pheasants, those birds must be at least 14 weeks of age at the time of release.

The release of pen reared upland game birds and subsequent harvest of those game birds by clients on shooting preserves may result in the inadvertent harvest of wild birds in areas where good habitat is available and established wild bird populations exist. Harvest of wild birds on shooting preserves is allowable during the regular upland game bird season as long as birds are harvested in accordance with applicable license, game, and hunting laws. The harvest of wild birds on a shooting preserve is partially compensated by the requirement that a shooting preserve harvest only 80% of the birds that they release. Due to the extended season (September 1 through March 31) provided by shooting preserves and due to the allowable harvest of either sex at the licensee's discretion, the harvest of wild birds outside of applicable harvest laws may sometimes occur resulting in detrimental effects on the adjacent wild populations and the corresponding reduction of hunting opportunities for the general public. To prevent this occurrence, the preferred alternative prohibits the licensure of new shooting preserves in areas that support established wild game bird populations unless an applicant agrees to measures that would mitigate the harvest of those wild birds. Relevant mitigation measures may include the shooting of roosters only and the release of birds the day that clients arrive to provide a "put and take" type of operation. Shooting preserve operators are also being asked to mark all captive reared birds prior to release so that data may be gathered regarding the incidence of wild bird harvest on shooting preserves across the state. In another measure intended to protect the wild bird populations of Montana, new shooting preserves will not be allowed within one mile of an established grouse lek unless the applicant agrees to operate under a plan approved by the Department. The above changes will be initiated through proposed rulemaking under the Montana Administrative Procedures Act.

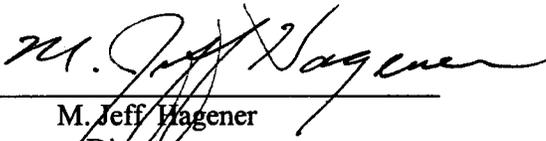
The PEIS also reviewed the MFWP procedures for granting shooting preserves and game bird farm licenses. It has been the experience of MFWP that game bird farms, when operated in accordance with existing regulations, have minor or no impact on the environment. One potential environmental impact, the transmission of diseases from released captive reared birds to wild upland bird populations, was identified in the PEIS. To mitigate that concern, the preferred alternative suggests that all captive reared game birds released in Montana be tested for *Salmonella pullorum* and *Salmonella typhoid* or come from a National Poultry Improvement Program (NPIP) certified game bird farm. Therefore, under the authority of section 12.2.430, ARM, and provided a new game bird farm will be operated under the applicable regulations and provided the potential for disease is mitigated under this paragraph, MFWP grants a categorical exclusion from further MEPA analysis for new game bird farm license applications.

The requirement for environmental assessments for new shooting preserves was also reviewed in the PEIS. The preferred alternative suggests a modification of the current environmental assessment procedure. All new applications would be reviewed using a checklist that would evaluate habitat, wild upland bird populations, and other conditions at the proposed location. An environmental assessment would only be conducted if the location did not meet initial checklist requirements indicating the absence of any potential environmental impacts, if significant effects to wild game bird populations could not be mitigated, or if the proposal reduced public hunting

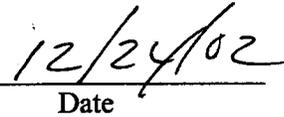
opportunities. In those cases, an environmental evaluation would be conducted according to MEPA procedure.

These suggested changes in the shooting preserve programs and game bird farm programs were formulated based on information from MFWP, from shooting preserve and game bird farm licensees, and from concerned members of the public. The preferred alternative represents a roadmap for the future of these programs. That future cannot be achieved without cooperation between the Department, the industry, the sportspersons of Montana, and the citizens of Montana. Together, we can provide opportunities for commerce and recreation while maintaining or improving the opportunities for public hunting of one of the state's greatest resources, its native wildlife populations.

With the concurrence of the Fish, Wildlife & Parks Commission at its November 14, 2002 meeting, I have made a decision to adopt the preferred alternative as described in the Final Programmatic Environmental Impact Statement on Game Bird Farm and Shooting Preserve Programs as the direction FWP's programs will follow. FWP will initiate legislation and regulatory changes necessary to put those alternatives in place.



M. Jeff Hagener
Director



Date