EIGHTH
ANNUAL MEETING

ASSOCIATION OF MIDWEST FISH & GAME COMMISSIONERS

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EIGHTH ANNUAL MEETING OF THE ASSOCIATION OF MIDWEST FISH AND GAME COMMISSIONERS

Hotel Statler, Saint Louis, Missouri

June 4th and 5th, 1941

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Ernest Swift. . . . . .Wisconsin
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PROCEEDINGS

ASSOCIATION OF MIDWEST FISH AND GAME COMMISSIONERS

St. Louis, Missouri

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SESSION OF WEDNESDAY, JUNE 4th, 1941

PRESIDENT: I. T. Bode, of Missouri.

CHAIRMAN: J. W. Cluett, of South Dakota.

DISCUSSION LEADER: Ernest Swift, of Wisconsin.

BY MR. BODE: Gentlemen, the meeting will come to order. I think the representatives from all of the states are here, unless possibly Minnesota. We are going ahead anyway, so that we don't delay the discussion. As you know, there are discussion items listed on the program this morning, and there is nothing very much in the way of set papers or speeches, and it was deliberately planned that way, because all of these topics are topics that are subject, probably, to discussion only. Mr. Cluett will be chairman of the meeting this morning, and if he will take the chair, we will proceed with the program as it has been outlined.

BY MR. CLUETT: I understand that Mr. MacKenzie of Wisconsin is not here, but is being represented by Mr. Swift, who will be the discussion leader, for this topic. I then will turn the meeting over to Mr. Swift.

BY DISCUSSION LEADER SWIFT: Mr. Chairman, as the program is set up for this meeting, it is not a matter of prepared talks, but it is a matter of discussion of the various topics, the first being a Progress Report of the International Association Committee on Forest Service Regulations G-20-A and G-22-A. The subject with this group, and with other groups, has gotten to be, you might say, a favorite indoor sport. It probably started years ago with the Kaibab case, which most of you were familiar with, and which caused much concern and comment among states relative to their relationship and jurisdiction. A few years ago the G-20-A regulation was enacted by the Secretary of Agriculture. This further aroused concern. The Carolina case that recently went to the Supreme Court, is the most recent incident arousing concern among the states. It has become more acute with reference to national defense problems. I attended the meeting in Memphis, of the International Association, representing Mr. MacKenzie. President Bode was there, and he attended a Washington meeting concerning this regulation. Most of you are familiar with the terms of old G-20-A, but for those who are not, I am going to ask Mr. Bode if he will give a few high lights of that old order, and then a progress report on transitions up to the present time, and leading to the new W-2 regulation. At that point we can discuss the terms of the new regulations.

BY MR. BODE: At the time of the San Francisco meeting, we attempted to counsel with the Forest Service officials against court procedure in the Pisgah Deer Case. As you recall, in this case, the Court probably rendered the only decision it could, because the real basis was a technicality, in that North Carolina had ceded management and jurisdiction of wildlife of the Pisgah Forest at the time it was established. Later the North Carolina Legislature tried to rescind the actions. The court held that the previous action in the case of that kind determined the policy, and that the Forest Service had jurisdiction of game on the Pisgah area. However, the important thing was the argument and the testimony that was used, very little of which was based on the technicality. Most of it was based on the right that the Forest Service had under G-20-A, and the other was the item of the protection of Forest Service property. At the Toronto meeting there was an attempt made to get together with the Forest Service in committees, etc. Some progress was made. The International Association passed a resolution that its executive board should constitute a committee to wait upon the Secretary of Agriculture, and if not possible, or if a permanent secretary had not been appointed, with the Chief Forester of the United States, to see what might be done with regard to revisions of G-20-A. At the Memphis meeting

we thought we were making additional progress when another red flag was waved. There appeared at the beginning of that meeting a mimeographed leaflet, entitled, I believe, "Game Management in the Southern States". It was, however, nothing more than a defense of the Forest Service's position and action in the Pisgah case. The executive council had a meeting with the representatives of the Forest Service, preliminary to an evening meeting of all the states, in which there was presented a tentative draft, or a revision, of G-20-A, which contained certain items that all the administrators felt should not be included, and which would cause additional difficulty. The executive committee in this preliminary meeting thought it had been more or less agreed that these would be modified before presentation at the general evening meeting. Apparently, however, the Forest Service representatives decided that the whole matter should be laid before the whole group. Perhaps that was a wise decision. Anyway, it was done. The record of that evening meeting is clear, and I think all of you have read it. After the evening meeting, it seemed all the more important for the executive committee to go to Washington and meet with the Forest Service or Secretary of Agriculture to discuss changes in the proposed revision.

This is the old G-20-A. (Read)

Following is the revision that was proposed by the Forest Service, and which seemed to have gotten nowhere at the Memphis meeting. I think, as I read it, you will see why.

(The revision was read.)

This last paragraph is the one that was objectionable. It was felt that the first part provided for state cooperation, but the second paragraph went back to the old proposition. It is true a hearing was provided, but there was nothing mandatory whatever about what happened afterward. After a good deal of debate, and after a good deal of correspondence, a proposal was arrived at to eliminate this second paragraph. But, in the Washington conference the Forest Service came back with an additional proposal to eliminate from the first paragraph this provision:

(The provision was read.)

(The International Association, and the executive committee were represented at that conference by Chief Counsel, Talbert Denmeade, by Seth Gordon, and by myself.) When this last proposal was made, we felt again, that the teeth had been taken out and the proposal was left open to the discretion of the Forest Service. One of the chief arguments of the Forest Service was that, as a property owner, they had the right to protect their property, and that regardless of G-20-A they had the right to keep people from hunting on their land the same as any private owner. We agreed that probably under every state law that was the right of the private land owner, but we also pointed out that in practically no state where they granted the owner the right to protect his property, did they go far enough to grant him the right to determine how he could dispose of the material, or to sell it or dispose of it under special permit, or contrary to state regulations. In other words, the state retained the title over wildlife, even though it gave a property owner the right

to protect his own real estate and other property, and that was where G-20-A, the new W-2, and the United States Forest Service departed from the rights granted to private land owners. There was quite a debate over that. Apparently we made our point, as is evidenced in the final regulation.

The net result of the Washington conference, and the net result of this whole argument in connection with the Pisgah Deer Case, was a final revision of G-20-A into the new W-2 regulation.

Also, apparently the turmoil over the Pisgah Deer Case has resulted in a policy in North Carolina of at least counseling with the state, and giving North Carolina an opportunity to use the deer first before they are shipped out of the state. I think all of you have had the new regulation from Seth Gordon, and which contains a statement of policy that the Foresters will cooperate with the states in accordance with state regulations. The committee that worked on this problem realized that it did not obtain everything that we might want. We realized there was nothing that could keep the Secretary of Agriculture from making another regulation if he wanted to, but we felt that it was a pretty workable thing, and we felt that it was distinctly a progressive step. We felt that it recognized pretty clearly a policy on the part of the Forest Service to carry out its regulations in reference to game in cooperation with state regulations, and that we had won a pretty important battle in getting that revision of W-2.

As you know from Seth Gordon's letter, the Secretary of Agriculture - I think that is right - has put it into effect as a regulation, but it is open to discussion and suggestion by the various groups. It was evident during the whole procedure that some of us didn't want to take a part in this battle because our relationships with the Forest Service had been excellent. We had nothing to complain about. And any number of states felt that way. Yet, here was a thing that got down to a principle that we all had to take a stand on, and that was the unfortunate part. My feeling in the matter is that the Forest Service is sincere. I believe the Forest Service has recognized that they have probably made some mistakes. I think that the way the new regulation is now written we have an opportunity to go along in a pretty fine way.

With these remarks, I turn the meeting back to the Chairman for whatever discussion or whatever comment remains to be called for.

BY DISCUSSION LEADER SWIFT: Well, Mr. Bode, when this new regulation came to our office in conjunction with Regulation W-3, the director, Mr. MacKenzie, asked me to make an analysis of it, and I analysed it without any previous background of what had happened, that is, taking the regulation at its face value. Now, I believe that W-2 is a great improvement over old G-20-A. But in the new regulation, W-3, I can't understand some of the approach. I will read it. This is Regulation W-3, and it states here that it is primarily for a Federal refuge regulation, and it is supplemental, in a way, to G-20-A. In other words, it leans against Regulation W-2, we might say.

(Reading Regulation W-3.)

This agreement, as I understand it, is with the Federal Forest Service, and yet it included military reservations and Federal lands,

and I would assume those under the jurisdiction of the Department of Interior. And I cannot understand that angle of it myself. They are going beyond their jurisdiction, if it is strictly the Department of Agriculture, aren't they, Mr. Bode?

BY MR. BODE: I think the explanation for that lies in the fact that this regulation is pretty much a matter of interdepartmental relationship within the federal government itself. There are those cases where certain parts of the national forest, or the national forest itself, embraces entirely an Indian reservation, or a part of a national park, or a tract of some other governmental land. And where that is the case, then this is applied on that part of the national forest land; and as it was interpreted in Washington, if my understanding is correct, it was pretty largely not a matter of state lands, but a matter of what the Forest Service might do in connection with lands that they included from other federal owned lands.

BY DISCUSSION LEADER SWIFT: Well, this thought occurred to me. It says, "Federal Refuges". Wisconsin has two federal or national forests. If making a refuge out of certain of those lands in Wisconsin, we will say, would this automatically apply, wherein it says that they can go ahead and sell, barter, etc.?

BY MR. BODE: Probably so. In other words, probably there would be nothing in this to prohibit the Forest Service from establishing a whole national forest as a refuge.

BY DISCUSSION LEADER SWIFT: That was the dangerous point as I saw it in the supplemental regulations. I think the firest one has great importance, but I do see danger in that second one.

BY MR. BODE: The committee recognized a good deal of danger in this second one, and yet, studying the application of it, the way it had been applied, and the interpretation, we felt that we made headway. I think if you go back and study the old G-22-A, you will find there was one provision not in there, and that was the first sentence, which I will read.

(Reading)

BY MR. BODE: In other words, as soon as W-2 becomes effective, and that plan is worked out with any state, then that plan takes effect, and this second regulation does not operate.

BY DISCUSSION LEADER SWIFT: However, I feel when it comes to interpretation of these, just like the Old Indian treaties, just one agency is the interpreting agency, not both agencies.

BY MR. BODE: Now, don't misunderstand me, gentlemen, I am not defending W-2 as proper, or W-3 as proper. The only thing I care to do is to give you what information I can. I am sure if some of the states feel that the International Association or any other group or association should go further with this, and revise it still further, it is perfectly open.

BY MR. SCHWOB: May I ask a question?

BY MR. BODE: Yes sir.

BY MR. SCHWOB: W-2 says that the Forest Service can enter an agreement with the states, it doesn't say that they shall, or shall make an attempt, or do anything else. It says they can if they want to.

BY DISCUSSION LEADER SWIFT: In other words, you feel that they would be the determining agency as to whether that cooperative agreement was accepted, if it was entered into? And further, that it would not be as mutual as you would like it?

BY MR. SCHWOB: Yes sir.

BY MR. BODE: That is true, but taking the wording of the last sentence, and that was what we had the big discussion about, it reads as follows:

(Reading)

BY MR. BODE: That is a mandatory order, even though it says in the beginning that he may enter into a cooperative agreement with the states. The last sentence says "he will", when it comes to the removal of those crops.

BY DISCUSSION LEADER SWIFT: Is there any other state - Kansas?

BY MR. JOSSERAND: As I interpret it, the only place the hair begins to slip, is in the removal of this game, and the cooperative features would be very satisfactory. The only place where there is a controversy, would be when the game starts to go out of the state without recognizing the control of the state. As in the Pisgah Deer Case in Carolina, and I believe Mr. Bode stated the thing there, it says, "they will", and therefore it would make that mandatory. That would be my interpretation on it. Maybe I am wrong.

BY MR. BODE: I think that is agreed on, until the crop is harvested or disposed of.

BY DISCUSSION LEADER SWIFT: (interrupting) Then, the old fundamental question of "who does it belong to", enters the picture.

BY MR. BODE: Yes sir; in this case as well as many other cases, that will come out.

BY DISCUSSION LEADER SWIFT: Is there any other state? Elkins, do you want to make any statements on this?

BY MR. ELKINS: I don't believe so.

BY DISCUSSION LEADER SWIFT: Do you, Mr. Cluett?

BY MR. CLUETT: No sir.

BY DISCUSSION LEADER SWIFT: Mr. Beaulieu?

BY MR. BEAULIEU: No sir.

BY DISCUSSION LEADER SWIFT: Illinois, have you had any experience on the application of these regulations?

BY MR. OSBORNE: I have not.

BY DISCUSSION LEADER SWIFT: Well, Mr. Chairman, I will leave it up to you as to whether the group wants to take any action one way or the other, or to just leave it strictly to a discussion.

BY MR. BODE: In that connection, I might remark that I believe the International would appreciate an expression one way or the other with regard to what the states think about this new regulation.

BY DISCUSSION LEADER SWIFT: Well, standing alone, Regulation W-2, which succeeds G-20-A, is considerably milder, isn't it, Mr. Bode?

BY MR. BODE: It is milder in the control that the Forest Service exercises, but it is much stronger in the control reserved to the states.

BY DISCUSSION LEADER SWIFT: That is correct, but I mean from the states' angle, it was milder. .

BY MR. BODE: Yes sir. And now, Mr. Chairman, in order to get this before the house, I move you that the Midwest Association go on record as expressing to the International Association, its confidence in the progress that has been made with regard to the new regulation W-2; that it is acceptable in the form that has been presented; and that W-3 is recognized as containing some distinct steps forward, but still contains a number of matters that are not as desirable as they should be, and which need additional attention.

BY DISCUSSION LEADER SWIFT: You have heard the motion, is there a second?

BY MR. JOSSERAND: May I make this suggestion, that this motion be held over, and made a part of the resolution report of this meeting. Don't you believe that would be desirable?

BY MR. BODE: May I change it from a motion to a recommendation to the resolution committee?

BY MR. JOSSERAND: That is all right.

(The motion was then put in the form of a recommendation to the resolutions committee, and was carried.

BY DISCUSSION LEADER SWIFT: The motion is carried, and it will be referred to the resolutions committee.

And now, before going further, I see one of our good friends has slipped in the back part of the room, Burnie Maurek, from Minneapolis. Burnie, will you stand up and show the boys that you are here?

(Applause.)

BY CHAIRMAN CLUETT: The next subject is, "Problems Pertaining to Military Cantonments and Other Military Areas".

BY DISCUSSION LEADER SWIFT: On this subject, in writing to the states in this association, I find that Wisconsin's experiences with cantonments and military reservations, is far more limited than a certain few of the states, although some have had no experience. We have two military reservations in Wisconsin, one is a National Guard reservation, and it so happens that the Adjutant General was a Commissioner at one time, and on that particular reservation there has been absolutely no controversy relative to fishing and hunting. The other is a federal reservation at Spira. The basis for some misunderstanding there in the past was that commanding officers of that particular reservation were transferred so often, that when we came to an agreement with one commanding officer, and the agreement started working, that a new officer would be transferred in there, knowing nothing of the local situation or game problems of the state. Two years ago at Camp McCoy, they had the soldiers out patroling the boundaries of the reservation, with orders to keep all hunters off, and to shoot all deer coming in. Now, this matter was taken up by our department with the War Department at Washington, and they immediately referred it back to the commander at Chicago. We got very good cooperation on that through - I think it was General Ford - and a memorandum of understanding was drawn up. His position does not change as rapidly as the camp commander's, and that understanding is on file at Camp McCoy, and all commanders of the camp follow out those instructions. But the fallacy there is when General Ford possibly leaves Chicago, the new commander of that corps area may not see the matter in the same way General Ford did. We got absolutely no satisfactory reply from the War Department itself. But in view of the national defense, with their cantonments being built up, and large land areas being taken over, the problems in other states are becoming far more acute than they are in Wisconsin. Mr. MacKenzie, in writing the various states, wrote President Bode, and again I think that he has made a very comprehensive analysis of the matter, especially in relationship to the army and flood control. Those really are two different subjects, and it is a matter of discussion here, so I think that we should leave the two separate, and have the discussion first as to the military cantonments, and then the one as to military areas.

BY DISCUSSION LEADER SWIFT: Kansas, have you had any experience? Have you got any problems with the increased military activities in your state?

BY MR. JOSSERAND: We probably have some problems, Mr. Chairman, but they have not shown themselves yet. We have only one military reservation in the state, and there was acquired thirty thousand acres more land, making about seventy thousand acres in all in the reservation. Up until now our relations have been very cooperative. If there have been any changes in the orders on the reservation, we have not been apprised of it. Our problem in connection with the defense program is probably due to the concentration around this military reservation, and in the airplane industry which is concentrating in two or three spots in the state. And that is giving us some concern. However, the problem has not presented itself in sufficient ramifications to form any basis

of solution, or of meeting it. So far, I would say that as far as the department is concerned, we have just been watching developments, and have no particular problem or particular phase of it to present, or solution to be sought.

DISCUSSION LEADER SWIFT: Well, where there were old established military reservations, what was the understanding as to hunting privileges, and fishing privileges, for the general public, or the jurisdiction of your department over those matters on the reservation?

BY MR. JOSSERAND: The state laws have heretofore, as far as we know, applied on the reservation. We have not been troubled with a sufficient amount of land that outsiders cared to go on hunting, so we have not had the problem of the general public wanting to hunt on the reservation. There is always quite a lot of soldiers there, so that problem has never presented itself. But the commanding officers of the reservation have always been very cooperative in obeying the state rules, they put the same regulations in effect that apply elsewhere.

BY DISCUSSION LEADER SWIFT: Now, has this matter of issuing resident hunting licenses to soldiers come up in your state? How do you act on that problem?

BY MR. JOSSERAND: Not from a very broad angle, it hasn't. We haven't had a lot of demand for it. In fact, our answer to that has been all of the time that it would require legislative action, that it wasn't within the power of the department to determine that. Our Kansas law determines that. A man's home is where he wishes to maintain it. In other words, he can be stationed in Kansas for years, and still be a resident of some other state, or vice versa. So we have held our lines, and have always put forth the argument that when the question came up, it would require legislative enactment.

BY DISCUSSION LEADER SWIFT: And they have not so acted.

BY MR. JOSSERAND: No sir, our legislature took no cognizance in the last session, and it will be two years before they can act further. There was a move to put that through last fall, each state granting resident permits to all soldiers. I am not familiar with how many states have that, however, but we do not in Kansas.

BY DISCUSSION LEADER SWIFT: Relative to these questions, has any question arisen in Minnesota that has caused any comment at all, Dr. Strunk?

BY DR. STRUNK: We have two reservations in Minnesota, the federal is at Fort Snelling, and the State is Camp Ripley. We are running into a problem in connection with Camp Ripley, we don't know whether the army is going to take the thing over as a military training center or not, but at the present time Ripley contains seventy-eight thousand acres. Now, that is the actual cantonment site, which has been a refuge for approximately forty years. It has been under state jurisdiction, and naturally the state laws have operated in full effect in connection with that Cantonment. The new problem that will probably arise, centers upon a million additional acres that they want to get in the state, part of it adjoining to Ripley, part in the north, and some of it in the

western part of Minnesota. If those new areas are given over, we will run into a problem, because the army has requested those areas be set aside as refuges under federal control. But we are not going to cross that bridge until we get to it. But, in connection with Fort Snelling; it has been an old established refuge, and our problem has not been so much with the changing of commanders. We have arrangements with the Fort Snelling group for a fish and game committee which holds conferences with the department regularly. Now that fish and game committee personnel has altered for years. But to date we have not had any major problems associated with them. But the time may come when we get more new recruits that this will present some problems.

BY DISCUSSION LEADER SWIFT: In other words, you have not been able to deal directly with the officers at Fort Snelling?

BY DR. STRUNK: Yes sir; the commandant, if he is there, and two of the other high officers of the fort, and they follow pretty much the suggestions of the department. But the problem of the cantonments, if it arises, will be a real one. We will have a battle on our hands to protect the state interests in that connection. For your information, we just submitted a request to the Attorney General of the state to go over the old statutes defining state's rights in this connection. It will be very interesting to find out just exactly what the interpretation will be. The Attorney General has orally informed me that the army will have no right to control wildlife on those individual cantonment areas. Now, if that will be his written interpretation, well they will probably take it to the United States Attorney General. And I don't see how in the world he could alter the decision of our state Attorney General. In connection with the licenses, this last Legislature passed a bill which will permit the state to issue resident fishing licenses but not hunting licenses to soldiers. Also in that connection, this bill technically is a blanket bill which will permit the state, under the jurisdiction of the department, to issue resident hunting and fishing licenses to any members of the conservation departments of the state, as well as in Canada. But, of course, those licenses are not issued promiscuously, they have to come directly through the department.

BY DISCUSSION LEADER SWIFT: Thank you, Doctor. Mr. Lytle, what is Nebraska's problem?

BY MR. LYTLE: About the only problem we have ever had in Nebraska is at the Fremont Station, Fort Robinson, in the northwestern part of Nebraska. Up to the present time, they have not permitted our men to control the area, claiming we had no control whatsoever over the game on the federal lands there. A few years ago, a request was made to our department for a permit to ship deer out of the station there to other parts of Nebraska, as well as to other states, deer that had been killed by their own men. This request was refused. Since then we have had no requests for the shipment of game, but they do not observe our game laws in Nebraska, they claim that they are no part of Nebraska, and that they have complete jurisdiction over game on the federal area.

BY DISCUSSION LEADER SWIFT: Well, up to the present time, Mr. Lytle, have you dealt directly with the commanders of the camp?

BY MR. LYTLE: Mr. O'Connell was secretary when this came up, and

at that time I am sure that he dealt with the commander of the fort only. Later I think that he took it up with Washington, and there was really nothing ever came out of it, they still feel that we have no jurisdiction over the game on the reservation.

BY DISCUSSION LEADER SWIFT: And they let the matter rest that way?

BY MR. LYTIE: There has nothing been done so far. This past year we have made some attempt to help matters by planting pheasants on the reservation. We thought perhaps we could work up a little more cooperation with the officers in charge, and I think that, perhaps, will have some bearing.

BY DISCUSSION LEADER SWIFT: Thank you. Now, Mr. Bode, you have some old established reservations in Missouri, and undoubtedly you had some experience in relationships there.

BY MR. BODE: We don't have so many old established reservations, but we are facing the problem of the establishment of new reservations. We have one now and another large one is being proposed. Believing that difficulties might be avoided, we initiated conferences with the corps area commander. We did not start out by assuming that we were in charge and did not recognize the army's rights. We simply assumed it was possible to work out a cooperative arrangement that would be satisfactory all the way round. Fortunately, the corps area commander at that time was very cooperative, had a very broad view point, and we worked out an agreement with him. If we could conduct all of our military reservations with regard to fish and game on the basis of that agreement, I think we would have no difficulty. This agreement has been referred to several of the federal men in the hope that it may form a foundation for an attempt, at least, to get something established in the way of a national policy. The present agreement is dependent on the arrangements made with the corps area commander. The corps area commander has already been changed. There is no indication of any intention not to carry out that agreement, but that is its big weakness. The principal features are that the area will be a refuge so far as game is concerned, because they concede that probably there cannot be much hunting on the area. This applies to the military personnel as well as to civilians. It happens that this reservation is in the heart of excellent fishing and hunting territory and so a refuge fits in with our game management plan. Fishing was taken up as a special problem, and an agreement with regard to the three major streams that run through the area was reached. Fishing on those streams is permitted by the military personnel and civilians, except on those areas that have to be closed because of military maneuvers. On such sections of the streams it will be open except as at such times as military maneuvers are in process. The commander has agreed to post those areas at that time with red streamers and bands and warning signals. Fishing on the area itself is permitted for the military personnel only under special permit without fee issued by the post headquarters. Hunting and fishing throughout the state for the military personnel is permitted under the status of residents. There is also a provision that our men may have the right to patrol the area, providing they report to post headquarters before they go on to the area. Any civilians violating on the area will be treated as civilians in the civil courts. Any military personnel violating outside of the area, will be apprehended and brought before the court the same as any civilian. Then, of course, from there on, the final penalty, etc., depends upon whatever national laws

exist with regard to the handling of the military personnel. I think those are the essential points of the agreement.

I can't see anything else in the national picture but that we are going to face the problem of state and federal relationships more acutely year after year. In connection with the military reservations, I wonder whether it is possible to work out anything in the form of a proposed agreement that we might perhaps submit to the Federal Wildlife Service, which they in turn might take up with the proper agency with the viewpoint of trying to get a national policy established. If this could be done we would have something a good deal more permanent. It may be well for this association to recommend to the International Association, or for this association in itself to suggest the possibility of agreements of that kind. I would be willing to submit our agreement as a proposal to initiate an effort to that end.

BY DISCUSSION LEADER SWIFT: Mr. Bode, I think, has submitted something there that might bear fruit. In looking back over our experiences, and listening to Dr. Strunk and various members, and Mr. Bode, there is no question that the individual states have progressed in these arrangements. It could be more uniform. It seems to me that I can visualize where the army might possibly be getting into the heart of the Fish and Wildlife Service in the future, if they were to make their own regulations on these reservations, wherein the Fish and Wildlife Service had contiguous land. I would like to hear from some member of the Fish and Wildlife Service as to what could be worked out according to Mr. Bode's suggestion.

BY MR. RUTHERFORD: Mr. President, and Members of the Association: I think I might go in on that liaison job, and then swing in on this other proposition. Early this year the Secretary of the Interior recommended to the President that suitable steps be taken during the present period of stress to safeguard our wildlife resources. His recommendations were based upon the fact that wildlife is one of our most valuable national resources, that the nation over a period of years has spent a great deal of money in restoring and perpetuating wildlife, and it is good sense, and good business, that the investment be protected. In reply the President directed the Secretary to appoint a liaison officer to work and keep in daily touch with the army and navy, and the protection management, and to call to the Secretary's attention any activities that would be detrimental to wildlife. Mr. Day of the fish and wildlife service, was designated by Secretary Ickes as liaison officer. He has been keeping in touch with the army and navy and the office of production management. I might say that he has succeeded in two army camps in having steps taken to prevent raw sewage flowing into the valuable streams that naturally would destroy the wildlife and recreational values. He has also succeeded in working on the army and navy in having the limits of bombing ranges changed, so that valuable concentration places for wildlife will not be included within those bombing ranges. Another instance on a major stream, was where the War Department was doing river improvement work, and arrangements are being worked out whereby a valuable marsh bordering that stream will not be destroyed. Incidentally that marsh is located in a territory where there is not much marsh land, and it is very valuable as a feeding place for waterfowl. However, one liaison officer in Washington, D. C., cannot be cognizant of all that is going on over the United States.

Consequently, the state game departments have been requested to advise him of defense activities that are, or may prove detrimental to wildlife, and with that information he can then go to the agency responsible, and endeavor to work things out.

I think it would be a splendid idea to take up with the liaison officer the suggestions made in this meeting to see if there is a possibility of working out some "overall" agreement. The President has indicated his deep interest in maintaining our wildlife populations, and we do have our foot in the door. Therefore, I see no reason why we should not take a whack at it. And in that connection, it might be best to get in touch with the liaison officer, Mr. Day, and see what he things about it. You are going to have the International meeting here in St. Louis, in the not far distant future --

BY MR. BODE: The last of August.

BY MR. RUTHERFORD: And at that time the matter could be discussed based upon the preliminary information that has developed out of this inquiry.

BY DISCUSSION LEADER SWIFT: Then, my understanding is this, that he does not confine his activities to the interest of wildlife just on federal owned lands, that it is a recognized problem of wildlife in general where there are defense activities going on, regardless of who is the land owner, or whether it is state or federal? In other words, he is interested in wildlife.

BY MR. RUTHERFORD: Interested in wildlife, as wildlife, entirely. Naturally, when these new industries come into being, we have the inevitable pollution that results from waste materials flowing into streams, and when such a situation develops, the state notifies the liaison officer that this condition is occurring, and the liaison officer will take it up with the proper federal agency, and see if the matter cannot be rectified.

BY DISCUSSION LEADER SWIFT: Now, does anyone have any further suggestions on a further approach? Mr. Schwob.

BY MR. SCHWOB: I think Mr. Bode's suggestion is good. I would like to see some policy that we think is right adopted at this conference, and make that recommendation to the International meeting. Iowa has not had any problems as far as cantonments are concerned. We have gotten along very nicely with the commanding officers. We have had Fort Des Moines and Camp Dodge, and I doubt that Iowa will ever have any large areas that will be in cantonments, because of our high land values. On the areas we have, we have been very successful in working out satisfactory arrangements, as far as wildlife is concerned. As far as hunting and fishing privileges to soldiers, there was legislation introduced in the last Legislature, but it was not passed. So, far as Iowa is concerned, previous to the next session of the Legislature, any soldiers not residents of the State of Iowa, will have to buy the regulation non-resident hunting and fishing licenses.

BY DISCUSSION LEADER SWIFT: Mr. Bode, what would be your suggestion

in approaching the International on this, or, with this problem?

BY MR. BODE: I think possibly the best method of approach might be for this as a sort of an original group to make recommendations to the International, with copies of any actions submitted to the liaison officer of the wildlife service. Probably the resolutions committee should prepare a resolution that this association could take action on at its business meeting. If they should decide to incorporate in that resolution a standing interim committee to make a study of the various phases and at the time of the International make more specific recommendations, I think that might well be incorporated.

BY MR. JOSSERAND: Mr. Bode, will you put your ideas into the form of a resolution?

BY MR. BODE: I will be glad to sit with the resolutions committee and see if we can work that out. I will be glad to help in any way I can, of course.

BY DISCUSSION LEADER SWIFT: Has North or South Dakota, or Illinois, or any of the other states, anything to contribute?

BY MR. OSBORNE: I might say for Illinois, the matter is in an embryotic stage right now because of the newness of the cantonments. Our Legislature is in session. Some of the sportsmen's clubs have recommended that the soldiers be given licenses to hunt and fish without charge. We of the conservation department feel there should be a resident license fee. Such a bill has been introduced, and it will be passed by our Legislature.

BY DISCUSSION LEADER SWIFT: From the standpoint of military reservations and the hunting on those areas, has there been any difficulty in Illinois, Mr. Osborne?

BY MR. OSBORNE: Not yet, we have worked all together very well, the state laws prevail in this jurisdiction, and we have had no trouble.

BY DISCUSSION LEADER SWIFT: Well, there is a case again where it is diametrically opposite to the conception in other states. I think that suggestion of yours might be worked out.

BY MR. BODE: How many of the states here feel that it is a sound policy to establish free hunting and fishing permits for this enlisted personnel? And I want to ask one other question for the purpose of clarification of the work of the resolutions committee. A suggestion has been made to us that consideration be given to reciprocal permits for draftees, because they are apt to be transferred from one state to another, and therefore, a permit to be issued in one state, to be recognized in other states. Have any of you had that brought to your attention?

BY MR. OSBORNE: I might say that the question has come up whether or not we should have resident licenses for soldiers who come from states where they have reciprocal agreements. But in considering that with the law enforcement man, and with the people who sell the licenses, we have come to the conclusion it would be a lot of work and confusion, for the people who sell the licenses would have to know which were the reciprocal

states at all times, and also the law enforcement agents. So, we have decided to delete that from the bill presented to the Legislature.

BY DISCUSSION LEADER SWIFT: What is Wisconsin's big trouble?

In Wisconsin's Constitution, Article III, Section V, it says, "No soldier, seaman or marine in the army or navy of the United States, shall be decreed a resident of this state in consequence of being stationed within the same". That is right in the Constitution of the state, which is kind of a hard one to side track. I think we would be getting into something quite involved on this reciprocal agreement. I think the states would pretty near have to work that out to their own salvation.

BY MR. BODE: I raise the question because the suggestion has come to our state. The mere complication of carrying it out, it seems to me, is dead weight. If this matter of cantonments is anywhere near permanent or semipermanent for ten or fifteen years, and those boys after they come out of the service, expect what veterans usually do, - I happen to be one myself, and I am no exception at all - they will next expect those privileges not only in the army, but almost for life. I am wondering how long it is going to be before that will lead into a national request of Veterans of Foreign Wars, and the American Legions, and the National Associations of Draftees, etc., for a single National License. If that happens, where is the end?

BY DISCUSSION LEADER SWIFT: I think that is certainly some meat for the resolutions committee to work on anyway. Now, is there anything else, before we pass to the next subject, gentlemen? The next subject is "Problems Pertaining to Flood Control Reservoirs and Control of Streams". Here again I fall back on the experience of our own department which is fairly limited. Probably the biggest flood control project is on the Mississippi which borders Iowa and Minnesota. After Mr. MacKenzie wrote the neighboring states, especially from the west, their problems in flood control in connection with the army taking command of the situation, were so far more serious than anything we had experience, that I really cannot contribute much to that subject, although once in a while we thought we had some troubles along the Mississippi. Before I call on the other states, I might make this statement concerning purchase of land along the Mississippi for refuge, that it was the idea of the hunter and the fisherman and the residents along there that the land that was not refuge would be better hunting ground. Information has repeatedly come to us, however, that the army in obtaining this land has given the original land owner an easement back, so that he had the exclusive hunting rights on his particular plat of ground. This was exactly opposite from anything that the average resident hunter was expecting. It has caused a great deal of friction along the Mississippi. What is Minnesota's experience?

BY DR. STRUNK: We have the same problem.

BY DISCUSSION LEADER SWIFT: We have some citizens on the lower Mississippi who are very bitter over granting the original land owner the priority in hunting rights.

BY MR. RUTHERFORD: Are you familiar with the reason for that? On the upper Mississippi refuge the army went in and acquired certain lands. Now, the army is obliged to acquire and to do things as cheaply as possible.

If a flowage easement will suffice, and they can get that cheaper than acquiring fee simple title, their practice has been to acquire that flowage easement. As far as fish and wildlife are concerned we were hoping they would be able to acquire fee simple titles, and I believe the Fish and Wildlife Service has found it necessary to go in and acquire what has been left of those titles.

BY MR. BODE: Your remarks bring up another problem, through a little experience we had. We acquired, partly by purchase, and partly by gift, a piece of land along the Mississippi River. The army served notice of condemnation of that land from the state, and we had to make three or four trips to the corps area office before we finally got an offer of flowage rights instead of condemnation and acquisition of title. Now, from your explanation, "as cheaply as possible", they may have expected the state to give it to them, I don't know. They chose to condemn the land rather than accept flowage rights that we were willing to grant. I must add, however, that since then arrangements have been made whereby they are going to take flowage rights.

BY DISCUSSION LEADER SWIFT: As I analyze this subject under discussion, there is involved the physical aspect, and then the aspect of jurisdiction of the wildlife on the water area itself. I don't think the army is trying to control the fishing in the Mississippi are they, Doctor Strunk?

BY DR. STRUNK: Well, we have a problem, I think, which is illustrative. On a certain area the state went in about four years ago and purchased rights to all the land. What couldn't be had by purchase, we condemned. The state constructed flood control structures in the area and spent approximately a million and a half dollars on the whole thing. Now, the army has come into the picture, at the request of the state, and we have practically culminated the movement we set out to do about two years ago. The army will get flowage rights on everything to what we call state-wide high, which in this case is 945. That means they will have flowage rights on all of the land that the state has purchased or condemned, they will have fee title to all control structures in the area. This is the first time, I believe, that they have actually come into the picture, and said, "O. K., we are satisfied with that sort of an arrangement". Now, that makes it possible for the department to arrange whatever it so desires with the Fish and Wildlife Service, and we are working on that angle right now. The army's rights are only those of flowage rights and fee title to the control structures of the project as a whole. In other words, the army has nothing to do in this connection with the Fish and Wildlife Service, and they have definitely made the statement that they want nothing to do with that angle, that that is the problem of the department of conservation of the states. Here we have a clear cut picture: the army having only flowage rights for which they will reimburse the state in a substantial amount, and fee title to the control structures of the area. Other arrangements are between the Fish and Wildlife Service and the state department. The next flood control problem which we are straightening out, is that of the lakes, Lakes Leech and Winnibigoshish, the two big lakes in northern Minnesota. The problem there primarily centers on the fact that the army has the right to pull those lake levels down, and the reservoirs feeding into the Mississippi.

The state has been to blame for a lot of the trouble in that area, because the state should have constructed special reservoirs, which they are doing at the present time. The army is going with us on that one hundred percent. The other problem is the problem of the Mississippi wildlife area. There isn't much to do about that, that is being handled very well, I think, by the stagger system.

BY DISCUSSION LEADER SWIFT: For the information of this group, I would like to have Mr. Bode relate what he was telling me about closing areas in Missouri's flood control projects.

BY MR. BODE: I was talking to you about the first flood control project in our state. Unfortunately, our experience with the army officials on this project is almost opposite from what Dr. Strunk has had in Minnesota. We started out in the beginning attempting to get some sort of coordination between the state and the army engineers in the establishment of reservoirs. The original plan for the Ozark country included something like thirty-two reservoirs, and there was left a very small mileage of our clear Ozark streams. There were some misunderstandings developed from false reports which may have given the army a rather bitter feeling towards our commission, but there was no true foundation for it. Notwithstanding that fact, when the first reservoir was established, we initiated two conferences with the army engineers in which we offered cooperation, and wanted to work out a plan of management. Our recommendations were ignored. We felt the recommendations made by the Army's specialist were not comprehensive or adequate. Part of the plans, we felt, were unsound. We didn't get anywhere. As a last step, it was reported to us by rumor and by rather scattering newspaper reports, that the army was getting ready to establish certain regulations on that reservoir. Again we wrote a letter, suggesting that we get together and work out regulations, inasmuch as the Commission had power to make regulations that would lead to a good comprehensive fisheries plan for the reservoir. We received a reply stating in effect that the army was establishing regulations for the area, that the area would be closed to all fishing for two year period, and would be so posted. The poster that is on the area at the present time is vague, but incorporates a statement to the effect that when the reservoir is opened to fishing, it will be opened in accordance with state regulations. Now, the principle is that the army engineers in that region have gone ahead and developed their plan of management and established a closed season, irrespective of the state, and the people are asking us whether they can fish in the area, or whether they can't. They are blaming the Commission for closing an area, which will be closed for two years. Our own officers are asking us whether they should enforce the army regulations, or our own.

Mr. Swift raised the question as to whether or not that is going to be the policy of corps area engineers. It appears to us that there is every intention that the army engineers expect to go into game management work and into establishing regulations in control of fishing rights in those reservoirs. I want to call your attention to this. I suppose all of you saw a report of the United States Supreme Court decision with regard to the navigability of streams, about two months ago. I wonder how many of you saw the recent decision in the last few

days that broadened the opinion rendered before. I cannot vouch for this, save that it is a newspaper report of that decision. Here are some of the things that were said.

(Report Read)

I point out if the United States Supreme Court is interpreting present congressional action in that broad a scope, I am wondering what control or authority is left to the states over its tributary streams.

BY DISCUSSION LEADER SWIFT: Originally, I have been interested in that subject in exploring it from the standpoint of what the physical aspects of flood control would do to wildlife. Now, according to Mr. Bode, we have another factor; an administration question. I would like to ask Mr. Rutherford, in the projects Mr. Bode speaks of, do you know whether the army engineers consulted with the Fish and Wildlife Service at all?

BY MR. RUTHERFORD: No sir, Mr. Swift, I don't know whether they did or not.

BY DISCUSSION LEADER SWIFT: Do they make a practice of consulting with them?

BY MR. RUTHERFORD: I don't think it is mandatory to consult with them. It is a surprise to me though that the army, as you say, or the engineers, are going to take over police powers on those lakes, because it has always been my understanding that the army engineers try to stay clear of all of that. As a matter of fact, they preferred flowage easements to fee simple title so they would not be responsible.

BY MR. BODE: Our Attorney General's office is studying the problem now, and we have not had time to determine whether or not we can make a stand from the legal standpoint. My feeling has always been on those matters, as I stated before, that if through a Federal liaison officer those problems can be pretty well crystalized, and can be presented, and national policies established, it is always better than going through litigation.

BY MR. JOSSERAND: Mr. Chairman, we have a problem that makes discussions on this subject very interesting to me. We have a thirty-five thousand acre area that is acquired in a flood control dam by people in our state, and we are still exercising fish and game authority over that area. We are enforcing the law against the contractors, however, rather than the War Department at this time. Our game wardens have been enforcing the game and fish laws much to the discomfort of some of the contractors on the area. We are assuming that we have control until someone tells us we haven't, and then we will study the thing out, I suppose.

BY DISCUSSION LEADER SWIFT: Well, I appreciate the fact there has been work done in several of the states from the standpoint of keeping up water levels, which in a measure is flood control, and yet it was primarily done from the standpoint of wildlife, and in a great many of

those instances it was not in connection with the army itself. Mr. Stephens, have you anything to contribute on this subject from the standpoint of Missouri?

BY MR. STEPHENS: Well, Mr. Chairman, I think Mr. Bode sort of instigated this thing. Within the State of Missouri this question of flood control is a very hot brick, so far as the Conservation Commission is concerned. There is a tremendous lot of agitation for the daming of streams in this state, particularly in the Ozark area, in the interest of so-called flood control and hydro-electric power. Incidentally, the expenditure of vast sums of money intrigues Chambers of Commerce and other agencies like that, and a very rosy picture is painted to the residents of areas, as to the benefits which will acrue from the standpoint of recreation and from the standpoint of commerce. As Mr. Bode told you, we have some thirty or thirty-two dams affecting streams in the State of Missouri that have been proposed. One has been constructed, another is under construction, and the others are still being agitated. Now, these dams, being both flood control and hydro-electric, that puts it very forcibly, because we have already in the state two lakes which were created for hydro-electric purposes. And on those lakes, the experience, so far as fishing is concerned, has been the same as I imagine you have found in other places. In the beginning the fishing is very fine, and later it becomes very poor, and gradually almost disappears. So that the people in the state, interested in preserving our streams, particularly Ozark streams for the purposes of fishing, and for purposes of natural beauty, are very much concerned about the matter, and there is a bitter controversy being waged between those interests and those whom I have mentioned. As a result of that conflict, the Conservation Commission in Missouri has become somewhat scorched. The proponents of the dam have visited upon the Commission the charge that we are opposing or prohibiting or forbiding the construction of these dams. The record proves our position in the matter. We have conceived it to be our duty as a reasonable agency for the conservation of the state's wildlife resources, which are pretty definite, to inform the public as to what, in our opinion, will be the effect of the construction and operation of these dams upon the wildlife resources. And then to let the people in the areas affected decide whether that damage is greater or less than the damage or benefit that may come from the standpoint of industry, expenditure of money, etc. There are a great many very, very serious problems connected with this project, or these projects, aside from their effect on wildlife. There are other effects and complications that may be even more serious. The assertion that the hydro-electric power is needed is subject to argument. We have in the state now two dams, privately owned and operated, which according to my information, have never been used to their capacity, or anything like it, and yet the plan for the other dams would greatly increase the potentiality of electric power in an area where there is no industry at the present time, where there are no natural resources to amount to anything, no mineral, very little agricultural, and where the timber has largely been cut away, so that the possibility of making use of hydro-electric power for industrial purposes is very, very remote in our opinion. There are other very serious problems which I think personally affect the people in the area, and that is the removal from public ownership of vast areas of land. In our Ozark section in Missouri, and I dare say in northern Arkansas, the land is not very deep, and the

only valuable soil that is found, practically speaking, is in the bottoms or low places, which would be flooded by these projects, and which would be acquired by the federal government, and therefore removed as sources of public revenue for these communities. The situation is almost universal, where school districts, already hard pressed to raise enough revenue to conduct a very meagre educational program, would have those resources largely eliminated, if not entirely; where counties for purposes of carrying on county government, would have their revenues tremendously curtailed, if not entirely. Those are some of the considerations in the construction of these dams that I don't think the public at large or the people in the areas fully realize. Now, I have no doubt most of you gentlemen have heard the glorious descriptions of the Ozarks, where we have clear running streams, where at one time we had some very fine game fishing streams, the Current River, the White River, and the Black River, all rated by people whom I know as being very fine small mouth bass streams. Of course, if those streams are dammed up, and the current is reduced, I think we can expect they will not any longer be small mouth bass streams. But we claim a lot of value to the State of Missouri in the form of beauty of the Ozarks, and that will be affected in this way. We have a great many natural springs in that area, one of which has been claimed to be the largest natural spring in the world. If I understand it, one of these projects would submerge that spring to a depth of about thirty feet, and therefore destroy not only its value as a fishing resource, but also its beauty. The Conservation Federation of Missouri is waging a desperate warfare against these dams, but residents of the area, when they are intrigued by the prospect of the expenditure of millions of dollars in the place, and where they are intrigued by the picture of recreation, boating and swimming, and where bright fishing prospects are claimed are somewhat interested by the matter. So far as the Conservation Commission is concerned we have been caught between those two interests, and we have been lambasted very sincerely, but falsely, and charged with opposing the dams. We are not opposing the dams, but saying to the people, it is our opinion that if you build these dams, you may say goodbye to your fishing and your other natural resources. I cannot help but feel that if the people of this state as a whole realized the ultimate effects, they would have much more concern about it than now. It is true, and this is probably a question that would have to have wider consideration than we in Missouri can give it, that so far as flood control features of these dams are concerned, the benefits accrue almost entirely to the State of Arkansas. In other words, these streams converge in Arkansas, and they do at times create flood damage, but the flood control advantages or benefits for dams constructed in Missouri, are immediately south of Missouri. The benefits would accrue to the State of Arkansas and the damage would be done to the State of Missouri. So you can see that we have somewhat of a selfish view of this thing, although I think, and frankly, that the thing is not being considered from the broadest standpoint. Now, we are very much concerned about this policy of the War Department on this reservoir that Mr. Bode has mentioned. It is called the Wappapello dam. The stream is not an important fishing stream, but the principle of the War Department raises, I think, a very serious question for all wildlife administrators in the nation, because that may develop into a situation that will be serious to all of us, especially in view of the last opinion of the United States Supreme Court, where the opinion seems to claim jurisdiction, not over navigable streams,

but also the tributaries. As fish administrators we may be out of business.

BY DISCUSSION LEADER SWIFT: I would like to call on the Chairman of the Iowa Commission, Mr. Stewart.

BY MR. STEWART: Mr. Chairman, our problem in flood control so far has been mostly conversation. We have a proposed dam at Carlville in the Iowa River, near Iowa City. The army has made a survey, and they spent one hundred or two hundred thousand dollars in Iowa. We are not asleep exactly, but we were not advised. Our Governor suggested we hold a hearing at Iowa City on this Carlville dam. We asked the army engineer corps from Rock Island to be present, and we held, more or less, a hearing to bring out the facts, such as Mr. Stephens suggested; to inform citizens of that area what the damage would be, and to give them some idea of what the benefits might be. We found that our laws in the State of Iowa, and our constitution, would permit the Federal government to come in and do whatever they pleased regardless, so we merely acted as an information bureau to try to bring out the facts. Aside from that, I think, we have had very little direct action on the flood control dams. We found out in our hearing, I believe it was down here at Memphis, or someplace, where they expected to get the benefit of the dams that we put in Iowa. So we were a bit selfish in our response to the matter also. Also, this decision has us somewhat worried, we are familiar with the first decision and the supplemental decision, and it looks like the tributary streams that feed the Mississippi River are practically under the control of the War Department. I think that some response or position should be voiced to change that plan if possible.

BY DISCUSSION LEADER SWIFT: Mr. Lowe, of North Dakota, have you anything to say?

BY MR. LOWE: I might say that we have a flood control problem, but as yet there has been very little done about it, and most of our flood control problems are in the minds of the people as yet. The dangerous thing that has been passed up there is the Missouri diversion, of which I suppose, most of you people have heard. Should that go through, it would have a great many advantages, and, of course, it probably would have some disadvantages, due to the fact that there would be large areas of the Missouri bottoms which would be removed from agriculture, and which would be removed from production of game. I don't believe very much thought has been given up there to the disadvantages of the proposition, and I think our department is the only one that is considering any disadvantages. Everyone feels the problem would be greatly advantageous to all concerned. Of course, up there we have the problem of irrigation, which everybody talks about, and about which as yet very little has been done. There are two rather large irrigation projects in the process of completion; a large area which formerly was quite productive of white tailed deer, and which has been entirely removed. The timber has been cut off and the land has been placed in a condition where it can be used for farming purposes. I don't suppose this was much of a problem, but if that should continue all of the way down the Missouri, there is no question but what there is a large resource there that would be entirely removed. But, as I say, those things are yet in the formative stage, and the Missouri diversion right

now is probably a long ways off, due to the fact that the national emergency is going to take probably most of the money which might go into such projects. A project is designed to bring back a large area in the central part of the state which no doubt would be productive of waterfowl. It is designed to bring back the Devils Lake area, which some years ago contained many acres of the finest waterfowl breeding grounds. There are some small projects, the Baudy Slough, which is not in South Dakota, but which affects South Dakota, and I think that will work out into a nice area. There are a few others, but they are in the formative stage, and it may be some time before they are completed.

BY DISCUSSION LEADER SWIFT: Mr. Beaulieu, have you anything to say for South Dakota?

BY MR. BEAULIEU: Well, Mr. Swift, thank the Lord that South Dakota, where everbody works for everybody else and gets nothing for it, and where we have drouths about every other year, and billions of grass hoppers every year, really don't seem to be having the problems you other fellows have. But I am interested in the many problems I have been hearing about. We don't have the problems you people have with the military reservations and your flood control, and the thousands of acres being taken over by the army. I do want to see these different states retain the rights they have. I am opposed to turning our rights over to the army and the government. It seems to me as though we are converging all together too much to the form of government now existing in Europe, and the incidents that have been mentioned here this morning, just seem to confirm that tendency. I want to assure you that South Dakota will cooperate in every way to retain those rights we have, and not to surrender them to other powers.

BY DISCUSSION LEADER SWIFT: Thank you. Have any of these problems, Mr. Osborne, affected Illinois, in the way of flood control or the matter of jurisdiction?

BY MR. OSBORNE: I agree with the Director of South Dakota, we should maintain our own rights. But our problem, I think, is a little bit different in this respect. Years ago some misguided people in Illinois, feeling that the soil there was richer than in any other state, drained all of the marsh land, and drained many of the lakes which produced so much fish and wildlife. As a result we have much erosion of the soil. The top soil is going down to the Gulf of Mexico, and the people in the southern part of the state haven't water to drink. And now it becomes necessary for us to build back, and re-forest, and build along the lakes, and take the water from these small streams and do a little flood control ourselves, instead of letting the water run away through the flood season. In the southern part of the state I think they would be glad to have some floods. It is pretty essential in Illinois to keep the water as it comes down the tributaries, and not let it go into the rivers. That is our problem at the present time, to build new lakes.

BY DISCUSSION LEADER SWIFT: I have seen a good deal of this wildcat drainage in Wisconsin, and I know what it is. But going back to the matter of flood control, wherein the army takes a definite part in the

operation and business of administration, I cannot think of any better suggestion than Mr. Bode has already previously given on some of those questions. I don't know how effective it is going to be, but it is one answer, to take it up with the International, and if the liaison officer of the official Wildlife Service can promote better relationships between their department and the state and the Army, why we certainly will have to give him some credit. Is there any other suggestion whereby we can do anything more effective than that? Do you know anything, Fred?

BY MR. SCHWOB: I am a little bit confused about the things that have gone on here this morning with reference to our Mississippi River and the War Department that now has control of the Mississippi River area. We had a conference with the Government engineers at Rock Island and they told us very frankly and very forcibly that these dams were for navigation purposes, and that was what they were going to be used for, and if they hurt wildlife, they felt very bad about it, but they couldn't do anything about it. They would help wildlife if they could, but they told us they were going to drain all of the pools below Rock Island every winter. They also told us they had acquired this area in the Mississippi River, they expected to turn it over to the Biological Survey for administration. I wonder if that is going to happen, Mr. Bode, in the areas you mentioned? Have you had any information that they expected to turn that over for administration to the Bureau for Fish and Wildlife?

BY MR. BODE: None whatever.

BY MR. SCHWOB: Now, that is the condition of the Mississippi River, is that right, Mr. Maurek?

BY MR. MAUREK: That is right.

BY MR. SCHWOB: This will be turned over to that department for administration as soon as the government has acquired title to this land.

BY MR. MAUREK: Yes sir.

BY MR. SCHWOB: Is it also true that that will apply to the areas Mr. Bode is interested in?

BY MR. MAUREK: I don't know anything about that.

BY MR. BODE: I have a surmise on that. I think the turning over of these areas along the Mississippi River is not due to the Army engineers but some hard old work on the part of Chief Gabrielson. So, it seems again our effort is to try to crystalize thinking and find some standard national policy.

BY MR. SCHWOB: We had difficulty in the State of Iowa hunting on these islands after the War Department had acquired them. They started to lease the lands out to hunters, and because of the heat put on by the hunters living along the river, they stopped the leasing.

BY MR. MAUREK: No, they haven't stopped leasing. We have a meeting with the Army engineers the week of the 13th of this month to iron out

these difficulties with regard to this leasing. That leasing existed only in the Rock Island district.

BY DISCUSSION LEADER SWIFT: I do believe that standardization of some type of policy is going to be beneficial in the long run, although the turning over of the land is nothing more than a subterfuge, which we all ought to be used to by this time.

BY MR. STRUNK: I would like to ask a question. How many states have a law that prohibits a federal agency from coming into the state and taking over lands without consulting the chief executive of the state? Minnesota has such a law, and I think that constitutes one of the finest methods in that connection, before a federal agency can come in to condemn, they have to go to the department, and to the governor in order to obtain permission to move in. We have that problem up at the present time in connection with a major refuge in the north. They cannot take an acre of land and proceed on a condemnation proceeding without coming to the department, and obtaining its permission, and then the governor himself will have to officially OK it, after the department has OK'd it. In other words, there can be no promiscious grabbing of land any more in the State of Minnesota. We fought about six months to get that law through, and we got it through in the last session of the Legislature. They can come in and condemn, but they are holding that land without jurisdiction, and that is a sweet pickle for any Federal agency to be in. Furthermore, I don't believe the United States Attorney General would OK any such move, because if I understand the Federal law correctly, before the condemnation proceeding is started, the United States Attorney General must officially put his OK on it. In connection with this flood control business, I think we had better understand one thing. The project in western Minnesota was definitely a set up as a flood control project, everybody knew about that when the thing started. When a project like that is set up, it is set up for flood control, and the other things come in through the back door. And I think if we remember that, and try to cooperate with the local Army setups, that we will get along better. We have had no trouble with the Army at all. Burnie knows that. Not only I, but fellows who have preseded me, have sat down and talked these matters out, and come to a definite understanding. We are starting on two other projects that are definitely flood control projects. I think the faster we get a broader concept of conservation than just fish and wildlife, the better it will be for conservation generally, and that after all is said and done, water and mineral resources, and all, are a part of conservation. That does not mean I am against fish and wildlife, because that constitutes one of the biggest conditions in the State of Minnesota.

BY MR. SCHWOB: Doc, can I ask a question?

BY DR. STRUNK: Sure.

BY MR. SCHWOB: The thing that is wrong with this Army flood control is the fact that the Army engineers only came into the picture and have done all that is to be done, why don't they call the biological bureaus, and all, to come in?

Mr. Schwob then related a specific incident illustrating this point.

BY MR. STEPHENS: Mr. Chairman, I am not a member of the association, and I feel like I am intruding, but since you dragged me into it, I want to comment on a statement made by Dr. Strunk, lest he get the wrong impression that the Missouri Conservation Commission is looking at the proposition from the narrow viewpoint of game and fish, I would like to set him right on that point. From a broad viewpoint, from the standpoint of all of the people, and human welfare, and everything else upon the soil, isn't it a better and broader project, to try to attempt to affect flood control at the source by preventing its running off, instead of stopping it down at the bottom where the silt has already been lost? Now, I think that if we as conservationists, in protesting against these things, offer an alternative, then we will get the interest of everybody, and we won't have these conflicts.

BY DISCUSSION LEADER SWIFT: Well, we have one more matter of discussion, and that is the liaison efforts of the Federal Fish and Wildlife Service.

BY MR. RUTHERFORD: I have already covered that.

BY DISCUSSION LEADER SWIFT: Is there anything in addition?

BY MR. RUTHERFORD: Not unless there are some questions to be asked.

BY DISCUSSION LEADER SWIFT: Do you want to go into Pittman-Robertson at all on liaison work?

BY MR. BODE: That is to be covered this afternoon.

BY DISCUSSION LEADER SWIFT: Are there any further questions, gentlemen?

BY DR. STRUNK: I would like to make a statement. I had no intention of stating that Missouri is going down the middle of the pike on one narrow phase of conservation. The thing I wanted to put over is the problem - you have hit it, Swift, the fundamentals of the thing.

BY DISCUSSION LEADER SWIFT: Mr. Cluett, I will turn the meeting back to you.

BY CHAIRMAN CLUETT: We will adjourn at this time.

The convention was reconvened at two o'clock p. m.

BY CHAIRMAN SCHWOB: The topics for discussion this afternoon are Federal Aid programs and waterfowl regulations. For the first part of the program the discussion leader is Mr. William J. Lowe, the director of the North Dakota Department.

This is our meeting, and it is very informal, and I hope that you fellows will feel free to get up and say exactly what you think, because in that manner we are going to have a better discussion, and are going to know more about all of these programs which we are discussing, and about the problems that come in the different states. Now, I want to turn the meeting over to Mr. Lowe, who is the discussion leader for the Federal Aid program.

BY DISCUSSION LEADER LONE: Federal Aid, I am sure, is still new to all of the states, and it is especially new to North Dakota. When I came into the department in the spring of 1939, Federal Aid was simply a by-word, but I have been gradually acquiring knowledge in it as I have gone along. I have taken the liberty this afternoon to prepare a paper on Federal Aid in North Dakota, and with your permission, I will give you that, and then we will open the meeting for discussion by the various states.

RELATIONSHIP OF THE FEDERAL AID PROGRAM

TO THE

NORTH DAKOTA GAME AND FISH DEPARTMENT

The Federal Aid in Wildlife Restoration Act which was set up to aid the various states in wildlife restoration projects is now approaching its fourth year. This is an opportune time to discuss briefly from a practical standpoint, how this program is functioning in the various states. By now, most states have had sufficient experience with this program to, at least formulate some definite attitudes toward it.

Since any type or form of a Federal Aid to Wildlife program to be administered by and through state agencies, each of which is governed by distinct and separate laws from all other states, it is to be expected that the relationships of this program to the state conservation departments will be varied, possibly even to the extent of 48 varieties of relationships!

In order to prepare a background or a setting for the relationship of the Federal Aid Program with the State Game and Fish Department in North Dakota, it is necessary to give a brief account of North Dakota's wildlife resources and a short description of its Game and Fish Department.

The North Dakota Game and Fish Department in its present form, was established approximately 10 years ago. It consists of a Commissioner, Deputy Commissioner, Chief Warden, District Wardens, with provisions for the Commissioner to appoint the necessary help required to maintain the Department's office, game farms, and fish hatcheries. The Governor appoints the Commissioner who, in turn, selects the rest of the personnel of the Department. In the past 10 years, there have been five different game and fish commissioners.

The Department maintains, in addition to the Commissioner, Deputy Commissioner, and Chief Warden, approximately ten to twelve district wardens, from two to six men in charge of other departmental activities. The office or clerical force usually consists of two or three persons. The payroll of the Department ususally averages about twenty persons, twelve of whom are engaged in law enforcement work. Since North Dakota has slightly over seventy thousand square miles, each warden is responsible for about seven thousand square miles in his particular district. This

may appear to be a very small force. However, it represents the limitations under which the Department must operate. In the past ten years, the Department has shown a deficit for almost every year except for the past two or three years. During the past fifteen years, the average annual revenue accruing to the Department has been somewhat in excess of $50,000. During the past two years, this income has increased to about $80,000 annually. There is, however, no assurance that an income of this level can or will be maintained. In other words, any budget that calls for expenditures exceeding the average income for the past several years would not represent a sound policy. At present, it requires about $13,000 annually to match Federal Aid funds. This represents approximately 20% of the Department's present budget and the expenditures of the Federal Aid Program may approach the total expended by the Department in discharging its regular functions.

At present, a little over 6 per cent of the state's population purchases hunting licenses. This is about 1% above the national average. There is no valid reason to believe the income of the Department can be materially increased by increasing the sale of resident hunting licenses. There is some indication, however, that additional revenue might be obtained through the sale of non-resident hunting licenses. In general, there is not much evidence to indicate that the Department's income will be materially increased in the next ten year period.

This rather detailed account of the revenues of the Department serves to illustrate the limitations placed on expenditures by the Game and Fish Department and also the relative magnitude of the Federal Aid Program in comparison with the regular functions of the Department.

The Department is compensated for its meagre income by having excellent wildlife resources, especially in the form of upland game. That North Dakota is especially favored in this respect has been touched upon recently in a former paper. There is usually an open season on five species of upland game, three native grouse and two exotics, the pheasant and Hungarian partridge. There has been an open season on grouse each year in North Dakota, yet, today, over the state as a whole, the grouse population is greater than it has been for some years. Because of these conditions, North Dakota has not found it necessary to concentrate to any extent on game production either artificially or otherwise. There has never been a real need for large scale game farms or other means of producing game under more or less artificial conditions. This does not necessarily mean that the state has no game problems and that no restrictions are necessary regarding seasons and bag limits, but rather, that, on a whole, upland game in North Dakota has been relatively plentiful in the state regardless of the policies or lack of policies on the part of the Game and Fish Department.

With this in mind, it can be seen that the possibilities of any survey or research work on the part of the Game and Fish Department would be remote. First of all, the Department has always lacked funds for that type of work. Secondly, the status of the principal species of game in the state has never been recognized by any of the Department heads in office as being sufficiently jeopardized to warrant immediate attention by experts. Since the personnel of the Department has been subject to an almost complete turnover with

every change of state administration, it is quite obvious that little or no progress was made toward inaugurating any type of a research division in the Department regardless of how greatly the need was felt. The impossibility under these conditions of formulating and carrying out long range game management policies can be appreciated. The Department has had no facts on which to base its programs and no one group has ever been in the Department a sufficient length of time to do more than to lay the ground-work for a constructive program, regardless of their ability and intentions.

The Federal Aid Program has already and will, no doubt, continue to materially assist the North Dakota Game and Fish Department in its problems. First, it will provide, within the department, one stabilized agency that will be sufficiently permanent to carry on long range programs. It will provide a means of securing vitally needed information as to our existing wildlife resources and the factors that affect them. It will also provide a means of financing land acquisition and development projects that will aid in wildlife restoration when this type of work is found to be necessary to the state.

It would be difficult to over-emphasize the importance of the survey and investigational type of Federal Aid project to North Dakota. Practically no serious or comprehensive work has been attempted since Mr. Vernon Bailey did his work in North Dakota many years ago. There is no need of explaining in any detail to you gentlemen, the importance of having factual data on the status of the game in your state before attempting any type of management, whether it is a matter of setting open seasons or establishing sanctuaries. In other words, one must know what to do before he can do it.

These conditions have influenced North Dakota to concentrate on the survey and investigational type of projects. It is very probable that some states, especially those whose financial status is superior to North Dakota's, have not experienced the need for this type of work that North Dakota has.

Although the personnel on the investigational projects has been in the field for only a relatively short time, considerable valuable information has already been gathered. Studies have been conducted on the nesting successes of some of our principal game birds. These studies have indicated what factors are primarily responsible for nesting losses. There is some hope that certain remedial measures can be adopted which will lessen nesting mortalities. Observations have been made on the sizes of the broods of the various species. A rather rough survey was conducted last summer of the populations and distribution of all upland game birds in North Dakota. Such information as this is essential for determining proper open seasons. During the open season, observations were made relative to take and rate of kill by the hunters. It may be of passing interest to note that in the north central section of North Dakota, the average upland game bag of each hunter checked was 5.2 birds and the average kill per hunting hour was 1.3 birds, and in the southeastern section of the state, the average bag was 3.4 birds with an average kill per hunting hour of .95 birds. A rather accurate estimate was obtained on the harvest during the open deer season. Nearly ½ of the licensed

hunters secured a deer. Some experimental trials were conducted on various methods of capturing upland game birds should it be desirable to move any number of birds for stocking or for other purposes. A survey of the big game in North Dakota has been conducted. The value of this data can be imagined when it is learned that, prior to this time, only "guesstimates" had been available as to the population and, to some extent, the range of big game in North Dakota. For an example, the estimates released by the Fish and Wildlife Service as of November 3, 1940 will be given, followed by the number computed after conducting an aerial survey of the state during January, February, and March. White-tail deer--Fish and Wildlife estimate 13,433; North Dakota Survey estimate --approximately 6,000; mule deer--Fish and Wildlife estimate--55; computed population--approximately 925; prong-horned antelope--Fish and Wildlife estimate--18; computed population, approximately 600. This is not to be construed as any reflection on the Fish and Wildlife Service, since, prior to this survey, they had no figures on which to base their big game populations for estimates for North Dakota. Studies are being conducted to learn more about North Dakota's fur resource which represents an important source of income to the people of this state. It is anticipated that this survey type of work will be continued and extended to include additional species in the future.

Although major emphasis has been placed on this type of work in North Dakota, it does not mean that the other types of Federal Aid Projects are being neglected. Plans have been submitted to include a coordinator project to become effective as of July 1. Past experiences have been demonstrating the advisability of uniting all of the Pittman-Robertson projects under one head. As a matter of practical experience, it appears that all of the Federal Aid activities should be closely coordinated. The trained personnel on the survey and investigational projects are also the best qualified men in the Department to act as technical advisers on the land acquisition and development projects.

It should be pointed out that since game conditions in North Dakota are somewhat different than those encountered in more densely populated states, the problems here are apt to be different. Since, in general, land utilization is not as intense in North Dakota as it is in many states, there is considerable territory that is naturally well adapted to the production of game.

Thus, until data is secured showing that wildlife species will materially benefit through the acquisition of certain lands and the development or improvement of these lands, it would be unsound to plunge into such programs without considerable forethought. There is little question but that such programs can and will have a place in wildlife restoration in North Dakota, but the problem still needs considerable study before any long range refuge policies can be safely adopted. It is of considerable importance that a long range policy be formulated, the objective of which is to aid specific species of wildlife. The needs of the species in question must be understood. There can be but little argument that the only criterion by or on which a game refuge can be judged is what extent will the adopted program increase the production of or safeguard the wildlife species in question. Thus, if the purchase and development of any given area of land does not increase the production of game over what it would have been had it been left in private lands,

then it was not a wise investment. The adoption of a definite policy toward aiding and restoring natural habitat conditions automatically eliminates most of the hazards encountered in acquiring land simply because it is cheap or because of the activities of local pressure groups.

North Dakota must, of necessity, be cautious in its land acquisition program. Earlier in this paper, mention was made of the fact that income of the Department is limited. Since all land acquisition projects once they are acquired, must be maintained at the expense of the Game and Fish Department, it would be unwise if not impossible, for the Department to assume the responsibility of maintaining any very large acreages of game refuges. The type or kinds of refuges that can be maintained or administered without any appreciable expense are quite limited. Thus, unless arrangements can be made so that the Federal Aid Program can assume some of the financial burden of maintaining acquired areas, it will be essential that this Department exercise considerable caution in its land acquisition program.

To date, North Dakota has acquired some 1600 acres of land under this program and additional purchases are under consideration. Land acquisition, for the purpose of aiding some specific species or group of species is being studied. There is some evidence that a long range program can be worked out that will provide a big game sanctuary in the western part of North Dakota and that at least one species of upland game would materially benefit through a carefully worked out refuge program.

Development work has been practically completed on three areas. This has included, chiefly: fencing to protect the area from grazing and trespass, plantings to increase and improve the existing food and cover, and certain types of improvements to insure a permanent water supply. Plans in a preliminary form, call for improvement work on the state game refuges established through a statutory enactment. There are nearly a hundred of these in existence, whose combined area totals about 175,000 acres. There are in addition to these, applications for about this many more refuges of a similar nature. The personnel of the survey project will investigate these areas and the development work will be limited to those areas receiving approval by the technical staff.

In summarizing these statements, it should be again reiterated that the relationship of the Federal Aid Program to the North Dakota Game and Fish Department is conditioned by a number of factors. It is probable that these particular factors are not completely or even closely duplicated in any other state. It would follow, then, that specific practices or procedures that are successful under North Dakota conditions may or may not be practicable in other states. For the present, at least, the survey and investigational type of project is of major importance and value to North Dakota. In fact, well over ½ the Federal Aid money spent in North Dakota up to now has been spent on this type of project. The information obtainable from this type of project is definitely needed both for the purpose of applying sound game management practices to the existing resources and for planning long range programs under which will be included land acquisition and development projects. The Federal Aid program is fulfilling very definite need in the functioning of the North Dakota Game and Fish Department. There is every reason to believe that

this program will become increasingly important in our state. The objectives of the Federal Aid program and of the North Dakota State Game and Fish Department are essentially the same. However, certain factors such as lack of funds, changing personnel, and others have had a tendency to hinder the fulfillment of these objectives. With the advent of the Federal Aid program, a means has been presented whereby it appears that North Dakota can join hands with the other states in a unified effort toward rehabilitating our national wildlife resources.

Now, gentlemen, that briefly is a statement of the conditions as we find them in our state. There is no question but what the other states will have a very different idea, they will have very different needs as to what should be done with their Federal Aid money. I think the best thing would be to ask each state for an idea of what they think they should do, and for them to give us a short history of their experiences. I would like to ask Mr. Cluett of South Dakota what his experience has been.

BY MR. CLUETT: Well, I think probably you have it over us as far as the research end is concerned. We have not gone into that very strongly as yet. We have carried on a beaver transplanting program for a couple of years, and also a pheasant transplanting program, which was very sucessful during the past winter. We trapped some eighty-five hundred pheasants on the Federal sanctuary near Aberdeen, and transplanted them to other parts of the state. The man who has been in charge of our Pittman-Robertson program has not broken down the exact cost, but I think it will average about forty cents a bird. Of course, we had to buy all of our equipment, but it will bring the cost per bird down very low after this. We are acquiring what we call the Bethel school project in the central part of the state, which will be more or less a waterfowl sanctuary, and at the present time are working what we call the Lake Poinsett development area, about a seven thousand acre refuge which will include Lake Poinsett. And then the restoration of two other lakes which will be a combination migratory waterfowl project and a furbearing muskrat project. This is a project where we are diverting flood waters in the Sioux River. In other words, that is a project that is going to help some of you fellows down here in Iowa and Missouri where you are being flooded out. We are impounding water, and I don't know but what it would be a good idea to have the fellows down here in Missouri and Iowa, who are being flooded out, to come up in our state and chip in with us and help us impound a little of the water up there, and relieve you of that situation. At the present time we are considering a direct project. We have hopes of using up all of our Federal funds by July 1st so that none of them revert back.

BY DISCUSSION LEADER LOWE: The proposition of reversion is a real one with us. We are just having a hard time to keep ahead of the game. Is Mr. Lytle of Nebraska here? I would like to have him make a statement on his program in Nebraska.

BY MR. LYTLE: Mr. Chairman and Gentlemen: I have with me our man that has charge of Federal Aid in Nebraska, and I believe he can tell you more in a few minutes than I perhaps can tell you all afternoon. So, I will ask Mr. Vance to answer that.

BY MR. VANCE: We have several Pittman-Robertson projects in the state, and finally got around to the things Mr. Lowe mentioned in regard

to their program. Realizing that anything gained must be based on facts rather than on ideas, we have gone ahead. Starting this year we have put three men to work studying the prairie chicken, sharp tailed grouse, ringed neck pheasant, and the bob white quail, and in time to learn what we can do to maintain and establish these birds in greater numbers within the state. We only have the one species of upland game bird that we have an open season on at the present time, and that is the pheasant, all others are there but not in any sufficient number to warrant an open season. And we hope to be able to attempt a restoration program whereby open seasons can be declared on the other birds. We have also started to touch the organization of the program. In the northwestern part of the state we have what we call the pine ridge country, which supports quite a population of mule deer. We plan to purchase ten sections of land in that area, which would be set apart primarily as deer refuge areas, and also to benefit the other species of upland game native to that area. The original project set up in the state was what we called our cooperative pheasant bearing project, working with community organizations to supply pheasants, and they in turn creating areas in which to place the birds. That has been exceptionally successful from our standpoint because we have been able to develop a community interest in the restoration of the game habitat and game cover. Following the inauguration of that program, we have been working with the people in the quail area of the state, primarily with the farmers, helping them with a fencing plan, and selling them on a program of soil conservation in addition to providing cover for birds. That is a brief resume of our projects at this time.

BY DISCUSSION LEADER LOWE: It seems that each state has its own problems, and it is up to them to discover just which is the best way for them to spend their Federal Aid money. Dr. Strunk, have you somebody who can tell us about your program?

BY DR. STRUNK: Pittman-Robertson in Minnesota has been carried out on the following lines. First, we have two major game farms in the state, one of them eight thousand acres and the other eleven thousand eight hundred. Both of these game farms, had a rather jagged border, and we have used some of the funds to even up the borders. Also we have been using some of these funds in the posting of the large sanctuaries, such as the Red Lake area in the north, which involves about eight hundred thousand acres that the Federal government has just turned over to us. A major research program has been carried on in connection with an accurate census of the wildlife found in Minnesota, with special attention to the big game, and the muskrats and beaver, because we feel that we must have an accurate census to control the season and bag limits, etc. Another project just about to begin, centers on the problem of cycle studies. Dr. Green of the University of Minnesota medical school has been working with the department for a number of years on the study of virus problems and disease and things of that sort. And it is interesting to note that although we cannot apply the Pittman-Robertson funds directly to a problem, that this problem has been tremendously advanced through the work of Dr. Green, the work that he has done. For example, Minnesota is going in for a very heavy furbearers program, but one of the big problems associated with the development of furbearers in the state centered upon the feeding problem. Before Dr. Green's findings we could not feed the average fur animal more than about thirty percent of raw fish, such as carp, buffalo, etc. But with his findings, the primary cause of dysentery, or diarrheatic conditions on the fur farms, finding the cause of these diseases

as being primarily a vitamin deficiency disease, we can now feed seventy-five percent raw fish to the average furbearing animal. That means an awful lot to us from the standpoint of control of rough fish, the control of that problem, because we will have to take out of Minnesota lakes about six million pounds of carp a year in order to control the carp. We figure that this finding on his part will supply to the furbearers of the state approximately three million pounds, and then take the other three million pounds for sale on the market. I point that out because his work on the diseases, the deficiencies that start infections has developed in a solution of another major problem in the state. We have also acquired lands other than those I have mentioned. In southern Minnesota there are a number of sites that have the native hardwoods, and one area has thousands of acres of the finest wood you have ever laid your eyes on. The cost of obtaining it was prohibitive up to now, and some of the funds have been used for it. The Pittman-Robertson funds have been used to a great success in these respects. Next, the cause of the cycles, because you can't control seasons or bag limits unless you know your cycles, and the problem of the cycle produces a fluctuation there. The Pittman-Robertson funds are under the expenditure of one man in the State of Minnesota.

BY DISCUSSION LEADER LOWE: Dr. Strunk, you have probably one of the largest allotments of Federal Aid made.

BY DR. STRUNK: Michigan has more than we have, and the reason is that they have a combined license, and therefore they list their double license as well as of both hunting and fishing under one. If we could do the same thing, our total would run to nine hundred fifty thousand dollars license sales in the year, but so far, all we have been able to do, is collect on the hunting licenses.

BY DISCUSSION LEADER LOWE: Have you had any trouble in using your allotment?

BY DR. STRUNK: No sir.

BY MR. JOSSERAND: Mr. Lowe, we are another state which has not had any trouble in spending all of the money we can get. However, we have not been very far ahead of Pittman-Robertson funds, in that we don't get it used much ahead of the time we might lose it. We have used our allotments in organization of areas in the stocking of pheasants, and in the improving of some of these areas. The only trouble we have had is getting our methods to coincide with the changing methods of the wildlife service in that their personnel don't always agree on what is the policy, and we don't always agree on what ours may be, so when it comes to the final matching up of idea for idea, we sometimes have a little trouble there, and it is worked out as satisfactorily as it could be, I think. However, we are not contemplating losing any funds. Outside of the stocking of pheasants, we are trying to improve our habitat on the areas we have. We have not gone into any research program as yet. We have about as many prairie chickens in the state as any state in the union. We have not had an open season for five or six years. We do have a concentration of prairie chickens in one area that is causing us considerable complaint from farmers and land owners, charging that they do too much damage. They complain they have had flocks of eight hundred. I have seen as many as three hundred myself. Now, our native species of the lesser chickens are coming back in the western part of Kansas. They faded out in the ten years of drouth

very badly. Our pheasant population is going up, and with the aid of Pittman-Robertson, we have aided with stocking material. I think the pheasant is going to take the State of Kansas as much as he has Nebraska and the Dakotas and other states. He has given a good account of himself through ten years of adversity, on his own power. And now we hope he will go along faster. I think that is about all I have to report, Mr. Chairman.

DISCUSSION LEADER LOWE: You are not doing any survey work there?

BY MR. JOSSERAND: No sir.

BY DISCUSSION LEADER LOWE: Well, so far, the programs are pretty well standardized. Let's get hold of somebody who has something a little bit different. Mr. Schwob, could you give us an idea of what you folks are doing?

BY MR. SCHWOB: In Iowa in the Pittman-Robertson program so far, we have been acquiring land. The first Pittman-Robertson project was the restoration on Rice Lake. We have another restoration program in what we call the Reardston area. We are just now in the process of setting up side by side with the Pittman-Robertson five year program, a land organization program to acquire marginal areas, and also to augment our public shooting ground system. In Iowa ninety-six percent of the land is privately owned and the problem of establishing and maintaining a suitable refuge system in the state for all of our wildlife resources, is a large one. You fellows who have millions of acres of publicly owned land don't have that problem, but we are setting up this Pittman-Robertson program to go into each county of the state to acquire marginal lands, and these will be fenced and developed for maximum game protection. We have not gone into the research end because we have already what we think is a very satisfactory set-up. We are in the cooperative program with the state college, and we have, we think, a very satisfactory wildlife research program already established. Before we get through with this discussion I would like to ask the gentleman from Nebraska about their Pittman-Robertson program in supplying farmers on privately owned land with planting material and fencing material.

BY MR. VANCE: That is under a cooperative agreement system. We take what is in effect a lease on the land owner's property, so that we have some control over the planting and improvements and maintenance of what plantings we make on his land.

BY MR. SCHWOB: You supply the plantings?

BY MR. VANCE: Yes sir.

BY MR. SCHWOB: And what do you pay the farmer?

BY MR. VANCE: Pay him nothing in cash, but we supply him with protection against trespass, and supply him with boards, and supply him with hunting stock in return for his agreement to close his land and to allow us to supply him with these materials.

BY MR. SCHWOB: On your fencing, you supply him with fencing, and

after the fence is on his land, he owns the fence?

BY MR. VANCE: Yes sir.

BY MR. SCHWOB: It is his?

BY MR. VANCE: Yes sir.

BY MR. JOSSERAND: Do you have trouble in getting enough farmers to close their land to hunting?

BY MR. VANCE: Our trouble has not been in getting them to close their lands to hunting, but being able to draw a line saying, "it shall be no larger than this". And we are attempting to set up a game management system whereby the areas which are actually improved will be set aside as sanctuaries, from the other part of the land, on which controlled hunting will be allowed.

BY MR. JOSSERAND: That is the point I wanted to get straight. In Kansas we have trouble getting too much land closed. I am glad to get that point of view. We are very much like Iowa, our state is probably ninety-six or ninety-eight percent privately owned, we have to do practically all of our game development work on private land, and there is a large demand from landowners for us to close their land to hunting. In fact, we have just practically backed away from closing any more land from hunting. Let the landowner close it off if he cares to, but we don't assume the responsibility or put up signs to that effect. A lot of landowners think we are wrong. We have to watch that sort of thing or directly we don't have any place for hunters to hunt.

BY DISCUSSION LEADER LOWE: I think that is a real problem. We are running into that same thing, a great many farmers have an idea that we will establish a game refuge on their land, merely to protect their stock. That is the reason we are instigating the program to investigate every application for a game refuge before we will establish one. I got an idea this last winter it might be well before any state refuge is established, to have the land owner agree to certain things, that is, to do certain things on his own land to assist in the protection and production of game before. Mr. Schwob mentioned the matter of public shooting grounds, and I think that is becoming more and more important. If we are going to sell licenses, we have to have some place for the people to shoot. In North Dakota we are surfeited with migratory waterfowl refuges. During the dry seasons it has been quite a problem to find a place for people to shoot on water. Possibly we will use some of this money to establish public shooting grounds for waterfowl. Mr. Bode, you were awfully kind this morning and gave us your views on a number of things —

BY MR. BODE: Mr. Clark is gone, and will come back, and he can discuss it more completely than I can.

BY DISCUSSION LEADER LOWE: Mr. Swift, from Wisconsin, would you give us something from your state?

BY MR. SWIFT: Pittman-Robertson in Wisconsin has been broken down into two parts, one is land organization, and the other is research. In

land organization we are attempting to purchase a good share of the Haruga marsh. The Federal government is purchasing half of it with duck stamp money, and the balance is being purchased by the state with Pittman-Robertson. We have four research projects: deer, migratory waterfowl, sharp tail and prairie chickens, and the pheasant. The personnel in charge of the different research projects, were hired by competitive examination. Scholastic standards were set so high that only a corporal's guard could take the examinations to start with.

BY DR. STRUNK: Thank you.

BY MR. SWIFT: We have a sharp tail and prairie chicken project which is principally being carried on in central Wisconsin. I think other states are finding this out, especially Michigan and Minnesota, that game management, the game manager and the forester are beginning to get in each other's hair. That is true in the forest service, also in Wisconsin. Through fire protection, and the large tree planting program, the areas that have been formerly the place where these birds lived, are gradually growing back into trees. In central Wisconsin I think we have been doing some control burning. I think Bud Aitkens was up there, and he can probably give you more on that than I can. I have not seen it. The aquatic waterfowl program is one principally of plans from the standpoint of areas that will interest the average sportsmen's clubs so that they can get into the same type of work. In the pheasant program, we have a heavy winter kill. The farmer in southern Wisconsin puts everything into the silo and the barn and there is very little for the birds to feed on. As a result we probably have a heavier kill than the other pheasant states, and we are trying to determine among other things just what that percentage is. The one thing we are going into is stream side planting in southern Wisconsin, with willows, and deciduous trees, to bring back part of the stream again.

BY DISCUSSION LEADER LOWE: I understand Mr. Clark of Missouri has just come in. Will you give us something for Missouri on the Federal Aid Program?

BY MR. CLARK: The Federal Aid Program is designed to meet the needs of the states and since the situation in Missouri is unique, it follows that the Federal Aid Program here, in many respects, is unlike the program in most of the other states. It follows also that an understanding of the basic conditions in this state, as they affect wildlife problems, is essential to an understanding of the program designed to meet those conditions.

The decline of wildlife species in Missouri was so gradual that it was scarcely recognized, at least to the point of arousing public opinion to do anything about it. Then came the drought of 1934, with abnormal weather conditions, continuing through 1937 resulting in serious depletion of all species. The acuteness of the problem and the need for drastic action was recognized at once.

The attitude of the people at that time is reflected by the relatively drastic action which they took in adopting an amendment to the constitution which reorganized the entire plan of wildlife administration. The public was prepared for further drastic changes. There were few preconceived notions about what to do and none were firmly fixed. The way was wide open

for the Conservation Commission to adopt a program, starting from scratch, which would meet conditions, unhampered by previous errors or fixed traditions.

Of the three types of projects which could be undertaken under the provisions of the Federal Aid Program, i. e., acquisition of land, development of land, and research, it was decided that the need in Missouri would be met to best advantage by a research program.

Previous to that time, the Cooperative Wildlife Research Project had been organized at the University of Missouri so that a basic type of research was being carried on. Consequently, the type of research undertaken by the Federal Aid Program was to survey conditions and to search for opportunities to make practical application of the facts revealed by the basic research program.

In other words, the major objective of the program as proposed and undertaken is to determine by applied research, mostly by trial and error, what incentives are needed to induce farmers to apply to their privately owned lands the reasonable modifications of land use and farm practices which would make their farms more attractive for wildlife and capable of maintaining a larger and more varied wildlife population. Note that the emphasis is on the farmer and on land use instead of on the sportsman or wildlife, except indirectly.

The Missouri program is one of applied research. The expenditure of funds has been largely for the employment of trained personnel, always selecting men who have a bent for the practical application of their technical training in biology and research. In each of four districts, there are now two Project Leaders concerned with the farm game problem. Other Project Leaders are dealing with state wide or regional problems regarding separate species, such as prairie chicken, furbearers, wild turkey and deer.

It is difficult to secure or to present figures or other measurements to prove that a program of this type is accomplishing its objectives. We know that the wildlife problem in simplest terms resolves itself into furnishing the three essentials for existence,--food, cover, and water. Our efforts and experiences have determined the fact that water is the factor which is most frequently absent from potential wildlife habitat and that it is also the factor which generally is most needed to increase the productivity of farms.

For example, most farmers keep some stock which need to be watered during dry periods. Farm ponds have other values which are easily and generally recognized. We have learned that water is the factor which appeals to practically all other interests and, therefore, constitutes the key to the entire situation, the union of interests, and the common ground from which an aroused interest may be led to a more broad, practical conception of the relationships of land use and farm practices as they affect wildlife by improving food, cover, and water conditions.

Consequently, we are adopting an intensive effort in cooperative pond building. We talk to the farmers about ponds for stock water, which they all want but in most cases have postponed building for various reasons. Our experience shows that all they need is a little encouragement and

some extra incentive to start doing what they had always planned to do. We offer aids in the form of fresno scrapers and personal assistance in selecting a location for the pond which will serve the greatest possible variety of uses. In the interests of wildlife, the pond is located near cover.

Most of the state and federal agricultural agencies recognize the need for more water on farms and their activity programs include recommendations for the construction of farm ponds. The cooperative program sponsored by the Commission and particularly the aids which we are able to offer appeal to these agencies. Here is a tangible example of the fact that the practices recommended by these agencies in the interests of better land use, soil conservation, and erosion control, are identical with the practices recommended by the Conservation Commission for the improvement of environments for wildlife. The relationships between the Conservation Commission and these agencies, as well as individual farmers, are being brought together closely. By deliberate design, the cooperation which is offered by the Conservation Commission, available to any farmer, is dependent upon an effective coordination of all of the agencies which are available to deal with the problem.

The payments offered by the AAA Program on the basis of the amount of dirt moved in building a farm pond is included in the plan of the cooperative pond building program being carried on jointly by these agencies. The County Agent of the Extension Service is also a definite part of the program, usually performing the function of securing cooperative agreements with the farmers and directing the loan of the scraper or other equipment from one farm to another. In regions where the Soil Conservation Service is operating, they become part of the program, together with the Farm Security Administration and other cooperating agencies. The local conservation organizations are given an opportunity to take an active part in the program, often by furnishing the fencing material.

In the last analysis, the farmer builds his own pond using all of the aids that are available but the pond is built according to specifications which will make it a well built pond holding water permanently, even in times of extreme drought. Each pond is constructed so that it will furnish clear water for livestock, usually by piping to a stock tank, and each pond is fenced. When construction is completed, the farmer is assisted in securing proper aquatic plants and later in securing suitable fish for stocking the pond.

That is a brief outline of the manner in which the Conservation Commission of the State of Missouri is using the bulk of the Federal Aid to Wildlife funds available to us. I have used the pond building project because it serves to illustrate the practical results which are being accomplished by the studies being carried on by the Project Leaders assigned to the farm game problem. In Missouri it constitutes the key to the problem,—the first step, which establishes friendly contacts through union of interests and which leads to cooperative efforts in many directions.

Incidentally, the influence of such cooperative projects on the public attitude toward the Commission and toward the problems of wildlife conservation is conspicuous and encouraging. The program is not confined to

pond building projects and studies are being carried on which deal with other phases of the problem of how to bring about a state wide application of a broad wildlife management program.

In addition to the major program, we have one small acquisition and development project dealing with the establishment of a refuge for turkeys and deer. A total of sixteen field men are employed and assigned to different regions of the state, as well as to various phases of the problem, including the special studies of species.

Mr. Chairman, thank you. If there are any questions, I shall be glad to answer them.

BY MR. STEPHENS: A question was asked before you came in, as to how you dealt with the tendency of the landowner to ask the Commission to close his land to shooting. I am speaking with reference to your game management areas. I would like for you to explain the terms and conditions you made with reference to that matter in setting up the management areas under the Pittman-Robertson Program.

BY MR. CLARK: Thank you for the lead as to the previous discussion when I was unavoidably absent.

Another procedure which we use in interesting farmers,—preferably groups of farmers whose lands constitute a watershed,—is to offer assistance in establishing a wildlife management area. The boundaries of the area are marked with posters furnished by the Commission which announce that permission of owner is required for hunting or trespassing. That feature provides a measure of control in the harvesting of the game crop which we consider an important first step in game management.

I have mentioned controlled shooting but did not explain it fully. By deliberate design, the plan which we use is just as simple as possible. We have a simple form of cooperative agreement which the individual landowners or operators sign, together with representatives of cooperating agencies. However, this is not recorded as a legal document and does not constitute a lien on the property.

We try to be consistent with the cooperative features of the project and depend upon the farmer to act in good faith in permitting reasonable use of his land for hunting. We do not specify that it shall be public hunting nor do we attempt to define the conditions under which permission should be granted. We depend upon the farmer not only to permit the harvesting of the crop of wildlife on his land by hunting but to limit the number of permits granted according to his conception of the amount of game on his farm which can be harvested without depleting the breeding stock.

I submit, that the arrangement is a very loose one open to inaccuracies and abuses, but in a state as large as this, it is a practical procedure, recognized as such, and it seems to be working. Perhaps, that is because it is based on the psychology of mutual confidence and cooperation.

Such projects are just another means of stimulating interest in getting some sort of management program started. We always try to have a local conservation group sponsor the project and to give the local groups as much credit as possible so that it may become recognized as a community project with the Commission merely cooperating by offering certain aids in the form of posters and with the authority of the Commission supporting the cooperative agreement as well as the special regulations which require permission of the owner for hunting or trespassing. That is another procedure which has been worked out by trial and error until a fairly standardized plan has been developed through the experience of our Federal Aid to Wildlife Research Program.

BY DISCUSSION LEADER LOWE: Any further questions?

BY MR. RUTHERFORD: How about the benefits you are getting out of the AAA programs in addition to those points.

BY MR. CLARK: We have made every possible use of the provisions of the AAA program, which apply particularly to wildlife environmental improvement. That is a further refinement, which applies to the pond building program and other activities. When our program was started and the AAA program became available for application to wildlife problems, we prepared a circular of our own selecting, I believe, twelve or fourteen of the items in the general plan of the AAA which, if used, would directly benefit wildlife as well as the land. The AAA provision for building ponds was one and for planting trees was another. Later the planting of shrubs was added to the AAA program. Trees and shrubs raised at our nurseries and some in cooperation with the U. S. Forest Service were made available for planting and the distribution was handled by the County Agent of the Extension Service. This helped to stimulate interest in the importance of cover for wildlife.

In connection with our pond building program, we pointed out that even though the scrapers were furnished by the Commission, the pipe might be furnished by some local organization, and the fencing material by still another group, the farmer could secure cash payment from the AAA at so much per cubic yard of earth moved. I refer to small farm ponds from a quarter of an acre to two or three acres and some few even larger. Thousands of ponds have been built and the farmers have been compensated in part by the AAA program.

Miles of windbreaks have been planted using trees and shrubs furnished by the Commission and certain of the other provisions in the AAA program have been used in effectively stimulating interest and participation in improvement of environments for wildlife.

It has been very helpful, but it is only one of the aids, and we have tried to take advantage of all of the aids available in order to get the job done, because it is too big for any organization to accomplish all by itself.

Does that answer the question?

BY MR RUTHERFORD: Yes sir.

BY MR. JOSSERAND: Do you have any idea how many ponds have been constructed in your state, farm ponds, in the last three or four years?

BY MR. STEPHENS: He will be wrong on that, I know, because I have recently secured some up-to-date information.

The Conservation Commission does not claim credit for any or all of this work in pond building, but through the use of fresno scrapers by the Commission, through the activities of local conservation groups, consisting of county chapters of the federation, through the activities of the farmers, who are encouraged by the cooperation of the Commission, and 4H clubs, and the Soil Conservation Service, with whom we carry on active cooperative activities, the following gains have been made.

The figures I secured day before yesterday show that upwards of 8,000 ponds have been constructed. That is,—8,000 ponds of a minimum depth of eight feet were constructed, piped, and fenced in the State of Missouri during 1940 by the combined efforts of all agencies, not the Conservation Commission alone, but through its instigation or encouragement. A much larger number of small sized ponds not meeting the specifications of the Conservation Commission were constructed. We think that is a big contribution.

I want to call to your attention that in the Ozark Region of this state ponds are not so important but in the northern part, which is largely prairie and where water is an essential factor in farming operations, that contribution, we think, has been of significant importance, for the two-fold purpose of serving primarily the agricultural interests of the farmer and secondly the wildlife interests.

BY MR. CLARK: Previous to this last year or so, many of the ponds that have been built and paid for by AAA have been inadequate to meet times of drought, when they are most needed, but since the cooperative program has been organized, the ponds built conform to our specifications, one of which is that they shall be not less than six feet in depth.

BY DISCUSSION LEADER LOWE: Any further questions? Thank you Mr. Clark. I am certain that is one of the most interesting approaches to the problem of cooperation between the sportsman and the farmer that I have ever heard. We come now to Illinois. Is Mr. Osborne here?

BY MR. OSBORNE: Mr. Martin will handle it.

BY DISCUSSION LEADER LOWE: Thank you.

BY MR. MARTIN: While still fresh in our minds in going over Missouri's program, I would like to add that the type of program we have in Illinois is very similar to what they are doing, except that we have not gone into the lake end of it, primarily because our program is limited to black prairie areas, which is our corn country, where the land values are very high. We have a few of our two hundred and some odd areas which have been planted, where we have suitable sites for water pond construction. We have established four game management areas. This project is limited only to our black prairie counties, these four areas are in charge of a

biologist who spends several months of the year on observation work; in locating areas, mapping them, and working out planting designs, so they will be ready for the planting season to come. These areas are fortunately secured from the cream of the crop—you might say from the farmers really interested in conservation. This program has not been sold to them, and naturally we are getting the top group of farmers interested in conservation work. Probably later on we will go down the back road initiating areas, and it may be a difficult proposition to get other farmers who will give us as much cooperation as we have had from this initial group. Our system is mainly to take a ten year easement on the development areas. They may range in size from small tracts of two, three, or four acres to tracts as large as sixty acres, and the surrounding areas are placed under a controlling agreement. The only specifications we have, are that commercialism be eliminated on that area. As far as the hunting is concerned, it is still administrated by the farmer himself and we are trusting to him to use his own best judgement; the theme there being that we are trying to streamline this program and make it economical enough so that it can be applied over a larger area of the state. It has been set up with the idea that it cannot pay its return in the amount of game. So far it looks like a very, very desirable program. On the first area that was constructed along these lines we had an increase of three hundred percent in our pheasant population in the first two years. The restoration of nesting coverage is a very important factor. Most of the counties are almost entirely under plow so the only nesting facilities we have are along the thoroughfares. In these particular counties these areas will serve to supply winter coverage for the birds to reproduce. In the control feature we feel as though we are providing a greater amount of public hunting ground. On our land organization we have purchased one large individual state refuge for the management of waterfowl and prairie chicken, of about thirteen hundred acres in size, and on this is five different types of natural habitat that should be developed to not only serve as a good refuge, but also as a good refuge center. We have also surveyed a tract in connection with the Horseshoe Lake Goose Refuge, and hope to have organization of most of this property prior to the hunting season this fall. I think some of our better work is being accomplished through our cooperative effort with the State Natural History Survey, along the lines of wildlife research. Now, I think our most important study is the water-fowl food study. We have been conducting food studies on the Illinois River to determine the amount of natural foods available, the ratio in regard to corn, and what can be brought back as natural food more desirable to waterfowl. As Mr. Swift has mentioned, if we can design a program that will fit the average club, we have a means of gaining this program, because they have the money, and want to do it, if they know what to do. I believe in the near future, such a program, if applied in Illinois, will give us greater results, and quicker than these upland game programs. We have set up one large state refuge area, or research area. In the near future we are placing one man in charge of the research on all of the development areas we have completed, in order to check up on the work we have accomplished. When you get into the field, and actually get engaged in this restoration work, a good many of the items accomplished in one year prove to be somewhat old fashioned by the time the next season rolls around. So we will attempt to check up on the work as soon as possible after it is completed. I believe that constitutes the Illinois problem, and constitutes our program, other than

the fact we are considering a program to apply to the management of our fur resources, insofar as raccoon and other upland small furbearing animals are concerned, and also on squirrel management. We have a good many sportsmen's organizations in the state who are interested in den restoration, and we are conducting experiments along this line to determine just what can be accomplished in the construction of dens. This has also been applied to wood duck management. We have been very successful in bringing back wood duck by improving nesting conditions by the use of cypress boxes.

BY DISCUSSION LEADER LOWE: Thank you. Anybody have any questions they would like to ask any representative? Has anybody any criticism of the Federal Aid program? Any suggestions that would improve it, or better it?

BY MR. SWIFT: I don't know how you could change it, Mr. Chairman, but from a business standpoint it rather goes against my grain at times on this idea that you have to spend the money. In other words, there is a time limit, and I think all of us have experienced this, that there are certain instances where if we had a little more time, a little better planning could have been accomplished. But it is not the fault of the Wildlife Service, but there is a great deal of importance put on the idea that you have a limited time to spend the money, isn't that right?

BY MR. BODE: Mr. Chairman, I am not so sure that I agree with that. I realize there is a time limit, and that it is not any too long, but even at that, it seems to me it is pretty liberal. We know somewhere within a range of a few thousand dollars what we can anticipate in the programs. And if there were not some limit, it seems to me that the thing would build up to where the states wouldn't use it any way, they couldn't find time enough to use it. I feel it is a pretty good limit as long as we know it is not reverting to any other purpose, but will revert to the waterfowl or game service. I do think that if any of us have any suggestions, that we might make them, that is the only reason I asked the Federal men to come, so we could ask them for any new instructions we might have to follow out during the coming year, any new ideas, changes in policies, and interpretations. Also, so that we might leave with them our thoughts with regard to these things, that the program might work better, or as to where we might lay more emphasis. I hope we don't leave the conference before those elements are brought out.

BY DISCUSSION LEADER LOWE: As I pointed out in my paper, the state that has the limited revenue, that seems to be a possibility in the picture in the future. I know there are some of the states to the west of us, not represented in this association, that have broached that subject, and I think in the future it will be broached more and more. That brings us now to the representative of the Federal Aid program.

BY MR. RUTHERFORD: It looks as though they have all taken a little time this afternoon. It has been right heartening to me to listen to you state representatives talk about what you are doing on the Pittman-Robertson program. Usually I am on the other end, and I have to tell what the states are doing, so this is a reverse proposition today, and it is very nice. There are no new interpretations or instructions of which I am aware. As you know, we issue what we call a policy manual.

When we started off on the program, rules and regulations were promulgated by the secretary, and last fall we revised that policy manual. The major changes were to take out all references to the Department of Agriculture, and the Secretary of Agriculture, by virtue of the fact that we are no longer in the Department of Agriculture. I am glad that this matter of funds came up, because I have had it in mind. Some of the states seem to have experienced difficulty in obligating their funds within the statutory period, or, they are obliged to wait until the funds are practically lost before they do obligate. Now, that is an unfortunate situation in that Congress appropriates, and the Fish and Wildlife Service, or the department, is obliged to inform the appropriations committee of the facts as to how much money is obligated and how much money is not. Well, naturally, those people can read figures just as well as the rest of us, and I kind of got a hunch that one of these days, the idea may dawn upon those gentlemen, "Well, there are quite a few states behind in this program, let's not appropriate anything this year, and give the lagging states an opportunity to catch up". Of course, if that occurs, most of the states are going to be very badly penalized, and I would hate to see it happen. Therefore, anything you gentlemen can do to stimulate activity and get these funds obligated promptly, I think, will be to your benefit in the long run.

BY MR. SWIFT: I would like to ask a question. Has any state had this experience; that it is the thought that under Pittman-Robertson there are being created added jobs that will be a burden on the state, and that they won't be able to finance. I don't mean that the Conservation Commissions have that idea, but state officials or someone who has something to say relative to the hiring of personnel, appropriation of funds, the appointment of commissioners, etc. "Why, you are creating something that will develop into such permanency, such magnitude, that there is going to be an increase of state personnel", and all of this and that, although they can see the benefit of what is being carried on. I am just wondering if anybody else has experienced that.

BY MR. RUTHERFORD: Of course, for that matter, the Pittman-Robertson employees are state employees. We have nothing to do with their hiring or firing.

BY MR. SWIFT: That is true, but it is building up a bigger program. I was wondering if that attitude had been found.

BY MR. RUTHERFORD: No sir; I don't think the program has been operating long enough to cause any concern to develop along that line. I don't see why it should. Any other questions?

BY DISCUSSION LEADER LOWE: I think that practically covers the subject of Federal Aid. If there are no more questions, I will turn the meeting back to the Chairman, Mr. Schwob.

BY CHAIRMAN SCHWOB: Mr. Bode has just handed me a telegram which he has received:

"Madison, Wisconsin.

I. T. Bode, President Midwest Ass'n of Fish and Game

Commissioners, Hotel Statler, St. Louis

Regret that because of a leg infection doctor has ordered me not to attend conference. Please extend my best wishes to all the members.

H. W. MacKenzie, Conservation Director."

I know all of us who have attended these meetings for years miss Mac, who usually can be counted on to get on his feet and say exactly what he thinks, and I hope that he doesn't have any serious after-effects from this infection.

BY CHAIRMAN SCHWOB: The next subject for discussion is a subject that in years gone by has caused quite a lot of argument, and I hope this year there won't be so much. This is a discussion of the recommendations for the waterfowl regulations for the coming year. Mr. Lytle of Nebraska is the leader of this discussion, and I think he has recommendations from all of the states, and it is our hope that on this question probably most of us can agree on what we want to recommend to the international meeting and the Fish and Wildlife Service, and that we can finish this thing up this afternoon.

BY DISCUSSION LEADER LYTLE: Mr. President, Chairman and Gentlemen, I want to say that this is my first opportunity to attend one of the meetings of the association, and I think that I am going back to Nebraska feeling that we do not have half as many serious problems in Nebraska as some of your gentlemen have from other states. The migratory waterfowl regulations are ones that interest all states, and I realize it is going to be hard to form an intelligent resolution to take care of a crop, when we really do not know just what this crop is going to be. At the present time we do not know just what conditions are in the north, or what they will be this fall when the birds come back south. Several weeks ago I wrote each one of the member states and asked for recommendations. By the way, I wonder if it might be wise to appoint a committee, Mr. President, to take notes on these questions that come up this afternoon in order to advise the committee on resolutions.

BY PRESIDENT BODE: It might be well to have a committee on hand that would keep some rather careful notes on this, so that in case the discussion becomes rather involved and indeterminate that committee can check the material tomorrow afternoon and get it in form of a specific resolution. If the discussion does not become involved, and is rather clear cut, then probably the action can be taken here with regard to it. That would be my recommendation. I don't know whether the chairman of the afternoon wants to do that or not.

BY CHAIRMAN SCHWOB: Yes sir.

BY DISCUSSION LEADER LYTLE: As I said, I sent out a letter to each one of the member states and asked for their recommendations on the coming waterfowl season. Well, I got a reply back from some of them, and from some of them I did not. Evidently those that did not answer, do not know just what recommendations to make. But I might read you the recommendations from the various states, and then if there is anything further from these respective states, we can listen to it here today.

North Dakota: "According to the report from North Dakota the 1940

season was very satisfactory except the opening hour. They would prefer one-half hour before sunrise or, better yet, open at daylight. Birds all leave feeding grounds before sunrise and go to resting grounds on Federal refuges where they stay until four p. m. Sixty days, starting October first, OK, bag limit OK. W. J. Lowe, Director." Now, have you anything further to add, Mr. Lowe?

BY MR. LOWE: I think that practically covers it. What we are interested in, is a chance to shoot the birds when available. We can't get sixty days of shooting in North Dakota, because the season is limited by the freeze-up that comes from the tenth to the fifteenth of December, and there are thousands of birds in during the period from October first to October thirty-first. During the past few years we have not had any shooting on water. I don't know whether most of you know this, but it is a fact that practically all of the duck water is in the form of federal refuges. The birds congregate there by the thousands and go to the fields to feed. There is probably ten, fifteen, twenty minutes of shooting just at daylight that we would be able to get. If you know conditions in North Dakota, there is at least half an hour, and probably more, before sunrise when it is almost as light as it is at midday, and that is the time we have too much shooting. At sunrise it is over with. So, we say, we want a daylight shooting hour, which we thought we were promised last year.

BY DISCUSSION LEADER LYTLE: I thing we had pretty much the same thing in Nebraska the last year. At the beginning of the season the hunters were quite enthused over the fact they were going to shoot twenty minutes before seven o'clock, but they didn't realize before the end of the sixty days' period, it would be that much or more after seven o'clock, and there was quite a lot of dissatisfaction.

Now, the report on South Dakota: "1940 season OK. Daily bag limit reduced to eight per day, fifteen in possession. Sixty days OK, starting October first at sunrise OK, in that part of the state west of time zone dividing the state. Some dissatisfaction in eastern part of the state on starting time. If necessary reduce bag limit and not number of days. J. W. Cluett, Director." I notice that you want to add to that, Mr. Cluett.

BY MR. CLUETT: We want the sixty day season, if at all possible. I might say that the chief warden just got through taking our duck census, and we have practically the same number of ducks we had a year ago. Our nesting conditions are more ideal than a year ago, and we are going to pull more ducks through. While we had a sixty day season last year, our hunters killed only about half the ducks they killed the year before. After all, your weather is your determining factor, as we always say, and our hunters in the northern zone, the same as North Dakota and Minnesota, consider the sixty day season absolutely satisfactory. It enables us to comply with their wishes in that respect, and gives the duck hunters in the northeast section, and the goose hunters in the south section, the same birds which you couldn't get under a forty-five day season. For that reason we went on record as rather favoring a reduced bag limit in preference to the number of days.

BY DISCUSSION LEADER LYTLE: We all realize that the storm last Armistice Day was rather detrimental to our season last year, as it drove out most of the birds, but we certainly do not expect that to happen every year, and at some part of a sixty day period, if it is left at sixty days,

we should have some shooting in our states.

Now, as to Iowa: "October 16 to December 14 sixty days OK. Bag and Possession limits the same, with same restrictions on canvas backs, red heads, buffleheads and ruddy ducks. Recommend shooting one-half hour before sunrise to four p.m., and six live duck decoys at one shooting stand or blind. Will follow U. S. Fish and Wildlife recommendations. F. T. Schwob." Have you anything to add to that, Mr. Schwob?

BY CHAIRMAN SCHWOB: We have some indication from the hunters on the Mississippi River that they want live decoys, but personally, I don't think it makes any difference. Our season last year was very satisfactory. We have some problems, and I don't want to take time to go into them now. I want to go into them tomorrow. We do think we have a squeal from our hunters in that we have such an effective refuge system. They sit all day and go out to feed after the closing hour. They seem to think if they could shoot just a few minutes before sunrise, they would get a few more ducks. I think it is just as broad as it is long, because I think the ducks are smart enough to go in the refuge anyway, if you allow them.

BY DISCUSSION LEADER LYTLE: Regardless of the season, we will have some hunters who make a "holler" about it, which reminds me of a letter I got from a fellow giving us "hell". He said that he was only able to get one hundred sixty-nine ducks during the season, and that wasn't enough to satisfy him. So it doesn't make a bit of difference, someone will make a "holler".

Now, from Missouri, and evidently Missouri was very well satisfied with the length of the season, and the only recommendations that were made were for "the use of a limited number of live decoys; (2) that wood ducks be included in the list of restricted species; (3) that shooting clubs be put under special license. I. T. Bode, Director." Now, have you anything further to add to that, Mr. Bode?

BY MR. BODE: Ask Mr. Stephens if he has anything.

BY DISCUSSION LEADER LYTLE: Mr. Stephens?

BY MR. STEPHENS: Mr. Chairman, from a duck shooter's standpoint, the federal regulations are wholly unsatisfactory to me. I would like to have live decoys, and a longer season, a spring season, and everything else that would completely satisfy all of the duck hunters, including myself. But from the standpoint of a person responsible for conservation of all wildlife in my state, I would say, first, that any recommendation we would make in Missouri would be contingent upon the supply of ducks: that is fundamental in the whole program.

Now, there are two recommendations made by the Missouri Conservation Commission that I would like to comment upon. One is the use of live decoys. I don't know in how many states, which you gentlemen represent here, live decoys were useful, prior to the present regulations, or in how many states they were generally used. Those who represent states where live decoys were found to be useful, or were generally used before the present prohibition on live decoys was invoked, I would like to have hold up their hands. One, two, three, four, five, six, seven - I don't

know whether I am counting a state twice, or whether I am duplicating any states. But I find this throughout the country, that out of all of the forty-eight states, there are only about eight where in the past it was customary to use live decoys, and I have shot in a good many of them, and therefore, I find that the sentiment and the judgment with reference to that matter is rather limited, due to the fact that even before they were prohibited they were not generally found to be necessary.

That is particularly true in Arkansas, and Louisana, and most of Texas. But in Missouri we have always found the live decoys beneficial in order to distribute the hunting birds, and in order to prevent the wounding of ducks unnecessarily. I think the reason for it is food conditions. Now, in Iowa, where you sometimes use corn pickers, and scatter a lot of corn through the fields there is a lot of food for ducks, and in Minnesota where they come fresh from the Canadian breeding grounds, and where they have not been scared to death, the opportunities for shooting are greater than in this state. In Arkansas where they have rice fields and natural habitat for the ducks during the winter, the conditions are more congenial to ducks. But in Missouri, except in very limited areas, and very concentrated areas, we have a migratory desert. There was a time on the Missouri River and the Mississippi River when we had some natural marshes, but due to the encroachments of the U. S. engineers, and the straightening out of the rivers those marshes have disappeared, so that now there are no natural feeding grounds in Missouri to speak of, except in concentrated areas, and there we find a concentration of ducks. Mr. Barmeier probably knows about where they are. But our hunters don't have an equitable opportunity to reap their share of the harvest of ducks crossing Missouri, because they go to Iowa and feed on the corn, and hurdle over Missouri to the rice fields of Arkansas. I think there is the responsibility for the government and the state. I think the State of Missouri ought to provide some feeding grounds for the ducks, and the federal government ought to do likewise. But in the meantime, to provide a fair distribution of hunting opportunities in this state, I think that live decoys are necessary. And I think their use is a conservation measure, because I have sat in duck blinds in this state, and I have seen men shoot over wood blocks, and I have seen the ducks decoy to them and come within seventy-five or one hundred yards of them, and then become suspicious of thosethings, and veer off, and then my city friends would begin to shoot at them from one hundred yards away, with the result that some of them were wounded, and would fly away and die. I don't care how many live decoys they grant us, or what bag limits they put on us, but give the hunters of Missouri a break, and give the ducks the protection that unnecessary wounding requires by the use of these wooden decoys.

Now then, I understand why the government, the Fish and Wildlife Service is reluctant to grant the use of live decoys, and that is that they are afraid of the slaughter that comes from commercial shooting places and blinds. And that is the reason why the Conservation Commission of Missouri has recommended to the government that a law be passed, if necessary, to license all clubs and blinds, so that the Fish and Wildlife Service, in case of abuses by private or public shooting places, can withdraw the licenses and control that unnecessary slaughter of ducks. That is the reason why we recommended the licensing of clubs and commercial places.

But if you gentlemen who are not interested, or have never found live decoys to be necessary, will join with us we will appreciate it very much, because we honestly think that it is sound conservation, and we hope you will give consideration to it.

BY DISCUSSION LEADER LYTLE: Mr. Swift has just handed me a message he received from Madison, Wisconsin, from his department:

(Reading report by Mr. Swift.)

BY DISCUSSION LEADER LYTLE: That is the report from Wisconsin. Is there anything further that you would like to say on that, Mr. Swift?

BY MR. SWIFT: No sir. I wired yesterday for the latest dope. I have nothing, unless the chief warden has something to say.

BY MR. BODE: May I ask whether that wood duck on the protected list, means on that limited list, or entirely closed?

BY MR. SWIFT: There was a big argument whether it should be on the limited list, or the protected list, and according to that, it says the protected list.

BY DISCUSSION LEADER LYTLE: I have had no report - yes, I do, I have a report just handed me from Illinois, from the department of conservation, and they recommend as follows:

STATE OF ILLINOIS
DEPARTMENT OF CONSERVATION

RECOMMENDATIONS FOR 1941 MIGRATORY WATERFOWL SEASON

SEASON DATES: DUCKS, GEESE, BRANT, COOTS, WILSON'S SNIPE (JACKSNIPE) MAY BE TAKEN FROM OCTOBER 15 - DECEMBER 15 (62 Days)

RAILS, GALLINULES MAY BE TAKEN FROM SEPTEMBER 1 - NOVEMBER 30.

SHOOTING HOURS: DUCKS, BRANT, GEESE, COOTS: SUNRISE - 4 P.M. STANDARD TIME

SNIPE, RAILS, GALLINULES: SUNRISE - SUNSET

METHODS OF TAKING BIRDS: SHOTGUN NOT LARGER THAN 10 GUAGE, NOT TO EXCEED THREE-SHOT CAPACITY.

THE USE OF A LIMITED NUMBER OF LIVE DECOYS. BLINDS TO CONFORM WITH 1940 FEDERAL REGULATIONS.

DAILY LIMITS: 10 in the AGGREGATE - (May include Not More than 2 of Each or 3 in the Aggregate of Bufflheads, Canvasbacks, Redheads, Ruddy Ducks or Wood Ducks)

3 in the Aggregate - GEESE, BRANT

	25 in the Aggregate	- COOTS
	15 " " "	- RAILS, GALLINULES
	15 " " "	- JACKSNIPE
	15 " " "	- SORA
POSSESSION LIMITS	2 DAYS' KILL	- DUCKS, BRANT, GEESE
	1 DAYS' KILL	- COOTS, RAILS, JACKSNIPE SORA, GALLINULES

DOVES

SEASON DATES: SEPTEMBER 1 - SEPTEMBER 30, BOTH DATES INCLUSIVE

LIMITS: DAILY 12 - POSSESSION 12

SHOOTING HOURS: SUNRISE TO SUNSET

BY DISCUSSION LEADER LYTLE: Now, that is the report from Illinois. Is there anything further that you want to say on that?

BY MR. MARTIN: The only thing is in line with what Mr. Stephens said today on this decoy proposition. You know the argument of the Federal government, and we in Illinois cannot understand just how they substantiate it, considering that live decoys were taken along on the coattail of feeding. We don't favor feeding of any particular type, but we believe live decoys have been over emphasized as a slaughter method. We believe that live decoys, if they are used under present changing conditions, will act as a conservation measure in Illinois. We have a problem that is not a good one as far as crippling losses are concerned. The use of decoys could improve that a lot. In fact, in my opinion, I think it would do a lot towards improving conditions, and I doubt if our kill in Illinois would be any larger than with the use of other methods, but I believe it would cut down our present total loss and the amount of cripples we are losing. On this wood duck situation, I believe we could well limit this accidental kill on all ducks to not more than two, and to allow three in the aggregate. I think this wood duck proposition has been hashed over in other years several times. Last year around some thirty odd states were in favor of it in Washington, and we do think some encouragement should be given to it. Now, inasmuch as wood ducks are being taken, and we all know that, I doubt if many more of them would be taken if included in this list.

We mentioned the sixty days' season. If we are going to open the closed seasons, or change any dates, it ought to be the first, tenth or the fifteenth, for the sake of uniformity. In fact, all of our seasons in our state, and I imagine in most of your states, open or close on the first, tenth or fifteenth. I believe those were the only changes that we requested in reference to the seasons as they existed last year.

BY DISCUSSION LEADER LYTLE: I have no report from Kansas. Mr. Josserand, what is your report on that?

BY MR. JOSSERAND: Mr. Chairman, the greatest demand we have, in fact, the only serious request we have for change from previous regulations, is the use of live decoys. I am inclined to string along with Mr. Stephens, that in the aggregate, use of live decoys will result in so many less leaded ducks that can't do anybody any good, and the place, perhaps, to put further restriction, if needed, would be on the daily bag limit. Last year the birds went through Kansas almost in one day, way ahead of the Armistice Day freeze, and I think in this area where they just go through, that live decoys is the main demand that our sportsmen make. I don't believe it would result in any greater benefit to us, other than a much more satisfactory season, due to the fact that they will not have leaded so many that go off and die. Now, we had quite a few ducks to stay on the preserves last year. They went south ahead of the Armistice Day storm, and then came back and stayed pretty close to our preserves. We have quite a different situation now in the protection of them to what it was five years ago because we have so much closed water and quite sizeable areas.

I think, outside of the present season, that would be the principal request from the people, or the sportsmen in Kansas, that, if necessary, the daily kill be cut down, but permit live decoys.

BY DISCUSSION LEADER LYTLE: As far as the bag limit, and the other restrictions, Kansas then is pretty much set, with the addition of a few live decoys. That same thing, I think, would hold good in Nebraska. Now, our boys were all pretty well satisfied last year. We have, perhaps, a little different situation in Nebraska than in some states, but I think we are pretty much the same as North Dakota, and that is when the birds come in from the north, they come in high in the air, and settle down on the North Platte game refuge, and in a few days they know just when to go out to feed and when to come in from feeding, and they usually go out after four o'clock in the afternoon and come back before sunrise. Now, if the association wishes to recommend the use of a few live decoys, and shooting a half hour before sunrise, Nebraska will go with you, because I know that the sportsmen of Nebraska would appreciate those changes. Is there anything else along that line that should be taken up?

BY MR. BODE: We haven't had a report from Minnesota.

BY DISCUSSION LEADER LYTLE: I guess I failed to get any report whatsoever from Minnesota.

BY DR. STRUNK: In connection with Minnesota, as you gentlemen all know, we have a peculiar problem in that state. Now, the problem simply is this, at the time the season opens, on October 1st, the greater part of the teal shooting and much of the black mallard shooting is gone. Especially this last year we made a survey of the northern part of the state and found that the shooting was terrible. But as far as Minnesota itself is concerned, we can't possibly get a change of that date, at least there apparently is no chance of it. We will go with Wisconsin, as we have arranged to do in the past; whatever requests Wisconsin has in this line, we will go with Wisconsin. And in the nature of the telegram Wisconsin just sent in, Minnesota stands with Wisconsin on the policy that they have outlined.

BY DISCUSSION LEADER LYTLE: I wonder if now wouldn't be a good time to hear what Burnie Maurek has to say on this closed season.

BY MR. MAUREK: That gives me an opportunity to apologize for Dr. Gabrielson not being able to be present at your conference here, but the reason is that his itinerary as he had originally planned, was upset due to the hearings before the appropriations committee in Congress. You know that is a very important time for him to be there "to get the money to make the mare go". And I am sure that his sentiments expressed in regard to the coming regulations would be the same as he has expressed them many times before, that he is willing to do everything possible to satisfy as many states as possible. You know it is impossible to satisfy them all from the national viewpoint. But he has done a mighty fine job in my way of thinking so far, and I am glad that he enjoys the confidence of you men, and the appreciation of the trouble and the hard job he has got to do every year. The last I heard from him, he said that he might be able to make it here the last day, but he doubted it very much, for the reason that we have a regional conference in Minneapolis beginning tomorrow morning, and his presence there is very necessary. He was very anxious to come here so he could talk to you gentlemen first hand and probably give you some information that we already have available as to the amount of ducks during our last spring migration. From all reports, there were not as many birds went north this year as last year, but we feel that is due to the fact there is more water this spring and the birds are more scattered than a year ago, because a year ago we didn't have as much water as we had this spring. I hope it is true that we had just as many birds go north this spring as we had last year. As Dr. Gabrielson has said time and time again, the seasons or the regulations depend on the crop of this year. If the crop warrants it, there is no question in my mind the regulations will be simplified or let down, and if it doesn't, they will be strengthened, because our job is "the ducks first, and the hunters secons". I thank you.

BY DISCUSSION LEADER LYTLE: Thank you. Have you, Mr. Rutherford, anything you would like to say?

BY MR. RUTHERFORD: Mr. Maurek did not cover this; the January inventory this year showed a duck population, assumed duck population of seventy million birds. Last year it was sixty-five million, so it went up five million, or, we will say, approximately eight percent. Before I left Washington I tried to get the information on duck stamp sales this year, and apparently they will be around one million two hundred thousand, whereas last year it was one million one hundred thousand, so they are up one-eleventh, or about nine percent, more duck stamps purchased and about eight percent more birds. According to the information in the inventory, the gains in population occurred primarily in the central and Pacific coast flyways, and not in the southern or Atlantic. The Service has been disappointed because the waterfowl population in those flyways has not increased the way the Service had hoped it would increase.

BY DISCUSSION LEADER LYTLE: One question I would like to ask; what do other states do about the destruction of crops adjacent to these Federal migratory or state refuges? Have you had any experience along that line? We, in Nebraska, have had considerable. There are times when we get a lot of complaints from these farmers.

BY MR. MAUREK: I probably can answer that in part. It is one of our major problems in the fall of the year because of the complaints of farmers of the ruination of their crops by the waterfowl. We have really made some advances in the matter by talking to the farmer and asking him if he wouldn't adopt some different farming practices. We have been quite successful in that. I don't say that it is a cure-all yet, but we have made quite a bit of progress. For instance, we take the State of Kansas, in the southwestern part particularly, where they raise cane and leave it in the fields all winter. Naturally, these mallards, where there is nothing else for them to eat, attack these shocks of cane and raise the dickens with them. Finally some of the farmers adopted the practices of taking this cane in off of the field and stacking it in their yards; in other words, beating the ducks to it. The same way in the prairie states, the farmers would get their crop off just as quickly as possible to beat the ducks to it. There always will be, as long as we have ducks, certain depredations made on the farmers' crops. We cannot avoid that. On the refuge system particularly, we provide for them every kind of a crop the ducks like, put it right under their noses, and they will go twenty miles out of the refuge to eat the crop of somebody else. In other words, they need a certain amount of exercise to get ready for their flight southward, and they ignore our feed entirely, and feed on some other crop. Incidentally, the hunter may get a chance to get one or two, provided he is there, and provided they come there before four o'clock. They generally don't go there until after four. So, I fully agree with Mr. Lowe, being from North Dakota, that North Dakota always did get the worst end of the stack as far as duck hunting is concerned, where the biggest part of the ducks are raised in the United States, in North and South Dakota, because the Lord provided a closed season for us ever since the migratory treaty between the United States and Canada. I know of years where as early as the sixteenth of October every bit of water in the State of North Dakota was frozen solid, and the season opened on October sixth. So we really had ten days' open season on ducks. I know that is a terrible injustice to hunters of that particular state, but I don't know very much we can do about it, because there have been seasons there where, especially in the southern part of the state and the northern part of South Dakota, there were open waters clear up into November.

I can assure you also that if the crop will justify the liberalization of regulations you are going to get them.

BY DISCUSSION LEADER LYTLE: Now gentlemen, the time is about up, and as near as I can tell there has not been a lot of difference as to the recommendations among the different states. I think at this time we will turn this back to Mr. Schwob, and perhaps there will be further action taken on that today.

BY CHAIRMAN SCHWOB: Thank you, Mr. Lytle. I don't think there is so much disagreement on these migratory waterfowl regulations, but we are way behind in our schedule now and I doubt if we can finish, and if we get into trying to decide these differences between the states, we will probably be here for two or three hours. I think probably the better plan would be to appoint a committee to bring these recommendations into our business meeting tomorrow for final approval of all of the delegates

of all of the states. Do you think that is a proper method of procedure? Do you agree with that, or do you want to decide this thing right here and now about what recommendations we will make?

BY MR. STEPHENS: Do it by resolution.

BY CHAIRMAN SCHWOB: Appoint a committee, I think that is the proper thing to do.

BY MR. STEPHENS: I move that.

BY CHAIRMAN SCHWOB: Is there a second to the motion?

BY MR. PETERSON: I second it.

BY CHAIRMAN SCHWOB: It has been moved and seconded that the chairman appoint a resolutions committee to bring into the meeting tomorrow afternoon the migratory waterfowl resolution or recommendation to the Fish and Wildlife Service. All in favor of the motion signify by saying "Aye". The contrary, "No". The motion is carried. I will appoint as chairman of that committee, Mr. Stephens of Missouri, and I will appoint Dr. Strunk of Minnesota and Mr. Lytle of Nebraska, and that committee will report back to the business meeting tomorrow afternoon.

Before we adjourn, I will turn the meeting back to Mr. Bode.

BY PRESIDENT BODE: Mr. Hunt.

BY MR. HUNT: I suggest that we wire MacKenzie our regrets that he cannot attend the meeting.

BY MR. STEPHENS: Second the motion.

BY THE PRESIDENT: It has been moved and seconded that we send to Director MacKenzie of Wisconsin a message expressing our regrets that he cannot be with us. All in favor signify by the usual sign. Those opposed by the same sign. Now, Mr. Hunt, if you take one or two men and formulate that telegram and give it to me, I will see that the telegram is sent. Now, I believe that is all I have. Are there any other recommendations or announcements? If not, the meeting will stand adjourned for the afternoon.

(At which time an adjournment was declared by the President to the following day, Thursday, June 5th, at nine o'clock, a. m., at which time, the meeting was called to order by President Bode, and the following proceedings were had:)

CHAIRMAN: Guy D. Josserand, Kansas.

DISCUSSION LEADER: Fred T. Schwob, Iowa.

BY CHAIRMAN JOSSERAND: We have a pretty heavy day ahead of us, I think, with some very important discussion to come up here. We hope

that every one of you will be on your toes and challenge any statement that is made. Mr. Schwob is going to talk about what efforts have succeeded on production of game on private land. We in Kansas are especially interested in this because we are about in the same position as Iowa, with probably seventy-eight percent of our state in private hands, and I expect all of us are in more or less the same situation.

BY MR. SCHWOB: I think this topic that we have for discussion this morning is a very important subject, especially to states like Iowa, Missouri, parts of Minnesota, Wisconsin, and Michigan, that are all intensively developed for agricultural purposes. With us in Iowa, with ninety-six percent of our land privately owned, it is a real problem. I have asked for a representative of each state to present a brief statement about the facts regarding their game production program on privately owned lands, and I want to ask each of you fellows when you are giving your report to get down to brass tacks, tell us what succeeded and what has failed in your program. We have an hour and a half, and we have already lost fifteen minutes; we are going to have to go along. I want to say again the thing I said in Madison two or three years ago, that I think this is the time and place for us to take our hair down and tell each other what has succeeded and what has failed, because in that way we can help each other more. Our game program in the State of Iowa is based on the principles of the American Game Policy and the recommendations made by Aldo Leopold after the completion of the Iowa Game Survey. The fundamentals of the plan are: First: To build environment so that seed stocks existing or placed on the land will have a reasonable chance of producing annually surplus crops which may be harvested by the man or woman who likes to hunt. Second: To so manage the crop that adequate breeding stock remains on the land. Third: To build up a favorable relationship between the hunter and the landowner so that adequate areas may be kept available to the hunter. To accomplish these ends, in 1932 we set up what we call the game management program. We had legislation passed which made it a misdemeanor to trespass on these game areas without permission of the land owners, and we set up demonstration areas on State lands to demonstrate how and what could be done in the way of game production. We set up a cooperative program under several different plans; as a matter of fact, we have tried most every plan that we could think of, trying to find the eventual answer to this game problem. We tried pay shooting, with most every form we could plan, where the sportsman paid the farmer; plans where the department paid the farmer; plans where the department or some other agency provided the fencing and planting material and things of that kind; plans where the sportsmen's organization was supposed to do the improvement work on the farms.

With that brief opening statement, I want to get down to what has failed in the State of Iowa in our game program. At the beginning of the program the trespass protection was used as a bait by some field men to get the farmers interested. When our program first started we had the idea we had to establish a lot of game management areas. We had a personnel that was not trained and a good many of our field men went to the farmers and said, "If you set your farm up as a game management area, you will control trespassing." When we got to checking up, we found we had taken our best hunting territory in the State out of circulation, as far as the hunter was concerned. These particular areas were set up because

of the good game environment, and the farmer had a problem in controlling trespassing--the good game was there. The hunter wanted to go on the farm and the farmer had trouble with irresponsible hunters leaving gates open, shooting his chickens, and he was anxious to have some way to control this trespassing. What happened? On some of these areas the farmer wasn't interested in the game crop--he was interested in trying to control trespass. In many instances we found instead of improving the environment for wildlife, it destroyed it, so after the plan had been in operation two or three years instead of having better environment, actually, it had been reduced.

In our original plan pheasant areas were required to have at least 640 acres in a continuous tract; for quail we required they have at least 320 acres. We got into a lot of difficulty about that. We found when we went to try to organize a group of farmers into one area that usually in the neighborhood there was some old quarrel of some kind, maybe over a line fence or somebody's bull getting into somebody's corn, but they didn't like each other and we had that constantly. If one farmer went into one thing, the fellow that didn't like him wouldn't cooperate, so finally, to do away with that problem, any farmer in the State of Iowa who now wants to practice game management on his farm can practice it. We like to get a group of farmers in a community, but each individual farm is now set up as an individual game management area, and any farmer who wants to practice game management can practice it, and it doesn't depend on whether all the farmers in the community are of the same opinion at the same time.

Another thing that failed in the State of Iowa: Up until just about a year ago, or two years ago, our sportsmen's organizations - I think probably every state has had the same experience with your sportsmen's organizations - met and presented a lot of resolutions, drank a lot of beer, and went home and forgot all about it. When you hear them in the meeting they are going to do wonderful things, but when it comes down to brass tacks, after the twelve months is over they haven't done a solitary thing. I want to come back to that later on, because we have found a way to get those fellows actively interested in this game program.

Another thing we found out in our game program, that any plan that eventually will be successful must be a simple plan that does not require expensive supervision on the part of the department. We had some experiences on that and we had one plan that cost us a little over six dollars for each bird that the hunter took, and he paid one dollar for the privilege of taking six birds per day.

We have found that paid shooting is not practical in the State of Iowa. In other words, we believe that the Iowa farmer will never be able to realize enough from the game crop on the farm, on the average Iowa farm, to seriously interest that farmer.

Another thing we found out, that farmers who are not themselves hunters or sportsmen, are not going to raise game and provide a place where we fellows from the cities and towns can hunt; there must be some other incentive.

Another thing, we found that many of our game management areas failed because of our field men not being qualified and not being the type of men that could go in, contact a farmer, sell the program and get him interested, and once the program was started, have the ability to carry on and direct those farmers along the right lines and keep the program moving.

Another place where we have failed in Iowa—we have failed to develop a satisfactory educational program that will get to the people that you have, or a large number of people that you have right here in the City of St. Louis, and that we have in Des Moines, Sioux City, Waterloo and different cities in the State of Iowa. I am talking about the factory worker and hunter and fisherman. It is very difficult to get him out to a meeting; it is difficult to contact him in any manner, and many of those fellows are the fellows that cause the trouble when they get out into the field, because they seem to have the idea that they can hunt wherever and whenever and whatever they please. They are a real problem in the State of Iowa. I think it is a problem that all departments should be very much interested in, to develop some method or means of contacting and educating that group of fellows. I had a group of farmers in my office about two weeks ago from the county just south of Des Moines. They were all up in arms. They were going to post their farms to keep all hunters off because of some fellows from Des Moines that came down and shot their chickens and stole one farmer's dog. It is a serious problem for us in the State of Iowa to work out some orderly method of harvesting the annual game crop by a method that is satisfactory to the farmers.

Now, what has succeeded, and why? Our game management program in the State of Iowa, I think, has been invaluable. It started in 1932. In 1932 we had the Bob White quail on the closed list; quail hunting had been prohibited in the State of Iowa for sixteen years. Today we have a thirty-day open season and we have more quail than we ever had in the State of Iowa. Our game management program, although so many of the game management areas were not successful and so many of the things we did were not successful, because of the facts brought out in our research program and the contact with these farmers, giving them the information on what to do for wildlife on the farm, really has produced remarkable results. We have, because of that program, a fine group of quail in southern Iowa and a thirty-day open season. We have set up a winter feeding program. We are developing through our land use program what we think is a really sound foundation for our game management program. In game management areas we have been able to control trespassing almost ninety-eight percent. It has been effective from that standpoint.

The game management areas established wherein the Soil Conservation Service, the farmers and the Commission cooperate show the most promise for real success. The plan is being carried out on the farms on which the owners have contracts with the Soil Conservation Service and on which erosion control work is being done. Proper land use programs are set up for each farm—in other words, we are working our game program into the regular land use program, and that we think is sound, because it becomes part of the management plan for the farm. We are working through Soil Conservation Districts and through Future Farmers, all farm organizations and groups, 4-H Clubs and things of that kind, trying

to make our game program a definite part of the land use program. We go to those groups and say: "We want to help you in this program. Here are the things we can do: We can provide planting material to help in your erosion control work on your farm. After it has grown to the place where it provides cover for wildlife, then if you need seed stock, we will provide the seed stock. We will provide seed for planting food patches. We have thousands of farm ponds built in southern Iowa and we help them on those farm ponds by advising them how to plant the shores, and so forth." We are trying to become part of this land use program and to work our game program in with the land use program. I think one of the most successful things we have ever attempted, and the thing that has produced the best results in the State of Iowa is our plan to provide groups and organizations with baby chicks and baby quail to raise. We had not been able up to this time to actively interest the sportsmen in our program, to get them to do something, but this program actually has. Whenever you get a group of pheasants, quail, raccoon, or anything else to rear, they develop a feeling of personal ownership. They rear those pheasants up to eight or ten weeks, then go out and contact their farmer friend and say, "Bill, have you got any place that will keep pheasants on your farm?" Finally they release the birds; the farmer is interested, and God pity the man that goes out and shoots his pheasants. "We have raised those birds and we have provided cover and we are looking after them and here you are out shooting them." That is very important, in my opinion, in this game program. In other words, it has built up public interest in this program and without public interest I don't see how you can succeed in anything.

I have told you briefly about our Iowa program, and I want to call on each state for a brief statement about their respective programs, and I would like to ask you fellows to withhold any question until after we have heard from each state. I will call on Doctor Strunk of Minnesota first.

(The first part of Doctor Strunk's remarks were so inaudible in spots to the reporter as to make a connected report of the same impossible.)

BY DR. STRUNK:- - - - -" In Southwestern or Central Minnesota we have our large agricultural areas. In Southwestern Minnesota we have about 32,000 farmers, in round figures, that are cooperating with us in raising game birds. How are they cooperating? Some of them are working with the Department in planting food, building shelters, and so on for the birds. But what does the Department do in return? The department stocks their lands when they want heavier stocking. The department guarantees to these farmers trespass protection. Where does the hunter come into the picture? We have made arrangements - say we have a block of fifty farmers, we make arrangements with about ten, or one-fifth of the farmers in an area to permit hunters to come on their lands. Those farms will be closed the following year and one-fifth of the additional farms will be open. In that way we have a rotating system throughout the group of farms and it has worked out very well.

The habitat in Southwestern Minnesota for pheasant is so excellent that technically the bird does not need a great deal of protection. We estimate that our kill for this last year in pheasants alone was approximately 1,400,000. South Dakota has us beat in that connection because

of their longer season, and also because sections of South Dakota, of course, constitute a better area than even Southwestern Minnesota. So, for Southwestern Minnesota, our arrangement is primarily on the basis of farm management.

Our Management program in Central Western Minnesota is entirely on the basis of closed areas, because there we are trying to propagate the Hungarian partridge, and, of course, the pheasant comes into the picture, as well as the prairie chicken and the sharptail, but those areas are closed, so the shooting in Central Western Minnesota is very limited, being confined only to those farms that do not want to come into the management area plan. - - - -

In Northwestern Minnesota, we are fortunate in having large areas, as I stated a minute ago, of State trust fund land, so the problem of private ownership of land in connection with the propagation of game birds does not enter the picture at all.

BY MR. SCHWOB: Doctor, I would like to ask you a question. What has failed in your program?

BY DR. STRUNK: The thing that has failed in our program is to try to get the majority of the farmers to cooperate with us in permitting hunters to shoot on their land. There we run into trouble. As I said a minute ago, the general plan of these game farm management areas has worked out very satisfactorily, but every once in a while we run into a bunch that become very ornery. The hunters want to get on that land to shoot, and naturally the department gets the heat put on them, because we promised those fellows if they did not want the hunters to come on their land, we would try to keep them off. The hunter-farmer relationship is still a problem.

Now, as to the quail problem in Minnesota. Minnesota is not a good quail state. We only have about eleven counties in Southeastern Minnesota that can produce quail in such numbers that we can have an open season, which is of very, very short duration. We usually have a quail season of four or five days only, and the only reason we have that is because we have a number of quail shooters in the state. The majority of our hunters, by far, are not quail hunters, but we propagate annually about 45,000 quail and release them into that section. From where do we get our supply stock? We have two major game farms. One of them gives all of its attention to the propagation of quail and sharptail and prairie chicken. The other one gives about fifty percent of its attention to pheasant, and the remainder of the fifty percent is given over to experimental work in connection with the other species. We do not use these game farms as a medium of heavy stocking. I personally think the day of proper enactment of the game farm management plan is over. In other words, what is the sense of putting out 100,000 pheasants when you can raise those pheasants out in the field in tremendous numbers, way over and above anything that you can produce in connection with your game farms? Furthermore, you must realize that it costs on a game farm, from the standpoint of the analysis of activities, 62 cents to raise a pheasant. We can go into Southwestern Minnesota and trap one for 18 cents, and including transportation, 25 cents. Why spend 62 cents for raising a

pheasant, when you can have the same effect produced in nature for 25 cents? You may say, what about disease? Disease will never hit through an area that is as wide spread as that and wipe out the species. The bird is abundant and when you can kill 1,400,000 in a season you can see that nature more than takes care of the problem of our need.

I want to state this opinion, that the primary function of the game farm consists in developing propagation associated with a number of species that have not been properly worked out. For example, we have a nut to crack right now in connection with our sharptail grouse. We started an experiment on that two months ago. We have hens sitting on fifty or fifty-five nests now, and we have to carry the thing through for generations. The purpose of that experiment is, of course, sharptail grouse are needed for Minnesota, and naturally we are going to pay more and more attention to those birds, instead of to the exotics.

That very briefly constitutes our program.

BY MR. SCHWOB: I want to call now upon Mr. Clark of Missouri.

BY MR. CLARK: The only comment that I have to offer is that our experience in Missouri confirms the conclusions reported in Mr. Schwob's paper, based on experiences in Iowa. We could cite parallel examples and the paper could have applied to Missouri in every detail except one or two, which I will mention.

In the development of the present program in Missouri, we also undertook to gain the interest and the cooperation of the farmer-landowner in wildlife restoration. At first he was interested in only one thing,--namely protection of his property. He knew of only one way to gain that protection,--that is by asking the Commission to establish a refuge and offered his land for that purpose. As a matter of fact in most cases, the farmer had no objection to hunting or to reasonable use of his property for hunting. In proposing a refuge, he had in mind that he might do a little hunting himself or permit a few of his friends to hunt. He was perfectly sincere in the matter but had failed to realize that it was only promiscuous hunting and overshooting to which he objected. A refuge offered the only solution that he knew of. From the start it has never been difficult to interest the farmer in cooperating with his neighbors in establishing a management area where shooting would be permitted but also controlled and where game would be considered, managed, and harvested as an annual incidental crop of the land.

Our approach had to be a little different than is used in Iowa where distribution of artificially propagated game is used to stimulate an interest in game which might lead to the adoption of management practices. Our conditions are similar to those reported by Dr. Strunk in his comments on game farms. In Missouri we feel that we do not need game farms and we depend upon artificially propagated game only in a very limited way, as when unusual weather conditions or some other uncontrollable factors may cause serious depletion in some localities or regions of the state.

Last August, for example, we had a combination of heavy wind and torrential rains which centered in one county in the northern part of the state and caused substantial losses so that we felt justified in

restocking that county intensively this spring. But that is the exception, and restocking is not an important part of our program.

I agree with Dr. Strunk that the tendency generally is toward the trapping of wild stock and we are attempting that in the case of quail and deer. We are still depending upon artificially propagated turkeys but not in great numbers.

Your reference to the relationship between game management and land use, in its broader phases, is also applicable to our experience in Missouri. By adopting an indirect approach to wildlife restoration, based on a broad concept of the interrelationships, we have gained the cooperation of many agencies and interests concerned in a program which is truly coordinated with all of the sections and divisions of our own organization. I recognize fully that the distribution of artificially propagated birds is an effective means of stimulating interest but it happens not to be needed or particularly applicable in Missouri. Although it is more difficult, we have been able to bring about a similar sense of responsibility for game restoration among sportsmen by interesting them in game management practices, such as pond building or setting up controlled shooting areas requiring permission of the owner for hunting or trespassing.

We always try to get some local conservation organization to sponsor such projects and in that way the sportsmen develop a sense of ownership, --"This is our project." In the construction of ponds and other activities, we depend upon these other organizations largely for the psychological effect which their support of those activities may have, and we get much the same effect, although it is a little slower in developing, than you find by giving them pheasants to rear. That sense of ownership and their active part in the program we think is one of the keys to the human relations connected with this problem.

I think in all other ways our experience and our mistakes have been similar to yours in Iowa, and our approach toward a practical solution, depending primarily on land use, is also parallel with yours.

BY MR. SCHWOB: Thank you, Mr. Clark. I would like to now call on Illinois, Mr. Osborne.

BY MR. OSBORNE: Mr. Chairman, when I took office about four months ago I found that on our game farms, we were raising four kinds of birds, pheasants, quail, wild turkeys and chukar partridges. My investigation about the turkeys was that they were raised merely for political purposes. We had four hundred wild turkeys down at the Alton farm and two hundred tame turkeys, and I went down to see how wild the wild turkeys were, and they all walked up and tried to shake hands with me.

We have no area in Illinois where the wild turkeys can successfully live in the wild, in my opinion, except one or two spots. So instead of spending $30,000 a year at Alton to raise wild turkeys to give to politicians, we have killed all those turkeys and given them to children's homes throughout the state.

As to the chukar partridges, we were also spending fancy money on them. I found after they had been distributed over a period of several

years they were no longer to be seen. Whether or not they had different predators in their natural state in India, which would be the cause, I do not know, but anyway, we were raising these good looking birds, but could never see them after we released them, so they have been done away with. We gave them away. Consequently, we are down to pheasants and quail.

The pheasants do well in the northern part of the state in the old glacial area, and the quail in the southern part. We have had a shortage of quail on account of a drought about two years ago, but this year we find that our pheasants have increased in very large numbers. Everywhere you drive you can see pheasants in the northern part of Illinois, and quail have increased very heavily. We expect to distribute from our game farms this year probably 100,000 pheasants and probably 80,000 or more quail.

We are unable to trap any birds in the wild, because we have no neighboring states we can encroach upon that have quail or pheasants. I wish we did have, but in any event, the advantage that I find, as has been so well pointed out in the game farm, is that we are able to raise these chicks to eight or ten weeks of age for delivery to sportsmen's clubs in the different counties, and then the pride of possession or the mothering of the young birds takes place and the club members carefully protect these birds, not only when they are young, but against people who want to shoot out of season, and they are a great help to our wardens in their work in stopping the violation of game. I think that effect alone is worth the price that we spend. Besides that, there is considerable advertising from our game farms. Great crowds of people go there, and there is a lot of publicity about them. I think it is educational to the general public, regarding wildlife, and that it is very valuable.

I do not know what else I could contribute, because I have not had as much experience as you gentlemen have.

BY MR. SCHWOB: Thank you. I want to call next upon Mr. Swift of Wisconsin. We are short of time, and I want to say again I wish we would all get right down to the meat of these programs and tell each other what has failed and what has actually produced results.

BY MR. SWIFT: Mr. Chairman, the problems of Wisconsin are, in a great measure, like those of Minnesota, due to topography and climatic conditions. The north, of course, has sharptail chicken and grouse. I personally feel that the problem in Northern Wisconsin to retain these birds is strictly one of land management and that is what we are attempting to accomplish. Also the Federal Forest Service in the National Forest up there is cooperating.

As I said yesterday, the forester and the game manager in Northern Wisconsin are beginning to get in each other's hair to a certain extent, as to what is going to be the ultimate outcome of land cover on some of these lands. It is not altogether that a tree is going to be planted, it is what type of tree and what type of shrub, so that some of these birds will be retained in their old original areas.

Then we go down to Southern Wisconsin. We have about 120,000 acres

in there that we administer for the Federal Government, and we feel that this is a very good place to establish a game management project, because we have entire control of it. There again the return of the jack pine is beginning to push out the prairie chicken where they have lived and thrived in great numbers for a great many years, and we have done some control burning already in certain areas in Wisconsin from a standpoint of demonstration, to see what that will do relative to retaining the original habitat for the prairie chicken.

In Southern Wisconsin, although our problems are quite similar to those of other states that are highly agricultural, the farms are on the average smaller than they are in, I believe, Illinois, Iowa, or Minnesota. The farmer of Southern Wisconsin is a dairy farmer. He does clean farming, and I believe sometimes the farmer of South Dakota or Western Minnesota leaves almost as much in the field as the farmer in Southern Wisconsin puts in his barns, so that when fall comes, the territory in which the pheasants range is a pretty bare proposition.

In 1934, we started a pheasant program, and developed a game farm. The output, of course, has increased during the years, and those birds are put out to clubs that are cooperators. At the present time those clubs themselves own around $100,000 worth of equipment in Southern Wisconsin, and they are the solution, or have been up to the present time the solution in farmer-sportsmen relationships in a great measure. When you realize that Milwaukee alone has 600,000 population and hunters fan out from that one county over on Lake Michigan looking for hunting possibilities, you can understand that the congestion produces a big problem.

There are certain towns over there that have tried to prohibit the carrying of guns. Although we try to help, and we do help in this relationship between farmer and sportsman, nevertheless, the sportsman through his activity, has a better opportunity than we do. There are more of them to carry on a local farmer-sportsman relationship than a department has with a limited number of personnel.

For the reason that we have that type of farming, we have to raise in a game farm a great many of our birds. In our research on pheasant, we are attempting to determine the winter kill. We have to feed heavily in the winter time, and still that does not take care of it. We do not have the grass marshes that Western Minnesota has.

That does not mean that we are not attempting to answer the question from the standpoint of cover, because we have shrub nurseries and we are working with these same game or pheasant cooperators and with the farmers to establish cover both permanent and temporary, but still and all, the Southern Wisconsin farmer is a clean farmer and he is going to get every bit he can off of his land to feed his dairy cows, and we have to realize that, and it is a case, in a great measure, of releasing and killing.

BY MR. SCHWOB: Thank you. Next I would like to call on South Dakota. I have a letter from Mr. Cluett in South Dakota, and you said in the letter that they do not have so many problems. Do you have anything to say about your game program, Mr. Cluett?

BY MR. CLUETT: We have no game management problems whatever. In fact,

our big job is not to try to raise small birds; it is to find some way to dispose of them. You fellows might think I am throwing out my chest, but it is a fact. South Dakota is a natural incubator. We have the greatest pheasant population probably in the United States, along with Bill here from North Dakota.

We have no farmer problem. Hunting is free over most of the state. We get excellent cooperation from the farmers. In fact, up in one of our most densely populated bird centers, there is a sign up there that says, "Hunt all you damn please. When the bell rings, come in for dinner." That is the attitude the farmers take up there. Hunting is probably freer in South Dakota than in any other state in the Union, possibly with the exception of North Dakota.

I say our big problem is to control our bird population . That is an actual fact. We had at our last commission meeting petitions in from several counties asking relief from the pheasants. That is our big problem. We have no solution for it as yet, but when we get these complaints, we instruct our fieldmen to go out and kill off a dozen or so of the worst offenders in order to satisfy the farmers.

I am interested, though, in your game management program, because I can readily see in years to come, especially in the eastern part of our state, that we are going to have probably the same problem as some of you men have where extensive cultivation is carried on.

BY MR. SCHWOB: Thank you, Mr. Cluett. A suggestion has just been made that maybe if you would lower your non-residence license fee, we would come over and shoot them off.

We will next hear from Mr. Lowe of North Dakota.

BY MR. LOWE: I have prepared a statement for the record, and will read it at this time.

UPLAND GAME PRODUCTION
ON PRIVATE LANDS

North Dakota, situated in the north central part of the United States, has an area of approximately 70,837 square miles. In other words, it is 1½ times the size of Pennsylvania and, considering land area, 1½ times the size of Wisconsin, 1½ times the size of Michigan, and 1 3/4 the size of Ohio. Most of its area lies within the glaciated portion of the northern United States. Part of the post-glacial Lakes Agassiz and Souris lie within its boundaries. In position, in an east and west direction, it occupies what might be considered a transition zone between the prairies to the south and east and the plateau and mountainous regions to the west.

From the point of view of flora and fauna, the state might also be considered as lying in a transition zone. It is primarily a prairie state. (Its woodland area is limited to some 950 square miles). Perhaps oft-recurring prairie fires account, at least in part, for the limited natural forest areas. The gently rolling grassy plains and rather unique natural drainage arrangement has permitted the fires to sweep repeatedly over

large portions of the state before the advent of the white man.

Its annual precipitation varies from about 24 inches in the Red River Valley to 8 or 9 inches in the western part of the state. The average for the entire state approximates 15 inches.

North Dakota, essentially an agricultural state, has not been settled as long as have some of the other states farther east, and may be considered a young state as far as agriculture is concerned. Most of its area was settled around 1900. The eastern half of the state, especially the Red River valley, is the most heavily populated rural section. The southwestern part, or that part of the state lying south and west of the Missouri River, is perhaps the most sparsely populated. The last available figures show an average population of 9.2 people per square mile for the state. This might be compared with other states such as Iowa, which has 44, Ohio, with 165, and Pennsylvania, with 215 per square mile.

The original land survey was completed before the state was settled, with the consequent result that it is laid out in square mile units. Roads, fences, telephone lines, etc., conform to this original survey. Large-scale wheat farming over most of its area and ranching in the west were the chief occupations originally undertaken by its settlers.

The effect of recent drouths and low commodity prices coupled with the state's distance from manufacturing centers and markets have resulted in considerable change with regard to farming practices during the last decade. There has, indeed, been a decline of about 40,000 or 7% in population in the state during the past 10 years. Much land that was originally farmed, now lies idle. The over-all effect of the AAA program has tended to further decrease the total area into crop each year. At present, the best figures available are as follows: About 40% or 28,073 square miles of the state is publically owned, leaving about 60% or 42,100 square miles on a more or less tax-paying basis. The total land in production amounts to some 10,000,000 acres or a little less than $\frac{1}{4}$ of the state's total area. This leaves approximately 3/4 or 35,000,000 acres out of production. These figures are being mentioned because they have a direct bearing on the production of upland game birds in North Dakota on private land as well as having a bearing on the problems confronting sound game management in the state.

It might perhaps be well here to briefly mention the species of upland game which we have to deal with in North Dakota. We have four native species of grouse. First, there is the sharptailed grouse, the distribution of which is state-wide. At present, this grouse is perhaps near the peak of its cycle in the state. As an illustration, a census made last winter, shows a population of approximately 16 birds per section for the Turtle Mountain region. It must be remembered that this region is comprised of roughly, 50% woodland, and is not considered particularly good sharp-tail country.

Next, we must mention the pinnated grouse, the range of which extends, in a broad band, from the southeast portions of the state in a northeastern direction, through the Devils Lake region to the Turtle Mountains. Its range covers possibly 1/3 of the state's total area. Then, there is the ruffed grouse found in the Turtle Mountains and the Pembina Mountains.

This bird, too, is on the increase, and its population may be regarded as high. Extending into the state at the southwestern corner, is a limited area occupied by the large sage grouse. Its range and numbers, however, are not large enough to warrant its being regarded as a game bird. However, the native sharp-tailed, pinnated, and ruffed grouse are very important species.

There are, also, two important introduced or exotic species in North Dakota. One of these is the pheasant, of state-wide range, and the other is the Hungarian partridge, the range of which is also state-wide. The concentration of pheasants in the southeastern section of the state might be rather surprising to a person not familiar with pheasant concentrations, and the Hungarian partridge might be regarded as the most plentiful of all upland game species in North Dakota. In the more intensively cultivated areas of the state, especially in portions of the Red River Valley, these two species seem to be able to adapt themselves to the conditions there better than do our native species. It is here, if anywhere, that we approach some sort of problem of game production on private land in the state. However, the area is small in comparison with the state as a whole, and no particular importance has been attached to it as yet.

Of less importance, is the recently introduced chukar partridge. It has not, as yet, tended to securely establish itself, and its habits are not well enough known to predict its future role as a game bird in the state.

Some idea of the upland game situation in North Dakota might be gotten when it is mentioned that the state regularly has an open season on five species--namely, the sharp-tailed grouse, the pinnated grouse, the ruffed grouse, the pheasant, and the Hungarian partridge. Further, through the past upland season, the bag limit was set at 10 birds per day, and the season was 21 days in length. It did not seem to the state's observers that this season had any deleterious effect on game populations. In fact, it is the concensus of opinion of the best observers that there is a considerably larger brood stock this spring than there was last spring.

You will see, then that the problems in North Dakota differ somewhat from the problems in some of the more eastern states where populations, agricultural practices, and land values are different. The choicest of land (and this is very limited in amount and restricted to parts of the Red River Valley) has been selling for as high as from $50.00 to $80.00 per acre. However, over most of the state, unimproved land that has at one time been cultivated, can be obtained by buying tax title to it--which will cost all the way from perhaps $1.50 to $5.00 per acre. Private land in North Dakota, then, has a different meaning than does private land in many of the other states. Perhaps 50% or 22,500,000 acres may be considered private land in the state, but, of this amount, perhaps only ½ or 10,000,000 are actually farmed. The AAA and other Federal programs have acted to create still more upland bird habitat-especially through the nesting season. Such conditions, coupled with others such as the size of farms (the average for the state runs around 500 acres) and the general value of land, all tend to create certain attitudes toward land use, which may be regarded as unique. For instance, the average farmer in most parts of North Dakota, does not care much whether two or three acres along a fence row or in a corner or in a water-filled pothole or slough happens to be farmed or not.

He is not particular as to whether or not he plows up close to a grove of trees, or close to a fence, or to a road. A piece of particularly stoney land will be left as is. The spirit of the west still prevails in most of the state, and, for the most part, the privilege to hunt anywhere in the state is regarded as the inalienable right of every citizen. The more sophisticated idea of trespassing on private land is just beginning to take root in North Dakota.

In such a situation, a refuge program was started by the North Dakota State Game and Fish Department some 12 years ago. At present, the state has 99 state game refuges in operation on private and public lands. There are about 176,000 acres included in these refuges. The small refuge idea probably originated in other more thickly populated and older states and was copied by North Dakota. Probably the theory ran something like this: "The refuge program was considered essential in some of the more heavily populated states of the east; therefore, why shouldn't it be a good game management practice in North Dakota?"

To date, it is not known just what part these so-called refuges play in game production within the state. Up to the present, no work has been done on them whatsoever except to post them, so it is impossible for me to give you any data regarding their value at this time. We hope to look into this question in the near future, now that we have several trained men on the staff under the Federal Aid Survey and Investigational Project. However, we are beginning to wonder whether this refuge idea might be as essential or important in North Dakota as it is in some other states. We are beginning to think that the state, as a whole, might be regarded as one big upland game refuge or farm and that the advisability of the unmodified small refuge idea within this large refuge may well be investigated. We are beginning to realize that the birds we produce on the so-called refuges are but a drop in the bucket to those produced by and large over the state, and that the amount of money we might spend in trying to "improve the natural habitat" (and I enclose that phrase in quotation marks)--in insignificant areas might well be very limited until we know more about the picture. To put it mildly, we don't know what "improving the habitat" really means for certain species and certain areas. We are beginning to think that the hatchery's job in North Dakota might be rather specialized in nature, such as might arise when new species are being introduced.

In other words, the production of game on private lands is not a problem as such in North Dakota. It may be some day in the future, but it is not of vital importance at present. North Dakota's problem is one of, first, finding out more facts regarding its extra-ordinary wildlife resources of which we know little as yet, and, secondly, to develop management practices and educational programs that will fit the unique conditions that are found here, to the end that this large unposted natural game farm will produce the greatest returns for money and labor expended.

BY MR. SCHWOB: Thank you. I would like to call next upon Nebraska, Mr. Vance.

GAME PRODUCTION ON PRIVATE LANDS

Recently, two Pittman-Robertson projects have been inaugurated in Nebraska which seem to have a place in our topic of today, "Game Production on Private Lands". These two projects, which we call the Pheasant Restoration Project, and the Upland Game Restoration Project, have definite integrated programs with the landowners, the land operators, and the sportsmen; giving each a part in a planting and a conservation program. So many times, all of us have experienced the desire of landowners and sportsmen to help in a game restoration program if they knew what to do. We are giving them a chance to help and believe that we are succeeding.

The first project set up under the Pittman-Robertson program, the Pheasant Restoration Project, was brought about by a decided decline in pheasant populations over the entire state. This decline was due primarily to drought conditions which restricted available winter cover, winter feed supplies, and spring nesting cover. In an effort to help restore natural habitat conditions, we took the long-road approach toward development of local interest in the job we wanted done. We approached local community organizations with a pheasant rearing program. This program, a three-way cooperative program between the Game, Forestation and Parks Commission, the local organization, and the landowner, was set up in this manner:— The landowners of two to four sections of land entered into an agreement with the Game Commission to close their land for a period of five years to all hunting in return for protection against trespass, liberation of birds on their lands, and for trees, shrubs and grass seeds that were to be planted primarily for the improvements of game habitats and also to check wind and water erosion. The local sponsoring organizations agreed to raise birds in equipment furnished by the State for liberation on the refuge areas established by the landowners. The Game Commission agreed to furnish to the landowners, trees, shrubs, and grass seeds for planting gullied areas, waste corners and fence rows, and signs to designate the area as a game refuge; and to the local organizations, we agreed to furnish all of the necessary rearing equipment and supplies for rearing one or two broods of pheasants. This program appears to be successful. The landowner is interested in cooperating because he receives tangible help in conserving soil and water on his farm. The local organizations are interested because they help to increase the numbers of game in their local communities and because they can show what they are doing by the numbers of birds they produce. The Game Commission is satisfied because it is fostering a friendly farmer-sportsmen relationship, is getting more game released over the entire state, and is actively engaged in a habitat restoration program on private lands.

During the first year, (1939), twenty-six (26) such cooperative programs were under way; last year there were fifty-one (51); and this year, there are sixty-three (63). The scope of a program of this type appears to be limited only by the amount of available personnel to do the job.

Our Upland Game Restoration Program is as yet untried, in that it has not been in operation for a long enough period of time to make an accurate observation of success or failure. We started in the four southeastern counties of Nebraska to restore quail habitat by working on private

lands. Forty-six (46) demonstrational areas consisting of from one to several farms, in a one to three-section block were selected, one in each township. These demonstrational areas were posted as game refuge areas and the man in charge of the program went into a huddle with the landowners. Here was a gully, eating its way into the field; there was a corner, producing weeds that were burned off late in the spring; there was a hedgerow; here was a bit of inaccessible pasture land. The men would sit down, draw a map of the farm as it actually was, and then our man would suggest a little fencing around this gully and that swale and this waste corner and then he would figure how many trees and shrubs of certain species were needed to provide adequate cover in these areas, plus a planting around field borders to connect the restored areas. To date, restoration activities have been started on seventy-one farms, out of more than five hundred farms included in forty-six (46) refuge areas. There is a greater demand for help in restoring wildlife habitat on farms than we have been able to supply. I said we didn't know yet the success or failure of this program. We are sure enough of the success of it that we plan to double our efforts. The proposed program for the next year is to arbitrarily divide the State into its eastern and western sections with a crew of three men operating in each the eastern and western section. Habitat improvement will be for the species of upland game frequenting the area.

We can't sell the landowner on a program of producing only wildlife, but we can sell him on a program of conservation of his natural resources, and to the farmer, that means his soil and water supplies. When, and if, we show him that gully plantings, windbreaks, and field borders save his land and increase his cash income, and incidentally, increase his crop of farm game, we get a darn good producer of game on private lands.

At the same time, we have been able to get across a point in game management to the local sportsmen--the number of game in any community, is dependent upon the amount of cover available and is not necessarily dependent upon the number of game released.

While discussing these problems with the local organizations, sportsmen, and landowners, we talk homes for wildlife and compare restored areas with other available cover in the community. Of course, there is no dependable way of measuring the results obtained from a talking or publicity campaign, but we believe that by making sportsmen and landowners conscious of cover improvement and the need for cover improvement, some good is bound to come.

In Nebraska, 3,205.75 miles of shelter belts on 41,613 acres on 5,251 individual farms requiring 22,792,757 trees have been planted during the past six years (1937-1940 inclusive). Plans were to plant some additional 600 miles of shelterbelts requiring four million additional trees for this spring (1941).

All of these shelterbelts have been planted on private lands.

During the early summer of 1940, a wildlife questionnaire was sent to 2,335 land operators having farm shelterbelts to determine their value to Nebraska wildlife.

A summary of the returns shows these average percentage increases

per farm;—pheasant, 30%; quail, 35%; prairie chicken, 35%; sharp-tailed grouse, 35%; chukar partridge, 75%; song and insectivorous birds, 27%; and small game animals, 18%.

The shelter belts, by providing nesting places, protection, and food, unquestionably have a favorable influence upon the wildlife population.

Support of an agency such as the U. S. Forest Service certainly merits our wholehearted cooperation in our program of more game on private lands.

All of the boys and girls in Nebraska enrolled in 4-H Club work are eligible to carry on conservation activities as part of their regular 4-H Club program. An extra curricular activity as it were. Several hundred of them actually do carry on this activity each year and compete for trips to the annual 4-H conservation camp. All are asked to write a story entitled, "My contribution to Conservation of Wildlife", stating in detail what they have done to improve wildlife conditions. While we cannot evaluate directly the amount of good done by them, we do know that here is an important tool to utilize in our program of more game production on private lands.

Most of you are probably familiar with "Nebraska's Script Plan" of paying farmers for pheasants produced on their lands. This script plan, as passed by the 1931 session of the State Legislature reads as follows:

I will quote now from Article 8 of the compiled statutes of the 1931 session of the State Legislature:—"The title of all upland game birds shall remain vested in the State of Nebraska by any resident landowners or lessees of land in Nebraska and may, if desired, receive certain remuneration for the feeding and raising of upland game birds subject to the instructions set forth in this Act. The Game, Forestation and Parks Commission may issue what, for the purposes of this Act, is known as the "Hunters Shooting Script". Such script shall consist of books of coupons; each coupon being detachable and stating its value upon the face thereof. Books will contain such number of coupons as may be necessary, or may correspond to the number of upland game birds allowed to be killed by hunters during the open season for which issued. Hunters desiring to hunt under this Act shall leave "Hunters Shooting Script" book with the landowner or lessee while hunting on said land and shall pay the landowner or lessee with the "Hunters Shooting Script"; giving such landowner or lessee one coupon for each bird killed on such premises. The value of coupons shall be fixed from time to time by the Game, Forestation and Parks Commission, providing that in no case shall the value of the coupon be greater than fifty cents each.

The Game, Forestation and Parks Commission, through its Secretary and agents, is hereby authorized to sell such script to resident and non-resident hunters who may desire to shoot pheasants in Nebraska as prescribed in this Act. Funds collected on such coupons shall be held as a trust fund by the Game, Forestation and Parks Commission and coupons will be paid from said fund upon presentation of the same by the person

to whom issued or his assigns in like manner and time as aforesaid. All unused monies in said trust fund shall, at the close of the calendar year, be paid by the Commission to the State Treasurer.

Such script shall be used only for the purpose of hunting upland game birds on land where script is acceptable to the owner or lessee thereof and during lawful open seasons on upland game birds as may be fixed by law or regulations. Hunters using such script shall be subject to all existing game laws, including observance of bag and possession limits and carrying of a hunter's permit the same as though hunting without such script.

The payment of such charge as prescribed in this Act shall accrue to the landowners or lessees for remuneration of feeding birds and trespass upon their land and such charge shall in no way give or transfer title to such birds as may be taken."

By means of the "Hunters Shooting Script", we had a workable plan by which landowners would receive immediate benefit for making a direct effort to increase the numbers of game birds on his land. This law, as it was enacted by the Legislature, was received favorably by the sportsmen and by the landowners and land operators. However, as the hunting season opened, both the sportsmen and the landowners found that the plan, which was meant to benefit both, did not work as readily as planned because the landowner would not accept the script from the sportsmen friend even when it could be cashed anywhere. The plan was tried two years and abandoned. As one farmer put it, "I would feel like hell asking my friends to pay for shooting on my farm".

While the law is still in our statutes, we have not had a request for several years from the hunters for coupon books or from the landowners for payment of birds taken on his land. Perhaps, with a wider publicity and educational program, a plan of this kind would work. It may be that the days of free hunting in Nebraska have not yet come to where there is sufficient demand for paid hunting privileges.

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MR. SCHWOB: I would like to hear from Kansas, Mr. Josserand.

MR. JOSSERAND: Our problems are just about as you have stated them. All of, or ninety percent of our land is, of course, privately owned. We have no expansive areas, even under the control of one man; perhaps 20,000 acres would be about the largest amount of land in our state under one control. So we have that same situation.

We have not tried out any paid hunting projects, and I doubt if we will. The problem is one for each individual to work out as he sees fit. We are trying to get the idea over to our sportsman that he cannot sit at home and wait until the morning of the hunting season about daybreak, and be able to find a place to hunt at the proper time and just wherever he would like to. It just will not be done that way. Also we are trying to get over the idea that for $1.00, he is not going to be able to go out and shoot game that has a commercial value of ten or fifteen times that dollar. In other words, he is going to have to put a lot more into it than he has

been putting in. There is a story that I continually tell to these boys and it might be of interest to you. I think it illustrates one of the things that we have to meet in our farmer-sportsman relationship on privately owned land. You probably have heard the story about the old Indian who ordered his bathtub out of the mail order catalogue. When the tub came, he unpacked it very carefully. He looked inside of it and he looked outside of it, and he examined the packing; then he went back to the catalogue from which he had ordered the bathtub. He looked at the catalogue, then he went back and looked in the tub, and he said, "Ugh, white squaw no come."

Our problem is to keep our sportsmen from conjuring up in their minds very much the same image, the same impression the Indian had. In other words, you cannot take $1.00, which we collect as a hunting license, and go out and produce ten birds a day for that hunter for that $1.00. So it is up to him, if he wants more for that $1.00, to go out and do it. That is our job. When we have succeeded in doing that, when we have succeeded in giving that fellow the inspiration and the thought that he has got to do it himself, it is his job and not ours, then I think we will have gone the full way on the development of game on privately owned land, and a perfectly harmonious relationship between the hunter or sportsman and the farmer, and you will not have the disappointed hunters that you have now. Just keep him from getting too hopeful for $1.00; that is all.

We have the same problems, I think, that you have in every state. We maintain game farms because we have no large areas, and as Mr. Osborne said over in Illinois, we do not try to encroach upon the neighboring states. We do not even look for that privilege. We might do it, however. Nebraska has done us some nice favors, in letting its pheasants come on down. Colorado has done the same. We help Oklahoma by letting them go down into Oklahoma.

We did inaugurate last year a definite pheasant stocking program for the state, something that it had never had before. We have twenty-one counties open for pheasant shooting for a short season, have had for the last three or four years. Perhaps our methods are wrong, in that we should keep those counties closed and trap out the surplus birds and move them to the other counties, but you know you have that public opinion, that opinion of your sportsmen that you must cope with. That does not let you sometimes do the thing you want to do. We are stocking the west seventy counties of our state with pheasants. We are keeping the east third of the state or the east thirty-five counties primarily free of pheasant, because it is a more suitable quail habitat. Of course, scattered throughout the rest of the state is a mixed pheasant and quail habitat, that has lots of quail, and will have lots of pheasant soon.

We maintain bird farms, because we believe it has a great deal of advertising value. It has a lot of stocking value. We have every reason to believe that seventy-five to eighty-five percent of the pheasants we released last year from the bird farms are now out in the wild and reproducing this year. We have no way of proving it exactly, but those birds we put out and banded and they have been watched quite closely.

We have not gone into the game management end of closing of areas. That is one of the fortunate things, I think, that we have not done, because

when you get right down and analyze it, in ninety percent of the cases where the landowners desire to close the land -- at least, it is true in our state -- you will find the motive in closing that land is not primarily for the benefit of the game or increasing the habitat, but it is to get protection against trespass. It is a problem.

We have the same situation on the morning of the opening of the quail season. The cars going out of cities such as Wichita are almost bumper to bumper. It is a problem, but we stay out of that, and let the landowner struggle with that problem himself. Let him and the sportsman work it out together. Fortunately, they are doing a pretty good job of it, much better than if we worked out some scheme of trying to be the go-between, which we believe would be just another way of being the goat. So we are having our growing pains; we are having our struggles. We are meeting them with some degree of success, and have an increasing number of people buying hunting licenses. Thank you.

MR. SCHWOB: Thank you.

I am sure there are a number of questions you fellows want to ask. I want to tell you that I brought some of our signs that we use in Iowa on our different areas, and there is one in particular here that we are having very good success with, and this is the takeoff on the Pennsylvania plan. We suggested this to our sportsmen organizations. It says,

> "Sportsmen, ask for permission to fish, hunt or trap. You are a guest on this property through the courtesy of the landholder, so respect his wishes and rights.
>
> "Please do not leave gates open, break down or destroy fences, injure poultry or other livestock, or shoot near buildings or livestock; hunt in a field where stock is pastured, or shoot near where any work is in progress; pick fruit, nuts or berries without proper consent of the owner.
>
> "If you want farm products, ask to buy them. The farmer may have them for sale. You must have permission to hunt on enclosed or cultivated lands or railroad right of ways."

Then we cite that it is unlawful to hunt with a dog or gun without permission. Then there is a place here for the conservation organization, local organization to put their name, and that thing has, we think, done a great deal of good in getting the farmer and sportsman together in connection with our cooperative game bird stocking program. I will leave these signs here, if any of you fellows are interested. This is a sign (indicating) we use in our cooperative game management areas in connection with soil conservation service.

Now, I am sure there are questions that you fellows have. I know I have one. I would like to ask Mr. Vance from Nebraska, why you chose these areas where you stock your pheasants for a five year period.

MR. VANCE: We have started out making refuges out of those areas, taking the entire output of these cooperative pheasant bearing units, thinking that most of the birds would stay on the area. They would

reproduce and the surplus from themselves would crowd out on the surrounding area, making better hunting immediately around there. The sportsmen, after all, are doing most of the work, putting out a lot of effort to get birds in their home community, and by have a seed stock area of some size, they are able to benefit themselves within a relatively short time. These areas were set up for a five-year period as against the normal procedure of the Game Department of three years, so that where we helped to improve game habitat on those lands by providing trees and shrubs and seeds and grasses, we would have more or less of a permanent seed stock area.

On our quail areas, or what we call our "quail areas," that we are working in the southern part of the state, we did pretty much the same thing. Frankly, we think we are making a little error. We attempted to hold these to about two sections of land and put the maximum area at four sections, but, as has been brought out by some of the other gentlemen here, a good many of these landowners want their lands closed merely for the protection of trespass, and we want to try and avoid that as much as possible. One of the biggest problems of our program has been the holding down of the size of the refuge area for a five-year period. So, as was mentioned yesterday afternoon, we are getting around that, we hope, by changing over from a refuge area system to a game management area system, in which we will operate a block of land, we do not care what size it is, and we are contemplating using signs such as Mr. Schwob has there, setting it out as a game management area. But on the parts of the land that are improved, we will make small retreat areas, in which no trespassing is allowed. We feel that that is a sounder plan and will help to benefit the game and our department more than our extensive refuge system has.

MR. JOSSERAND: Mr. Vance, may I ask you this question: You are doing this in cooperation with Pittman-Robertson, which was one reason for your five-year term?

MR. VANCE: That is right.

MR. JOSSERAND: Was that at their insistence too?

MR. VANCE: That is right.

MR. JOSSERAND: The point I wanted to bring out was that we have some of those areas, and they insisted on five years and we insisted on three, and we finally compromised on three.

MR. VANCE: Compromise?

MR. JOSSERAND: Because of the fact, in my opinion, if you do not watch it on your privately owned land, you will get so much of it closed that your hunter has a just complaint about it.

MR. VANCE: The unfortunate part of that situation is in these refuge areas, we are working with local sponsored organizations which may be a Sportsmen's Club or any service organization, Lions' Club, Kiwanis Club, community clubs, any organization that has an interest in wildlife, and we make it their responsibility to select the refuge areas subject to our inspection. The sportsmen themselves do not know when to stop on refuge areas; they go hog wild.

MR. SCHWOB: We in Iowa have a little different approach on this problem, and I would like to just mention that. We are trying to teach our farmers in the State of Iowa that this is a crop, as Mr. Clark explained yesterday; that this game is a crop of the land, and that thing must be managed and just the surplus taken off. Now, if you can get the farmer to manage that crop on the farm and control his hunting -- on private land, I am talking about -- I do not see where you need a refuge area on that farm. In other words, to me, conservation means the wise use of any resource. I mean by that that we keep it in order, use it so that we will always have it, and I do not care whether you are talking about trees, land, water, people, or anything else. That is what we are trying to teach the people in the State of Iowa, that this game is a wildlife crop; it is a natural resource, and it should be kept in order, used properly, used so that we can always have it and get the benefits from it. In other words, I think true conservation implies use. It is just as sensible to me to say, "We will go out here and never use any of this fine soil we have," as to say, "We never will take any wildlife." The important thing is to use it and use it properly. That is the idea we are trying to get over to our Iowa farmer; that he manage this wildlife crop, see that it has proper environment, food and proper living conditions, and if he hasn't the proper seed stock, we will supply that. Then we teach him how to manage so he knows each year how many birds he can take off and still have a seed stock left, so that he can perpetuate that crop from year to year. That is the idea or the angle we are putting to our Iowa farmer, that this is a crop and should be properly managed. So on your privately owned farm, I cannot see where you need a refuge area.

MR. LYTLE: May I ask a question? What would you do in Iowa if your average farmer moved every two years due to drought conditions?

MR. SCHWOB: We have that problem, and I will tell you frankly we have a great many renters in Iowa too. That is another problem I did not mention in my paper that is a serious problem when you are dealing with a landowner or a landholder that moves every two or three years. We have not been able to work that problem out. Frankly that is not satisfactory, and we have our best success where we deal with the man who lives on the land.

MR. JOSSERAND: Rather than the landowner?

MR. SCHWOB: Yes. Of course, it is better if the landowner lives on the land. Then you can make a long time plan and that farmer is interested in a land use program. In other words, he is interested in the productivity of that farm and keeping it productive. That is conservation. Wildlife is a part of that entire conservation program, you see, and we are trying to work this program right in with his land use program on the farm, and teaching him it is a crop and should be managed just the same as his cattle or hogs or corn or anything else that he raises.

MR. JOSSERAND: Do you find this sort of psychology running through the minds of some of those renters, that "If I don't shoot the game on here, the next fellow will"?

MR. SCHWOB: Yes, but I think this: As this land use program develops, that more and more landowners who do not reside on the land will insist that

the tenants to whom they rent the land use it properly. In other words, the landowner considers it good business for him to keep his farm in order. So that more and more, in Iowa, as the years go by, the owner of the land is insisting and putting it right in his farm lease that certain conservation measures be carried out on the farm, and we are going to benefit there.

This is the time to really ask questions. We are all broadminded enough that none of us will get mad or anything like that. For heaven's sake, ask these questions, and let's get all the facts and get some benefit out of this discussion!

BY DR. STRUNK: What benefit does the farm get out of the crop?

BY MR. SCHWOB: Out of what?

BY DR. STRUNK: Out of the game crop?

BY MR. SCHWOB: The only benefit we think he will ever get is the social benefit. For instance, I am a farmer; you are my friend. You and Mr. Stewart are my friends. We love to hunt, we love bird dogs, and each year you look forward to the time when we will come out to the farm and have a fine hunt.

BY DR. STRUNK: Do you ring the bell too for dinner?

BY MR. SCHWOB: Yes.

BY MR. POYNEER: As they say in the Methodist Church, I am just a lay worker, but I think you professionals, who have worked out this sound system of game management in connection with the soil program, from the view point of the outsider, that whole program can be spoiled by one heel. You heard a lot last night about domestic relations. There is no question but what this whole conservation program is a family affair.

In other words, the farmer is the housekeeper, and we cannot ask the housekeeper to cook a lot of pies, then come in there with muddy feet and bust up the furniture and steal all the pies, and come back next year. While the man from Kansas says that that is a question between the sportsman and the farmer, I think the conservation commissions and organizations are the motivating element behind this whole thing. In other words, we lay out the place, we are the coach, and the sportsmen of the country are the teams executing it, and I think the whole program depends on the different attitudes on the part of the sportsmen. I think it is greatly improving right along, but in my opinion, the conservation commissions and the speakers when they talk to these sportsmen's groups can hammer in the point that the farmer is the best sportsman of the bunch.

If the city man would treat him as his host on this occasion, if he would get in touch with him and treat him as an equal when he comes to town, if he will make a friend of him, send something on Christmas to the kids, appreciate the fact that he is doing him a great favor, I think that is the foundation of the whole thing. One fellow can spoil your program in the whole area by rotten treatment of the man. That is the basis of the whole program.

BY MR. SCHWOB: Thank you, Mr. Poyneer.

BY MR. CLARK: Mr. Schwob, I would like to comment on the question which we are often asked,—how does the farmer benefit from the cooperation requested of him? Men who live in cities are accustomed to measuring everything in terms of dollars and cents. I think that the experience in Nebraska, as related by Mr. Vance, is typical. The farmer is not thinking,—and never has thought of,—wildlife in terms of cash. A plan is needed which offers to the farmer definite advantages in which he is interested.

According to our views in Missouri, the social benefits are an important consideration. However, another point which has been mentioned but perhaps not emphasized enough is the relationship between game management and the practices recommended for soil conservation and other land use programs. If soil conservation practices, reforestation, and all of the other activities connected with a broad program of good land use is beneficial to the country or the state or the county or the farm, it is also beneficial to wildlife. Likewise, the farm practices recommended for wildlife restoration are beneficial to the interests of soil conservation and beneficial to the farm and the farmer. It makes no difference if a pond is built for wildlife or to furnish stock water. If erosion is controlled on a farm, the area is improved for all uses, including wildlife, and it is immaterial whether the benefits to wildlife or to the farm offered the incentive which persuaded the farmer to carry out the practice. I think it has been brought out that the best results come through cooperative efforts and that the desired cooperation is secured most effectively when wildlife is recognized as a secondary, almost incidental, crop dependent upon good land use and soil conservation practices.

Benefit from increased wildlife, which will attract hunters, will give the farmer the opportunity to be more sociable with visitors who come and want to hunt.

BY DR. STRUNK: I like the social angle very much, but I happened to make a personal check back in Southwestern Minnesota during the last pheasant season. The social phase is a beautiful theory, but on one farm of 420 acres, we counted over 200 hunters in the course of a morning. The theory is beautiful, but try to work that thing out in practice, when you are dealing with human beings. Everyone of them is different, and just as Mr. Poyneer said, one rat can ruin the whole thing. We have tried out these experiments. In some instances, they have gone through, and in some instances, they have failed.

We have taken a sportsmen's club, an excellent one, say with 80 or 100 members. We said, "All right, here are so many farms around the towns in which you have your sportsmen's organization. You fellows get blue badges, red badges, any kind of badges you want, and put them on the lapel or put them on the back of the coat, so you can identify one another belonging to that sportsmen's organization. You fellows go out and work with these farmers. Do some actual work for them. Help them along in order to get their kids to school, and things like that." A lot of them pitched in. They got themselves different colored badges. What of it? They patrolled the areas in which the farmers had permitted them to hunt, but one rat would come in and kill a cow, etc. In the case of one turkey farm, nine turkeys were lost in the course of fifteen minutes, not by the sportsmen, but one rat sneaked under the fence, and frankly, I do not know how in the world you are going to stop it. I do not believe any other state

has found the solution either. Until you finally come to the conditions of Utopia, when you can say to John Doe on this farm, "John, you are now rewarded immediately, instead of waiting for Heaven", --until that condition exists, gentlemen, we might just as well try to do the best we can without expecting much result.

BY MR. SCHWOB: I do not agree with you that we have not had much result. If you will compare conditions today with conditions ten years ago, there has been wonderful improvements. You can go into northern Iowa during the pheasant season and you will now find the majority of the automobiles parked in the farmer's farm lot. He has gone in there and he has made arrangements with the farmer to hunt on that farm. When our pheasant season first opened, you could not drive down the highway. They were parked everywhere; they would go everywhere, right over the fence, and I think conditions are improving each year because of the educational programs that these states have been putting on. I will agree that we are never going to have any perfect plan. If it works 85%, it will be a very good one, don't you think? When you compare conditions today with conditions ten years ago, we have come quite a long ways, and in the next ten years, if we keep our feet on the ground and think straight and be guided by facts, we are going to make a lot more progress.

BY DR. STRUNK: Mr. Chairman, are you sure those cars do not come into the farmer's farmyard because he has been feeding the pheasants around his house? I told Fred we would have an argument before this thing was over.

I agree with you, Fred; we have made progress, but the point I am trying to get over is this: We expect to jump hurdles or bridge gaps that the greatest minds in the world have had to work on very, very slowly, to finally get to the point. Take medicine. Good God! Just take the attitude toward the medical man just fifty years ago. You come along with a hypodermic and they start yelling their heads off, for fear you are putting something into the body that is going to ruin the race. Look at the change in attitude. Surely, they have advanced tremendously, but do not expect a miracle. In the meantime, struggle along the best we can, and Heaven may be around the next corner.

BY MR. JOSSERAND: Gentlemen, this has been a very interesting discussion, and we hate to cut it off, but Dr. Strunk has another speech to make, and if we do not get him started on that, we will not get through in time for lunch. I want to thank you, Mr. Schwob, for the leading of that discussion, which to me was very interesting, and also thank all of you men who took part in it. The next subject I think is just as interesting to all of us, "Where is habitat improvement going in the fisheries programs." Dr. Strunk is the discussion leader on that. I hope you will give him the same support that you gave Mr. Schwob in the preceding discussion. Dr. Strunk.

BY DR. STRUNK: There is one thing peculiar about conservation. I believe all of you have found that out, and that is, that there are always two possibilities to this field of ours.

I would like very briefly to tell you what Minnesota is doing, and I want to make a very frank and candid statement. This is not a mutual admiration society. This is an organization in which we are supposed to compare notes, and try to obtain benefits from one another's experiences. In

connection with the fishing program, it has lagged behind; I will be perfectly frank and candid about it. The reason it has is this: We have 11,000 some odd lakes in Minnesota, and as a result of that, fishing has been general all through the state, and it is surprising that the individuals associated with the departments have not gone into the fundamentals involved in this fish program, in the rehabilitation of fish in the state. Certainly we have slipped in connection with our general fishing. Wisconsin has outstripped us by a considerable margin. That is not saying they will remain there, but the point is this: We have had too much and we still have too much in that state, and as a result, people do not think in terms of conservation, the way they do in connection with a number of other states.

We have that tremendous wilderness area to the north. That still is, literally speaking, a cardinal wilderness, and as long as you have hundreds of thousands of acres into which people can go and forget about things, they do not stop to think, after all is said and done, there is going to come a time when this thing is not going to be there any more.

I can say this, that we are well satisfied with the advances that have been made in the span of the last two years in connection with fish habitat improvements, and the general fishing program of the state is to really get them conscious of the fact that the time is coming here when you are not going to have this situation, and to stay along the educational lines.

Before I begin presenting the cardinal things that we are trying to do in connection with the fish habitat improvements, which is but one phase of a major fishing program, I would like to point out the nature of the organization of that department, to give you a background of the help that we get out of the department itself. We do not just have a Division of Game and Fish in that Conservation Department. We have six major divisions. The Division of Game and Fish is one; another one is the Division of Water Resources and Engineering, Division of Forestry, Division of State Parks, Tourist Bureau, and Division of Lands and Minerals. Each division has at its head a director, and those directors constitute the Board of Advisors to the Commission of Conservation. In other words, it means a closed corporation or group of men that are working for the interest of their department and the interest of their state. I point that out because no fish habitat improvement nor major fishing program can be enacted without the thorough cooperation of these various phases of conservation.

First of all, what are we doing in connection with the fish habitat improvement problem? I told you that the Division of Water Resources and Engineering is one of the divisions. One of the things that we are starting and have carried on for the last two years quite extensively is the rehabilitation of lake levels, stabilization of lake levels through the construction of dams — not these big dams, but small dam units. We constructed in the last two years approximately 400 dams in various parts of the state. You will say, "Where in the world do you get all the money with which to build them?" We have worked out this scheme: We have many people interested in the rehabilitation and stabilization of lake levels from the fishing angle. We say, "Look, your lake is down. We can raise that lake to the natural, ordinary high. We can raise it to the level where nature had it for a sufficient period of time, to alter the botanical set-up and shoreline. We can under the law raise this thing, under mandate without easement." Under one of the laws we have in the state, we can simply say, "This is not the

natural, ordinary high and this lake can be raised to its natural, ordinary high and there are no easements that have to be obtained." We go to these people and we say, "Here, we can do this, we can rehabilitate your lake. How much sponsor contribution are you going to pitch into it?" And in almost every instance, the people surrounding the lake or in the community near by have pitched in, and the majority of the sponsor contributions are under WPA construction. The Department has given very little money in that connection, even though the jobs themselves in the construction of those 400 dams have run into the millions.

Now, what does that thing mean as far as fish habitat restoration goes? There are two big schools of thought in connection with our fishing program. One is, build more rearing units, so you can rear your fish to a larger size, not planting the fry, but raising the fingerlings or semi-yearlings or yearlings, then plant those fish. That is one.

Another school of thought is this: Rehabilitate your lake level so you can cover your spawning beds. You will be able to produce far more fish for that lake than you will ever be able to produce by stocking that lake. What has been our experience on that? Our Bureau of Fisheries has made a very careful analysis of a number of lakes, and it has been very definitely proven that in the rehabilitation of a lake level, properly covered spawning beds constitutes by far the biggest asset to our fish population.

Let me give you one instance of that. We have just finished a major pond of twenty-four acres. That pond is there primarily for the purpose of working out certain problems in connection with the feeding of wall-eyed pike. Let's see what that pond will produce. Even stretching the imagination a little bit in order to get at a figure that is high, that pond, if properly managed, will probably produce by fall 500,000 wall-eyes of seven to eight inches in length. All right, let's see what the possibilities are from Mille Lacs Lake; 500,000 semi-mature wall-eyed pike, seven or eight inches in length will be produced in Mille Lacs Lake by 1,000 mature wall-eyed pike.

Is that the answer to rehabilitation of fish population in the lakes and ponds? Never. What are we going to use that pond for? We are working out two problems relative to feeding wall-eyes, but after those problems have been worked out, that pond is going to be turned over to one of two things; namely, the building up of the forage fish population of the lake or the balancing fish population of the lake.

Let me show you what I mean by that. In Mille Lacs a careful census taken by our fish men has shown that we obtained fifty percent production in that lake on wall-eyed pike. In other words, fifty percent of the lake's population is wall-eyed pike; about forty-five percent of the lake's population is perch, two percent of the lake's population is northern pike or pickerel, and the remaining percentage constitutes the balance of the fish. What we want to do is rebalance that lake, and you cannot do it by putting more wall-eyes in. You only can rebalance that lake by allowing the forage fish population to come up, but more important than that is to rebalance the fish and put more northern pike in it. If we could put in 3,000,000 northern pike, that lake would come back to its balanced condition in two or three years.

The Division of Water Resources and Engineering has helped us tremendously by stabilizing and rehabilitating lake levels in various parts of the state. We have a tremendous job ahead of us in that connection. While we boast of a little more than 11,000 lakes in the state, only about 6,000 of the lakes in Minnesota are good fish lakes. The other lakes, so-called, are not fish lakes. They are lakes that constitute a semi-swamp or marsh condition, not the typical marsh, but open bodies of water that are found excellent for duck raising, excellent for furbearing animals, such as muskrat, but they are not fish lakes. Only about 6,000 of the lakes in Minnesota are good fish lakes. We have only 400 dams constructed, so you can see that the job ahead is a tremendous one. So the first thing that we have done in connection with fish habitat improvements is the construction of dams for the stabilization of lake water levels.

The second thing Minnesota has carried out in connection with this problem centers upon the clearing up of pollution. Under our state law, the Department of Conservation is an integral factor, associated with the State Department of Health. In other words, there is never a meeting of the State Department of Health committee unless a representative of the Department of Conservation is present. We contribute to the maintenance of the State Department of Health a total of $5,000 a year, which is primarily a pittance so that we can get our fingers into the pie, but it has worked out very well, and the pollution problems in Minnesota are rapidly nearing solution.

We have one or two other problems left in that connection, primarily of an industrial waste nature. For instance, the canning plants. No scientist has worked out a means for properly handling the pollutions coming from the major canning plants. At Mankato, where the big canning company is, we have constructed a pond of forty acres in order to allow the polluting material coming from their plant to settle properly, but it is not a completely satisfactory thing.

Now, we have two or three problems associated with the clearing up of pollution, outside of that, and one is soil erosion control. In connection with the soil conservation service, for the first time the legislature of the state has given to the department the right to contribute whatever amounts of money they want up to $20,000 to the soil conservation service, the Federal Soil Conservation Service. You know what that means. It means we can get at problems of streams we have been unable to touch before, because we did not have facilities for doing it.

The third factor, from the standpoint of fish habitat improvement centers upon the problem of rough fish removal. Minnesota is cursed in its southern lakes with a terrifically heavy population of carp, buffalo and bullheads.

Now, our rough fish problem, and I think that is true for Wisconsin, primarily centers upon two phases. First of all, the control of the carp and the buffalo, and secondly, the control of the bullhead. As I pointed out yesterday, I think we have the carp and buffalo problem pretty well cinched in this way, with the fur breeders coming into the picture. With the new method of feeding that Dr. Green of the University has worked out, it is now possible to feed fur bearing animals 75% of food consisting of

rough fish, and 25% horse meat, etc. We think we can get rid of a great deal in that way. We must remove from our lakes 6,000,000 pounds of carp a year, in round figures, in order to keep the carp under control. We will never get rid of him. That is out of the question. He is here with us to stay. We know we can find an adequate market for the handling of 3,000,000 pounds in New York, Chicago, etc. at a direct sale, but how are you going to handle such a major program? It would be the height of folly for the state itself to go in and spend a lot of money per year. Why should we buy boats, nets, etc.? Why should we hire a bunch of men? We have our Bureau of Fisheries, but those men have other things to do than rough fish control.

We have worked out this plan: We have taken eight contractors in the state, eight commercial fishing contractors, men of character, men who are reliable, who will cooperate with the department. We have outlined the lakes. We have patterned them, so-called, and we say to this contractor, "These twenty lakes are yours." "Under what condition?" "That for every pound of carp that you take out, you pay the state two cents a pound." In other words, that two cents a pound constitutes the cost to the state of wardens' supervision that we tender to these contractors, because no contractor sets a net or pulls a net unless one or more of our wardens are present in the area. In other words, we have fish wardens who supervise that work, and they must be paid, and this two cents a pound more than clears the payment or cost of those men. You cannot have a bunch of carp snorting and snooping around, destroying all vegetation and spawning beds, and expect to have game fish produced in that lake.

The same situation prevails with the bullheads. If you saw some of those lakes, in which the bullheads are so abominably thick that when you look at them from the shore they look like a dark cloud moving this way and that way, you would see what a problem we have in connection with cleaning up that fish. How are we planning that? The bullhead is a different type of fish from the standpoint of sale, than the carp or buffalo. They have an excellent market all through the year. The carp and buffalo market lasts only three to four months. How can we handle the bullhead situation? I am going to point these things out, because they have been in our hair and we have had to solve them, and some of the other states which have this problem, perhaps can profit by it. We are hiring what we call "bullhead fishermen"; we are hiring those men to fish for the state. That is a different set-up. Say that a bullheader catches 100 pounds of bullheads. He brings those bullheads to our state weighmaster, that has been set up in connection with every one of the bullhead projects. The state pays that bullheader four cents a pound; not for the fish, but we hire them to fish for us. Those fish are state property. Then our state weighmaster turns around and sells the bullheads that he has obtained from the bullhead fisherman to a bullhead salesman that is under contract to the state. He does all the selling, and everything else, and he pays the state two cents a pound more than what we pay our bullhead fishermen. In other words, that two cents pays for the weighmaster, pays for all the travel expense of our inspecting officers and our wardens supervising, etc., and we find that plan has been worked out very satisfactorily. Lakes we could not tackle before have been balanced for game fish.

The fourth thing Minnesota is doing is cooperation with the work of the CCC; namely stream improvement; and that is a very costly program. In

the first place, if it is going to be done right, it has to be accurately supervised by men who know what stream improvement is. Much of stream improvements that have been enacted in the past have been practically worthless. Dams that have been put into streams have gone out two or three or four years afterwards, and the whole thing had to be done over again.

Our first major effort is centered on a battery of forty streams along the north shore of Lake Superior, and radiating down south of Duluth. How are we doing that? The CCC Camps are scattered all through that area, and we are building slowly, but we are building in such a manner that when the structures are in, along the sides of those streams, they are going to be there to stay. We may not have covered any more than we did last summer. We only covered forty miles of stream improvements, but those forty miles are there to stay, and scientifically put in.

In my estimation, this is the most important from the standpoint of the lakes of Minnesota: First, rehabilitation of lake levels through the construction of dams, so we have a method of control of those lake levels. Secondly, the matter of cleaning up the pollution; Thirdly, the matter of the rough fish control problem. And, fourthly, the matter of the cooperation with the CCC Camps for specific stream programs.

Now, I will be glad to try to answer some questions after we have passed through the battery of the states. I wonder, Mr. Swift, if you would give us your analysis of the Wisconsin set-up.

BY MR. SWIFT: Again, I might say, Doctor, that due to the topography of the two states, it is quite similar. We do not have the bullhead situation. As to the matter of carp, it is a comparable problem. Our method is a little different, which is immaterial. It is the matter of the result that counts, and the matter of the lake itself.

I was very interested in your analysis of the population in relationship to fish, because I have always thought that that is a very important factor. Candidly, I think you can put in one species of fish and you may be doing a tremendous damage to that lake if you do not know what the population is.

I might give you an example: Years ago the resort man of Northern Wisconsin thought that the crappie was going to be a pan fish that he could substitute in the lakes for bluegill, because, in some instances, they were going downhill, and those crappie were obtained from rescue work in the Mississippi, and some of our best pike lakes in Northern Wisconsin have been practically ruined by an over-population of crappie. We have started winter fishing those lakes. As far as fisheries problems are concerned, the crappie in Northern Wisconsin is one of our biggest problems today. For the past four or five years, we have had fleets of trucks taking crappie to Southern Wisconsin where the local fishing population is very great and where they are very acceptable.

On the matter of raising fish, we have about forty hatcheries, and we do raise a lot of fish, and have quite a fisheries program. Nevertheless, the analyzation of each lake and the habitat and all of those things are so closely tied up with a fisheries program, that I do not think such a program can be successful unless those things are taken into consideration

in each individual lake, and naturally that is a tremendous job.

A great many conservation departments followed this rule: There are four native species in this particular lake, and we cannot go wrong by planting them. Still, you can go wrong by overplanting one particular species and getting them overbalanced.

The fisheries program has just been scratched, or even hardly scratched, and there are more problems, I believe, in fisheries than you can ever conceive of in the game, when it comes to the proper handling of lakes. We do not pretend to have as many lakes as Minnesota has, but we do have 8,000, which is quite a few.

We have quite a pollution problem from the standpoint of paper mills. That is one of the biggest pollution problems we have. Some of the industrial waste from the standpoint of canneries have been solved reasonably well, but every time someone invents a new method of making paper, they introduce a new chemical; then the scientists have to go to work and find out how that can be counteracted. I believe where pollution enters into the picture and where the lakes have been built up to a point where the natural aquatic growth has been destroyed, planting is very necessary, due to the fact that natural spawning beds are destroyed.

For two years, we have been carrying on research work as to what the natural hatch is in some of our best lakes, and we are going to carry that on for five years. Some of those figures are astounding as to what the hatch is; it is far above what the average person thinks it is.

BY DR. STRUNK: I am glad you brought that analyses of lakes out. For example, our department is the same as yours in that connection. We find there are nine different kinds of lakes in Minnesota. One kind of lake will be a wall-eyed lake, and if you plant wall-eyes in those lakes, they will do very well, but you plant bass in there and you get no hatch whatsoever. You just get a stunted growth and that is the end of it; and so it holds for the rest of them. Our lakes are just about one-fourth completed. I believe yours is farther along than that, isn't it?

BY MR. SWIFT: Yes, we have gotten along pretty well. We have worked along in conjunction with the Federal Forest Service, and they have completed theirs. When I talk about the state, I am including what the Federal Forest Service has done, Doctor.

BY DR. STRUNK: We have cooperated with the Forest Service and CCC units, etc.

There is another problem that has to be taken into consideration, and I did not point that out a minute ago. That is, namely, the breaking up of the state into fish management areas, instead of doing what so many states have done. Wisconsin does not have that; they have an excellent system. Some states are allowing them to have a hatchery over here, and over here 200 miles away is a planting site, at which a request is made. Then they are taken for the 200 miles in order to make their plant. It is a costly thing and does not produce anything to amount to much. So we are breaking up our state into ten fish management areas. But to my great surprise, the biggest problem we have in that connection is to get men who

really know what they are doing. We have had conservation in the United States here on an active plane for about nine or ten years, but you try to get men who are really trained. I think you will all get a surprise. We need ten fish management area men. We cannot find them. Yes, we can get fisheries men, but you try to get men administrators who at the same time know the fish department, and you will have a job doing it. We have combed Michigan, which is the biggest producer of ichthyologists in the United States. They have a handful, and half of the handful you could not turn loose to a fish management area, because, while they know their fish problems, they are unable to enact the proper public relationship which is highly necessary for such an area supervisor. I do not know where we are going to solve that. We are tapping California now to try to get men from there. It is possible we can tap a few out of there, but you just try to find those men who are administrators and at the same time know their part.

BY MR. SWIFT: Doctor, as a wild guess, I would say there are 100 game managers to one qualified fisheries man.

BY DR. STRUNK: The fish problem constitutes the biggest problem.

BY MR. SWIFT: That is right.

BY DR. STRUNK: In regard to the experimental work you have been doing with the muskies and the experimental work we are doing, you just try to get fisheries men who really know their stuff. I obtained one of them about eight months ago. Nine states have written in and offered that man double the salary that I have been paying him, and the result is I have had to raise the ante every time. From now on, I am going to check all the mail, so he will never get any more. (Laughter).

BY MR. CLARK: Right on that point, since compensation is a factor and since there is a great scarcity of fish management men, without naming specific salaries, could you express your opinion about average salaries for the type of man that you describe?

BY DR. STRUNK: Take the Division of Game and Fish, we have the following bureaus in it; we have the Bureau of Research, Bureau of Information and Education, Bureau of Fisheries, Bureau of Game, Bureau of Administration and the Bureau of Law Enforcement. Everyone of those bureau heads gets $4,000. The man immediately under him gets $3,000. The directors get $5,000. Does that answer your question?

BY MR. CLARK: No, I mean the man that you pick probably just out of some university with some experience as a fish management man.

BY DR. STRUNK: He had two years behind him —

BY MR. CLARK: (Interrupting) I do not mean the individual. How much salary do you expect to pay a man like that?

BY DR. STRUNK: That fellow will come in as head of the Bureau of Fisheries.

BY MR. CLARK: You say you want ten men. What is the salary for those ten men?

BY DR. STRUNK: Those area men would get, to begin with, $250.00 a month and will be raised to $325.00.

BY MR. CLARK: Thank you.

BY DR. STRUNK: I would like to call on Mr. Schwob of Iowa.

BY MR. SCHWOB: The only thing I have prepared is that I answered those questions you sent down to me. I think probably our biologist ought to be doing this job, but I am going to do it, anyway.

Letter from Mr. Schwob, dated May 24, 1941, was read as follows:

"The following are our comments and opinions on the list of questions submitted in your letter of May 14, 1941, to be used in your discussion at the meeting of the Association of Midwest Fish and Game Commissioners to be held at St. Louis in June.

"1. Do you consider the improvement of the fish habitat an essential part of your fisheries program? Yes, a very essential part. In my opinion we in Iowa to date have not given fish habitat in our lakes and streams the attention it deserves.

"2. To what extent has your state developed a lake and stream improvement program? Iowa has a very definite habitat improvement program for the 18 artificial lakes that have been built since 1932. The stream improvement program in Iowa has been chiefly a fight to eliminate pollution and control obnoxious carp. Of Iowa's 5,000 miles of streams only 800 miles are meandered or state-owned. A stream improvement program was started several years ago on several small-mouthed bass and trout streams that were non-meandered (privately-owned). Five-year easements are obtained from the landowners which permit public access for fishermen and give the Commission the right to improve the stream for fishing. Trees are planted, banks are riprapped, and low-head dams, deflectors and other devices are used. Much of this improvement work is in cooperation with local county conservation organizations, the work being done by sportsmen, or by N.Y.A., W.P.A., or C.C.C. labor. The improvement program for natural lakes has consisted of the elimination of pollution; the control of carp, gar, etc.; in some cases the reduction of the fish population in overstocked lakes; shore riprapping to stop erosion; the provision of spawning beds, shelters, etc.; the planting of aquatic vegetation; the dredging of shallow lakes; and the construction of dams at lake outlets to maintain water levels.

"3. Do you consider that results to date justify the money and effort which has been expended in this type of work? Yes. Many mistakes were made, but the experience gained is invaluable. Fishing has been materially increased.

"4. Does your state contemplate further imporvements of fish habitat, and in what manner is this work to be carried out? Yes, Iowa does contemplate further fish habitat improvement. In the artificial lakes a closer check will be kept on habitat conditions, and the things necessary to make the habitat more productive will be done. In connection with trout and bass streams, we have concluded that the best stream improvement is to buy the streambed and at least some land on either side, fence it,

plant it with proper trees and shrubs to bring back the natural conditions. In the natural lakes, we will continue the elimination of pollution, the acquisition of shores that are privately owned so that livestock may be fenced out, the riprapping of shores, the reestablishment of vegetation, the deepening of shallow lakes by dredging, and the maintenance of a perpetual inventory of conditions so proper management programs can be carried out. This work will be carried out by a regular program set up under the lake and stream improvement program of the Commission. If the Buck Bill passes, this money will be used in this program.

"5. What type of habitat improvement has proven to be most successful in your state? (a) In artificial lakes all types of improvement in the proper amounts are necessary, such as erosion control to stop the silting of lakes; proper spawning beds, shelters or hides for fish; the establishment, maintenance and control of aquatic vegetation; and the proper stocking of game and forage fish. We are convinced we have not given enough attention to food supply in our artificial lakes. (b) For trout and bass streams, the best stream improvement consists of the fencing of the stream to keep livestock out, the planting of the shores to stop erosion, and the restoration of natural conditions. (c) For natural lakes the reduction of carp, the elimination of pollution, and shore riprapping have been the most beneficial.

"6. In your opinion, how much emphasis should be placed on habitat improvement in comparison with other efforts to improve fish production? In my opinion, habitat improvement is the most important part of the fisheries program. Fish stocked in improper habitat have little chance to survive and provide fishing recreation. Iowa has its fish propagation units developed to the point where sufficient fish can now be produced for stocking purposes. We are going to stress the habitat improvement program in the future.

"7. In case the Buck bill passes, how do you intend to use this money? We will use this money for the improvement of fish habitat in Iowa's lakes and streams."

I might mention in passing that we have some artificial lakes where our bass are five and six years old, and are still about nine or ten inches long. In other words, we think we have overstocked the lakes with bass and have not given proper attention to the food.

I am thoroughly convinced we in Iowa have all the hatcheries we need, and we have not given proper attention to the environment or habitat in our streams. In other words, I think during the last twenty years, we have probably wasted thousands and thousands of the sportsmen's dollars by stocking fish in streams that probably already had a sufficient number of fish, and the thing we need in Iowa, and we need badly, is a real, definite, long-time fisheries research program on the order of the game research program that we have and have had for a number of years. We are trying to get that kind of a program set up right now.

Do you have anything that you would like to add to that, Walter?

MR. AITKEN: I would like to point out our experience in connection with this rough fish control business. In contrast to your program,...

Dr. Strunk, we had this same set-up in Iowa a number of years ago of having commercial fishermen take the rough fish, and it developed into a carp farming proposition with them, because they are not going to pay the state two cents a pound to take out carp when they can only get one cent a pound for it. In other words, they will only fish when they can sell fish at a profit, and that would be the sensible thing for them to do. So, because of such a situation, we do our own rough fish removal. Therefore, it happens that to date we have made the thing pay for itself. But when rough fish congregate at outlets or inlets or in spawning areas, quite often it is at a time when the Jewish holidays are over and there is no market for the fish. We have to take those fish out, and we will give them to the farmers for fertilizer or bury them or dispose of them in such manner as we can. We too use all we can for food for the game farm, for the animals, and we are using many of these fish as food for our trout and our bass in our forced feeding projects. I feel that in order for a state to get out their rough fish they will have to do it themselves, to do it effectively enough to really put them under control.

You are absolutely right in your statement that there is no such thing as the elimination of carp, but it can be controlled.

BY DR. STRUNK: On your point there in connection with commercial fishermen developing a racket, we had that, of course, for years. As a matter of fact, a racket was developed in Minnesota a few years ago that ran into quite a few figures. No commercial fisherman can leave the lake until our fisheries man has checked that lake to see that they have done what they promised to do, and if those fellows fail to do that, they are under bond of $5,000. Not only that, but all of their equipment is confiscated.

They can find a market for those fish, other than during the period of the Jewish holidays, because we have enough fur farms in Minnesota, as I said, to take care of 3,000,000 pounds of the junk stuff, as we call it, the No. 3's and No. 4's. The No. 2 and No. 1 and the jumbos you will always find an excellent market for.

So far as the contract set-up goes, under this new plan there is a definite method of control. They have to take all, and we are limiting these contracts to eight men, as compared to forty or fifty when that abominable racket was created.

We have definite records to show, according to one old law in the state — who in the world put it in nobody seems to know, at least, no one will acknowledge the authorship of it — there was an old law in the State of Minnesota that stated that you could not fish carp in a lake where they had not been proven to be in existence before. Now, you know what that means. These commercial fishermen would go to a lake and take out a bunch of carp and dump them into a lake that had not been infested before, in order for them to go in there and seine. Were they seining carp? No, pan fish and selling it on the open market, but they had to have the thing proven that a carp was in that lake. Well, they had the carp. They put them in there themselves. That is all over with; that racket is busted, because they cannot make any money on this thing now. That is under definite and absolute control.

BY MR. AITKEN: There is one other thing I should mention, and that is in connection with hatcheries and the takable fish population. We find, of course, in Iowa, with a limited amount of water and with an unlimited number of fishermen, which is fortunate for Wisconsin and Minnesota, that natural conditions, if they were perfect, would only supply takable fish for our population of anglers, which is ever increasing, perhaps for one day. After that day, the population balances would be disturbed and you would have an unnatural condition. In other words, we know that we cannot keep pace with the take under natural conditions, so that is the principal reason we have to justify our propagation activities, which is particularly true of our artificail lakes we have built. There must be fish, of course, to initiate the supply as those lakes are filling, and after the lakes are filled. They are located for the most part in Southern Iowa, where no lakes existed before, where people were never permitted or had the opportunity to fish, and when you build a lake in an area of that kind, it is going to be subjected to a tremendous take, used more than in a natural area where people have always lived and fished. So we must stock those lakes to keep pace with the take, because just the minute a lake does not supply a reasonable number of fish to the fisherman, you are in plenty of trouble.

BY DR. STRUNK: Mr. Osborne.

BY MR. OSBORNE: Mr. Hunt of my Fish Division was supposed to be here, but the last time I saw him this morning, he was looking for his hat. So I will try to substitute for him.

I am going to talk this afternoon on the subject of pollution in the short time that I have on the program.

I am a member of the Sanitary Water Board of Illinois, and I think I can give you some interesting things about what is happening in this state, the State of Illinois. Dr. Thompson of the Illinois Natural History Survey, has written a number of articles regarding the fish in the lakes and keeping the natural balance. I have had quite a number of discussions with him, and he is of the opinion that it would be impossible and unnecessary to eradicate carp and buffalo from our waters in Illinois, but just merely to keep them down, and that the streams will benefit much more by keeping them down than trying to eradicate them. He is also of the opinion that the fish hatcheries ordinarily do very little good for streams. We are going to keep the ones that we have and build no more, because the artificial propagation of fish in his opinion, and in my opinion from what investigation I made, does not equal what can be done by rescuing fish from streams, larger fish during seasons of the year and restocking streams with large adult fish, because they then will spawn and in their natural state produce a great many more fish than can be produced by hatcheries.

Minnesota may be damned by buffalo and carp, but if they are damned, we are twice damned because in our streams we certainly have plenty of buffalo and carp. In Horse Shoe Lake in the southern part of the state near Cairo, we will take buffalo out of there weighing 65 and 75 pounds, and when those "horses" get started working during the spawning season, they make plenty of noise and stir up plenty of mud in the bottom of the lakes.

One of our troubles in Illinois, especially in the southern part, is

that water runs low and fish contaminate the water and many of them die, and it is necessary for us to stand by with crews to rescue these fish. Of course, when the water gets low, a certain fungus growth begins on some of the fish and a great many of them die. Then we get calls from all over the state about fish being poisoned or dying from other pollution.

Now, in selling our buffalo and carp, we make contracts with commercial fishermen wherein they pay us a half a cent a pound for carp and a cent a pound for buffalo, and we check them very carefully to see that they remove what we think is the proper amount from each lake. If they do not do that, we take away their contract as commercial fishermen. I do not believe I have anything else on the subject.

BY DR. STRUNK: Thank you. Mr. Lytle.

BY MR. LYTLE: I think Nebraska has a vastly different condition existing than perhaps any other state in the conference. Where Minnesota and Wisconsin have trouble finding fish to restock their lakes, we are having trouble finding water in which to put the fish. Drought conditions in the last few years have depleted our water supply in Nebraska to a very great extent, and as a result, irrigation companies and the power companies have taken the water from the most of our main rivers. In fact, the Platte River, the largest ant the longest river that we have in the state — that is, the largest when it is full of water -- is dry about six months out of the year. Due to the fact that the water is taken from these streams, our state has done very little work on the rivers. Within the last few years, the irrigation and the power companies have created a number of lakes in Nebraska. Within the last year the county people have turned over to the state 32 lakes that have recently been created and filled, and now we are having all that we can handle in order to stock the newly created lakes.

In the north central part of the state, we formerly had around 1,000 lakes in one county alone. That is in Cherry County, in the Sand Hill Region. Drought conditions have depleted practically every one of these lakes. These lakes are not lakes on streams, but they are lakes that were kept up from the under-surface water supply. The water table in Nebraska lowered and as a result these streams went dry and these lakes have all gone dry. We are doing considerable work on what lakes we have.

In the western part we have a number of trout streams and we have been trying to keep these streams stocked with sizable trout. We have been using the circular pool method and we have arrived at the place where we wonder whether it is just the proper thing. Here a few weeks ago I was out to one of our hatcheries in the western part of the state where, for a number of years past, they have put the small trout or the fry into these circular pools and they were kept there until they were doubled and then put out in the streams. Recently we decided that it would perhaps be better to put those trout out in a large pond a month or two months before they were planted in the streams, in order to give them a chance to forage for themselves, and learn what it was to find natural food. That was tried and for five days after these trout were put in the large pond, they were still going around in a circle, just going around and around.

It seems to me that Nebraska in some respects is just a little bit

behind you fellows in the handling of fish in your state. I do not know as there is anything else that I have to say, but we are making an effort to improve conditions in Nebraska.

BY DR. STRUNK: Thank you. Mr. Cluett.

BY MR. CLUETT: Doctor, I am sorry I cannot brag about our fishing like I can about our hunting. We are a good deal in the same situation as Nebraska. The drought has raised havoc with our water level and lake level and streams during the past few years, with an average rainfall of fifteen to twenty inches and evaporation of thirty-six inches, you can see what we are up against up in our part of the country. Our Black Hills streams have suffered severely due to lack of snow and rainfall, and we have tried to remedy the situation out there by taking our surplus beaver from the eastern part of the state out into the Black Hills streams where they have created innumerable dams, which has been a big factor in helping our trout situation. I might say that our trout streams have improved considerably this year. We contemplate about a $10,000 improvement program in our Clay Horn Springs Hatchery out at Rapid City. That is our leading trout hatchery.

While you fellows might look on your bullheads over in Minnesota as a competitor, we think enough of them to put them on the protected list. In fact, our farmers are tickled to death to go out and catch a ten inch bullhead.

Our artificial lake program has been very beneficial in the last few years. If it were not for the new lakes that have been created, our fishing would not amount to much. Several of our old established lakes have suffered from the effects of the drought. We have at the present time about 1400 artificial lakes and dams, which have furnished a lot of good fishing.

We have four bass hatcheries that are operating to full capacity. We only have one major hatchery that we devote to northern pike, wall-eyes, and perch. Just last spring we had the biggest hatch in our history. I intended to bring our fish superintendent down so he could give you the lowdown on our fisheries operations, but he just could not get away at this time.

We are not doing any lake improvement to speak of. There is no use in our going out and trying to revegatate our lakes until this drought period has been overcome. We have been doing quite a little of it on some of our artificial lakes in the eastern part of the state, where the water levels more or less are established. Of course, if the Buck Bill comes into existence, we have numerous places for any revenue that may be derived from the passage of that bill.

In that respect, I think that this organization should go on record regarding the expenditures of the money that are to be raised under this proposed Buck Bill. You fellows all know what is happening under the Pittman-Robertson Act. We are getting about one-half of what is really raised from this excise tax allocated out to the different states. The same thing is going to happen to your Buck Bill. They are going out here

and put this tax on fishing tackle, they are going to raise the revenue, but Congress is not going to appropriate it back to our individual states. I think that we should raise a holler and make it loud enough so that Congress will at least make an attempt to appropriate four-fifths anyway instead of about one-half of the revenue they are raising from these two programs. This has not been touched on during this meeting. I think all of you fellows have recently received a circular letter in regard to the status of the Pittman-Robertson fund. The same thing is going to happen if this Buck Bill goes across. I think it is an injustice to the sportsmen of the country, whether it is an excise tax that is stuck on ammunition for the Pittman-Robertson funds, or whether they are going to stick it on fishing tackle for the Buck Bill. I think every cent of money that is raised under both of those acts should be apportioned back to the states in full. I would like to hear a little more discussion on that later on.

BY DR. STRUNK: Thank you. Mr. Lowe.

BY MR. LOWE: North Dakota does not consider its fish resources one of its major items. However, there is a crying need for a certain amount of fish work. We have a lot of fishermen and we have to send them to Minnesota, to Canada and other places to do their fishing.

We are trying to create a few artificial lakes in those areas where there is sufficient run off so that we can withhold sufficient water that we can carry fish through the winter. The winter killing of fish in our natural lakes is a problem in certain years. This last winter we had ice covering for practically five months, and some of our best lakes, particularly in the Turtle Mountain area, lost considerable fish. We consider perch and bullheads as good fishing in North Dakota; whereas in some places perch is not very well thought of. We have a few lakes which have become perch-bound. We attempt to remove them by seining and take them to places where the fish population is not quite so large. We have one lake where the carp are quite a problem. That is Spirit Lake, right near where we used to have a hatchery. I do not know how the carp got in there, but they are a real problem, and a certain amount of carp removal is done there each year. We have one hatchery that is state owned, and we have one that is Federal owned. In our own hatchery, we are devoting our efforts to walleyed pike and northern pike, and the Federal hatchery is raising the pan fishes.

In the western part of the state, we have quite a few artificial lakes where water conditions are excellent and where fish seem to do quite well, but, as I say, we do not consider the fish a major part of our program. We are, however, spending considerably more money on it that we take in from the sale of fishing licenses. We probably spend close to twenty percent of our revenue in an effort to develop fishing in North Dakota.

That is probably about all I have.

BY DR. STRUNK: Mr. Clark.

BY MR. CLARK: I am very much interested in what the gentlemen have told about their states. The contribution which Missouri can make to the discussion and to the whole program is to echo and endorse what has been said. I believe we are the last state to report, and it seems significant

that each state report has either stated definitely that artificial propagation in their own organization was overbalanced and should not be extended, or has indicated as much in the remarks. That is the situation also in Missouri.

When the present Conservation Commission was organized, the fisheries program was devoted almost entirely to artificial propagation. The hatcheries that had been started or were established at that time have been practically completed and perfected as far as possible, and we have no intention of increasing our program in that direction. It is rather our intention to balance our program, and to attempt to balance the natural conditions in the lakes as we have discussed the subject this morning in a very significant way.

With reference to progress, as stated by Dr. Strunk in the previous discussion, I am greatly impressed by the significance of the discussion by this group of administrators. Five years ago at a meeting of this kind, I think the conversation would have continued to be as it had been for the past fifteen or more years, on how to get more artificial propagation. Yet, here we are talking about establishing balances, and about the problems of how to avoid overstocking lakes. As you have indicated, the fisheries program has been held back by the lack of trained personnel to carry on the fundamental surveys such as have been carried on with game. We are all backward in our fisheries work, and Missouri, having just started, is coming along, making progress, but rather slowly. Yet progress is being made even by recognizing the problems of management, so often dealing with an over population or overbalance of species, or overbalance between species and food supply, and with the educational problem coming in for attention, with which we have had very little experience. So it seems to me that all I can say about Missouri is that our problems are about the same as yours. We do not know the answers. We have started surveys, studies; we have made a few test applications, as in our principal power lake, the lake of the Ozarks, and another lake, Taneycomo, based upon some preliminary surveys, indicating over-population, lack of growth, and we have established what we call a management program for those lakes. But it is largely one of regulation to increase the catch by lengthening the seasons, taking off the limits, so that any size of fish may be taken, in an effort to establish a more natural balance, not between species in this case, but between the number of fish and the food supply available. The food supply is limited by the fluctuations of water levels which are characteristic of power reservoirs. Those fluctuations are emphasized and become more extreme in the flood control reservoirs, which is another important problem in Missouri for which we have no answer.

Summing up, I think it is a case of admitting frankly that there are problems which we have only just begun to recognize and have the barest possible conception of what may be the ultimate practical answer. Missouri, at least, is alert to those problems and working with the other states in trying to find a solution. We have no solution to offer.

BY MR. OSBORNE: Dr. Strunk, might I make a few more observations regarding crappies? We have some very large crappies in Illinois, some weighing as much as three and four pounds in a number of our lakes. We found out that trying to stock crappies and bass was a mistake. Bass with bluegills go fine, but when you put crappies in, then within a few years the bass are

gone, the crappies being much more avaricious and killing the young bass. So we seldom stock bass and crappies together.

Another thing, one of our most important industries in the way of fish in Illinois is the lake trout. In years past, the previous administrations have permitted the seining of lake trout during spawning season, let the commercial fisherman go out with his crew, seine the fish and turn the eggs over to our hatcheries and the spawn was hatched in our hatchery, then released back into Lake Michigan again. The fishermen were very anxious to continue that, because at that time of the year it is easy to catch the fish when they are spawning, and also because during that time of the year, being a closed season in many places, they get a larger price for the fish. But I would like to get cooperation with Michigan and with Wisconsin, if possible, wherein we can close the season and have no seining of lake trout during the spawning season. We in Illinois have contracted for $5,000 worth of lake trout eggs, which we are going to put in our hatcheries and release into Lake Michigan in the fall, and since that is such a large industry, I think it is very important that we three states get together and decide whether or not it is a good thing to close the season during spawning season or whether it should continue as in the past, because the commercial fishermen in Michigan and Wisconsin and Illinois, each are trying to vie with the other in seeing who can get the most fish during spawning season.

BY DR. STRUNK: Thank you. Mr. Josserand from Kansas.

BY MR. JOSSERAND: I appreciate the fact that everyone here is trying to express what is actually the situation in their states, but I deplore the fact that we have so little publicity and we are so little understood by the general public on what we do think about our fisheries situation. In Kansas, the cry, the demand, the urge is for more fish to be put in every water, even though the number of fish is out of proportion to the available food supply. We have a fish culturist in our state who has been on the payroll for about eighteen years. Of course, the directors — the game wardens, as they have been called in the past — have come and gone. They are sort of "gone with the wind". I said to him, "Why haven't you through the years told the truth about this fish situation?" "Well," he said, "I am a good deal like the little fellow who was sitting at the side of the big fellow on the train, and the big fellow turned to him and said, "Wh-wh-wh-at is this next town?" The little fellow just stiffened and never said a word. The big fellow said, "D-d-d-do you know wh-wh-wh-at this next town is?" And the little fellow just stiffened up a little more. After a while the train stopped and the big fellow got off the train, and the fellow across the aisle turned to the little fellow and said; "Why didn't you answer that man when he asked you that question?" He said, "D-d-d-do you think I want to get my damned head knocked off?"

I was quite amused at Mr. Stephens last night. I have read the publicity relative to the Lake of the Ozarks. I knew what was the matter with it; so did he. But you just cannot go out and tell the truth about some of these things to the public unless you are in a position to sit down with them and explain why. Our waters in Kansas are hopelessly overstocked,--most of them. They are somewhere in the cycle from being overstocked to being practically depleted, due to starvation and disease that hits an overstocked condition. Yet up until the present time we have done nothing. The chairman of the commission took me to task sometime ago. He said, "Now, you state this in

the wrong way. Don't say we have too many fish for the supply of food. Say that we haven't enough food for the supply of fish." It does make a difference maybe in the way you state it to the public, but our problem in Kansas is just like it is everywhere else. It is not more fish hatched and put in the streams; it is adjustment of the fish species and the development of better fish habitat throughout the state. We are going into that. We are going to tell the truth, and if we get our heads knocked off, it will be our own fault probably.

We have a lot of work to do with our public. The thing we are up against in Kansas is getting the public to follow. In other words, a lot of heat is put on you, and a lot of criticism, blind though it is, is just as effective as if it were intelligent criticism, and it is far more detrimental. We are going very slowly in doing the things that we know ought to be done, because we must take the public with us. Your department, whether it is in Kansas or Minnesota or wherever it is, can only go as far as you can keep an intelligent public behind you. We have the same problem, the adjustment of the same problem of improvement of habitat, and some day maybe our hatchery production can go down. I think up in Minnesota and Wisconsin some of these days they can probably take three or four ciphers off of their fish production. I don't know, Doctor, maybe that will spoil your advertising. That is all I have to offer.

BY DR. STRUNK: I believe we are all agreed on this one point, that as far as the fish phase of conservation goes, we are just about at the same place we were in connection with hunting about twenty-five years ago. Do you remember the howl that went up at that time when spring shooting was prohibited? Now, you have spring fishing, spring spearing, winter fishing and winter spearing. I closed all the lakes in Minnesota to winter spearing, and I did not know 12,000 fellows out of 700,000 who buy a resident license could make so much noise. The net result is the next winter they will be laying for me at just about every corner. But we have a new law now that will take some of the heat off.

The staggering of the lakes in the country, where you have fifty percent of them closed and fifty percent open, is effective. In that way you can stagger them from one year to the other, and in that way the legislature will take some of the heat. They all want fish, but very few of them really know what it is all about, and when they do know about it, they are still wanting their bag limits. However, as I said a minute ago, the sense to be made out of this thing is that it cannot be made overnight.

BY MR. SCHWOB: Mr. Chairman, I would like to ask you a question. You say in the State of Minnesota you are carrying on a fishery survey of the state, or you have qualified fisheries men who are keeping a perpetual inventory or starting on an inventory of your lake conditions?

BY DR. STRUNK: Our lake survey is not complete.

BY MR. SCHWOB: But you have men working on it?

BY DR. STRUNK: Yes.

BY MR. SCHWOB: How many men do you have?

BY DR. STRUNK: We have at the present time five crews out, five crews of six, and they are trained, aquatic biologists.

BY MR. SCHWOB: They are making your lake survey?

BY DR. STRUNK: That is right. As soon as one lake survey is completed, they start in again.

BY MR. SCHWOB: What do you pay those men?

BY DR. STRUNK: Those men are only hired for the summer, outside of the leaders.

BY MR. SCHWOB: What do you pay the leaders?

BY DR. STRUNK: The leaders get $200.

BY MR. SCHWOB: $200.00 a month?

BY DR. STRUNK: That is right, and the common net haulers, etc., get, I think it is, $80.00; $75.00 or $80.00. That is only temporary help. That is for three months.

BY MR. SCHWOB: I want to ask you another question about a statement you made a while ago. You have a twenty-four acre pond that you are building up at Leech Lake.

BY DR. STRUNK: All right.

BY MR. SCHWOB: You are going to produce 500,000 wall-eyed fingerlings seven to eight inches long?

BY DR. STRUNK: No, semi-yearlings.

BY MR. SCHWOB: Semi-yearlings?

BY DR. STRUNK: That is right.

BY MR. SCHWOB: How long is a semi-yearling?

BY DR. STRUNK: About four months, four to five months.

BY MR. SCHWOB: Six to seven to eight inches?

BY DR. STRUNK: That is right.

BY MR. SCHWOB: Have you done that before, Doc?

BY DR. STRUNK: Oh, yes.

BY MR. SCHWOB: When?

BY DR. STRUNK: It was done in a pond in Murdock, Minnesota, and in Morris, Minnesota,--done right along. In some of the ponds, like the pond

at Murdock, that pond is only eight acres, and I think the production was 120,000.

BY MR. BODE: How long have those been in operation?

BY DR. STRUNK: Murdock and Morris ponds have been going three years. There are two problems in feeding we have not figured out.

BY MR. SCHWOB: We produced about 550,000 fingerling wall-eyes last year, and we have a man that is working on the feeding problem—a young fellow that we have assigned to that job.

BY DR. STRUNK: What are you referring to as a fingerling?

BY MR. SCHWOB: Fish as long as your finger, four to six to seven inches.

BY DR. STRUNK: These will grow; you see, we are keeping them in the ponds, because that pond at Mille Lacs is a pond where the water supply comes to the pond by means of pumping out of the lake itself. Our pipe lines run out about 600 feet, so even when the ice is on the ice will not bother the pumping activities at all. The pond has a depth of twelve to fourteen feet.

BY MR. AITKIN: Are you pumping fish out of the lake?

BY DR. STRUNK: No, you have screen units before your pump. Your lake is here, your pump unit is here (indicating), and your water supply is an indirect one. Your fry is stocked into your fertilized pond, and the feeding problem that we want to work out becomes a problem at the end of the fingerling stage, when they are about an inch and a half long, when there is a cessation of growth. We believe that that cessation of growth is due to the fact the food conditions in the pond are not such that according to the old method of feeding would permit those fish to keep right on. Incidentally, if we solve that problem, it is probably going to give us the solution to the stunted condition that we find in crappies and bass, and even wall-eyes in our lakes.

BY MR. AITKEN: I have made a study of wall-eyed propagation, and I find unless you keep an even supply of food of the proper kind, you immediately have an unequal growth in the fish, and because wall-eyed pike are avaricious, cannibalistic, you will wind up with a few large fish.

BY DR. STRUNK: We know this much about it, the stunted condition in some of the lakes is not only associated with the feeding problem, but you get an excellent year in which your spawning beds are properly covered and the hatch can be enacted about on time and you will find your lake levels are high; therefore, your food will also be abundant. According to the normal curve, say, the following year the lake levels are low, your spawning beds are not properly, adequately covered, and your food supply is out, then you will find that spawn, when it develops, constitutes a semi-stunted condition.

Are there any other questions, gentlemen, before we disband for the morning? I guess not. I will turn the meeting back to Mr. Josserand.

BY MR. JOSSERAND: Do you have any announcements?

(Whereupon, an announcement was made by Mr. Bode.)

BY MR. LYTLE: Mr. Chairman, before we adjourn, I would like to have the pleasure of introducing two of our Nebraska men who slipped in here just since we have been in session. Mr. Clark Wilson, our Commissioner, or one of our Commissioners from Nebraska. Stand up, Mr. Wilson.

BY MR. CLARK WILSON: If you will pardon me, I would like to say on this publicity business -- I do not know anything about much of the rest of the stuff you have been talking about, but I run a country newspaper, and if you fellows have anything you need to tell the public, you will find if you take it up with your press association, you can sell them on the idea. You can sell them on anything as long as it is the truth, and I am sure you will get the wholehearted cooperation of the newspapers. We have to tell them out in Nebraska about a lot of these things. We had to tell them where the pheasants went. We had to tell the farmers we knew the blizzards killed them, and we knew why. They did not starve to death. There is a lot of that you can handle, if you start in right with the newspaper fellows.

BY MR. LYTLE: Mr. Foster has charge of our hatcheries in Nebraska.

BY MR. JOSSERAND: We are glad you men came in, even though you did not get here yesterday. Is there anything else?

BY MR. BODE: I guess not.

BY MR. JOSSERAND: If not, we will reconvene here at two o'clock sharp. Thank you.

WHEREUPON, the noon recess was taken, said meeting to reconvene at two o'clock, p.m. of said Thursday, June 5, 1941.

AFTERNOON SESSION, THURSDAY, JUNE 5, 1941.

The meeting was called to order by Dr. W. L. Strunk, Chairman.

BY DR. STRUNK: Mr. Bode has just informed me that we must be out of this room by five o'clock, because there is a dinner group coming in here. At 3:30 this afternoon will be the business session, so we will have approximately an hour and a half in which to cover the material that is listed under the cooperative efforts between states, and I would like to call on Mr. Osborne of the Illinois Department to present his phase on uniform regulations.

BY MR. OSBORNE: Well, gentlemen, I approach my subject this afternoon with much diffidence, for many reasons; the first is, that being a neophyte here, I am assuming a lot when I try to tell you something about conservation, because you have had years of experience, many more years of valuable experience that I have not had, so I hope you will take what ideas I have to offer with the thought that at least I am just trying to

do the best I can.

Members of the Association of Midwest Fish and Game Commissioners:

First, may I say I am happy to be in attendance at this Conference, and I am sure this yearly meeting of the Midwest Fish and Game Commissioners has and will continue to prove helpful and constructive in formulating desirable conservation projects.

This subject of cooperative effort between states to gain more uniform regulations seems very timely inasmuch as during my brief service as Director of the Illinois Department of Conservation, we have already found it desirable to call conferences with our adjoining states of Missouri and Iowa for the specific purpose of discussing some of the problems that we feel urgent at this time.

I presume what applies to Illinois and adjoining states would generally apply to other states and their next-door neighbors represented at this meeting. I desire to discuss the certain subjects that I believe are problems to us all:

1) POLLUTION

Much has been said in regard to the control and elimination of pollution in this country but little has been accomplished to curb this evil for all time. States are involved with both domestic and industrial pollution problems and many varied programs have sprung forth as the ultimate solution to pollution, and many cure-alls of perfection have been applied with limited results.

Uniform regulations for the elimination of industrial wastes must be encouraged by all of the various states bordering common bodies of water. In the not so far distant past, our own City of Peoria with a population of 100,000 produced industrial wastes equal in effect to a domestic pollution load from 2,000,000 people. In the State of Illinois much has been accomplished by the various municipalities to establish efficient sewage disposal plants gradually eliminating their personal contribution to the problem that they so openly oppose when industrial sewage is involved. Many manufacturers and industrialists have found it practical to practice a program of reclamation to profitably salvage their by-products heretofor released in public waters.

The extent of indirect pollution is quite unlimited and affects all those in its path. Natural watersheds serve as highways for the transportation of this evil condition, and its damaging effect is widespread.

Each state adjacent to the Mississippi or similar avenues of water movement should do its utmost to prevent these great American waterways from being polluted. The Mississippi River, as we all know, now covers much greater an area than prior to the completion of the present flood control dams and navigation locks, and these waters if free of pollution will for the next several years produce a higher yield of both commercial and hook and line fishes than ever before, plus, the desirable recreation advantages associated with such an area free of pollution.

We, of Illinois, have witnessed the most terrific effects of pollution on a body of water that once was considered as yielding more pounds of fish per acre than any other fresh water area its size in the world; that is the Illinois River. The pollution from the Chicago area demonstrated its ill-effects to the extent that no desirable fish were found from the head waters of the Illinois River, which is the junction of the Kankakee and Des Plaines River, downstream to Chillicothe, which is a distance of approximately one hundred and fifty miles. Just below this area, the Peoria region did its part to produce a similar condition in the remaining waters of the Illinois River. Large beds of sludge fermenting on the bottom of Peoria Lake would rise covering several acres of water and remain until dispersed by winds or boats.

Temporary, apparent relief is sometimes gained from the benefit of existant large dams for flood control or navigation purposes, due to the fact that pools above these dams serve as settling basins for polluted solids. However, a gradual collection of sludge will eventually reach such acute stages that the health of a community is a great issue. Only last year in Illinois, an attempt was made to flush the upper Joliet pool by further diversion of waters from Lake Michigan, allowing the incoming waters to swiftly carry the slimy filth to the downstream regions. Fishermen, several miles downstream, reported heavy collections of this sludge on their nets. Some reported it so heavy that they were unable to lift their nets into their boats.

Chicago is gradually completing several sewage disposal plants and is planning the construction of others needed to solve this problem.

The fish yield in the Illinois River dropped materially from twenty-four million pounds in 1908 to less than one-half that amount by 1922. In the year 1921, the yield was but four million pounds. Thus pollution depleted the normal oxygen content in the waters of the Illinois River to a point where the fish were completely eliminated from the channel proper. Those harvested demonstrated a gassy flavor which could be expected from fish existing under these conditions.

Cannery wastes, very damaging when released as a load upon streams, may prove beneficial if properly diluted and often serve as a fertilizer and food, provided the load of solids is properly added to the stream. This one evil may sometime prove to be of economic value if properly managed.

Waters containing acid wastes, oil and other impurities cannot be added to our streams without proving disastrous to aquatic life. States possessing this industrial peril should have legislative authority to demand reclamation plants, and a general program of uniform regulations would do much to encourage public morale in the individual communities.

I quote two paragraphs from the Sanitary Water Board of Illinois:

"Activities in the field of industrial pollution abatement on the Illinois River are probably without parallel in the entire country. Illinois River industrial pollution may be expressed in terms of population equivalent, this means that the industrial wastes may be expressed on the basis of what would be equivalent to domestic sewage. Expressed in this manner

the potential industrial pollution load on the Illinois River in 1934 was conservatively estimated at 3½ million, in other words these wastes were equal to the sewage from such a population. At this time the wastes have been reduced to less than ½ million population equivalent. It is particularly gratifying to realize that the work has resulted in a two-fold benefit, not only in the majority of instances was the industrial pollution abated but with few exceptions the solution of the industrial problem resulted in a recovery of by-products which yielded a very substantial revenue to the industry. One of the best examples of by-product recovery is from the distilleries, where cattle food at a substantial profit is being obtained. One paper mill reports an annual saving of $50,000 as a result of process changes inaugurated to solve the waste disposal problem.

"On the Mississippi River, Illinois is by far the leader in action toward abating pollution on this interstate stream. At the present time sewage treatment works are completed at Rock Island, Quincy and practically completed at Grafton. The Rock Island Arsenal is to connect to the Rock Island municipal plant. Silvis has a treatment plant under construction. The major problem remaining is sewage treatment works at Moline, and there is local activity on such a project. The other major source of pollution from Illinois into the Mississippi is in the Alton-East Alton area but frankly taking action against these municipalities and industries might be difficult in view of the fact that the City of St. Louis is not only discharging its sewage but its garbage into the Mississippi. I would say that probably the real key to the cleanup of the Mississippi in that area would be action by St. Louis."

2) MANAGEMENT PROBLEMS MIGRATORY FISH

As previously stated, the recent trend for flood control and navigation dams by the Federal Government has tended to create thousands of acres of new water that will tend to be highly productive of various species of fishes. They will, also, serve as great propagation areas for carp and other rough fish in these newly created pools. Although some variation may be found in the status of the carp and buffalo in the various states, we surely all agree that legislation should be enacted for the furtherance of commercial fishing to provide for an industry that can profitably harvest these fish as they may increase. Commercial fishing as an industry will assure the control of the undesirable fishes that cannot be kept under control by hook and line fishermen. In a river such as the Mississippi, it will not be possible for any one state to make much progress in the harvesting of these species if the cooperation of all states bordering is not obtained.

The Illinois River has always produced a heavy catch of rough fish for commercial fishermen and represents a source of revenue for thousands of families. Thus, in a State such as Illinois, it would be unwise for us to attempt to eliminate by eradication these migratory species for the reason that we would be losing a commercial fishing industry and probably would not in turn find it possible to create any game fishing conditions as experienced in the rivers or lakes of the north. In fact, the eradication of these species appears to be rather an impossibility than a problem that deserves consideration. Thus, it seemingly remains that our problem is to provide an industry to harvest rather than to attempt to eradicate.

Perhaps there are other viewpoints represented at this meeting today, and this subject may be a difficult one to gain future uniform regulations.

3) UNIFORM REGULATIONS LEGAL DEVICES ETC.

States bordering rivers, lakes or other bodies of water, and where fish are harvested from identical waters in different states find the necessity for uniform regulations and uniform legal devices becomes of major importance, if satisfactory law enforcement is to be obtained.

Reviewing a few situations, the State of Missouri requires a hoop net with seines not exceeding twelve feet in length, and the Illinois law requires wings not more than forty feet in length. This might be remedied by both states requiring similar length of the net wings, thus establishing a more uniform type of hoop net for use in the Mississippi River.

The State of Iowa permits the use of trammel nets whereas the use of such device is prohibited in the State of Illinois. In Iowa, it is illegal to use basket traps, while in Illinois it has been legal to use such a device. This particular condition has been remidied through a conference with relation to uniform regulations and at the present time Illinois is agreeing to eliminate basket traps as a legal device, and the State of Iowa has agreed to eliminate the use of trammel nets. This change will be very beneficial to both Iowa and Illinois, the Mississippi River being the dividing line between the state, and will benefit from uniform law enforcement on the part of the officers of both states.

In Illinois, we object to the use of trammel nets inasmuch as this device is designed to efficiently bag all fishes including game fish and especially black bass. Other netting and seining devices are preferable for commercial fishing. At present, both the State of Illinois and the State of Missouri have made trammel nets illegal. It is hoped in the near future the State of Iowa will do likewise.

We, in Illinois, have progressed towards another step of uniformity in the issuance of a non-resident trip fishing license which may be used for a period not to exceed ten consecutive days at a cost of one dollar. Our regular seasonal non-resident fishing license is three dollars. It seems rather unfair that any state should liberalize to the extent that its neighbor is placed at a disadvantage in competition for the same species of fish that may exist in a mutual stream, the same being true of commercial fishing as it applies to the Great Lakes.

4) UNIFORM REGULATIONS WILD GAME.

I believe that through conferences between adjoining states that a more systematic procedure may be brought forth to govern the shipment and possession of wild game that may be transported by hunters. Further improvement can be made in uniformity in laws governing the trapping seasons along the state borders. The periods of time when such fur may be possessed following the legal harvest should also be uniform. States that produce a great amount of hand-reared game should be interested in a uniform solution of methods in relation to the tagging and the sale of such game placed on the market for food purposes. In Illinois, we require an irremovable tag to be attached to the leg of the bird, thus designating

the carcass as having been reared in captivity. Periodic records will be required of both producers and retailers of game for food purposes.

A new wild game food dealer's permit will become effective July 1st, and this registers all persons engaged in the sale or shipment of wild game in the State of Illinois. The term "sale" will include all hotels, night clubs, restaurants and other houses engaged in the business of serving food.

5) CONCURRENT JURISDICTION OVER RIVERS ETC.

Concurrent jurisdiction over small peninsulas, islands, etc. is very important in the enforcement of both hunting and fishing laws. Once progress has been made in recent conferences between the Illinois Department and the Departments from Missouri and Iowa to establish a constructive and efficient law enforcement program along the Mississippi River boundaries, it will be possible for sportsmen in bordering states to utilize any of the unconnected islands of the Mississippi River for legal hunting and fishing purposes by possessing a license from either state.

We are, also, planning the posting of the boundaries of the river proper where joined by tributaries so that there may be a minimum of mistaken trespass violation.

It is, also, advisable to possess similar regulations in regard to the use of blind devices for the taking of migratory waterfowl. Our Illinois laws in the past have been conflicting with adjoining states, but will follow Federal Regulations in the future.

6) UNIFORM EFFORT PROMOTE VISUAL EDUCATION ETC.

Without a doubt, the greatest need in the field of Conservation today is the need for practical application of an educational program to promote Conservation and Restoration with both the adult and youth groups in the various states. Here again, uniform cooperation can be most helpful and can provide a greater wealth of material through the pooling of mutual ideas.

In the field of visual education much can be accomplished by the production of modern moving pictures of the story of conservation. In addition, a uniform program of education in the public schools might be adopted to strengthen the fight of the individual states to gain recognition in their public school curriculum.

We, in Illinois, feel that the training of our warden enforcement division in a Departmental training school will later prove as a nucleous to bring about a better understanding between the sportsmen and the Department. At the present time, we are requesting funds for the establishment of such a program, and in addition, hope to inaugurate an educational program in our public system.

To you, fellow Directors present, and to your staffs, I wish to assure you that the Illinois Department is willing at all times to cooperate with its bordering states. I think they should work harmoniously, especially in the field of law enforcement so that this phase of our work may possess a harder punch than in the past.

Much is to be accomplished in fish and game law enforcement and can be accomplished with honest, conscientious and cooperative application of effort. When disputes arise as to the dividing line between states on areas where a state's jurisdiction is not clearly defined, they should be solved and can be solved through requiring the observance of the laws of either of the states involved.

It would be to the advantage of each state to inform its neighbor as to the names and addresses of its bordering patrolmen who are established in areas where concurrent jurisdiction is advisable.

May our working conditions with each other become more uniform and our cooperation extend throughout this entire organization.

Now, I suppose the meeting is open to discussion. Mr. Swift will you say something for Wisconsin?

BY MR. SWIFT: Well, you have covered quite a few subjects there, Commissioner. The matter of regulations - I think that the basis for proper regulations starts by the Commissioner in charge or the Commission having the authority to establish regulations. That is the basis. I think that practically all commissions can solve their problems if that one thing is done. When a department has to go back to a legislature and depend on it to pass regulations that are identical to a neighboring state, it gets to the point where it is practically impossible, and that has been proven time and time again.

Since the Wisconsin Commission has had the authority to establish regulations, and since Minnesota has had the same power, the regulations along the Mississippi there have been made identical and practically all of the bickering between sportsmen and between states has disappeared. On the Great Lakes, for example, the Council of State Government has been attempting to coordinate the efforts of the various states that border the Great Lakes. It is making progress, but it is quite slow, and I look for the time, if it does not accomplish something, that such a thing as a treaty with Canada, which will empower the Federal Government to take over the fishing administration of the Great Lakes will come into being. There is an example where it is up to the states to coordinate their efforts, and I think something has been accomplished, but if it comes too slow, I think the other alternative will materialize.

As far as getting down to specific cases, I do not think it is necessary for me to do that at this time. I think the basis is the power of the Commission to have the authority to act so that it can coordinate its efforts with the neighbor state.

BY MR. OSBORNE: Mr. Cluett.

BY MR. CLUETT: Well, you can call on somebody else. I did not get in in time to hear the main discussion.

BY MR. OSBORNE: Mr. Lytle.

BY MR. LYTLE: I do not know as there is a lot I have to say on that. For the last few years, Iowa, Missouri and Nebraska have had a gentlemen's

agreement on the Missouri River, whereby a hunter or a fisherman, carrying either a Nebraska, Iowa or Missouri permit was permitted to fish or hunt in the River, as long as he stayed within the River proper and did not get out onto any lands connected with the mainland.

In years past, there was considerable trouble over the hunting rights and fishing rights on the River, but it has been worked out very nicely, as far as Nebraska is concerned, since that agreement was made, and I think that without law some of those agreements can be made with other states that will do away with considerable trouble among the hunters and fishermen.

BY MR. OSBORNE: Mr. Bode.

BY MR. BODE: I think that everybody agrees that that is what should be done. The job I have been working on for a number of years, and again this year, together with Mr. Roberts, the Chief of our Protection Service, is not trying to decide that it ought to be done, but how in the world it can be done. We talk about uniform regulations, and we find that when we get together with one side, it does not fit over on the other side at all. Then immediately we are faced with the problem of different regulations in different parts of the state.

If we make our regulations to coincide with Arkansas', we have the condition of having a set of regulations on that boundary which does not coincide with either Kansas, Nebraska or Oklahoma. That is the real problem. I do not know what the solution is.

I would like to ask the Chief of our Protection Service if he has any additional remarks that he would like to make, because I have turned that thing pretty much over to him this year, and I know he has been working pretty hard on it. He has been working with Illinois and Nebraska and possibly some of the other states, and he might have something additional to contribute. Mr. Roberts.

BY MR. ROBERTS: Mr. Bode, and Gentlemen. You heard Mr. Osborne refer to conferences with "We, Missourians". I can say to you that that was quite gratifying to us, because at our conference here we did what Mr. Clark and somebody has said -- took our hair down and talked quite frankly, recognizing the conflicts between our operations. Mr. Osborne's talk suggested some of the gentlemen's agreements at which we arrived.

Another remark which he included in his address, as applicable to the Mississippi River and the pollution caused by the City of St. Louis, might on the face of that statement not be of much concern to the folks in Nebraska or Kansas, but when you realize that the mouth of the Missouri River is north of St. Louis, and the probabilities are that the greater part of the pollution from the City of St. Louis may be below that mouth, then, if that were cleared up, it might have some effect upon the fishes which go up the Missouri River. Therefore, you folks along the Missouri River might be indirectly interested in that pollution here at St. Louis.

I would like to contribute just one little incidental item which I think can materially help our enforcement program. The matter has been brought to my attention within the past two days through a case which I

have been working on involving an interstate shipment of fur all the way from the Western Coast. An exchange of information concerning violations between our states or near the boundaries would be a fine thing. During the past three years we have attempted to contribute to you folks, bordering the State of Missouri, any information which we have received which suggests a violation, either by Missourians going into your state or by people from your state coming into Missouri, figuring that when we contribute that information to you, you can investigate it, if you see fit, and if it does not work out, there is no harm done. We solicit the same kind of information from our neighboring states.

I do not have an answer to the problems involved, but I think that, from time to time as we have more of these experiences and exchange of ideas, give and take, we will probably approach more nearly that solution.

BY MR. OSBORNE: I do not want you gentlemen to feel that I thought this was a cure-all for everything; that immediately we could correct all of these conditions. This is only the beginning, and I think if we start out and get together on as many laws as we can, it will be the beginning of something that we may be able to accomplish in the future.

Mr. Schwob.

BY MR. SCHWOB: I have not heard all of the discussion. You are talking about uniform regulations?

BY MR. OSBORNE: Pollution and uniform regulations.

BY MR. SCHWOB: As far as uniform regulations are concerned, I am very much interested in them. Our Commission is very limited in the things that it can do. For instance, we cannot do like Missouri, Wisconsin, and Minnesota--make the kind of regulations we want. Our Commission is given very definite and limited authority in regulating, and to get uniform regulations, the matter has to be taken to our legislature. That always presents a problem. I am sure you all understand that. But another thing that comes into the picture and probably has been mentioned here, sometimes we states do not agree on what the regulations should be. That is something else that comes into the picture, and we all think we are right, but I think, as the years go by and as we meet together and we all have more facts and information, probably we will slowly but surely get a little closer together along that line. I know that is the thing that exists right now between Iowa and Wisconsin, and Iowa and Minnesota on commercial fishing.

We do not agree that you have to have a game warden go out with the commercial fisherman to raise his net. We think if he is that crooked, he ought to be put clear out of business. It is either legitimate business or it is not, and that is what we think about that. We do not agree, and I am sure we are sincere, and I am sure Wisconsin is sincere about it and Minnesota, but those are other things that come into the picture. We are certainly in favor of doing everything we can to work out uniform regulations and are trying as much as we can, and we expect to go into the next session of the legislature with recommendations that will bring the states bordering Iowa closer together, if possible.

BY MR. JOSSERAND: May I ask Mr. Schwob a question? Do you have in

your code, Mr. Schwob, sort of an overall authority to make rules and regulations in any matter?

BY MR. SCHWOB: We have what we call a Biological Balance Section. A few years ago we had to have authority to make rules and regulations that had the effect of law, but our Supreme Court held them unconstitutional. Now, we have very limited power, and it is based on a proper biological balance, and the Commission can regulate seasons, open or close or reduce bagging possession limits or open or close areas and territories, and that is about the extent of it.

BY MR. JOSSERAND: Could you, for instance, in speaking of the Missouri or Mississippi River, close the river for commercial fishing for a certain period of time? Would that be within the power of your Commission?

BY MR. SCHWOB: I think we could probably close, providing we had the definite information necessary to close. For instance, if we close a pheasant season, it is closed because of the fact that we find in taking our census that there isn't a large enough supply of pheasants, and therefore we close the season. We open the same way. We do it all on facts, and this section gives --

BY MR. JOSSERAND: (Interrupting) You count the pheasants before you close the season?

MR. SCHWOB: That is right. In other words, all of our regulating is based on facts that we determine, and this law makes the Commission the agency to determine whether or not a proper biological balance exists.

BY MR. JOSSERAND: What I am getting at is this: If you determined that there were not sufficient fish in the Missouri River, could you then by regulation close that commercial fishing for a stated period or for a definite period?

BY MR. SCHWOB: I think we could.

BY MR. JOSSERAND: I would like to ask Mr. Lytle if he thinks that same question would be true of Nebraska. I may be getting a little ahead of the hounds, but it is a good time for that question.

BY MR. LYTLE: No, we could not do that in Nebraska, due to the fact that we have a law that permits commercial fishing in the Missouri River. At the last session of the legislature, we asked for the repeal of that law and it was turned down. Under those circumstances, we would not be permitted to govern that by regulation.

BY MR. JOSSERAND: Does the law stipulate the take that should be taken from the River?

BY MR. LYTLE: No.

BY MR. JOSSERAND: Could you in any way, under any interpreting section of your law, interpret it that you could close certain species of fish in the Missouri River, in other words?

BY MR. LYTLE: The law covers --

BY MR. JOSSERAND: (Interrupting) The same as you would in any other stream? I take it you could close, for instance, the season on cat fish in some streams, if you cared to do so, under your regulations.

BY MR. LYTLE: Yes, we can do that in the streams in the State, but not in the Missouri River. The commercial fishing permit limits them to cat fish over thirteen inches in length, also permits, of course, the taking of fish with nets, no other game fish; that is, no game fish other than cat fish. Cat fish is classed as a game fish in the State of Nebraska.

BY MR. BODE: Do you have authority to regulate the type of equipment that may be used?

BY MR. LYTLE: No, that is specified by law.

BY MR. JOSSERAND: You could not further restrict the equipment?

BY MR. LYTLE: No, not under our present set-up.

BY MR. OSBORNE: Mr. Josserand, how about Kansas?

BY MR. JOSSERAND: As far as cooperation between states on the Missouri River, the question under discussion seems to be the Missouri and Mississippi. About 12 or 13 years ago, the commercial fishing laws in Kansas applying to the Missouri River were repealed. At that time, the Missouri law was in effect, so Kansas found herself up against the situation of all the commercial fishermen merely moving their boats. They moved their boats over onto the Missouri side, so Kansas assumed the authority for granting permits for commercial fishing on the Missouri River under the same conditions of the old law. They just assumed that authority and got by with it.

Now, Missouri has the authority to close or restrict the commercial fishing on the River. We have 120 miles there of common boundary, and so Kansas is in a very unique position, in that she can go along with Missouri, and our Commission has declared in its policy that it will work toward the same goal that the Missouri Commission does in rules and regulations governing the Missouri River. Just a word on that: We felt that restricting fishing in the Missouri River might result in the stocking of those streams that flow into the Missouri, forty percent of the State of Kansas drained into the Missouri River. Likewise, if that situation is true, it would apply to the State of Nebraska, that although your commercial fishing permits probably apply only to coarse fish, we found that whatever gets in those nets, unless you have a warden right there, is commercial fish. Commercial fishermen are not on too high a standard as to what they will agree to do. They are a pretty good sort, pretty independent sort, but they have not come over to the place yet where they think that the state has a right, or the Fish and Game Department has a right to take their method of living away from them. Their argument is that their grandfather has made a living on the River, fishing commercially, and their father made a living, and that they have a right to do the same, but we did restrict our commercial fishing permits this last year, I think to about seventy, and that is a reduction of about two-thirds.

What was your reduction, Mr. Bode? Did you have less permits issued this year?

BY MR. BODE: I cannot answer that question.

BY MR. ROBERTS: I do not know the figures either, Mr. Bode.

BY MR. JOSSERAND: Our thought is the fewer permits we have issued, the better off we are.

Now, just a word about uniform regulations. We have other problems besides rivers, and one is the common boundary of a state. Whether it be a road or an undetermined line, you have problems relative to game and fish in streams that flow from one state to another. I think the organizations of all the states concerned are not making the most of their possibilities, in not getting the men who actually are out in the field working together on the respective sides of the state lines. In other words, the men working the territory on the Kansas line should personally know and have a working understanding with the men working on the other side of the line in the surrounding states, because, even though we cannot get all of our regulations uniform, there are some possibilities, and interpretations that we will discuss in the next topic that come into the picture, if these men have an understanding.

Now, a regulation amounts to just an interpretation. You know, wars have been fought over that in this country, whether it is a strict interpretation or liberal interpretation of any document from the Constitution on down, and our regulations are a matter of what we make them. We will develop that thought and get some discussion on it a little later. But Kansas is in a position fairly well to go along with surrounding states. We have an over-all power of regulation that is more restrictive than the regulations set out by statute. We cannot open up wider than those regulations by statute, but we can restrict under them, and so we are in a position to cooperate pretty thoroughly with the surrounding states.

BY MR. OSBORNE: Mr. Lowe, have you anything to contribute?

BY MR. LOWE: Well, from the standpoint of North Dakota, we are somewhat isolated and we do not have quite as many problems as some of your states where rivers form the common boundaries. We are also limited as to what we can do as a department and what we must do by statute. Our department has the authority to fix seasons and bag limits, within certain limitations, but such things as fees are fixed by statute and we have no power to change those to make them conform with other states. We have no authority to fix a reciprocal fee with any other state. We have some conflict on the movement of game across the state lines. Last year there was considerable conflict between our state and the State of South Dakota, due to the fact that they had a pheasant season that ran for a longer period than our possession season, so people living in the eastern part of North Dakota -- a few of them -- with the South Dakota and North Dakota license, wishing to go down there and shoot pheasants late in the season could not bring those birds back.

We also have a problem with the Province of Manitoba and Saskatchewan. Their seasons open earlier than ours do. Many people go up there and shoot

and bring their game back, and we have established the rule that we will allow whatever is legal in that Province or that other state to come into our state, if it is within the limitations of our statute.

We also had another little problem, that is the problem of farm raised game for sale. Our laws do not allow the sale of any game whatever. We had a commercial raiser who was shipping game to the East for table use, but we found it was not within our power to allow him to attach a tag to that game that would allow him to ship it indiscriminately. If the state to which he shipped it would allow the sale indiscriminately, we just practically winked our eye at it, although we do not believe it was exactly legal.

Now, that is a problem that may be coming into the picture more and more as there are more of those types of farms established.

BY MR. OSBORNE: Have you had a conflict with some other neighboring state, agreed upon some reasonable uniform regulations? Do you not think at your next meeting of your legislature you could probably have your law changed to that effect?

BY MR. LOWE: We hesitate to go to our legislature if we do not have to. There are so many things that come into the picture, so many ideas, so many people who are not informed, that it takes a long time to put the thing over. We have done some of that and have been fairly successful, but if it is anything that we can handle as a department, we would much rather handle it that way.

BY MR. OSBORNE: Mr. Cluett, are you ready to say something now?

BY MR. CLUETT: As far as uniform regulations are concerned, I think it is going to present quite a problem, but I do think, after listening to Bill's statement here about the pheasant situation, that he is practically alone as far as recognizing the hunters' rights that go into another state to hunt. I think if those birds are taken, under the regulations or the laws of the state wherein he hunts, that he certainly should be entitled to the privileges that go along with the license that he purchased. I am afraid, Bill, that you fellows will have to change your law up there a little bit.

BY MR. LOWE: We have already done it. We have that fixed.

BY MR. OSBORNE: Does anyone else desire to say anything on the subject?

BY MR. AITKEN: Pardon me, I would like to mention one thing and call to the attention of this conference one fact in connection with the border streams of these states, or rather, the Mississippi and Missouri rivers. Since the stabilization is well under way on the Missouri River, and the channelization and sometimes scandalization of the Mississippi River has changed the environment greatly for fish in these streams, I would like to point out particularly in the Missouri River, that fish population, especially channel catfish, is increasing. It has increased since the operations there, at least across Iowa, have occurred, and it seems to me that the catfishing will increase for a number of years. I know that today in the Mississippi River along Iowa, that fish population, particularly

wall-eyes, bass and catfish, are increasing tremendously, and coupled with the fact that the man-hours of fishing having doubled in the Mid-west states in the last eight years and will no doubt double in years to come, the possibilities for pole and line fishing are really going to exceed all your expectations along the stream. In other words, you are going to have more conflict with the commercial side, and I believe that these things should be kept in mind, that these streams are not just for commercial interests, but they do have tremendous possibilities for the angler as an angler.

I believe I do know something about the Missouri River across Iowa, and I know something about the Mississippi River, and I am sure that many people will bear me out in that statement.

BY DR. STRUNK: Gentlemen, we have two more subjects to cover. I know you would all like to continue this problem because it is very important to all of us, but if we finish by three-thirty, we will have to go to the next one.

Mr. Josserand, will you take over, please?

BY MR. JOSSERAND: Mr. Chairman and Gentlemen, this subject of "Possibilities of Administrative Interpretations and Orders in Lieu of Uniform Regulations" or uniform laws is the thing that you can talk about a lot, but there is not a lot that you can say definitely about it. It is a matter of opinion, a matter of study and then use your own best judgment.

I know in studying the history of our own department in Kansas, that it has made a lot of progress by assuming that it could do things that were not specifically set out by statute. For instance, Mr. Lowe mentioned a thing a while ago; we have never had a statute on our books in Kansas that permitted you to keep game beyond the day of the closed season. The statute said that it was unlawful to have game in your possession except during the stated times. Well, the law said that, but the practical interpretation of it is this: For example, you went hunting for ten days and you would have some game in your possession the day after the season closed; therefore the Commission has always interpreted that a reasonable time, that ten or fifteen or twenty days was permissible. Common sense would naturally make anyone think that you should be entitled to have that game in your possession, so therefore the law was not in force during that period of ten or twenty or thirty days, whatever was allowed.

Now, I will admit that it would have been better had the law stipulated a definite period there that game could be kept in your possession in our state, but it did not do it, and it suited the opinion of the public; it suited the sportsmen to interpret it that they could keep game in their possession a reasonable time after the closing of the season.

Now, to my mind that is just a sensible interpretation of a law that did not go on and state what was probably in the mind of the legislature when it passed it. The legislature in its hurry did not stop and think that that man going out to hunt for ten days would naturally have an accumulation of game and he would probably want to invite some company in some Sunday following and brag about what a good time he had on his hunting trip, tell a lot of things that did not happen and omit some of the things

that did, and I think the legislature intended that, so that to my mind is an administrative interpretation in lieu of a regulation. After all, the law is nothing more than a rule established for the benefit of all.

A law would not stand up, in my judgment, as a law, as a regulation, unless about ninety-five percent of the people approved it and its enforcement. Any time you get a sizeable proportion of your population against a law, that law will not stand. You cannot enforce it.

Now, I think we all have certain regulatory powers. All of our state administrations have those regulatory powers or interpretive powers, and if we study them, get together and talk them over with the state adjoining us -- our mutual problems -- we can make some of those liberal interpretations. We did ask our legislature to clarify that situation this last year, and it readily did it, because it had been the custom for ten or twelve years to do the thing and the legislature wrote it into law. Another thing we had that was peculiar: We would sell you a non-resident hunting license, yet we provided nothing in our statute to permit you to take that game out of the state. Well, I think it was in the mind of the legislature, at least, that if we sold you an out-of-state hunting license that we assumed that you would want to take the game out of the state with you, but the law had not made any provision, so an administrative ruling or administrative interpretation of that, over and beyond the law, was that you did have the right to take that game out of the state, and we granted a permit for that purpose, even though the law did not so state. Those are two things that I mention that were going on in our state.

Now, in the matter of commercial fishing in the rivers: I am not sure that all states can do it, but if it is to the benefit of all concerned or most concerned, if it is the general benefit of ninety-five percent of the people, and the administrators agree to it, that we should close certain rivers to commercial fishing that is now permitted, I believe if you scratch around in your rules and regulations and your powers to make rules and regulations, that you can find sufficient authority for going along and doing the thing that the majority of the people probably would approve. That might not be true in all cases. We have in our state a regulatory statute. In other words, it says that we shall make rules and regulations for the carrying out of fish and game laws. Well, we have a phase of it that we have to be careful about. Our state provides for a prairie chicken season. It gives the Commission the right to close that season. Now, we cannot open it beyond what the statute stipulates, but we can close it or we can restrict it, but we find in doing that that we do not have any penalty applying. The prairie chicken season in Kansas is set two days in October. If we keep it closed and some citizen of our state goes out and shoots some prairie chickens on those two days, we could not convict him in any court in the state, if he knows his onions, because he has not violated the statute. The law is there, says that he has a right to shoot chickens on those two dates, but the Commission has come in as a regulatory making body and closed the season on those two days. Now, he has violated a Commission regulation which is in direct conflict with the statute, but we get by with it and have gotten by one hundred percent on that regulation, because the public approves it and nobody has ever questioned that particular point in court, and so we close the prairie chicken seasons, and the same thing applies to any season we close. The question has never been raised. In other words, we just simply get by making an administrative ruling or administrative

interpretation.

We have another thing in vogue in our state that is peculiar. We make a regulation that all fur dealers must keep a record and the license number of the trapper on all fur that they buy. There is no statute for it, except the general regulatory making statute. We find it is the most successful way and the best way to keep track of the fur that is taken in our state. There have been one or two cases in which a violator of that regulation has hired a former Assistant Attorney General or somebody who knew that weak spot in our law, and when that is pointed out to the court, we simply drop the case and forget about it and go on. We never would let that go to the Supreme Court, because they would whip us on it. We know that, so we just avoid it. If some fellow brings up that issue, we turn him loose; then before we issue him a fur dealer's license the next year, we have a little consultation with him and he usually agrees to go along. We explain to him that it is for the benefit of all concerned; that it is not going to hurt his business. If John Smith comes in and sells him some fur without a trapper's license, if he writes down there, "John Smith did not have a trapper's license", it does not hurt his business at all, because we simply bring it to the attention of John Smith, that he has no trapper's license, and that way we keep up our trapping license sales.

Now, I suggest in this matter of the possibility of administrative interpretations, that the administrative heads of those states concerned with the common problems get together and discuss the matters. Missouri and Kansas got together on the Missouri River. We reached a common understanding, and I think to the general benefit of both states.

A thing which we have done in Kansas is to have our men working the state lines contact the man working in the adjoining state. We have not done it as much as we should. I think probably we should take those boundary wardens — after all, when you make an interpretation, it has to go clear down the line, and you have to know the boy out in the field has the same understanding of it that you have -- and ask the adjoining states to send their men to a meeting, so that they could discuss their mutual problems across the line.

Now, the time is twenty minutes after three, and I think this is a thing that we should discuss. I will call on Mr. Schwob. I believe I have written you about making a statement on this matter, have I not, Mr. Schwob?

BY MR. SCHWOB: Yes.

BY MR. JOSSERAND: Mr. Schwob, do you have something you would like to add?

BY MR. SCHWOB: I have not very much to say about it. There is one thing I do want to say, that we in Iowa try to be guided by the law and what the law is. Personally, I think if we go a little too far in interpreting the power and authority that is delegated to our Commission — that is what you are talking about, is it not?

BY MR. JOSSERAND: Yes.

BY MR. SCHWOB: That we are apt to get in deep water. I would rather

have a law, a definite law on which to stand. Now, as far as determining what the State of Iowa can do, we have this Biological Balance Section that tells us exactly what we can do. I will just read it. Maybe you already know it. "The open seasons, closed seasons, bag limits, catch limits, possession limits and territorial limitations set forth herein pertaining to fish, game and various species of wildlife are based upon a proper biological balance, as hereinafter defined, being maintained for each species or kind. The seasons, catch limits, bag limits, possession limits and territorial limitations set forth herein shall prevail and be in force and effect for each and every species of wildlife to which they pertain as long as the biological balance for each species or kind remain such as to assure the maintenance of an adequate supply of such species. The commission is hereby designated the sole agency to determine the facts as to whether such biological balance does or does not exist. If the commission, after investigation finds that the number and/or sex of each or any species or kind of wildlife is at variance to aforesaid condition, the commission shall by administrative order extend, shorten, open or close seasons and/or change catch limits, bag limits and/or possession limits or areas in accordance with said findings. For the purpose of this section, biological balance is defined as that condition when all losses to population are compensated by natural reproductive activity or artificial replenishment, replacement or stocking."

Now, I think you are much safer if you have something on which to stand. That tells us definitely what we can do.

BY MR. JOSSERAND: I would call that a regular lease-lend bill.

BY MR. SCHWOB: That is my opinion. I think that we should have definite laws on which to stand, and then you do not care whether they take you into the State Court or Supreme Court or any place else. I do not quite agree that you should apprehend a man on a ruling that has been made by the Commission, which does not have the effect of law. It seems to me if that would happen very many times and you would turn these fellows loose, that the first thing you knew the word would get around and your regulations simply would not be effective. I believe I have talked long enough.

BY MR. JOSSERAND: It does not happen very often, I will grant you that.

BY MR. SWIFT: In the matter of interpreting regulations, it is my opinion that you have to be confined pretty much to the letter of the law. When you want to interpret a regulation from a standpoint of giving people something, they will go along a little better and there will be less trouble, but when you restrict and deny them and do not have the authority to back it up, then you will get into trouble.

Now, I want to point out one position to you. You bring a man in on this matter of keeping a fur record, and you say if he gets a good smart lawyer, you drop the case, but suppose that good smart lawyer tells this man to sue this warden for false arrest for $5,000.00. Who holds the bag? Now, we do not figure that a warden in Wisconsin has received his diploma until he has been dragged into court on some type of a case like that. We have had only one or two cases where they have beaten our men. Any man who ever has been on an enforcement job finds that his imagination gets down to the point where it is very restrictive, because he is faced with the cold

facts; that he has to have the definite dope when he goes into court. I have personally carried that same attitude in the interpretation of powers of the Commission, and there are policies that you can go beyond when you are giving but when you get to the restrictive angle of it, then you are going to get in trouble.

BY MR. JOSSERAND: We have a law in our state that you cannot sue the state without the consent of the legislature.

BY MR. SWIFT: So have we, but he can go back onto that individual just the same.

BY MR. JOSSERAND: He would have to bring him in, I think, as a representative of the state. He would have to sue the state at the same time.

BY MR. BODE: No.

BY MR. SWIFT: He is responsible for his own act.

BY MR. SCHWOB: Every officer is.

BY MR. JOSSERAND: This situation has been partly remedied now in that the legislature provides that our regulations be published in the official state paper and filed with the Revisor of Statutes. So the lawyers disagree. They think we have the gap closed, but we just do not go to the Supreme Court on it. We just ease out of it some other way.

BY MR. MARTIN: I wonder how many states have had the opportunity of having the Supreme Courts pass in favor of the constitutionality of this same thing you are talking about?

BY MR. SWIFT: You mean on passing regulations?

BY MR. MARTIN: Yes.

BY MR. SWIFT: We have.

BY MR. MARTIN: We cannot do it in our state, because we set out specifically in our state constitution --

BY MR. SWIFT: (Interrupting) They decided it in our favor.

BY MR. SCHWOB: Here is something I want to point out, that I think is very, very important in working under a statute of this kind: That you be doggoned sure that you know what you are doing and when you make a regulation be sure it is right. I am sure Mr. Bode will agree with that. Where they have authority here in Missouri to make laws now, I will bet they are very careful, because there is great danger of losing that authority.

BY MR. JOSSERAND: There is a great danger that your public will not go with you. You have found that out, have you not, Mr. Bode?

BY MR. BODE: Yes. Gentlemen, we are getting way off the subject in starting to discuss legislation, law-making powers, etc., and with our time

limited the way it is, I think we had better --

BY MR. JOSSERAND: Anyone else have anything to say on the subject?

BY DR. STRUNK: You all have an Attorney General associated with your department. When in doubt I ask him orally -- it does not have to be a written opinion -- how do you feel about this thing? If he is against it, I do not call for the written opinion. Before we make a move, for heaven's sakes, let us apply to that Attorney General. If he gives you an opinion that is satisfactory, call for it in writing and you are protected in every court in the land. They cannot touch you.

BY MR. JOSSERAND: How many of you gentlemen have an Attorney General in your department?

BY MR. SCHWOB: We do not have one in our department, but he is assigned to the department.

BY MR. CLUETT: We have, too.

BY MR. JOSSERAND: Do all of you have that, that is, you pay him but he is a part of the Attorney General's Staff?

BY MR. OSBORNE: No.

BY MR. JOSSERAND: We do. He is on our payroll but he is a representative --

BY DR. STRUNK: You can all get that information. Gentlemen, it is three-thirty. Mr. Cluett, will you complete this discussion.

BY MR. CLUETT: Mr. Chairman, this is going to be pretty short. I suppose that is agreeable with you. Reciprocal Agreements and License Fees. I believe the best procedure on that would be to split it up into two subjects. Taking the first part of this subject, it has been the experience of our state that there are certain instances when lakes or rivers form a boundary between neighboring states, where reciprocal agreements are advisable and often necessary for the best interests of law-enforcement.

For a number of years Minnesota and South Dakota have sought to cooperate by establishing uniform regulations or so-called "gentlemen's agreements" on our boundary waters, namely, Big Stone Lake and Lake Traverse, and we have been fairly successful.

These so-called agreements include the taking of rough fish, fishing, hunting and trapping regulations.

It appears, though, that the problem of reaching absolutely satisfactory agreements is difficult to solve, due to lack of uniformity of game laws, and regulatory authority by conservation commissions. This brings up an important issue: Should not the legislatures of the various states be prevailed upon to recognize the advisability of interstate agreements in the interest of conservation and delegate sufficient regulatory power to their game commissions which would empower them to legally enter into mutual agreements with adjacent states?

Where game commissions now have this authority, I think they should make a sincere attempt to arrive at a solution of their interstate problems by consulting with their neighbors on these reciprocal matters sometime before they are to become operative.

In case of agreements, uniform general letters should then be sent all game enforcement officers in the territories affected, so as to eliminate any misunderstandings between them.

Sufficient publicity should also be given them to thoroughly acquaint the sportsmen with their provisions.

While I am in accord with the idea of "reciprocal agreements", I cannot see my way clear to endorse the theory of "reciprocal licenses".

I made a study the past two weeks, or rather, looked up to see how many of the states had reciprocal license provisions. I found that Ohio and Nebraska, according to that information, had these privileges, and Mr. Bode tells me that they also have a reciprocal plan in effect. If any other states have it, my source of information failed to give it. Eight states, I found, have a $25.00 non-resident small game license; 17 states have a $15.00 fee; 14 have a $10.00 charge; one has a $12.50 fee; one has a $7.00 fee; and two have a $5.15 fee.

After I got to checking this thing up — I was probably looking at it more or less from a mercenary standpoint — I found that South Dakota sold 6,222 non-resident small game licenses the past season. Four mid-western states, three of which are represented here, sent us $3,029 of these.

Assuming that this year's quota will be approximately the same, with our fee at $20.00 and theirs at $15.00, our department would lose over $15,000 in revenue under the "reciprocal" plan.

On the other hand, two of our neighboring states, having a $25.00 fee, sent us 1,763 hunters. On the reciprocal basis, this would react to our advantage in the sum of $8,815.00. However, on our entire total of hunters we would stand to lose around $13,000. If these various states could offer our hunters somewhere near equal small game hunting opportunities, the reciprocity plan might be worthy of consideration, but we find in most cases that they are unable to do this.

Forgetting the monetary gains entirely, right offhand it is my opinion that the "reciprocal" plan would tend to complicate our bookkeeping systems, as we have at least eight different small game fees alone in the various states, to say nothing of the other classifications, should an attempt be made to incorporate them all under the same plan.

When we stop to consider that the game resources of the different states are not, and never will be, on a par; and that some states have a more ambitious game restoration program than their neighbors, it appears only logical then that the individual states should be the best judge of what their game crop is worth to others from a standpoint of dollars and cents.

Whether I am right or wrong, we will hear what you fellows have to say about that.

Mr. Schwob, you are the first man on the row there; let us hear what you have to say.

BY MR. SCHWOB: We have no authority to make reciprocal agreements on hunting licenses. Our law specifies the non-resident hunting and license fee, and that is all there is to it. We do not have any authority to make, or a law that enables us to have a reciprocal agreement.

BY MR. CLUETT: Whether you have authority or not, I would like to have your opinion as to what you think, whether they are advisable or not.

BY MR. SCHWOB: I do not believe I know enough about it to even pass an opinion.

BY MR. CLUETT: How about you, Mr. Swift?

BY MR. SWIFT: Well, I had not thought much about it. The Commission definitely has not the authority to make such regulations relative to fees. It is statutory, and they cannot make reciprocal agreements of that kind, and there has never been any legislation of that type, to my knowledge, at least in recent years.

BY MR. CLUETT: Mr. Josserand.

BY MR. JOSSERAND: I presume we have about the lowest non-resident license fee of any of the group of states. I think it is $7.00. A bill passed our Senate at the last session and passed the Committee of the House, but died on the calendar with the last rush of hours of session, raising our license to a reciprocal basis. In other words, it would be whatever the license was from whatever state the applicant came, but it did not pass, so our license is still $7.00.

BY MR. CLUETT: Mr. Osborne, have you anything?

BY MR. OSBORNE: We have no such law in Illinois. We did have heretofore engraved cards sent out by the Governor and the head of the department, offering free hunting privileges to his friends and to friends out of the state, but this has been stopped. That was not within the law and it has been discontinued.

BY MR. CLUETT: How about you, Mr. Lowe, from North Dakota?

BY MR. LOWE: We have to go entirely according to statute. We have no authority to grant any reciprocal fee. My personal opinion would not carry much weight because I do not think it could be put across in the legislature. Our legislature gets up on its high horse pretty much when you begin to mention such things as non-resident fees. We tried to have the fee lowered to $15.00 last year, but it died at borning. There is no chance to put it over, so we just have to go along.

BY MR. CLUETT: Well, we do have out of our members present one state that has a reciprocal license plan in effect, Nebraska, for instance. Mr. Lytle, how does it work out?

BY MR. LYTLE: The Nebraska law permits us to issue reciprocal permit

fees but it places a minimum fee of $10.00 on hunting and $2.00 on fishing. Personally, I think it has worked out very well. I think that it is reasonable. If I go over to Iowa and he charges me $15.00, why should not I charge him $15.00 if he comes over to Nebraska?

BY MR. CLUETT: That is all right if you have the same value to offer him as he has to offer you.

BY MR. LYTLE: We have found that it worked out quite satisfactorily to Nebraska.

BY MR. CLUETT: Dr. Strunk, have you anything to say for Minnesota?

BY DR. STRUNK: The department has no right to make arrangements for reciprocal license fees. We tried to get such an arrangement through this last session of the legislature, and, as Mr. Lowe said, it died of borning.

We have a new law which permits us to issue a resident fishing license free, not a hunting license, to any individual associated with any other state department or the Federal service or the Provinces of Canada, who comes in and requests this privilege of the Commissioner, and he can then under his jurisdiction and discretion issue a resident license for fishing to the individual. That, of course, is nothing but a courtesy gesture, because the Commissioner would undoubtedly buy the license himself, so if they do not come too many —

BY MR. SCHWOB: (Interrupting) That does not apply to hunting?

BY DR. STRUNK: No, not hunting.

BY MR. CLUETT: Did I not understand you to say that your state, Mr. Bode —

BY MR. BODE: Our plan is practically the same as Nebraska. We have something that none of you states do have: The Commission establishes the fees. We have authority to establish fees, and I want to tell you folks that this is a tremendous responsibility. While it is a privilege, it is a tremendous responsibility, and must be used with extreme discretion. However, we have the minimum fees, and then the provision that any state who charges us in excess of that, we charge the same. In answer to your argument that it is all right if the resources are equivalent, my reply is that the less resources we have in Missouri, the more reason we have for having a high non-resident fee. That is the basis on which I would put it.

BY MR. CLUETT: I believe we have heard from most of the directors. Does any other gentleman wish to comment on this subject? If not, I will turn the meeting over to the Chairman.

BY DR. STRUNK: I will turn it over to you, Mr. Bode.

BY MR. BODE: We have come to the business session of the program, official business, and there are one or two items that I want to bring up before I give you the report of the nominations committee. One is the matter of the treasury of the Association. You heard the treasury report

and it was accepted. We have, I think, thirty cents, or something like that, in the treasury. If we want copies of the proceedings of this meeting, it will be necessary to have a few funds to take care of it. I believe I can speak for our Commission in saying we will help out on that expense, with what expenses we can, but it will be necessary to have some aid. The Chair would therefore like to entertain a motion that during the coming year the $5.00 membership fee per year provided for in the Constitution and By-Laws be levied.

BY MR. OSBORNE: Mr. Chairman, is that sufficient, $5.00 a year?

BY MR. BODE: My recommendation would be we pass the motion $5.00, and assess two years' assessment, if necessary, making it $10.00, but put it on the basis of $5.00. I do not want to put the motion myself.

BY MR. SCHWOB: I move, Mr. President, that there be an assessment levied of $5.00 for each member state in the Mid-West Fish and Game Commissioners Association. Do you want that for two years?

BY MR. BODE: Suppose we say that an annual membership fee of $5.00 be levied, and if that does not cover the costs, to levy it for a two-year period for the previous year.

BY MR. SCHWOB: I so move, Mr. President.

BY MR. LYTLE: I second that motion, Mr. President.

BY MR. BODE: Do you want this to be strictly an executive session? I did not think to ask about that. Do you gentlemen want to exclude the other people who are not official delegates, or are you willing to make your executive session open?

BY MR. SWIFT: I move we have a closed executive session.

BY MR. BODE: We are in a little bit of a complication right now, because there has been a motion put and seconded, and I did not put it to the house. There is a motion before the house. All those in favor say, "Aye"; all opposed, "No".

. . .The vote being taken, the motion was duly carried. . .

BY MR. BODE: We will now entertain your second motion, Mr. Swift, which is that the Association go into executive session. Is there a second to that motion?

BY MR. SCHWOB: I second the motion, Mr. President.

BY MR. BODE: A motion has been moved and seconded that we go into executive session. All those in favor should vote by saying, "Aye"; all opposed, "No".

. . .The vote being taken, the motion was duly carried.....

BY MR. BODE: We will ask any of those who are not Commissioners or Executive Officers to leave and we will go into executive session.

There came to my attention, since I have been here, this report from the International Association with regard to the uniform cover for "Pittman-Robertson Project Reports". I lay it here on the table, not because I want to suggest it for any action, but for the attention of you men who did not get it. The last International Association appointed a committee to make recommendations with regard to using a uniform type of cover. It is here if this Association wants to take any action on it.

I think perhaps the next order of business should be the report of the nominating committee. What is your pleasure with regard to action? Do you want to have the entire report at one time and act on it as a unit or part of it at a time?

BY MR. OSBORNE: I move we take the entire report.

BY MR. BODE: Is there a second to that motion?

BY MR. VANCE: I second the motion.

BY MR. BODE: It has been moved and seconded that we consider the report of the nominating committee in its entirety. All those in favor signify by saying "Aye"; contrary, "No".

... The vote being taken, the motion was duly carried...

RECOMMENDATIONS AND REPORT OF THE NOMINATING COMMITTEE

PRESIDENT: Dr. W. L. Strunk, St. Paul, Minnesota

Meeting place to be determined by the President.

Time: During the first ten days of June.

VICE-PRESIDENT: Wm. J. Lowe, North Dakota

SECRETARY-TREASURER: J. W. Cluett, South Dakota

BOARD OF DIRECTORS: W. H. Lytle, Nebraska

F. T. Schwob, Iowa

Livingston E. Osborne, Illinois

H. W. McKenzie, Wisconsin

Guy D. Josserand, Kansas

I. T. Bode, Missouri

INTERIM COMMITTEE: E. Sydney Stephens, Missouri

R. E. Stewart, Iowa

BY MR. BODE: What is your pleasure with regard to the report?

BY MR. CLUETT: I move that the report of the nominating committee be adopted.

BY MR. LOWE: I second the motion.

BY MR. BODE: It has been moved and seconded that the report of the nominating committee be adopted. All those in favor of that motion, signify by saying "Aye"; contrary, "No".

BY MR. STEPHENS: Mr. Chairman, I believe it is parliamentary order to move also that the vote of the Association be cast for the officers.

BY MR. BODE: I believe you are right. The report of the Committee be adopted and that the vote of the Association be cast for the following officers, then we will include the report.

...The vote being taken, the motion was duly carried...

BY MR. BODE: The Chair would appreciate it very much if the new president would take over the Chair and conduct the business of the meeting.

(Whereupon, Dr. Strunk took the Chair.) (Applause)

BY MR. BODE: I do not know whether I should congratulate or condone. At least, I am sure you will and can do a much better job than I did.

BY DR. STRUNK: I, first of all, would like to go on record, as the resolution committee itself will state in a few minutes, as saying we deeply appreciate the work that the Commission of the State of Missouri and Mr. Bode have done in keeping this thing humming the way they did during the year. Just about every other week, I would get a letter from Mr. Bode. He would say: "What is your opinion on this?" And I know the rest of you got the same. That shows he was in the saddle all year. If I can fill the boots as well as he did, we are going to go forward.

I would like to get an expression of opinion of the group as to a possible meeting place for next year, while we are here. What do you think of Duluth?

BY MR. JOSSERAND: Is that an invitation?

BY MR. CLARK: What are the advantages, Doctor?

BY DR. STRUNK: We have two states bordering one another, Wisconsin and Minnesota, the North Shore Drive, the big forest area, the fisheries' program and cool weather.

I should like to get an official expression of opinion. Would you rather have Duluth or would you rather have some other town?

BY MR. SCHWOB: Duluth.

BY DR. STRUNK: All those in favor of Duluth, say "Aye"; contrary, the same.

...The vote being taken, the motion was duly carried...

BY DR. STRUNK: All right, it will be Duluth then, and we will get in touch with you later. Maybe I can call for the reports of the resolution committee.

BY MR. JOSSERAND: Do you want to read it?

BY DR. STRUNK: Are you chairman?

BY MR. JOSSERAND: I will read it if you so desire.

BY DR. STRUNK: I so desire.

BY MR. JOSSERAND: There are just about four resolutions here. The committee felt that this was a small group and that just two or three things were of sufficient importance.

Resolution No. 1: RESOLVED THAT the Midwest Association go on record as expressing to the International Association of Fish, Game and Conservation Commissioners its confidence in the progress that has been made with regard to the new regulation W-2; that it is acceptable in the form that has been presented; and that W-3 is recognized as containing some distinct steps forward, but still contains a number of matters that are not as desirable as they should be and which need additional attention.

Mr. Chairman, I move the adoption of the resolution as read.

BY MR. STEPHENS: I second the motion.

BY DR. STRUNK: All those in favor say "Aye"; contrary, the same.

...The vote being taken, the motion was duly carried...

Resolution No. 2: RESOLVED THAT the liaison officer assigned by the Fish and Wildlife Service to protect conservation interests, primarily fish and wildlife, involved in defense measures be requested to contact the administrative bodies of state conservation departments to assist in the solution of problems in those states, created by defense and other measures of federal agencies.

Mr. Chairman, I move the adoption of the resolution.

BY MR. STEPHENS: I second the motion.

BY DR. STRUNK: All those in favor of the resolution say, "Aye"; contrary, the same.

...The vote being taken, the motion was duly carried...

Resolution No. 3: RESOLVED THAT the Midwest Association tender its condolence to the family of M. L. Hutton, the late Director of the Conserva-

tion Commission of the State of Iowa and past President of this Association.

His passing has resulted in a distinct loss to the cause of Mid-west conservation.

Copy of this Resolution to be transmitted to his family by the Secretary of this Association.

Mr. Chairman, I move the adoption of the resolution.

BY DR. STRUNK: You have heard the resolution.

BY MR. SWIFT: Would it be fitting to add that that be spread on the minutes of the Commission of Iowa?

BY MR. JOSSERAND: It should be.

BY DR. STRUNK: You have heard the resolution with the request from Wisconsin. All those in favor say, "Aye"; contrary, the same.

...The vote being taken, the motion was duly carried...

Resolution No. 4: RESOLVED THAT the Midwest Association tender its appreciation for the splendid and fruitful efforts enacted by Mr. I. T. Bode and the members of the Missouri Conservation Commission in carrying on the worthwhile work of the Association for the past year, and for arranging for a most delightful visit to Saint Louis, Missouri.

Mr. Chairman, I move the adoption of the resolution.

BY DR. STRUNK: You have heard the resolution, gentlemen. All those in favor, say "Aye"; contrary, the same.

...The vote being taken, the motion was duly carried...

BY MR. JOSSERAND: There was one other suggestion that was not put in the form of a resolution, but we will just mention it and that was, that this Association ask the states of Michigan, Indiana, Arkansas, Tennessee and Kentucky to join with them. That was discussed but the committee did not act on it, and it is up for your action or your discussion if you care to consider it. It is merely a suggestion.

BY DR. STRUNK: I would like to get a statement from the gentlemen, as to the feasibility of requesting these states, Michigan, Indiana, Arkansas, Tennessee and Kentucky to join. I do not believe that Michigan belongs to another association.

BY MR. BODE: I do not know whether it does or not.

BY DR. STRUNK: I do not believe so. I have never heard of it. Do you know anything about that?

BY MR. SWIFT: I do not believe it does, Doctor.

BY DR. STRUNK: I do not believe the Mid-West Conference incorporates

Kentucky and Tennessee. What is your pleasure in that connection? Shall we request these states to come in with us at our next meeting?

BY MR. SWIFT: Have they requested that, Doctor?

BY DR. STRUNK: Well, I talked to a man from Tennessee and Michigan.

BY MR. SWIFT: There is a strength and weakness in adding to it. There is a strength so long as the problems are more or less common, and there is a weakness when you spread out too far when there is an interest entirely foreign.

BY MR. BODE: I am inclined to agree with Mr. Swift. I think one of the values of this Association has been its simplicity, the fact that most of the problems that have been discussed are common problems.

BY MR. SCHWOB: That is right.

BY MR. BODE: If you get too far out, the problems get so diverse that you get into generalized meeting; not that I want to be selfish at all, but then that is just one side of it.

BY DR. STRUNK: But what about Michigan, for instance. Michigan's problems are not any different from the problems of Minnesota and Wisconsin. The problems of Tennessee, Kentucky and Arkansas, how do they differ from the problems of Missouri and the other states here?

BY MR. SWIFT: I think Michigan and Indiana would come closer to that than some of the states farther south. That is my candid opinion.

BY MR. BODE: Mine was only a thought.

BY MR. JOSSERAND: There is this thought that runs through my mind, that here you have the northern states, you have Minnesota, Michigan and Wisconsin, whose problems are very similar. Then you have, perhaps, the southern half of Illinois, Indiana, Arkansas, and Missouri, and all of these other states, Kansas and Nebraska, that are very similar, and it is my feeling that we get a lot of good from these discussions between states. You can get them too large, but I believe these meetings should grow in intensity and grow in the intensity of their discussion and the broadening of their ideas. That is my feeling in the matter. It was not my suggestion, but I am heartily in accord with the somewhat broadening of it. Maybe you do not want to go south of the Mason-Dixon Line.

BY MR. MARTIN: Stay within your intermediate zone.

BY MR. BODE: You get into Arkansas, and I think you do get into a different condition from what you have even in Missouri.

BY MR. JOSSERAND: The Northern or intermediate zone is an idea all right.

BY DR. STRUNK: What about asking Michigan and Indiana if they would like to come in with us? How is that?

BY MR. SWIFT: I would go for that myself.

BY DR. STRUNK: Will you contact them and see what they want to do about it?

BY MR. JOSSERAND: I will so move then, Mr. Chairman, that Michigan and Indiana be invited to join the Association.

BY MR. BODE: I will second it.

BY DR. STRUNK: You have heard the resolution, gentlemen. All those in favor say, "Aye"; opposed, "No".

...The vote being taken, the motion was duly carried...

BY MR. BODE: Mr. Chairman, Mr. President: The last year there was recommended that a committee be appointed to make a study of the Constitution and By-Laws, with the idea of possible revision, inasmuch as the original association had changed some in complexion. That was not done. I have not up to the present time been able to locate a copy of the Constitution and By-Laws, and if any of you individual states happen to have a copy, I think it should be included with the official record of the Association, and I move the appointment of a committee of three by the president to locate and revise the old Constitution and By-laws, if available, and if not, to submit a Constitution and By-Laws at the next meeting.

BY DR. STRUNK: You have heard the motion, gentlemen. Is there a second?

BY MR. SWIFT: I second it.

BY DR. STRUNK: All those in favor say "Aye"; contrary, the same.

...The vote being taken, the motion was duly carried...

BY DR. STRUNK: I appoint the following committee: Mr. Swift, Mr. Schwob and Mr. Osborne.

BY MR. BODE: I have two matters here for report, rather than action, I imagine. I recommend that in connection with this work we are doing, in connection with State-Federal relationship that all of us make a special effort to submit regularly to Mr. Albert Day of the Federal Wildlife Service anything that we might have in the way of agreements or communications or indications of the trend that is being taken in the various states, with regard to State-Federal relationships that might help him carry on his work as liaison officer. I think we should all make a special effort to do that. I told you at the beginning of the conference about the agreement that we had worked out with Fort Leonard Wood, and at that time I did not have copies here, but I now have a few copies and they are here so that you can take a copy of that to look over if you are interested.

I just learned that the Federal Fish and Wildlife Service is holding meetings the 13th of this month with the Army Engineers from Rock Island to Alton, to attempt to iron out the duck leasing rights along the river. I was not informed that that would involve the states in any way, and I do not know whether that was between Federal officers alone, but I felt that I should report that to the Association. I was not invited to attend

any of the meetings. As I understand it, they are to make a sort of a tour and trip all the way down the river to study the situation. Do you know anything about it?

BY DR. STRUNK: Mr. Maurek made the statement yesterday that the meeting would be held at Rock Island, and the impression I got was that it involved Federal land.

BY MR. BODE: That was my impression, but I feel we should all know what is going on.

One other item that we should have, and from my experience last year I know it is almost impossible to determine it here, so I am going to ask each state, if it will, within the next ten days to get to me a suggestion of how many copies of the transcript it would like to have, so that we can mail out the necessary copies of the transcript. We want to furnish you all that you can use to good advantage, but naturally, because of the expense -- and that will be part of the expense we will take over from the Commission instead of out of the Association funds for the mimeographing of it, we would like for you to keep your requests down to what you really will need.

BY DR. STRUNK: Another resolution was to come in from the committee established on wild waterfowl. Mr. Stephens, would you present that?

BY MR. STEPHENS: Mr. President, the committee on this particular subject, in drafting the resolution, undertook to crystalize the concensus of opinion that was expressed yesterday in the discussion of the subject, and at the same time to reconcile one item on which there seems to have been a difference, and so this is the report of the committee.

Resolution No. 5: To the President of the Midwest Association of Game and Fish Commissioners:

Your committee appointed to draft resolutions containing the recommendations of the Midwest Association of Game and Fish Commissioners relating to migratory waterfowl regulations for the current year begs leave to submit the following report:

WHEREAS this Association has been requested by the U. S. Fish and Wildlife Service to make recommendations concerning the regulations of migratory waterfowl for the year 1941,

WHEREAS it is the desire of the members of this Association to cooperate with the Federal Service in this and other matters,

THEREFORE, be it resolved as follows:

The several State Fish and Game and Conservation Departments composing the Midwest Association accept with the Fish and Wildlife Service the responsibility of conserving the breeding stock of the migratory waterfowl found on the North American continent, and they subscribe to the position of permitting the taking of such portions of the annual surplus of birds as will insure not only an annual crop but a gradual building up of the foundation breeding stock.

The following recommendations are made, contingent upon the determination by the U. S. Fish and Wildlife Service of the probable crop of migratory waterfowl for the year 1941.

In the light of these statements we recommend:

1. That the opening dates and length of seasons in the northern and central zones be the same as those of 1940.

2. We recommend that the regulations with reference to the time at which shooting may start be changed to one-half hour before sunrise: Sunrise to be determined by the official reports of the U. S. Weather Bureau; the closing time to be the same as at present.

Our reason for this recommendation is that the experience of the hunters shows that migratory waterfowl leave the shooting grounds before the time now presceibed by the regulations and thus deny to the hunters an equitable distribution of the shooting opportunity.

3. We recommend in the central zone the permission to use a reasonable number of live duck decoys under adequate restrictions. These restrictions, among other things, to cover the number of decoys, the proximity of the blinds, and, if necessary, the daily bag and possession limits.

Our reasons for this recommendation are that in most, if not all of the states in the central zone, except in restricted areas, there is less of food and cover than in the other two zones and, therefore, less inducement to waterfowl to stop or remain in those states. This condition tends to restrict the shooting opportunities of hunters in these states and to confine the distribution of birds to limited and restricted areas. Also, it is our opinion that the use of artificial decoys prevents the birds from coming into reasonable shooting range and encourages hunters to shoot the birds out of range and thus to cause the wounding of many birds which perish, but which are thus wasted. It is the opinion of this committee that in those areas where the above described conditions exist the permission to use a reasonable number of live decoys will be a constructive conservation measure.

4. We recommend in the central zone Wood Ducks be added to the list of restricted species.

Respectfully submitted,

E. SYDNEY STEPHENS

W. L. STRUNK

W. H. LYTLE

Mr. President, I move the adoption of the resolution.

BY MR. OSBORNE: I second the motion.

BY DR. STRUNK: You have heard the motion. All those in favor say, "Aye".

BY MR. SCHWOB: Mr. Chairman, may I ask a question? Was there a recommendation on bag and possession limits?

BY DR. STRUNK: No, it would be the same.

...The vote being taken, the motion was duly carried...

BY DR. STRUNK: Is there any other business, Mr. Bode, to come before us?

BY MR. BODE: I do not recall any.

BY DR. STRUNK: Any other committee reports?

BY MR. BODE: I presume this should be transmitted to Washington.

BY MR. CLUETT: Mr. Chairman, Mr. Stephens is asking if you are going to take any action on this Buck Bill.

BY MR. BODE: Oh, yes.

BY MR. CLUETT: We did not take any action or resolution in the committee, but I think this Association is making a mistake if it does not take action on this Pittman-Robertson fund, $9,510,000 already pulled in from sportsmen and only $5,000,000 appropriated out by Congress. Are we going to let them continue to spend the money that is taken in for that specific work, withhold it from the states' conservation work, and spend it for military highways or something like that? The same thing is going to happen to our Buck Bill. We will have to get out and fight for it.

BY DR. STRUNK: Gentlemen, would you like to discuss this problem? I think it is a very important point.

BY MR. BODE: Does anyone know the exact status of that Pittman-Robertson Bill at the present time?

BY MR. SCHWOB: The last I heard it was reduced by the House to two and a half million dollars. There is a question I would like to ask. Iowa has already written all of her Senators and Representatives. In other words, we have stirred up all the support we could for both the Buck Bill and Pittman-Robertson Bill, and I just assume all of the states in the Midwest Association have done the same thing. Is that true?

BY DR. STRUNK: It is with us.

BY MR. SCHWOB: I have a definite suggestion from some of our Senators and Representatives, at least, that they are going to do everything they can to get that appropriation back where it belongs, but I think it would be a good plan for this organization —

BY MR. CLUETT: (Interrupting) Burnie said yesterday the Senate Appropriations Committee recommended two and a half million.

BY MR. STEPHENS: Mr. President, two points here: One is the appropriation of the Pittman-Robertson funds and the other is the proposed Buck Bill.

I have never been able to find out whether this money collected under the Pittman-Robertson Act is set aside in the treasury of the United States and consecrated to this purpose or whether it can be appropriated for other governmental purposes. I have had serious conversations with the chairman of the sub-committee in the House, who happens to be from my state, and he always dodges that question. I cannot pin him down on it. My understanding is that the money is ear-marked for this purpose and therefor a reduction in the appropriation serves no purpose whatever in economizing or providing funds for other purposes. It is just there and it lies there. I have never been able to have that question thoroughly determined: I think it would be quite important in influencing a maximum appropriation, as Mr. Cluett insists here, to determine whether there is any real advantage in cutting this thing down. If the money is there and cannot be used for other purposes, then it can't be used to the benefit of any other program. I have never in my correspondence with members of Congress been able to definitely decide that question. I think it would be highly important to have it determined, and I think that should be done.

Now, on the Buck Bill, I think it is perfectly obvious to everyone of us, and certainly obvious in the light of the discussion here, that the greatest need we have -- I know it is certainly true in Missouri -- is something for our fisheries program to correspond with the Pittman-Robertson funds for game and our research unit, particularly because our fishing problem is a greater problem than our game problem in the State of Missouri, and we regard the Buck Bill as very important and very essential and it would be of great benefit to the State of Missouri. I think despite the fact that our Commission and other Departments and, no doubt, federations have urged members of Congress to support the Bill, it would add additional influence to the thing if this Association would go on record as endorsing the passage of that Bill.

BY MR. OSBORNE: Mr. Chairman, I do not believe any government funds are ear-marked. I think it goes in the general treasury. Furthermore, if it were ear-marked, Congress at any time could take these funds over, especially in times of national emergency, so it would not do us any good anyway.

BY DR. STRUNK: I think for this organization to pass a resolution to the effect that the total should be submitted again would not do any good, because the survey itself has requested each one of the states to contact its Senators and Congressmen, which we have done. They are all for it, naturally. I think we have done just about everything we could, even contacted our individual representatives.

BY MR. SCHWOB: Do you not think this organization should go on record? It will add just that much weight.

BY MR. STEPHENS: You are speaking of what bill?

BY DR. STRUNK: For the Pittman-Robertson.

BY MR. STEPHENS: I was not recommending any resolution.

BY MR. BODE: It might be well to simply have in our record a statement to the effect that we are for it, just as a matter of record, showing that

we had endorsed it. I doubt whether we could take any action at this late date that would accomplish anything. It might be well just to have it in the record; the fact that we urge the full appropriation of $3,000,000 for Pittman-Robertson work.

BY MR. CLUETT: I think the theory is absolutely wrong. They are going out there and assessing the sportsmen and fishermen for this Buck Bill under the guise this money is being raised for the State Game Department. Here is Congress coming along and appropriating just half of it for a specific purpose and using that money for other purposes. The theory is absolutely all wrong.

BY MR. BODE: We all agree with you on that, but the point is with the status the thing is in and the work the states have done on it, whether or not a further resolution transmitted, say, to the committees in Congress would have any affect. I think we agree on the principle of the thing.

BY DR. STRUNK: Would this not be a good idea in that connection, that each one of us again contact our Congressmen and Senators, requesting that the total amount that comes in under Pittman-Robertson be made available? And find out some reason if it can be made available, why it is not made available?

BY MR. CLUETT: It is a cinch if we keep still about it, they will keep on stealing half of it for some other purpose.

BY MR. LOWE: Under the terms of the Pittman-Robertson Act, it specifically states the tax shall go to Federal Aid.

BY MR. OSBORNE: Of course, Congress has the power to put that money away, but I think if we do everything we can to strongly urge our Congressmen and Senators to see that the money is appropriated out, that is about all we can do. Congress, like your state legislatures, usually goes along with the recommendations of the committees. Now that appropriation bill is recommended out, and I think we would have a very hard time to get people on the floor of the Senate to make any changes in it at this late date, but I think we are all thoroughly in accord with the idea that we should have all of the money.

BY DR. STRUNK: Shall we contact our Congressmen and Senators in order to call their attention to the fact that the total of the Pittman-Robertson funds have not been allocated?

BY MR. JOSSERAND: Mr. Chairman, I wonder if this thing could be entering into the fact? Maybe some states are not using their Pittman-Robertson fund and maybe Congress is being guided somewhat by the amount of funds that are being obligated by the various states, and perhaps we should have had this one when Mr. Rutherford was here and he could have told us. I am sure in my own mind that any of this fund that is not appropriated by Congress goes into the general treasury and goes into any fund Congress wishes. It is not held intact for us. The only part we get is what Congress decides to appropriate, and I am just wondering if maybe we are not up against that thing, that Pittman-Robertson is going into the Committee and shows so much was obligated by the states within the required time and that some states are probably not using it. I think the Midwest group is, but I am quite

sure some of the other states are not using it.

BY MR. STEPHENS: Mr. President, I think that Bill provides that in case the full amount appropriated is not used by the states, the United States Fish and Wildlife Service may use the balance for other purposes.

BY MR. CLUETT: Yes.

BY MR. JOSSERAND: They can reallocate it.

BY MR. STEPHENS: So I imagine they will use up the appropriation. Now, I think we are talking a lot about a thing here that we can dispose of in a short time. However, I think it is important. I am going to move you, Mr. President, that it is the sense of this Association that the representatives of each state write to their Senators and Representatives in Congress, appealing to them to appropriate the full amount of the proceeds of this tax in justice to the people who pay the tax and in justice to the program which the Pittman-Robertson Act authorizes. I make that motion.

BY DR. STRUNK: Any further motion? Is there a second?

BY MR. LYTLE: I second the motion.

BY DR. STRUNK: All of those in favor say, "Aye"; contrary, the same.

...The vote being taken, the motion was duly carried...

BY DR. STRUNK: In connection with the Buck Bill, what is your pleasure? Do you want to pass a resolution to the effect that in case the Buck Bill passes that a similar stipulation, as we have just passed relative to the Pittman-Robertson Bill, go into effect in that connection and that we urge the passage of that bill?

BY MR. JOSSERAND: Mr. Chairman, I think the urging of the passage of the Bill is the only important step now. The other can be taken care of later if it does pass. I move that this Association go on record as urging the passage of the Buck Bill.

BY MR. STEPHENS: Mr. Josserand, may I amend your motion to this effect, that the President of this Association be instructed to address a strong communication to the Chairman of the Wildlife Committee of the House and Senate urging the passage of the Buck Bill and setting out the dire need for it among the several states?

BY MR. OSBORNE: You mean in the name of the Association?

BY MR. STEPHENS: In the name of the Association, of course.

BY DR. STRUNK: Gentlemen, in view of the fact that it will be a year before we meet again, and in the meantime if the Buck Bill passes, the money is going to be made available and there are going to be a lot of fingers in that pie, why not ---

BY MR. JOSSERAND: (Interrupting) Does not a year's tax have to be collected?

BY DR. STRUNK: Well, the Bill would become effective as soon as it would pass.

BY MR. STEPHENS: Yes, with the Pittman-Robertson Act, Mr. President, under that the funds were not available for appropriation until the end of the fiscal year after the Act was passed.

BY DR. STRUNK: No, but it will be two years until the next Congress meets, unless we keep going.

BY MR. STEPHENS: I have no objection to your urging the equitable distribution of the money.

BY DR. STRUNK: I am looking forward to the similar problem we have in connection with the Pittman-Robertson Act.

BY MR. BODE: If I am not mistaken, the question is answered in the Bill itself which sets forth the time of starting the appropriations, etc.

BY DR. STRUNK: Do you remember?

BY MR. BODE: No, I do not, but I believe the Bill itself specifies it, and if I am not mistaken, the method of making the appropriations is different from the Pittman-Robertson Bill. I think that is provided for.

BY MR. JOSSERAND: The method of making the appropriation or allocation?

BY MR. BODE: Allocation and definite appropriation.

BY DR. STRUNK: You have heard the motion relative to the Association going on record for the passage of the Buck Bill. Is there a second?

BY MR. BODE: I second it.

BY DR. STRUNK: All those in favor say, "Aye"; contrary, the same.

...The vote being taken, the motion was duly carried...

BY DR. STRUNK: Is there any other business coming before the meeting? If not, Gentlemen, the meeting stands adjourned, and before we do adjourn, I would like to make one request of you that are here: Let us give both Mr. Bode and Mr. Stephens a rising vote of thanks for what they have done for us.

(A rising vote of thanks is given.)

BY MR. STEPHENS: We hope to see you back at the end of August.

W h e r e u p o n, the meeting stood adjourned.

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