

FISH AND GAME COMMITTEE

January 25, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 12:30 p.m., with all members present.

Chairman Nilson opened the meeting to a hearing on House Bills: 4, 291, and 342.

HOUSE BILL 291

REPRESENTATIVE BERNIE SWIFT, District 91, Hamilton, opened by saying the bill is to set up some enabling legislation for rule making that would provide for propagation of migratory waterfowl. There are very stringent federal regulations relative to this aspect of wildlife and the management of waterfowl. The person that desires to be involved in this activity must receive permission from the federal government through the Bureau of Fish and Wildlife, and obtain a permit for whatever purposes he desires, whether it be collecting, taxidermy, propagation of birds and wildlife, or research. Anyone having an interest in this, or wanting to be involved in propagation of waterfowl or other species, must go through a rigorous process of obtaining a permit from the federal government. Once you receive a permit from the federal government, you must also abide by the state requirements. There are some problems when these people contact the state, once they have their federal permit. The objective of this bill is to clear the process, set up a procedure whereby an individual knows where to go, who to contact, and what to expect when he wants to be involved in this activity. It asks the state game people to recognize the federal permit. They would inform that individual of whether or not they were in agreement with the proposed plan, if any changes are necessary, they are asked to explain these changes. The federal government recognizes that the state government has the sovereign authority within that state area. The state can refuse to recognize the permit. If there is a reason for their refusal, they should include why they cannot recognize.

PROPONENTS

ROBERT VAN DER VERE, Helena, said I think this is a good bill, and I hope you don't amend it to death.

BOB ELGAS, Big Timber, said It has been determined at the federal level that migratory waterfowl and game birds belong to the entire population and aviculturists have the same right to share in the harvest as any other group. Thus, federal permits are issued by the government, allowing the taking of such birds under control for private aviculture purposes.

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Such permits are issued with specific terms outlining numbers, dates, and places where such birds may be taken. Birds hatched from eggs taken under permit, may not be bartered, sold, or transferred, but are frozen in the custody of the aviculturist for breeding and display purposes. Only progeny produced under an aviculturist's facility may be sold or transferred to other authorized aviculturists. The bill should be amended to include a review of a refusal by the Department of Fish, Wildlife and Parks.

OPPONENTS

JIM FLYNN, Department of Fish, Wildlife, and Parks, distributed copies of his testimony to committee members. (see exhibit 1) In addition to his written testimony, Mr. Flynn said we could have come in and supported this bill and then denied every permit for commercial purposes, but we want to determine whether the State of Montana wants to govern department policy.

Rep. Swift closed by stating I don't think there is a dozen people in this state that are involved in this activity. I don't disagree that there may, in the future, arise a number of people interested in this activity, but I don't think it will ever be a great industry. Somewhat the exception of the entire species, are the birds that we have talked about and the prices we related to you. The \$5.00. permit is not a great demand. Any fee imposed in a regulatory agency should be commensurate with what it costs to take care of that administration. With the regulations and the requirements the federal government lays down, the game department will continue to have full authority. They will be able to control and regulate anything that happens in this area. The legislation itself gives no individual any opportunity to continue that activity if it is disagreeable with the state government. I don't think the control would cause any state problems. The problem may deal with administration. The Fish and Game Department must make a decision as to whether it is a right and proper use, and must be able to defend their action.

Questions from committee. Rep. Jensen asked Rep. Swift what is meant by voiding the federal permit. The response was if the Fish and Game Department does not want the act to go on, they have the full right to void the federal permit.

Rep. Jensen asked Rep. Swift if there is a potential of getting to a point where additional permits may be harmful, and what would happen in this case. The answer was at that point in time, the administrator can make that decision. If it is proper, the people will support him in so doing. I would think administration should have a valid and supportable reason for doing it.

Rep. Veleber asked Mr. Elgas for some examples of lower cost waterfowls sold by operators. The response was the reason we apply for permits to take birds from the wild and propagate them in captivity is so they can become more available to aviculturists and hobbyists throughout the country who are trying to work with these birds. There are some species of waterfowl that sell for as little as \$10.00 a pair. It has been determined at the federal level that migratory birds that are huntable are a harvestable resource. Aviculturists have as much right to share in that resource as any other segment of society. At the federal level, under these permits, you are not allowed to sell, barter, transfer or exchange a bird taken from the wild. That bird is frozen in the aviculturist's custody and remains the property of the United States Government. Only the progeny are released. You are not trafficking a wild bird, only birds that have been produced under your own capabilities.

Rep. Veleber asked Rep. Elgas if he could explain some of the expenses involved in his operation. He replied the big expense is the feed bill. My feed bill runs to several thousands of dollars a year. As a commercial enterprise, there is not a great amount of money to be made. People raise these waterfowl because they enjoy the birds, not to make money.

Rep. Hart asked Mr. Elgas if the federal people cover all aspects, such as what you can do, and under what terms you can do it. The answer was the activities are well documented, and very well controlled.

Rep. Veleber asked Mr. Flynn what he felt a reasonable fee would be. He replied the fee would be imposed according to the value of the bird, depending on the species. I don't know if a single fee would be appropriate in any case.

Rep. Veleber asked Mr. Flynn if he was suggesting a sliding fee. The reply was yes, that may be a possibility.

Rep. Nilson asked Mr. Elgas what happens in other states. The response was many states have a policy of issuing permits exactly as the Fish, Wildlife and Parks Department issues permits.

Chairman Nilson closed the hearing on House Bill 291, at 1:15 p.m.

HOUSE BILL 342

REPRESENTATIVE ORVAL ELLISON, District 73, McLeod, opened by stating this is my attempt to get on the Guinness Book of World Records as having the shortest bill in the legislature. This bill repeals one section dealing with the taking of marten pelts.

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PROPONENTS

ROBERT VAN DER VERE, Helena, said three months ago, I talked to a game consultant who was in favor of this. It costs a lot of money to get tags put on martens.

JIM FLYNN, Department of Fish, Wildlife and Parks, presented the committee with written copies of his testimony. (see exhibit 2)

There were no opponents to House Bill 342.

Representative Ellison closed.

Committee members had no questions.

Chairman Nilson closed the hearing on House Bill 342, at 1:25 p.m.

HOUSE BILL 4

REPRESENTATIVE JOHN RYAN, District 49, Brusett, opened by stating this bill is an attempt to protect both ranchers and the Fish and Game Department, and to promote sportsman and rancher relations. The ranchers are telling me that they are going to destroy the game themselves if they can't get a little compensation for all of the damage the animals are doing. I would like to stop the killing of these animals because they are eating the hay of the rancher. I am sure we can make a good workable bill that will protect the ranchers and also the Fish and Game. This program is working very well in Wyoming. It is funded by 25% of the \$5.00 nonresident fee, which has been adequate to build a \$500,000.00 reserve. They have had no legal challenge yet. They have paid an annual average of \$100,000.00. Colorado 1979-80, annually has paid out \$300,000.00 to 350,000.00. In 1981-1982, annually, they paid \$140,000.00 to \$190,000.00. The way to fund this would be to charge everybody an additional dollar on their conservation license.

PROPONENTS

ROBERT VAN DER VERE, Helena, said I believe this is one of the best bills that has ever come before this committee. The average sportsman is having more trouble in getting on this private land. The one dollar fee is reasonable. If you had to, you could sunset this bill for two years. I believe the proper way would be to limit this to ranchers that would allow hunters on their land.

WILL BROOKE, Montana Stockgrowers, said we support the bill because this damage is a very real and serious problem. Wild animals can present a hindrance to the economic vitality of the livestock industry. A heard of elk can destroy a haystack. Ranchers have been forced to buy hay costing them thousands of dollars. We believe House Bill 4 is a positive step in encouraging sportsman and landowner relations. The state is re-

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sponsible for these game animals.

JOHN HOLTER, Montana Farm Bureau, said we have had policy supporting the provisions of this bill for many years. We therefore recommend a do pass on House Bill 4.

FRANK HAEGEN, Buffalo, said we have 25 unprotected haystacks, and 13 bale stacks. 100 head of elk have been raising cane with them. In the past, we have watched 75 head of elk climb on 20 ton of hay and destroy it. I do believe this bill has definite possibilities. Most ranchers are tolerant, and would not demand money compensation.

TEDDY THOMPSON, Big Timber, said we have heard in the past that sportsmen and ranchers should get on better terms. There has never been a better opportunity to do this. For the past two years, I have hunted in Wyoming with the former director of the Fish and Game Department there, he said the program works.

REPRESENTATIVE GERRY DEVLIN, District 52, Terry, supported House Bill 4 for the above-stated reasons.

OPPONENTS

JIM FLYNN, Fish, Wildlife and Parks Department, submitted written copies of his testimony to committee members. (see exhibit 3)

KEN KNUDSON, Montana Wildlife Federation, presented the committee members with written testimony. (see exhibit 4)

MIKE YOUNG, Department of Administration, said our organization protects and defends the state. The law claims for personal injury, bodily injury, and property damages that arise out of negligent or wrongful acts. This bill is drafted such that it is not intended by it's express terms to cause a general liability upon the state for which the self insurance fund would have to be responsible, nor does it talk in terms of the fault concept upon the personnel of the Department of Fish and Game. But, you are changing the established common law. The government has no liability for the acts of wild animals. The expansion of personal property goes to all real and personal property without any exception. We recently argued, in the Supreme Court, the constitutional validity of the sovereign community limitations. There is liability for economic expense, but there is no liability for bodily injury and non-economic negligence. This may cause a protection problem. You are expanding liability for property damage, but not for bodily injury. A motorist who is out in the middle of the highway and hits a deer in the middle of the night is going to make a claim for his car and also for bodily injury. This legislation denies equal protection of the laws, and the statute is void in that it doesn't have entire state interest in mind.

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JANET ELLIS, Montana Audubon Council, submitted written testimony to the committee members. (see exhibit 5)

DARREL HANSON, Ashland, and GARY STRUM, Helena, both stated they supported the bill for the reasons already stated. Mr. Strum suggested the possibility of a pull tag for hunters who take an animal from a rancher's land.

Rep. Ryan closed by saying I like wild game and I like to hunt and fish. I think we can work this out and make it a real good bill. The ranchers are saying that if they don't get some form of compensation, they will just get rid of the game.

Questions from committee. Rep. Daily asked Mr. Haegen if his land is posted. The answer was no, we are the only ones on the mountain that are open for this game to graze and live.

Rep. Daily asked Mr. Haegen if he thought this would be a better bill if the land had to be open in order for the farmer or rancher to be compensated. The reply was yes, I think so.

Rep. Spaeth asked how much money will come in from the \$1 increase on the wildlife tag. Mr. Flynn said \$300 to \$350,000 per year.

Rep. Jensen asked if the amendments proposed to this bill were drawn up with concern for the liability to the state. Dave Cogley, staff attorney, stated that they were.

Rep. Hart asked Rep. Ryan what is meant by fur-bearing animals. The reply was on rare occasions, we had a mountain lion get into a pile of sheep. The rancher cannot bear these kinds of losses. There has got to be some way to get some compensation in these types of situations, the black bear is also included.

EXECUTIVE SESSION

Representative Phillips moved House Bill 342, DO PASS, the motion carried unanimously.

The meeting was adjourned at 2:15 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

VISITORS' REGISTER

HOUSE

Fish and Game

COMMITTEE

BILL

4

Date

1/25/83

SPONSOR

Ryan

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Robert Van Cerk	Helena	Self	X	
Ken Knudson	Helena	MT Wildlife Fed		X
Doug Plummer	Helena MT	Self		X
Bob Morrison	Three Forks	Self		X
Janet Ellis	Helena	MT Audubon Council		X
John Feltz	Helena	Montana Farm Bureau	X	
Jim DUNDAS	THREE FORKS	SELF		X
Steve Meyer	Helena	MACO	X	
Flynn	HELENA	DEPT FWP		X
Mike Young	Helena	Dept of Admin		✓
Ken Christ	Helena	Self		✓
Larry Brown	Helena	Self		X
Will Brooke	Helena	MT Stockgrowers	X	
KEITH OLSON	MT. Logging Assn	Kalispell		
Harrel Hanson	Oakland Mont	Self		✓
Teddy Thompson	Big Timber	myself	X	
Windsor Wilson	McLeod	Self	X	
MARY ANDERSON	Big Timber	Self	X	
Floyd Wood	Corvallis	Self	X	
Frank Haugen	Buffalo	Elk	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE Fish and Game COMMITTEE

BILL # 291

Date 1/25/83

SPONSOR Swift

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE Fish and Game COMMITTEE

BILL # 342

Date 1/25/83

SPONSOR Ellison

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HB 291

Testimony presented by Jim Flynn, Department of Fish, Wildlife, & Parks

January 25, 1983

House Bill 291 presents to the Department a difficult position in addressing its contents. As we read the bill we see some good in it as well as some bad.

Under present law if a person desires to take from the wild any migratory waterfowl they must first obtain a federal permit to do so. The issuers of the federal permit, by policy, will not issue such a permit without concurrence of the Department of Fish, Wildlife and Parks.

The Department of Fish, Wildlife and Parks has concurred with the issuance of such permits when the purpose of that permit is for scientific or educational activities. We have particularly not concurred with the issuance of those permits when the purpose is to propagate the species in captivity for commercial purposes.

The good part of HB 291 is that lines 8-18 on page 3 would seem to give the Department authorities in this area that it does not now have. It appears that we would not have to rely upon a policy of the federal authorities to monitor this activity.

The bad part of HB 291 is that it seems to indicate a recognition of the need to allow for a species to be taken from the wild and propagated in captivity for commercial purposes. This causes us some concern.

The question immediately arises as to how many permits do we issue. It is acknowledged that one or two would do little harm. However, the Department is either going to be in a position of approving each and every permit in order to avoid being biased and thereby creating a cumulative negative impact on the resource, or we must deny each permit to avoid that cumulative impact from taking place.

I would point out to the Committee that we are talking about some significant sums of money. The January-February 1981 issue of the Game Breeders, Aviculturist, Zoologist and Conservationist Gazette listed the following prices:

- 1 unrelated pair of Trumpeter Swans - \$2,200.00
- 1 Common Crane - \$400.00
- 1 pair Snow Geese - \$150.00
- 1 pair Canada Geese - \$75.00

These figures would indicate that a lot of interest may develop in taking of migratory waterfowl for the purpose of propagation for commercial purposes.

In addition to these concerns we question the validity of charging a \$5.00 fee to take a species which could become worth hundreds of dollars once it is captured and commercialized.

The Committee should be aware that there are commercial sources now in existence, outside the State of Montana, for most if not all of the migratory waterfowl available in the state in their natural environment. If a person is interested in establishing a commercial venture those sources of supply are now available.

For these reasons we cannot support HB 291.

HB 342

Testimony presented by Jim Flynn, Department of Fish, Wildlife, & Parks

January 25, 1983

The requirement by state law for the tagging and shipping of marten is no longer necessary as it was some 20 to 30 years ago. At the time this law was enacted the marten was an extremely valuable furbearer and this kind of attention was necessary. It should be noted that at that time a number of furbearers were given specific attention in our state's statutes.

Over the past few decades, furbearer management and economics have come to determine the requirements necessary for each species involved. The requirements for tagging have been taken out of state law for most species during this time. However, the marten requirement still remains.

The Department feels that the marten can and should be managed with the same program as other furbearers and that the statutory requirement for tagging is unnecessary.

We urge your support for HB 342.

HOUSE BILL 4

Testimony Presented by Jim Flynn, Department of Fish, Wildlife and Parks
January 25, 1983

Mr. Chairman, my name is Jim Flynn and I appear before you in opposition to HB 4. This bill is of concern because of the philosophical questions it raises as well as the specific questions it either raises or fails to address in the body of the bill.

With respect to one philosophical question:

The issue of game damage is not new to Montana Law. Two supreme court decisions have previously addressed the issue of elk damage to agricultural crops. In the State versus Rathbone, the Supreme Court's decision states "Montana is one of the few areas in the nation where wild game abounds. It is regarded as one of the greatest of the state's natural resources, as well as the chief attraction for visitors. Wild game existed here long before the coming of man. One who acquires property in Montana does so with notice and knowledge of the presence of wild game and presumably is cognizant of its natural habits. Wild game does not possess the power to distinguish between fructus naturales and fructus industriales, and cannot like domestic animals be controlled through an owner. Accordingly a property owner in this state must recognize the fact that there may be some injury to property or inconvenience from wild game for which there is no recourse,"

Similarly in another court decision, that being Sackman versus State Fish and Game, it is noted that the department is required to investigate complaints of wild animals damaging property and to address that complaint accordingly. That finding is embodied in Section 87-1-225, MCA.

These decisions, Montana Law and department practice have established a pattern whereby a good amount of effort is expended to prevent and offset game damage, however, no reimbursement for damage is paid.

The goal of the department has been to provide relief through the most effective long-term solutions available to landowners experiencing problems. General hunting and trapping seasons afford the best overall solution since it allows control of numbers of game and fur animals. The next best opportunities are special hunting seasons and landowner-kill permits. These are used frequently and are effective. In addition, we have helped relieve problems by supplying or placing panels around haystacks, providing snow fence, fencing stockyards, using organic deer repellent, using scare guns and in some instances herding or trapping and transplanting animals.

Our primary focus is to prevent the damage. HB 4 concerns us because the bill does not deal with the real problem and may actually serve only to create new ones. For example, if a payment is made to landowners for damage, this may be a disincentive to allow for measures to solve the problem. Generally in game damage problems we are dealing with too many animals in a specific area. An increase in numbers of animals would allow for continued damages and continual payments. An uncontrolled game buildup could occur that could expand a problem to adjacent landowners. Although payment for damages could continue indefinitely, we would not be directing our efforts at solving the damage problem.

On another question we have the issue of who is to fund the game damage payment. HB 4 indicates that the sportsmen will pay the bill. This would seem to indicate that Montana's sportsmen are the only guardians of these animals.

Once again that indication runs contrary to our state's history. The fish and wildlife of Montana are the property of the State of Montana and her people, not a particular segment of those people.

The laws governing the management of the fish and wildlife are enacted on behalf of all the people and are intended to maintain that fish and wildlife source for all the people.

This bill was first introduced with the funding source deemed as the state's general fund. That is a more appropriate source, but I am confident that the political realities of that source being approved were soon recognized and sportsmen dollars then became the target source for funding.

Consideration should be given to providing a funding source that would cover all those who benefit from wildlife in Montana. The recipients of these benefits goes across the broad spectrum of our states profile and includes all citizens to one degree or another.

In looking at the specifics of HB 4, several other points need further clarification.

There is no definition of what constitutes "damage" to property caused by furbearing animals and game animals. Is every tree cut down by a beaver or every bite of browse or forbs by deer subject to compensation? Unless this is very clearly defined, a wide open concept would only result in future confrontations between landowners and those investigating the damage complaint. In essence creating conflicts rather than resolving them.

Another question would then follow as to qualifications of those investigating the damages and the validity of the

judgements they make. Is certain specialized training going to be necessary? These issues should be well addressed before implementing this kind of program.

There appears to be no funding provided for administration of the program. Other states involved in similiar programs have shown that administrative time and travel costs can be extremely expensive.

There are no requirements for a landowner to have to help address the real problems of game damage. If a damage problem is to be solved, it should be required that the most effective means available be put to use. Hunting should be allowed and other methods such as fencing, repellants, etc., should be employed depending on the circumstances.

In summary, a review of other states has shown that damage payments have high administrative costs and do not solve game damage problems. It merely treats the symptoms and does not address the basic issue.

I would like to take a few minutes to relate a recent game damage situation which the department addressed under current law and practices.

A landowner for many years had not allowed hunting on his property. By last year this herd had grown to over 700 elk on the property year-round. The actual carrying capacity for the property was 150-200 head by our best estimates.

His two neighbors were suffering considerable damage because the herd would leave their over grazed sanctuary at night, graze the neighbors land and return to their sanctuary at dawn. The pattern precluded hunting as a means of reduction except for an occasional special hunt. The landowner repeatedly refused our requests for the opportunity to hunt as well as our offers to trap and transplant from his property.

There was no question as to the amount of damage so the department embarked upon a plan which consisted of:

1. Setting up traps on the neighbors land.
2. Following the herd movements until the elk were off the protected property and herding them into the traps by helicopter.
3. Transplanting them to remote locations after receiving permission of the landowners in the new areas.
4. The herd last year was reduced from 700 to 400 at a cost of nearly \$20,000.

5. It is our intent to take out another 200 this year and have a herd of 200 left.

The questions that arise in this situation as it relates to HB 4 are:

1. The problem was clearly caused by one landowners views on hunting elk. That is his privilege, but because of his actions who should pay for the resultant damage? The taxpayer or the sportsmen or the landowner?
2. Will the department expend the \$20,000 to resolve the problem or pay for the damage or both?

We have a similar situation in another part of the state and enactment of HB 4 would raise the same set of questions.

At the outset I indicated that HB 4 raised some broad philosophical questions as well as specific questions. I urge you to consider these questions carefully for their impact is great.

If game damage does require attention this bill does not serve that purpose. The number of amendments already attached would indicate that the course is not clear and that much thought should be given to the subject. We would urge that HB 4 do not pass.

MONTANA WILDLIFE FEDERATION

Testimony on HB 4

January 25, 1983

Mr. Chairman, members of the House Fish and Game Committee:

My name is Ken Knudson, representing the Montana Wildlife Federation.

I'd also like to point out that I'm here today representing the Federation's fifteen affiliate clubs from throughout our state, many of which have called me expressing concern about this bill, but were unable to send representatives to this hearing because of time and distance constraints.

We are opposed to HB 4, not because we don't realize that many landowners have problems with wildlife damage to crops and property, and not because we don't appreciate the wildlife habitat provided by private land, but rather because we feel that direct monetary compensation for damages is not the best solution to the problem.

Any program that would require payment for damages would, of necessity, require a considerable amount of overhead and administrative costs. In Colorado, for example, where nearly \$1,000,000 was spent for this purpose last year, six full-time employees - as well as ten temporary employees - had to be hired just to administer the program.

Once additional personnel are hired - and we assume that they would have to be range or crop specialists, able to equitably deal with the fluctuating values of food and forage - it would seem to be very difficult in most cases to access and separate the true losses caused by wildlife versus domestic animals or weather-related losses.

Most landowners would likely apply for damage compensation in good faith, but what about the large commercial owners, who often set up private

preserves by limiting hunting to a few select persons? Would they not be tempted to apply for damages on lands that would then have vastly underharvested wildlife populations? Would subdivision dwellers who often build in areas that have historically been winter or summer ranges also be eligible for damage that occurs to their "ranchettes"?

Before this committee considers implementing any program that would provide direct payment for losses that are difficult to quantify and that would require additional staffing, MWF would request that careful scrutiny be given to the efforts already being provided by fishing and hunting license dollars to help alleviate game damage problems. The Department of Fish, Wildlife & Parks is presently spending over \$60,000 per year for fencing, paneling of haystacks, special hunts, etc., and their present budget request calls for an additional \$40,000 per year for this program - an expenditure that my organization is supporting.

Certainly, solutions other than those already being tried should also be considered. For example, MWF would be much more willing to see our license fee dollars spent to pay the county taxes of landowners whose land provides valuable deer and elk winter range, and there are many examples of this kind of property in coulees, creek bottoms and south-facing slopes throughout Montana. These secluded areas are extremely valuable for wildlife and often provide little or no value to agriculture. Since the more wildlife habitat that is on landowners property, the greater the likelihood of crop losses and other types of damage, this type of compensation would seem to be more equitable and easier to define without the need to add any additional staff persons to the Department of Fish, Wildlife & Parks.

Before rushing into programs that will create an additional bureaucracy that in the end may not effectively help with the game damage problem,

MWF would request that the expanded game depredation program now requested in the Department of Fish, Wildlife & Parks be given a chance to prove itself and that other programs with less overhead and administrative costs be explored. We should take the cue from other states where direct payment for game damage is not getting the best results for the dollar and try to be more innovative and cooperative in solving our problems in Montana.

Montana Audubon Council

Testimony HB 4

January 25, 1983

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Council. The Council is composed of 8 chapters of the National Audubon Society and represents 2600 in Montana.

The Council supports the intentions of HB 4. Especially when winters are long and hard, game animals do what they have to do to survive: they seek food. Landowners can run into significant financial problems if these animals arrive in large numbers to eat hay and other crops. It seems appropriate for the state of Montana to reimburse landowners for damages done by the state's wildlife.

Whereas the Audubon Council supports the intentions of HB 4, we cannot support this legislation as written. The program that HB 4 sets up, without stricter guidelines, could easily become a give-away program and unduly tax Montana's citizens. 1983 is a difficult time for many Montanans financially, and landowners can justify compensation for game animal damages, but we cannot afford to adopt a program that could easily become a financial monster. This program leaves too many questions unanswered regarding, specifically, what qualifies as wildlife damage, who qualifies for damage and when, and what is a reasonable damage claim amount. More research needs to be done on this program to answer these unanswered questions, as well as to learn how positive management policies can prevent crop damage by wildlife and ^{to examine} what other states, such as Colorado and Utah, have learned from similar programs.

While I have your attention, I wish to speak about one other aspect of HB 4 that I hope you will consider carefully: the funding of this program. The Montana Audubon Council believes that wildlife is a public trust resource. We believe that every Montanan has the responsibility of keeping this resource viable. While sportsmen do enjoy Montana's wildlife actively, we do not believe that the entire 'game compensation program' should be funded by this isolated group of wildlife "users." Ranchers, usually, enjoy game animals at least as much as sportsmen do--they'd get nervous if no elk or antelope came into their pastures occasionally. And I know many city dwellers who could watch deer graze in a meadow for hours. The point is that wildlife is a public trust resource so the entire public should support the

game compensation program: the Audubon Council respectfully requests that most of this program be funded out of General Fund monies and not solely out of sportsmen's conservation licenses.

In conclusion, at this time, the Montana Audubon Council urges a do not pass for HB 4. We do, however, hope that you will study this program carefully and make recommendations at a future date to help resolve landowner compensation problems.

STANDING COMMITTEE REPORT

January 25,

83

19

SPEAKER:

MR.

FISH AND GAME

We, your committee on

HOUSE

342

having had under consideration Bill No.

first

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color

"AN ACT REPEALING SECTION 87-3-502, MCA, WHICH REQUIRES THE
TAGGING OF MARTEN PELTS."

HOUSE

342

Respectfully report as follows: That..... Bill No.

DO PASS