EXHIBIT 22
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HB 516

Testimony for HB516 Revise Game Damage Laws

February 10, 2005

Chairman and members of the committee my name is Chris Marchion. I am Vice President of the Anaconda Sportsmen's Club. We are one of the oldest hunting and fishing clubs in Montana and have a respected history of working to promote the sound management of Montana's fishing and hunting resources. Today I am speaking in support of HB 516.

The 2003 House Fish and Game Legislative Committee debated a torrent of bills that dealt with the frustration many Montana landowners have with concentrations of wildlife that FWP seems unable to control. While those debates highlighted the need for a solution all of the measures eventually failed because none of them dealt with the heart of the problem which is private lands which harbor wildlife during hunting seasons and prevent FWP and public hunters from controlling wildlife populations through fair chase hunting.

Montana has controlled wildlife populations for seventy years through public hunting. Hunting is an integral component of the North American wildlife management model. Hunting is effective but does require reasonable access to harvest animals.

Hunting is a Montana heritage. We have the highest percentage of hunters in any state. We have the longest hunting seasons with the most liberal regulations and we provide more than 500 million dollars of economic activity to Montana during the big game season. FWP, the hunting community and land owners (both private and public) have partnered together for decades to provide the most successful management of wildlife in North America.

In recent years that partnership has been neglected and abused by a select group of landowners controlling significant enough acreage to attract wildlife in unnatural concentrations during the hunting season by either prohibiting hunting or limiting hunting to the extent necessary to create a sanctuary and preventing population control by FWP through established hunting seasons.

This is a developing issue related to the changing demographics of landownership in Montana. It is the fundamental reason for the persistent inability of FWP to keep wildlife populations within management objectives.

This legislation would create a fair and efficient means for landowners who suffer from the overt actions of their neighbors to be able to define the problem, develop a constructive solution, and impose responsibility on those who have created a liability for their neighbors and the management of public wildlife.

Montana law declares wildlife a condition of the land. Wildlife is also an amenity. Landowners must exercise good judgment in relation to wildlife populations just as they are required with other land management activities. We have laws requiring control of noxious weeds. We are developing regulations to address land management practices to reduce risk of wildfires. Now we need rules to address the refuge of wildlife during hunting season.

This bill does not mandate a landowner to allow hunting but it does remove opportunities for a landowner to benefit from the privatization or commercialization of hunting on their property, two of the most common reasons wildlife are refuged. It attaches financial responsibility to a landowner's actions.

FWP's recently completed Elk Management Plan documents the problem of private land 'refuges' but offers no solution. The new liberal either sex elk seasons will increase vulnerability but provide nothing for elk that are refuged. FWP can solve this issue but they need you to give them a tool and allow their constituents the ability to engage FWP to solve the problem. HB 516 is that tool.

Thank you for your attention and I look forward to any questions you may have regarding this legislation.

Thank you.

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