

Senate Bill 178
January 20, 2005
Presented by Larry Peterman
Senate Fish and Game Committee

Mr. Chairman and committee members, for the record I am Larry Peterman, Chief of Operations, Montana Fish, Wildlife & Parks (FWP). I am here in support of SB 178 as amended by the sponsor.

SB178 is intended to assist landowners in addressing game damage on their private property. This issue is not only of great concern to landowners, but also is one of great importance to this agency and the sportsmen and women of Montana. One means landowners have of minimizing game damage is to drive or haze the wild animals out of the fields or pastures when they are doing damage. Landowners currently have the ability to use vehicles and other means such as snowmobiles, 4-wheelers or horses to drive or haze the animals doing damage. This proposal, as amended, adds the permitted use of aircraft to the tools that a landowner may use to alleviate the damage. It also provides for the FWP Commission to adopt rules and grants the department the ability to tailor the conditions of the permit to meet individual circumstances and to comply with federal law.

The federal Airborne Hunting Act prohibits any taking, which is broadly defined to include driving, herding, or hazing of game animals, unless a State agency issues permits through a program that complies with the federal act. Providing for rulemaking by the FWP Commission and department discretion in the issuance of the permit would be in compliance with the federal law.

Game damage and how we respond to it is one of the major factors which affects our relationship with landowners. FWP is committed to working with landowners to prevent or reduce game damage. We currently respond to an average of 750 complaints annually, and expend about \$400,000 each year to assist with game damage complaints. We respect the needs of landowners to protect their private property from wildlife damage, and believe permitting their use of aircraft is an appropriate means to use in certain circumstances.

In summation, I would emphasize again, FWP recognizes and acknowledges the importance of game damage issues, and we believe the provisions in SB178 as amended will assist landowners in protecting their private property. This can be accomplished through FWP Commissioner rule making to avoid inadvertently affecting their neighbors or negatively impacting wildlife.