

House Bill 484  
February 8, 2007  
Presented by Chris Smith  
House Agriculture Committee

Mr. Chairman and committee members, for the record I am Chris Smith, Chief of Staff of Montana Department of Fish, Wildlife & Parks (FWP).

Unregulated hunting nearly eliminated deer, elk, antelope and many other species in Montana in the late 1880s. Over the past 100 years, the citizens of Montana have supported and assisted FWP in restoring many of these wildlife populations to relative abundance.

HB 484 claims that this restoration has led to damage to forage, crops and private property. But what is "damage?" Is all forage consumed by wildlife considered "damage?" Not according to Montana law.

The Supreme Court ruled long ago that, "*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.*" Thus a property owner in this state must recognize that there will be some impact of wildlife on their land, just as there are impacts from wind, rain or drought.

Montana's approach to game damage relies on proactively managing wildlife populations at levels that prevent game damage under typical conditions and responding to localized problems caused by unusual circumstances. This common sense approach balances the reality that wildlife will use private land with landowner tolerance for wildlife.

Part of that balance depends on programs that increase landowner tolerance by providing economic benefits related to wildlife on private lands. For example, in response to a 1986 legislative interim subcommittee evaluation of game damage issues, landowner incentive programs have been created. These include the Habitat Montana and Upland Game Bird Habitat Enhancement Programs, which over the past 20 years have provided landowners with more than \$43 million in incentive payments to protect wildlife habitat, and the Block Management Program, which just in the past ten years has provided landowners with nearly \$32 million in contract payments and another \$10 million in hunter management services.

In addition to these programs some landowners derive economic benefits that offset impacts through leasing their lands for hunting or other wildlife-related recreation, and all landowners derive economic benefit from the increased land values associated with the presence of wildlife on their lands. It's important to keep these benefits in mind when considering what constitutes a fair "balance" of wildlife use.

In 2002, Representative Barrett asked the Environmental Quality Council to determine if various western states had "solved the problem of game damage in their state." The Department would echo the response issued by EQC staff to Representative Barrett that "...nobody has a silver bullet solution to the problem of excess wildlife populations and game damage to private lands...wildlife populations are most effectively reduced by killing excess animals. Most generally this is accomplished through public hunting."

This brings us to the crux of the problem: unless enough landowners provide enough access to enough hunters to kill enough animals, it is difficult to manage populations within objective levels.

HB 484 offers no solutions to the fundamental problem of ensuring adequate harvest to control populations. In fact, HB 484 proposes to pay compensation to landowners who do not participate in programs to provide public hunting access. This would only make the underlying problem worse, not better. To understand how damage compensation programs fail to resolve the problem, one need look no farther than our neighbor to the south. Wyoming initiated a compensation program that costs over \$800,000 per year, yet after 10 years, 32 of 37 of their elk management units were reported to exceed population objectives.

The best way to develop sound public policy is to bring together all the affected interests, so they can find lasting, mutually beneficial solutions. One relevant example is the Private Land/Public Wildlife (PL/PW) Council. During the 1993 session, multiple bills were introduced by landowners, outfitters and sportsmen in a conflict over access, availability of licenses and impacts to private lands. All those bills were tabled and at the request of the legislature through HJR 24, the Governor appointed the PL/PW Council, a committee of landowners, hunters, outfitters, legislators, and an FWP commissioner, was charged with resolving these issues. What emerged from the PL/PW in the 1995 session, was legislation that provided outfitters with guaranteed licenses and an expanded block management program that increased hunter access and compensated landowners for the impacts of allowing public hunting.

Charging the PL/PW Council to explore additional landowner and hunter incentives to ensure adequate harvest to control populations during the upcoming biennium would ensure a balanced discussion of the issues. In addition, it would avoid the \$500,000 expense and creation of the bureaucratic and counter-productive compensation program proposed in HB 484.

FWP recommends that you do not pass House Bill 484. Instead, we believe the legislature should challenge the PL/PW to address the underlying causes of populations exceeding objectives.

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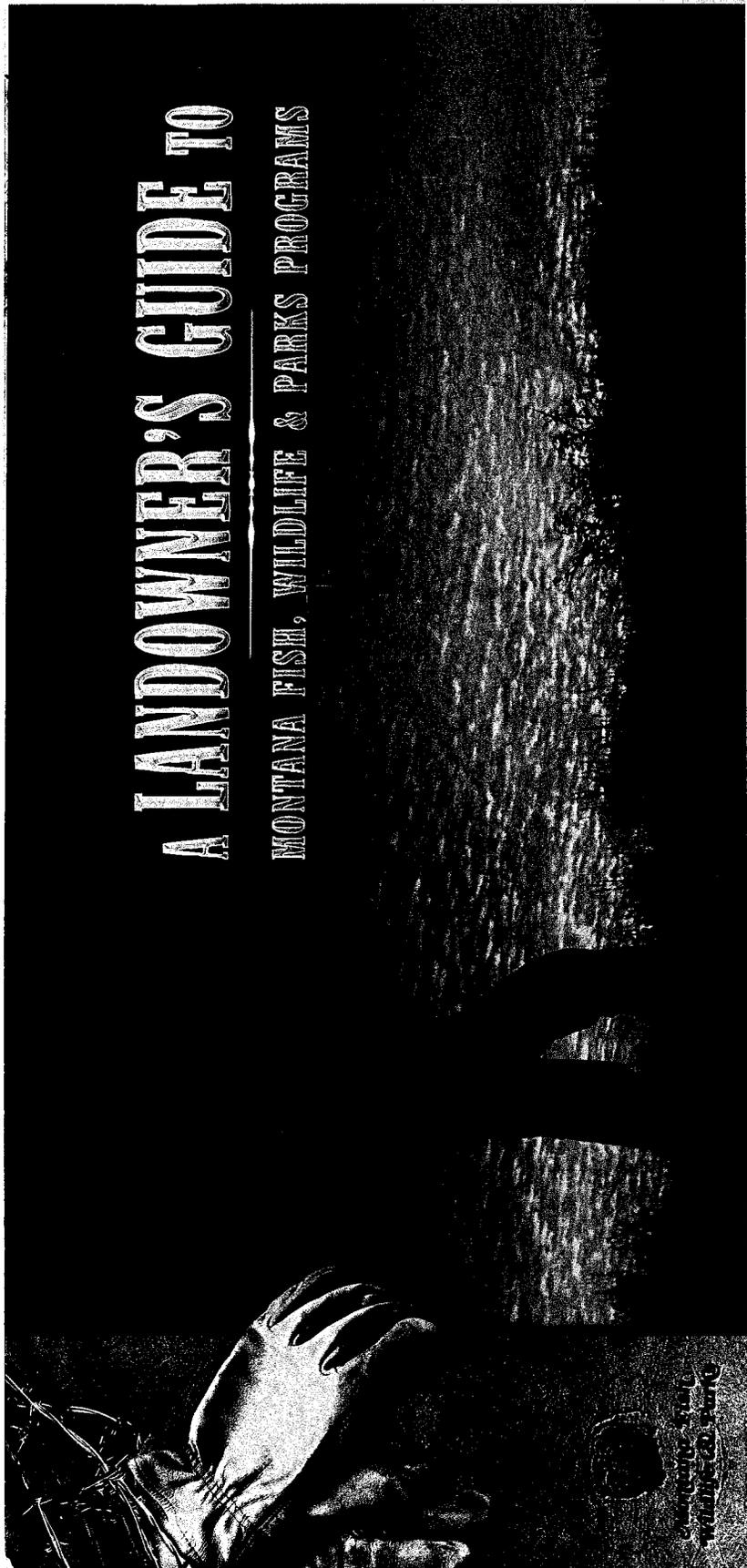
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EXHIBIT. 3  
DATE 02/08/07  
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# A LANDOWNER'S GUIDE TO

MONTANA FISH, WILDLIFE & PARKS PROGRAMS



Montana Department of  
Wildlife & Parks