EXHIBIT 8
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SB 404

Senate Bill 404
March 12, 2009
Presented by Ken McDonald
House Fish, Wildlife & Parks Committee

Mr. Chairman and committee members, for the record I am Ken McDonald, Administrator of the Wildlife Division of Montana Department of Fish, Wildlife & Parks (FWP).

The Department would like to provide the following information concerning SB 404. Current statutes provide that the maximum size of a shooting preserve is limited to 1280 contiguous acres and the boundaries of any shooting preserve must be signed every 250 feet. SB404 expands that maximum size to 1920 acres, but makes no changes in the boundary signing provision.

Today, there are 98 licensed shooting preserves operating in Montana. Birds may be released and shot from September 1 - March 31 on preserves, providing a significantly expanded upland bird harvest season compared to the current wild upland game bird season. Wild bird seasons run from September 1 - December 15 for mountain grouse, September 1 - November 1 for sage grouse, September 1 to January 1 for other prairie grouse and October 11 through January 1 for pheasants.

Shooting preserves may release artificially propagated pheasants, chuckars, Hungarian partridge and Merriams turkey; the majority of shooting preserves release captive reared pheasants for harvest by clients or club members. All birds must be marked before release and must be tagged by the shooter before leaving the preserve. Shooting preserve operators may establish their own shooting limitations on age, sex, and number of each species that may be taken by each person.

When a bird flushes on a shooting preserve, it is impossible to know whether that particular bird is a captive reared bird released by the shooting preserve operator or a wild bird until the bird is in hand. Since wild birds have a much higher probability of "overwintering" and producing offspring during the spring breeding season, shooting preserves that are afforded an extended season and are allowed to harvest unrestricted numbers and sexes of flushed birds could significantly impact wild bird populations. This is especially likely if shooting preserves were concentrated in prime upland bird habitat. That could have an adverse effect on hunting opportunities on adjacent lands.

Current statutes include a number of provisions to minimize the probability of such impacts. For example, preserves are limited to taking 80% of the number of birds released. This is intended to compensate for the inevitable take of wild birds shot incidental to hunting released birds. The current law also prohibits the department from licensing a new shooting preserve within 10 miles of an existing shooting preserve. The 10-mile radius restriction was put in place in 1965 to prevent concentrations of shooting preserves that could result in a reduction in public hunting opportunities or impacts to wild upland bird populations. Current law also authorizes FWP to place other restrictions on preserve licenses, as necessary, to avoid or minimize impact on wild birds. Examples of restrictions in place on some preserves include shooting of rooster pheasants only (a requirement on all S.D. shooting preserves) and release of pen reared birds each day that clients are scheduled for hunts on a shooting preserve.

A programmatic environmental impact statement was completed on shooting preserves and game bird farms in 2002. The current 10-mile radius restriction played an important role in evaluation of the potential impacts of shooting preserves. That PEIS resulted in a categorical exclusion for conducting environmental assessments on shooting preserves, based in part on the 10-mile restriction. Should the 10-mile radius restriction be eliminated, the conclusions of the 2002 PEIS may be invalidated, and FWP may need to complete a supplemental EIS and individual EAs for perserve applications. In addition, FWP may need to impose restrictions more often on preserves to avoid impacts on wild bird populations and on public hunting opportunities.

In considering SB 404, the legislature will need to assess the trade-offs between maintaining the current approach to regulating shooting preserves, which relies heavily on the 10 mile spacing limit, versus allowing more preserves in closer proximity to one another, with potentially greater restrictions placed on each perserve to avoid impacts to wild birds and public hunting. FWP can implement either approach. Should a 10-mile restriction be eliminated and EAs once again be required for licensure of shooting preserves, the cost of that work would be born by the Department at the expense of funds generated by sportsperson license dollars, unless there is some way to pass that cost on to the applicant. At present, FWP can pass on the cost of an EIS, but not an EA.