SENATE FISH AND GAME
EXHIBIT NO. 5
DATE 2/8/11
BILL NO. SB 255

Senate Bill 255
February 8, 2011
Presented by Joe Maurier
Senate Fish and Game Committee

Mr. Chairman and committee members, I am Joe Maurier, Director of Montana Department of Fish, Wildlife & Parks (FWP). I am here in opposition to Senate Bill 255.

While FWP agrees with the concept and intent of HB255, FWP opposes this bill, because it adds significant process without comparable additions to effectiveness and will mire down the necessarily dynamic commission process and make it a significantly more burdensome, expensive process. In effect, the proposal adds bulk to currently capable government process with little return or justification.

Specifically, SB255 would require statements of objective, management objectives, biological status, biological and economic impact of decision, number of participants past and present and a post-decision evaluation. Additionally, the proposal further codifies public notice and comment process. Many of these components are currently in place or otherwise effectively addressed.

The requirements of SB255 apply to every hunting, trapping, and fishing decision made by the FWP Commission because ALL hunting, trapping, and fishing regulations are reviewed and approved by the FWP Commission on an annual or biennial schedule (not just proposed changes). This includes not only dates, licenses/permits and quotas but also season components like requirements to report mountain lion and bobcat harvest, carcass inspections for black bears and weapons restrictions for human safety.

Individual proposals for change represent only a fraction of the total adoptions. In February 2010 there were 200 specific items or groups of items proposed for change for all hunted species. For comparison's sake, there are 161 deer and elk hunting districts currently defined in Montana. Even if there were only one deer and one elk license or permit in each district (typically each district also has at least an antlerless white-tailed deer license), there are then not less than 322 unique deer and elk licenses or permits available for review and potential adjustment every 2 years. And this is only for deer and elk—and doesn't tabulate other species like antelope, moose, bighorn sheep, mountain goat, bison, black bear, upland birds and waterfowl let alone broader regulations addressed by biennial commission rule adoptions like mandatory harvest reporting for some species and weapons restriction area definitions for reasons of human safety.

Even if the FWP Commission made no changes to existing regulations, they still adopt the current regulations for the next year or biennium, so effectively they are making a decision about ALL regulations every year or biennium.

HB255 would therefore require every hunting and fishing regulation to have measureable objectives, finding of biological, social, and economic impact; and subsequent evaluation of those regulations on an at least two-year basis.

HB 255 would at least double the existing Commission process as it relates to hunting, fishing and trapping seasons because all regulations that are passed will be required to be evaluated in not more than two years. It would require significant additional monitoring and surveys, economic analyses, and human dimension surveys.

For example, in 2010, the FWP Commission made the decision to change the opening day of the general big game hunting season from the third Saturday in October to the third Sunday in October. Under this bill, that change would require a measureable objective, summary of number of residents and nonresidents affected by the decision, an economic analysis of the decision, and by 2012 an evaluation of whether the change met the measureable objective(s). In a relatively benign and simple example like this, the measureable objective would probably be a measure of hunter satisfaction, and the evaluation would be a human dimensions survey of hunters at a cost of a few thousand dollars. Every decision made by the FWP Commission, from a change in permit numbers or quotas to changes in season structure to simply adopting the current regulation for another year would be subject to the analysis and evaluation required by this bill.

SB255 is unnecessary, because FWP already meets the intent of this bill through existing FWP Commission and public outreach processes. Justifications for proposed changes and data to support those proposed changes are included in recommendations to the FWP Commission. Proposed changes are introduced to the FWP Commission at regularly scheduled and announced meetings. At those meetings, public input is heard on the proposals. This public comment may include public input via video conferencing to/from all seven FWP regional offices. If a proposal is adopted, it then goes out for at least a 30-day public comment period. Public meetings are also held if there are complex regulation proposals. All public comment is provided to the FWP Commission for their review, as is a summary of public comment. Proposals are then returned to the FWP Commission after the public comment period, possibly with changes resulting from public comments, and are either approved, approved with changes, or denied by the FWP Commission. This is all a very public process, with recorded minutes available from each meeting.

The development of proposals by FWP, and the FWP Commission process itself all consider the potential implications of regulations to constituents and local communities, as well as to the wildlife populations and the habitat they occupy. The extensive public participation process associated with FWP Commission decisions functions to evaluate social as well as biological opinion. The primary purpose for the biological surveys FWP conducts are to monitor populations and harvest, and serve as the evaluation of the current regulations and basis for change of regulations.

Because this bill adds quite a lot of burdensome process with little return or justification, we ask that you Do Not Pass HB255.