

HB Bill 375
February 12, 2013
Presented by Ken McDonald
House Agricultural Committee

Mr. Chairman and committee members, I am Ken McDonald, Administrator of the Wildlife Division of the Montana Department of Fish, Wildlife and Parks (FWP). I am here in opposition to House Bill 375.

The Department recognizes the important stewardship contributions private landowners make to provide habitat for Montana's wildlife resources.

Montana wildlife brings tremendous economic benefits to the state, local economies, and landowners. FWP estimates that expenditures from resident and nonresident deer, elk, and antelope hunters annually generate over \$211 million that helps fuel local economies. And certainly the real estate industry is another indicator of how healthy wildlife populations affect Montana land values.

Along with the benefits, FWP recognizes that there are impacts associated with the presence of animals like deer, elk, and antelope. That is why the Department spends over \$350,000 annually through the Game Damage Program helping landowners act proactively to prevent or reduce damage. Over the past 12 years, FWP has responded to an average of 300 complaints per year, providing assistance from temporary measures like propane scareguns, hired herders, and temporary fencing to more permanent solutions like fenced stackyards, kill permits, and special game damage hunts.

The Department's current game damage program is a proactive program designed to help FWP staff work together with landowners to develop solutions to game damage.

In contrast, HB 375 proposes a reactive program to compensate for crop damage or loss that points toward a very costly, labor intensive, and potentially divisive program that fails to remedy a problem. Estimating crop damage caused by any one factor is a complex science. Crop yield loss can be caused by many factors, including weather, fertilization, timing of planting or harvest, weed management, and many factors besides the presence of big game animals.

Expecting field wardens and biologists to become crop insurance adjusters, or proposing that FWP hire and train a team of field technicians with the skills necessary to implement such a program, does not seem like the most effective way for FWP staff to help Montana landowners operate their farms and ranches in a landscape rich with wildlife.

Programs which provide compensation for wildlife damage, according to external evaluations of such programs, can be expected to:

- reduce landowner incentive to manage to prevent losses
- increase conflict between individual landowners and wildlife agency staff members;
- divert revenue away from program activities intended to reduce or remove wildlife damage situations;
- consume extensive amounts of agency staff time, energy, and resources;
- result in complex bureaucratic systems and contentious, time-consuming arbitration processes;
- reduce landowner willingness to use public hunting as a means of controlling local game animal populations;
- decrease public support for wildlife agency use of license revenues for habitat, access, or other programs in which the wildlife agency cooperates with landowners;
- divert license revenue from other department programs;

The Montana Supreme Court has also addressed this issue in a landmark ruling which states, in part, "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. Wild game does not possess the power to distinguish between fructus naturals and fructus industrials, and cannot like domestic animals be controlled through an owner. Accordingly, a property owner in this state must recognize the fact that there may be some injury to property or inconvenience from wild game for which there is no recourse."

Finally, FWP would also point to the fiscal note, which explains that any use of FWP license dollars to fund the program proposed in HB 375 would be classified as a diversion issue by the USFWS, causing a loss of over \$18 million in federal excise tax dollars conveyed to Montana FWP to help fund the fish and wildlife programs.

For these reasons, FWP asks for a DO NOT PASS vote on House Bill 375.

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