



219 Vawter Street, Helena, MT 59601
406.449.2795

**PUBLIC HEARING
PROPOSED AMENDMENT
GAME DAMAGE
Comment Submitted on Behalf of
Helena Hunters and Anglers Association**

August 11, 2015

We believe that the public would have a better understanding of the issue if the entire rule was printed. In most cases, such reiteration would not involve substantial additional paper.

We would like to be able to see the entire ARM Rule quoted that is being proposed for change. It is difficult to keep proposed changes in context when several sections say “remains the same”. For example, 12.9.804(2)(i) states: (i) damage hunts may include the harvest of male and female game animals. But the reader is unable to see that language. This clause is most pertinent to the discussion and we believe needs revisiting.

12.9.804 Game Damage Hunts

12.9.804A Describes the processes that could be used to identify some or all of the hunters eligible to participate in game damage hunts. Newly added to these options would be “lists of names supplied by landowners.”

Unless the list submitted by landowners is limited to less than 20% of the hunters allowed to participate, no such exclusive list of hunters should be utilized.

An exclusive hunter list generated by landowners, could conceivably, as the rules are proposed right now, be used to select all hunters. Exclusion of public access during game damage hunts would therefore be sanctioned by FWP. This would be a breach of Public Trust responsibility by FWP.

Together with the fact that according to 12.9.804(2)(i), harvest of antlered animals is allowed, landowner-selected hunters would contribute to privatization of wildlife under the guise of Game Damage Hunts.

12.9.804A Game Damage Hunt Roster

Under (a), Hunter application to the Game Damage Hunt Roster are not specified, but rather, “...dates specified by the department annually” needs to be explained. Does this mean an established period will be open consistently every year, or does it mean that the department will randomly open the roster for hunters to apply? A specified period to apply must be established

to be equitable to the public. Only if publicly noticed extensions or additional openings of the roster were widely publicized through all media, would such extensions or openings be fair.

Until the issue of Management Seasons versus Management Hunts are resolved, the Game Damage Roster should not be used for proposed Management Hunts. (See below)

12.9.1101 Management Seasons/HUNTS

A full discussion of the change in authority is required before Management Seasons can be changed to Management HUNTS. Such a change divests the Fish and Wildlife Commission of its authority under **MCA 87-1-304** which allows the commission to:

- (a) fix seasons, ... and season limits;
- (b) open or close or shorten or lengthen seasons ...
- (e) declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property. In determining to whom special licenses must be issued, the commission may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system must be determined by the commission.

To change Management Seasons to Management HUNTS, would remove Commission involvement and relegate it to Regional Supervisor authority with involvement of only one Commissioner. We are concerned that by removing Commission authority:

- full vetting of hunts will not occur relative to whether a hunt is appropriate or justified;
- consideration of all relevant circumstances that may be concentrating animals will not be addressed;
- and comprehensive evaluation of wildlife populations relative to private lands that are open or closed to public hunting, or public land management that may be influencing populations or distribution, will not be addressed.

Management Seasons or proposed “hunts” should not rely upon “lists of names supplied by landowners” as is proposed in 12.9.1101(4).

The May 2015 Legislative Audit Division did not recommend that Management Seasons be converted to Management Hunts. Such a move would confuse the process further and reduce the potential use of the broader Management Seasons.

This proposal, which allows landowner-generated lists of hunters to be used, in conjunction with proposed shoulder seasons, and authority to harvest antlered animals during damage hunts, does not reflect Public Trust stewardship of by FWP.

Gayle Joslin, on behalf of Helena Hunters and Anglers Association.