

**SUBJECT: Game Damage Response and Proposed Elk Season Guidelines: Shoulder Seasons**

It appears that we have reached a point in the restoration, conservation and management of North American wildlife where the restored public resource creates both problems and opportunities across the Montana landscape. This has led to a number of proposed changes in how wildlife damage issues are addressed by the Department of Fish, Wildlife and Parks (MDFWP), the trustee for this public resource. When viewed collectively, proposed elk 'shoulder seasons' and 'game damage' response changes currently under consideration, create, through a series of "loopholes," the potential for privatizing and commercializing the public's wildlife resource. The State of Montana thus creates an untenable position for itself as the public trustee for that same resource it would make vulnerable to commercial exploitation.

The "loopholes" include:

- permitting the taking of antlered animals during damage and/or 'shoulder season' hunts;
- use of landowner-generated lists of hunters;
- early and/or late season extensions;
- removal of full Fish Wildlife & Parks Commission affirmation of seasons/hunts;
- accommodating landowners that deny or limit public access;
- not requiring consideration of non-lethal alternatives; and,
- not excluding landowners who create conditions that entice damage conditions.

It is essential that MDFWP and Commission and now the Environmental Quality Council address these issues by clearly recognizing, as part of any analysis of ARM or other rule, the following principles:

- First, an affirmation that all wildlife including those individual animals involved in damage seasons/hunts are public resources to be managed in the public interest;
- Second, no damage seasons/hunts can be used that contribute to privatizing the public's wildlife; and
- Third, no damage season/hunt can include any fee or charge beyond the cost of the state issued hunting license that would be required in all circumstances;
- Fourth, no antlered animals can be taken during any damage hunt/season. and
- Fifth, all proposed damage seasons/hunts include a public disclosure and comment period including a public hearing if requested.

The idea of "Elk Shoulder Seasons" should be dismissed. The proposed objectives are inadequate and they should include a firm and clear MDFWP commitment to public ownership and access to Montana's wildlife while preventing its privatization and commercialization. This should be the clearly stated "Objective" of all wildlife management programs in Montana.

In material related to "shoulder seasons" it specifically opens a huge commercialization loophole when it states that these seasons, "... *may included antlered ...elk.*" Such a loophole literally begs for privatizing and commercializing the taking of elk. While there may be a few

instances where bull elk are the exclusive damaging animal, alternatives can and should be developed for these unique circumstances. It is well to remember that these special seasons/hunts are a public service provided to a landowner enduring damage. The utmost care must be taken to not create a loophole that would serve up a temptation to entrepreneurs to privatize and commercialize the public's wildlife. If shoulder seasons are implemented at all, they should be temporary and on a very limited basis. Again, offering male elk when the issue is game damage will create a commercial enticement inviting, or at least accommodating, privatization of the public's wildlife.

Rather than venturing into shoulder seasons with the perilous loopholes already mentioned the MDFWP should apply, with perhaps modest reforms, the game damage provisions currently in place. Those provisions provide landowners, who allow public hunting access, a deserved measure of relief from game damage.

It is curious to note that simultaneously while we debate Elk Shoulder Seasons, the Game Damage regulations have been tentatively approved by the Fish and Wildlife Commission to allow landowners to use a list of their own selected hunters to participate in game damage hunts. This move reinforces our concerns about incremental exclusion of the general hunting public to the publicly-owned wildlife that is under the trusteeship of the State of Montana, and in particular the Department of Fish, Wildlife and Parks.

Finally, in this great state there are many citizens who, like the FWP Commissioners, also contribute considerable personal time to protect the unique North American Model of Wildlife Conservation. That citizen effort is often directed at public land management. It is important to note that every effort needs to be made to improve public land elk security and thus hold elk on the public land during the hunting season. Lack of security on public lands results in displacement of big game to private lands, exacerbates crop depredations, and can lead to harboring on private properties. The MDFWP needs to stand vigorously with the public hunters as the National Forest suggests weakening or abandoning elk security standards currently in Forest Plans. Forest Plan Standard changes will have the potential to seriously impact public land hunting. In conclusion, the Montana Environmental Quality Council is urged to do what it can to encourage the MFWP Commission and Montana Department of Fish, Wildlife and Parks to:

- abandon the idea of "shoulder seasons;"
- continuing to work with the current game damage provisions and make them work as intended;
- vigorously defend secure habitat on public lands; and,
- proclaim the objective of preserving the public interest and public trust by avoiding any action leading to or accommodating the privatizing or commercializing of public fish and wildlife.

Sincerely,

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