

Barry Londeree

Testimony on H.411

May 7, 2021

Chair Sheldon and Committee Members,

I want to thank your Committee for your continued work on this bill. I have had chance to review the latest draft (#2.1) and my testimony today is based on that version of the legislation.

I appreciate the correction in this draft to include “disposal” in Sec.4922. This ensures the objective of that section remains as intended: to create a uniform standard that all covered wild animals should be retrieved and used or, at a minimum, disposed of lawfully.

I also have no objections to the changes made to the exceptions in Sec.4924 regarding lack of authorized access to property, defense of property, and law enforcement officers. I believe most of those changes were requested by Commissioner Porter.

My one remaining concern with the bill is the inclusion of the phrase “or lawfully disposed” at the end of Sec.4923. The purpose of this section was to ensure that furbearer and game species that were taken would be utilized for meat or fur, not simply discarded. It was developed in response to concerns raised by Commissioner Porter and Mike Covey that applying a “use” standard to the hunting of coyotes would create a de facto season on them. I agreed to exclude coyotes from the “use” requirement so long as they would be required to be retrieved and disposed. Therefore, coyotes were excluded, in some manner, from the “use” requirement in previous versions of the bill produced by the working group.

By including “lawfully disposed” as an option in Sec.4923 of Draft 2.1, the bill would undercut the “use” requirement for **all** covered species in that section, not just coyotes, by allowing any species to be discarded rather than used. While I could understand the objection to including coyotes taken year-round in this “use” standard, there is no reason not to hold other furbearers and game species, for which designated hunting and trapping seasons have been established by rule, to this standard.

For this reason, I request that “or lawfully disposed” be removed from Sec.4923. I also think the wording of “processed” could be clarified in Sec.4923 to ensure a taken wild animal must be processed for food, fur, hide or feathers, but that is of secondary importance. The draft language options below include these changes.

If you remove “or lawfully disposed” from Sec.4923, you will be faced with the same question considered by the working group: should coyotes, as a furbearer species, be subject to the “use” requirement? Consistent with my previous position taken during the working group, I am willing to support language that would exclude coyotes and have provided two options to

consider. My preference would be for Option 1 as it creates a uniform policy based upon the establishment of a season by rule rather than excluding species individually. I am satisfied that meaningful protections are provided for coyotes in Sec.4922 that reflect the compromise discussed by the working group. A limited exclusion for coyotes is much preferable to setting a lower standard for all game and furbearer species.

Suggested language:

Option 1:

§ 4923. WASTE OF GAME OR FUR-BEARING ANIMAL

(a) A person shall not intentionally take a covered wild animal and intentionally or knowingly leave the wounded or dead covered wild animal.

(b) A person who retrieves a lawfully taken covered wild animal subject to a season established by rule, or a person to whom the lawfully taken covered wild animal is transferred, shall retain the animal in his or her possession until processed; ~~used as food; used~~ processed for its fur, hide, or feathers; or used for taxidermy; ~~or lawfully disposed.~~

Option 2:

(a) A person shall not intentionally take a covered wild animal and intentionally or knowingly leave the wounded or dead covered wild animal.

(b) A person who retrieves a lawfully taken covered wild animal, or a person to whom the lawfully taken covered wild animal is transferred, shall retain the animal in his or her possession until processed; ~~used as food; used~~ processed for its fur, hide, or feathers; or used for taxidermy; ~~or lawfully disposed.~~

(c) This section shall not apply to a person taking a coyote.

Thank you for your consideration of this testimony and my suggested changes to the draft bill. I am pleased to answer any questions you may have about this issue.

Barry Londeree