

411 Testimony

Madam Chair and Representatives Good morning,

I am here to discuss H411 which, as you know has seen a number of versions and amendments...this being perhaps the 4th. I want to state at the outset that the D of F&W support the concept of effective wanton waste laws.. The department is generally in support of addressing wanton waste and supports legislation which requires the appropriate disposal of the unused parts of animals. Note that the Board with Department support, promulgated several rules that require field dressing of big game animals such as; deer, black bear and moose reducing the risk of the spoilage of meat and facilitating the appropriate use of these animals.

With that in mind I also want to state that we believe the bill as drafted should be refined and discussed on its own merits, without additional issues such as seasons for specific species. If we want to discuss the value of a wanton waste statute then we should do that and if there is a desire to discuss the scientific basis of a season on coyotes then lets de couple the two so we can give each the due they

are entitled and avoid confusion and obfuscation of the issues by comingling these 2 separate and complex concepts in one bill.

Let me move into the latest version of the bill. We are somewhat confused as to why after a great deal of work was put into coming to consensus on the topic by the working group there is a desire to now toss their hard work aside. Their work was presented as Senate bill 321 by LEG counsel. So in this newest draft we see the addition of crow. I will note that during the bill's read through leg counsel was asked why we did not currently enforce the federal ban on wanton waste under the Migratory treaty...unfortunately leg counsel was not aware that crows are not covered by as they are not migratory game birds. Crows are migratory birds, but the federal law related to wanton waste of birds only applies to migratory game birds. (Under federal law, there is a hunting season for crows):

FEDERAL DEFINITION OF MIGRATORY GAMES BIRDS

50 CFR 20.133

*SUBPART B -- DEFINITIONS § 20.11 What terms do I need to understand? For the purpose of this part, the following terms shall be construed, respectively, to mean and to include: (a) **Migratory game birds** means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families: (1) Anatidae (ducks, geese [including brant] and swans); (2) Columbidae (doves and pigeons); (3) Gruidae (cranes); (4) Rallidae (rails, coots and gallinules); and (5) Scolopacidae (woodcock and snipe).*

FEDERAL MIGRATORY BIRD WANTON WASTE LAW

§ 20.25 Wanton waste of migratory game birds. No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at the place where taken or between that place and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of

lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

FEDERAL CROW SEASON

§ 20.133 Hunting regulations for crows. (a) Crows may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section. (b) Except in the State of Hawaii, where no crows shall be taken, States may by statute or regulation prescribe a hunting season for crows. Such State statutes or regulations may set forth the method of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State: (1) Crows shall not be hunted from aircraft; (2) The hunting season or seasons on crows shall not exceed a total of 124 days during a calendar year; (3) Hunting shall not be permitted during the peak crow nesting period within a State; and (4) Crows may only be taken by firearms, bow and arrow, and falconry.

Under 4923. Page 1, line 20 and 21, we suggest expanding the language around processing an animal.

Specifically we suggest changing “shall retain the animal in the person’s possession until it is processed as food; processed for its fur, hide, or feathers; or used for taxidermy;”

TO

shall retain the animal until the person makes a reasonable effort to process the animal for uses such as, food for humans or pets, or fertilizer; the use of its fur, hide, or feathers; or it is used for taxidermy.

On page 1, line 21 through page 2 lines 1 to 3, in the same section we recommend deleting “provided that this section shall not apply to covered wild animals that are unfit for consumption or use. As used in this section, “unfit for consumption or use” means the covered wild animal or its parts that are decayed, rotting, diseased, or infected.

The concepts in this deleted section can be added to Section § 4924.

Moving down to page 2 line 3 we would like to add the following language to ensure clarity: **Nothing in this Subchapter shall be construed to require the use of all parts of a covered animal. It is understood that there are parts of a covered animal that must be lawfully disposed.** As currently proposed, it is not clear and could be mis interpreted as to require use of all parts.

Additionally, since the language 'lawfully disposed' was removed it furthers our concern that the language could require that. It is important that the language is explicit and clear.

Likewise we would add the following language at Page 3, line 16 , **or the covered animal or any part is decayed, rotting, or infected;**

On page 4, lines 1-2, we request that the phrase "when following generally accepted hunting, trapping, or fishing practices for retrieval of a covered wild animal,

BE CHANGED TO:

“when following generally accepted hunting, trapping, or fishing practices for retrieval and use of a covered wild animal as determined by the Department,

Lastly we would request the addition of the word UNLAWFUL to disposal on Page 4, line 4 to differentiate between lawful disposal and unlawful.

So with these changes the department can support what was essentially a draft which was crafted through hard work and consensus. Without these modifications we cannot support the bill.

I would like to reiterate that these are complex issues which require scientific analysis and deliberate and purposeful direction. The idea of using this as a vehicle to back our way into creating a season for a specific species is a poor use of the legislative process. In fact I would argue it is diminishing the importance of well thought out approach based on emotions. Lets not short change the important issue by simply attaching it to another important issue.

There is one thing we can all agree on and that is that the single most important factor impacting our wildlife is not hunting it is the relentless encroachment on the habitats of all wildlife as we develop more and more land. As we remove the habitat we reduce the land which is useable by all wild animals and the reality is that needs to be carefully managed which is evidenced by the success of the increase and stabilization of the bear herd and the successful re-introduction of wild turkeys.