

UPOM Newsletter December 2008

With the next Montana legislative session only a week away, it's already clear that property rights are going to be one of the top issues of the year. There are already over 100 bills proposed that deal with property rights that we're tracking closely, and sure to be more on the way. In addition, UPOM has a legislative agenda of five bills that we mapped out earlier this year to help protect landowners while maximizing wildlife management.

UPOM's legislative agenda was designed to meet these criteria:

1. Address inadequacies in the current wildlife management structure
2. Maximize hunter opportunity to manage game animals
3. Maintain private property rights
4. Improve the landowner-sportsman relationship

Here's an overview of the legislation we're backing:

LC 1578 - Restrict ability to limit hunting permits for certain species

This bill will prohibit the FWP Commission from arbitrarily restricting the number of hunting permits for elk, deer, antelope. In the past year, the Commission restricted permits in a number of districts based on their stated objective to prevent "commercialization of public resources," a move that clearly shows the current Commission's willingness to sacrifice hunter opportunity and wildlife management in favor of achieving a dubious social goal. This bill stipulates that the Commission may not limit the number of permits issued unless the harvest success rate (the number of animals taken divided by the number of permits issued) exceeds an average of 30% over a 3-year period. The statewide harvest success rate is currently roughly 25%, so this bill allows the Commission to relieve hunter pressure when needed yet only for biological management. For the purposes of this bill, rifle and archery seasons are treated separately.

LC 0802 - Revise FWP land management and acquisition re: Good Neighbor Policy

This bill requires that FWP comply with the "Good Neighbor Policy", which is designed to protect landowners who border state land from noxious weeds, trespass, litter, noise and light pollution, stream bank erosion, and loss of privacy. Most significantly, the bill requires FWP to set aside 40% over the purchase price of any newly acquired land for maintenance purposes. This bill also requires that FWP establish a noxious weed management agreement prior to purchasing land where weeds are present, and requires that weed management be given top priority on all state property.

HB 79 - Uniform provisions for state land transactions

This bill simply states that, to the extent practical, land purchases by the state may not result in a net gain in land owned. This bill, and two other similar bills, will help to resolve the trend of private land being taken out of production while still maintaining the ability of the state to purchase land for public access. In short, these bills will make the state emphasize quality of land over quantity.

LC1377 - Make hunting and fishing rules subject to economic impact statement of MAPA

This bill closes a loophole that exempted FWP from completing an Economic Impact Statement (EIS) prior to promulgating major rule changes. FWP Commission decisions can have enormous impacts on local economies, but under current law the FWP is the only major state agency not required to study economic impacts of their actions. EIS studies can either be initiated by the agency, or come at the request of at least 15 legislators. This is a very important bill to bring light to the impacts that FWP Commission decisions can have on our local and regional economies.

SB 31 - Revise qualifications for fish, wildlife, and parks commissioners

This bill requires that at least one of the FWP Commission members be a landowner (1,280 acres or greater) active in livestock production. Roughly 60% of land in Montana is privately owned, yet 75% of game animals are harvested on private land. Despite this inordinate dependence on private landowners, there is currently no requirement that the Commission have a landowner member. UPOM advocates that the commission should be required to have two landowner members, which would still be a minority yet bring the representation more in line with the reality Montana property owners face.

In addition to the five bills outlined above, UPOM will also be weighing in on a number of other topics, including stream access, brucellosis management, and property-taxes. Throughout the session, we'll be calling on our members to communicate with their legislators, and come to Helena to lend support when our bills are being heard. So please stay tuned and participate in this year's legislative session with us – we have some real opportunities to make a difference!

If you have not filled out a membership form to join UPOM yet, now is the time. Forms can be printed from our website at www.upom.org - or call 406-464-2281 and we will put one in the mail to you!