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**BIG GAME
RANCHING STUDY COMMITTEE
REPORT**

DECEMBER 15, 1989

Committee Membership:

- Representative Jim Hartegen-Chairman
- Senator James Sossaman-Vice Chairman
- M. Jean Hassell, State Land Commissioner-Subcommittee Chairman
- Robert K. Button, Sportsman
- Dwayne Dobson, Wool Growing Industry
- Jack Metzger, Range Cattle Growing Industry
- Jim Webb, Range Cattle Growing Industry
- Frances Werner, Game and Fish Commission
- Thomas Woods, Game and Fish Commission

Background:

This Report represents the findings and recommendations of the Big Game Ranching Study Committee authorized under 1989 Session Laws, Chapter 182 of the first regular session of Arizona's 39th Legislature. Chapter 182 is included in its entirety as Appendix #1. The law was passed in response to concerns expressed by representatives of Arizona's range livestock industry. The industry concern centers on the impact of what they see as largely uncontrolled increases in big game wildlife populations in some areas of the state and the damage to the habitat and threat to their livelihood as a result. The impacts on habitat used by both wildlife and livestock, impacts on private property and range improvements and loss of available forage for livestock use were of primary concern.

The Big Game Ranching Study Committee members, appointed by the Governor, the President of the Senate, the Speaker of the House and the Game and Fish Commission held their first meeting on September 26, 1989. Representative Hartdegen was elected Chairman and Senator Sossman Vice Chairman. A working subcommittee was formed, chaired by M. Jean Hassell, to take on the task of compiling information and drafting a report. The subcommittee received reports and comments from the Game and Fish Department, U.S. Forest Service, Bureau of Land Management, White Mountain Apache Indian Tribe, the livestock industry and the public during a series of meetings in October, November and December. The subcommittee forwarded its recommendations to the full committee as the basis for this report.

Description of the Issue:

Land use and natural resource management issues tend to be very complex and often controversial. The management of our range ecosystems to provide stable or improving wildlife and range livestock habitat is such an issue. Stabilization or improvement of habitat is dependent upon resolving the concerns of the various users in order to produce a balance that will benefit the habitat. A significant change in use by any species will alter this balance and if adjustments are not made there will be a decline in the condition of the habitat. Recent increases in the elk population have been significant and have resulted in conflicts with the range livestock industry in some areas. These conflicts have been exacerbated by severe drought conditions.

The Big Game Ranching Study committee members, having studied the available information and testimony provided through public meetings, and have reached agreement in principle on the issues involved in the following subject areas.

- 1) It is in the public interest to maintain both healthy wildlife populations and a viable range livestock industry.
- 2) The condition of the habitat is critical for both healthy wildlife populations and a viable livestock industry, and improving the habitat base is beneficial to all users.
- 3) Many rancher sponsored improvements, particularly water related improvements, many of which have private water rights, have had a significant long-term beneficial impact on wildlife populations.
- 4) Habitat improvements by agencies, organizations, sportsmen and individuals to improve habitat are of substantial benefit to wildlife and livestock, except for those water improvements that have been fenced to exclude livestock use.
- 5) There has been a downward trend in livestock numbers on the National Forest in Arizona from the 1950's through the 1980's. The Forest Service evaluation estimates that there has been approximately a fifteen percent drop.
- 6) There is a need for a more formal mechanism for rancher, resource user and manager input into the decision process for establishing hunting seasons and permit numbers.
- 7) The majority of Arizona ranchers rely on some form of rest rotation system to improve range condition. Uncontrolled wildlife use, particularly of rested pastures, is disruptive to the system and, if excessive, will lead to a deteriorating or altered range condition.
- 8) Elk populations have increased in the past ten years and in some areas elk and livestock grazing conflicts exist as a result of grazing competition. Accepted resource management practices common to range and habitat improvements done in isolation have in some cases exacerbated the problem.
- 9) Where damage is occurring to private property, some form of private land owner protection is warranted in problem areas.

- 10) When damage to the habitat is occurring or about to occur action should be taken to alleviate that damage.
- 11) On public and State lands, the land management agencies have the responsibility for insuring wise utilization of resources. Where wildlife conflicts exist, the land management agencies have the responsibility to seek resolution through existing Arizona Game and Fish Department administrative processes and the Commission decision making process.
- 12) Adjustment of wildlife populations to fit changing range conditions is more difficult than adjustment of livestock numbers. Once reduced, rebuilding wildlife populations is dependent on natural reproduction. Habitat damage can occur rapidly through overgrazing, but recovery is usually long-term.

Agency Summaries

The U.S. Forest Service manages approximately 15.5% of the land area within the state. Forest Service land provides approximately 85% of the summer range and 78% of the winter range for the elk populations. Some of these areas are used year round. Forest plans provide the habitat management goals for Forest Service managed lands. The Forest Service determines the authorized and permitted numbers and types of livestock that use the range resource but do not directly control the wildlife population. The Forest Service may request that the Game and Fish Commission take specific wildlife management actions. In cooperation with the Arizona Game and Fish Department, a comprehensive plan is developed for each forest as a bridge document between the Forest Plan and the State Big Game Strategic Plan to guide the control of wildlife use on the forest land. The Forest Service may sponsor habitat improvement programs and allow habitat improvements by interest groups.

The Bureau of Land Management manages approximately 17% of the land area of the state. The BLM provides .7% of the elk habitat in the state. No elk-livestock conflicts have been identified on BLM land. Big game/livestock conflicts on BLM land have tended to be localized and not related to wildlife population increases that alter habitat conditions. BLM's planning processes are similar to the Forest Service. The BLM does not use the Comprehensive Plan

process with Game and Fish, rather it uses Habitat Management Plans. Like the Forest Service, the BLM controls livestock numbers, does not control wildlife numbers, sponsors habitat improvement, allows habitat improvements by interest groups and may make requests that the Game and Fish Commission alter its wildlife management actions.

The State Land Department manages approximately 13% of the land area within the state and provides approximately 5% of the summer range and 8% of the winter range for elk. The State Land Department concentrates its planning effort on the Coordinated Ranch Management Plan rather than the broader forest or resource management plan used by the federal agencies. The Land Department has a cooperative agreement with the Arizona Game and Fish Department that guides the actions of each agency on wildlife issues. The State Land Department does not provide habitat improvements. Habitat improvement are made by state lessees acting individually or in cooperation with other agencies or interests. The Department controls the number of livestock using state land and relies on the cooperation of the Game and Fish Commission to control wildlife numbers.

Indian Reservations cover approximately 26% of the state land area. Two of these reservations, the White Mountain and San Carlos, provide habitat for approximately 10,000 elk. Many of these elk spend part of the year off the reservation. The reservations manage both livestock numbers and reservation big game populations. The White Mountain Apache Tribe has a draft management plan for elk. There is a need for the Tribes and the Arizona Game and Fish Department to improve communication and cooperation.

Private land ownership accounts for approximately 17% of the state. Private land owners provide 10% of the summer range area and 14% of the winter range for elk. Land owners have control of livestock use but limited control over wildlife use. Participation by land owners in wildlife management decision in general has been limited to making comments on state hunt dates, permit numbers and strategic plans, and on federal forest and resource management plans. This situation is a strong point of contention of the livestock interests. There are some private lands that have been acquired by interest groups to provide wildlife preserves. This type of acquisition has been increased in the last ten years. In Arizona there are no provisions for compensating private land owners for loss of forage or damage due to wildlife use.

State Summaries

The following is a summary of what other states are doing.

California: No liability for depredation. Kill permits issued for all species at discretion of local conservation officer. Last year bill introduced into Legislature to make State liable for wildlife damages. In complicated negotiation legislation was withdrawn. Permits may be issued to private landowner for elk hunt.

Colorado: Liability for certain types of damage by big game.

<u>Year</u>	<u>Direct Damage Payments</u>	<u>Preventive costs (Fencing, etc.)</u>
87-88	\$170,000	not available
86-87	140,000	\$ 300,000
85-86	181,000	416,000
84-85	170,000	350,000
83-84	900,000	1,100,000

Payments come directly from Game and Fish funds. It is generally believed that less than 10% of the people experiencing damage file claims. Nobody appears happy with the system but no one is willing to give ground. Special hunts and kill permits used for ungulate problems.

Montana: No damage complaints paid. Situation is such that damage complaints are considered high priority and are investigated within 48 hours. \$150,000 is available annually for preventive measures (from license money). Short notice depredation hunts are utilized and 200 kill permits are issued to conservation officers or landowners each year as a last resort.

Idaho: The 1988 Legislature made a special (one-time) appropriation of \$500,000 from Game and Fish funds to pay damage complaints. A temporary committee composed of the Governor, Secretary of State and Attorney General with the State Auditor acting as secretary, was empaneled to oversee payment of damage claims. The Game and Fish Department was asked to evaluate individual claims. Idaho Game and Fish hired crop investigators to evaluate claims and recommended payments which averaged 11 cents per dollar of claim. The \$500,000 was gone in 6 months. Most claims were for elk, deer and antelope depredation to agriculture. The Legislature is considering long-term legislation concerning this issue and has hired a professional negotiator to sit with six sportsmen and six members of the agricultural community to develop recommendations to submit to the Legislature. There is \$25,000 to \$50,000 available annually for preventative work.

Nebraska: No damage payments. Problems with deer and beaver. Technical assistance provided, sometimes fencing and as a last resort kill permits.

Kansas: No damage complaints paid. Kansas law permits an animal causing damage to be killed by the landowner. Special deer hunts can be held to alleviate damage. The state pays \$10,000-16,000/year for technical assistance to avoid kills by landowner.

Nevada: Senate Bill 130 is now law and describes funding sources for payment of damages caused by elk or game animals not native to Nevada. The Bill also requires the Nevada Game and Fish Department to establish regulations pursuant to the payment of these claims. The Department is in the process of developing these regulations and to date no claims have been made. Technical and material assistance is available. In fiscal year 1989, \$83,000 was budgeted for FY89 and some money is available from the State General Fund each year for this use. Emergency depredation hunts are utilized and depredation investigation is currently a high priority activity within the Department.

Oregon: No payment for damage complaints. Depredation abatement is considered a high priority activity and is resolved generally through technical assistance, kill permits (282 issued last year), and/or special depredation hunts.

Utah: Utah pays damage complaints up to \$2,000 per complaint. Damage complaints are limited to deer and elk damage to fields. The annual budget is \$500,000 from Game and Fish funds. \$250,000 for fencing materials, etc. and \$100,000 actual damage payments. The Department utilizes emergency depredation hunts and control permits to lessen damage.

New Mexico: No damage payments. Internal policy requires 24 hour response to damage complaint. Technical assistance and a small number of kill permits issued to Department personnel are the principle means of handling depredation problems.

Washington: Elk and deer damage complaints are paid up to \$2,000 per incident. If damage is over \$2,000 payment must be awarded by Legislature. Money comes from Game and Fish fund and the present budget is \$36,000.

Wyoming: Damage claims for private property are paid at 100% loss. Estimates for program costs are in excess of \$1,000,000 per year. Funds are obtained from license sales. This year a single claim of \$151,000 was paid to a tree nursery. Wyoming's program includes seven full-time damage control wardens and a materials budget.

Damage Claims Paid

1983	\$100,000
1984	215,000
1985	176,000
1986	184,000
1987	134,000

Recommendations of the Committee

Note: Although the livestock industry agrees with these recommendations, they believe that they are long term solutions that do not address the actual short term needs.

- 1) Conservation easement programs. A program of this type would be a partnership between the cooperating landowner, the Rocky Mountain Elk Foundation, and the Arizona Game and Fish Department. Elk habitat projects could be constructed on the property of the cooperating landowner. Projects would be similar to those currently being built or developed on USFS lands.
- 2) Lease agreements to secure forage or habitat. A landowner sets aside his or her land as a big game management area. In other states the landowner receives a tax incentive and a payment for the forage or habitat that has been set aside for use by big game. A tax incentive would require legislative action in Arizona.
- 3) Increased land acquisitions or exchanges. Opportunities exist for exchange or purchase of private lands. A willing land owner is a key component to this solution.
- 4) Cost share programs for capital improvements. A special fund could be established to partly pay the cost of any structural solution to a damage complaint, such as elk proof panels or fencing.
- 5) Wildlife management plans. This is the concept of cooperative wildlife management plans on private lands and where appropriate, with the adjacent state or federal land agency. The approach would be comprehensive in scope and consider all uses of the land. plan would function as a contract between the cooperators, similar to a grazing allotment management plan. Stewardship of the habitat by the landowner would be encouraged through this approach.
- 6) Timely depredation hunts. Statutory authority currently exists for the Arizona Game and Fish Commission to establish big game depredation hunts and this has been done in the past. However, the need for a timely response is recognized. A key component of this recommendation package is the intention to refine the Game and Fish Department's depredation hunt process to allow prompt implementation of big game hunts in problem areas.

7) Arizona Game and Fish regional hunt recommendation input: The Arizona Game and Fish Department will formalize a process whereby county representatives from the Arizona Cattlemen's Association, Arizona Wool Producers Association and other agricultural organizations will be invited to provide input into the hunt recommendation process along with representatives of the land management agencies and the public.

The Arizona Game and Fish Department recognizes the concerns of the state's ranching community and is making every effort to improve communication.

8) Public Education: The agencies, the range livestock industry and interested public should cooperate in the development of curricula for use by the public schools to begin educating the public on the need for a balanced approach to habitat management and use.

9) Land Management Agencies: Land management agencies must provide recommendations to the Game and Fish Commission when shifts in wildlife populations threaten, or will threaten the habitat.

Other Recommendations Considered by the Committee

The Committee members were not able to reach agreement on the following proposed recommendations. Position statements are provided by the committee members to delineate the issues.

- 1) That recognition be given, in the law if it isn't already, that maintenance of wildlife populations by the Game and Fish Department in excess of resources available to support them constitutes a taking of property from private business interests, whether such taking occurs on private, state or federal land.
- 2) That it be recognized that the requirements for reporting wildlife depredation, and the means for mitigation and compensation therefor, are not adequately covered by Title 17, ARS.

- 3) That the Game and Fish Department be held accountable, in the law, for any adverse effects on the livestock industry, whether on public or private land, caused by the state's wildlife populations.
- 4) That it be recognized that the livestock industry in Arizona, which has developed and in large part manages the resources which influence wildlife populations use, operates on a combination of private, state and federal land. Since individual ranch units are managed individually, establishment and maintenance of wildlife populations, hunt numbers, and hunt seasons must be coordinated with ranchers by the Game and Fish Department on an individual ranch basis.
- 5) That, due to an extreme and uncontrolled increase in elk populations in excess of both the Game and Fish Department's long range plans and the natural resources to sustain them, elk populations be immediately reduced to levels reported by the Game and Fish Department in 1980 or less, depending on resource conditions.
- 6) A Wildlife Depredation Board be established under the Arizona Department of Agriculture and be empowered to process, hear, and adjudicate depredation claims. The Board would be constituted of five members; a representative of the Livestock Board, a rancher, a sportsman, a Game and Fish Commission member and a public member.
- 7) That, as a management tool and means of mitigating problems and coordination with ranchers in resource decisions, a system of revenue sharing be created by law in which the Game and Fish Department would set aside a percentage of game permits, with the revenue therefrom to be divided between the Game and Fish Department and cooperating ranchers. Funds derived by the Game and Fish Department from the system should be used to fund habitat improvement and to mitigate actual or potential depredation. The rancher portion of revenues collected from the permits set aside for the program should be allocated on a proportionate basis of total ranch acreage to total acreage within a game unit. All funds should be collected and distributed by the Game and Fish Department, and all game species should be subject to the shared revenue permit program.

APPENDIX 1

39TH LEGISLATURE

BIG GAME RANCHING STUDY

CHAPTER 182

HOUSE BILL 2158

AN ACT

RELATING TO GAME AND FISH; PROVIDING FOR A BIG GAME RANCHING STUDY COMMITTEE; PRESCRIBING MEMBERS, COMPENSATION AND DUTIES; PRESCRIBING A REPORT, AND PROVIDING FOR A DELAYED REPEAL.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Big game ranching study committee

A. A big game ranching study committee is established consisting of the following members:

1. One member of the senate appointed by the president of the senate.

2. One member of the house of representatives appointed by the speaker of the house of representatives.

3. Two members who represent the range cattle growing industry appointed by the governor.

4. Two members of the Arizona game and fish commission appointed by the chairman of the commission.

5. One member who represents the wool growing industry appointed by the governor.

6. One member who represents an organized sportsmen's group appointed by the governor.

7. The state land commissioner or designated state land department representative chosen by the state land commissioner.

8. The committee shall select a chairman and vice-chairman from among its members. Members of the committee are not eligible for compensation for their service but members appointed pursuant to subsection A, paragraphs 1, 2 and 4 are eligible for reimbursement of expenses by their respective appointive bodies. Members of the committee appointed pursuant to subsection A, paragraphs 3 and 5 are eligible for reimbursement of expenses from the Arizona livestock board. The member appointed pursuant to subsection A, paragraph 6, is eligible for reimbursement of expenses from the Arizona game and fish commission.

C. The committee shall study the feasibility of establishing a program for ranchers and landowners to recover costs associated with big game on their property.

D. On or before December 15, 1989, the committee shall submit a final report of its findings and recommendations to the governor, the president of the senate, the speaker of the house of representatives, the Arizona game and fish commission and the Arizona livestock board.

Sec. 2 Repeal

This act is repealed from and after December 15, 1989.

List of Exhibits

1. Arizona House Bill 2158
2. Minutes of Committee and Subcommittee Meetings
3. Statement by Forest Service
4. Handout by BLM
5. Fort Apache Elk Management Plan
6. Handouts by U.S. Forest Service 10/18/89
7. Report to the Big Game Ranching Study Committee, Arizona Game and Fish Department
8. Arizona Game and Fish Big Game Population Estimates
9. Handout by U.S. Forest Service 11/1/89
10. Game and Fish Department statement for the record 9/26/89
11. Arizona Big Game Strategic Plans, Arizona Game and Fish
12. Arizona Wildlife and Fisheries Comprehensive Plan - Kaibab National Forest
13. "Fort Apache Elk," article, Rocky Mountain Elk Foundation
14. Depredation compensation states summary and supplement, Arizona Game and Fish.
15. Livestock Industry presentation and statements
16. Statement, Lee Kohlhase, Arizona Wildlife Foundation
17. Statement, Jack Simon, Arizona Wildlife Foundation
18. Statement, Robert Bayne, Tucson Rod and Gun Club
19. Statement, Fred Baker,
20. Position Statement on Wildlife Depredation, Arizona Game and Fish Department
21. Livestock Industry comments specific to Arizona Game and Fish Department Position Paper and comments to the Committee
22. Arizona Livestock Background and Policy Statement
23. Letter from the Forest Service 12/4/89
24. Letter from Janet R. Huebner, R.N.
25. Arizona Farm Bureau Federation comments 12/7/89
26. Information from Jack Simon, Arizona Wildlife Federation
27. Letter from Forest Service, 12/12/89, to M.J. Hassell
28. Letter from Forest Service, 12/12/89, to Pamela Neal
29. Statement from Robert K. Button, 12/13/89
30. Arizona Game and Fish Response to Livestock Industry statements, 12/13/89 and other comments
31. Public Lands Council fact sheet, 4/17/89

32.

STATEMENT BY M. J. HASSELL
BEFORE THE
BIG GAME RANCHING STUDY COMMITTEE
Friday, December 15, 1989

MR. CHAIRMAN:

- THE 39TH STATE LEGISLATURE PASSED HOUSE BILL 2158 IN RESPONSE TO CONCERNS OF LIVESTOCK INTERESTS IN ARIZONA. THE LIVESTOCK INDUSTRY SEES INCREASING BIG GAME NUMBERS AS AN IMMEDIATE THREAT TO THEIR LIVELIHOOD AND WAY OF LIFE. THEY FELT THERE WAS NO AVENUE OPEN TO THEM TO RESOLVE THIS THREAT OTHER THAN ASKING FOR ASSISTANCE FROM THEIR ELECTED REPRESENTATIVES. THE LAW, AS PASSED, SET UP A COMMITTEE CONSISTING OF 2 MEMBERS OF THE LEGISLATURE, 3 MEMBERS REPRESENTING WILDLIFE INTERESTS, 3 MEMBERS WHO WOULD REPRESENT LIVESTOCK INTERESTS AND, FINALLY, THE STATE LAND COMMISSIONER.

- THE PURPOSE OF THE COMMITTEE IS SIMPLE IN CONCEPT--TO STUDY THE FEASIBILITY OF ESTABLISHING A PROGRAM FOR RANCHERS AND LANDOWNERS TO RECOVER COSTS ASSOCIATED WITH BIG GAME ON THEIR PROPERTY.

- WHILE SIMPLE IN CONCEPT, THE TASK GIVEN THIS SUBCOMMITTEE IS A DIFFICULT ONE CHARGED WITH EMOTION AND WITH MANY INDIVIDUALS AND GROUPS TAKING AN ACTIVE INTEREST IN THE OUTCOME.

- ON THE ONE HAND, THOSE WHO STRONGLY FAVOR WILDLIFE INTERESTS ARE ADAMANT THAT WILDLIFE BE FAVORED IN ALL CONFLICT SITUATIONS.

- ON THE OTHER HAND, LIVESTOCK INTERESTS SEE DAMAGE OCCURRING TO THE FORAGE RESOURCE AND INVESTMENTS MADE TO ENHANCE OR TO MAKE BETTER USE OF THE FORAGE RESOURCE BEING WIPED OUT BY OVERGRAZING BY THE RAPIDLY INCREASING NUMBER OF ELK WHO USE THE PUBLIC AND PRIVATE LANDS.

- IN SPITE OF THE POLARIZED POSITIONS, THIS SUBCOMMITTEE WORKED HARD TO FIND AREAS OF AGREEMENT IN THE ISSUES AND SOLUTIONS TO THE CONFLICTS WE NOW FACE.

- THE PRINCIPLE AREAS OF AGREEMENT ARE:
 - BOTH WILDLIFE AND LIVESTOCK ARE IMPORTANT TO OUR STATE.

 - THAT HEALTHY HABITAT IS IN THE BEST INTERESTS OF ALL CONCERNED.

 - THAT WHERE DAMAGE TO THE HABITAT IS HAPPENING OR IS ABOUT TO HAPPEN ACTION SHOULD BE TAKEN TO STOP OR PREVENT DAMAGE.

- THERE WERE OTHER AREAS OF AGREEMENT THAT ARE DOCUMENTED IN OUR REPORT.

- WHILE THERE WAS CONSIDERABLE AGREEMENT ON ISSUES, THERE WAS ONLY LIMITED AGREEMENT ON SOLUTIONS.

- THERE ARE SEVERAL RECOMMENDATIONS FROM GAME AND FISH IN OUR REPORT THAT WERE AGREED UPON AND THAT I BELIEVE WILL BE USEFUL IF IMPLEMENTED IN HELPING TO BETTER DEAL WITH LIVESTOCK/WILDLIFE CONFLICTS.

- HOWEVER, OUR REPORT ALSO CONTAINS RECOMMENDATIONS GIVEN BY THE LIVESTOCK INTERESTS THAT THIS COMMITTEE COULD NOT DEVELOP A CONSENSUS ON.

- THOSE RECOMMENDATIONS FROM THE LIVESTOCK INDUSTRY REFLECT THE SENSE OF URGENCY AND FRUSTRATION THEY FEEL IN THE CURRENT SITUATION.

- WHILE THE LIVESTOCK INTERESTS HAVE AGREED WITH SEVERAL RECOMMENDATIONS THEY BELIEVE THESE RECOMMENDATIONS ARE LONGER TERM SOLUTIONS OR EVEN MOTHERHOOD ANSWERS THAT ARE NOT RESPONSIVE TO WHAT THEY PERCEIVE TO BE AN IMMEDIATE THREAT.

- THEY FEEL VERY STRONGLY THAT WE ARE IN A CRISIS SITUATION AND THAT ACTION MUST BE TAKEN NOW TO REDUCE WILDLIFE POPULATIONS WHERE THEY ARE EXCESSIVE. IN ADDITION, THEY FEEL THAT POPULATIONS, ONCE REDUCED, MUST BE HELD TO ACCEPTABLE LEVELS.

- ON THE OTHER HAND, GAME AND FISH MANAGEMENT FEEL THEY HAVE BEEN AND ARE NOW, RESPONSIVE TO COMPLAINTS OF DAMAGE CAUSED BY WILDLIFE. THEY HAVE OFFERED RECOMMENDATIONS THAT WOULD ENHANCE THE WILDLIFE MANAGEMENT DECISION PROCESS AND MAKE POSSIBLE COOPERATIVE PROJECTS FOR HABITAT IMPROVEMENT AND PROTECTION OF PRIVATE PROPERTY.

- MR. CHAIRMAN, BEFORE HANDING OVER THE REPORT I WOULD LIKE TO STATE SOME PERSONAL BELIEFS AND OPINIONS.

- ELK POPULATIONS ARE GOVERNED ALMOST ENTIRELY BY WHAT THE UNITED STATES FOREST SERVICE, THE WHITE MOUNTAIN APACHE INDIAN RESERVATION AND THE ARIZONA GAME AND FISH DEPARTMENT DO WITH THE HABITAT AND THE HUNT. ACTION BY THE BUREAU OF LAND MANAGEMENT, THE STATE LAND DEPARTMENT OR ANY PRIVATE LANDOWNER WILL NOT EFFECT POPULATION LEVELS TO ANY SIGNIFICANT EXTENT.

- LIVESTOCK NUMBERS, WHILE DISPUTED, HAVE LARGELY BEEN STATIC OR DOWNWARD ON THE NATIONAL FORESTS.

- IN CONTRAST, ELK NUMBERS HAVE PROBABLY TRIPLED IN THE LAST 10 YEARS AND IT APPEARS THAT GAME POPULATIONS WILL CONTINUE TO INCREASE.

- PERHAPS THE MAJOR REASON FOR THIS INCREASE IS THE FACT THAT THE PUBLIC DECISION-MAKING PROCESSES BY GOVERNMENTAL BODIES AND AGENCIES FAVORS WILDLIFE.

- WHAT THE FOREST SERVICE DOES ABOUT WILDLIFE HABITAT IS DETERMINED TO GREAT EXTENT BY PUBLIC INPUT INTO FOREST PLANS AND THIS INPUT HAS TENDED TO FAVOR WILDLIFE.

- SEASON AND HARVEST LEVELS FOR WILDLIFE ARE THE RESPONSIBILITY OF THE STATE GAME AND FISH AND ARE HEAVILY INFLUENCED BY PUBLIC INPUT AND ARE THE PRODUCT OF A PROCESS THAT TOTALLY FAVORS WILDLIFE INTERESTS.

- SINCE PUBLIC PROCESSES OF PUBLIC LAND MANAGEMENT PLANNING AND WILDLIFE MANAGEMENT HAVE FAVORED WILDLIFE, THE RESULT IS LARGE AND INCREASING NUMBERS OF ELK. AS A RESULT THE LIVESTOCK INTERESTS ON SOME FEDERAL PUBLIC LANDS ARE THREATENED.

- IT IS ALSO APPARENT TO ME THAT IN SOME PLACES EXCESSIVE OVERUSE AND UNCONTROLLED USE IS BEGINNING TO CAUSE DAMAGE TO THE BASIC RESOURCE, THAT IS THE SOIL AND THE VEGETATION WHICH GROWS UPON IT. IF LAST YEAR'S DROUTH CONTINUES, THE DAMAGE WILL TAKE PLACE AT AN INCREASING RATE.

- A 300 PERCENT INCREASE IN ELK NUMBERS OVER THE LAST 10 YEARS IS NOT ONLY CONFLICTING WITH LIVESTOCK, IT HAS AN IMPACT ON ALL ANIMAL SPECIES DEPENDENT ON THE VEGETATIVE RESOURCE. IN OTHER WORDS, WILDLIFE WILL ALSO BE A LOSER IF DAMAGE CONTINUES TO OCCUR. SURELY, WE HAVE NOT FORGOTTEN THE LESSON OF THE NORTH KAIBAB DEER HERD DISASTER OF THE 1920'S, OR HAVE WE? ON THE KAIBAB DEER NUMBERS INCREASED FAR BEYOND THE FORAGE CAPACITY AND EACH WINTER THOUSANDS OF DEER DIED OF STARVATION. IN A MAJOR CONFRONTATION BETWEEN THE STATE AND THE FEDERAL GOVERNMENT, THE FEDS HIRED HUNTERS TO KILL THOUSANDS OF DEER IN AN ATTEMPT TO PROTECT THE HABITAT. THE LAST MAJOR DIE-OFF OCCURRED IN THE 1950'S AND THE SCARS ON THE HABITAT, PARTICULARLY THE WINTER RANGES, ARE CLEARLY VISIBLE YET TODAY.

- IF EVENTS CONTINUE ON THEIR PRESENT COURSE, I.E. INCREASING ELK NUMBERS, STATIC LIVESTOCK NUMBERS, DROUTH, AN ECOLOGICAL DISASTER IS IN THE MAKING. IT WILL NOT ONLY BE AN ECOLOGICAL DISASTER, IT WILL ALSO BE AN ECONOMIC DISASTER FOR THE RANCHER.

- IF THIS DISASTER IS TO BE AVOIDED, THEN THOSE WHO ARE IN A POSITION TO TAKE MEANINGFUL ACTION MUST DO SO NOW. THIS MEANS THE FOREST SERVICE, THE GAME AND FISH DEPARTMENT AND THE WHITE MOUNTAIN APACHES.

- ELK POPULATIONS ON THE PLATEAU MUST BE AT A LEVEL COMPATIBLE WITH HABITAT CONDITIONS ON KEY AREAS AND THEY MUST BE HELD TO THESE LEVELS. LIVESTOCK NUMBERS ON THESE AREAS ARE CONTROLLED BY FEDERAL PUBLIC LAND MANAGERS. ELK POPULATIONS CAN ONLY BE CONTROLLED BY THE STATE.

- I AM NOT OPTIMISTIC THE LEGISLATURE CAN SOLVE THIS PROBLEM. FIRST OF ALL, THE NATIONAL FORESTS ARE UNDER FEDERAL MANAGEMENT AND THEREFORE, NOT SUBJECT TO MANAGEMENT DIRECTION FROM THE STATE LEGISLATURE. THIS LEAVES THE POSSIBILITY OF DOING SOMETHING LEGISLATIVELY ABOUT WILDLIFE NUMBERS. IN STATES WHERE SUCH LAWS HAVE BEEN PASSED ARGUMENTS CONTINUE AND ARE A SOURCE OF POLITICAL IRRITATION. WORST OF ALL, HABITAT DEPREDATION CONTINUES; WILDLIFE MANAGEMENT IS NO BETTER FOR IT ALL. NONE OF THE THINGS THE ARIZONA LEGISLATURE COULD DO WOULD BE POPULAR AND NONE THAT I CAN SEE WOULD SOLVE THE PROBLEM.

THERE ARE TWO INTERESTS INVOLVED HERE THAT COULD AND SHOULD TAKE STEPS TO RESOLVE CONFLICTS.

- SPORTSMEN DO NOT GIVE CREDIT DUE, IN MY OPINION, TO THE EFFORT OF THE LIVESTOCK OPERATOR.

- THEY POINT OUT THAT ARIZONA IS DIFFERENT THAN OTHER STATES BECAUSE IT HAS SO LITTLE PRIVATE LAND.

- IT IS DIFFERENT ALRIGHT, BUT I BELIEVE THE BIG DIFFERENCE IS OVERLOOKED BY WILDLIFE INTERESTS. THE KEY DIFFERENCE IS THE IMPORTANCE OF WATER -- MUCH OF WHICH WOULD NOT EXIST FOR USE BY WILDLIFE AND LIVESTOCK IF THE RANCHER HAD NOT DEVELOPED THE WELLS AND WATER CATCHMENTS. FURTHERMORE, MANY OF THE EXISTING WATERS, EVEN THOUGH THEY MAY BE ON PUBLIC LAND, ARE PRIVATE WATER RIGHTS.

- RESPONSIBLE LIVESTOCK OPERATORS ARE DAY-TO-DAY STEWARDS OF THE LAND, BE IT PUBLIC OR PRIVATE, AND ALL INTERESTS BENEFIT FROM THEIR DAILY STEWARDSHIP.

- VANDALISM TO IMPROVEMENTS AND BAD MANNERS BY A FEW HUNTERS INCREASE TENSIONS.

- LIVESTOCK OPERATORS, ON THE OTHER HAND, TOO OFTEN CONFUSE THEIR STEWARDSHIP WITH OWNERSHIP OF PUBLIC LAND.

- NOTHING IS MORE INFURIATING TO A HUNTER THAN BEING DRIVEN AWAY FROM PUBLIC LAND BY A RANCHER OR HAVING ACCESS BLOCKED BECAUSE OF A SMALL PIECE OF PRIVATE LAND.

- THIS HAPPENS ALL TOO OFTEN AND EVENTUALLY SPORTSMEN WILL SECURE THEIR RIGHTS BY GOING AROUND OR OVER THIS SELFISH STANCE.

- THE LIVESTOCK INDUSTRY IS NOTORIOUS FOR RATIONALIZING THE MISCONDUCT OF A FEW OF THEIR MEMBERS. THIS CANNOT HELP BUT AGGRAVATE THE SITUATION.

IT IS TIME FOR THESE GROUPS TO SEE THEIR COMMON INTERESTS AND TO WORK TOGETHER THROUGH LAND MANAGEMENT PLANS AND HUNTING RULES TO STABILIZE WILDLIFE AND LIVESTOCK NUMBERS ON NATIONAL FOREST AND INDIAN LANDS. IF THEY DO NOT, THEY WILL EACH LOSE AND PERHAPS THE BIGGEST LOSER OF ALL WILL BE WILDLIFE.

- YOUR COMMITTEE HAS BEEN A FORUM FOR AIRING CONCERNS, RECEIVING TESTIMONY, REVIEWING PRACTICES IN OTHER WESTERN STATES, DOCUMENTING ISSUES, AND HELPING BOTH SIDES TO BETTER UNDERSTAND THE PROBLEMS

- MR. CHAIRMAN, I AM SORRY THAT YOUR SUBCOMMITTEE COULD NOT

FIND EASY ANSWERS TO THE PROBLEM BEFORE IT, BUT THERE ARE NONE. THIS IS ONE OF THOSE SITUATIONS WHERE CITIZENS MUST FIND THE COMMON GROUND AND WORK TOGETHER. THE WORK DONE BY THIS COMMITTEE CAN AND SHOULD SERVE AS A STARTING POINT FOR FUTURE EFFORTS TO SOLVE CONFLICTS THAT ARE WITH US TODAY.

- AND FINALLY, MR. CHAIRMAN, I HAND YOU THE REPORT YOUR SUBCOMMITTEE HAS DEVELOPED AFTER MANY HOURS OF HEARINGS AND DISCUSSION.

- THIS REPORT WAS ACCEPTED UNANIMOUSLY BY THE SUBCOMMITTEE AT THEIR MEETING ON WEDNESDAY, DECEMBER 13, 1989.

- THE REPORT WAS FULLY ACCEPTED SUBJECT ONLY TO CORRECTION OF ERRORS AND OMISSIONS WITH FULL AGREEMENT FROM ALL MEMBERS OF THE SUBCOMMITTEE THAT THIS CONSTITUTED OUR FINAL REPORT.

- WORKING ON THIS REPORT HAS BEEN EDUCATIONAL FOR ME AND I BELIEVE FOR ALL THE COMMITTEE MEMBERS.

- I RECOMMEND YOU ACCEPT IT AS WRITTEN.