

SUBJECT: Management of wildlife; black bears, falconry and raptors

COMMITTEE: State Recreational Resources — favorable, without amendment

VOTE: 6 ayes — Kuempel, Siebert, Black, Horn, B. Turner, Woolley
0 nays
1 present, not voting — Rabuck
2 absent — Hightower, Oakley

SENATE VOTE: On final passage, April 26 — voice vote (Barrientos, Ellis, Gallegos, Harris, Luna, Moncrief, Rosson, Truan, West, Zaffirini recorded nay)

WITNESSES: For — Dan Hillsman, Texas Hawking Association

Against — Lynn Cuny, Wildlife Rescue and Rehabilitation Inc.; Scott Royder, Sierra Club, Lone Star Chapter; Sandra Skrei, National Audubon Society; Ellis Gilleland.

DIGEST: SB 1106 would amend Parks and Wildlife Code provisions relating to the hunting, selling and purchasing of wildlife, and authorize an application validating the taking without a permit of a black bear that was a threat to livestock. The bill also would amend the commission's authority to institute wildlife management programs on federal parks and land owned by the Lower Colorado River Authority. Specifically, the bill would:

- authorize the owner or a person in control of a tract of land to file with the department an application validating the taking of a carnivorous mammal listed with the secretary of state under sec. 68.003 (wildlife threatened with statewide extinction) that was a threat to livestock and that was taken without a permit. The department would be required, not later than 24 hours after the department receives a permit application, to issue a permit validating the taking;

- authorize the department to agree to develop management plans and agreements with the United States Forest Service for the protection and management of wildlife resources and for restocking desirable species of wildlife on national forest lands;
- delete specific references to Davy Crockett National Forest and remove restrictions on size of acreage to be managed;
- specify that violating a commission rule or regulation or hunting or fishing on federal lands included in a wildlife management agreement at any time other than open season would constitute a Class C Parks and Wildlife misdemeanor punishable by a fine of \$25 to \$500;
- provide that a nonresident who possess a federal falconry permit and a falconry permit from the person's home state may practice falconry, hunt native species of wild birds, wild animals, and migratory game birds during the open season, and hunt unprotected species of wildlife if the person obtains a nonresident hunting license or a nonresident five-day special hunting license;
- define falconry as the act of taking wild game by use of a trained raptor;
- define raptor as a migratory bird of the order falconiformes or strigiformes, excluding a bald eagle;
- authorize a person to sell the hide, antlers, bones, hooves, sinew, and other inedible parts of a deer or elk;
- authorize the sale of live white-tailed deer, mule deer, or other game animal if the sale is conducted under authority of a license or permit; and
- authorize the board of directors of the Lower Colorado River Authority to allow hunting by legal means on LCRA land.

SB 1106 would take effect September 1, 1995.

**SUPPORTERS
SAY:**

A drought in northern Mexico is causing the North American black bear to extend its natural range into the western parts of the state. This migration is increasing the encounters between man and black bear, a carnivorous mammal, as the animal has begun to take livestock on some ranches. Under current law the black bear is a protected animal, leaving ranchers with few options to remove predatory animals from their property.

While a rancher can contact the department to remove a predatory animal, there is often a delay in the removal of the animal, subjecting the rancher to more losses of livestock.

SB 1106 bill would allow the department to validate the taking of a predatory black bear, with many safeguards to protect the black bear. Nothing in this legislation provides for the sport hunting of the black bear, and the animal will remain on the endangered species list. A rancher would have to sign an affidavit that the black bear had killed, injured or threatened livestock. Biologists and state investigators would be responsible for confirming the circumstances involving the taking of the animal. In addition, the department will determine the disposition of the carcass.

This bill came from concerns from ranchers that some black bears are beginning to acquire a taste for meat and are feeding off livestock. The bill is narrowly drafted to apply only to the taking of the black bear and is designed to enhance the relationship between the department and private property owners.

The bill would allow for the legal sale of the hide, antlers, bones, hooves, sinew, and other inedible parts of a deer or elk. Allowing the legal sale of inedible parts of deer and elk is an efficient use of the resource. If the market place supports the sale of inedible parts, the department should not restrict its sale. Many useful parts of deer and elk now go to waste.

The legislation would facilitate the nonresident permitting process for the practice of falconry to allow the department to issue a permit to a nonresident who has federal and home state permits to practice falconry.

The department would be authorized to allow the board of directors of the LCRA to grant hunting privileges by legal hunters on LCRA land. Every TPWD regulation relating to hunting would have to be followed.

**OPPONENTS
SAY:**

The black bear population in Big Bend National Park has reached 12 to 20, and the bears are a tourist attraction. Park officials say they fear any interference with the bear's reestablishment of population. Killing black bears prevents the natural distribution of genetic material necessary to reestablish a healthy and viable black bear population in Texas. In addition, a black bear's diet is only 6 to 20 percent meat including insects. Black bears are not out stalking livestock. Enactment of this bill would encourage the killing of black bears for sport.

What sense does it make for the department to issue an after-the-fact validation permit to kill an animal that is already dead? Giving a state permit to kill an endangered black bear after it is dead would in no way validate its killing.

The department should encourage the growth of the black bear population, which constitutes a natural resource that should be protected. Many non-lethal alternatives for protecting livestock from predators are available, and every means available should be considered before one black bear is killed.

The bill may be aimed solely at the black bear, but the phrase "carnivorous mammal" is overly broad and could allow it to be applied to other species.

**OTHER
OPPONENTS
SAY:**

This bill would encourage the sale of native game wildlife and their parts, an inhumane and cruel practice that the department should continue to outlaw. The bill would cause the degradation of habitat by shifting a game manager's priority toward profit and away from sound habitat management.