

House State Government Committee

House Bill 2083

September 20, 2016

Pennsylvania Game Commission
R. Matthew Hough, Executive Director

Good morning. Chairman Metcalfe, Chairman Cohen, and members of the House State Government Committee, thank you for the opportunity to come before you today regarding House Bill 2083. I am Matt Hough, Executive Director for the Pennsylvania Game Commission.

There are a few things that I am going to talk about today. I will touch on some historical information on the PA Game Commission. I will brief you on deer hunting as it currently stands in Pennsylvania. And finally, I will address House Bill 2083.

I believe that it is important to give you a little background on the PA Game Commission. In the late 1800s, wildlife in Pennsylvania was dwindling as a result of deforestation, pollution, and unregulated hunting and trapping. The Game Commission was created in 1895 by the Legislature as a means to protect and conserve wildlife. For the past 121 years, the Game Commission, in accordance with our legislatively mandated mission set forth by your predecessors, has managed the Commonwealth's wildlife resources for all current and future generations of Pennsylvanians.

At a basic level, the Game Commission is tasked with managing all wild birds and wild mammals throughout the Commonwealth – a total of 480 species. I'd like to reiterate that point – the Game Commission is legislatively mandated to manage all 480 species of wild birds and mammals found within the state. Out of that 480 species, there are only 67 game and furbearer species that are hunted or trapped. On a daily basis, we have to balance the habitat requirements of all 480 species, not just one or two select species.

I want to be very clear, our hunters are critical in helping us manage wildlife populations and provide the revenue to manage wildlife. Not only those species that can be hunted or trapped, but all species. There is a certain balance that we need to achieve for all species of birds and mammals. Overabundance of one species can negatively impact other species.

Wildlife has always been an important part of Pennsylvania's heritage. Every day, it touches the lives of countless Pennsylvanians, hunters and nonhunters alike, and many of us consider wildlife to be a one of the most precious resources this state has to offer.

Deer hunting, deer populations, and deer management have been issues of contention amongst various groups and many state wildlife agencies for decades. We have historical records of these same discussions and debates between too many deer and not enough deer that go back, essentially, to the conception of this agency over 100 years ago.

There is lot of misinformation being spread around about the Game Commission and hunting in Pennsylvania, especially deer hunting, and I think it is time to set the record straight.

About 25 years ago, the deer population in Pennsylvania had reached a point of critical mass. The population had been allowed to expand to a point where deer health was poor and the habitat was being decimated. Yes, there were lots and lots of deer back then, but they were in poor condition. Overall, the deer were smaller, bucks had small underdeveloped racks, and buck to doe ratios were completely out of balance. In addition, landowners from many walks of life were complaining about the damage that was being done to their property from the overabundance of deer. We were at a point when the deer population had to be brought back in line with what the available habitat could support.

There is no question about it, the deer population in Pennsylvania had to be reduced to balance the population with the current available habitat. Today, the population is increasing, deer are healthier, our forests are providing better habitat for deer and other species of wildlife, and the number of conflicts with private landowners has been reduced.

As a whole, hunting in Pennsylvania is second to none. Let's just talk about big game hunting for a minute – the Big 3 includes whitetail deer, bear, and turkey. I'd like to list for you a number of categories where Pennsylvania is ranked in the top five nationally: total number of deer hunters, buck harvests, doe harvests, buck harvests per square mile, doe harvests per square mile, number of bear hunters, bear population, bear harvests, number of turkey hunters, turkey population, and turkey harvests. In every single one of those categories...Pennsylvania is in the top five nationally, year after year.

Deer hunting in Pennsylvania is in the top 5, across the board, nationally, every year.

Certain groups and individuals like to talk about how the PGC has lost hundreds of thousands of hunters over the past 10 or 15 years because of deer management. That's not accurate and I believe deserves a closer look.

In reality, Pennsylvania hunting license sales have declined, but they haven't declined to the extent that some would lead you to believe. Despite what is said, this is not unique to Pennsylvania or a result of too many or not enough deer. The truth of the matter is that hunting and fishing license sales are declining nationally. Fortunately, Pennsylvania is declining at a slower rate than the majority of other states. I think you can attribute that to the high quality of hunting you can find in Pennsylvania and the amount of opportunity you have to hunt.

The license numbers that I will provide come straight from the United States Fish & Wildlife Service which is the agency that is responsible for the administration of Pittman-Robertson funding for all state wildlife agencies.

License sales in Pennsylvania peaked in 1983 at 1,313,191 sold. From 1983 to 2000, license sales decreased to 1,028,297. This represents a decrease of 21.7%. From the inception of the deer herd reduction in 2000, license sales dropped from 1,028,297 down to 969,633 in 2015, a decrease of only 5.7%.

Just to give you an update: we recently submitted our 2016 license sale numbers, and have shown an increase in sales over the previous year.

These license numbers are annually certified by the U.S. Fish and Wildlife Service. License sales decreased considerably more during the so-called “heyday” of Pennsylvania deer hunting than they have in the past 15 years. The fact is the deer population has very little to do with why people stop hunting. Human dimension research shows that the number one reason that people stop buying a license is a lack of available time.

The Game Commission has continued to work toward providing more opportunities for hunters to get out and hunt than ever before: additional seasons, longer seasons, more and different firearms that can be used to hunt such as inline muzzleloaders and crossbows.

Before we get into the substance of House Bill 2083, I think it is important to keep in mind that this isn't the first time that the Game Commission's deer management program has been challenged. In fact, the program was challenged in court by the Unified Sportsmen of Pennsylvania. In 2009, the Commonwealth Court dismissed the case by issue of Summary Judgment, stating that after years of depositions and discovery, USP failed to produce any evidence that the PGC's management plan was based on fraud or bad faith or that the Commission's actions constitute arbitrary and capricious action or an abuse of discretion.

Around the same time period, pursuant to House Resolution 642 of 2008, the General Assembly approved an appropriation of approximately \$100,000 for the Legislative Budget and Finance Committee to conduct an audit of the Game Commission's deer management plan. The Legislative Budget and Finance Committee contracted with the nationally recognized Wildlife Management Institute (WMI) for a thorough review of the science behind the Game Commission's deer program. While WMI found areas that could be improved upon, and recommendations have subsequently been made a part of the program, WMI concluded its review by stating that the PGC strives toward “continual improvement,” is “at the forefront of developing techniques to assess impacts of deer on forest habitat quality” and that overall “the scientific foundation of the PGC deer management system is sound.”

Notably, WMI also stated that Pennsylvania is “unique” in that the criticism over its deer management plan continues to persist much longer than what is typically experienced in other states. As WMI noted, this unsupported criticism is

“problematic and, in the long-term, damaging to society’s perception of how hunters and the PGC must work together to conserve and maintain the deer resource for the benefit of all the people.” To the extent the criticism exists today, most of it originates from the lone sportsmen group that supports HB 2083, which has for years now unsuccessfully tried to force the Game Commission to change its management plan to manage the deer herd at irresponsible and unsustainable levels, through court proceedings and legislative recourse.

As far as House Bill 2083 goes... This legislation has a number of provisions in it, most of which have been introduced as stand-alone bills in the past. None of them ever received much attention or movement due to a lack of public.

Three Day Antlerless Season

We know that returning to a three day antlerless season will greatly reduce hunter participation, and we have no evidence to suggest returning to a separate three day season will result in hunters seeing and harvesting more deer and buying more hunting licenses. In fact, returning to a three day season would greatly reduce the amount of opportunity our youth hunters currently have to hunt for and hopefully harvest an antlerless deer which was part of the reason the Commission moved to longer concurrent seasons years ago.

Keep in mind, license sales were decreasing dramatically during the time period when there was a three day antlerless season. We question whether this provision is simply an attempt to allow the deer populations to grow to unsustainable levels. Although this may result in more deer initially, the long-term results would be devastating, not to mention set the stage for wide spread infection of CWD, a disease the currently affects the districts of nearly half of the members of this committee.

County-based Wildlife Management Units

Today's habitat-based management units provide a number of advantages over the previous, county-based system. Current WMUs capture differences in habitat, landownership, and human population characteristics better than county boundaries. WMUs are defined by physical boundaries – such as roads and rivers

on the landscape. County boundaries are often unrecognizable on the ground and proved difficult for hunters to adhere to in the past.

It is important to note that when counties were used for deer management in the past, the 67 counties were grouped into multi-county groups for data analysis.

Habitat Enhancement Program

HB 2083 would also create a separate advisory council which would be responsible for developing a habitat enhancement program. Essentially, this council would dictate how State Game Lands and State Forests are managed. Currently, we have completed comprehensive management plans for the majority of our State Game Lands utilizing GIS technology which is helping us to better direct our habitat management practices. Through research and on-the-ground work, we have found that one of the best management practices for deer is the use of prescribed fire. Results have shown food availability for deer and other species can be increased by over 400% through the use of prescribed fire. This year, we have burned just under 10,000 acres and our goal in our strategic plan calls for 20,000 acres to be burned each year by 2020. We have also increased the amount of timber sale acres offered for bid from an average of 6,000 acres per year to over 9,000 acres per year last year, with an ultimate goal of over 13,000 acres annually, in an effort to increase the amount of available early successional habitat in our State Game Lands.

The only limiting factor is funding. Without adequate funding, you are very limited in the amount of habitat work that can be done, whether it is elective or mandated. The other thing we must keep in mind is that the Game Commission can only impact a very small percentage of the overall land base in Pennsylvania. The overwhelming majority of land in Pennsylvania is privately owned and there is no way to force a private landowner to manage their land a certain way.

Senior Antler Restrictions

In 2002, the Game Commission changed antler restrictions to protect at least half of the yearling bucks and to make most of the adult bucks legal for harvest. Without question, antler restrictions have been a biological and social success. Hunters, including seniors, are overwhelmingly pleased with the results of antler

restrictions. In fact, when surveyed, only 28% of senior hunters were unsatisfied with antler restrictions.

To reverse course, even to lift the restrictions for the senior hunters, would have dramatic impacts on the entire program. There would be considerably more young bucks harvested each year, resulting in less deer available for the following years to mature to adults. In reality, if you are going to lift restrictions for the senior hunters, you might as well eliminate the entire antler restriction program.

The Forest and Wildlife Advisory Council

This would be a newly created council to manage all wildlife in Pennsylvania, not just deer. This council would dictate how lands are managed, how species are managed, and how agency funds are managed.

Included with this testimony is a letter from the U.S. Fish & Wildlife Service (USFWS) regarding this council and its functions. Keep in mind, the USFWS has oversight of the federal funds that the Game Commission receives each year through Pittman-Robertson. Clearly, they have serious concerns with this legislation and have acknowledged that it will jeopardize Pittman-Robertson funding. To quote the letter – “I have significant concerns regarding the risk House Bill 2083 presents to the Commission relative to the potential loss of this funding in the future.”

Last year, the Game Commission received almost \$25 million in federal funding. There are some who say this is ridiculous, that there is no way this will happen. To that I would ask, who or what should you believe? An individual opinion, or the opinion of the Federal agency who controls the funding.

In a time where funding for wildlife management is critical and increasingly tough to come by, can Pennsylvania afford to risk \$25 million each year?

Maximum Sustained Yield

The concept of Maximum Sustained Yield (MSY) is highly attractive to anyone who opposes our deer management program. It is a product that has a good salesman. The problem is the product doesn't work. To some, it appears to be the

magic fix that will be hugely successful in revamping the way deer are managed in Pennsylvania, bringing huge numbers of deer back to the landscape. However, MSY will result in the exact opposite.

MSY is a concept that was developed as a way to manage fish and wildlife in the 1930s. It was put into practice for some commercial fisheries at one point, and there were even several attempts at wildlife management based on MSY, all of which failed. In most conservation and wildlife management circles, it is actually considered to be detrimental to the species that you are applying it to.

Ironically, I attended the 106th Annual Conference of the Association of Fish & Wildlife Agencies (AFWA) last week in Philadelphia. This is an international organization for state hunting and fishing agencies. I was able to spend a great deal of time with the directors from the other state agencies. I was not able to find any other state that manages wildlife (or fish for that matter) based on MSY.

House Bill 2083 proposes to not only manage deer based on MSY, but ALL wildlife, including coyotes, bobcats, fishers, bears, foxes. Those predator species that often come up as reasons for the low deer population. With that logic, I would be curious to know how that would impact our deer population.

The bottom line is that Maximum Sustained Yield is widely regarded as a complete and utter failure as a wildlife management tool. It has never been successfully applied to manage any species of fish or wildlife.

The time has come for Pennsylvania to finally walk away from the concept of Maximum Sustained Yield once and for all. It is time to acknowledge that MSY sounds good on paper, but fails in practical application.

One additional concern that I have regarding this bill is how it would take into account Chronic Wasting Disease (CWD). We all know the intent of this legislation is to increase the deer herd substantially. By increasing the herd across the Commonwealth, you will be facilitating the growth and spread of CWD, thereby risking the entire deer population as well as the elk herd. Make no mistake, if CWD is allowed to expand, which is exactly what this bill would do, it will jeopardize deer hunting and our elk herd forever. CWD is a serious threat and has the potential to ruin deer hunting in Pennsylvania. In which case, it will ruin

the hunting industry in PA, causing the loss of millions of dollars in collected taxes for the General Fund, and it will put countless individuals out of business.

In closing, I would like to reiterate a few points for you to remember. There is no correlation between deer management and the loss of license buyers. License sales were decreasing at a much greater rate during the so-called heyday of deer hunting in Pennsylvania than in the past 15 years. Deer hunting in Pennsylvania is some of the best in the country.

Several of the provisions in this bill may sound good to some, but do not take into consideration factors such as funding, manpower, or wildlife science and will result in complete failure. The same holds true for Maximum Sustained Yield. It has never been used successfully to manage wildlife anywhere. Why would anyone want to risk a multi-billion dollar per year industry by implementing a concept that has been proven not to work?

Finally, included in your information pack you will find a letter of opposition co-signed by 11 local, state, and national sportsmen organizations. This legislation does not have the support from the majority of sportsmen. The reality is that the overwhelming majority of sportsmen's organizations are opposed to this legislation.

After careful and critical evaluation of this bill, we find no evidence that would indicate it will improve the deer program or the hunting experience of deer hunters, and quite frankly, will have the exact opposite result.

Again, thank you for your time and consideration and I will be happy to answer any questions that you may have.