



# **The Landowner's View and Recommendations on Wildlife Damage'**

**Michael G. Leroux**

Conflict between landowners and state and federal agencies is prevalent in today's society. This report attempts to provide understanding of the landowner's views on wildlife damage and offer some solutions to be considered.

## HISTORIC CONCERNS

### INTRODUCTION

Historically, the landowner was able to eliminate pests and predators through whatever means he chose. Poisoning, trapping, and unlimited removal by shooting were all economical means to offset damage. With concerns about losses or massive reductions of numbers of several species, due to heavy hunting pressure from all sectors of society or due to externalities of a given pest control problem such as improper use of poisons, society, through state and federal legislation, placed limits upon the means by which a landowner could protect his economic welfare. While regulation attempted to protect the endangered or preferred species, it did not and has not adequately taken responsibility for increased hardship upon the landowner. It has taken an historical right from the landowner without offsetting this loss with adequate remedy for additional losses the landowner must bear. This is in direct conflict with the historic, economic and ideological views of most landowners.

## LANDOWNER IDEOLOGY

The ideology of most landowners is no different from that of any property owner. Generally the owner has reviewed the costs and benefits of owning a given piece of property and if benefits exceeded costs the individual sought title to the property. In a similar way, most individuals weigh the costs and advantages of owning a home or an automobile before purchasing one. In both cases once the property is purchased, the new owner feels that they have the right to protect and control the environment within the acquired property. In the landowner's view he has purchased legal rights to the property and to all produce grown on that property.

Often the property may have pests that reside on the property. For instance, a homeowner may have a family of mice that live in the wood pile. As long as the mouse numbers stay within an acceptable range and do not create more than an acceptable amount of damage

to the property owner, the mice and the landowner will live in harmony. Once these thresholds have been overridden, such as the mice family expanding into the linen drawer, conflict will arise between the property owner and the wild life (the mouse) destroying the equilibrium of the past mutually accepted situation. The property owner generally reduces the number of mice to a point below the originally accepted threshold and thus restores equilibrium. Historically this same procedure was used by private landowners to retain equilibrium on their property in regard to pests such as predators, birds, rodents, big game and weeds. State and federal legislation have limited the landowners rights through agencies such as the Colorado Division of Wildlife and the Environmental Protection Agency.

Imagine the impact on your life if you could no longer defend yourself from competition for property rights in your home from rats, mice, snakes and pigeons, and the regulators were unwilling to provide restitution for the damage that their regulation caused you. You are in a situation similar to what present large landowners face. Not only would you be unhappy with the regulating agency you would most likely have developed a hostile attitude toward the mouse that at one time you were willing to tolerate within certain levels. We have developed a three sided conflict by improperly implementing regulation. This is the same type of conflict as we now have between wildlife, the landowner and state and federal agencies.

#### BIG GAME ANIMALS

Big game species are protected under state laws limiting the control of animals that cause economic hardship upon the rancher and farmer. Forage and growing crops losses, losses of harvested crops and damage to physical property such as fences and broken scattered wire and twine add additional economic, physical and emotional stress to the situation. Psychological stress due to losses of projected yields, loss of projected future feed supplies and reduced palatability of forage and damaged feeds that lead to poor health of domestic livestock, placed added burdens upon the landowner. Most big game animal numbers have increased since landowners settled and increased the production of our agricultural areas and means of protecting landowners property have been decreased. Minimal restitution is provided to the landowner for direct losses of stored feeds consumed by big game, yet little or no **compensation for other losses** has been adequately addressed by the state. Landowners face additional expenses through having to repair damage done by big game hunters to fences and roads and through livestock losses due to hunters. Disease can be controlled in domestic herds through removal of infected animals and vaccination only if nondomesticated animals do **not continue to spread diseases such as brucellosis**.

#### PREDATORS

Proven losses of livestock, to predators, are partially covered by state law but with strong limitations as to what is proof of loss. As many predator kills are not immediately found, it is often difficult to prove predator involvement in the loss, much less have opportunity to catch the exact participating predator. The landowner must still accept the burden of the loss whether he is compensated or not. Removal of offending animals, when possible, and reduction of species in overcrowded areas could help to alleviate the problem. To control such predators as coyotes, proper use of poisons must be made available for landowners.

#### PRAIRIE DOGS AND OTHER PESTS

Control of pests such as the prairie dog, Richardson ground squirrel and starlings is another problem which has multiplied since regulation has limited the use of poisons and other means of control. The application time for poisoning these pests is critical and under current standards, available methods of control, availability of control substances and availability of aerial application teams to permit timely control is not often possible. Concerns for endangered species such as the black footed ferret, though legitimate, have been over stressed in areas where no ferrets have historically been known to exist. While responsible control is definitely important for permitting continuity of all natural species, adequate pest control is equally important and adequate pest control methods need to be developed to satisfy both goals.

#### WATERFOWL AND OTHER BIRDS

The protection and purposeful introduction of migratory and other game birds has led to losses of both harvested and unharvested crops to many landowners. Geese not only consume vast amounts of grains but they tend to ruin and destroy additional quantities through excrement and tramping. Similar to big game situations, the regulating agencies should accept responsibility for protection of and restitution for losses of landowners property.

#### FARM BUREAU POLICY RECOMMENDATIONS

Farm Bureau and landowners feel that if problems and concerns are presented, solutions for these problems need to also be recommended. The following are Farm Bureau policy recommendations as developed by their landowner membership.

##### State Responsibility

Farm Bureau supports maintenance of reasonable numbers of big game animals but feels that wildlife agencies should accept more responsibility for damages **done by wildlife** and

hunters. Wildlife agencies should provide compensation and protection for damages to fences and roads by hunters and provide funding for counties to provide search and rescue efforts for lost hunters. All loss of feed and/or standing crops and pasture and all property damage on deeded land should be considered eligible for loss claims and these claims must be paid in a timely manner by the Colorado Division of Wildlife. No ceiling should be placed upon the amount of damages the DOW may have to pay. Damages should be paid as they occur regardless of historic levels of wildlife. Posting private property and/or restricting, limiting hunting or selling hunting rights should not be cause for disallowing damages to a landowner.

If a mutually acceptable settlement on game damages can not be reached between the land owner and the Division of Wildlife, an arbitration panel should be set up to settle the dispute.

Ownership and responsibility for all predators and game animals should rest with the state and control be assigned to the Division of Wildlife. If it is necessary to kill wildlife to control damages the Division of Wildlife should accept this responsibility and not force the responsibility upon the land owner.

#### State and Landowner Relations

The Colorado Division of Wildlife should concentrate on using funds for providing adequate water and feed supplies for wildlife through improvement of currently controlled lands and for paying for game damages and damages caused by hunters, before seeking to purchase additional properties. Adjustments in animal numbers and feed and water changes should be done in cooperation with BLM and other federal agencies in such a way as to be compatible with adjoining ranchers. Private land should in no way be designated as wildlife habitat without consent of the land owners or be condemned for wildlife habitat. The wildlife agencies should seek mutually acceptable leases with landowners for use of their properties for wildlife habitat and hunting. The Division of Wildlife should not be in competition with agricultures private landowners.

No species of wildlife should be introduced into a new area, by The Division of Wildlife, without full knowledge of possible effects being **provide to** the affected landowners and receiving approval from the majority of these landowners. The wildlife agency should also be required to provide an environmental impact statement any time animals are relocated to any area.

Farm Bureau recommends that landowners be given preference for obtaining limited licenses for the season of their choice for big game that exists on their private land. This permit or

license should be complementary and presented upon request.

Farm Bureau recommends that trespass laws be strictly enforced and support possible additions to make the laws more of a deterrent than present laws. We recommend our schools put emphasis on teaching about trespassing, infringements of private rights and violations of individuals rights to privacy. The private property owner should not have any responsibility for any accident or injury to any party on his private property without permission. All persons who trespass should forfeit all rights for injury or death and the landowner should be absolved of any liability.

#### Preservation of Control Practices

For predators and pest all present control practices, including steel traps, snares, and denning should be continued. Under problem conditions, use of chemical toxicants should also be used or allowed under supervision of federal, state or county predator control departments. We recommend that registration and certification of M44 be sought and 1080 oat control be retained for control of ground squirrels and prairie dogs. The bounty system and better markets for hides and furs should be promoted. New methods for controlling and repealing predators should be researched. Aircraft control of coyotes should be considered a viable alternative.

The growing problem of eagles and domestic dogs should be recognized and the public educated so protective action can be taken. Domestic dogs should not be permitted to run unsupervised.

#### CONCLUSION

In conclusion, landowners view landownership as any other property right. When social concerns limit controls on wildlife, as the state claims authority over these animals, the state must also accept responsibility for the damages these animals may incur and in protecting landowners from this damage. When the state purchases private property in competition with other landowners, they must accept the responsibilities as any other neighbor. Through education and understanding, mutual agreements can be reached permitting each landholder to retain control of their own private property. If the DOW and the other agencies seek to find mutual goals with each individual landowner conflict will become much less a part of our lives. Unless property rights are definitely defined, transaction costs are kept at a minimum and wildlife is valued through direct current demand, of those individuals willing to pay for the costs of maintaining the wildlife, conflict will continue.