

87-2-513. Either-sex or antlerless elk permit for landowner who offers free public elk hunting -- terms, conditions, and issuance of permit. (1) In addition to any elk permits offered for sale, the department may, for wildlife management purposes, issue an either-sex or antlerless elk permit at no cost to a landowner who provides free public elk hunting on the landowner's property and who otherwise meets the conditions of this section. The department may issue elk permits to the public, at regular cost and in the number authorized in subsection (3), for hunting on the property of a landowner who opens property for public elk hunting for wildlife management purposes pursuant to this section.

(2) To be eligible for a permit pursuant to this section, a landowner:

(a) must own occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;

(b) may not have been issued a Class A-7 landowner license pursuant to [87-2-501](#)(3) during the license year;

(c) must have entered into a contractual public elk hunting access agreement with the department that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season and that includes public hunting by permit holders using permits that are valid for the hunting district;

(d) may not receive cash payments under [87-1-267](#); and

(e) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) Subject to the management provisions provided in [87-1-321](#) through [87-1-325](#), not more than 20% of permits issued pursuant to this section may be issued at no cost to a landowner, an immediate family member of a landowner, or an authorized full-time employee of a landowner. The remaining permits must be issued to the public on a first-come, first-served basis.

(4) A permit issued pursuant to this section:

(a) is nontransferable and may not be sold; and

(b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.

(5) The department may prioritize distribution of the permits according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another permit pursuant to this section during any subsequent license year.

(7) The department, through the commission, may authorize the issuance of permits under this section to a landowner who enters into a contractual public elk hunting access agreement with the department that defines the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property.

History: En. Sec. 1, Ch. 519, L. 2001; amd. Sec. 10, Ch. 553, L. 2003.

ARMs for implementing MCA 87-2-513. Either-sex or antlerless elk permit for landowner who offers free public elk hunting – terms, conditions, and issuance of permit.

12.9.901 DEFINITIONS

The following definitions apply to this subchapter:

(1) "Contractual public elk hunting access agreement" means a negotiated agreement between the department and a landowner which defines how free public elk hunting may occur on land enrolled under the agreement.

(2) "Regular hunting season" means the general season established by the commission for hunting elk with firearms in a hunting district which contains land enrolled in a contractual public elk hunting access contractual agreement.

12.9.902 ELIGIBILITY

(1) In order to be eligible for a permit under [87-2-513](#), MCA, a landowner must own and enroll a minimum of 2500 acres experiencing sufficient elk use during the regular hunting season to provide hunting opportunity consistent with the terms of a contractual public elk hunting access agreement. The department may consider enrollment of less than 2500 acres, as long as all other eligibility criteria are met.

12.9.905 CONTRACTUAL PUBLIC ELK HUNTING ACCESS AGREEMENTS

(1) The department may enter into a contractual public elk_hunting access_agreement provided that the landowner and the department agree to terms. A contractual public hunting agreement must include but is not limited to the following terms:

(a) area open to public elk hunting, including:

(i) specific land area with identified boundaries;

(ii) times and dates area is open;

(iii) methods_for obtaining landowner permission;

(iv) area use rules which address travel methods, game retrieval, etc.;

(b) number and distribution of public hunting days that will be allowed on property for the following categories:

(i) hunters with permits valid for the hunting district;

(ii) hunters with permits issued under [87-2-513](#), MCA;

(iii) landowners with permits issued under [87-2-513](#), MCA; and

(c) methods for collecting evaluation data, including:

(i) hunter use data;

(ii) elk harvest data; and

(iii) hunter/landowner/department satisfaction data.

12.9.908 PROCESS FOR COMMISSION CONSIDERATION OF PERMITS

(1) In order for the commission to determine the number of hunting permits to issue under [87-2-513](#), MCA, the department shall complete negotiations for contractual public elk hunting access agreements prior to the commission meeting at which the commission makes final permit quota decisions.

(2) The department shall place proposals to grant permits under [87-2-513](#), MCA, on the commission agenda as part of the commission meeting when final permit quota decisions are made.

12.9.911 PROCESS FOR SELECTING PERMIT HOLDERS

(1) The department shall randomly select hunters from the list of applicants who were unsuccessful in drawing permits valid in a hunting district affected by an approved contractual public elk hunting access agreement, and offer the selected hunters an opportunity to receive a permit issued under [87-2-513](#), MCA.

(2) If there were no unsuccessful permit applicants in an affected district, the department shall give public notice of the available permits and distribute them to hunters on a first-come, first-served basis.