

# **HUNTER ACCESS ENHANCEMENT PROGRAM**

## **Biennial Report**



**Presented  
to  
Governor Steve Bullock,  
the 65th Legislature  
&  
Fish, Wildlife, & Parks  
January 2017**

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## Introduction

MCA 87-1-269, passed by the 59<sup>th</sup> legislature in 1994, requires the governor to “appoint a committee of persons interested in issues related to hunters, anglers, landowners, and outfitters, including but not limited to the hunting access enhancement program, the fishing access enhancement program, landowner-hunter relations, outfitting industry issues, and other issues related to private lands and public wildlife. The committee must have broad representation of landowners, outfitters, and sportspersons. The department may provide administrative assistance as necessary to assist the review committee.” It also requires the review committee to report to the governor and to the legislature regarding the success of various elements of the hunting access enhancement program, including a report of annual landowner participation, the number of acres annually enrolled in the program, hunter harvest success on enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in funding, and an accounting of program expenditures, and make suggestions for funding, modification, or improvement needed to achieve the objectives of the program.

The “committee” referenced in 87-1-269 has become known as the Private Lands/Public Wildlife Committee (PL/PW). While appointed by the governor, the committee is administered and facilitated by Montana Fish, Wildlife and Parks’ (MFWP) Hunter Access Enhancement Program (HAEP). The HAEP is established in 87-1-265, MCA with the purpose of encouraging public access to private and public lands for purposes of hunting, through use of incentives for private landowners who allow public hunting access on their lands.

This report is provided in compliance with 87-1-269, MCA and provides a summary of the composition and products of the PL/PW Committee and the Hunter Access Enhancement Program during the 2016-17 biennium.

## Private Lands/Public Wildlife Committee

The 2016 PL/PW Committee was appointed by Governor Bullock on February 5, 2016, and is comprised of 17 members representing a variety of interests. The Committee met five times between February and December 2016. Meeting minutes and recommendations are available on MFWP’s website at <http://fwp.mt.gov/hunting/hunterAccess/plpw/>. The membership of the PL/PW includes:

<u>First Name</u>	<u>Last Name</u>	<u>City/state/zip</u>	<u>Representing</u>
Sen. Duane	Ankney	Colstrip, MT	Legislator
Ed	Beall	Helena, MT	Hunter/Angler, Business Owner
Rep. Zach	Brown	Bozeman, MT	Legislator
Ed	Bukoskey	Rosebud, MT	Hunter/Angler
Cynthia	Cohan	Butte, MT	Hunter/Angler
Lee	Cornwell	Glasgow, MT	Landowner
Dusty	Crary	Choteau, MT	Outfitter/Landowner
Larry	Feight	Whitehall, MT	Hunter/Angler
Daniel	Fiehrer	Helena MT	Hunter/Angler
Bill	Geer	Lolo, MT	Hunter/Angler
Blake	Henning	Missoula,	Hunter/Angler
Rep. Denley	Loge	St Regis MT	Landowner
Joe	Perry	Brady, MT	Landowner, Hunter/Angler
Bob	Ream (resigned)	Helena, MT	Hunter/Angler
Richard	Stuker	Chinook, MT	Commissioner, Landowner
John	Swanz	Judith Gap, MT	Landowner
Carl	Zabrocki	Billings, MT	Hunter/Angler

#### PL/PW Recommendations

In order to meet pending deadlines, the committee initially focused their efforts on issues and recommendations that would require legislative action during the 2017 session. The PL/PW recommended statutory changes to three existing statutes/programs that include:

#### **Modify MCA 87-2-513 (currently known as the 454 program) as follows:**

- New Name for program – possibly Enhanced Big Game Hunting Access Program (*no legislative action required*)
- Allow FWP to provide elk license and permit to landowner who enters into contractual agreement (*legislative action required*)
- Have FWP select public hunters from pool of successful permit applicants who applied for permits in that hunting district o Ratio of no less than 1:4 landowner to public permits
- Random draw by FWP for public hunters (*legislative action required to modify current language to enable this process to occur*)
- Offer landowners the option to require selected hunters to complete Hunter-Landowner Stewardship Project as a prerequisite to hunt on contracted land (*no legislative action required*)

**Modify MCA 87-1-267 to increase the cap on landowner payment for cooperators in Block Management, from \$12,000 to \$15,000. (*legislative action required*)**

**Combining elements of the Come Home to Hunt License (MCA 87-2-526) and the Native Montana Nonresident License (MCA 87-2- 514) into a single license type for issuing B10 and B11 deer and elk combination licenses.**

- Cap of 500 for B10 Big Game Combination licenses (Deer, Elk, Upland Game Bird, Fishing, Conservation licenses) (*no legislative action required – already in MCA 87-2-526*)
- Cap of 500 for B11 Deer Combination licenses (Deer, Upland Game Bird, Fishing, Conservation licenses) (*no legislative action required – already in MCA 87-2-526*)
- Modify language for sponsor eligibility – must be nonresident’s natural or adoptive mother, father, brother, sister, son, daughter, spouse, grandparent, or grandchild (*legislative action required*)
- Strike the requirement for license recipient to have completed Montana hunter education course (*legislative action required*)
- Direct funding to Hunting Access Program account – in the same amount and to the same account as earmarked funding from other current combination licenses (*legislative action required*)

These three recommendations were presented to and approved by the Environmental Quality Council (EQC) for pre drafting and introduction and can be viewed on the LAWS website as LCs 461, 462, and 463.

The PL/PW then shifted their focus towards understanding landowner’s motivations and considerations for providing or not allowing hunting access. They will then use this information to consider additional access recommendations during meetings in 2017.

Hunter Access Enhancement Program (HAEP)

The Hunter Access Enhancement Program is established in statute (MCA 87-1-265) with the direction to develop programs of landowner assistance that encourage public access to private and public lands for purposes of hunting. Specifically, 87-1-265, MCA states: The department may establish within the block management program established by administrative rule pursuant to authority contained in [87-1-301](#) and [87-1-303](#) programs of landowner assistance that encourage public access to private and public lands for purposes of hunting and may adopt rules to carry out program purposes. Rules may address but are not limited to incentives provided under:

- (a) a hunter management program as set out in [87-1-266](#), consisting of a cooperative agreement between a landowner and the department and including other resource management agencies when appropriate, that allows public hunting with certain restrictions or use rules; and
  - (b) a hunting access enhancement program as set out in [87-1-267](#), consisting of incentives for private landowners who allow public hunting access on their lands.
- (2) The department may also develop similar efforts outside the scope of the block management program that are designed to promote public access to private lands for hunting purposes.
- (3) Participation in a program established under this section is voluntary. A lease, acquisition, or other arrangement for public access across private property that is initiated through a program

established under this part must be negotiated on a cooperative basis and may only be initiated with the voluntary participation of private landowners.

(4) Programs may not be structured in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program or who does not provide reasonable public hunting access to private land that is enrolled in the program. The commission shall develop criteria by which tangible benefits are allocated to participating landowners, and the department may distribute the benefits to participating landowners. The department may by rule limit the number of licenses that can be provided as incentives.

### Hunting Access Account

MCA 87-1-290 establishes a hunting access account in the state special revenue fund with a requirement that funds deposited in this account must be used for the purpose of funding any hunting access program established by law or by the department through administrative rule. The account is funded from the following sources:

- 28.5% of the fee for Class B-10 nonresident big game combination licenses pursuant to [87-2-505](#) and 28.5% of the fee for Class B-11 nonresident deer combination licenses pursuant to [87-2-510](#);
- 28.5% of the fee for hunting licenses issued to nonresident relatives of a resident pursuant to [87-2-514](#); and
- The hunting access enhancement fees collected pursuant to [87-2-116](#).
- Any interest or income earned on the account.
- Additionally, some federal Pittman-Roberts funds are used towards HAEP expenditures.

For the most recent complete license year, \$8,194,022 in earmarked revenue was generated for the HAEP.

Hunter Access Enhancement Program expenditures totaled \$6,647,699, of which the overwhelming majority was spent on the Block Management Program.

### Block Management

The primary product of the Hunter Access Enhancement Program is the popular Block Management program. Relevant program components include:

- The department may establish within the Block Management Program programs of landowner assistance that encourage public access to private and public lands for the purposes of hunting. (87-1-265 through 87-1-269 MCA).
- Participation is voluntary, based on agreements between the landowner and FWP.
- Recreational liability protection (as described in 70-1-201 MCA) is extended to cooperators participating in the program.
- A landowner participating in the program may receive benefits, including compensation up to \$12,000 annually, for providing public hunting access to enrolled land.

- Benefits will be provided to offset impacts associated with public hunting access including but not limited to general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, and road/parking-area maintenance.
- Enrolled resident and nonresident landowners may receive a non-transferable resident Sportsman's license or nonresident Big Game Combination license, as applicable.
- Licenses granted in this program will not affect the quota of 11,500 nonresident Big Game Combination License.

**Block Management Program Administration:** Portions of the time spent by one full-time state administrator, one state administrative support staff person, 6 regional program coordinators, and one regional administrative support staff person performing program administrative duties such as processing block management contracts, issuing payments and cooperator licenses, and preparing necessary program reports are the source of program administration expenditures.

**Block Management Landowner Contract Payments:** Under statutory authority (87-1-267 MCA), "Benefits will be provided to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance." The current system, articulated in 12.4.206 ARM, provides for cooperators to receive a \$250 annual enrollment payment, and up to \$11 per hunter day in annual impact payments, with optional 5% additional weed management payment. Total annual payment may not exceed \$12,000. In 2009, landowners received an average increase of 9% per landowner payment, when FWP increased the hunter day payment from \$10/HD to \$11/HD, resulting in approximately \$460,000 more being paid to landowners enrolled in the program. Annual payments have remained at that increased rate through the 2016 hunting season.

**Block Management Landowner/Hunter Services:**

- Approximately 45 seasonal Block Management Area (BMA) technicians are hired each hunting season to help set up, sign, patrol, and dismantle BMAs;
- Regional program coordinators negotiate contracts, produce informational materials, supervise seasonal staff, and respond to the needs of hunters and landowners.
- Program materials such as signs, sign-in boxes, permission slips, maps, and tabloids are funded through program operations budgets. Annually, approximately 150,000 maps, 34,000 regional BMA tabloids, and over 25,000 BMA signs are printed and distributed.
- Included in this category are expenditures for marking public land access points and special access projects (local projects focused on a specific species).
- Enforcement (6 FTE): A total of 6 full-time warden positions are funded through Hunting Access Enhancement Program sources. This 6 FTE is allocated statewide to game wardens who patrol BMAs for hunter compliance of landowner and FWP rules. Game wardens also assist with BMA contract negotiations, delivery of BMA materials, and landowner/FWP contacts.

- **Weed Management Payments:** SB 326 (effective March 1, 2000) authorized FWP to offer up to 5% in additional incentive payments to Block Management Cooperators who agree to use those payments for specific weed management activities on their lands. In FY16, a total of \$181,699.07 was paid specifically for use in weed management activities on BMAs. In past years, of landowners who elected to receive weed management payments:
  - 34% indicated their intent to hire contractors for weed management measures;
  - 86% indicated their intent to purchase herbicide or other chemicals;
  - 6% indicated their intent to donate the payment to a county weed board;
  - 3% indicated their intent to lease or rent livestock for weed control;
  - 4% indicated their intent to implement some type of weed education;
 \*Some landowners indicated they intended to use the payment for multiple uses.

### **Block Management Expenditures:**

The 2015 Legislature restricted a portion of the Block Management funding in House Bill 2 such that 25% had to be for program administration, and the remainder for contract payments and field services to manage hunting on block management areas. In response, FWP developed the following definitions:

FWP defines “Hunting Access Program Administration” as:

*Operations costs and personal services costs for time spent by program staff to prepare and manage program budgets, prepare and process contracts and BMA maps, prepare, print and mail program materials, issue payments and cooperator licenses, prepare program reports, and attend program planning meetings.”*

FWP defines “Hunting Access Program Landowner Contract Payments” and “Field Services Provided to Manage Hunting on Block Management Areas” as:

*Hunter Access Program Payments to Landowners – direct payments to landowners;*

*Field Services Provided to Manage Hunting on Block Management Areas - operations costs and personal services costs for time spent by program staff to set up and manage Block Management Areas, including activities such as meeting with landowners to evaluate properties and establish BMA rules, installing BMA sign-in boxes and boundary signs, providing BMA patrol presence, issuing BMA permission either on-site or from remote locations, distributing and collecting permission slips and dismantling BMAs after the hunting season ends.*

## **FY16 Block Management Program Expenditures**

In 2016, there were 1,187 landowners enrolled in Block Management resulting in 829 BMAs totaling 7,376,508 acres, spread out throughout the state. This resulted in contract payments to landowners of over \$4.46 million. 2016 program expenditures include:

Program Administration <sup>1</sup> :	\$ 504,301
Landowner Contracts:	\$4,466,103
Landowner/Hunter Services <sup>1</sup> :	\$1,008,639
Enforcement <sup>2</sup> (6 FTE + ops):	<u>\$ 466,600</u>
<b>TOTAL:</b>	<b>\$6,445,643</b>

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<sup>1</sup>Approximately 85% of these expenditures are attributable to Block Management; the remainder was for other hunter access programs expenditures.

<sup>2</sup>Enforcement allocation was not subject to the funding restriction

Block management enrollment has remained relatively stable over the past six years. The decline in the number of enrolled acres between 2011 and 2015 is due in part to Plum Creek Timber Co. selling more than 300,000 acres of previously enrolled lands. Many of these acres were transferred to public ownership so remain open to public hunting access.

<b>Year</b>	<b>Landowners</b>	<b>BMAs</b>	<b>Acres</b>	<b>Contract Payments</b>
2011	1,287	930	8,698,687	\$4,939,603
2012	1,289	918	8,166,055	\$4,916,595
2013	1,231	866	7,685,318	\$4,739,277
2014	1,210	835	7,614,097	\$4,585,096
2015	1,194	828	7,392,123	\$4,477,266
2016	1,187	829	7,376,508	\$4,466,103



# FY2016 Block Management Program Statistics

1,187 Landowners 829 BMA's 7,376,508 Acres \$4,466,103 L/O Payments

