



**PRIVATE LAND/PUBLIC WILDLIFE COUNCIL**  
**June 7, 2018**  
**Helena, MT**



**Meeting convened at 8:00am at the Holiday Inn Express, 3170 N Sanders Street, Helena, MT.**

**Council Members Present:** Sen. Duane Ankney, Ed Beall, Rep. Zach Brown, Ed Bukoskey, Cynthia Cohan, Lee Cornwell, Dusty Crary, Dr. Daniel Fiehrer, Rep. Denley Loge, Joe Perry, Richard Stuker, and Carl Zabrocki.

**Council Members Absent:** Bill Geer

**Fish, Wildlife & Parks Personnel Present:** Nicholas Mulvaney, Admin Support; Jason Kool, Access Bureau Chief; Hank Worsech, Legislative Liaison; Ken McDonald, Wildlife Administrator, Dave Loewen, Chief of Enforcement; Barb Beck, Wildlife Supervisor R5;

**Agenda Overview** –Welcome/Introductions/Recap/Overview- Hank Worsech

**Trap Line Reports from Council Members**

**Richard Stuker** – Hard winter in his area. Hearing complaints about landowner preference – people getting tags although they have no elk, and people who can get a landowner pref. tag for having a property under contract with no intent to buy it. Statute is bad and should be fixed. Briefly discussed the once in a lifetime license concept– only if they take an animal (vs. draw a license but don't take an animal). He is concerned about the American Prairie Reserve changing or buying back FWP conservation easements. He is interested in practical solutions that the FWP Commission could consider to solve some of the issues brought up (e.g., once in a lifetime, landowner preference, trespass). Discussed the expansion of grizzly bears. Also discussed the decline in upland bird numbers.

**Zack Brown** – Cow only hunts are a thorny issue; Provided and update on the One Montana Master Hunter Course; Interested in discussion about how block management payments are made, and a focus on more quality properties vs. just hunter numbers. He brought up that WY just passed a law outlawing selling the locations for trophy animals. The concept is that people can buy the locations of trophy animals without having to hunt for them. He suggested PL/PW should look to address this for Montana.

**Carl Zabroski** – Expressed his concern about CWD and looking for more information on this to be put out by the Department on how it might affect hunters/landowners. Also looking for a discussion on improving hunter behavior and hunter ethics such as hunting and drinking.

**Ed Beall** –Expressed concern about hunter behavior in that many "current" hunters either never took hunter education, took classes far enough back that the major emphasis was "safety" not behavior and that things have changed so much today in hunter/landowner relations (access, trespass, GPS, OnX maps, shoulder hunting seasons, big groups of elk, new "types" of landowners, on and on). He would like to see an offering for an updated hunter "training" class that focuses on today's issues and needs valuable for improving today's hunter/ landowner relations. He would also like more to be done to in

current hunter education programs, both in class and on-line, as he believes current class/students are getting the information to some degree. He is also interested in discussion about access and quality hunting as he believes there are too many hunters on Block Management areas. He suggests that PL/PW look at programs for access to public land across private, and access to retrieve animals on private lands. Discussed his informal survey from his store about unsafe and uneducated hunters.

**Denley Loge** – A lack of elk continues to be a problem in NW MT which also emphasized his concerns about wolves. Expressed concern of the PR funding of wardens with and diverting them away from enforcement. This is an issue that needs to be resolved by FWP and PL/PW.

**Joe Perry** – Hard winter in his area; Very few pheasants compared to previous years (8 hens and 11 roosters vs. >1,000 pheasant). Two grizzly bears on his place 30 miles east of Conrad. People and the bears were more curious than angry (so far). He believes that the lessons about bear food storage will be learned slowly and the hard way.

**Lee Cornwell** – Glasgow officially “middle of nowhere” status; Discussed his thoughts on the shoulder hunts in the breaks and that antelope numbers seem to slowly be recovering.

**Ed Bukoskey** – CWD, AIS, brucellosis all biting the department and costly to administer. The Department needs a funding mechanism to successfully deal with these diseases and invasive species as these are large expenditures not going away. Brucellosis in Dillon area a concern but many elk are not accessible. Shoulder seasons are a concern in some because of condition of animals in late winter.

**Duane Ankney** – Access to public land is an issue they have been working on since 1997. Have had problems with landowners who harass hunters on state land they're leasing saying it is private. The issue of landowners harassing hunters in places they can legally be needs to be resolved. Seems like a lot of mountain lions in his area this winter.

**Dan Fiehrer** – Hearing concerns about American Prairie Reserve and them changing the landscape in the Malta area. Expressed concerns on the number of guides and people on the Madison River and concerns about the fishery – lots of fish but they are small. Emphasized that sheep and goat should be once in a lifetime. Landowner preference in the Elkhorns should only be for cows. Bulls permits for landowners should have to be through the drawing like everyone else. He suggested that for each of these limited licenses you should have to choose your season.

**Dusty Crary**- Hasn't received the winter update on the front (Choteau) from Brent Lonner yet; Expressed his concerns about elk herd movement this winter-Lincoln Area- 500+ herd of elk not on Rogers Pass this season-like normal. No one knew where the elk; He brought up trespassing issues and warden enforcement of trespassing. Hank called Dave Loewen Enforcement Chief and he came to the meeting.

**Cynthia Cohan**- not much to offer she's been out of state in CO; Ruby Valley things aren't the way they used to be;

**FWP response to some of the issues brought up by Trapline:**

**Landowner Preference** – difficult to say whether a property does or does not have elk, therefore at this point a definition of “used by elk” is relatively leaving preference open ended.

**Trespass** – Dept. cannot write trespass ticket. They can cite for hunting without permission, but cannot write a ticket for trespassing, - they can gather information and turn it over to the county attorney.

**Bowhunter Education** – state used to accept affidavit that you hunted elsewhere with archery. This has been found to not be legal – they must show proof.

**Enforcement funding with Pittman Robertson**– FWP plans to simply make information available and then let the legislature decide if it is a positive or negative to use wardens in more of a wildlife capacity.

**AIS Funding** – EQC struggled with this. EQC is working on the issue and EQC will bring this forward and then FWP respond accordingly.

**PL/PW** was on EQC agenda in June. Rep. Loge was there to provide an update on membership, goals for this PLPW council, etc.

**Wildlife Habitat Improvement Program** – Ken McDonald provided a power point presentation on the WHIP program that resulted from HB 434. Electronic copies of the presentation will be forwarded to the committee.

**Trespass Issues** – Enforcement Chief Dave Loewen briefly attended the meeting and discussed the current statutory language associated with criminal trespass versus hunting without permission.

Currently FWP may enforce hunting without permission but cannot the authority to enforce criminal trespass is unclear to the Department at this time. Wardens are limited what they can do, especially outside of hunting season. The example discussed was horn hunters who trespass in the spring – this isn't a hunting violation, so technically authority to enforce trespassing off of FWP lands is unclear at this time. FWP is looking at some statutory language to help address this issue as well as a potential legal opinion from the attorney general.

**Using Pittman Robertson (PR) to fund Enforcement** –approximately 1/3 of warden time is presently funded with PR. PR has to be used for a wildlife management benefit which meant enforcement is not an eligible activity, so 1/3 of their time cannot be spent on enforcement. Enforcement has been tracking their hours and can report on how that time was spent. Previously an analysis of what wardens do indicates approximately 3% of a warden's time was spent on PR eligible activities, but currently that changed to about 30%.

**HB 96 and 454 Permit Changes**- The group provided recommendations to help clarify the language in HB96 version 1 they brought forward in the 2017 session; they include: make sure employee is clearly defined (follow Block Management statute), provide a sunset of 2023 and further define the commission has the authority to limit how many permits a landowner can get.

Concerns were expressed of 454 giving additional permits over what the bios want- some in trophy areas one of the reasons why these proposals get voted down- we need to clarify how we pick those hunters (need language) including possibly change from unsuccessful list to the successful permit list. Concerns were also raised that bringing this bill isn't worth the political capital for the gains achieved.

**Action Items for Future Meetings**

The members identified several issues of concern they'd like to work on and then ranked them in importance. They include:

1. Trespass and Consequences
  - Statutory changes? To expand beyond just hunting without permission
  - Education campaign
  - Visit with County attorneys, judges, etc.
2. Hunter Behavior – Education and consequences
3. Roads/Access – What is a county road? Process to open or close?
4. Help for Landowners with hunter management (boots on the ground)
5. Allow once in a lifetime harvest for moose, sheep, goat, bison (perhaps male only?)
6. Landowner Preference (should they qualify whether they have elk, other concerns)
7. Hunter day payment system vs alternative (issue being that paying by hunter day)

Members decided to focus on Hunter Behavior (2), Help for Landowners (4), and once in a lifetime for moose, sheep, antelope, bison (4). As well, have the department bring potential legislative fix for trespass outside of hunting season if necessary.

\*\*\*electronic copy of **WHIP** presentation forwarded to council members

\*\*\*next meeting needs to be scheduled- Late July or early August shortly after the next EQC meeting.

\*\*\*update HB96 version 1 with council member edits and distribute to members prior to EQC meeting

**Opportunity for Public Comment-** No Public Comment received

**Adjourn-** the meeting adjourned at 4:00pm