

**Region 7 Citizens Advisory Committee (CAC)**  
**Winter Meeting & Legislator Open House**  
**December 12, 2018 – Region 7 HQ**

**FWP Staff Present:** Brad Schmitz, Mike Backes, Erin O'Connor, Marla Prell, Jack Austin, John Ensign, Chris Dantic, Vanessa Zeitner, Mike Volesky, Deb O'Neill, Tom Reilly and Ron Jendro

**CAC Members Present:** Bob Gilbert, Bob Hagedorn, Gary Sparks, Ed Bukoskey, Dale Kreiman, Ed Joiner and Glenn Heitz

**Guests Present:** Rep. Ken Holmlund (HD38), Sen. Kenneth Bogner (SD19), Rep. Geraldine Custer (HD39) and Tory Kolkhorst (Field Rep for Senator Steve Daines)

Brad Schmitz, Regional Supervisor, began the evening by welcoming everyone. This is our annual winter meeting as well as our open house with area legislators before the Session starts.

Brad asked Jack Austin, Region 7 Warden Captain, to introduce our new field wardens. They are Frank Blundetto (based in Miles City), Cameron Wischhusen (based in Glendive), and Ryan Kasson (based in Jordan). We also have Jason Howell, who is currently completing his field training, and will be based in Forsyth. Brad added that Enforcement had a big year this year with lots going on. He received two very positive comments from the public about our sergeants, Todd Anderson and Chris Kerin. He's excited to have our new wardens and likes seeing their enthusiasm.

**Hunting Season Update - Wildlife**

Region 7 Wildlife Manager John Ensign began by summarizing conditions. Our drought during the summer of 2017 turned into a long, tough winter. This spring and summer included abundant precipitation which resulted in tremendous vegetation and unreal cover quality. Overall, mule deer numbers took a small dive, but we maintained a liberal doe harvest. Antelope numbers were similar; winter was a bit hard on them, especially in this area where fences wreaked havoc with their travel. Their numbers seem to be having a little tougher time coming back in the northeastern part of the region, while southeast numbers look good. All things considered, antelope seem to be doing fairly well. Our elk numbers continue to expand. At our check stations this fall, a lot of the buck deer harvest seemed to be across two to three age classes with deer in the two- to four-year old age range. Upland bird numbers across the region are depressed. The late spring and numerous rain events, particularly the six inches received in June during the peak of the hatch, were detrimental to young bird survival.

John noted that while working check stations, he had never seen animals so fat, and they were in exceptional shape going into fall. This bodes well for next year. Folks at the check stations seemed happy with their hunting adventures this year.

**Hunting Season Update - Enforcement**

Jack said his crew has to spend a lot of time trying to balance different projects. His staff try to work hard on Pittman-Robertson (PR) hours in the spring and summer, and transition to enforcement time in the fall. Being four districts short this fall meant wardens were busier than usual. This sometimes meant covering extensive distance and taking a lot of time to do so. Overall, he feels it was a typical hunting season with the usual gamut of violations including no permission, shooting from roadways, license transfers, waste and abandon, etc.

One struggle Enforcement deals with in the transition from hunting season to winter is staying within their work plans and trying to chip away at PR hours again. This is done in hopes of not having abundant PR hours that have to be used up and no enforcement hours to work with in the spring. It becomes a juggling act going back and forth between the two. A lot of times this means wardens have cases leftover from hunting season. This results in cases taking longer to work than we would like, and some cases that unfortunately, end up not getting worked at all.

Ed B. asked about the status of a large case mentioned when we met this summer where the judge in Billings had left. Jack clarified that it was the U.S. Attorney who had moved on and in lieu of that, the U.S. Attorney's office had declined to prosecute that case. The State Attorney General's office is now working on the case. The problem now is gathering reports from the U.S. Fish & Wildlife Service (USFWS) and getting evidence that is spread all over the country back to Montana. The USFWS had been holding onto everything anticipating a federal prosecution, which the U.S. Attorney General's office declined. Unfortunately, there's also now some complications involving other parties that are going to cause additional hiccups for us.

Jack briefly discussed a new case where a bull elk was shot, and the hunter completely walked away from it. We are going to attempt to charge the individual with felony possession. He has dug into some old case law that he feels will help prove our case, and it looks promising.

Brad mentioned that we've discussed PR and the impacts of that change at our last few meetings. We've been living with our current model of funding for Enforcement, which is roughly 30% PR dollars and is basically wildlife-related duties. It's essentially reduced wardens' abilities to spend as much time on enforcement duties as they used to in the past. Legislators are watching this closely; some recognize that this model isn't functioning well while others view things oppositely. As an agency we're getting pulled back and forth a bit between different legislative philosophies. Rep. Holmlund has some concerns for our local area as to what's happening with Enforcement, and if we're able to be responsive enough, etc. This topic is something to pay attention to throughout the Session. Brad encouraged CAC members to visit with their local legislators if they have thoughts or concerns.

Brad noted that a recent positive was the Supreme Court decision regarding Conservation Easements, and the process that involved our Horse Creek Conservation Easement near Wibaux. The Montana Supreme Court sided with the Governor's opinion in that the agency does not need to go through the Land Board for approval on Conservation Easements. We now have approval that we can move forward on other Conservation Easements that have been waiting in the wings.

### **Current Hot Topics**

Brad briefly mentioned the recent Automated License System (ALS) listening session, which CAC member Gary Sparks was in attendance. Our licensing system is highly important to a lot of people and our agency but has become antiquated. There's a push with the Legislature to fund moving forward with updating our system. Erin provided a handout outlining what was discussed at the listening session and what the agency is looking to with a potential new system.

Brad then showed the Aquatic Invasive Species (AIS) portion of our website and provided a short update on that program. To date we have not re-found any mussels in Canyon Ferry or Tiber Reservoirs. Folks likely saw some of our AIS check stations at Wibaux, Flowing Wells and Tongue River Reservoir, and boaters also came to our office for inspections. Tom Wolff of Helena, who oversees our AIS

program, is considering relocating the Wibaux AIS station to somewhere closer to Glendive or Miles City. This is partly due to difficulty in finding staff to work that station.

Bob G. stated he has concern with the funding sources for AIS. He has visited with Tom Wolff about this. Last year, only two of 17 infected boats were Montana boats. However, Montana anglers are being hit with the fee to help fund AIS, even if they don't own boats. This isn't right in his opinion. Brad replied that there is some proposed legislation addressing funding for AIS that spreads that around more instead of just on anglers.

Brad continued on the website by showing the Chronic Wasting Disease (CWD) portion of the page. Erin distributed handouts on CWD and the transport restriction zones. Surveillance this year was in Region 6; Region 5 was last year. Region 7 is slated for next year. We're working on refining our process for how we do CWD testing and what we do when positive animals are discovered. Keeping those animals from being transported around or ending up in a batch at a processor is serious to us and something we're working to improve educational efforts on.

Ed B. asked about heads being dumped at the border, which Enforcement noted as something that occurred a lot this year. He commented that it's something we need to get our teeth into and find a solution. Brad agreed and encouraged everyone to engage in discussions with others about CWD, what we're doing and looking for from hunters.

Bob G. asked if Montana has approached the bordering Canadian provinces for mutual solutions. Brad stated that there has been some discussions and he's sure those will continue, along with discussions with our neighbors to the east and south.

### **Legislative & Helena Update**

Brad welcomed our legislators in attendance and provided some background to them on our CAC members and what purpose the CAC serves for us.

Next, Deb O'Neill showed a short video and discussed FWP's recent branding efforts. Deb is filling in for Dustin Temple, our Chief of Finance. She provided information and updates to attendees on FWP's budget, funding and some of the Director's priorities for the next biennium. Our budget is just shy of \$100 million each year, about half of which comes from general licenses and federal funding. Even though we generate our own cash, we still must ask permission from the legislature to spend that money. The Governor's budget came out last month; we are part of Section C. If interested, folks can view information on FWP's budget by visiting [budget.mt.gov](http://budget.mt.gov).

The Department is doing well on the Fish & Wildlife side. We have about 84 funds of general licenses and federal funds that fund the Fish & Wildlife side of the Department. One notable exception is a hydropower tax we've received the last two years that funds about half of our AIS program. In the past, we've generally come to the legislature about once every decade to ask for a license fee increase. That changed in the 2015 Session when HB140 was passed and created a small increase on our hunting and fishing licenses. We anticipated that fee increase would carry us forward to this Session – four years instead of ten. However, economics have changed so instead of just getting us to this Session, we believe we have about two and one-half to three seasons more, instead of now, before we will need to ask for a fee increase.

Parks funding is different. They are funded through about four sources, including bed and motorboat fuel taxes. There is a lot more needs in Parks than we have revenue to support the needs. After we pay for operations every year, we find ourselves pretty short. Ultimately, that means we have no capital program to take care of deferred maintenance in our parks. We have about \$22.5 million in deferred maintenance in parks, and we just can't get a bite out of it right now.

When FWP developed the budget, Director Williams identified several priorities. These include AIS funding re-authorization, restoring some funding to the Fisheries budget that was cut in the last biennium, addressing the deferred maintenance backlog in our facilities such as headquarters, hatcheries, etc., Parks budget augmentations, getting rid of an assortment of 30-40 year old boats that we're still trying to use and are quickly becoming very costly to maintain as well addressing a maintenance and replacement plan for these, and replacing two Vietnam-era helicopters used by Wildlife that are nearing the end of their life and that parts are unavailable for. The last one, mentioned earlier, is starting work on replacing our ALS system. The ALS system generates about \$50 million each year for us, so it is very important.

Bob G. voiced a concern he has with the development of a new license system in that even in this day and age, not everyone has a computer and not everyone is computer literate. He asked if we will still be using our external license vendors, which Deb said we will be and are hoping to be able to add more. One big point right now is that licensing equipment isn't available for replacement anymore with the current system, and we just lost a vendor the other day because of this.

Deb added that at the several listening sessions held across the state, we looked to gather as much information as we could about what our users like about the current system, what they would like to see in a new system, if there's other functionalities that would be helpful, etc.

Rep. Holmlund noted that in the Session, he'll be working with HB10 and asked if that's the "IT" that's been mentioned with regard to the ALS system replacement. Deb replied that it is. Rep. Holmlund suggested that FWP bring the facts and have its 'ducks in a row' when we testify for HB10 as he anticipates lots of questions.

Rep. Holmlund mentioned AIS funding and that some people who supported it last time seem to be a little hesitant this time. Mike V. provided some information on how funding for the AIS program came together in the last Session, and what we see moving forward into this Session. He also discussed the aquatic invasive species prevention pass (AISPP) that all anglers currently pay, and some potential revisions to that. There's also a proposed fee on boats, particularly nonresident boats coming into the state.

Rep. Holmlund commented on the Hell Creek Road and that while it is better, there has been some issues with it. He thanked Tom Reilly for his assistance and participation in discussions relative to that project.

Bob G. spoke to the AISPP fee for nonresidents. It is costly, especially for families who want to come to Montana and has become a deterrent to nonresident anglers. The fee is unfair to those anglers and we need to get more rational about it. Rep. Holmlund replied that it has been brought up.

Rep. Holmlund noted that the PR issue with Enforcement and accounting for that time is an important factor that needs to be discussed. He hasn't heard anyone say that the current setup is right, and it's essentially forcing wardens to lie. We need to work to get it back the way it should be. Brad agreed that documenting that time has become a burden on wardens, even though they've accepted it and become adapted to it. The bigger concern for us is the end result and if we're being effective in conserving our wildlife and educating our users like we had been, or felt we were, previously. He encouraged Rep. Holmlund to reach out to Jack, himself or Ron if he needs any help or questions answered. Ed B. added that at the last PLPW meeting the consensus was to take the PR time down to 10%, and that everyone is fed up with where it's currently at. Rep. Holmlund reminded everyone that we need to look at Federal dollars because that's important to FWP.

Mike V. provided some background on Enforcement PR funding. A common sentiment that he's heard at all CAC meetings he's been to recently is that people are wondering where the wardens are. He's also heard Block Management (BMA) cooperators say they're debating whether to stay in the program if the current lack of warden presence continues. Even during the summer, law enforcement officers have had less time for patrolling waters and anglers.

Rep. Custer asked how much time is being spent by wardens accounting for their time that could be spent doing actual work. She said this sounds like a pain and a waste for Enforcement staff every day. Brad agreed that there is some inefficiency, and Mike V. credited our law enforcement officers for doing a good job with it. He's hoping to work with the Legislature to come up with something that makes more sense.

Rep. Holmlund stated that if you are not a lobbyist and you talk to a legislator, your voice is much more important and heard more so than the lobbyists they see and hear every day. He has been pushing for two sessions now for folks who drive great distances to be given more of an opportunity to get to talk to a legislator. Currently, when you go into a heavily attended meeting you don't always get a chance to talk and end up writing out a message, and it doesn't have the same effect as standing up at the podium and being heard. His thinking is those who've driven over a certain distance will be given first opportunity to speak.

Mike V. discussed the bills that we're focused on this Session. The first one cleans up the Hunting Access Enhancement/Base Hunting License fee requirement for BMA cooperators. This would clear up related statutes and conflicts therein. The second bill addresses the clarification of the squaring of bonus points on party applications. Third is a bill pertaining to free Conservation and Base Hunting licenses for BMA cooperators. This would fix the system, so cooperators would get a truly free license and not have to pay for Conservation, Base Hunting or AISPP licenses. A fourth bill would remove the Conservation license from combos and make it a stand-alone pre-requisite license. This is in relation to how we account for money and report that money to the Federal government for matching purposes. The fifth bill proposes to change the statutorily-mandated March 15<sup>th</sup> deadline for big game combo licenses and changes the name to Elk-and-Deer combo licenses. The final bill proposes to remove Headwaters State Park from the list of primitive parks in hopes of adding basic visitor amenities such as camp sites and some paving and electricity to it, which is currently prohibited.

Brad then asked our legislative guests for any final questions, thoughts or comments. Rep. Holmlund suggested that FWP needs to work on public relations, and he praised Marla's efforts. He hopes to help Enforcement and needs people to come testify. Sen. Boger is new and doesn't have questions currently but is sure he'll be reaching out to us for assistance. Rep. Custer volunteered that she did not want to be on the Fish & Wildlife committee. She is aware of the issues but didn't want to be on the committee because of the contentiousness of some of those issues, and because people are so passionate them. She believes Fish & Wildlife is the second "hottest" committee because doing what you want to do in the wild is important to so many people. Field Rep. Kolkhorst thanked FWP for having her and informed the group that Senator Daines' office is happy to help in any way it can. Being a lifelong hunter, she understands the importance of what we're doing.

### **CAC Roundtable Discussion**

Dale feels there's room for progress with public relations. He has stated before, and still feels, that FWP should have a presence at public functions like farm shows, etc. He reminded everyone that

CAC members are here to help FWP and should step up to help with those sorts of events and be a presence for us.

Ed J. said Marla does a good job with public relations for the region. He shares a lot of the items he gets from her with others. He is a Hunter Ed instructor and has noticed a trend with Native American students gaining more respect for hunting laws. He said that we lowered the hunting age but made the actual Hunted Ed test harder with the new version that came out this year. He feels instructors are going to have to teach more so the test now rather than the manual as in the past. He had students this year from all over the state and is amazed with how far people will drive for a class. He was excited to finally draw a bull elk permit for his area and was successful in his hunt.

Gary asked how many funding bills for FWP are proposed this year. Mike V. said there is several including HB2, HB5, HB4 and HB10, and provided a brief explanation of each.

Bob H. stated he thinks updating the ALS system is a good idea and asked how long it will take to get the new system. Mike V. said we must first get permission from the legislature to proceed, then find a company to build it, and then get it up and going, so it will be a while. Erin added that in the ALS listening session, it was noted that the goal for this was to have it ready by 2021.

Glenn commented that Erin and Vanessa do a good job with licensing. He is involved with the Southeast Montana Travel Guide and would like to see someone from FWP partake in their doings. Brad replied that in the past, our regional park manager was involved with that. However, when the past one retired and the parks regions were realigned, we lost that position here and haven't had anyone involved since. He's optimistic that we could have that position back here in the region at some point and anticipates that person being involved if so. Glenn continued that their next meeting is here in Miles City in January; he provided information to Vanessa if anyone wants to come. Marla added that she gets emails from the Board every time they meet, and she's worked with them before; this is a good publication.

Ed B. has a PLPW meeting coming up. PLPW believes you should only be permitted to draw one moose, sheep or goat license in a lifetime. They are also looking at trespass laws. He believes outfitting prices are getting ridiculous; FWP isn't getting enough of the pie. We're losing Block Management cooperators because of outfitting.

Bob G. said he feels that the Statewide Fisheries Management Plan has some issues. The group that he represents has looked for years at whether the walleye is or isn't a native species. There is an American Fisheries Society report out that says from the Continental Divide east is native range for walleye. The Intake Bypass project is looking good so far. He had folks in his area say they found lots of dead whitetail this fall. Is this blue tongue or what's going on? John replied that its most likely EHD as we did have some instances of it around this area, but he hadn't heard much from the Sidney country. This is not unusual and nothing to be concerned with. Bob noted that he feels deer numbers were down this fall.

Bob G. continued by saying that updating ALS is a great idea but reiterated to keep it a system that is usable by everyone, including the computer illiterate. Regarding Hell Creek State Park, he wants it to stay part of our park system. It's used a lot by people in eastern Montana and Billings. He feels the park is very important and that we need more eastern Montana people involved in dealing with it, such as an advisory committee to the Parks Board.

## **Conclusion**

Brad thanked CAC members, legislators and Ms. Kolkhorst for attending. He encouraged all to not hesitate to reach out to FWP staff with questions or for assistance. We will be in touch next year with plans for a spring/summer field trip.