



PRIVATE LAND/PUBLIC WILDLIFE COUNCIL
December 13-14, 2018
Helena, MT



Council Members Present: Sen. Duane Ankney (day 1 only), Ed Beall, Ed Bukoskey, Cynthia Cohan, Dusty Crary, Dr. Daniel Fiehrer, Rep. Denley Loge, Richard Stuker, Carl Zabrocki, Bill Geer.

Council Members Absent: Lee Cornwell, Joe Perry, Rep. Zac Brown

Fish, Wildlife & Parks Personnel Present: Nicholas Mulvaney, Admin Support; Jason Kool, Access Bureau Chief; Hank Worsech, Legislative Liaison; Ken McDonald, Wildlife Administrator

Meeting convened at 1:00pm at the Holiday Inn Express, 3170 N Sanders Street, Helena, MT.

I. Agenda Overview –Welcome/Introductions/Recap/Overview- Hank Worsech

Hank opened the meeting and asked the members what they thought of the current structure and previous PLPW meetings. He also posed the question to members to think about if they'd like to be reappointed.

Members discussed their concerns about the previous two meetings being just talking and not getting products- need results. Members wanted relevant things to work on and their biggest issue was they don't want to just meet for the sake of meeting.

Members thought the current PLPW was a good mix of legislature, Dept, commission, and other members. They believe the strength was the opportunity to meet and build relationships and discuss issues but were concerned that their term was moving so fast since they were only reappointed in January of 2018. Hank also committed to the members that the Department didn't want to waste anyone's time and that he would try to get members reappointed before he retires in June of 2019.

II. Trap Line Reports from Council Members

Cindy Cohen- a problem in her area is private landowners are controlling access to public lands (FS, BLM); the monetary fine is not very big; she suggests raising the fine; discussion was had around the bill in the 2017 session and the possibility of it appearing in 2019 to raise the fine for blocking a public county road.

Ed Bukoskey- concerned about people dumping deer and the number of deer carcasses- East of Baker- pitching deer because of CWD transport restrictions between MT and ND. Doesn't believe biologists are doing the right thing when managing wildlife. Had a lot of antelope dead and license quotas are up instead of down; driven lots of country and no antelope around. North of the interstate are not good antelope numbers; EHD wiped out a lot of mule deer and whitetail deer and hunters are willing to wait it out, but the Department is not listening to the locals.

Carl Zabrocki- expressed concerns over hunter behavior; wanted to focus on helping the 98% of hunters and stop making laws for the bad 2%. If FWP has no way to enforce the laws, don't make any more.

Ed Beall- Using GPS hunters are getting into every place on landowner properties; disagreed with the shoulder hunts and provided comments on a lack of training for AIS technicians (e.g., look for number of holes on the boats, and that is where the live wells are).

Dusty Crary- everything is down; traffic down; road traffic down; hunters down; harvest down on the front; up north worse than that; a few elk on Ear Mtn.; Feels hunter behavior this year hasn't been too bad. Had concerns of the use of technology and the lack of a need to develop relationships with landowners – appears they are following their phones/GPS units to avoid private land and having to ask for permission.

Bill Geer- hasn't been hearing complaints about landowners or hunter unfair treatment; Has heard concerns about PR restrictions on law enforcement and the significant impact to enforcement work. Currently spending time working on open roads and illegal closures of roads; County is hesitant to do the work due to expense and time. Shared a concern from FS that the county is not producing records and information to assist with a road closure in his area.

Dan Fieher- Missouri river is being loved to death- people would like to see guide service restrictions from Holter Dam to Craig; guides aren't just from Helena- coming from WA, WY and Canada bringing in anglers and creating competition. Would like Montana to install a guide license or guide fee increase; believes the guides shouldn't fish on weekends as it creates conflicts with guides; conflict is serious focused fishermen and recreationists; Would like to see the Missouri River close from Nov 15- end of waterfowl season to avoid conflict with anglers since waterfowl hunters. Expressed concerns about the mule deer population being down and would like to go to a 4pt or better and close the last week for mule deer bucks; bucks are too vulnerable at that point in the season.

Denley Loge- interaction with hunters/landowners is fairly good when hunters had to call to hunt a specific field –believes that the BMP potentially takes away interaction with landowners; Expressed concerns over biologists aren't paying attention to the locals, but rather just the science numbers and keep implementing hunting seasons when elk populations are down; believes the Regional office is also not paying attention to the locals as the numbers are on private property, but hunting opportunity doesn't exist- FWP needs to be more responsive to locals and not just take a count; also spoke to his bill for rafters and others using FAS-sites, i.e., a recreation pass or access fee for the rafters to help fund FAS sites.

Richard Stuker: expressed concerns about CWD being pretty high along the highline; Just appointed a Madison River committee to develop guidelines to address overcrowding; believes this will likely be a blueprint for other water systems of the state; discussed shoulder seasons –the state is required to manage to objective. Need to figure out some way to get elk numbers towards objective. Can't continue to raise management objectives and meet the requirement. Identified harboring elk is an issue; believes the department is not doing everything they can. Control the numbers for elk 92,000 population statewide management plan and currently at 176,000. Early shoulder seasons public lands should be closed; late seasons should look at including public lands. Interested in other solutions for elk; If people have concerns about proposed regs, they need to bring it up with the Commission.

III. Legislative Proposals

The group looked at the proposals being brought by FWP for changes to the hunting access statutes (HB94) as well as discussed, the opportunity for prerequisite licenses being provided to block management landowners (HB 104). Rep. Denley Loge agreed to sponsor the HB 104 and Rep. Zac Brown agreed to sponsor HB94. Rep. Loge also agreed to sponsor HB43 that came from the PLPW request to expand HB454 Elk Permits to also offer a license.

The group then also discussed potential other legislation they knew of and from the Department such as raising the fee for blocking a public road; trespass enforcement outside hunting season; enforcement PR funding and other bills.

IV. Hunter Behavior Topic Identified by PLPW

The group looked at a prepared statement from FWP attempting to identify the problem of hunter behavior. The group agreed that the problems related to hunter behavior are:

1. Hunters not respecting the land or the landowner (e.g., littering, driving on muddy roads, etc.)
2. Hunters not conducting themselves in a responsible way (e.g., drinking while hunting, shoot-outs, long-range shooting, etc.)
3. Consequences and fines for hunter behavior need to be strengthened, changed and/or improved.
4. There is no follow up, enforcement or BMA program criteria for hunters who are cited for hunting without permission on a BMA.

The group then worked to identify high-level solutions to these identified problems and discussed the possibility of creating a subcommittee to work on this topic.

Solutions identified by this group to work on involve:

- Education and consequences (I can't make you do anything, I can only make you wish you had).
- Re-do Hunter Stewardship Course including to be done on a smart phone or tablet
- Require taking Hunter Stewardship course to hunt on Block Management
- Provide bonus point for taking Hunter Stewardship course
- Make the course a part of hunter education classes.
- Focused public relations campaign – marketing campaign- change ASK FOR ACCESS to:
 - “Appreciate Access”
 - Police yourselves
- School Curriculum for conservation that includes hunter landowner relationships, stewardship, agriculture and relationships with wildlife for all uses.
- Potential legislation that includes that hunters “shall” behave on properties and define just consequences of what a violation means- is it like the Wildlife Violator Compact?
- Create a database of “bad actors” that shouldn't be able to sign in to hunt on a BMA- define criteria including an appeal process

The meeting then broke at 5:00pm and convened on day 2 at 8:30am at the Holiday Inn Express.

Day 2 convened at 8:30am at the Holiday Inn Express

The group flipped the two remaining agenda topics identified by PLPW and started discussing the desire to look at changing moose, sheep, goat requirements and better defining landowner preference requirements for elk.

A landowner near Two Dot also attended the entire meeting on Day 2 to provide his valuable perspective to the committee throughout the day.

V. Once in a Lifetime, Landowner Preference, Hard to Draw Permit Topic Identified by PLPW

The group looked at a prepared statement from FWP attempting to identify the problem of once in a lifetime, hard to draw and landowner preference for elk. The group agreed that the problems are:

- Two issues with once in a lifetime.
 1. Some hunters are drawing multiple M/S/G/B permits before other hunters ever draw a permit despite a waiting period of 7 years for M/S/G.
 2. Some landowners can draw trophy elk permits multiple times before a general hunter could.
- Two issues with landowner preference.
 1. No clear definition of what “used by elk” means for landowner preference. Too many people drawing this permit without elk on their lands.
 2. Some individuals are taking advantage of the language that allows a person to have land under contract with no intention of actually buying the property and thus making them eligible for landowner preference.

The group decided that they did not want to address the hard to draw elk permits as it is not a common problem but limited to hunting districts like 339, 380. Members agreed they'd rather spend their time focusing on hunters drawing multiple permits while others not drawing any for moose, sheep and goat as well as address purchasing of bonus points.

The group then worked to identify high-level solutions to these identified problems and discussed the possibility of creating a subcommittee to work on this topic. Denley Loge also mentioned he had two placeholder bills already in if changes came from this committee.

Solutions related to once in a lifetime moose, sheep, goat were to take legislative action requiring:

- Require hunters to purchase a hunting license or be of age to buy a license before buying bonus points. Currently children 1 year old can start to accumulate bonus points
- Require all applicants for moose, sheep and goat be a minimum of 18 years of age. Some had concerns about this being age discrimination.
- Require that any individual is limited to a maximum of 2 licenses for the male species during their lifetime with a 7 year wait in-between
- Allow only a once in a lifetime harvest of the male species. Some had concerns of targeting the female goat species due to length of horns.

Solutions identified to modify landowner preference:

- Work on better agency communication for other options for landowners (e.g., HB454 permits).
- Require those obtaining landowner preference to hunt their own land with that preference.
- Remove the intent to purchase or contract for purchase language from eligible landowners. They either own it or they don't.
- Add a sunset to these changes in hopes of getting legislation through.

VI. Help for Landowner Topic Identified by PLPW

The group looked at a prepared statement from FWP attempting to identify the problem of help for landowners. The group agreed that the problems or needs related to help for landowners are:

1. Landowners who are not enrolled in FWP programs also need assistance with managing hunters.
2. Looking for more people (boots on the ground) to help manage hunters and remove the burden from landowners.
3. Current FWP programs to assist landowners with hunter management are not meeting the need of some landowners.
4. Landowners who are allowing access are experiencing a lot of damage to fences by hunters pushing elk through their fences and the landowners are responsible for all fixes.

The group then worked to identify high-level solutions to these identified problems and discussed the possibility of creating a subcommittee to work on this topic.

Solutions identified by this group to work on involve:

- Improve warden coverage (additional wardens)
- Better training for biologists and wardens. Wardens are becoming more cop like – new image is not helpful for wardens- not approachable for landowners or hunters
- Biologists/wardens too stiff and personal contact (weren't personable) – training (customer service)- customer satisfaction – people who seem to have a better working relationship have experience in a service industry
- Identify that some landowners just do not want to partner with FWP and maybe look at a third-party NGO to be a go-between.
- Better communication through Block- landowner liability provided
 - Hunters littering and better advertising of TIP MONT (ditches)
 - Waste of game (drones with cameras)- for coyote bait
- Improve miscommunication or misunderstanding of what existing programs are. Create new “outside the box” programs like a fencing crew or work day in exchange for access.
- Examine a new hunter payment quantification – other than hunter day criteria to incentivize relationships rather than a flood of hunters.

- Implementing a better customer service approach from the agency to build relations with landowners and hunters.

VII. Opportunity for Public Comment

No public comment was provided.

Throughout the day PLPW members asked the landowner from Two Dot to describe his thoughts on the issues before the committee. As it related to hunter and landowner relations, his opinions were that:

- Landowners have no desire for FWP to help- generally all of his area is closed to the public and he and has no idea how you can get them to help with the elk problem.
- There is a historical problem of FWP not caring and not working with private landowners.
- Solutions revolve around communication and working with LO- getting together. If one side causes the other to shut down, no solution will be had.
- Corner crossings if they became legal access would be serious encroachment of private property rights.

VIII. Assign subcommittees, discuss details going forward

Members appreciated that this meeting was more than just talk, but action and most agreed to be willing to be re-appointed. They asked that re-appointments would happen quicker.

There was little to no discussion on subcommittees for the help for landowners and hunter behavior topics as there were actionable items identified through this meeting.

The group also identified legislative changes that they'd like to see done in the 2019 session including:

- Require hunters to purchase a hunting license or be of age to buy a license before buying bonus points.
- Require all applicants for moose, sheep and goat be a minimum of 18 years of age.
- Require that any individual is limited to a maximum of 2 licenses for the male species during their lifetime with a 7 year wait in-between.
- Allow only a once in a lifetime harvest of the male species.

The group identified legislative changes as well for the landowner preference including:

- Require those obtaining landowner preference to hunt their own land with that preference.
- Remove the intent to purchase or contract for purchase language from eligible landowners.
- Add a sunset to these changes in hopes of getting legislation through.

The Department was going to take these new legislative issues that were identified by PLPW to the Director and the Governor's office to approval before Rep. Loge moved to action on them with his placeholder bills.

IX. Adjourn- the meeting adjourned at 3:00pm