



PRIVATE LAND/PUBLIC WILDLIFE COUNCIL

January 27 – 28, 2020

Helena, MT



**PRIVATE LAND/
PUBLIC WILDLIFE COUNCIL**

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

Council Members Present: Sen. Duane Ankney, Ed Beall, Ed Bukoskey, Cindy Cohan, Lee Cornwell, Dr. Daniel Fiehrer, Rep. Denley Loge, Carl Zabrocki, Dale Tribby.

Council Members Absent: Richard Stuker

Fish, Wildlife & Parks Personnel Present: Kammi McClain, Admin Support; Jason Kool, Access Bureau Chief; Ron Jendro, Legislative Liaison; Ken McDonald, Wildlife Administrator; Lindsey Parsons, Deer/Elk Coordinator; John Thornburg, Lead CWD Technician; Dustin Ramoie, FAS coordinator; Quentin Kujala, Project Facilitator; Martha Williams, Director

I. Welcome

Jason thanked the committee for coming back and welcomed new member Dale Tribby. He outlined that the agenda will revisit issues from previous meetings, but we will also look at new issues. He noted that the council is missing an outfitting presence. Meeting structure was also an agenda topic that was identified.

Director Williams thanked the group for being there. She mentioned that what is amazing about this council is how people are engaged in so many ways: Block management, legislators, hunter ed instructors, CWD council, financial review advisory council etc. The relationship and understanding between FWP and the group is critical to FWP being able to deliver its mission for the people of Montana. FWP staff are here to help the council, and the council can help FWP bridge the gap and do things better. The council can help with Identifying the things that make Montana special and figure out what we have that is worth perpetuating for future generations. How do we protect those and continue those opportunities going forward? How do we help landowners? What do we have in place to encourage access? Do people understand what tools we have now? Do we need to create new programs and new tools? Are we utilizing what we do have? I would ask the council is there one thing you can pick off and help us figure out a path forward on. Pick one issue and come up with some tangible solutions. All of our staff is empowered to help you do that.

Director Williams also addressed the Bison Decision. We did issue a decision notice on a programmatic EIS on Bison. Did not come out and say “yes, free roaming bison anywhere.” What it did say was any proposal to restore wild bison would receive a site-specific analysis and a community process in that location. The point of the decision is, “if this is going to happen, how it is going to happen.” We will honor those sideboards that the bison group put together. It doesn’t have anything to do with APR. The decision just said: here is how as a state, we will look at any efforts in the future.

II. Informational Updates

i. Feral Swine:

The council received a Feral Swine update from Tahnee Szymanski Assistant State Veterinarian for the Department of Livestock. The Montana rules for Feral Swine were adopted in 2015. There has been a renewed interest in this topic because of a concern with a concentration of feral swine across the border in Canada. In addition to the physical damage feral swine can do to the environment, they are also able to carry or transmit thirty diseases and thirty-seven parasites that are transmissible to livestock, people, pets, and wildlife. Hunting of feral swine is not allowed given that hunting is not a viable option for control of feral swine. Feral swine that have been hunted learn behaviors to avoid hunting pressure and become harder to eradicate. DOL has a “Squeal on Pigs!” program with a phone line where people can report sightings of feral swine.

ii. CWD:

The council also received a CWD update from John Thornburg, FWP’s lead CWD technician. He reviewed the 2019’s initial sample results: 6977 samples have been submitted so far. Of those samples, 1053 have been collected and submitted by hunters. This year, Montana had its first detections of CWD in moose and elk. Currently, the department is working on updating the CWD management plan and is working to improve carcass disposal messaging. The department is also working to improve hunter access to class two landfills. The recommendations to prevent the spread of CWD in MT were:

- Have your animal tested if it is harvest in a known positive area
- Properly dispose of carcasses, hides, or trimmings in a landfill.
- Submit samples from harvested animals to FWP Wildlife Health Lab
- Report sick looking animals to FWP staff for testing
- Pass it on – mentor other hunters.

iii. Season Setting:

Quentin Kujala also updated the council on the season setting process Season setting is a biennial effort between the department, the public and the commission. It sets the hunting season for the next two years including: the structure, dates, and boundaries. The process focuses on the proposals for change, but also recognizes the status quo. In the adoption process, the commission will also adopt previous regulations that haven’t been singled out for a proposed change. It is a conversation about everything between the covers of the regulations booklet.

Some of the bigger topics that are being addressed in this biennium’s season setting process:

- Removing unlimited buck permits in some districts and replace it with the general deer license
- NW corner of region 4: removing 3-week mule deer buck season and replace with a 5-week season like surrounding districts.
- Shoulder Seasons
- Third license for elk. The proposal for a third elk license is that the third license would be a surplus license or a specific license identified by the commission as eligible.

III. Legislative Overview:

Ron Jendro is the new legislative liaison filling the vacancy left with Hank Worsech's retirement. Ron offered the group a legislative update on the 2019 legislature session and a preview looking towards 2021's upcoming session.

HB 2: Budget bill. Highlights include decreasing enforcement's PR time from 30% to 15-17% which is easier to fit into their daily duties. Also, established a weed bill coordinator.

HB 5: Set aside funding for some capital expenses allowing for some facility updates in the regions.

HB 10: Funded a replacement of our current licensing system. The new system is Explore MT; the proposals are being reviewed now. The new system likely won't be live until 2022.

HB 43: revises laws related to issuance of free elk licenses and permits to landowners who offer free public elk hunting.

HB 94 & 104: allow landowners in block management to receive the prerequisite licenses (base and AISPP) along with their complimentary license.

HB 239: Would allow person to opt having their refund for an unsuccessful drawing to be deposited into the hunting access account to help fund Block Management. Won't be effective until 2022.

HB 497: Allows the harvesting of up to 3 elk.

House Joint Resolution 18: urging F&W commission to enhance regulations for elk management and shoulder seasons.

Senate Bill 341: Established PAL agreements.

He also discussed the license updates: licenses will no longer be printed on thermal paper; they will now be printed on regular paper. Mailed paper applications will no longer be available for most drawings; applications will need to be done online or at an FWP office. These changes will not only save the department money, but it will also shorten the turnaround time for drawings.

IV. Trap Lines

Cindy Cohan: attended the Butte season setting meeting. There were about eighty people there both from sportsman groups and the public. Folks are still unhappy with shoulder seasons. They are also opposed to the opportunity for a third elk.

Denley Loge: CAC in region 2 is that very active. The subcommittee looked at the shoulder season. Look at each district to see where shoulder season works, and where it isn't. Over objective elk in eastern part of region 2, but in western part and into region 1 elk populations are way down. The big problem is the wolf situation; it is predators not just wolves. Wolf management in western Montana is treated the same way as it is statewide; it should be managed and regulated differently in the west. The decreased elk populations is also impacting the outfitting business.

Carl Zabrocki: concerns about landlocked access. Also, some comments about private landowners using landlocked public land as outfitting on public land.

Ed Beall: Some comments that have come in: Can FWP issue wolf bounties like Idaho? (No.) Can we start to incorporate ten-year-olds into hunting instead of just youth/apprentice mentor program? Lots of concern about shoulder season. Part of the concern is the length – is it ethical to shoot at elk for 6 months out of the year. Continued concerns about access to areas where elk are harbored. Concerns closed access to areas of ground to public land where it gets shut off.

Dan Fieher: Concerns about Weyerhaeuser selling to Southern Pines. Southern Pines has a history of reselling purchases into smaller pieces. Concern that they are going to lock up access that is currently readily accessible.

If they deny access, BMA will decline by 661,000 acres.

Lee Cornwell: Ride along on a shoulder hunt on Charlie Russell Game Range. There weren't any elk: elk were either on private land or on the refuge. The refuge is not open for hunting during shoulder seasons.

Duane Ankney: Martha alluded to FWP's Bison EIS – received lots of calls on that issue. Some of those folks that are in Block Management are talking about pulling out of BMA. We need to get the correct information out to people. No one knows what to do about the new license changes. BMA has been successful in our area. Lots of poaching in the area – need to do something to make it not profitable. Consequences need to be harsher – but we can't change the penalties passed by the judges.

Ed Bukoskey: One of the comments given by a nonresident: With the 10% nonresident licenses that aren't guaranteed, is hard for nonresidents to draw a permit in a popular area. Poaching: In Canada, there is a \$1500 fine for taking a grouse. We need to up penalties on poachers and put violators in newspaper.

Dale Tribby: Hearing about the Bison issue. Muddy roads – could department do more to put out some public service notices? Major issue on public land as well as on block management areas. Landowners don't want to repair their roads every season. Need more manpower to get participants in the other access programs outside of BMA. There are concerns about the number of antelope and mule deer and how tags are distributed.

V. Fishing Access

Traditionally this council has been focused on hunting and hunting access. The council was also established to work on angling issues and fishing access.

Dustin Ramoie the FAS coordinator addressed the group. He recently took the position this past fall. Fishing Access Sites provide recreational opportunities more than fishing: dog walking, bird watching, hunting. There are a few different types: Fee acquisitions, leases: short term and long terms, and easements. There are also private land fishing agreements – private landowner with a pond or stream access – allow public to use property to fish/recreate – owners are given impact payments (like BMA). There are currently 339 FAS.

Day 1 adjourned at 5 PM and Day 2 convened at 8:30 AM

The second day focused on identifying a process for the new PAL agreements, the Weyerhaeuser sale, and the help for landowners topic previously identified by the council.

VI. Public Access Land Agreements

PAL offers landowners the opportunity to apply with a \$5.00 fee to allow public to cross their private land to get to public land. The public land may be inaccessible, or it could be under accessible (Already legal access, but difficult to get to). The application would go to the PL/PW council for review. PL/PW would make a recommendation to the department on the application – fund it or not and maybe increase/decrease payment. One million dollars was funded for this program for the next biennium with up to 10% administrative costs for the PL/PW council. FWP has drafted some proposed ARM rules, but there aren't specific dollar amounts included in the rules. We are looking to the council to help set up some side boards or criteria for these agreements.

Hunting/Fishing access agreements should get a higher payment than just a hiking agreement. Payment is up to \$15,000 per agreement. The agreements are not limited to hunting/fishing but are also for other recreation opportunities.

Some of the suggestions given included:

- Pay for use? We would have to estimate the first year's use
- Should we give scores and do the top 10
- Proactive recruitment – advertising campaign to get the word out
 - FWP staff to pursue agreements
- Consistent process
 - Flat rate statewide?
- Start at a base rate: \$1500 and negotiate up from there
- Type of access needs to be a consideration
 - Motorized worth more vs walk-in
 - Enhanced retrieval: walk-in to hunt, then drive-in to retrieve
- Width of access
- Quality of access
 - Species
 - Activities allowed – the program is funding by hunters and anglers. Agreements that allow hunting and fishing should be worth more.
- Should we add an impact payment by mile to help deal with weeds and garbage
- How are we going to get people interested in the program?
 - Can we get neighbors involved in recruiting folks?
 - Finder's fee/Refer a friend
- Should we use some kind of scoring sheet/rubic and give an agreement a score. The score than correlates to the amount of the agreement.
- Any question about legal access, we shouldn't approve it until question is answered.

VII. Help for Landowners

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.

Solutions:

- Additional wardens would be nice, but they are expensive.
- Get word out about TipMont
- Face-to-face meetings with landowners from not only wardens but also the biologists to hear landowner concerns and not just during hunting season
 - Get more training for biologists for customer relations
 - Develop a training program.
- Partner with NGOs for fence repair
- More FTE for BMA techs to keep them longer
 - A consistent training program for HATs
- For muddy roads:
 - Let landowners know at contract time that the BMA impact payment they are receiving should be going to those repairs caused by use
 - Rotate “ask first” billboards to respect private lands. Don’t drive on muddy roads
 - BMA techs out during bad weather to help close roads and be more of a presence at time of need

VIII. Legislation discussion:

Landowner preference:

- Look at actual use by elk
- Decrease acre requirement
- Remove contract for purchase option

The group decided that it does need to be addressed, but has tabled the discussion for now.

Bonus points:

- Change first bonus point purchase to hunting age: twelve.

Wolf Issue:

- Wolf Bounty?
- There was a suggestion at one of the season setting meetings to add a wolf license to the base hunting license
- Change wolf classification from game animal to predator

Weyerhaeuser issue: Senator Daines and Governor Bullock have both reached out, but both sides can’t disclose anything about the deal. The group would like to send a letter to governor’s office.

Bison:

Invite Martha to BMA landowner dinners to explain the Bison EIS.

Hunter Behavior through Hunter’s Ed. There will be a meeting of the western states that will discuss how other states address that. This is a topic the council would like to look at, but they would rather focus on the PAL agreements for now.

The group also discussed meeting structure and council structure. They like the current system. One afternoon to evening session and one morning to afternoon session. They also believe that the agenda should help dictate the meeting times. If there are fewer items, maybe we don't need two days. They also decided that we should continue to meet in Helena until we have some issues that would possibly bring in some public comment. For those agenda items, we should consider rotating the meeting location. They opted for a less formal structure; they chose not to have a chair, and Jason will continue to help facilitate the meeting. The council believes the current structure helps keep an open dialogue. They would also like to offer an opportunity for public comment on both days, so that the public would be able to offer comment when it is convenient for them.

At the next meeting, the group would like to focus on PAL agreements. They would like to refine some of the side boards and possibly work through some mock agreements.

The group also wants to be kept apprised on shoulder seasons and the upcoming new elk management plan. They would like to invite Lindsey Parsons, the new Deer/Elk coordinator, to future meetings to discuss the plan's progress.

Opportunity for Public Comment:

There was no public comment given

Meeting adjourned at 1:30 PM