



PRIVATE LAND/PUBLIC WILDLIFE COUNCIL

March 2 – 3, 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, Rep. Denley Loge, Dr. Daniel Fiehrer, Richard Stuker, Dale Tribby, Carl Zabrocki.

Fish, Wildlife & Parks Personnel Present: Kammi McClain, Wildlife Office Manager; Emily Moran, Wildlife Administrative Assistant; Jason Kool, Access Bureau Chief; Ron Jendro, Legislative Liaison; Ken McDonald, Wildlife Administrator; Wayde Cooperider, Outdoor Safety Skills Supervisor; Lindsey Parsons, Deer/Elk Coordinator; Martha Williams, Director

I. Welcome

Jason welcomed the PL/PW council and thanked them for their willingness to meet again so soon after the first meeting in January. He spoke to the agenda which followed the groups preferred structure. The group heard informational presentations on day one and had a work group on day two. The information topics included a discussion on hunter behavior and hunters education, a discussion on the Bison EIS decision, and an update on the One Montana Master Hunter Program. Day two was a work day focused on the new PALA (Public Access Land Agreements) program to identify a potential payment schedule and to further define scoring criteria.

II. Informational Presentations:

i. Wayde Cooperider, Discussion on Hunter Behavior:

Wayde began his presentation by introducing himself to the council; he has been working in hunter education for thirty years. The council members invited him to the meeting to speak about how hunter behavior is addressed in the hunter education courses taught by the department. The hunter education courses are meant to provide students with knowledge about hunting, but the courses also try to instill hunting ethics on the students. He believes that it is important for students to appreciate landowners and the access they provide. Wayde explained that there is a portion of the basic hunter education course focused teaching manners and hunter ethics.

The group discussed common concerns from landowners about a lack of respect from hunters, trespassing, having equipment and livestock shot, aggressive/obnoxious behavior from hunters, and believing full access is implied (treating it like public land) when entering a Block Management Area. One of the initial solutions identified included a need for more education and more enforcement.

Council members acknowledged that bad hunter behavior is not a new problem. They agreed teaching youth ethical behaviors will help instill those values as the hunters get older. The group also acknowledged that youth are exposed to bad examples as they hunt with adults; therefore, sometimes

the lessons they learned in hunter education are forgotten. The group was interested in possibly having education opportunities for adults similar to the Master Hunter program, but at a less intense level.

Wayde holds training sessions every year for the volunteer instructors. At these training sessions, instructors talk about how to give students the tools they need to talk adults about lessons they learned in hunter education. The instructors want to teach students how they can successfully and respectfully talk to adults about what they learned in their hunter education without upsetting the adults and getting themselves into trouble.

- Council members agreed that this was a very important tool to teach. Adults can learn from young hunters; a council member mentioned that he started wearing a seatbelt because of his grandchildren.

The group then discussed solutions to develop a stronger program that would help address landowner concerns.

The group mentioned concerns that the fines and penalties for fish and game violators are too lenient and are often inconsistent. The group realizes that much of this leniency is not from the department, but is actually from the courts. The group hoped that FWP attendance at Justice of Peace statewide conferences could help emphasize that violators jeopardize future public hunting opportunities. Ron Jendro indicated we already attend these conferences, but indicated FWP would look into how we can provide information such as the option for remedial hunter education.

- Remedial hunter education is a program in place that is used to re-educate violators. It is a four-part online program that is associated with a \$50 fee and written essay. Wayde estimated that 30-40 violators go through this program a year. It is mandatory for certain violations.

The group discussed other alternatives to address hunter behavior. They discussed putting together a pamphlet to be passed out in hunter education with information about common landowner's concerns: trespassing, staying off muddy roads, ask permission during appropriate times, littering, respecting landowners' property, leaving gates how you found them. The council also discussed putting this pamphlet into the regulations as well.

The council discussed a few other possible solutions to hunter behavior problems:

- Create a short and funny, 2 to 3-minute video talking about appropriate hunting behaviors. Raise awareness of the right behavior by over-exaggerating bad behaviors such as leaving gates open, driving muddy roads, showing up at 4am to ask permission, and littering while hunting.
 - Require all hunters who purchase licenses online to watch the video before they can purchase their license. Similar to mandatory migratory bird harvest information.
- Enhance the statewide effort to conduct a year-round public relations campaign relative to landowner concerns similar to "Ask for Access" billboards.

ii. Director Williams, Bison EIS Record of Decision Update:

Director Williams provided an update with the Bison decision. Since the last PL/PW meeting she went on "Voices of Montana" and on the road traveling to some Block Management landowner appreciation dinners in Havre and Malta with Rod Jendro. Mike Volesky also attended the landowner dinner in Miles City. The Malta dinner was challenging with the recent bison decision on the forefront of attendees

minds. The PL/PW council appreciated her willingness to go on the radio and to speak to landowner groups about the decision.

Director Williams also confirmed and clarified that FWP is not linked nor has any association with APR in the renewing of the lease at Hell Creek State Park or this bison EIS. She concluded by talking about the role of local counties and the public in any the future local bison decisions and how statewide management of all fish, wildlife, and parks belongs to the Department of Fish, Wildlife and Parks through title 87.

iii. Everett Headley, Update on One Montana Master Hunter Course:

Everett thanked the council for the opportunity to provide an update and stated that the landowner concerns identified during the hunter behavior discussion are covered and addressed in the Master Hunter course. One Montana focuses on bridging the urban-rural divide and the Master Hunter Course is one way to do that. 2018 was the first class, with 25 graduating from the pilot program. In 2020, there are three classes scheduled, one each in Missoula, Helena and Bozeman. Each class has about 35 students per class and they're predicting to have just over 100 graduates. Everett gave an update on the course contents and benefits for students and landowners as well as long term goals for the program.

Course Content:

- Foundational prereading before class begins and time for interaction with subject matter experts.
- 74 hours in-person instruction and 20 hours online-including certification in the FWP Hunter-Landowner Stewardship Online Course.
- 16 key curriculum areas for hunters to be more informed hunters. Topics include history of wildlife management in North America, to hunter access opportunities, to farming/ranching operations to a final exam/rendezvous weekend.
- Final certification is conducted at a rendezvous weekend;
 - o Written final exam
 - o Rifle qualification
 - At 250 yards, shoot a 12-inch target three consecutive times within six minutes
 - o Land navigation test
 - o Few other small qualification tests using course contents.
- There is a requirement for students to maintain their "master hunter certification" through continuing education such as attending college course, participation in a commission meeting, or a PL/PW meeting as well as required volunteer time such as being instructor certified for hunter education.

Course Benefits:

Students

- Expanded knowledge base for hunters/students about a variety of pertinent hunter topics and landowner relations.
- Access to a "closed" Master Hunter online community/network
- Discounts to some hunting product lines

- Access to private land through relationships with landowners and given access to high quality hunting land.

Landowner benefits

- Biggest one is wanting to partner with hunters in the 'good neighbor' aspect.
- Wildlife management → want to be part of management strategies but have the confidence that hunters will leave the property just as they found it- or better. It's all about respect of the land and the landowner.
- No financial incentives from One Montana to landowners.
- Students may provide "sweat-equity" volunteer workdays.

Course Long-Term Goals

- Create a sustainable program that has an impact on hunter behavior and hunter-landowner relationship.
- Potentially a corporate program for wide reaching education for Montana businesses.
- Adding a bow hunter course and game bird aspect.
- Fostering sportsmen and landowners to work together.
- Adding more class locations and more graduates.
- Work closely and support FWP while maintaining own course and program identity.

iv. Lindsey Parsons, Update on MT Elk Management Plan Revision:

Lindsey Parsons, the FWP Deer/Elk Coordinator, gave an update about writing the new elk management plan. The plan FWP is currently operating under was adopted in 2005, and FWP is looking at updating the plan. To accomplish this goal, Lindsey and others are breaking the process into smaller pieces.

Lindsey has been meeting with regional biologists to find out how the current elk management plan is working for them, and how it is not working for them. She is also taking input from the biologists about what they might like to see in a future elk plan.

The next step in Lindsey's process is to present the first process piece to the commission for endorsement. The first process piece will be to form a public Elk Working Group. This group will be selected through an application process to identify a diverse group of stakeholders. This group will be tasked with developing an issue statement and some guiding principles to help guide elk plan update. This group will be facilitated by people at the University of Montana to help keep objectivity in the process. The goal of this process is to be as open-minded as possible and to keep the public involved. The new elk plan make look similar to the old one, but it may not.

The council had some suggestions for Lindsey to have the public working group be larger than the PL/PW council and to possibly have an eastern and western group to account for differences in value across the state.

Opportunity for Public Comment: There were no public comments provided on Day 1.

III. Trap Line Reports

Council members then provided their trap line reports of current events and issues of importance locally.

Dale Tribby: Heard a lot of positive feedback of Martha's "Voices of Montana" interview, seemed to reach a lot of people in Region 7 and he would like to see more FWP presence for the bison discussion as well as other topics on the radio. He also mentioned he really liked the idea to require a person to watch a short video before purchasing a conservation license, may be an eye opening and very educating experience for some people.

Ed Bukoskey: Money and consequences are the two drivers in life. Spoke with Region 7 wardens asking if they can increase the fines, they said it was a legislative action. Would like to see legislation that states, "If caught poaching, thou shalt pay \$5,000.00 minimum; trophy animal is more." Horns are getting more expensive, which creates less incentive for landowners to allow public access and need to get out from under that.

Sen Duane Ankney: Good responses to Martha's appearance on "Voices of Montana"; should continue to appear on a statewide radio program as it seems to be a great way to communicate with the public on contentious issues and provide general information regarding Montana's fish, wildlife and parks.

Lee Cornwell: Thanks for being proactive in responding to the bison decision and other issues.

Dan Fieher: People appreciate the Elk Shoulder Season changes for 2020-2021, but would like to see no elk seasons after December 1st.

Ed Beall: Continuation of questions about the elk seasons, general questions about licenses, confusion around application deadline dates. People are expressing concern about the moving to regular paper for licenses; about a third of people who buy licenses in his shop want them laminated- or have the mentality that "it's not my fault if they fall apart, I've already put it on the animal and have done my part." Mostly concerned how to attach the license to the carcass.

Carl Zabrocki: Looked up Nevada laws and they give 'x' amount of tags for allowing public access- but would not be in favor of Montana adopting the same process. Perhaps rather than receiving a payment, can a landowner receive an in-kind donation for public access?

- There is a statute (87-1-265) in place where BMA Cooperators can authorize the designation of money to a local fire protection district or county weed control board, but there is currently no participation.

Denley Loge: Have heard complaints about printing licenses on regular paper. Reiterated that it is a good idea for Director Williams to travel the state and do radio interviews. Often, it seems, FWP gets accused of operating 'in the dark' and by staff being out in the public and answering questions, it brings the operations of the FWP 'into the light'.

Wolves are a problem in region 1 and 2. We will do a better job recording the number, so we have better science going forward with season proposals.

Cindy Cohan: Local sportsman's groups have been very engaged on the Madison River and have been involved in creating fishing accesses. Have heard questions about printing licenses and the worksheets not available to print before the application process opened. Asked for an overview of the Dingell Act that was previously sent out.

- Dingell Act: On March 12, 2019, President Trump signed S. 47 into law as Public Law 116-9, the John D. Dingell, Jr. Conservation, Management, and Recreation Act.
- In accordance with SEC. 4105. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND; the USDA Forest Service and other DOI agencies (BLM, NPS, USFWS) are seeking nominations that describe areas on agency-managed lands where access is currently nonexistent or limited for hunting, fishing or other recreational opportunities.
- There may be an opportunity for FWP to work with federal partners and those parcels that are identified to utilize state programs to unlock these lands or improve access to these lands.

Richard Stuker: CWD has been hitting Region 6 hard. It has especially hit hunting north of Highway 2, resulting in a drastic increase in deer population as well as a decline in resident hunters. Fine amounts need to be increased and held up in court. Gave an example of nonresident in Plentywood area a few years back who took 87 birds over their limit was and was only fined \$2 a bird. Wants to have more mandatory harvest reporting to give the biologists and commission more data to base decisions from.

Provided an update to the last commission meeting for the biennial season setting. Wanted to point out that shoulder seasons for certain districts in region 4 and 5 are only set for one year. Addressing the comment used multiple times in the commission meeting that Montana lost over 1 million acres of access; this is true, but an interesting detail that region 7, which has no shoulder seasons, lost three times more acres than any other region. Region 4 and 6 increased in access acres within a 3-year timespan while every other region lost acres. FWP as a whole needs to look at what Regions 4 and 6 are doing and replicate that in other Regions to gain more access.

IV. Day 1 Concluding Comments

The difference between One Montana Master Hunter course vs. the current hunter's ed course leaves a large amount of room to create a program- or improve the current hunter's ed program to meet the needs for continued education.

One Montana Master Hunter proves there is a desire from hunters, so perhaps the department should look into a course for those hunters with a less intense curriculum.

The group also discussed the Hunter Landowner Stewardship Project. They thought it should be more than an online course to help fill this void for hunters who would like an expanded education. They also briefly discussed possible legislation to require all hunters to take the Hunter Landowner Stewardship course before hunting on any department negotiated hunting access- including Block Management. The group believes that the Hunter Landowner Stewardship Project has good content, but the course needs to be updated- in particular if it becomes a suite of tools and programs for continuing education.

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

The second day focused on identifying scoring criteria for the new Public Access Land Agreements program and members practiced using a new scoring criterion on a couple example projects.

V. Public Access Land Agreements

Overview:

Jason went over the agencies access programs. He focused Public Access Land Agreements (PALA), but he also discussed Unlocking Public Lands and Block Management. Between DNRC and FWP there are now five access programs designed to open inaccessible lands. The group wants to implement PALA without undermining other programs or undermining a perpetual process.

PALA was a program was established by the 2019 legislative session and created a payment per agreement to the landowner to allow public access to public land with the focus on 'inaccessible' and 'under-accessible' public land.

PALA can pay up to \$15,000 per agreement; which differs from BMA contracts where cooperators can receive up to \$15,000 per entity. PALA will be providing annual payments, but it has been written into the draft rules for agreements to be up to 10 years. Statute authorizes up to \$1 million each biennium for these agreements.

The group then reviewed and discussed potential scoring criteria and payments for PALA. The group decided that since PALA will be funded by sportsman dollars, it should reflect sportsman interests as a priority.

The council decided it did not want to take on the responsibility of deciding what an agreement is worth. It would look to FWP staff to negotiate based off the scoring criteria. For the future, maybe investigate legislation that requires all users to pay a fee (or buy a conservation license) for other public land users (birdwatchers, camping, hikers, etc.)

Projects will be scored based off a point system with rating categories 1 through 5 - the more points earned the more money awarded may be the best approach for statewide consistency. The group then worked through some questions that arose such as:

- Does the agency want to compensate more for a large property with only one hunting opportunity? Or pay more for smaller properties with multiple hunting opportunities?
 - Does the agency want to compensate more for a property that provides fishing access as well as hunting?
 - Does the agency want to pursue agreements that provide access to places that are outfitted?
 - Does the agency want to see compensation fluctuated between motorized vs. non-motorized use?
 - If non-motorized, more points awarded for shorter distance required to walk?
 - Should we include a "Special Circumstances" option. In other words, allow for FWP to give special determinations to properties that have standout qualities and use discretion.
- The group did not want these new PALA agreements to push cooperators out of BMA; they suggested possibly adding an incentive to keep BMA lands enrolled.

The council agreed upon a basic scoring criteria form and wanted to assign possible dollar amounts. The points awarded were difficult to tie into payments and the group talked about the flexibility provided in statute. The group then decided to set some higher monetary valuations to certain areas, such as motorized access, and the rest of the meeting was spent working through two example PALA projects.

The council wants the scoring criteria and payment system reviewed by FWP Regional Staff since regions will be determining the scores for habitat, demand, and game availability. The council would like to see the program promoted as soon as possible to get the projects on the ground and the money allocated spent.

Members would like to get together at the next meeting in-person to look at the potential PALA projects. They would like to meet likely in late June if possible, but a meeting date was not decided.

Opportunity for Public Comment:

Jeff Hagener, - Spoke to how he felt this council was one of the best places to work out the details of access problems and solutions, for private land issues. Was concerned that it had drifted too far from focus on private lands and was focusing mostly on public lands and access to public lands.

Meeting adjourned at 2:30 PM