



**PRIVATE LAND/PUBLIC
WILDLIFE COUNCIL
August 17, 2020**



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PUBLIC WILDLIFE COUNCIL**

Meeting virtually convened at 1:00 PM via Zoom.

Council Members Present: Ed Bukoskey, Ed Beall, Richard Stuker, Dale Tribby, Dan Fieher, Cindy Cohan, Rep. Denley Loge

Fish, Wildlife & Parks Personnel Present: Jason Kool, Kammi, Tim Viets (tech support), Shawna Pieske (tech support), Lindsey Parsons, Dustin Ramoie, Martha Williams, Ken McDonald, Quentin Kujala, Ron Jendro

I. Welcome

Jason welcomed the group and thank them for their willingness to attend another Zoom call. Jason then provided the group with an agenda overview: update on PALA process, BMA update, and indicated Lindsey Parsons requested to provide an update on elk management planning process. The goal for this PL/PW meeting is to work on potential bills for the upcoming legislative session.

II. PALA Update:

Director Williams did support and endorse the council's recommendations. For those landowners that had agreements, all the agreements are drafted and have been sent out to the landowners. The landowners have until the end of the month to return the agreements signed. Those agreements will all be up and available on our website the first part of September. We didn't see any change from BMA enrollments from negative impacts of PALA. In fact, we have had new landowners participate in both programs.

III. Update on Elk Plan Process

Lindsey Parsons provided the group with an update on the elk planning process. The first planned part of this process was to form the citizen's group. This group will be tasked with forming an issue statement and some guiding principles through a structured, facilitated process. There were fifty-nine applications collected over a thirty-day period. Those applications have been reviewed with Director Williams; she selected fourteen group members total. The council members represent a diversity in perspectives: landowners, outfitters, hunters, backcountry pack guides, fishing and hunting guides, and other interested members of the public. Some members of the elk advisory group fall into multiple categories of that perspective and others only fit into one. The group members spatially distributed across Montana because different elk management situations exist across the landscape of the state. The selected members are listed on the FWP website. The meetings of this group will be live streamed. The meetings are scheduled for Nov 19th and Dec 2-3rd and Dec 16th -17th.

IV. Open Discussion

The PLPW council discussed a desire to revisit some of the PALA requirements and payment. There is a plan for the group to revisit this topic at a later meeting in December. The council discussed some concerns about increased impact and usage to BMA and PALA landowners as a result of COVID. Jason mentioned that we have already sent out about half as many access guides as we usually do for the whole season.

The topic of hunter behavior also came up. Some landowners have been concerned about how readily available information is via technology such as OnX. Hunters can tell where they are, but it doesn't mean you have the permission to hunt there. Jason discussed some of the efforts the department has been making to put out messages about responsible land use: trespass issue, don't drive on muddy roads, blocking gates, don't shoot property, etc. Martha also mentioned FWP is also part of an Association of Fish and Wildlife Agencies (AFWA) effort to promote responsible recreation.

V. Legislative Proposals for Environmental Quality Council Review:

Tax Credit: UPL – a proposal to remove language that excludes public land when the public land parcels are surrounded by private land that the landowner or landowners have not granted permission to cross and there is no other legal access. Because of the current tax code, some of the landowners that participate in our Unlocking Public Lands were not offered agreements for 2020. This change would allow the landowners who have the "private to public then private to public land" scenarios to put their land into agreements.

The council decided that utilizing PALA in this situation was an alternative, so they would prefer to drop this bill and not pursue further.

HB 454: Put decision making back into commission authority, the last session moved this authority to the director.

The council would like to pursue this change.

Requirement for landowner permission and change penalties for 2nd offense hunting on private property without permission: Add furbearers too. Currently if a person hunting a bobcat (not trapping) really doesn't have to go through the process for getting permission because they aren't included in the current statute. Just cleaning up that portion of it. Also change wording from "may" to "shall," so that violators would get their hunting and fishing privileges revoked upon a second offense.

There was some discussion from the council about also increasing the fines for this penalty. \$500 was considered, but they decided the proposal would be more effective at \$250. Also want to add a one year minimum for the loss of hunting/fishing privileges. After further review and discussion with FWP staff, the final recommendations are:

(2) A person who violates this section shall, upon conviction for a first offense, be fined not less than \$135 or more than \$500.

(3) A person convicted of a second offense of hunting on private property without obtaining permission of the landowner within 5 years shall be fined not less than \$500 or more than \$1,000.

(4) In addition, the person, upon conviction under subsection (3) or forfeiture of bond or bail:

(a) shall be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in **77-1-101**, for recreational purposes for a period of not less than 12 months unless the court imposes a longer period;

Revising elk preference for those landowners who have documented game damage: Members discussed and reviewed current issues with landowner preference for elk. The primary concern was those smaller landowners who are unable to use preference to obtain an A-7 or antlerless elk license despite having game damage.

Members discussed making all landowner preference only valid on your own land regardless of acreages to help with some definition for the “used by elk” language. However, after further discussion, council members didn’t like the idea of restricting the 640-acre landowners to their own property.

They decided to recommend that landowners who own a minimum of 160-acres and have had 2 years of Department documented game damage, may also have a preference pool for an antlerless elk license or A-7 (antlerless) license.

Bonus points: Currently, young children are ineligible to purchase a license, but their parents can purchase a bonus point for them. The proposal is to restrict bonus point purchases to persons eligible to apply for a license, tag, or permit for the applied species (to put in an age restriction, but not to disqualify those who previously drew a tag and are in their seven-year wait). This would disallow those under the age to obtain a given hunting license from the ability to also obtain a bonus point before they can hunt.

Previously purchased bonus points would be grandfathered in as there is already a section in the current language that prohibits the department from deleting previous bonus points until the license is drawn. During this discussion, there was also some discussion about a separate bill for once in a lifetime opportunity.

Block Management payment cap: There was also a brief discussion about BMA payment maximum of \$15,000/year per landowner due to language with PALA of \$15,000 per agreement. There are some BMAs that are maxed out on payments with far more impacts from hunter days. The group also considered raising hunter day payments. Some question about funds available to pay for an increase. There is likely enough money if we increase the cap, but it is unlikely that there are funds to increase the hunter day payment. Some members questioned if the current payment amounts were going to cause us to lose cooperators. The council decided we should look at PALA’s success and impact before we decide to change anything about BMA.

VI. Trap Lines

Denley Loge: The river has been overwhelmed. Everyone is on it: rafters, fisherman, boaters, etc. For hunting, populations here are down. People are not talking much or complaining much; they’ve been busy recreating and picking huckleberries.

Richard Stuker: Voted against Madison proposal not because I didn’t want it to go out, but because I didn’t think it went far enough. In this area, not a lot of birds. Deer – probably the most I’ve seen. People are wondering how CWD and COVID may affect the deer harvest. A few people have called saying that they going to close their place and wish the department would close hunting because of

COVID. Bears moving out across and moving further east. Around Big Sandy and Loma we had a grizzly this summer.

Dale Tribby: For the most part, concerns about the hunting season and hearing from landowners that they are worried about being inundated with hunters. Lots of things lining up that have potential to sour some of our long-term cooperators in block management. Concerns me greatly because of the relationship the department has built up with the landowners. The potential loss of hunting access should be a concern to this council. Decent bird numbers. Hearing antelope population in parts of the region are strong. Seen a quite a few deer in my travels. Populations are at the long-term trend. Lining up for a nice year.

Ed Beall: Lots of people asking about getting their tags in 215,291,293, and other tags that are not available. We've been helping them look up tags that are available. With onX and other technologies, too much information without the precursor of asking for permission. Know where you are at.

Continue to hear things about moose, sheep, and goat. Wonder a bit about opportunities how as council we can get ahead of any land and water conservation funding that may be opening up. Don't know directly how that can be used here, but certainly acquisition of appropriate conservation areas would be one part. As I mentioned before, 18 months from now more PR and JD funds if the trend continues.

Ed Bukoskey: 17 young turkeys and 3 young hens. Pretty good pheasant hatch. A lot of twin fawns and even saw a few triplets. Doesn't look like the grizzlies will be hunted any time soon.

Meeting adjourned at 5:00 PM