

PLPW Recommendations – as of August 2022

Updates from August meeting

Block Management

- Encourage BLM/DNRC to put more boots on the ground for enforcement/compliance on their administered lands
- Seek additional FTE for compliance/recreation/access management to account for increased use/programs/quality of experience and customer service for users/landowners (would require legislative action)
- Seek additional enforcement FTE (would require legislative action)
- Seek state tax incentive for cooperators (would require legislation)
- Other notes from discussion:
 - Continue to move public lands out of BMA boundaries
 - Leave aggregate BMA payments 'as is' and monitor
- Support increase in maximum payment cap

Elk Hunting Access Agreements (454s)

- One like tag in each set of three public hunters; support requirement that like tag go to public hunter selected by department (would require legislation)
- Landowner still picks one of three public hunters
- Support department's intention that 10% allowance for EHA license/permits in quota districts be reviewed in legislative process

Public Access Land Agreements (PALA)

- Reduce the eligibility distance restriction between PALAs from 2 miles to 1 mile, allowing for smaller distances at department's discretion for special consideration (requires administrative rule change)
- Staff to contemplate streamlined review process for future discussion
- Department can reject applications, relying on regional access manager's professional judgement; regional supervisor would review/sign off (would require legislation)
- Remove \$5 application fee (would require legislation)

Unlocking Public Lands

- Let it continue to sunset

All access programs

- Establish one application period/one access menu for all programs

87-2-513. (Effective March 1, 2022) Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting -- terms, conditions, and issuance. (1) For wildlife management purposes and with approval of the commission pursuant to **87-1-301**, the department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination of the two as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property. A designee may be an immediate family member or an authorized full-time employee of the landowner who is eligible for licensure under Title 87, chapter 2.

(2) To be eligible for a license or permit pursuant to this section, a landowner:

(a) must own occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;

(b) must have entered into a contractual public elk hunting access agreement with the department in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season; and

(c) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) For every three members of the public allowed to hunt under the contractual public elk hunting access agreement:

(a) the department may issue one license, permit, or combination of the two pursuant to subsection

(1). The department may limit the total number of licenses and permits issued under this section.

(b) at least one of the public hunters must hold the equivalent license, permit, or combination thereof as the license, permit, or combination thereof issued to the landowner or the landowner's designee pursuant to this section. This public hunter must be selected by the department under the provisions of subsection (7)(b).

(4) A license or permit issued pursuant to this section:

(a) is nontransferable and may not be sold or bartered; and

(b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.

(5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.

(7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. The agreement must include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.

(b) Except for public hunters selected by the landowner pursuant to subsection (7)(a), the department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district.

(8) For the purposes of this section, the following definitions apply:

(a) "Immediate family member" means a parent, grandparent, child, or grandchild of the cooperater by blood or marriage, a spouse, a legally adopted child, a sibling of the cooperater or spouse, or a niece or nephew.

(b) "Employee" means a person who works full time and year round for the landowner as part of the active farm or ranch operation enrolled in the program.

(Language highlighted in blue a new suggestion from the department based on August discussion.)

87-1-266. License benefits for landowners enrolled in block management program -- rulemaking. (1) As a benefit for enrolling property in the block management program established in **87-1-265**, a resident landowner may receive one wildlife conservation license and one Class AAA combination sports license and the necessary prerequisites, without charge, if the landowner is the owner of record. The licenses may be used for the full hunting or fishing season in any district where they are valid. The licenses may not be transferred by gift or sale.

(2) As a benefit for enrolling property in the block management program, a nonresident landowner may receive one wildlife conservation license and one Class B-10 nonresident big game combination license and the necessary prerequisites, without charge, if the landowner is the owner of record. The licenses may be used for the full hunting or fishing season in any district where they are valid. The licenses may not be transferred by gift or sale. The grant of a license under this subsection also qualifies the licensee to apply for a permit through the normal drawing process. The grant of a license under this subsection does not affect the limits established under **87-2-505**.

(3) (a) Instead of receiving the benefits provided in subsection (1) or (2), a landowner of record who enrolls in the block management program may designate an immediate family member or employee to receive, without charge, a wildlife conservation license and the necessary prerequisites and:

(i) a Class AAA combination sports license if the designated person is a resident; or

(ii) a Class B-10 nonresident big game combination license if the designated person is a nonresident.

(b) For purposes of this subsection (3), an immediate family member means a parent, grandparent, child, or grandchild of the cooperater by blood or marriage, a spouse, a legally adopted child, a sibling of the cooperater or spouse, or a niece or nephew.

(c) For purposes of this subsection (3), the term "employee" means a person who works full time and year round for the landowner as part of the active farm or ranch operation enrolled in the block management program.

(d) An immediate family member or employee who is designated to receive a license pursuant to this subsection (3) must be eligible for licensure under current Montana law and may not transfer the license by gift or sale.

(e) The grant of a Class B-10 nonresident big game combination license to an immediate family member or employee pursuant to this subsection (3) does not affect the limits established in **87-2-505**.

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(4) The department may by rule limit the overall number of licenses that can be provided to landowners pursuant to this section.

(5) For the purposes of this section, the term "necessary prerequisites" includes:

- (a) the base hunting license established in **87-2-116**;
- (b) the aquatic invasive species prevention pass established in **87-2-130**; and
- (c) the wildlife conservation license established in **87-2-201**.

(Language highlighted in blue a new suggestion from the department based on August discussion.)

87-1-295. Public access land agreement -- terms -- application fee. (1) A public access land agreement may be granted only to a landowner who is providing access across the landowner's land to public land that is leased by the landowner or to public land for which there is no leaseholder. An agreement may not include land for which the landowner is also compensated pursuant to **76-17-102** or **87-1-294**.

(2) The department shall may negotiate the terms of a proposed public access land agreement with the landowner. Negotiable terms include:

- (a) the amount of compensation, not to exceed \$15,000 annually, and the duration of the agreement;
- (b) improvements to the land provided by the department that may facilitate public access;
- (c) the location of the access and the transportation mode by which the public may use the access;
- (d) time periods when the access may and may not be used; and
- (e) penalties for trespassing on private land not covered by the agreement.

(3) The private land/public wildlife advisory committee appointed pursuant to **87-1-269** shall review proposed public access land agreements and make recommendations to the department. The department shall consider the recommendations when issuing agreements.

(4) The department may revoke a public access land agreement for a violation of the terms of the agreement.

(5) The restriction on liability of a landowner, agent, or tenant that is provided under **70-16-302**(1) applies to a landowner who holds a public access land agreement.

~~(6) (a) A landowner who proposes a public access land agreement to the department shall pay a \$5 application fee.~~

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~~(b) All application fees must be deposited in the department's general license account and used for the purpose of establishing public access land agreements. At the end of each fiscal year, application revenue that remains unobligated is available to the department for any purpose pursuant to **87-1-201**(3).~~

~~(7) (6)~~ The department may adopt rules to implement the provisions of this section.

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