

[12.4.201 Overview of Block Management Rules \(propose to repeal\)](#)

[12.4.202 Administration of Block Management Program \(propose to repeal\)](#)

**12.4.203 DEFINITIONS**

Wherever used in ARM [12.4.201](#) through [12.4.210](#), unless a different meaning clearly appears from the context:

(1) "Accessible state lands" means those state lands under the jurisdiction of the Montana department of natural resources and conservation which are accessible as described in ARM [36.25.165](#).

(2) "BMA" means block management area. A BMA is a specified area on which, by cooperative agreement between the landowner, other resource management agencies and the department, public hunting is permitted with certain restrictions or use rules.

(3) "Block management ~~access guide~~ ~~tableid~~" means the document ~~printed produced~~ annually which provides statewide information on the block management program and describes means through which hunters may get specific information on block management opportunities.

(4) "Commercial hunting activity" means any activities in which a consideration is required as a condition for hunting.

(5) "Department" means the Montana department of fish, wildlife, and parks.

(6) "Cooperator" means a private or public landowner or land management agency with which the department enters into an agreement for the purposes of the allowing hunting access on a BMA.

(7) "Director" means director of the Montana department of fish, wildlife, and parks.

(8) "DNRC" means Montana department of natural resources and conservation.

(9) "Hunter day" means one hunter who hunts on a cooperator's property during a calendar day.

(10) "Hunting season" means the time during which game birds and game animals may be legally taken as defined by the commission regulation under [87-1-304](#), MCA.

(11) "Livestock loss insurance" means a program which provides reimbursement to livestock owners whose animals are injured or killed as the direct result of allowing public hunting on their property.

(12) "Outfitting" means the act of providing hunting-related services for a consideration as defined in [37-47-101](#)(~~7~~), MCA.

(13) "Regional office" means the headquarters of a department administrative region.

(14) "Regional supervisor" means the supervisor of a regional office.

(15) "Use season" means the period of time during which a BMA is open and functioning, allowing public hunting.

(16) "~~Unified aggregate cooperative~~" means a block management area where more than one landowner enrolls land within a single BMA boundary and utilizes the same hunter permission system.

History: [87-1-301](#), [87-1-303](#), MCA; IMP, [87-1-301](#), [87-1-303](#), MCA; NEW, 1994 MAR p. 1691, Eff. 6/24/94; AMD, 1996 MAR p. 1139, Eff. 4/26/96.

#### 12.4.204 CRITERIA FOR PARTICIPATION

(1) A BMA may be established for any of the following reasons:

- (a) the land is a high-priority resource and habitat area as defined by statewide and regional management objectives;
- (b) a potential exists for a cooperative relationship between the department and private landowner or landowners for long-term management projects and programs;
- (c) establishment of the BMA will result in sustained or increased hunter opportunity, access and hunter days on private lands;
- (d) implementation of the BMA will open up access to inaccessible ~~federal and state~~ state or federal lands; or
- (e) implementation of a BMA will enhance regional management needs which may include but are not limited to:
  - (i) history of wildlife damage;
  - (ii) quality of hunting opportunities;
  - (iii) condition of wildlife habitat; and
  - (iv) availability of local hunting opportunities.

History: [87-1-301](#), [87-1-303](#), MCA; [IMP](#), [87-1-301](#), [87-1-303](#), MCA; [NEW](#), 1994 MAR p. 1691, Eff. 6/24/94; [AMD](#), 1996 MAR p. 1139, Eff. 4/26/96.

#### 12.4.205 USE OF BLOCK MANAGEMENT AREAS

(1) The following governs use of BMAs:

- (a) Use restrictions for each BMA shall be established by negotiation between department personnel and the cooperator. Restrictions may include but may not be limited to:
  - (i) restrictions on vehicle use or off-road travel for access or downed game retrieval;
  - (ii) number of hunters or hunting parties utilizing a BMA per day;
  - (iii) times and places at which permission slips or other instructions are provided on-site to the public; and
  - (iv) duration of the use season.
- (b) When lands under the authority of state or federal agencies are proposed for inclusion in a BMA, the managing ~~federal~~ public land agency must approve the inclusion.
- (c) On BMAs which restrict hunter numbers, a cooperator may allow additional hunters at his or her discretion.
- (d) The cooperator and the department reserve the right to deny access to a BMA for cause, including but not limited to: intoxication, violation of BMA rules or previous misconduct on a BMA. Willful violation of BMA regulations on private property which set the terms for entrance on a cooperator's property can be grounds for terminating privileges on a BMA and a misdemeanor citation under [87-6-415](#) [87-3-304](#), MCA, hunting without landowner permission. BMAs may also be temporarily closed by the cooperator in conjunction with the department due to weather, fire danger or other conditions or circumstances which would place public safety or resources in jeopardy.
- (e) BMA's may only be accessed by the public during a use season for the purposes of hunting for migratory game birds, upland game birds or game animals as defined in [87-6-101](#), MCA, pursuant to the terms of the BMA agreement-. All other recreational activities require permission of the cooperator.

(fe) Priority consideration for block management enrollment will be given for lands that are open to all species and gender of game birds and animals ~~available in huntable numbers~~, with access provided by the cooperator concurrent with applicable fall hunting season dates. ~~Any restrictions on the gender or species available for hunting on a BMA, other than those established by the commission, must be approved by the regional supervisor in writing, documenting any biological or management reasons for such restrictions before implementation of the BMA.~~ Species and gender restrictions, other than those established by the commission, may not be imposed on state or federal land.

(gf) BMAs which impose daily hunter number limits will allow free, equitable opportunities for access to all hunters requesting use of the BMA based on a daily hunter number capacity agreed upon by the cooperator and the department. The allocation of this hunter capacity will be on a first come, first served basis unless the BMA provides preference of veterans on Veterans Day in accordance with MCA 87-1-263. In the event that hunting demand for a certain BMA is greater than supply, similar hunting opportunities may be offered on other days on the BMA or on other BMAs. On BMAs where hunter demand regularly exceeds available opportunity, the department, where practical, or the cooperator, with department approval, will develop equitable methods of allocation such as ~~telephone~~ reservations or drawings.

(hg) During periods when a BMA is not in operation and commission-established hunting seasons are in effect, access to private land is at the discretion of the landowner. These periods will be duly noted on enrollment forms as well as in information distributed to the public. During such non-block management periods, accessible ~~federal and state~~ or federal lands will remain open to the public for recreation under rules and regulations adopted by the appropriate land management agency. Hunter days that occur when a BMA is not in operation and does not provide access to the general public will not be counted towards any compensation given the landowner to offset potential impacts of public hunting on the property.

(ih) Enrollment in the block management program may be terminated by the department or the cooperator if the terms of the ~~contract or enrollment form agreement~~ are violated; ~~or, by the department or the cooperator within 30 days following the end of the hunting season.~~ DNRC may withdraw state lands from inclusion in a BMA at any time, under ARM 26.3.199C. Any such notice must be in writing. An agreement contract or enrollment may be canceled and a cooperator's property withdrawn from the program at any time due to circumstances beyond the control of the cooperator or the department, such as death, illness, natural disaster, or acts of nature.

(ii) Cooperators may ~~enroll in or contract agree~~ to participate in the block management program for up to 5 years at a time. However, this will be contingent on the annual availability of funds to operate the BMA block management program.

(kj) Reservations for hunting opportunities on BMAs which restrict hunter numbers may not be accepted by cooperators or department personnel operating a BMA on behalf of a cooperator before ~~September 4~~ a date set by the department preceding the opening of a use season and as published in BMA information provided by the department.

(ik) On BMAs which restrict hunter numbers or require reservations, a hunter cannot reserve permission on more than one BMA per day.

History: [87-1-301](#), [87-1-303](#), MCA; [IMP](#), [87-1-301](#), [87-1-303](#), MCA; [NEW](#), 1994 MAR p. 1691, Eff. 6/24/94; [AMD](#), 1996 MAR p. 1139, Eff. 4/26/96.

#### [12.4.206](#) COMPENSATION TO COOPERATORS

(1) Cooperators in the program may receive various forms of compensation for their participation including, but not limited to, the following:

(a) department oversight and supervision of hunting on a BMA including the development and implementation of a hunter reservation system administered by the department when practical; ~~For cooperators who elect to have the department provide personnel whose primary duty it is to manage hunting on their property, a compensation value will be assigned to those services by the department, with that amount deducted from the total of any monetary compensation for which the cooperator is otherwise eligible under (1) (c) and (2) of this rule;~~

(b) supplying of permission books or other materials which document hunter use, signs or hunting-season related supplies; and ~~(ee)~~ monetary compensation to offset potential impacts associated with allowing public hunting access. These impacts include, but are not limited to, those identified in [87-1-265 \(6\)](#) ~~87-1-267(5)~~, MCA, and time spent dealing with hunters. Payments to cooperators will be made following the close of the use season and the submission of hunter use documents (permission slips, etc.) to the department.

(2) Payments to cooperators will be set by the department, [to allow the public to hunt as defined in 87-6-101 \(14\) and](#) figured in the following manner ~~and dependant~~ ~~dependent~~ on available funding:

(a) basic enrollment payment which will be provided to anyone enrolled in the program;

(b) basic impact payment which will be provided to all cooperators and computed at an amount per hunter day;

(c) length of season impact payment which will be available in addition to other impact payments to cooperators who place no restrictions on commission-established fall hunting seasons for any species legally available ~~in huntable numbers~~ on their property. This rate will be set at one-third of the base impact payment;

(d) species/gender impact payment which will be available in addition to other impact payments, to cooperators who place no restrictions on the species and gender available ~~in huntable numbers~~ on their property. This rate will be set at one-third of the base impact payment;

(e) cooperators who provide access corridors to isolated state or federal lands, with no enrollment of deeded land permitting public hunting access, will be eligible for compensation at 50% of the base impact payment and, if no restrictions are placed on the length of seasons, 50% of the length of season impact payment, based on the number of hunters for which access is provided;

(f) in situations involving unique hunting opportunities or special management circumstances, compensation may be negotiated on a case-by-case basis at a rate not to exceed limits set in [87-1-265 \(8\)](#) ~~87-1-267(7)~~, MCA. Compensation amounts in these situations will require written approval of the regional supervisor [and the parks and outdoor recreation division administrator](#); and

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(g) for those cooperators who elect to receive monetary compensation under this rule, a method of measuring hunter use on the property must be used to document hunter days. This may include, but is not limited to permission slips, daily use rosters or other methods which will accurately reflect the hunter use of a cooperator's property. For those areas with unrestricted access where rosters or permission slips may not be practical, standard department hunter use accounting methods will be used to calculate hunter days.

(3) Additional forms of compensation may also include:

(a) livestock loss insurance payable at full market value of any loss;

(b) the supplying of wildlife damage materials and supplies;

(c) incentives for participation in a unified aggregate cooperative; and

(d) participation in other department cooperative programs.

History: 87-1-301, 87-1-303, MCA; IMP, 87-1-301, 87-1-303, MCA; NEW, 1994 MAR p. 1691, Eff. 6/24/94; AMD, 1996 MAR p. 1139, Eff. 4/26/96.

#### 12.4.207 OUTFITTING AND COMMERCIAL HUNTING ACTIVITY

(1) Outfitting and commercial hunting activities on BMAs are not consistent with the intent of providing free public access to recreational opportunities on private lands. Outfitting may not take place on a BMA unless public ~~recreation and~~ hunting opportunities are not unreasonably restricted and the cooperator and regional supervisor approve the activity. This rule does not regulate licensed outfitters legally operating on ~~federal or state~~ state or federal lands under license or permit obtained from the bureau of land management, forest service, DNRC or other resource management agency.

History: 87-1-301, 87-1-303, MCA; IMP, 87-1-301, 87-1-303, MCA; NEW, 1994 MAR p. 1691, Eff. 6/24/94; AMD, 1996 MAR p. 1139, Eff. 4/26/96.

#### 12.4.208 INFORMATION DISSEMINATION

(1) Information concerning specific BMAs will be electronically available and at department regional offices ~~in the region that the BMA operates. Information will be made available to the public upon request, either in person, by mail, telephone or fax. Each region will have available to the public on or before the opening of a use season August 15 of~~ each year:

(a) ~~copies of~~ the statewide block management table ~~access guide~~; and

(b) a list of BMAs in that region for the current year. ~~This list may be expanded if more BMAs are enrolled closer to the opening of the general hunting season.~~

(2) ~~Block management information~~ Information on specific ~~areas~~ BMAs ~~available to the public~~ will consist of ~~printed materials which include~~ at least the following:

(a) map of BMA showing location and clearly identifying the boundaries of the BMA. The map will be dated with the year it was produced;

(b) hunting opportunities available;

(c) use restrictions of the area;

(d) method of gaining access;

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- (e) dates BMA is in effect;
- (f) ~~telephone number of regional office for contact~~ information; and
- (g) indication of the location of any state or federal lands accessible via in the BMA ~~and notification of the requirement to possess a state lands recreational use license to hunt state lands administered by DNRC.~~

History: [87-1-301](#), [87-1-303](#), MCA; IMP, [87-1-301](#), [87-1-303](#), MCA; NEW, 1994 MAR p. 1691, Eff. 6/24/94; AMD, 1996 MAR p. 1139, Eff. 4/26/96.

#### 12.4.210 COMPLAINT RESOLUTION SYSTEM

(1) BMA cooperators or hunters may make complaints to the department of problems they have encountered on a BMA. The department shall use the following procedure to investigate and resolve complaints.

(a) Block management personnel are encouraged to work on-site to address problems before they reach the complaint stage.

(b) Formal complaints must be in writing, signed by the complainant and may be presented to any department employee. Complaints need to include information describing the events that transpired, the BMA involved, and the names, addresses and, if possible, phone numbers of all individuals involved.

(c) Complaints will be turned in immediately to the regional supervisor of the region in which the problem occurred and documented for tracking purposes.

(d) The regional supervisor is responsible for assessing complaints and initiating the appropriate level of investigation. If the complaint involves state ~~lands~~ or federal lands, the supervisor will involve the appropriate management agency in resolving the complaint.

(e) At the conclusion of the investigation, the regional supervisor will provide written notification to the complainant and the department ~~field services administrator~~ director of the results of the investigation as well as any action taken as a result of the investigation. Other parties directly involved with the complaint (cooperator, land management agencies, etc.) will also be notified.

(f) A complainant may appeal the action taken by a regional supervisor to the director. The director will review the complaint and investigation and issue a ~~written~~ decision.

(g) Following the close of the hunting season, the ~~field services~~ Parks and Outdoor Recreation division ~~Division of the department~~ will review and summarize all complaints lodged during the preceding hunting season. Each regional office will get a copy of this summary as well as identification of problem areas and suggested solutions.

~~(h) For BMAs with any complaints which remain unresolved on March 1 annually after having been investigated through this process, the complaints will be reviewed as set forth in ARM 36.25.167 to determine if a public review is necessary to assess if continued enrollment in the program is appropriate.~~

History: [87-1-301](#), [87-1-303](#), MCA; IMP, [87-1-301](#), [87-1-303](#), MCA; NEW, 1994 MAR p. 1691, Eff. 6/24/94.

Note: Also propose moving Block ARMS to Parks and Outdoor Recreation Division chapter. Block Management is currently located in stream access section.

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