

**Region 7 CAC – Legislative Open House  
Dec. 20, 2022**

Present: Brad Schmitz, Mike Backes, Todd Anderson, Brett Dorak, Jamie Hould, Brian Burky, Marla Prell, Erin O’Connor, Kristy Cullinan, Deb O’Neill, Mike Volesky (all FWP); FWP F&W Commissioner Bill Lane, George Luther and Andrew Wright (CAC), Rep. Gary Parry (HD39), Rep. Greg Kmetz (HD38), and Rep. Paul Green (HD41)

Brad began the meeting by welcoming everyone and conducting introductions of all in attendance. We are fortunate to have three new legislators joining us today, as well as Commissioner Lane.

Deb O’Neill, FWP Special Projects and Legislative Liaison, provided information on the 14 bills that the Department is proposing this Legislative Session. In between sessions we identify laws that don’t support how we are doing business, are outdated and may need repealed, etc. Most of our bills are clean-up bills. We bring the bills to the Environmental Quality Council (EQC), and they approve or disapprove of the bills going forward, seeks sponsors, and get them introduced.

Current bills are:

1. Electronic validation (HB 162): Currently eTags are optional and are only available for big game species and turkeys. We are seeking approval for adding other species; this would be for wolf, crane and paddlefish. This is just asking for the ability to potentially add these species down the road if we choose to do so.  
Rep. Parry asked if there was any issues with eTags. Deb said they’ve been largely successful but do seem to work easier on iPhones than Androids.
2. Tag validation (SB 76): We are seeking to require that validated paper tags just accompany a harvested animal rather than to be attached to the animal.
3. Wolf tags waiting period (HB 131): The post-purchase wait period for bear and lion tags was removed last session, but the 24-hour period for wolf remained. We are seeking to remove that wait.
4. Aircraft, drones and unmanned air vehicles (SB 84): We are seeking to include drones as part of the definition of ‘aircraft’. All current rules that apply to aircraft would apply to drones including that users cannot fly and hunt on the same day. Additionally, the current statute obligates us to allow aircraft landing on Forest Service land, which we cannot do.
5. WHIP (HB 86): The Wildlife Habitat Improvement Program is a program where FWP works with landowners to improve habitat on private land. FWP spends about two million dollars annually on this program. The program is set to terminate next year; we’re seeking to terminate the end date for perpetuity.
6. Landowner Preference (LOP) (HB 146): Presently in statute, elk is the only species listed but FWP has also been managing this licensing opportunity for deer and antelope. Those two species are not included in the statute, so we are seeking the ability to manage those for LOP as well.
7. Nonresident (NR) college student licenses (HB 133): At this time, these individuals must come to an FWP office to obtain these special discounted licenses. We are seeking to be able to allow online purchases. Those participating would just have to upload their supporting documents online.

8. License agent surety bonds (HB 73): We used to require a surety bond on a license agent's behalf. However, we don't require that anymore, but statute does. This is an outdated statute that we're asking to repeal.
9. Repealed NR snowmobile permit (HB 99): This bill will remove a reference to a repealed nonresident snowmobile permit. It also cleans up language about snowmobiles owned by the state and their exemption from payment of fees.  
Rep. Green asked if this part of the Governor's red tape reduction. Deb replied that it is not, but it helps.
10. Firearms use by employees (HB 42): This would allow qualified FWP employees, and not necessarily wardens, to carry firearms while on duty. We would establish the allowance of this in statute and would allow FWP to develop some rules for liability. All firearms would have to be Department-owned.  
Rep. Parry noted that he would like in committee to hear that the program is set up and ready to go. Deb said we may have to develop ARM rules. Rep. Kmetz added that he personally would like for all staff be able to carry. George Luther stated that he feels we would need to make sure that this relates to wildlife and situations involving wildlife, such as bear defense. He also said we need to have sidebars so it doesn't transgress to non-intended purposes. Rep. Kmetz cautioned that a legislator is going to ask how much this will cost, how many guns we anticipate purchasing, etc.
11. Blind lifetime fishing licenses (SB 88): These licenses can be purchased now with no prerequisite licenses, except the Aquatic Invasive Species Prevention Pass (AISPP). This bill would exclude the AISPP requirement.
12. Block Management cooperator payments (SB 58): Last Session we asked for the cap on cooperator payments to be raised from \$15,000 to \$25,000. We still have cooperators that are bumping up against that cap, so we are asking for an increase to \$50,000. The Director has authority to increase the per day payment (currently \$13); if we increase that without increasing the cap, we'll have a lot of cooperators bumping against that. Most cooperators will be captured under a \$50,000 cap. We don't want to lose Block Management cooperators to competing groups and hope raising the cap will keep them. Rep. Green stated that BMA cooperators have a lot to deal with. This led to a group discussion on hunter ethics, etc.
13. Grizzly Bears (SB 85): There is already an ARM rule for grizzly bears after they're delisted; we want to get this into statute. We're committed to monitoring and regulating grizzlies and maintaining a delisted status. FWP will use similar language as when wolves were delisted, and we believe the U.S. Fish & Wildlife Service will agree with that language.
14. Upland Game Bird Habitat Enhancement Program (UGBHEP) (HB 74): FWP is required by statute to set aside 25% of funds for this program to be use on birds to release. However, we don't presently have a lot of landowners who are interested in releasing birds so we're not meeting the statute requirement. The Upland Game Bird workgroup recommended changing "shall" to "may" use this money. We're recommending repealing that whole section.  
Rep. Parry voice his opinion that he is not sure the prison did a great job with the pheasants we got from them this year. Deb noted that there was some pheasants she's not sure the prison manager would have authorized to be released. The prison manager has said he thinks the tail-less birds that people noted were missing tails because as chicks they couldn't go outside in time due to issues with flight pens, and so their tails didn't harden. He thinks he can remedy

situation next year. Rep. Parry suggested that we try to have the youth hunt within the same week as when birds are released. Brett noted that the birds were released two days prior. Deb added that she just met with biologists and other staff earlier this week to figure out how to do all of this better in the future.

Rep. Kmetz asked if FWP is totally funded with license fees. Deb explained that FWP is funded mostly with license fees but not entirely; we also get some excise tax fees, park fees, etc. We use no general funds. Brad explained some of the additional funding includes Dingell-Johnson and Pittman-Robertson funds. Deb added that those fund about 80% of Block Management payments. Rep. Kmetz inquired about the marijuana money. Mike V. replied that the initiative directed money to habitat programs at FWP, etc. Whether a law is passed by initiative or legislature, its only good for two years. This is part of the Governor's budget bill, HB 2. Deb added that this funded 30% of Habitat Montana, and Mike included that each session makes the decision of how funds are appropriated going forward.

### **Roundtable Discussion**

Commissioner Bill Lane – There was a Commission meeting today; there was issues that came up that they're still dealing with. He used the Madison River as an example; there are so many variables and interested parties that it's likely going to go to legislature to do more research. Decisions need to be made but the Commission wants to make sure that it makes the right decision. Mule deer numbers are something we continue to watch. Next year will be a season setting year for elk; hopefully the elk management plan will be in place. Lingering issues are moving in the right direction. If folks have suggestions for him and areas where he can do better, he's open and will do this best. He's always open to visit.

Andrew Wright stated he has no issues.

George Luther – Regarding eTag feedback, everyone he talked to that used it loved it. We are adapting. It's good to see the drone bill coming is as he thinks there's issues out there that haven't come to the forefront yet. It's going to be a challenge for the Department to stay ahead of technology. Mike Backes has done a good job of coming to the Tongue River water users and presenting pallid sturgeon info. Fish tend to take a background to elk and deer but are a big issue too. Tongue River Reservoir (TRR) has a huge recreation presence. He recently found out that DNRC is selling some cabin sites at TRR. Brad noted that we've dealt with Tongue River water and fisheries issues for years; it's mostly gone smoothly. Recreation in that area is increasing and that impacts 180 miles of river drainage. George mentioned that there's going to be a changing of the guard on the water users board, too. Rep. Parry asked how will it impact other bodies of water if we start taking on a large water body such as TRR? The Department needs to be ready to address other reservoirs.

Rep. Green – The world is going more and more virtual. Is there a way to blend some off the shelf app that could track people's activity? Maybe this could be used as an incentive for BMA cooperators who are fed up and thinking of getting out. Deb said that we have heard from a lot of BMA cooperators that they like having interaction with the public. Additionally, tracking people's movements is something we can't do legally; statute bars us from that. We can track individuals down to a Hunting District but that's

it. Mike V. added that we are going to build more and more into this eTag system. Maybe it will be possible in the future for folks to opt in to some sort of location tracking.

Rep. Parry – He has been an avid hunter for years. He is sponsoring two bills. One suggests an increase in the state Migratory Bird license; he is proposing going from \$6.50 to \$10 for residents and from \$50 to \$150 for nonresident. He believes Montana is out of whack on our migratory bird license price compared to other states. He wants to help do what he can.

Rep. Kmetz – He would like to be known as a strong proponent for FWP, especially as a vendor for many years. He wants to support FWP legislatively as much as he can. He recently had someone ask him about thermal imaging scopes; the person thought they were giving hunters too much of advantage. Mike V. noted that this is a good subject to discuss. That technology is changing all the time. Typically, you will only hear FWP bringing one of those issues forward if wardens say it's getting to be a problem. Rep. Parry stated that technology is a very important issue. We need to be up on technological evolution. It would be helpful if we make legislators aware of what we're hearing from the public so if the public contacts them we can be in concert.

Rep Green – He likes that FWP doesn't take position and doesn't necessarily put all the info out there. He prefers if we give the facts and let him decide. Deb commented that what we commonly do unless its going to divert funding or we can't implement, or if something will harm the resources, is to simply be informational. We want you to ask those questions of FWP in committee. We will have experts in the room, will introduce the bill and then say we're available for questions. We don't provide social input; the public needs to provide that to Commissioners and the legislature.

In closing, Deb noted that on January 11<sup>th</sup> FWP will be hosting an open house for legislators from 5:30 to 7:30 p.m. and she hopes our legislators in attendance tonight will join us.

Brad thanked everyone for coming, asking great questions and providing input. We like to hold these open houses before each new Session starts; it's a great way to meet our legislators and for them to learn more about us and hear from our CAC members. We are a bit light on attendance of our CAC members tonight; this is likely due to the weather and having to reschedule from last week. He appreciates everyone who was able to attend and hopes all will stay in touch.