Meeting

Region 5 Citizen Advisory Council Meeting

10/21/2008
5:30 PM to 9:30 PM
Fish, Wildlife & Parks
2300 Lake Elmo Drive
Billings, MT 59105

Meeting called by:	Bob Gibson
Type of meeting:	Citizen Advisory Council Meeting
Facilitator:	Bob Gibson
Transcriber:	Dianne Stiff
Attendees:	Greg Keller, Doug Dreeszen, Mike Whittington, David Charles, Doug Haacke, Dan Dutton, Dale Vermillion, Jed Evjene, Shawn Todd, Bob Willems, Randy Arnold, Doug Habermann, Ray Mule', Bob Gibson, Larry Peterman
Absent:	Gary Hammond, Harold Guse, Jim Darling, Dianne Stiff, Daniel Aadland

Agenda topics

5:30-6:00 p.m.	Welcome, Dinner & Conversation	Bob Gibson
6:00-6:45 p.m.	Issues of Concern	CAC Members
6:45-8:30 p.m.	Legislative Overview/Priorities	Larry Peterman

Discussion: Bob went over the evening's agenda with Council members and made introductions.

Issues of Concern	CAC Members

Discussion: Mike Whittington

- Stream access at public road bridges – SB 78 introduced in the ’07 session, basically was a bill that codified an earlier attorney generals’ opinion that said the public does have the right to enter a stream from the public road right away. In other words, when you have an intersection of two rights of way, within that, the public has the right to access. This bill had a provision for the Department to utilize sportsmen dollars to help install some kind of a safe crossing and did allow livestock operators to fence to the abutment to contain their cattle, which is reasonable, as long as the public were allowed to somehow cross that fence. This bill passed the senate, but was killed in the house. There is another bill already drafted, LC0629 (http://laws.leg.mt.gov/laws09/law0203w$.startup) with the cooperation of the Montana Wildlife Federation, Trout Unlimited, MT Cattleman’s Association, Farmers Union, Maaco, Northern Plains and Fish, Wildlife and Parks (FWP). There will be an even bigger push to get it through in the ’09 session by sportsmen.
- Harboring of wildlife - Sportsman organizations statewide are working on the problems related to refuging of wildlife with big game species primarily. This has been an increasing problem across the state associated with people from out of state that have come in and bought up traditional ranches, turning them into wildlife refuges. They either don’t allow any hunting or perhaps just allow very limited hunting by outfitters, which excludes the public. The sportsmen community that’s been looking at this and studying the issue have concluded that there are about four problems associated with this. 1) It obviously locks the public out of access to public wildlife for hunting purposes; 2) we recognize the impact on adjacent landowners who in many cases do allow public hunting, but the overabundance of big game on these private refuges, if you will, cause impacts to the adjacent landowners winter feed supply and crops, etc.; 3) it compromises with the Department’s ability to manage big game through hunting which translates itself into problems with meeting objectives for herd size; and 4) an issue that’s becoming increasingly important in the state, particularly in the greater Yellowstone area is the problem with the spread of disease among ungulates, primarily brucellosis. It’s being recognized that refuging wildlife and creating concentrations of wildlife lends itself to greater spread of ungulate diseases, so that’s an additional reason which livestock producers may need to take a look at this problem.

Doug Dreeszen –

- Several individuals have contacted Doug with regards to landowner preference and elk tags being issued to landowners. The landowners may have a section of ground in elk habitat, and then they get a tag every year, but don’t allow access to the public. There are several sportsmen who feel that the legislature should look at perhaps not giving these tags out to landowners who do not give public access.

David Charles -

- We sometimes don’t give enough credit to those landowners that do permit access. There are a number of ranchers that do allow access and sometimes we focus exclusively on those landowners that do not. David appreciates what the Department has done with block management, but wishes there could be more done with block management to show appreciation to the ranchers who are providing access.
- This upcoming legislation may find moves toward ranching for wildlife undercutting the public ownership of wildlife, and there is a great deal of concern about this type of potential legislation. There have been a lot of candidates talking about private property rights instead of access.
- David supports the bridge access bill.

Jed Evjene –

- Just wanted to state that they do allow public access hunting. Jed is a ranch manager for the American Fork Ranch, and there are a lot of hunters that don't consider what the landowner goes through with their budget process with weed control, etc.
- One area Jed would like to see addressed in the legislature is the hunters approach to state lands. He's like to see some kind of a sign up sheet for access into state land, because if one of his livestock get shot on the adjoining property, he doesn't have a clue where to begin looking for the person who shot that horse or cow.

Bob Willems –

- Bob agrees with what Jed had to say about state lands. He would like to see some means or method used that makes the sportsmen responsible when accessing state school trust land.

Greg Keller –

- Mike Whittington from the start addressed most of Greg's concerns.

Dan Dutton –

- Mike mentioned a lot of the things the people in our area have concerns about. One concern is brucellosis since that hit some of the ranchers right out near where Dan lives on land adjoining his property. That's a concern, and what's going to happen with brucellosis up around the Park.
- Access is a concern, both stream access, and access to land. With the large ranches being sold, the access along the Beartooth front makes it more difficult to get to the public land. We need to work with FWP to purchase large tracts of land possibly or purchase an easement through some of these lands so we can get to the public land.
- People have a concern about the privatization of game whether it's by the purchase or then the locking of the gates by the new ranch owners. It has been tried several years ago where licenses would be given to landowners, and they would control the hunts on their property.
- People want to make sure that the funds that are secured by FWP through licensing and so forth stays within FWP and do not get pilfered by someone else.
- In area 510 in order to hunt you need a special permit. Dan would like a news release done on the special permit areas like 510 in the local papers before the application deadline so people don't forget that they've got to apply for a special permit in order to hunt that area.
- Brought to Dan's attention by some hikers and birders around the Red Lodge area, is the sale of state land that if sold then the public wouldn't be able to get access to public land. If an advertisement of the sale of state land would allow the public time to go in and comment, this would be a benefit.
- Larry Peterman comment – when you mentioned about getting access across land to public land, that's something the Department has been struggling with for a number of years. We are going to put special emphasis during this session with some funding to do just that for access corridors because there's a lot of places where there's a lot of public land, in the Crazies for example, that you just can't get to, and a corridor allowing the public through with a place to park, etc., is a great benefit.

Shawn Todd –

- In hunting district 590 in the Roundup area, people that come there to hunt and ask permission are insistent on taking their 4-wheel drive or 4-wheeler through private land. Shawn would like people that are traveling clear to the Missouri breaks or Crazies, for example, who are responsible come to his property and not tear it up.
- Brucellosis is a big concern for landowners, and the state losing it's brucellosis free status. Shawn wasn't sure if a lot of people even understand what that means in the cattle industry, but it hurts.

- The wolf ruling wasn't really a surprise to anybody, but landowners don't appreciate it.
- Larry Peterman comment - We're back in a management scenario with two different classifications. The northern part of Montana is endangered with the southern part as experimental. We have more flexibility in the southern part than the northern part. We don't like it, but that's what we are operating under now.

Doug Haacke –

- Stream access is obviously a big issue to just about everyone that Doug knows. Feeling positive about going into the legislature this year. Doug has concerns on how realtors are beginning to influence legislation on this subject too.
- Crowding is still an issue on the Bighorn River. Hoping eventual work can begin for data collection on the Bighorn River showing river usage. Then when decisions need to be made, there is data available to help in the decision making process.
- At this legislative session, there will be some decisions on the Fort Peck Hatchery funding issue.

Dale Vermillion –

- One of the big problems we are seeing on the horizon in Sweet Grass County is the oil and gas leasing. Unfortunately most of landowners don't own the mineral rights under their ranches, but it is something that is a concern to them.

Action items: Keep CAC members apprised of legislation.	Person responsible: Bob Gibson	Deadline: '09 Session

Legislative Overview/Priorities	Larry Peterman

Introduction of Legislative Candidates: George Day, Independent, HD 56; Senator Lane Larson, SD 22; Tom Berry, HD 45; Ken Peterson, HD 46; Susan Anderson, HD 51; Debra Bonnogofosky, HD 54; Wanda Grinde, HD 48; Dennis Himmelberger, HD 47; Jeff Essman, SD 28.

Discussion: Larry Peterman –

- Fish, Wildlife & Parks (FWP) meets with legislators, or candidates before the legislative session in administrative regions 1 through 7 to provide an overview of what the Department does and the issues. This helps candidates with the transition of going into the legislature, plus developing some kind of working relationship with legislators helps when working through the issues.
- The people you will be dealing with from Fish Wildlife and Parks this legislative session are the Director, Joe Maurier, Chief of Staff, Chris Smith, Chief of Field Operations, Larry Peterman, Chief Financial Officer, Sue Daly, Enforcement Administrator, Jim Kropp, Acting Parks Administrator, Chas Van Genderen, and our Legal Council, Bob Lane. Those are the lobbyists for FWP.
- We've established the Citizen Advisory Councils (CAC) over the last four years in all of our administrative regions. The reason we did this is because we go through a lot of public involvement processes whether it's an environmental assessment, hunting or fishing regulations or purchasing a piece of land. FWP has a Commission that meets monthly. What we have found is that generally the special interests are the ones we hear from most of the time. We don't necessarily hear from the people who are not organized. The CAC's are used to find out from the general public their concerns and issues, and relay that information back to FWP. The CAC's are made up of a broad spectrum of people from each region, which gives FWP a broader base of input.
- The Private Land Public Wildlife Council (PLPW) meet for the 2-year period between the legislative sessions. They address ways to improve the relationships between the public, landowners, and outfitters, addressing access, block management, etc., and come back with recommendations for the

legislative session. FWP asks for a placeholder on some of the recommendations from PLPW, so that when these recommendations are brought forward, FWP can get legislation drafted on that recommendation.

- At the PLPW meeting on December 18 & 19, 2008, they will decide upon their final recommendations. One item they are considering is a stewardship/landowner hunter program. This would create a voluntary continuing hunter education program. Another recommendation is to modify the block management license benefit. Currently if a block management cooperator receives a license, the cost of the license comes out of their block management payment. PLPW is recommending that we delete the reduction requirement and let them have the license plus keep the standard block management payment. The other item is a recommendation to create a new definition of the immediate family member. Currently the landowner can give the license to an immediate family member, blood related, but the recommendation would change this to relation by marriage or ranch employee. Another item was to come up with a pilot program that the regional CAC's could look at for each region to create an innovative way to increase block management or look at different ways to enroll people. The last item was the coming home to hunt proposal. That one creates a new pool of licenses not to exceed 1,000 deer/elk combination or 1,000 deer combination nonresident licenses for children who had left the state to come back and be able to hunt.
- We also have a hunting access enhancement placeholder. This allows FWP to put together ideas from CAC's, legislators or sporting groups regarding enhancing access like securing access corridors for example.
- FWP will be bringing forward a bill on mandatory trapper education. There are more issues with trapping, especially in the western part of Montana with dogs or pets getting caught in traps. The Montana Trappers Association supports trapper education as they already provide a voluntary continuing trapper education in various locations around the state. Trapper education would be for those new to trapping to begin with. We think this is gong to solidify the continuance of trapping as a heritage we have in Montana.
- There will be a bill on revising revocation of privilege status. This would make certain that if someone loses their license that they couldn't go out and hunt or fish. In addition this would add revocation of privileges to hunt, fish or trap as a penalty for vandalism on FWP property.
- Another piece of legislation is to have the authority to revoke fur dealer licenses. Currently there isn't anything in place to do this.
- A bill to give the FWP Commission the authority to establish an archery season for mountain lion, black bear and wolves will be introduced. This only gives authority, whether they would or would not is up to the Commission.
- Another bill is the nonresident antlerless deer license price reduction. This is a big issue in areas around Glasgow for example, where they have an over abundance of deer along the Milk River and nonresidents are reluctant to pay $75.00 for their first license even though the second is $20.00. With cheaper licenses we may be able to positively impact harvest managing the populations in these remote areas.
- There will be legislation addressing the Fort Peck Hatchery funding issue. This will be a contentious debate, but the problem just needs to be fixed.

Legislation Comments/Questions/Issues:

Jeff Essman: There is a big issue with change of ownership in large blocks of land from a Montana owner to an out of state owner who then locks the gates. When this happens you've got a fight over whether the road is open to the public or not and in most cases there is a prescriptive easement that in most cases is with a court decision. Kirk Kephardt's idea is to pass a law establishing a presumption that all roads are public, but I'm not

sure that can be done in terms of what the law has been with prescriptive easements. I'm thinking the proactive solution would be carving out $250,000 out of the Department's money to do some legal research. Then prioritization of roads providing a lot of access and research status of those roads can be completed before a realtor makes representation to a potential buyer who then ends up locking the gate. Somebody needs to do this before all the gates get locked.

Jed Evjene: Who maintains those roads then?

Jeff Essman: In a prescriptive easement situation you get to use the road the way you find it. Even in a case where there's prescriptive easement over a private piece of property that only benefits one person. The person who is using the road has the obligation to step in. I don't think it's the landowner's obligation to maintain it. It would be the person who is benefited by the easement then has the obligation to maintain it.

Larry Peterman: Are you saying that in areas where we have critical access but we're not sure the road status, that we would look and determine the status or have somebody determine the status of that road?

Jeff Essman: Yes.

Ken Peterson: You could probably do that in two ways. You could negotiate with the landowner and establish an easement by drawing up some deeds (or survey) or go to court and get a court ruling.

Larry Peterman: What we could do is use the placeholder that we've got for hunting access enhancement, where we're looking at access corridors. If there's a road in question, we could at least highlight those and see if we've got questionable access and then take a look at that.

Doug Haacke: Jeff, were you specifically talking about county roads?

Jeff Essman: I mean specifically it is the two track roads. I've got a cabin down on the Boulder south of Big Timber. There was property down there sold to a guy from Ohio. He locked up a gate that provided access to thousands of acres up Cherry Creek. The county got involved with that and resolved it fairly quickly, but it's a question of the attitude of what the realtor takes. They don't want to do anything that blows the sale, because their economic interest lies in getting the deal closed.

Doug Haacke: Plus when they are selling that property, they also include the three sections of public land in with the whole deal too. That's a whole other problem.

Larry Peterman: One of our problems is we find out about it after the lock goes up on the gate.

Doug Haacke: There are distinct remedies for counties road. Those don't necessary have to go to court. They do have to be analyzed by the county, and that's exactly what happened north of Billings. Our county commissioners ruled that the landowner couldn't have a gate up there and now we have a wonderful new section of land for people in the area to use.

Larry Peterman: We've done that in a couple of places, getting an access easement across private land to access public land. It's a significant issue, I just don't know how to package it.

Jeff Essman: Are you leasing the easements or buying them?

Larry Peterman: Buying them. Leasing doesn't get you anywhere. Leasing gets you for five years and all of a sudden you don't have it. If you are going to get an easement you better buy the easement so you have access.

Jeff Essman: In cases of doubt and a check is usually the best way to resolve it. Then there's a document that gets signed.

Jed Evjene: I'm all for the buying the easement through private land to public land, but who pays for the weed control, the litter control, etc.? FWP?

Larry Peterman: We look at that as terms of the easement. Yes. That's a negotiated thing. If the landowner is taking care of things on both sides, it's no big deal for him to do it. If he's not doing anything and there's a potential source of invasion, we've got a weed program that we would utilize. It's all a case by case basis as far as whatever works the best. I think that is something we need to look at.

Discussion – FWP Funding – Larry Peterman

- Funding for fish and wildlife is through the general license account. FWP is primarily user fee funded. During the last legislative session we received funding from the general fund for two items. A funding match for state wildlife grants and $10 million for fishing access sites and state parks. Other than that FWP relies upon license fees and federal excise taxes. The federal excise taxes have been in place since the 1940's. The Pittman-Robertson excise tax is on rifles, shotguns, ammunition, handguns, etc., which goes back to the states to manage wildlife. The Wallop-Roe taxes are on fishing tackle, fishing boxes, outboard motors, etc. and goes back to the states to manage fisheries. FWP has to match that on a 3 to 1 basis, so either general license dollars and one of the excise tax funding sources run most of our fish and wildlife functions.
- Within the last five or six years the SWIG funding established by the U.S. Congress through state wildlife grants supports states in managing species that have not been hunted or fished. This allows states to continue work to keep species off the endangered species list. At the last session the legislature said since that benefits society as a whole, the match that is required should come from the general fund. So FWP receives general fund money for state wildlife grants and for the access Montana funding.
- The general license account peaks in 2008 with the last license fee increase occurring in 2005. FWP is not going for another fee increase until 2011. If the fee increase is passed in 2011, the new fees won't go into affect until 2012 and then won't be realized until 2013. FWP will have a very modest level of growth up until about 2013.
- Parks are funded a little bit differently. They have four major funding categories. They have the coal tax trust interest from the coal tax trust, motorboat fuel tax, bed tax, and earned revenue. In that mix is the $4.00 vehicle license plate fee for state parks. Parks is in similar situation to the general license account and going into 2013, we'll have to address both of these funding sources.

Comments/Questions/Issues:

George Day: What are you thinking about when you start raising the fees, because if you know you are going to be short this coming year, why don't you gradually start raising your fees now so it isn't as big of a hit? It would mitigate the deficit if there were a slight increase.

Larry Peterman: That is a legitimate question. FWP received a directive to not go for a fee increase during the 2011 legislative session. As we've done in the past is we'll get a significant license fee increase to

generate more money than we are expending. This builds up a fund balance, which takes us through an 8 to 10 year period. The other way that we've talked about is getting a license fee increase so we are not in the hole, and then calibrate the license on the cost of living index for example. This would be an increase every two years to incrementally meet the consumer price index or something that automatically inflates it. Needless to say the consumer price index idea did not go anywhere.

Ken Peterson: The criticism here is that the Department has a bunch of money so then my question is what do you need to keep a $25 million dollar balance in the account? Is that the goal?

Larry Peterman: The minimum balance in 2013 is about $8 million. That's what you need to keep operating on a yearly basis. The fund balance is to enable your program to continue when your expenditures exceed revenues, and continue out for a longer period of time with stable fees without changing the fees.

Ken Peterson: So the other potential solution would be to live off that savings account until 2013 and then have an inflation index license system kick in then?

Larry Peterman: You could except you have to cover the gap between your revenue and your expenditures that you were filling up from the fund balance. You would have greater expenditures than revenue, so if you close that gap, then you could index it and keep your programs. If you don't close the gap and index it, you don't have enough to keep the programs.

Tom Berry: How many employees are in the Department, roughly?

Larry Peterman: Roughly 660 FTE's, which translates into about 900 because some of those full time equivalents are like three seasonals. We hire a lot of seasonals in the summer that don't work year around.

Tom Berry: Has this increased through the years?

Larry Peterman: It's increased a little bit. We have another proposal for an increase in the maintenance type workers for fishing access sites and state parks. That is probably where we've seen our biggest growth.

Doug Haacke: I can't speak for the other regions, but Region 5 has a great staff. As a CAC member one of the greatest values to me is learning how Fish, Wildlife and Parks works and getting to know a lot of the people who work here. They are really super people, but when you are looking at budgets, one of the best examples I can think of is the fisheries biologists here in Region 5 requiring a master degree to even to be able to apply for the job. A fisheries biologist with a master's degree starts at $32,000 a year. Imagine that you are a highly qualified person with, maybe not a family, but you are just married and moving here trying to make a living on $32,000 a year? It's just mind boggling. We lost a very good fisheries biologist just because of that. He was stationed in Columbus with his wife, and he couldn't afford to buy a house to live. He wound up moving to the western part of the state just for that very reason. My point is , yes there isn't very much money to go around, and we have a particularly good staff, but if we could ever get more money, I'd like to see it go to these people. It's amazing we have as good of people as we do with the low amount of money they are getting paid. I just thought I'd throw that out.

Discussion – Budget Priorities – Larry Peterman

- This comes under two areas. First fixed cost. These are automatic or nondiscretionary like aircraft increases, vehicle increases due to fuel costs, inflation, computer costs, worker compensation adjustments, etc. Then we have direct priorities. These priorities can fall into the nondiscretionary

category like taxes on our land, area office rent increases, and utilities increase for example. Other priorities are like block management where we do have the funding, because that is an ear marked source of income from the variable priced nonresident licenses. Another priority is developing effective stipulations to mitigate the energy development in Montana, so it isn't as damaging to fish and wildlife. Invasive species like the zebra mussel for example, is another area we are trying to establish a better program for preventing those things from spreading throughout Montana. The private land fishing access is where we are going to ask for another $25,000 that doubles the program and allows us to work with private landowners to get an agreement to fishing access on private land. State park maintenance and fishing access site maintenance staff. Those are the people who go out to our sites and repair and clean the latrines, make sure the boat ramps are functional, proper signing, garbage pick up, etc. These people are the ones who make the sites usable and safe for the public. We are paying for half of a prosecutor in the Attorney General's office who helps us prosecute some of these cases that are going forward. Lastly, we have some computer technology replacement costs. This is the package that we will be submitting. About half of it is fixed costs and about half of it is meeting some priority need we are going to have.

Comments/Questions/Issues:

David Charles: If I'm understanding you correctly is what you are going to be doing is asking the legislature to authorize these things but none of this is funded with general fund money? You would just be using your other revenue money that you are already collecting through licenses or through these other sources you talked about earlier?

Larry Peterman: That is correct. This is not general fund.

David Charles: Without the legislative authority, to do these things you're saying you can't do this even though you have the money available through your licenses and other sources?

Larry Peterman: Right. Everything we spend is authorized by the legislature. We have two types of budget. One is the operations budget, which I talked about here that keeps the trucks rolling, picnic tables painted, etc. The other part of the budget is the capital budget. That's where you make capital improvements to our headquarters, our hatcheries, or big construction projects, etc.

Jeff Essman: What types of cases does the Attorney General's office prosecute opposed to the county attorney? My experience is that with the run of the mill cases, the county attorney handles those. But what special cases does the Attorney General handle?

Randy Arnold: The prosecutor with our Attorney General's office now is Barb Harris. The cases that she's handling are the large cases that are often multi-county and require coordination between multiple counties. Most of those cases are long term, really large, often involve covert and usually always involve our regional investigators. She's slammed. She has a limited amount of folks that can assist us. Generally she's in place to assist in the multi-counties cases or the county is unable to manage the prosecution of the fish and game case, because we take relatively low priority when the county already has a pretty full load themselves.
Doug Haacke: You have an idea of the revenue that the new state land commercial use fee has generated?

Larry Peterman: I'm guessing a couple hundred thousand but I'm not sure. It isn't much.

Doug Habermann: You think it's a lot of people out there, but at $100 a guide and outfitter, it really doesn't

add up to that much. Most of that money has been targeted specifically to river systems like the Madison, Beaverhead, Big Hole, and Blackfoot where existing programs need shored up. That's why we haven't seen a lot in this region directly, but we are working on it.

Ken Peterson: Last session there was a bill to give the game wardens greater jurisdiction, as I recall, to make arrests in State Parks for DUI's and the bill failed. Is there going to be any push to do that type of thing again in this legislature?

Larry Peterman: Not from FWP. We don't have it on the agenda. It didn't get very far, but we think it's a good idea and an effective thing to do.

Jeff Essman: With friends who are recreationists and friends in the oil and gas business, there's controversy over the stance that the Department has taken on oil and gas leases, which are having an impact on small business people trying to pursue their trade. Could we give some creative thought to maybe coming up with some solution that would let them pursue their trade and maybe generate some kind of funding source for the wildlife people? They can't make any money and on the other hand the Department has taken some stands preventing that activity. If we could create some kind of incentive for them to enhance the resource, like the Department of Transportation who have, for example, a wetlands replacement program. That's being proactive letting the transportation need proceed, but willing to go back behind and do something that evens it out. Couldn't we do that?

Larry Peterman: I think that is exactly where we need to get to. We need to get together on the ground floor with companies when they are planning a field and putting in roads, etc., and establish some kind of working relationship. I don't think we are there yet.

Jeff Essman: I would like to encourage you to visit with the oil and gas commission. Those guys are used to working those people on a day to day basis. They are pretty good about keeping confidentiality within their purview because they have to. Perhaps you would make some in roads through them.

Larry Peterman: They don't talk to us because they don't know us.

Jeff Essman: You can start the conversation, and I think that's what we need to do.

Larry Peterman: I think that's a good point. That is something that we have been struggling with. How to get effectively an on the ground mitigation program.

Dan Dutton: I'm not aware of a lot of fish and wildlife obstruction to energy development. Can you tell me some instances when you fought energy development?

Larry Peterman: We've protested some leases in some area.

Dan Dutton: In the western part of the state?

Larry Peterman: Yes, in critical areas. We've made some recommendations, for example, on the leases under the bed of the Yellowstone and on the Boulder. Of course we recommended to not leasing there. If we have a critical area then we are going to have to say no we don't want you leasing there. In other cases, we make recommendations to have no service occupancy. For example, what direction to drill to get your gas deposit.

Dan Dutton: I just wasn't aware of a lot of big conflicts instituted by FWP.

Jeff Essman: There was one case here in Yellowstone County. I was on the City/County Planning Board and was contacted by a member of the planning board because a landowner had come in to do a subdivision. It was an area that was not that far from town. The Department Wildlife Specialist recommended not allowing a subdivision on the private land because it was adjacent to state land, so the planning board member contacted me. You've got a Department employee trying to prevent a property owner of using his property because of the wildlife impact on state owned property. I think it's an issue that is coming. We have to realize that if we are taking positions that is what raised the human pride with the EPA limitations on the use of private property rights. My perspective as a legislator is all rights have to be balanced. No rights are supreme and the job we face as legislators is trying to work out how we balance those things. I just wanted to provide you that feedback, because I've heard that and it's an increasing concern.

Larry Peterman: I appreciate that. I think we're seeing a lot of conflicts in the western part of the state with subdivisions, like for example, around Missoula and in the Bitterroot Valley. They've got a right to develop their property, but they're developing in a way the affect a lot of other things and how to influence that, how to let them know what's happening and how to balance is a real challenge.

Wrap Up & Schedule Next Meeting		Bob Gibson
Discussion: The next meeting will be held on February 4, 2009, at the Region 5 Headquarters from 5:30-9:30 p.m.		
Action items: CAC members are to send any suggested topics into Gary Hammond for the next agenda.	Person responsible: Gary Hammond	Deadline: Ongoing