

PRIVATE LAND/PUBLIC WILDLIFE ADVISORY COUNCIL

Wingate Inn
Helena, MT
July 29-30,2003

Members Present: Darlyne Dascher, Chairperson; Dan Walker, Jo Ridgeway, Don Bothwell, Jack Rich, George Bettas, Vito Quatraro, Donna McDonald, Jamie Byrne, Representative Michael Lange, Todd Tash, Bill Pugrud, Michael Nathe, Craig Roberts, Senator Kim Hansen.

Fish, Wildlife & Parks Personnel: Alan Charles, Landowner/Sportsman Coordinator; Glenn Erickson, Administrator, Field Services Division; Jeff Hagener, Director.

Guests: John Wilkinson, Jean Johnson, Craig Sharpe, Larry Copenhaver, Tom Harmon, John Robbins, Bill Orsello, Russ Copeland, Stan Frasier.

Facilitator: Ginny Tribe

Fish, Wildlife & Parks Director, Jeff Hagener presented an Honorary Lifetime Membership from the Western Association of Fish and Wildlife Agencies to **Chairperson Darlyne Dascher** for her eight years of service as a Fish, Wildlife & Parks Commissioner and her contributions to numerous other organizations.

Chairperson Darlyne Dascher opened the meeting by welcoming the members and thanking them for their willingness to serve on this Council. She then gave a brief overview of the Council's purpose, which is to develop recommendations regarding the Block Management Program before the next Legislature.

Council members introduced themselves by giving a brief summary of their background, why they are serving on this council, what they feel they can contribute and what they hope to see accomplished. Some topics considered important are: new methods to increase funding for Block Management which would in turn increase the incentives to landowners, the resource, wildlife, habitat, etc., access for hunters, compensation for landowners and a viable outfitting industry, repeal of the sunset provision for Block Management, improving landowner/sportsmen relationships. Ethics are important for hunters but also for landowners and outfitters, both sportsmen and landowners need to be accountable for the resource, resident sportsmen need to be willing to share more of the costs, consideration of upland game bird hunting needs to be considered.

What is needed for ground rules:

Respect others and their ideas

Create idea opponents not visceral opponents.

Listen, don't interrupt, listen actively, ask clarifying questions, don't talk to each other, be attentive to presenter and to the discussion.

Listen honorably – respect what others have to say, learn from others.

Be open-minded. Feel free to say what is on your mind. Issues need to be brought up. All persons should always feel free to speak their mind. Put your agendas on the table. Control your behavior. Take responsibility for your own communications – watch body language, don't be intimidating, don't talk too much. Ensure that all participants speak during each meeting.

Process for Adopting Recommendations

Dascher suggested consensus would be if a member were not in 100% agreement with a decision, but could live with the decision and support it. The standard would be for 100% agreement from each member.

Members discussed this concept. Would the process be slowed or halted if a member would not agree to support the majority recommendation? One person should not be able to stop a decision. Consensus could be considered to mean all members would be in agreement but two or three. The members would have to work with the two or three to overcome their reluctance to approve the decision. Those not in agreement would have to agree not to sabotage the work of the other Council members. A split decision would not have as much impact as a unanimous decision. If more than one or two will not accept the majority decision, the issue will not move forward toward a decision.

Take a time out when necessary or when requested by a member.

Members need to make every effort to attend all meetings. Members may choose to give their proxy vote to another Council member who shares their interests and would vote in accordance with their wishes. Conference calls are an option for members who are unable to attend.

Jack Rich asked if the two legislative members would be comfortable with this process and be able to make their recommendations to the Legislature. **Sen. Kim Hansen** said he believes they would. **Rep. Michael Lange** noted their charge is to inform both sides of the aisle and both chambers of what is happening in this Council. If the Council is unable to reach a strong consensus on issues, additional roadblocks to adoption of the recommendation could be created.

Michael Nathe asked that members be allowed to take time to think the issue of consensus over until tomorrow. He feels there is a need for a strong majority on issues in order to be credible to the public and Legislators. Any suggestions or decisions will carry more weight if there is consensus or at least a strong majority. If one or two people do not agree and they are allowed to stand on principal, the credibility of the Council will be in question.

Dascher noted that in the past the Council had not worked hard enough to bring all members into agreement and during Legislative hearings this was damaging to proposals from this group and FWP. There is a need for the members to agree that even though they are not in strong support of a decision they will not sabotage the efforts of the others.

Dan Walker said the Legislature did need a consensus. If there were a group of Council members who do not agree with the majority, the Legislative members would report this. This would keep all persons honest.

Vito Quatraro voiced a concern that one or two holdouts could hold up the Council's progress. If there is a need for 100% consensus, one person could keep this Council from making any progress.

Council members agreed to table the issue of consensus until tomorrow's meeting.

July 30, 2003

Governor Judy Martz spoke to the Council members. She expressed her appreciation for their willingness to serve on this Council, taking time away from their personnel business' and lives. **Governor Martz** has been asked if it lands will be closed to access due to the extreme fire danger. She said it is possible but hopes that step would not have to be taken.

FWP Director Jeff Hagener addressed the Council. He talked on how hunting in Montana has changed with regard to asking permission to hunt on private lands. Some do not like to have to ask permission to hunt. Hunters need to show appreciation and consideration to the landowners for allowing them to hunt. He noted the Block Management Program is a good program but asked if it is as good as it could be; are there things that can be added or changed to make the program better. Other states have looked at Montana's Block Management Program as a model and have used it as a base for their programs.

A lot of the public lands are accessible only by crossing private lands. FWP has tried to work with other agencies to resolve the access problems. Numerous bills have been introduced in the Legislature, which would give landowners more control over issuance of licenses. This is an indicator landowners feelings.

The specific charge to this Council is evaluating the Hunter Access Enhancement Program. The sunset provisions to the various programs must be addressed during the 2005 Legislature. FWP intends to have proposals addressing this subject. The proposals will be developed from recommendations made by this Council. The Department supports and wants to continue with the Block Management Program.

Fish, Wildlife & Parks is here to assist, not direct, the Council.

One of the Council's charges contains a reference to the Fishing Access Enhancement Program. This provision results from legislation passed during the 2001 session and created authority for FWP to create a program dealing with fishing access similar to Block Management. This program has been started as a pilot program. However, at this time, the Council's primary charge is to deal with hunter access. Right now the fishing side is evolving and is in the very early stages and it would not be beneficial to take this issue on at the present time. The River Recreation Council has been working on some of these issues and the PL/PW council will be

kept updated on their work and later this council may be asked to address some of these issues. A significant issue is the nontraditional landowner; those persons who are not a traditional rancher/farmer but a nonresident who wants to have a piece of Montana. Until these people are brought into the picture, the issue will not be resolved. Another issue is those people who buy the land for private hunting clubs.

Rich asked if it would be possible the council would develop recommendations the Department would not endorse. **Hagener** said there could be this possibility but would hope this would not happen. If FWP has major concerns with a recommendation, the Council would be told what they are and the basis for those concerns.

Rich asked what direction could be given the Council to address the liquidation of corporate timberlands. People are used to being able to access these lands for hunting and other recreational opportunities. This is becoming a big problem in western Montana. **Hagener** replied the resolution to this might not be within the realm of this Council. FWP is trying to work with other groups on this issue.

Rich noted this will be an issue with many people just as the lands in eastern Montana being leased or bought by private hunting clubs. With the sale of timber companies the land is being closed. It will be an access issue that may well come under the scope of this Council.

Walker asked if the option of a different program for different parts of the state had been considered. There needs to be different solutions for the different problems in the various areas of Montana. Could FWP Legal staff give an opinion on this? **Hagener** said this is a possibility but a clear legal opinion would be needed.

Alan Charles, Hunting Access Enhancement Coordinator, presented a program on the history of the Hunting Access Enhancement Program, how it works, funding, the criteria for being enrolled in the program and some of the problems with the program. Access Montana is a new program. It focus' on specific species in specific parts of Montana. The majority of the funding for the program comes from the variable priced license.

Walker asked if would be possible to define by region the number of cooperators who have received payments as well as those who applied and were not accepted. **Charles** said information on the number of cooperators would be available. However, information on those applying and not accepted may not be obtainable. **Walker** asked to see where the dollars were distributed, how much was distributed and the numbers of persons who applied but were not accepted.

Donna McDonald asked of landowners enrolled in the program 10 years ago, what percentage are still in the program and the percentage of those who have dropped out and why they did so.

Paul Roos clarified that he is not against the variable priced license. He does have a line that he will not cross on outfitters, sportsman and landowners. The benchmark for outfitting is the viability of the industry. He believes the viability demands that there be a guaranteed license.

Members were asked to create a list of five to seven people with whom they would talk to about their view on the program and issues regarding access, landowners, etc. The thoughts from these people will be used in this Council's deliberations. They were also asked to read the information that will be sent to them within the next few days before the next meeting and to think about what is most important to them as a guiding principle.

Recommendations from this Council need to be ready for the 2005 Legislature no later than October, 2004.

INFORMATION REQUESTED

1998 final recommendations of the Hunter Behavior Advisory Council

Copy of HJR24

Number of landowners who began 10 years ago and are still in the program; the average years landowners participate (looking to see how long people stay in the program and are they satisfied with the program.)

Are the numbers of resident hunters declining? What is the trend?

How many youth licenses are being sold. Is there some way to identify the number of hunters by age group.

What impact has 9/11 had on hunting license sales?

Studies on general access for hunting and fishing separate from Block Management.

Information on other states programs.

PUBLIC COMMENTS

Tom Harmon, Billings – Mr. Harmon indicated he felt the public's comments carried little weight. He hopes this Council will listen to the public. He had expressed some of his concerns to the previous Council and did not see any results.

Bill Orsello, Board of Directors of the Montana Wildlife Federation – MWF's concerns are for the public wildlife and how this interfaces with private lands, how both benefit by fostering that relationship. They are concerned with the trend in the last ten years, outfitters, landowners and hunters don't have a good relationship.

It is absolutely necessary the sunset provisions be eliminated for all programs.

MWF has been and continues to be extremely supportive of the Block Management Program. However, there could be some changes for improvement. A main problem they see is the guaranteed licenses, how these licenses combined with exclusive leasing is affecting landowner/sportsmen relationships. This has done more to hurt the relationship between landowners, outfitters and hunters than anything.

John Wilkinson, Miles City – Mr. Wilkinson is a former member of this Council. He told the this Council the eastern part of the state is seeing nonresidents purchase large tracts of land for exclusive use as hunting clubs. He questioned if these nonresidents are obtaining their licenses

legally. The variable priced license fee needs to be set lower in order to sell the quota by the deadline.

Jean Johnson, Helena – Commended the members for accepting the challenge to be on the Council. It is critical to have 100% consensus. The three interest groups represented here need to be treated equally.

Russ Copeland, Exec. Director, Montana Outfitters & Guides Assoc. - This Council has an opportunity to carry Montana and the wildlife resources forward in the future. It is important to understand that other states are dealing with the same issues. There is the opportunity to aid other states also with the decisions made by this Council. The issues are getting more complex and not easier. Nonresidents do not enjoy a lot of representation even though they fund a large part of the programs. Nonresidents need to be included in the decisions. Care of the resources is the most important.

FUTURE AGENDA ITEMS

Is Block Management as a program, in one form or another, is worth continuing and if yes, where can it be improved?

What are the trends in the state that need to be paid attention too?

Develop a set of guiding principals that will define the decisions.

The next meeting will be held September 3 and 4. Location to be determined later.

Discussion on Consensus Continued

Michael Nathe said he had not been ready to change what had been set forth in the previous Council's meetings as far as reaching consensus. He doesn't believe anyone appointed to this Council has such a closed mind that some sort of compromise couldn't be reached. He believes it leaves room for a little bit of laziness. By allowing for a couple of members to object to a decision and still pass the decision would allow the members to not work as hard to reach 100% consensus or a reasonable compromise. It could also open the Council to outside criticism if the dissenting members were to speak out against the decisions. He urged everyone to consider this Reaching a consensus they could live with it, doesn't mean they are happy with it or they believe that it will work, only that they can live with the decision and as the rest of the council believe in it then it should go forward.

Nathe said the effectiveness and integrity of this Council are important. Because of the three interests that are represented and the past history of success, there is respect for this Council. If a member could say to his/her constituents, he or she felt the decision would not be harmful and could be lived with and that the other Council members believed in the decision so the member supported the decision because he/she trusts the others.

Dascher agreed and said the Council needs to work hard to reach an agreement. Rather than move forward with a split decision, she would rather drop an issue. She believes 100% consensus can be reached.

Vito Quatraro asked if a member was absent and there was no proxy, would that hold up the process?

Rich said that members had accepted the responsibility to have the input. So it is their duty to communicate with each other. That way there should be enough members on the council who would know what the missing member might think.

Quatraro said his main concern is the process getting stalled as there are a lot of issues to consider and time is critical. He does not disagree with trying to reach 100% consensus. However, the first time the process stalls because of one individual, he will ask to revisit the rule. He believes in a unanimous agreement.

Council members agree the definition of consensus will be for 100% agreement on all issues, which will be goal. However, if a member does not agree but can live with the majority decision and will not sabotage the decision, consensus will have been reached.

Jamie Byrne asked how strong is the “no sabotage of a decision” rule. Is there any way of enforcing this? It has happened with this Council in the past.

There is no way of enforcing this. It would be the responsibility of each member to uphold this. It is their individual honor.

Hansen said he would want any recommendations going to the Legislature to be carried by someone who supports the recommendations. He would not want it carried by someone who doesn't support the idea.

Lange told Council members it is up to him and **Hansen** to explain to other Legislators what took place in the Council meetings. At some point what the Council is doing will have to be taken to the press. What is reported is not always reported accurately. He recommends members think carefully before issuing any statements and if there are any questions on an official position of the Council, that it go through the Chairperson or Alan Charles to ensure a statement is not made in error.

Council members agreed that when contacted by the press, all questions would be referred to the Chairperson or the Fish, Wildlife & Parks staff person.

It was recommended that Alan Charles put together a brief press release stating the Council has met to begin putting together its process without getting into details of the process.

Facilitator's Notes

DISCUSSION GROUND RULES

Council members established the following ground rules to encourage productive discussion in the session and through the Council's process:

- Create idea components rather than person components.
- Demonstrate respect for each other by:
 - Listening actively.
 - Listening honorably.
 - Giving the other person permission to openly speak his or her mind.
 - Avoiding attacking remarks, "name-calling", "hitting", etc.
- Participate.
- Monitor your own communication in style, and length and frequency of comments.
- Put your agenda on the table so everyone understands it.
- Take or call for a "time-out" when you need one.
- Attend all meetings unless unavoidable. If you cannot attend, consider giving your proxy to another Council member. Take personal responsibility for "catching up" on the meeting you missed.
- Work to achieve 100% agreement. The Council defines "agreement" as everyone at the table can "live with it" and not sabotage it when they leave the table.
- Media requests will be referred to the Council Chair or the Council staff.

DATA NEEDS

The Council identified the following data needs for their next meeting:

- 1998 final recommendations of the Hunter Behavior Advisory Council
- A copy of HJR 24
- A map of the distribution of acres in Block Management Program across the State
- The number of applicants turned away from the Program and their acres, if possible
- The number of landowners who started in the Program and are still in; the average length of time a landowner stays in the Program

- The number of resident and non-resident hunters over the past 10 years and a breakdown of their ages, if possible
- Effect of September 11 on hunter use and numbers
- What's available in terms of general data pertinent to access
- Overview of access management programs in other states, particularly state similar to Montana (e.g., Idaho, Wyoming, etc.)

CALENDAR

- Fall, 2003 Council meeting – Wednesday, September 3 and Thursday, September 4 in the Missoula area
- Early Winter, 2003 Council meeting – Monday, December 15 and Tuesday, December 16
- Winter, 2004 Council meeting – January-February
- Early Spring, 2004 Council meeting – March
- Summer, 2004 – July

Council members will use conference calls and subcommittees to work between full Council meetings.

DRAFT AGENDA ITEMS – SEPTEMBER 3, 4 MEETING

1. In a general sense, review the comments from Council members' trap lines.
2. Review the operating environment for pertinent trends and factors that have the potential to affect the Block Management Program.
3. Develop and come to agreement on Guiding Principles regarding access management.
4. Determine if the Council believes that Block Management, as an access management program, should continue in one form or another (acknowledging that changes may be suggested).
5. If the response to #4 is "yes", identify the areas of the current Block Management Program that the Council wants to examine.
6. Organize the Council's sub-committees and assign their tasks.
7. List additional data needs.
8. List draft agenda items for the December meeting.

Meeting adjourned at 4:45p.m. July 30, 2003.