

CITIZENS ADVISORY COUNCIL
Region 7 - Miles City
Meeting Notes
December 3, 2008

CAC ATTENDANCE: Bob Hagedorn, Scott Studiner, Todd Steadman, Jim Schaefer, Art Hayes III, Rob Reukauf, Greg Mohr, Fulton Castleberry

FWP STAFF ATTENDANCE: Brad Schmitz, Dwayne Andrews, Steve Atwood, Mike Moore, John Little, Ginger Omland, Erin O'Connor, John Ensign, Windy Davis, Matt Hagedorn, Bill Dawson, Lennie Buhmann

Also present were Larry Peterman, chief of field operations in Helena and Bill McChesney, HD 40.

Dwayne Andrews welcomed everyone and asked wardens Bill Dawson and Matt Hagedorn and investigator Lennie Buhmann to introduce themselves. Dwayne also announced Brad Schmitz as the new regional supervisor and introduced Larry Peterman.

Dwayne called attention to the handouts on comments solicited on Private Land/Public Wildlife (PL/PW) draft recommendations and explained what this group does. The comment period had lapsed so Dwayne said folks could look over the handouts further on their own time.

Greg Mohr & Todd Steadman - Archery Elk Working Group Update

Greg said the group was late in getting some information that they needed to make their decision. The group had things finalized when they left the meeting but the final compilation of recommendations did not turn out as they had intended. Back and forth communications between members resulted in a revised final product going to the Commission, but the Commission has done nothing further. Greg stated what the group found out was that FWP had no idea how many people were hunting where in the 23 archery areas. One of the biggest problems we have is people are not hunting where their permit is issued for. One of the recommendations they made is that if a hunter draws a permit, they can hunt any of the 23 areas but there would be mandatory reporting so the department would know where the person hunted and what they got. Somehow the Breaks were eliminated from this particular issue.

Greg continued by reading an email from Quentin Kujala. We do not want to eliminate anyone's mobility to hunt. Access is the biggest issue. Greg read six recommendations that the group had regarding access.

1. Give the department more flexible tools to deal with landowners in obtaining public access, such as the 454 program. Also not every landowner is motivated by money; they like licenses also.
2. FWP should have the flexibility to negotiate public access for specific time periods so landowners interest can be addressed. This means if a landowner has a particular pasture that he needs for a part of the hunting season, that piece would be off limits for that time frame. We need the ability to negotiate a closure like this.
3. FWP should be obligated to proactively approach landowners to explore obtaining additional public access.
4. FWP should have the ability to evaluate Block Management properties at reasonable time intervals using reasonable criteria to weed out properties that no longer provide good hunting opportunities.
5. FWP should have the authority to spend all funds generated by the Block Management program on Block Management properties.
6. The group recommended FWP be given additional sources of funds such as an increased Conservation License fee providing a stable increasing amount of funds for obtaining public access.

Todd stated the group was well balanced and operated very smoothly. Everyone was well represented. He agree with Greg that the bottom line is that it is an access issue. Todd doesn't feel the committee was never intended to come up with any usable solution and was expected to wind up in disagreement without a solution. This didn't happen and the group reached a good plan. The committee members felt that a set of rules was passed that was counter-productive to their interests. Some of the rules were unfounded in regards to biology and numbers and were based more on opinion.

Since the last meeting, it has become clear that nothing has happened. Todd wants to know if this non-action is a dismissal of what the committee did or will it be taken up at a later date? He said the response was that 2009 will go forward as is and there may be a consideration of the recommendation in 2010. Todd thinks this will not happen and a lot of time and money was spent to come up with something that will be tabled and go away. Overall Todd thinks the CAC is a correct vehicle for a lot of this. If the CAC's had been used more, it would have taken a lot less time and effort. The working group needs to be more of a true working group. CAC thing needs to grow and become more active on these extra committee things. Commissions do change so things may change, but the current one is not going to do much with this.

Greg said they did recommend that some kind of committee continue to study things. Larry said the committee was good and thanked Greg and Todd being involved with it. Basically nothing will change for 2009, but the recommendation could be part of the dialog for 2010. Larry did not get clear indication in regards to 2010 from the Commission. Someone will need to raise the issue again.

Mike asked if there is going to be particular attention with surveying to query folks on crowding issue in Breaks, etc. since this is the first year with the regulations changes. John E. said there has been no mention at this time of expanded surveys beyond regular harvest surveys, which will start in January. His sense is that there will be no effort to try to gather additional info. John E. said the number of people who put in for Breaks was about what we expected. The number of people who put in for the Forest area was way off.

Todd commented that we need to have the ability to gather more information for Breaks. John will call Quentin to see about asking folks additional questions during the surveys.

John E. agreed that there should be more CAC input on these season setting processes but with the CAC meetings being quarterly, it makes things difficult. As the department formulates tentatives, maybe we should email them to CAC members and then have meeting to sit down and go through them together.

Larry agreed that there should be more CAC involvement. The CAC has more of a grass-roots type of input. He suggested working on certain timeframes and figure out when to engage the CAC in the regulation setting procedure. Meeting schedules may need to be adjusted. Dwayne suggested coordinating with the new director on streamlining meeting dates statewide.

Scott commented that if the CAC is going to validate themselves in this process, members may need to collect more information from the general public in their respective areas. Dwayne said we've always had expectation that members were talking to the public and their thoughts were representative as such.

Larry Peterman - FWP Legislation

Larry passed out copies of current FWP legislative proposals and other legislation likely to surface. He then explained the legislative process and how the sessions work and progress. We currently have three bills that we're moving forward with but there is the potential for more.

1. Mandatory Trapper Education - this would work just like Hunter Ed and Bow Ed and would affect only first-time trappers. Conflicts between trappers and the recreating public are happening more and more. Dogs being caught in traps is becoming a big issue that is much talked-about. Trapper Ed is designed to give us a "firewall" to demonstrate that trapping is a safe and ethical activity. In 2007 this bill passed with flying colors until it got to the Appropriations Committee where it died. This bill had a fiscal note on it and that is why it was sent to the Appropriations Committee. It was very disappointing when the bill died and Larry is hoping it will pass this year.
2. Authority to Revoke Fur Dealer Licenses - there is currently no ability to revoke fur dealer licenses. This bill would provide FWP with the authority to revoke or not renew commercial fur dealer licenses for violations of rules or statutes. Larry

asked Mike for additional information. Mike said this is a fluke that there is no provision to revoke or suspend licenses if need be.

3. Authority for Archery Seasons for Mountain Lion, Wolf and Bear – currently the Commission does not have the authority to establish archery seasons for these species. This bill is fairly simple. It doesn't necessarily mean that the Commission would establish those seasons, but gives them the authority to go through the regulation process.

Other Legislation Likely to Surface - there is several other things that we see coming down the road. (see handout)

1. Statutory Changes Proposed by PL/PW - involves incentives for landowners to open land for public hunting.
2. Fort Peck Hatchery Funding - this is one legislative issue that will likely come up. We all know what this issue is. There is a logical way to solve issue but its not been solved yet.
3. Stream Access and Fences at Bridges - public access to rivers and streams at the intersection of road rights of way and streams covered by the stream access law has been controversial for several years. Larry mentioned an example of a current court case in Madison County.
4. Wolf Hybrids - We've had issues with wolf hybrids in the past. Its not clear if any regulatory agency has authority over hybrids. FWP recommends a ban on anyone owning wolf hybrids. There are issues with this type of animal getting loose and acting just like a wolf. Some breeders will be upset.

Rob commented that we shut down elk farms so why can't we shut down wolf farms? Larry said the wolf issue will be with us for a long time. It's an Endangered Species Act issue with getting wolves off the endangered species list. Funding is a question mark in doing this down the road in regards to management. Management costs should not fall on areas were reintroduction takes place.

5. Bison & Disease Management - some interests would like to FWP take responsibility for this.
6. Light Vehicle Registration Fees for Parks & Fishing Access Sites - a bill has been requested to make the \$4 Parks fee an "opt in" rather than an "opt out" type of thing as it is now. We're afraid this would crash this funding source

Larry mentioned other potential legislative issues could be harboring game, particularly elk, on private property and also game damage issues.

Larry provided handout on the General License Account, which is diagram of revenue and expenditure projections. We do have some general fund in the department right now. This ties into when we need to go for a license fee increase. We usually go for bigger increase than we really need. This excess is drawn on to operate down the road. We don't need a fee increase in 2009, but will need one in 2011. It takes a year to see an

increase in our revenue. The CAC can provide input on how large of an increase we should go for.

Art asked why we think revenue would decrease. Larry replied that the 2008 increase on the chart was the result of a legislative “bump.” The revenue source is stable now unless we have a bad winter leading to a decrease in hunters buying licenses, a gas price increase, etc.

Larry talked about Parks funds. Their revenues are decreasing much faster than the general license accounting revenue is. There is no capital program after 2010. We don’t know if the revenue source is going to stay stable because of a slight decrease in the \$4 license fee.

Larry handed out FY 2010/2011 Final Submissions charts showing inflation and fixed costs. He further explained what each item on the chart was and asked if there were any additional questions.

Open Discussion

Jim commented about someone who was limiting access is across their property creating a zone where they could pick and choose who hunted. Rob said its almost impossible to force access through condemnation to property for recreational purposes.

Larry stated there is a group looking at road closures to see if they were legitimate closures. Rob said the Stockgrowers group recently spent some time looking into easements.

Rob said there is a statute out there that land cannot be condemned for recreational use. That may change this legislative session. A can of worms has been opened with this. Larry said the reason money has been put into the Block Management program is for the purpose of easements. He advised that the BLM might be hiring an access coordinator.

Todd asked about the “opt in” item again. Larry said the department will definitely oppose any legislation concerning this.

Fulton asked about lowering the license fee on antlerless deer tags for nonresidents. Larry said we found that the license cost is not a deterrent for nonresidents. Fulton agreed saying that his nonresident hunters think \$75 is not unreasonable. Scott said from his experience a lot of those does are being harvested on public land.

Rob commented that the department is going to have problems with the brucellosis testing. The Stockgrowers feel the department is not very supportive in getting a handle on the brucellosis issue. Larry said previous response in asking for testing was poor and a lot of the tests were done incorrectly. Rob said he feels like the department is trying to force elk hunters and is not encouraging testing. Larry said herding and hazing has not

proven very effective. Rob said the department is going to get hit by ranchers with this issue as the brucellosis free status being lifted is costing producers a lot of money.

Rob asked about the big horn sheep introduction and said the sheep seem to have pneumonia or something. The Stockgrowers feel that FWP isn't really looking into the livestock industry in the state and this is an example. Larry said when a sheep transplant is considered they look for proximity to domestic sheep. If the location is within 15 or 20 miles, the department won't do it. Mike asked Rob if they think that the wild sheep are passing disease to domestic sheep. Rob said no, it's the other way around and the Forest Service is pulling permits. Todd said there is fewer and fewer domestic sheep being raised.

House District 40 Representative Bill McChensey

Dwayne introduced Bill and welcomed him to our meeting. Bill is a strong advocate for finding equitable ways to acquire access for public hunting. The caveat is not infringing on private property rights. The economic impact of hunting in the Region 7 area is about 17 million dollars. Some counties out here are struggling and outdoor recreation is a huge issue.

Bill talked about what the **tone of the upcoming legislative session** is going to be. He is very optimistic and expects strong support for access legislation. He thinks new funding programs are going to be tough to get going. We'll find money to keep things that are currently in progress going. The challenge is going to be finding a way to keep what we.

Bill has been working on a piece of legislation with local folks over the last 6-7 months. This is for filling in the holes left by Block Management. He provided a handout to members. The act he is proposing would create the **Montana Public Access Fund (FUND)**. This would bring additional revenue into the counties.

Bill said they are going to introduce this program as a pilot program; it is going to be a trust. It can be funded for two years and then will have a sunset provision. Five or six counties will be picked for this pilot program to see how well it works for the first two years. Bill hopes in the interim that FWP folks will look into the variable funding sources to establish a trust.

Art asked if this was mostly easements to public land. Bill said this would be for private landowners who for whatever reason do not want to be in Block Management.

Jim asked if people could be in Block Management and this program and Bill said no, it's one or the other.

Art asked how much they'd have to pay per acre for the easement? Bill said its based on hunter days. Art said this program is basically the same as Block Management so why would people change? Bill said it is somewhat similar except that some funds would be going to the county and there is a tax incentive included.

Jim asked if the county is going to be held accountable for spending the money. Bill said yes, and they're looking into this further. The Montana Association of Counties (MACO) is very interested in this program.

John E. said this is very similar in structure to Block Management. It would be interesting to see how this fits in from a tax liability standpoint. Does it absolve people from that tax? Bill said some people who have not gone into Block Management said that they did so because they didn't want the additional tax liability but still wanted to keep their land open.

Steve asked Bill if he has a vision of how hunters will use this program. In Block Management some of the information has to be publicly available. Would hunters have to sign it or just go knock on doors? Bill said he has not really thought about this yet.

John E. said this could be run through the Chamber of Commerce. That would allow the counties to have something showing what is available.

Rob said Bill is basically re-classifying the Block Management program. He said some people don't want the hassle of keeping hunter days and things like that. The one benefit he sees to this legislation is the benefit to the counties. Bill said there is also the property tax offset to consider.

Bill stated that his ultimate goal is to use every vehicle possible to keep areas open for access. Some money will come from the Block Management program.

Scott asked if Bill sees people dropping out of Block Management for this. Bill said yes, a few.

Jim asked Bill for his reaction to some of the legislative things that Larry talked about. Bill said a big issue is the **Fort Peck Hatchery funding issue**. He would support an increase in fees to keep the hatchery open.

Jim said another important thing to **FWP is the "opt in" issue**. Bill wouldn't support a change in the current language. We should keep the option there to opt out but not change the language to include the opt in wording.

John E. asked where the Parks fee used to come from. John L. said it was the daily entrance fee, which was hard to collect, and a yearly pass that could be purchased. The current fee has been great for visitors and staff alike. Larry said its also a benefit to families and incentive to get kids outdoors.

Bill encouraged members to contact him with any issues that they need help with or any questions that they may have.

Open Discussion

Bob said he's had a lot of questions from folks since joining the CAC. He asked about the **trap check laws**. Larry said there is discussion about trap check items in the regulations currently. Bob asked the wardens what their thoughts are on that. Mike said the long line trappers are the ones who are opposed to this. Lennie commented that one of the issues that comes up is that folks who have a long trap route and a regular job don't have time to check traps except on weekends and that there is a lot of issues with this. Larry said the trap check issue also goes into the humane aspect of trapping.

Bob said some folks also have a concern with the lack of deer and want to know why the **multiple doe tags available** are also valid on public land. He asked if this is a concern to anyone? Scott said this is a concern on public land. Bob asked if this is something that can be changed. Art said he also has this problem; people are shooting deer on the Forest and not outside. Scott said people aren't will to hunt as hard for does as they are for a buck. John E. said people near the forest have said there is increased pressure on such areas. There is more pressure there because of the loss of access to some private land. Bob said there is a chance that people could kill a buck on public land but maybe not on private land. Bob said he has spent time in the Forest hunting this year and saw very few deer. Bob said there are hundreds of does in the creek bottoms and river bottoms but public land doesn't have them.

John also commented that elk are out-competing the deer. Scott said what Bob is really asking is how the elk herd is managed with the different permits on and off of the Forest. John E. said this could be implemented with deer also.

Brad said this also comes back to being an **access issue**. John E. said there is getting to be a lot more out of region folks coming out here to hunt. They like coming out here because its open and there's lots of critters. Bill D. said this is a common theme among hunters in the Forest. Scott said the Forest should be separated out.

Bob said he's not talked to anyone who says it's a good idea to **hunt mule deer bucks the last two weeks of the rut**. He thinks the species needs some protection during this time period. He said its been suggested to open and close the season the same time as antelope or use increments.

Scott said because of the rut we've shifted the value of the wildlife to the private land. There is literature out there that says if the older, more mature animals are left to breed, the fawn crop is better. Art said it's also a tolerance issue because landowners are tired of folks by the end of the season. It would also be better to have the season shorter for this reason. Bob said a lot of outfitters he's talked to would support shifting the season as long as it was still the same length.

Greg said the biggest thing about rut season is lazy hunters. Bob said on his property the traffic is the worst the last two weeks and they hardly see anyone in the beginning of the season. Art said most violations occur during the rut when the bucks are with the does.

Scott said he doesn't see a lot of progress being made on access with the current seasons.

Bob asked how many western states hunt mule deer during the rut. Art said there are few. Mike said we probably have the most liberal seasons.

Bill D. asked if this has ever been a Commission proposal. John E. said there is a three-week season in some parts of Region 6.

Bob said he would be in favor of a shorter season. Mike said there's no reason why people couldn't hunt deer two weeks earlier. It would simplify things if the antelope and deer season ran concurrently.

Bill D. said there is a benefit to some folks who hunt deer during the rut when they're less intelligent. Art agreed but said it's also more incentive for people to do something illegal.

John E. said that other parts of the state envy the buck-to-doe ratio that we have and that there is a nice structure to the age class of bucks here.

Bob asked if FWP would like to see a petition. John E. said that's not necessary. The discussion is part of the public process and if there's enough interest in making a proposal, it could be put on the tentatives for next year.

Dwayne said he has found that big bucks are really not that easy to find during the rut. There are very few large bucks around and they are older and wiser deer. He does not think that the deer are always 'stupid' and easier to find during the rut. Certainly there are examples of this annually but the older larger bucks got that way by being smart and avoiding hunters even during the rut.

Brad said the process to go through is with the tentatives and see what the public interest is. Bob said that people who feel the way he does, can ask for it to be put out there and see what happens.

Brad asked for any other comments or questions.

Art asked what is going on with the Tongue River Railroad easement issue. Larry said that the chairman of the Commission postponed action on this until a later date. There was a tentative agreement reached on the easement that goes around the Hatchery, but Larry did not have details of it. The next step is to bring this before the Commission but that has been postponed. There have been a lot of comments on the issue. Bill M. said the railroad still has not been granted authority across the interstate.

Next meeting: Wednesday, April 22nd

Brad adjourned the meeting at 8:30 p.m.