

MINUTES
Montana Fish, Wildlife & Parks UGBEPAC Meeting
FWP Lewistown Area Office
Lewistown, MT

September 24, 2009 (Meeting 2)

Advisory Council Members Present: Rep. Julie French, Chairwoman, Sen. Jim Shockley, Mike Begley, Jay Gore, Bernie Hart, Gordon Haugen, Bill Howell, Mike Jensen, Joe Perry, Craig Roberts, Dale Tribby, Clive Rooney (ex officio member).

Fish, Wildlife & Parks Staff Present: Ken McDonald, Jeff Herbert, Quentin Kujala, Rick Northrup, Debbie Hohler, Marc Scow, Gary Bertellotti, Brad Schmitz, Graham Taylor, Gary Olson, Tom Stivers.

Guests: None

1. **Opening.** Chairwoman French called the meeting to order at 8:00 am.
2. **Meeting focus.** The meeting focus of today's meeting will be on the habitat portion of the UGBEP. Chairwoman French pointed out that because the venue includes touring habitat projects in the Lewistown area, discussions will continue with this focus. When the council meets in Plentywood in October, the primary focus will be on the Upland Game Bird Releases portion of the UGBEP, and meeting discussions will follow accordingly.

Minutes from July 7, 2009 were approved.

3. **Goal and Philosophical Approach of the Upland Game Bird Enhancement Program.** Jeff Herbert provided insight into various conservation elements found in Montana:
 - a. The Montana Challenge
 - Montana citizens greatly value wildlife resources
 - (<http://fwp.mt.gov/doingBusiness/reference/montanaChallenge/default.html>)
 - b. Crucial Area Assessment
 - We still have functional landscapes that support a diversity of game birds.

- c. FWP is involved in a variety of ways to support conservation
 - There are many ways to consider UGBEP and its success.
 - Consider very different geological and cultural differences around the state – represents different needs and opportunities.
- d. Jeff discussed the history of wildlife conservation since the 1800s.
- e. North American Model of Conservation
 - Built upon public trust, democratic process for establishing regulations and management actions; science-based approach to conservation. States (the people) are responsible for resident wildlife.
 - The model is unparalleled around the world – another underpinning of why Montana is the way it is.
- f. Other considerations:
 - Citizens are interested – need to keep them engaged with their involvements.
 - Reflect on policies (e.g., Farm Bill or management policies) that affect habitats on private and public lands – this is mostly a role the department plays, which is outside the mission of this Council.
 - Weather conditions significantly affect annual abundance of game birds. Example – sage-grouse in south Phillips County. 65 hens produced 3 chicks. 2003 was a wetter year with productive conditions – brood survival and nest success was terrific. Any results of habitat enhancement work are subject to these overriding, short term conditions.
 - There are a variety of human uses and activities that affect habitats and their function.
 - Montana supports a diversity of birds and habitats – we have to have a collaborative approach to acknowledge geographic differences. The Pheasants Forever efforts via Craig Roberts and others is a great example. Need to keep these in mind but also realize there are issues that are more “gnarly” that we also need to deal with.
 - What can we do with an engaged public, with a landscape that we have, to keep these programs and opportunities alive for future generations?
 - We are at a critical threshold of change, which affects hunting opportunities, habitats, etc. May not be able to influence some of

these things. What makes this state special and how can we as a group work to perpetuate MT values?

4. Draft Strategic Outline presentation, revision, adoption.

Quentin Kujala discussed the draft UGBEP Strategic Plan Outline developed by the department. This draft version is intended for feedback and revision by the council. Additionally, the department proposed to use this draft strategic plan outline as a “master agenda” to help schedule meeting topics and discussion during the planning process. It’s often easy to address the “whats” of planning process, but a greater need is to discuss the “hows.” The planning process needs to address accountability. At a minimum, the department is looking to the Council for help to get to each of these points listed in the outline.

Council recommendations:

- Add inaccessible public lands under 2c (in outline) – (added)
- Add Rule/Statute changes – (added)
- Recommend for each one of the headings to have discussion on current process. What are the current approaches? Discuss associated problems, if any, with what is being done now. Important to first say where we are at and what are the problems and then where go from there.
- Council commented that there has been no evaluation from the landowner’s perspective.

5. Strategic Planning Approach (FWP Staff, Council)

Marc Scow discussed consensus approach – it does not mean 100% agreement, but it does have definition. Important to use it as a tool to make sure all participants are heard in a structured, moving-forward manner. This process will help keep the group from getting bogged down.

A small group exercise was conducted to help define goals, principles, and values. Staff will take the information and work to devise a goal statement and associated statements to capture information provided through this exercise.

6. Strategic Outline Discussion by Bullet.

a. 4a Habitat Projects – Suggested definitions

- i. Project – this is the area worked on.

- ii. Affected Project Area – area affected by the project (from a biological perspective)
 - iii. Project Core Area – the actual on the ground project (Howell)
 - iv. Project Access Area– the contract area that is open for public access (Howell)
 - v. Project Area Affected – the project may benefit a variety of ownerships (Howell)
 - vi. Active Project Area– specific place on land where project takes place (e.g., food plot site); (Gore)
 - vii. Project Area of Influence – the area being served by the specific land treatment. Will be a broad influence, depending on year. (Gore)
 - viii. Need to have a specific definition for a particular area. Current contract will never guarantee access unless there is an access easement that runs with the land. Even with the language and if recorded, one could make the argument that there is no obligation to new owner. (Begley)
 - ix. **Summary:**
 - 1. Need to deal with transfer of land and obligation. Solve policy if landowners will sign document and provides assurance that will hold up in court. FWP staff will follow-up on this question with their legal council.
 - 2. Minimize risk and maximize gain is a key element. Make sure legally that there are ways to protect investment.
 - 3. Need to converge on descriptions and language that resonated within the group. (FWP staff will do this)
- b. **4a(ii) – Habitat Systems and Scale**
- i. Need to look at things in a system sense, not in a habitat project sense. That is, a habitat project relies in part on other surrounding components to make it functional. How does one capture this in a habitat agreement?
 - ii. Proactive efforts – need to successfully identify opportunities. Consider developing a block of interrelated habitats with a focus area.
 - iii. Suggestion on the concept of landscape-level development rather than a site by site evaluation (Tribby).

- iv. Large projects (e.g., grazing management) are a concern. (-) expensive; (+) large amount of access; (-) high risk of landowner noncompliance or early contract termination. (Sen. Shockley)
 - v. Question the value of grazing systems to sportsmen (Jensen). Herbert stated that we need to be careful not to “take tools out of the tool box.” Grazing management is among our strongest tool for prairie grouse.
 - vi. Discussion on conservation easements: Council supported the concept and the legal aspect.
 - vii. Other comments included opportunities to cost-share with NRCS on grazing systems; need a higher level of scrutiny on larger projects.
- c. 4a(iii) – Private Lands: Cost share and Incentives**
- i. Recommend taking out requirement of 25%, but doesn’t mean we can’t negotiate – depends on landowner and situation (e.g., adjacent public land, landowner provides more cost-share, etc). May have no requirement for landowner cost-share or may be required to cost-share up to 50% (Sen. Shockley). This will require a rule change. Herbert requested to move forward with a rule change.
 - ii. May be appropriate to add a landowner screening process to assure landowners are committed and capable. (Tribby)
 - iii. What kind of product can this council create that will add value to UGBEP and the decision making process that makes a project a reality. As a commissioner, when a decision comes to the Commission, it will come to us in the form of staff making a presentation. By what standard is this a good use of the funds? Consider producing architecture – standards and guidelines for decision making criteria. This would be a product that will help the department and decision makers like the Commission. (Commissioner Moody).
 - iv. If the 25% cost-share requirement is removed, will likely need a component that speaks to why we do and don’t require cost-share – provides a background to actions. Perhaps develop criteria as to justification for cost-share or not? (Rep. French)
 - v. Landowner’s contribution (labor) could be considered in-kind. (Hart)

- vi. Need accountability for adjusting 25% cost-share – has to be justifiable with documentation of “why.” (Howell)
 - vii. A longer contract duration is a functional negotiating point but will need legal discussion to fortify contractual issues. (Herbert)
- d. 4a(iii) – Project renewal – what options to consider?**
- i. Suggest a procedure in place to inventory the resource to see what is needed (e.g., shelterbelt maintenance needed?) Could be a part of renewal process. (Begley)
 - ii. Consider project renewal in terms of access. (Haugen)
 - iii. What if currently enrolled in Block Management but project expires? Still have access, how to proceed? (Roberts)
 - iv. Consider differences between how funding is disbursed with upland game bird license compared to migratory bird fund. Consider taking all funds for that purpose. Rep. French agreed to pull that part of the bill to bring to this group for discussion. When talk about budget, will be talking about this part. (Rep. French)
 - v. Consider longer contract term, especially for a shelterbelt. (Howell)
 - vi. After contract expires, what incentive is there that we can use to have landowner renew a contract? (Tribby)
 - vii. Discussion on UGBHEP projects on public lands versus private land. Could have more guarantees of success on public land (with guaranteed access) but don’t want to remove opportunities for landowners. Consider landowners like Joe Perry, we don’t want to miss these kinds of opportunities.
 - viii. Regarding hunter-days and area open to hunting – this is a good tool for negotiating. (Tribby)
 - ix. There is a need to integrate access with good habitat enhancement. Personal experience hunting UGBHEP show “hammered ground” overrun with hunters in R5. Personally avoid these areas when hunting for this reason. (Begley)
 - x. Comment on rental fee that keeps shelterbelt intact for an additional contract period? (Haugen)
- e. 4a(iv) – Public Lands**
- i. Difficult to come up with cost-share on public lands, especially state lands, including Wildlife Management Areas. Council members discussed removing cost-share requirement from these kinds of projects.

- ii. Gordon Haugen, UGBEPAC Member, and Tom Pick, NRCS, have collaborated to identify a process to establish or enhance upland game bird habitat on State Trust Lands using the UGBHEP. Initial planning documents and a report identifying questions for DNRC and FWP are attached at the end of the minutes. Gordon and Tom request feedback from council members.
- f. **4a(v) – Partitioning funding for habitat projects**
- i. This agenda item will be discussed at a future date along with partitioning funding for upland bird releases.

Public Comments:

Commissioner Moody: Identified areas where group talked about accountability and helping out hunters, making sure people know what they're doing. Important to evaluate hunter satisfaction, etc. Ron started teaching hunter ed in 1978 and still doing it today. Teaching is the highest form of learning. Teach young hunters about role of wildlife management (there are 3 things to manage: 1) habitat 2) wildlife 3) people (but can't manage people but do need to lead people). Have to address them through relationships. Conservation community – frame of reference is a gauge – hunters, landowners, state agencies, associated industries and business collectively are the conservation community. 1.6% of American population are farmers. 4.7% are licensed hunters. Combined, the conservation community is about 10-12% of the citizenry in America. The conservation community was defined as our constituency...but that is not good enough anymore. The work of this council is engaged in the meat and potatoes basic design of the program. Need to be looking forward and working with broader public to assure success. Consider sage-grouse listing – what we are doing could help head this off. If the 90% don't know we are taking care of wildlife, they could take action to eliminate what we consider to be important. As an example, is it important when MT Audubon is doing the Christmas Bird Count that they know the shelterbelt that holds birds was put there with upland game bird hunter funds? In the future, it will be vital. Make sure those people know and are supportive...considerable veto power in the 90% who are not part of the conservation community. Gave example of Mary Jones, who also has values and can be swayed either way, depending on her level of understanding of role of hunter license dollars and related conservation efforts.

Ed Smith - Mike Jensen handed out an information packet from Ed Smith.

Wrap-up, Review Assignments, and Adjourn. Next meeting will be held October 21-22, 2009 in Plentywood. The focus of the meeting will be on upland game bird releases and related program outputs.

Council budget to date:

UGBEPAC FY 10 Expenditures to date

Month	Mileage*	Lodging*	Meals	Honorarium	TOTALS
July	\$ 2,607.83	\$ 1,407.30	\$ 218.00	\$ 1,300.00	\$ 5,533.13
Sept	\$ 2,961.75	\$ 1,611.20	\$ 571.00	\$ 1,600.00	\$ 6,743.95
	\$ 5,569.58	\$ 3,018.50	\$ 789.00	\$ 2,900.00	\$ 12,277.08

*Does not include staff charges

A Proposal to Improve Upland Game Bird Habitat on State Trust Lands

This attachment summarizes a proposal that addresses management (enhancement) of upland game bird habitat on State Trust Lands. Since an initial presentation to the Montana Pheasant Forever Chapters in Lewistown in July of 2008, Tom Pick, NRCS State Office, and I have worked to refine the proposal by addressing questions that have been generated by meetings noted below. The NRCS and an interagency workgroup has developed criteria to map and rank State Trust Lands by county that are managed under agricultural leases and accessible to the public. The proposal documents describe the mapping criteria.

We have also met with State Lands and FWP Staffs on three occasions seeking their comments on the potential application of the proposal on State Trust Lands. In June 2009 we met with the president of Ft. Benton PF Chapter, State Lands, FWP, and Chouteau County NRCS staff. At the State PF meeting June 27, the proposal was again discussed. Several land owners who hold state agricultural leases in the Havre and Denton area were in attendance. Based on their comments, it would appear this proposal is realistic and could well be supported by many who hold State Trust Land agricultural leases. It was apparent that those in attendance recognized the importance of having critical upland game bird habitat scattered throughout the landscape, where feasible. This proposal seeks to help achieve this need.

This proposal has also been discussed with Bob Sanders, Ducks Unlimited State Biologist. We believe there may also be collaborative opportunities to enhance waterfowl habitat on some State Trust Lands that have stock water dams or dugouts, with minor modification to the structure and fencing that would benefit the lessee, waterfowl, and upland game birds.

Your comments on this proposal are greatly appreciated.

Gordon Haugen, 22 Barclay Drive , Bozeman (H) # 406- 556-8436 or gnhaugen@msn.com.

Tom Pick, State NRCS office, Bozeman, (Cell) # 406- 600-3167 (Work) # 406-587-6947, or thomas.pick@mt.usda.gov.

Pheasant Habitat Management (Enhancement) on State Land.

Version 6/26/09

Situation:

1. There are tens of thousands of acres of State Trust (school) Land in North Central and North East Montana that are leased for grain production. The Montana Department of Natural Resources and Conservation (DNRC) manages these lands directly for the financial benefit of schools and other public trusts in Montana. In 2007, there were 3,000 agricultural lease agreements covering 571,000 acres of cropland in Montana. The leases generated \$9,849,729. Many of these leased acres do not have legal public access, but there are thousands of acres that do. Legally accessible State Trust Lands can be accessed by public roads, public easements, public waters that are recreationally navigable under the Stream Access Law, by adjacent federal, state, county, municipal lands that are open to public use, or by permission of an adjacent, private landowner. Most of these lands do not have specific management plans to protect or enhance wildlife habitat, however, wildlife and public recreational uses do financially benefit the trusts. A portion (\$2.00) of every Montana conservation license sold goes toward paying an access fee for use of state land when hunting or fishing. The sale of 519,345 wildlife conservation licenses in 2007 generated \$915,888 in gross revenue in 2007. Recreational use of State Trust Land outside of a wildlife conservation license requires a separate license issued by DNRC.
2. Grain Farming practices in the last decade have changed. The use of mechanical tillage to accomplish summer fallow was a standard dry land grain farming practice in Montana until the late 90's. The purpose of summer fallow is to idle or rest the soil from annual plant growth and allow soil moisture to build up for the following crop year. Chemical fallow (CF) has replaced tillage as the preferred dry land farming fallowing practice and has resulted in unbroken expanses of large fields treated similarly. Increasing fuel prices as well as the realization that mechanical tillage not only causes soil moisture loss, but also impairs soil health and leaves land vulnerable to wind erosion, has caused the shift to no or reduced tillage practices in conjunction with CF.
3. CF fields are either in crop or left fallow. Fallow fields, while they still have residual stubble, are treated several times a year with herbicides to control broadleaf and grass-like weeds.
4. The CF practice, briefly discussed above, has increased grain yields and is considered a good soil and water management practice when chemicals are handled and applied correctly.
5. CF practices have reduced upland game bird habitat diversity in that larger block fields are promoted; some greater than 1200 contiguous acres are common throughout North Central Montana. Greater field size has reduced the complexity of upland game bird habitat (loss of a patchwork of vegetation cover types and the corresponding edge). Also, as a result of the wide use of CF, there is very limited opportunity for growth of broadleaf forbs (annual weeds to farmers) which provide insect foraging habitat for upland bird chicks (brood rearing habitat) at the margins of these large fields adjacent to suitable escape cover.
6. Opportunities likely exist to provide technical assistance and financial incentives to motivated and willing State Trust Land lessees for the purpose of developing and managing upland game bird habitat plots (to include a range of habitat types) on State Trust Lands

they are leasing. These habitat plots would also benefit multiple species of wildlife from non-game birds to ungulates.

7. The Natural Resources Conservation Service (NRCS) has mapped State Trust Lands that appear to have public access. These lands have been evaluated as to their upland bird habitat enhancement potential. Evaluation criteria were developed by NRCS, Pheasant Forever, and Montana Fish, Wildlife and Parks staff.

Suggested Process to Implement Upland habitat program/on State Trust lands.

1. Identify parcels (≥ 80 acres) of DNRC State Trust Land in North Central and North East Montana that are in grain production and have public access. We need to make this a grass roots process with as much local involvement as possible. See Attachment Upland Game Bird Habitat Enhancement on State Land Model and Maps by Tom Pick, NRCS.

- Suggest that two or three blocks of land of between 30 and 40 thousand acres with a mix of ownership (private and State Trust Lands) and habitat types be considered for the initial evaluations.
- Suggest the program initially identify 8 to 10 sections of State Trust Land where the lessee is agreeable to sub leasing to PF and/or FWP a portion of a section for the development and management of upland game bird habitat.
- Habitat plots need to be at least 10 acres and probably not over 50 acres within any given section of state trust land.

2. Contact lessees of identified state lands to determine if there is interest in a habitat-based program on a portion of the State Trust Land that they are leasing.

- Emphasize that this is a working lands program; that it is not designed or intended to take productive land out of production.
- Focus on treating lands that are less productive due slope, shallow soil, excessively wet, rocky, etc. or are difficult to access with large machinery.
- Involve and get program input from farmers who have been and are supportive of upland game habitat management. Their support is critical.
- This program could be a win-win-win: improving upland game bird habitat, increasing State Trust revenue, and for State Trust lessees, reducing expenses in that they would not be paying for lands that are not productive or difficult to access with Machinery. Also, farmers who have these leases, if willing, could be paid incentives to farm the land in a manner that is more beneficial for upland game bird habitat. Incentives could include no spray buffers or strips, establishing field borders and habitat blocks, increasing stubble height, etc.

3. Determine potential technical and financial assistance programs and the roles of FWP, DNRC-State Lands, NRCS and PF in implementing the program on State and private lands.

- Determine staffing, funding, and evaluate NRCS's 2008 Farm Bill and the State's Upland Game Bird Enhancement Programs to determine what level of funding and technical assistance can be expected for the State, PF and NRCS on State Trust and intermingled private lands.

- Discuss procedures for leasing State Trust Lands from lessees or directly from the DNRC. Suggest that we base the program on 5- and 10-year time periods.

- Develop cost estimates for various enhancement scenarios. Look at standard lease arrangement basis of cash or crop percentage figures

and local County Conservation Reserve Program rental rates as a starting point.

- Develop a detailed "How To" Guide for use by local sponsors in initiating and carrying out a State Trust Land Habitat Enhancement Project. The guide should include habitat evaluation and enhancement guidelines, DNRC staff contacts, lease templates, and other useful information so that local sponsors do not need to reinvent the wheel.

Additional items that need discussion ----

Could PF volunteers be relied on to do some of the physical work in the initial development of the habitat plots?

Could seasonal staff be hired by PF and/or FWP to facilitate the development and annual management of the habitat plots. Suggest hiring local if at all possible.

Could this approach also be expanded to include US Fish and Wildlife Service waterfowl production areas (WPAs)?

This program could also be applied to habitat enhancement (nesting habitat) activities for waterfowl in North East Montana.

There will be a need to provide oversight to insure that the objectives are being accomplished and annual reporting of program accomplishments. These are a must, but could best be accomplished at the local level by project sponsors, but summarized at the state level to provide justification for the legitimacy of the effort.

There are many other areas that need to be addressed. We are sure what has been suggested above will need clarification and refinement as we move forward. A habitat-based program is essential, if Montana is to continue to sustain huntable populations of pheasants and other species of upland game birds. This becomes even more important as the current CRP is probably not going to be able to provide the upland game bird habitat that has in last few decades. If we are to be successful in getting a habitat-based program started on State Trust Lands in Montana, there must be commitment and follow through by each PF Chapter and FWP along with other partners.

Gordon Haugen and Tom Pick
June 2009

ATTACHMENT 1 - Modeling Locations for Potential Pheasant Habitat Improvement Projects on State Trust Lands

Introduction:

This project was initiated as a cooperative between the USDA-NRCS, Montana Fish, Wildlife and Parks, and Pheasants Forever. The goal of the project is to identify legally accessible state trust lands with suitable pheasant habitat and the potential for supporting additional pheasant populations or improving habitat through agency program incentives. Legally accessible State Trust Lands can be accessed by public roads, public easements, public waters that are recreationally navigable under the Stream Access Law, by adjacent federal, state, county, or municipal land that is open to public use, or by permission of an adjacent private landowner.

NRCS water specialist, Tom Pick; FWP Upland Game specialist, Rick Northrup; and Don Hare, Pheasants Forever Montana Coordinator provided initial input into the development of the screening tool for identifying potential locations meeting the following criteria:

1. State land parcels > 80 acres.
2. Elevation less than 5,000 feet.
3. Direct access from a public road (public road intersects or directly adjoins parcel).
4. Land use primarily other than rangeland (coded as upland grassland).
5. Parcel has access to free water in the form of 100-year floodplain, perennial or intermittent stream, pond, lake, river, or wetland immediately within or within a distance of two miles.

Additional criteria were then introduced as a means to further prioritize parcels; these criteria included proximity to the MTFWP pheasant habitat delineations created in 2000, and proximity to CRP and FWP Block Management areas. The criteria could also be expanded to include other delineations such as federally managed waterfowl production areas and other such delineations that offer preferential habitat conditions. FWP and the Farm Service Agency have agreed to provide shapefiles of Block Management and CRP sites with the caveat that the information is not directly displayed on publically released documents, but will instead only be used to create the state land attributes displayed in the modeling codes below.

Pheasant Potential Model:

To accommodate the spatial analysis the following codes will be used:

SL = State Land meeting coding criteria and parcel is > 80 acres

SLE = State Land meeting coding criteria and parcel is > 80 acres and is at less than 5,000 feet.

SLEW = State Land meeting coding criteria and parcel is > 80 acres, and is at less than 5,000 feet, and is within 2 miles of open water source.

SLEWT = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road.

SLEWT_V1 = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road. Meets vegetation criteria as having less than 100% upland grassland. (This coding will allow additional vegetation composition to be added if necessary).

SLEWT_V1_PH = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road. Meets vegetation criteria as having less than 100% upland grassland; is within MTFWP pheasant habitat delineations.

SLEWT_V1_PH2 = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road. Meets vegetation criteria as having less than 100% upland grassland; is within two miles of MTFWP pheasant habitat delineations.

SLEWT_V1_CRP = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road; is in or within two miles of FSA CRP not expiring before 2010.

SLEWT_V1_CRP_PH = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road; is in or within two miles of FSA CRP not expiring before 2010; is within the MTFWP pheasant habitat delineations.

SLEWT_V1_CRP_PH2 = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road; is in or within two miles of FSA CRP not expiring before 2010; is within two miles of the MTFWP pheasant habitat delineations.

SLEWT_V1_BM = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road; is in or within two miles of FWP Block Management Area.

SLEWT_V1_BM_PH = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road; is in or within two miles of FWP Block Management Area; is within MTFWP pheasant habitat delineations.

SLEWT_V1_BM_PH2 = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road; is in or within two miles of FWP Block Management Area; is within two miles of MTFWP pheasant habitat delineation.

SLEWT_V1_CRP_BM_PH = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road; is in or within two miles of FSA CRP not expiring before 2010; is in or within two miles of FWP Block Management Area; is within MTFWP pheasant habitat delineation.

SLEWT_V1_CRP_BM_PH2 = State Land meeting coding criteria and parcel is > 80 acres; is at less than 5,000 feet elevation; is within 2 miles of open water source; intersects or is adjacent to public road; is in or within two miles of FSA CRP not expiring before 2010; is in or within two miles of FWP Block Management Area; is within two miles of MTFWP pheasant habitat delineation.

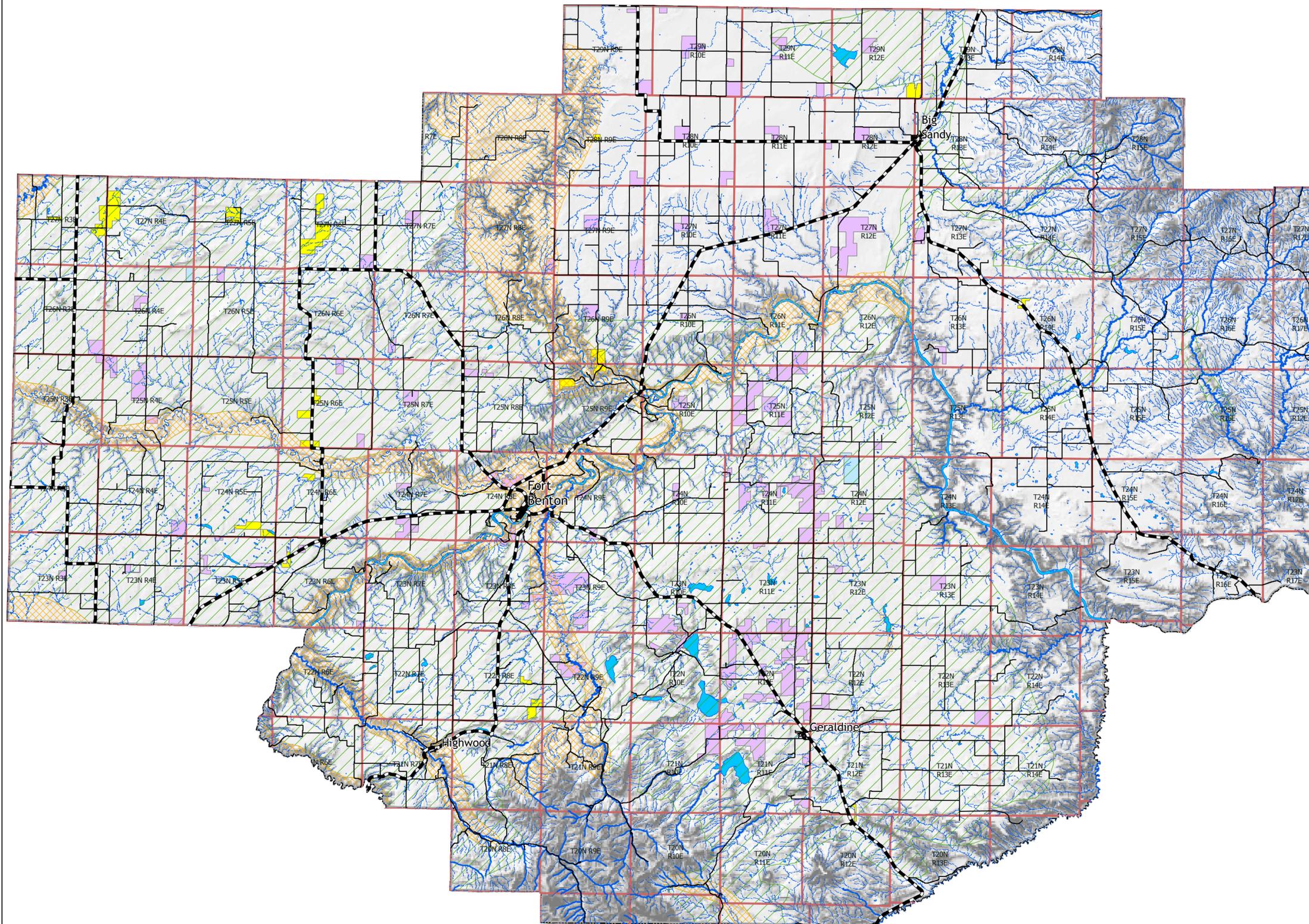
Modeling Products:

The use of this coding system will allow parcels or blocks of parcels to be selected by local NRCS, FWP or PF groups for further evaluation for

meeting the various criteria and then displayed for additional user interpretations.

Lessees of state lands that meet the objectives of the local groups may then be contacted to determine their interest in participating in upland bird habitat enhancement projects on their state-leased and deeded lands through appropriate NGO, state and federal programs to provide technical and financial assistance.

CHOUTEAU County Montana State Trust Lands Pheasant Habitat Suitability Model September 2008



Habitat Suitability Classes and Criteria

- Class 1**
State of Montana Trust Land
All Trust lands not excluded for other designated uses
Parcel is greater than 80 acres
Elevation is less than 5,000 feet
Public road intersects or directly adjoins parcel
Parcel has access to free water within a distance of two miles
Parcel is not classified as rangeland or coniferous forest.
- Class 2**
State Trust Land meeting all above criteria and;
Is, or is within two miles of MTFWP Block Management parcel
- Class 3**
State Trust Land meeting above criteria and;
Is, or is within two miles of CRP parcel not expiring before 2010
- Class 4**
State Trust Land meeting above criteria and;
Is, or is within two miles of MTFWP Block Management parcel and is, or is within two miles of CRP parcel not expiring before 2010.

Legend

- FWP WMA, FAS
 - CLASS 1
 - CLASS 2
 - CLASS 3
 - CLASS 4
- FWP Pheasant Habitat Rating**
- Good
 - Fair
- City-County Road
 - Highway
 - Stream/River: Perennial
 - Stream/River: Intermittent
 - Stream/River: Ephemeral
 - Township
 - County
 - Lake, Pond, Reservoir
 - Playa
 - Swamp Marsh



DISCLAIMER:
This map is to be used as a primary reference source and is not intended for use in site-specific planning. This is public information and may be interpreted by organizations, agencies, units of government, or others, based on needs; however, they are responsible for the appropriate application. Federal, State, or local regulatory bodies are not to reassign to the Natural Resources Conservation Service, USDA or the Montana State Library, State of Montana any authority for the decisions they make.

**Upland Game Bird Habitat Enhancement on State Trust Lands:
Policy and Issue Questions Needing Clarification.**

Situation:

A proposal to promote upland game bird habitat on State Trust Lands was presented at the State meeting of Pheasants Forever (PF) in August 2008. Since then, the proposal has been discussed and refined at a number of statewide and local meetings with agency staff, NGOs, interested citizens, and state land lessees. Several meetings with DNRC and FWP Staff have been held to explore this opportunity and address impediments that may obstruct or complicate implementation of the proposal.

The rationale for the effort is that there are over 100,000 acres of State Trust Lands used for agricultural production (not including grazing lands) within the range of upland game birds in Central and Eastern Montana that are accessible to the public. The State of Montana DNRC collects over \$1,000,000 annually in public access fees for hunting and fishing on these lands. This revenue is generated by a \$2.00 State Lands Access fee on all conservation licenses sold in Montana. Publically accessible state lands are therefore a valuable, often overlooked and virtually untapped resource that can provide needed long-term hunting opportunities for Montana sportsmen and sustained habitat for our native and introduced game species. Efforts to enhance upland game bird habitat (as well as habitat for other game and nongame species) need to begin to take place. Well-planned enhancement efforts can benefit the agricultural producer as well as wildlife resources.

To carry out this effort, the Natural Resources Conservation Service (NRCS) has mapped and classified State Trust Lands that are accessible to the public in every County using a number of spatial datasets including FWP upland game bird habitat potential ratings. Several prospective State Trust Land properties have been evaluated at the request of the lessees as demonstration sites for this concept. Two trip reports have been prepared for the lessees to consider. Copies were given to the Upland Game Bird Council members for their review and comment's at the Lewistown Council meeting.

Clarification of Policy and Issue Questions:

Several issues have been raised during meeting discussions and field site evaluations. These issues need resolution in order to facilitate implementation of the projects and to further refine this approach to upland game bird habitat enhancement in Montana. Following are some of the critical issues raised for consideration by the lead officers of the responsible agencies that we think need to be addressed.

- Can perpetual or term conservation easements be granted on State Trust Lands for upland game bird habitat enhancement management?

Issues that need to be addressed by State Department of Natural Resources and Conservation (DNRC) and Fish, Wildlife and Parks (FWP) cont'd.

- Do active leases need to be adjusted or otherwise modified to carry out upland game bird habitat enhancement on State Trust lands? If so, what are the necessary mechanisms and steps to carry out the process? Do Administrative Rules of Montana (ARM) need to be modified in order to carry out the process?
- Does the DNRC have the authority to carry out or mandate wildlife conservation measures such as upland game bird habitat enhancement measures on active State Trust Land leases without the consent of lessee?
- Would the FWP and DNRC consider expanding the State Lands Access Stamp fee to include habitat enhancement/management purposes. Funds generated by this State Land/Habitat Stamp could be used to manage access, habitat and other management activities on State Trust Lands. These added funds could be used to reimburse the state and/or producer for any loss in revenue or as a financial incentive for implementation of a habitat enhancement project. Such funds could potentially be used to locate and identify accessible state lands to reduce trespass conflicts with private landowners. If habitat easements were selected as a way managed habitat on State Trust Lands these funds would be used lump sum payment.
- What criteria will be used to determine the future use of State Lands that are currently enrolled in the Conservation Reserve Program (CRP) but are scheduled to expire? We recommend that wildlife habitat attributes and requirements be given consideration in making these determinations. Would it be possible to offset the loss of revenue through cash rent or easement (considering the funding source described above) when retaining important wildlife habitat cover following CRP?
- What is the working relationship between the DNRC, FWP and NRCS. Where can Federal Farm Bill program funds be expended; what is the required duration of contracts on State trust lands.
- What is the life span of practices, by fund source, that may be applied to State Trust Lands? Food plots, nesting cover, brood rearing cover/food and shelter belts.
- Will enhancement projects have an established upper limit to practice life on State Trust Lands? Windbreaks can live decades. Is there any requirement to remove them if not specified in a lease arrangement?
- Once projects are in place, who will take the lead and be responsible for management and project monitoring/compliance? How will funding for needed

Issues that need to be addressed by State Department of Natural Resources and Conservation (DNRC) and Fish, Wildlife and Parks (FWP) cont'd.

maintenance and management activities be generated? Are FWP upland game bird or DNRC state land enhanced access fees a potential source? Pheasant Forever volunteers and funds (such as cooperative FWP/PF habitat specialists?)

- Is a Memorandum of Understanding or other formal operating agreement between State Lands (DNRC) and FWP or PF necessary to address any of the above considerations and policy issues? We encourage the parties to jointly initiate and carry out discussions that lead to clear policy and guidelines to facilitate habitat enhancement projects on State Trust Land.