GOVERNOR'S ADVISORY COUNCIL
ON
PRIVATE LAND/PUBLIC WILDLIFE

REPORT
AND
RECOMMENDATIONS
TO
GOVERNOR MARC RACICOT

January, 1999

Table of Contents

ACKNOWLEDGEMENTS..... 2

COUNCIL CHARGE & HISTORICAL BACKGROUND..... 3

FINAL RECOMMENDATIONS & RATIONALE..... 7

APPENDIX..... 15

HB 195 - HIGHLIGHTS & IMPLEMENTATION THROUGH JULY 1998..... 17

LIST OF PL/PW ADVISORY COUNCIL MEMBERS - 1998..... 21

COUNCIL CHARGE - SUGGESTED CHANGES.....23

ACKNOWLEDGEMENTS

The members of the Private Land/Public Wildlife Advisory Council wish to acknowledge the valuable assistance provided by the many individuals and members of affected interest groups who have provided input over the past several months as the Council sought to develop broad-based recommendations to address issues related to public wildife and private land.

Without individuals taking time to attend Council meetings and provide written or oral comments, the Council's task of crafting recommendations to meet the needs of the public would have been much more difficult. We wish to thank all of those who were willing to offer ideas about how we might best proceed, and hope you will continue to assist us in our ongoing efforts to help maintain Montana's hunting heritage and traditions.

Report Prepared
By
Alan Charles
Fish, Wildlife, & Parks

COUNCIL CHARGE/PURPOSE

Under the provisions of Montana Code Annotated (MCA) statute 87-1-269 (*Temporary)* **Report Required - review committee.** (1) The governor shall appoint a committee of persons interested in the hunter management program, the hunting access enhancement program, or other issues related to private lands and public wildlife to review the success and progress of the hunter management program and the hunting access enhancement program. The committee must have equal representation of landowners, outfitters, and sportspersons and be broadly representative of the various geographic areas of the state. The department may provide adminstrative assistance as necessary to facilitate the efforts of the review committee.

(2) The review committee shall report to the governor regarding the success of the hunter management program and the hunting access enhancement program, including a report of annual landowner participation and the number of acres annually enrolled in the programs. The report may also include suggestions for funding, modification, or improvement of the programs. If the review committee determines that expanding funding for programs for hunter management and hunting access enhancement is desirable, consideration must be given to providing the expanded funding through increases in resident hunting license fees. (*Terminates October 1, 2001 - sec. 18, Ch. 459, L. 1995)*

HISTORICAL BACKGROUND

In 1993, in response to House Joint Resolution (HJR) 24, Governor Racicot appointed, by Executive Order, eighteen citizens to a council called the Private Land/Public Wildlife Advisory Council. Contained within that Executive Order was the following problem statement:

> *"The long-term viability of Montana's wildlife resource and hunting heritage is threatened. Landowner/outfitter/sportsperson relations have become increasingly strained over the past several years. Landowners feel victimized, helpless to control increasing game populations and they feel their contributions to wildlife habitat are overlooked. Sportspersons are concerned about diminishing access to private and public land for hunting opportunities. They view this as a threat to the long-term viability of wildlife management and Montana's hunting heritage. Outfitters are interested in stabilizing their industry and improving their image.*

The Governor's Statement of Purposes for the Council included the following:

1) ACHIEVING OPTIMUM HUNTER ACCESS;

2) PROTECTING WILDLIFE HABITAT;

3) MIMINIMIZING IMPACTS ON AND INCONVENIENCES TO LANDOWNERS;

4) ENCOURAGING THE CONTINUANCE OF A VIABLE HUNTING OUTFITTING INDUSTRY;

5) PROVIDING ADDITIONAL TANGIBLE BENEFITS TO LANDOWNERS WHO ALLOW HUNTER ACCESS.

In December, 1995 the Private Land/Public Wildlife Advisory Council presented a package of recommendations to Governor Racicot that resulted in the introduction of House Bill (HB) 195, a a bill authorizing Fish, Wildlife, & Parks (FWP) to develop an enhanced Block Management Hunting Access Program along with various other recommendations related to hunting access and outfitter industry issues. Another piece of legislation, HB 196, was introduced by the Board of Outfitters in support of the Council's efforts to control expansion within the outfitting industry. Both HB 195 and HB 196 passed in the 54th Legislature, and the various programs and legislative mandates were implemented.

In 1996, in accordance with MCA 87-1-269, Governor Racicot appointed fourteen citizens to a "new" Private Land/Public Wildlife (PL/PW) Advisory Council. As part of that group's effort to meet its charge of reviewing and reporting on the hunting access program and related issues, a number of reports have been filed, including *"Summary of Landowner/Hunter Evaluations-1996," "Outfitter Evaluation of House Bill 195 Programs - 1998,"* and annual reports filed to the Governor in 1996, 1997, and 1998.

During the summer and fall of 1998, the PL/PW Advisory Council drafted and circulated for public comment a number of recommendations related to the hunting access program and outfitting industry issues. After receiving public comment on the draft recommendations, the Council drafted the final recommendations that are presented here as Recommendations #1-5, made to Governor Racicot regarding the success and progress of programs related to public wildife and private lands.

In November, 1998, the Council appointed a sub-committee to examine whether or not more precise language could be developed that would give better direction to the Montana Board of Outfitters regarding the implementation of House Bill (HB)196, especially as it pertained to the processing of requests for expansion of Net Client Hunting Use (NCHU).

The sub-committee met during December, 1998, developed a working draft of recommendations that were informally circulated for public input during late December, 1998, and brought a revised draft of recommendations to a meeting of the entire Council in Helena on January 6th, 1999. After being presented the sub-committee report and hearing public comments, the Council approved what is presented in this report as Recommendation #6. While the Council recognizes that this recommendation did not receive the full benefit of public input to the extent provided for Recommendations #1 - 5, it is offered here as the Council's best effort to address issues related to outfitter expansion and NCHU processing, as defined under HB 196.

Also during its January 6th, 1999 meeting, the Council suggested that the Council's "Charge" be reviewed and perhaps expanded to provide clear direction regarding this group's involvement in issues beyond Block Management. Proposed language is offered in the Appendix of this document under "Council Charge - Suggested Changes."

ADVISORY COUNCIL'S FINAL RECOMMENDATIONS AND RATIONALE

- **<u>Final Recommendation #1</u>: Recommend re-authorization of HB 195 for five (5) years, by extending the sunset date from October 1, 2001 to March 1, 2006.**

- Rationale: The Council supports the HB 195 programs and recognizes the public support for the program as noted in the public comments. The Council is also sensitive to the concerns of some members of the public who are not entirely satisfied with all components of the program at this time. While the Council is concerned about the potential effect of CI-75 and the prospect of having to "sell the program" to voters each time the program needs re-authorization, the Council is optimistic that some of these difficulties will be resolved prior to the end of the recommended new sunset.

- **<u>Final Recommendation #2-A:</u> Recommend increasing the cost of the Resident Upland Gamebird License from $6 to $10, and the cost of the Nonresident Upland Gamebird License from $55 to $90, with the increased revenue dedicated to the Block Management program.**

- Rationale: Upland gamebird hunters show strong support for the block management program, and there is a significant demand for birdhunting access. The current cost of the nonresident upland gamebird license is much lower than that of similar licenses offered by neighboring states. By raising the cost of the nonresident bird license to near parity with other states, there may be some moderation in the current upward trend in the number of nonresident birdhunters, a trend that appears to negatively impact existing public access to private lands.

- **<u>Final Recommendation #2-B-2:</u> Recommend replacing the current Conservation License with three new alternative "Access/Habitat" licenses, with fees set as follows:**
  Resident: Fishing Only - $4; Hunting Only - $5; Combination - $8;
  Nonresident: Fishing Only - $5; Hunting Only - $10; Combination - $15.

New hunting license revenue beyond what is generated by the current Conservation License would be earmarked for expansion of the Block Management Program.

- Rationale: All hunters benefit from Block Management, whether or not they use the program, because pressure on BMAs reduces pressure for access on other public and private lands. A user-fee concept was not supported in a significant portion of the public comments received. The proposed fee structure, when coupled with the recommendation regarding bird license fee increases, will generate the level of increased revenue necessary to meet the Council's goal of approximately one-third growth in the Block Management program.

- **<u>Final Recommendation #3:</u> Extend the moratorium on licensing of new outfitters for three (3) more years, ending effective 1 July 2002; propose a limit of 543 licensed outfitters be attached to that moratorium; propose that inactive and active outfitters pay the same annual license fee.**

- Rationale: Council members felt that public expectations required an extension of the moratorium as one way to limit expansion within the outfitting industry. By raising the price of inactive licenses, and recognizing that normal turnover within the industry would allow existing licenses to beome available, Council members felt that opportunities would exist for new outfitters to come into the industry without expanding the overall size of the industry, and without creating a "liquor license" value system for outfitter licenses. Attaching the number (543) to the moratorium was appropriate, since this was the number of licensed outfitters (active and inactive) when HB 195 passed.

- **<u>Final Recommendation #4:</u> Establish a limit of 10 (present limit of 20) nonresident hunters a landowner can sponsor when those hunters purchase a B-11 Landowner-Sponsored Deer Combination License, effective July 1, 1999, independent of the outfitter moratorium.**

- Rationale: Lowering the limit from 20 to 10 will distribute the available 2000 licenses among more landowners. The original Council's proposal was to set the limit at 10; however, this was delayed until 1999 to allow landowners who want to outfit time to obtain a license to outfit. In the Council's view, the landowner-sponsored B-11 licenses were not intended to facilitate non-licensed outfitting, but instead were intended to create opportunities for landowners to sponsor family members or friends to hunt on landowner's

deeded property. It is the Council's intent that this recommendation would affect license sales beginning with the year 2000.

<u>Final Recommendation #5:</u> **Recommend a seven-member Board of Outfitters comprised of the following members:**

* **one, an outfitter who outfits primarily on public land;**
* **one, an outfitter who outfits primarily on private land;**
* **one, a fishing outfitter;**
* **two, sportspersons;**
* **one, a landowner not engaged in any form of fee hunting;**
* **one, a member at-large irrespective of affiliation.**

- Rationale: A Board of Outfitters with representation balanced between members of the industry and members of the public may be inclined to be more responsive to some issues of concern identified in public comments, particularly as they relate to industry enforcement issues. Maintaining membership of the Board of Outfitters at seven members makes sense, both in terms of cost and efficiency. Under this recommendation, the current FWP member would no longer sit as a member of the board, but serve as an informational liason to the Board, commenting about enforcement and resource-management issues.

NOTE: While the previous five recommendations received full benefit of the public comment and revision process, Recommendation #6 was developed under a very short timeline and did not receive an equal amount of public comment and scrutiny. The Council sub-committee that developed the proposal made every effort to contact affected parties and seek input as they developed their report, and a draft of the report was circulated for public comment during the two weeks prior to the January 6th, 1999 Council meeting. Both verbal and written comments were received prior to that meeting, and they, along with public comments made during the January 6th meeting, were incorporated in this final recommendation. THE COUNCIL SUBMITS THIS RECOMMENDATION AS THE BEST EFFORT MEMBERS COULD DEVELOP TO PROVIDE MORE PRECISE DIRECTION TO THE MONTANA BOARD OF OUTFITTERS REGARDING IMPLEMENTATION OF HB 196 AND THE PROCESS OF OUTFITTER NET CLIENT HUNTING USE (NCHU).

Final Recommendation #6: Incorporate the following provisions, through statute and administrative rule as appropriate, to define, administer, and develop records for Net Client Hunting Use (NCHU) for land-based hunting outfitters:

Definition: NCHU shall be defined as "the most clients served by an outfitter, in any license category, in any license year since 1988. Such use must be documented by verifiable documents maintained by the Montana Board of Outfitters (MBO)." All outfitters shall establish NCHU. (NOTE: For outfitters operating on federal USFS lands and, in some cases BLM lands where use is specific to federal land without also involving private land, NCHU shall be established as "allocated service days." Such NCHU may fluctuate annually according to service day use and allocation. This NCHU shall not be transferrable to use on private land.)

NCHU Flex: An outfitter may exceed his NCHU in any given year by the following percentage without formally requesting an NCHU expansion:

(<50 clients) - 10%
(51-100 clients) - 8%
(>100 clients) - 2%

Rules: The following rules are proposed to regulate NCHU.

- Outfitter applicants who apply for a license (as opposed to applicants buying an existing outfitting business) shall establish NCHU in the same manner as outfitters requesting an NCHU expansion.

- Outfitters receiving an approved NCHU expansion (or, in the case of a new outfitter, NCHU number) shall have three years to establish "actual" NCHU. Upon expiration of the third year, NCHU shall be adjusted to reflect the highest number of clients actually served up to, but not to exceed, the number of clients authorized by the approved expansion request or new outfitter application.

- The NCHU of an existing business shall transfer with that business's license, unless the business has not operated within the previous three years.

Fees:

- In addition to mandatory annual license renewal fees, outfitters operating on private leased land shall be required to pay $10 for each client served.

- Outfitters granted an NCHU expansion shall be required to pay a one-time fee

of $500 for each client added to their operations plan.

- Outfitters operating camps in more than one FWP administrative region that are located beyond a 100-mile radius of the primary base of operations shall be required to pay an annual fee of $5,000 per camp (excluding the primary base of operations camp). This rule shall not apply to those camps established on federal USFS and BLM lands where use is regulated by federal land use policies that restrict an outfitter's activities. This rule shall not apply to camps established prior to rule implementation.

  NOTE: For the purposes of this rule, "base of operations" is defined as: "the primary physical location where an outfitter receives mail and phone calls, conducts everyday business, and bases livestock, equipment, and staff;" "camp" is defined as: "each individual lodging facility or group of facilities that an outfitter uses to lodge clients for a client's trip and lodges clients for the operating areas designated in an outfitter's operating plan. A facility can be a motel, campground, bed & breakfast, lodge, tent camp, cabin, camper, trailer, or house."

  Fee Allocation:

Annual license renewal fee	- 100% to MBO
NCHU Private Leased Land fee	- 50/50 split between FWP & MBO
NCHU Expansion fee	- 50/50 split between FWP & MBO
Satellite Camp fee	- 50/50 split between FWP & MBO

  Fee Rationale: *The Council recognizes that recommendations, if implemented, will require staff and resources not currently available in agency budgets.*

NCHU Expansion Process: An outfitter requesting an NCHU expansion (or a new outfitter seeking to establish NCHU) must submit a formal NCHU expansion request to the MBO. The request shall be evaluated by the MBO and a determination made based upon the criteria set forth under the Criteria section that follows. THE MBO SHALL PRESUME THAT AN EXPANSION REQUEST SHALL NOT BE GRANTED UNLESS, BY A PREPONDERANCE OF THE EVIDENCE, A REASONABLE PERSON WOULD CONCLUDE THAT THESE CRITERIA SUPPORT AN EXPANSION REQUEST. The following criteria shall be utilized by MBO in evaluating and reaching a determination about an NCHU expansion request. These criteria must be considered in light of the cumulative effect of the current expansion application and previously-approved expansion requests.

Absolute Criteria: The MBO shall presume that an expansion request shall not be granted if any one or more of the following criteria are established:

- The expansion request creates closure of a public right-of-way;
- The applicant has current license restrictions imposed by the MBO, a conviction or pleas of guilty for violations of Montana hunting and fishing statutes, rules, or regulations, or the applicant is currently being subjected to MBO-imposed disciplinary actions;
- Information in the application is not accurate, true, and complete;
- Adequate land is not provided to ensure personal safety of hunters;
- Sufficient wildlife is not available to support the proposed number of hunters;
- Proposed expansion would create or exacerbate a game damage situation;
- Proposed expansion would restrict the efforts of FWP to manage area wildlife through permits issued to members of the public.

Additional Criteria: The following criteria must also be used by the MBO in evaluating and reaching a determination about an NCHU expansion request. Failure by an outfitter to provide all pertinent information and documents shall result in the application being deferred without action until the following MBO meeting. Failure to provide necessary information and documents by the subsequent meeting shall result in automatic denial of the request.

1. Public Comment: Public comments shall be solicited and compiled by FWP and shall be sought from affected recreationists and recreationist organizations, affected landowners and landowner organizations, affected outfitters and outfitter organizations, public land management agencies, and the general public. Solicitation of public comment shall include the issuance of press releases that include identification of proposed leased private land by popular description. FWP shall incorporate public comment into the FWP analysis of the expansion request. In addition, MBO shall consider public comment separate from the FWP analysis. In its final decision notice concerning an expansion request, MBO shall respond to those public comments received by outlining the comment and how, if at all, it was incorporated into the final decision.

2. FWP Analysis: MBO must consider analysis and comments submitted by FWP. Such analysis may include, but is not limited to, the criteria listed below. An outfitter applying for an NCHU expansion/determination shall address, at a minimum, each of the criteria listed below, providing the most accurate information to the best of his knowledge. The FWP analysis will be compiled utilizing public

comment, hard data when available, and in the absence of hard data, the professional expertise of department personnel.

- Does historic hunting data support the request (outfitting has occurred in the past, public hunting has occurred in the past, etc)? Yes/No - Explain.

- Do wildlife trends in the geographical region of the expansion request support the request? Yes/No - Explain

- Would public hunting access trends in the geographic region of the expansion request support the request? Yes/No - Explain

- Have there been substantiated conflicts between members of the hunting public and outfitters, or between separate outfitters and/or their clients, that would not support this request? Yes/No - Explain

- Will there be a negative effect on wildlife habitat if this expansion request is approved? Yes/No - Explain

- Are there negative implications on public land hunting access or public land outfitting in the geographic region of the expansion request? Yes/No - Explain

- Does existing data regarding wildlife management objectives and available hunting access support the expansion request? Yes/No - Explain

- Do the implications on available public hunting access, including block management areas, in the geographic region of the request support the request? Yes/No - Explain

3. Opens new public access: MBO shall consider whether the proposed expansion will open private and/or public lands to public hunting where access did not previously exist.

4. Addresses existing game damage situation: MBO shall consider whether the proposed expansion will address existing game damage by opening new public hunting access where the public is provided opportunities to share bull/buck harvest with outfitted clients, in addition to gaining access for doe/cow hunting.

5. Restricts existing public access to public lands: MBO shall consider whether the proposed expansion will directly restrict public access to public lands.

Rules: The Legislature should provide guidance to MBO to adopt the following rules:

1. There must be established rigorous, enforceable outfitter reporting requirements. Reports should be annual and contain, at a minimum, leased private acreage actually used by clients, leased private acreage not used by clients, and the number of clients-served. Such records must meet the audit standards of the Legislative Auditor. COUNCIL REQUESTS THAT THE LEGISLATIVE AUDITOR CONDUCT A PERFORMANCE AUDIT ON THE MBO ADMINISTRATIVE PROCESS AT THE EARLIEST POSSIBLE DATE.

2. A non-resident outfitter shall pay an annual license fee of $5,000, and be subject to all other rules pertaining to resident outfitters.

- Rationale: Since the implementation of HB196, the Board of Outfitters has processed over 90 applications for expansion of NCHU and approved all but one of them. While Council members raised concerns about how this portion of HB196 was being administered as early as April 1996, it was not until early spring of 1998 that the Council became actively involved in the issue of NCHU and Board of Outfitters operations. During the summer of 1998, a citizen's initiative was introduced that, to some degree, addressed issues related to NCHU, and while that initiative failed, the Council felt it imperative that they attempt to offer recommendations that might provide more precise direction to the Board of Outfitters regarding implementation of provisions of HB196 related to NCHU. Although HB 196 was not a bill developed by the original PL/PW Advisory Council, because of provisions related to the expansion of outfitting activities, and subsequently, issues closely related to public wildlife and private land, the Council offers these recommendations as their best effort to improve upon the current process.

APPENDIX

HIGHLIGHTS OF HOUSE BILL 195
&
IMPLEMENTATION THROUGH DECEMBER 1998

PROGRAMS FOR HUNTER MANAGEMENT AND HUNTER ACCESS

- The department may establish a voluntary hunter management program to provide tangible benefits to private landowners enrolled in the block management program who grant access to their land for public hunting.
- Participation is voluntary and based on agreements between the landowner and FWP.
- Recreational liability protection (as described in 70-1-201 MCA) is extended to cooperators participating in the program.
- Private landowners who provide public hunting on their property will be eligible for up to $8000 benefits.
- Benefits will be provided to offset impacts associated with public hunting access including but not limited to general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, and road, fence, and parking-area maintenance.
- All enrolled resident landowners may receive a non-transferable resident Sportsman's license.
- Nonresident landowners enrolled in the program may elect to receive a non-transferable nonresident Big Game Combination License in lieu of compensation. Licenses granted in this program will not affect the quota of 11,500 nonresident Big Game Combination Licenses.

SUMMARY - BLOCK MANAGEMENT - 1996 - 1998

YEAR	TOTAL COOPER-ATORS	TOTAL ACRES	TOTAL INCENTIVE PAYMENTS	TOTAL HUNTERS	TOTAL HUNTER DAYS	TOTAL RESIDENT COMPLIMENTARY LICENSES	TOTAL NONRESIDENT LICENSES IN LIEU OF COMPENSATION
1996	883	7,131,119	$2,756,792	130,225	345,833	444	9
1997	937	7,545,606	$2,572,335	168,657	364,090	771	10
1998	916	7,259,606	$2,539,283	not available	not available	768	8

HB 195 - HIGHLIGHTS/IMPLEMENTATION
DECEMBER 1998

1997 Block Management Program - Season Averages

a) average number of acres per BMA..... 7,163
b) average number of hunters per BMA..... 167
c) average number of hunter days per BMA..... 314
d) average landowner contract payment..... $2,754
e) average statewide use - resident/nonresident.. 84% resident/16% nonresident

Regional comparison - Resident/Nonresident

Region	Resident	Nonresident	Total hunter days
1	90%	10%	71,625
2	92%	8%	32,080
3	92%	8%	36,469
4	85%	15%	69,300
5	93%	7%	32,023
6	71%	29%	42,759
7	66%	34%	79,834
TOTAL	**84%**	**16%**	**364,090**

FUNDING THE PROGRAMS

- Revenues generated by the sale of variable-priced hunting licenses set aside for clients of licensed outfitters will be used to fund the expanded hunting-access programs.

- Prices will be set at market rates to ensure an average annual sale of 5500 Big Game Combination Licenses and 2300 Deer Combination Licenses. The annual average sale will be calculated over a 5-year period.

- The FWP Commission sets the variable rate annually based on a citizen advisory group's input.

HB 195 - HIGHLIGHTS/IMPLEMENTATION
DECEMBER 1998

SUMMARY - VARIABLE PRICED LICENSE SALES

Year	Big Game Combination - Total Sold	5 - year average (Target)	Deer Combination Total Sold	5-year average (Target)
1996	5500 (83 refunded)	5500 ($835)	3,114 (31 refunded)	2300 ($515)
1997	5500 (120 refunded)	5500 ($835)	2,395 (28 refunded)	2300 ($675)
1998	5500 (128 refunded)	5500 ($835)	1,994 (22 refunded)	2300 ($735)

LICENSING CHANGES

- HB 195 reduced the number Big Game Combination Licenses set aside for outfitter clients from 5,600 to 5,500 licenses.

- HB 195 increased the number of Deer Combination Licenses set aside for outfitter clients from 2,000 to 2,300 licenses.

- HB 195 limited the number of nonresident deer hunters a landowner could sponsor for acquiring landowner-sponsored licenses:
  a) Through 1999, a landowner is limited to 20 landowner sponsor certificates in any license year.
  b) After 1999, a landowner is limited to 10 landowner sponsor certificates in any license year.

OUTFITTING MORATORIUM

- HB 195 required the Board of Outfitters to establish and regulate a moratorium on the issuance of outfitter licenses for land-based hunting activities, specifying that the number of land-based hunting outfitters may not exceed the number in existence on April 14, 1995.

According to statistics provided by the Montana Board of Outfitters:

1) Effective April 14, 1995 - the number of outfitters in existence was **577.** (Note: This number includes outfitters in both active and non-active status, as well as candidates pending approval with applications completed prior to April 15, 1995)

2) Effective February 1, 1998 - the number of outfitters in existence is **561,** with **16** licenses available, for a total of 577 potential outfitters in existence. (Note: This number includes outfitters in both active and non-active status).

PRIVATE LAND/PUBLIC WILDLIFE
ADVISORY COUNCIL
MEMBERS
(1998)

Mr. Steve Roth, Chair
PO Box 489
Big Sandy, MT 59520

Mr. Dave Cole, Co-Chair
6040 Ferry Drive
Helena, MT 59601

Mr. Tom Hougen
PO Box 127
Melstone, MT 59054

Ms. Jean Kelly
320 Kiena Road
Kalispell, MT 59901

Ms. Darlyne Dascher
185 N. Rockcreek Road
Fort Peck, MT 59223

Mr. Tony Carroccia
HC 87, Melville Route
Big Timber, MT 59011

Mr. Lonnie McCurdie
'13 S. Michigan
Conrad, MT 59425

Senator John Hertel
PO Box 30
Moore, MT 59715

Mr. Cecil Noble
610 Patrick Creek
Kalispel, MT 59901

Representative Emily Swanson
15042 Kelly Canyon Road
Bozeman, MT 59715

Mr. Verle Rademacher
PO Box 349
White Sulphur Springs, MT 59645

Mr. Lee Gustafson
2133 Fairway Drive
Billings, MT 59102

Mr. Ray Marxer
9500 Blacktail Road
Dillon, MT 59725

Mr. John Wilkinson
HC 40, Box 6241
Miles City, MT 59301

COUNCIL CHARGE - SUGGESTED CHANGES

After being appointed to the current Private Land/Public Wildlife (PL/PW) Advisory Council, members have struggled with the notion that, consistent with their current charge as stated under MCA 87-1-269, their function is primarily related to reviewing and reporting upon the Block Management Program, yet the perception held by the public and the FWP department is that their function is similar to that of the original PL/PW Advisory Council, which was a much broader charge that included issues far beyond the scope of Block Management.

In an effort to be responsive to issues brought to them by both the FWP department and the public, the Council has worked primarily on issues that, in their opinion, go beyond the scope of their statutory charge, and in so doing, have been unable to focus time and energy on issues specifically related to Block Management. In an effort to resolve that dilemma, the Council would like to suggest that 1) the scope of their appointed charge be enlarged to provide authority and direction that enables them to continue to address issues related to landowners, hunters, and outfitters; and 2) consideration be given to having the FWP director appoint other advisory committees to provide specific implementation direction regarding the Block Management Program or other programs. Having some Council members sit as members of such an advisory committee would enable the PL/PW Advisory Council to stay informed about, and involved in, the Block Management Program and yet allow the overall Council to more adequately deal with larger issues related to hunter access.

Listed below is suggested language that might be incorporated in a revision of MCA 87-1-269:

Report Required - Review Committee

1) The governor shall appoint a committee of persons interested in issues related to hunters, landowners, and outfitters, including, but not limited to, hunting access enhancement programs, landowner/hunter relations, outfitting industry issues, and other matters related to public wildlife and private land. The committee will have broad representation to include landowners, recreationists, and outfitters. The department may provide adminstrative assistance as necessary to assist the committee.

2) The committee (Private Land/Public Wildlife Advisory Council) shall report to the governor regarding the success of the various elements of the hunter access enhancement program, suggestions for funding, modification or improvements needed to achieve the objectives of the program.

3) The department director may appoint additional advisory committees as deemed necessary to assist in the implementation of the hunter enhancement programs and advise the Commission in the development of rules.