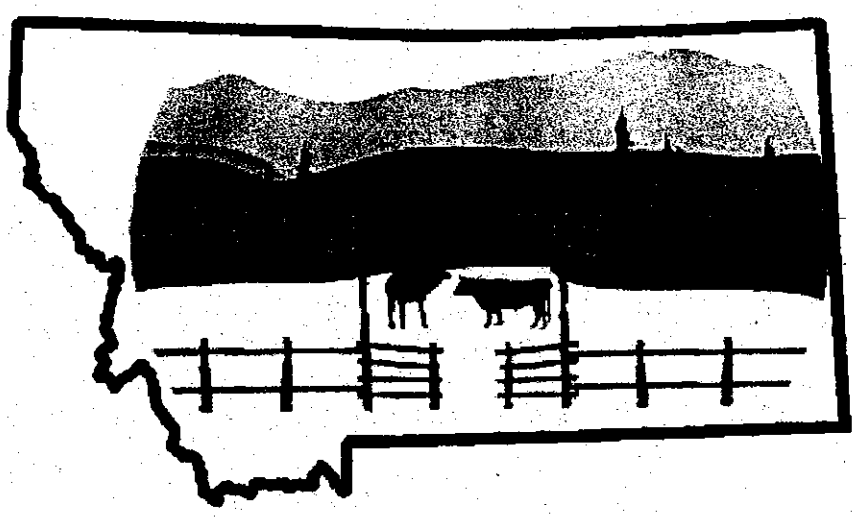
PRIVATE LAND/PUBLIC WILDLIFE ADVISORY COUNCIL

REPORT AND RECOMMENDATIONS



PRESENTED
TO
GOVERNOR JUDY MARTZ
AND THE
58th LEGISLATURE

January, 2003

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COUNCIL CHARGE/PURPOSE

In 1995, a review committee (PL/PW Council) was established in statute to make recommendations to the Governor regarding issues related to private land and public wildlife. The Council's statutory charge is articulated in Montana Code Annotated (MCA) 87-1-269 *(Effective March 2, 2002)* as follows:

"**Report Required - review committee.** (1) The governor shall appoint a committee of persons interested in issues related to hunters, anglers, landowners, and outfitters, including but not limited to the hunting access enhancement program, the fishing access enhancement program, landowner-hunter relations, outfitting industry issues, and other issues related to private lands and public wildlife. The committee must have broad representation of landowners, outfitters, and sportspersons. The department may provide administrative assistance as necessary to assist the review committee.

(2) (a) The review committee shall report to the governor and to the 58th legislature regarding the success of various elements of the hunting access enhancement program, including a report of annual landowner participation, the number of acres annually enrolled in the program, hunter harvest success on enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in funding, and an accounting of program expenditures, and make suggestions for funding, modification, or improvement needed to achieve the objectives of the program.

(b) The review committee shall report to the governor and to the 58th legislature regarding the success of the fishing access enhancement program and make suggestions for funding, modification, or improvement needed to achieve the objectives of the program.

3) The director may appoint additional advisory committees that are considered necessary to assist in the implementation of the hunting access enhancement program and the fishing access enhancement program and to advise the commission regarding the development of rules implementing the hunting access enhancement program and the fishing access enhancement program. *(Terminates March 1, 2006 – sec. 6, Ch. 544, L. 1999; sec. 6, Ch. 196, L. 2001.)*"

In August, 2000, Governor Martz appointed Council members to terms ending May 30, 2003, re-affirming the Council's charge as follows:

a) **preserving Montana's hunting heritage;**

b) **providing public hunting access on private and isolated public land;**

c) **reducing landowner impacts related to public hunting access;**

d) **providing tangible incentives to landowners who allow public hunting;**

e) **helping outfitters stabilize their industry and improve their image.**

During the time period August 2000 through December 2002, the Council met six times at various locations throughout the state. Much of the Council's effort during those meetings was focused on evaluating what factors are currently influencing hunting access in Montana, examining various issues related to elk management and elk hunting access, and developing recommendations which might help address these issues.

As part of that effort, the Council developed Guiding Principles as a framework within which to work when developing recommendations. Those Guiding Principles appear below:

As the Private Land/Public Wildlife Council:

- We believe that successful management of public access is a goal as a Council.
- We believe that the agriculture industry in Montana must be preserved.
- We believe that Montana's hunting heritage available to the general public must be preserved and promoted for future generations.
- We believe that wildlife should remain in the "public trust" rather than become a private or economic interest.
- We believe that some level of economic relief or compensation for losses, impacts and access related to wildlife and hunters is appropriate consistent with current law.
- We believe that exclusive property leasing adversely affects public access and that its impact on public access remains an issue.
- We believe that private landowners do have an economic interest regarding the cost of providing habitat and allowing public access.
- We believe that a collaborative process needs to be expanded locally throughout the state to continue to manage and solve these issues.
- We believe that a stable outfitting industry is important to the economy of Montana.

ADVISORY COUNCIL'S FINAL RECOMMENDATIONS AND RATIONALE

Final Recommendation #1: The next PL/PW Council, or an appointed advisory group that interacts with the Council, should examine and identify each FWP license, license purpose, and the effect of the license, developing any necessary recommendations.

Rationale: The current FWP license system is increasingly complex, without a clearly-defined system for evaluating purpose and effect of various licenses. NOTE: There needs to be literature that clearly identifies, in one place, all available licenses (and permits), license purpose, and process for obtaining license.

Final Recommendation #2: The PL/PW Council supports adoption of FWP's proposal regarding elk management and local collaborative processes (see Page 6.)

Rationale: The proposal addresses several issues identified as problems during PL/PW proceedings. NOTE: Through this recommendation, the Council is endorsing the proposed process, but not necessarily the results or conclusions reached.

Recommendation Considered, but NOT ADOPTED:
Council proposed to create 100 new Landowner-Sponsored Nonresident B-10 Either-Sex Elk Licenses, and 100 new Landowner-Sponsored Nonresident A-7 Antlerless Elk Licenses, to be made available to hunters sponsored by landowners under the following conditions:

- **Sponsoring landowner must provide public elk hunting access either under the terms of a contractual public elk hunting access agreement or as part of a community-based habitat/access agreement;**

- **Sponsoring landowner must own and enroll occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;**

- **Landowner-sponsored elk licenses are valid only on landowner's land enrolled in either a contractual elk hunting access agreement or a community-based elk habitat/access agreement;**

- **Sponsoring landowner may not charge a fee or authorize a person to a charge a fee for hunting access provided to members of the public who gain access to enrolled land under terms of a contractual public elk hunting access agreement or community-based habitat/access agreement;**

land under terms of a contractual public elk hunting access agreement or community-based habitat/access agreement;

- **Sponsoring landowner may charge a trespass or access fee for hunting access provided to hunters receiving landowner-sponsored elk license;**

- **Establishment of new landowner-sponsored elk licenses under this proposal does not affect quotas of any licenses established under current statutes;**

- **No landowner may sponsor more than two hunters under this proposal;**

Rationales to NOT ADOPT AS A FINAL RECOMMENDATION included:

- Current complexity of existing system of special licenses/landowner license incentives needs review and evaluation before more are added;

- Proposal raised key philosophical differences among constituents, causing the Council to feel that moving forward with the proposal at this time would be counter-productive to the Council achieving its mission.

NOTE: The Council recognizes that there is a difference between giving appreciation to landowners for allowing access and providing economic incentives to create new access. Continued exploration of license incentives might still make sense, with any recommended modifications or additions to existing system requiring an assessment of effects on public access and wildlife management and private land.

Elk Management/Private Land Issues: FWP Report and Recommendations

(August 2002)

Problem Definition:

•There is often a lack of a shared objective for elk management at the population and herd unit level that reflects the diverse and changing views of landowners, hunters, and FWP.

•FWP's role is not clear in solving local elk population/distribution issues where the problem is created by one private landowner and imposed on other landowners.

•FWP has limited ability and increasing difficulty in controlling elk numbers due to diverse private land management decisions which affect local elk herd management.

•FWP has difficulty identifying the concerns of non-traditional landowners, and when we do, we often do not have the tools necessary to effectively address them.

•FWP does not adequately promote, support and demonstrate how private landowners can better integrate elk as a positive component of their land management.

Possible Solutions

Community problem-solving: Elk frequently range freely across multiple ownerships, and therefore landowner-by-landowner objectives are doomed to fail for the community as a whole. To be successful, this effort needs to be community driven.

☐Establish a shared vision and agreement on elk management objectives and necessary actions among landowners, hunters and FWP at the herd unit level consistent with sound biological principles.

☐Establish groups similar to Devil's Kitchen, Bear Paws Working Group, Madison Valley Ranchland Working Group.

☐Attempt to utilize or build on existing community groups.

Modify and liberalize season-setting process: There are a number of actions FWP, the Commission and Legislature could take to increase the harvest of elk, and thus better control elk numbers.

☐Survey landowners and sportsmen in problem areas to analyze and address game damage.

☐Simplify and liberalize seasons where possible and appropriate.

☐Use license/season options before the general gun season to move animals off private land to improve overall harvest.

☐Create additional hunting opportunity for disabled, youth, and senior hunters.

☐Allow a hunter to take up to two elk per season (only one may be antlered).

☐Use A-7 licenses more effectively to increase cow elk harvest.

☐Extend season in areas/times of low harvest.

☐Examine how the brow-tine bull-only hunting season affects hunter recruitment and harvest.

Community Habitat and Access Projects (CHAPS): ***technical assistance & landowner incentives to better manage elk habitat and hunter access***

Technical Assistance:
☐Techniques for preventing damage
☐Fence repair for damage done by wildlife
☐Crop storage
☐Grazing system consultations
☐"Show me" tours of wildlife mgmt. areas or ranches
☐Technical information bulletins

Other Landowner Incentives:
☐Term leases for winter range or other habitat
☐Cooperative habitat management agreements
☐Grass banking or exchange of use agreements on WMAs
☐Habitat improvements

CHAPS Eligibility
Landowner eligibility contingent upon participation in community problem solving that includes landowners, hunters and FWP, resulting in cooperative elk management plans at the herd unit level.

Action Plan
✱Develop framework for community problem solving.
✱Identify opportunities for collaborative processes.
✱Modify elk season structure, licensing, and season setting process as recommended.
✱Further develop CHAPS concept.

HISTORICAL BACKGROUND – PL/PW COUNCIL

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 - 1999.

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. The Council's final recommendations were offered to the 56th Legislature in the form of two bills, SB 334 which involved outfitting industry issues, and SB 338 which involved hunting access program issues. Both bills passed, although most of the Council's recommendations for additional funding for Block Management were stricken from the final version of SB 338.

During the time period August, 1999 through December, 2000, the Council met seven times at various locations throughout the state. Much of the Council's effort during those meetings was focused on trying to define terms of what constitutes "public hunting access," evaluating what factors are currently influencing hunting access in Montana, and developing funding recommendations to help fund the hunting access enhancement programs. The Council's final recommendations were offered to the 57th Legislature in SB 285, which created an additional funding mechanism for the Hunting Access Enhancement Program called the Hunting Access Enhancement Fee. This fee is a mandatory fee ($10/nonresident and $2/resident) required off all hunters the first time in any license year (March 1 through the following February 28th) the hunter purchases any kind of hunting license. SB 285 also increased to $12,000 the maximum annual payment a landowner enrolled in Block Management may receive.

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QUESTIONS & THOUGHTS GENERATED IN COUNCIL DISCUSSION: The following questions and thoughts were generated in a facilitated Council discussion that did not include all Council members. They do not represent any consensus Council decisions, recommendations, or draft proposals, but are presented here, as informational items, to help identify some of the key questions and thoughts that arise as the Council attempts to address issues within its charge.

IMPORTANT QUESTIONS

- What is the aesthetic value of wildlife and to whom?
- What is the economic value of wildlife and to whom?
- Should we ever legitimize the privatization of wildlife? Should we consider disincentives to the privatization of wildlife (i.e., change the tax base of agricultural operations to commercial assessment; attach a royalty to the privatization of wildlife).
- Have we gone as far as we can go with license incentives (do they still work and if not, what else can we do to get to the end point)?
- Who are the parties and what are their interests regarding this issue?
- What are we going to do about the over-population of does and cows?
- Should/where should the solution be statewide and where should it be regional/local?
- Who owns Montana's wildlife?
- How are we going to deal with landowners that are neither "traditional" landowners nor "non-traditional landowners?
- How do we increase timely access on private land?
- How do we solve the excessive elk population problem in some areas?
- Can "apportionment" be a part of the solution?
- Does the landowner have an economic interest related to their land/related to this problem? If not, should outfitting on private land be eliminated?

IDENTIFYING "INTERESTS"

- It is in the interest of wildlife to occur in biologically sound numbers to prevent disease, etc.
- It is in the interest of outfitters, to maintain control of market based, variable priced licenses.
- It is in the interest of outfitters to have exclusive leases of private lands.
- It is in the interest of Montana's economy to have a viable outfitting industry.
- It is in the interest of outfitters to meet biological harvest objectives.
- It is in the interest of outfitters to have sustained opportunities for high quality outfitted experiences.
- It is in the interest of sportsmen and the public to have optimal access to wildlife.

- It is in the interest of sportsmen (hunters) to have agriculture remain economically viable.
- It is in the interest of hunters to have FWP remain the managing agency.
- It is in the interest of sportsmen to respect the private properties they are allowed to access.
- It is in the interest of resident sportsmen to help pay for block management.
- It is in the interest of out of state hunters to pay for block management.
- It is in the interest of landowners to receive the maximum economic value related to wildlife on their property.
- It is in the interest of landowners to have manageable numbers of wildlife.
- It is in the interest of landowners to have sportsmen support on legislative and political land use issues.
- It is in the interest of "non-traditional" landowners to maintain the status quo with "private preserves".
- It is in the interest of FWP to have hunters and landowners reach consensus on access issues.
- It is the interest of FWP to have a good public perception of the agency.
- It is in the interest of FWP, hunters, outfitters, and landowners to have sport hunting remain the primary population control tool.
- It is in the interest of all parties to focus on their similarities and agreements rather than their differences.

NEW IDEAS/ADJUSTMENTS - Discussion

- Bring closure to license incentives.
- The "right" of landowners to economic interest in wildlife value needs to be defined.
- New property owners have a responsibility to mange wildlife to protect adjacent property values.
- Condition or strengthen the tie between "landowner preference" and "landowner sponsored" and public hunting access.
- Is the real value of wildlife to landowners is the value of property destroyed?
- Adjust taxation to reflect landowner economic gain from wildlife.
- Examine and identify the unintended consequences of HB195 such as current cost of variable priced licenses; the impact on public land outfitters; exclusive leases, etc.; economic limits to the general public; expensive trophy hunts limited to a few who can afford them.

- Consider different steps of the "impact" or "value" of wildlife on private property as follows and explore Council agreement and opportunities for solutions based on those steps:

Step 5: Economic "value" of available Montana hunting "licenses" in the hands of the private landowner.

Step 4: Economic "value" of trophy animals located on private land.

Step 3: Economic "value" of providing public access.

Step 2: Economic "impact" of hunters on private land.

Step 1: Economic "impact" of wildlife located on private land.

- In terms of "different steps" related to the "impact" or "value" of wildlife on private property, Council members agreed that some level of economic relief for "impacts" from wildlife and hunters is appropriate consistent with the current law (Steps 1 and 2). Council members had reservations about allowing landowners some economic "value" from providing access (Step 3) and were in agreement only under some very restricted, not yet defined circumstances. Some members felt Block Management actually provided economic "value" rather than relief for landowners. Council members agreed that Steps 4 and 5 needed significant discussion. The following questions were identified for possible future discussion:
    1. Can we condition the sale of any "market-based" (economic value) permits or licenses on public access?
    2. Could we re-structure a system to use the economic value represented by the wildlife resource to provide an incentive to sharing with public hunting?
    3. How could the system be re-structured to assure that the state keeps and manages the revenue?
    4. Should the State taxation structure be explored/adjusted to reflect private landowner economic value/gain from wildlife?

HUNTING ACCESS ENHANCEMENT PROGRAM

- **Block Management (Private Land Hunting Access)**
- **Access Montana (Public Land Hunting Access)**
- **Special Access Projects (Species-Specific Regional Projects)**

HUNTING ACCESS ENHANCEMENT PROGRAM

Hunter management and hunting access enhancement program created. The department may establish...programs of landowner assistance that encourage public access to private and public lands for purposes of hunting..." (87-1-265 MCA)

Within this statutory guidance, the department has established three hunting access programs, referred to cumulatively as the Hunting Access Enhancement Program, which include: Block Management (private land emphasis), Access Montana (public land emphasis), and Special Access Projects (species-specific regional projects).

FY03 Hunting Access Enhancement Program Funding:

Sources:

- Variable-Priced Outfitter-Sponsored Nonresident Big Game Combination;
- Nonresident Upland Game Bird License;
- Resident/Nonresident Hunting Access Enhancement Fee;
- Federal (*approximately 5% of total Hunting Access Enhancement Budget)

Variable-Priced Outfitter-Sponsored Nonresident Big Game Combination License

< A portion of the revenue generated by the sale of variable-priced nonresident hunting licenses set aside for clients of licensed outfitters are used to fund the hunting-access programs.

< Prices are 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 is calculated over a 5-year period.

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

Nonresident Upland Game Bird License:

< Effective 2000 license year, nonresident upland bird license fee increased to $110, with $55 directed toward enhanced hunter access programs.

Resident/Nonresident Hunting Access Enhancement Fee

< Effective 2002 license year, hunting access enhancement fee created ($2 resident/$10 nonresident), with revenue directed to hunting access enhancement programs.

FY03 Hunting Access Enhancement Program Revenue Projections (12/04/02):

Variable-Priced License:	$4,499,746
Nonresident Upland Game Bird License:	$325,703
Hunting Access Enhancement Fee:	$802,000
Federal:	$323,668
TOTAL:	**$5,951,117**

FY03 Hunting Access Enhancement Program Allocations:

Program Administration:		$135,885
Block Management		
	Landowner Contracts:	$3,688,376
	Landowner/Hunter Services	$1,007,890
		$4,696,266
Access Montana		
	Project Costs:	$150,000
	Program Implementation:	$56,855
		$206,855
Special Access Projects		$50,000
Enforcement Operations*		$280,161
PL/PW Committee Oversight		$15,000
Hunting Access Program Reserve		$595,520
	TOTAL:	**$5,979,687**

*HB 195 provided for creation of five (5.0) FWP enforcement positions, with supportive operations budgets, to improve enforcement coverage throughout the state.

NOTE: Beginning FY03, a 10% administrative overhead fee will be assessed on the Hunting Access Enhancement Program. This fee is assessed on all other department programs, and covers proportionate program administrative support functions such as processing and issuing landowner incentive payments, personnel payroll functions, building lease and maintenance payments, etc. FY03 projected estimates for this fee are $523,931. Since 1995, the Hunting Access Enhancement Program has been exempt from this fee to allow adequate opportunity for the newly-enhanced program to get established. However, the tremendous growth of the program and associated administrative demands for support can no longer justify exemption, nor is there any question of the viability of the program.

BLOCK MANAGEMENT

BLOCK MANAGEMENT
Implementation through December 2002

PROGRAMS FOR HUNTER MANAGEMENT AND HUNTER ACCESS

< The department may establish within the Block Management Program programs of landowner assistance that encourage public access to private and public lands for the purposes of hunting. **(87-1-265 through 87-1-269 MCA)**

< 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.

< A landowner participating in the program may receive benefits, including compensation up to $12,000 annually, for providing public hunting access to enrolled land.

< 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/parking-area maintenance.

< 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 – 2002

Year	Total Cooperators	Total BMAs	Total Acres	Total Incentives Payments	Total Hunters	Total Hunter Days
1996	882	796	7,131,119	$2,756,792	130,225	345,833
1997	937	744	7,545,606	$2,572,335	168,657	364,090
1998	916	719	7,259,606	$2,539,283	138,729	297,440
1999	930	720	7,147,023	$2,542,751	137,109*	294,784*
2000	1004	766	7,696,500	$2,792,854	151,712*	326,180*
2001	1082	857	8,653,420	$3,205,871	182,939	348,524
2002	1150	921	8,809,758			

*Due to administrative changes in data collection, hunter use figures for 1999-2000 are estimated based upon averages of preceding and following years.

PROGRAM IMPLEMENTATION
THROUGH DECEMBER 2002

2001 Block Management Program - Season Averages

a) average number of acres per BMA.....10,097
b) average number of hunters per BMA..... 199
c) average number of hunter days per BMA..... 346
d) average landowner contract payment.....$2,963
e) average statewide use - resident/nonresident.. 82% res./14% nonres.

FY03 PROGRAM – PROJECTED EXPENDITURES:

Landowner Contracts:	$3,688,376
Landowner/Hunter Services	$1,007,890
TOTAL:	$4,696,266

Explanation of Landowner Contract Payments: Under statutory authority (87-1-267 MCA), "Benefits will be provided to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance." The current system used for determining payments, articulated in 12.4.206 ARM, provides for cooperators to receive a $250 annual enrollment payment, and up to $10 per hunter day in annual impact payments, with optional 5% additional weed management payment, with total payments not to exceed $12,000 annually.

Explanation of Block Management Program Landowner/Hunter Services: Approximately 40 seasonal staff, identified as BMA technicians, are generally provided to patrol specific Block Management Areas upon the request of the BMA Cooperator, with the cost of that service generally deducted from the Cooperators BMA contract payment. Regional program coordinators negotiate contracts, arrange for BMA set-up such as signs, parking areas, and field operations, and assist hunters in locating and using BMAs. Program operations budgets also pay for program materials such as signs, sign-in boxes, rosters, permission slips, maps, and tabloids. For the 2001 hunting season, nearly 150,000 maps, 28,000 regional BMA tabloids, and over 25,000 BMA signs were printed and distributed, with required postage costs also funded through operations budgets. Additionally, installation costs of gates, sign-in boxes, permanent signs, and information boards include building materials as well as program staff time required to build and install these materials.

Weed Management Payments: SB 326 (effective March 1, 2000) authorized FWP to offer up to 5% in additional incentive payments to Block Management Cooperators who agree to use those payments for specific weed management activities on their lands. For the 2002 hunting season, a total of $142,207 was paid for use in weed management activities on 976 eligible sites.

In 2001, of 505 landowners who elected to receive weed management payments:

172 indicated their intent to hire contractors for weed management measures;
436 indicated their intent to purchase herbicide or other chemicals;
30 indicated their intent to donate the payment to a county weed board;
17 indicated their intent to to lease or rent livestock for weed control;
21 indicated their intent to implement some type of weed education;

*Some landowners indicated they intended to use the payment for multiple uses.

ENROLLMENT STATUS

In 1996, the first year of the enhanced block management program, more hunting occurred on BMAs than anticipated, and more landowners were enrolled in the program than funding could accommodate, resulting in budget shortfalls. Subsequent adjustments to the funding process were implemented beginning with the 1997 enrollment season, including:

a) reducing the annual enrollment payments from $500 per cooperator to $250 per cooperator;
b) modifying the contract payment system to base annual payments on previous year's use (or average of past three year's use, if available);
c) implementing 3-day maximum limits on permission slip credit for hunter day use, and developing more accurate hunter use reporting systems.;
d) implementing hunter use limits on many BMAs.

From 1997 – 1999, new cooperators could be enrolled only when contract dollars became available through attrition (due to a variety of reasons, including dissatisfaction with program, change in ownership, decision by FWP to not re-enroll cooperator, etc), or reduction in area hunter days (due to fluctuations in local game populations, available opportunities, or adjustments in BMA hunter management). Beginning with the 2000 enrollment period, new funding became available through new funding sources, allowing for some program growth. Whereas in the past, without any projected growth in funding, FWP staff was reluctant to solicit new enrollment, the department began limited advertising of enrollment opportunities, and exploring new access options.

Potential new cooperators are identified through various means, including individuals contacting FWP formally and asking to be placed on a waiting list for future enrollment consideration, individuals contacting FWP field staff and discussing possible future enrollment in the program, and FWP identifying potential candidates in high-priority areas or offering high-priority hunting opportunities and making initial contacts to identify potential interest in future enrollment. For the 2001 hunting season BMA enrollment period, 98 potential landowner BMA cooperators could not be enrolled.

BLOCK MANAGEMENT PROGRAM

Mission, Goals, Enrollment Criteria & Process

Mission Statement

Block Management is a cooperative, adaptable program designed to maintain Montana's hunting heritage and traditions by providing landowners with tangible benefits to encourage public hunting access to private land, promote partnerships between landowners, hunters, and FWP, and help manage wildlife resources and the impacts of public hunting.

Goals

WILDLIFE MANAGEMENT

1) Program supports state & regional wildlife program objectives.
2) Program supports other FWP wildlife programs.

HUNTER OPPORTUNITY

1) Program maintains current opportunities and expands new opportunities.
2) Hunter pressure is managed at levels satisfactory to landowners and hunters.

LANDOWNER RELATIONS

1) Program recognizes landowner contributions to maintaining wildlife resource.
2) Program establishes long-term positive relationships with landowners/hunters/FWP.

ADMINISTRATIVE ACCOUNTABILITY

1) Program is fiscally responsible and accountable.
2) Program maintains a measurable, acceptable level of satisfaction among participants.
3) Ongoing structured program review maintains program adaptability.

PARTICIPANT EDUCATION/OWNERSHIP

1) Program fosters ownership among program participants.
2) Program fosters responsible hunter behavior.
3) Program increases hunter respect for private property and landowner concerns.

ENROLLMENT CRITERIA

WILDLIFE MANAGEMENT

< Located in high-priority resource and habitat area as defined by management objectives.
< History of game damage problems.
< Opportunity to link with other FWP wildlife programs.

HUNTER OPPORTUNITY

< Size - acreage, type and quality of habitat, number of potential hunters/hunter days.
< Public demand for type of hunting opportunities provided.
< Diversity of hunting opportunities/species available.
< Opportunity to gain access to inaccessible public land.
< Hunter success rate.
< Location/proximity to other block management areas (may be + or -).
< Opportunity to provide unique hunting opportunity.
< Proximity to urban area.
< Lack of BMA restrictions on hunters (species, gender, other).
< Amount of legally-accessible public land nearby.

LANDOWNER RELATIONS

< History in block management program.
< History of public access.
< Opportunity to link with other block management areas.
< Threat of losing public access to commercial hunting activities.
< Presence of outfitting on block management area.
< Opportunity to link with other agencies□ programs.
< Potential to enter into a long-term commitment.

ADMINISTRATIVE ACCOUNTABILITY

< Landowner's adherence to program requirements.
< Degree of accuracy in reporting hunter use.
< Cost in contract dollars.
< Cost in FWP resources (including personnel).

PARTICIPANT EDUCATION/OWNERSHIP

< Opportunity to develop BMA as cooperative effort between groups of landowners or landowners and hunters.
< Opportunity to utilize BMA as a pilot for something new (wildlife management effort, hunter management system, etc.)

HUNTER HARVEST INFORMATION

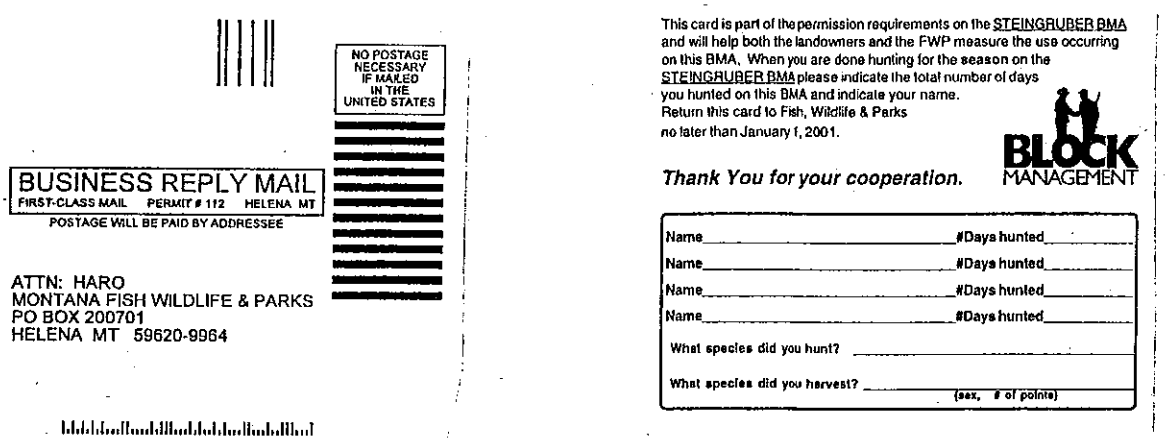
While hunter harvest data is generally not collected for specific, individual Block Management Areas (BMAs), a variety of data collection techniques are used to assess hunter harvest on lands enrolled in the Block Management Program. Listed below are some examples of some of these techniques. Also listed are references to other portions of this report which contain harvest information.

Hunter Surveys:

Example: Region 1 (Northeast Montana) – calculates the success rate for individual hunting districts, and subsequently calculates the success rates for regional Block Management Areas based upon the ratio of BMA land within a district to overall land contained within that same district. For the 1999 hunting season, harvest estimates indicate that at least 1,944 white-tailed and mule deer, 515 elk, and 85 bear were harvested on Region 1 BMAs.

Post-Paid Permission Cards:

Example: Some BMAs utilize a post-paid card which grants permission to hunt the BMA for the entire season, with return of the card identifying amount of time spent hunting the BMA and harvest success. Typical return rates range from 20% - 40%, providing for rough estimates of harvest and BMA use (typically, these type of contract payments are based on several years' average use, and further accounted for by periodic patroller reports of BMA use. Shown below is an example of a card used for a Region 3 (southwest Montana) BMA:


NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT # 112 HELENA MT
POSTAGE WILL BE PAID BY ADDRESSEE

ATTN: HARO
MONTANA FISH WILDLIFE & PARKS
PO BOX 200701
HELENA MT 59620-9964

This card is part of the permission requirements on the STEINGRUBER BMA and will help both the landowners and the FWP measure the use occurring on this BMA. When you are done hunting for the season on the STEINGRUBER BMA please indicate the total number of days you hunted on this BMA and indicate your name.
Return this card to Fish, Wildlife & Parks no later than January 1, 2001.

BLOCK MANAGEMENT

Thank You for your cooperation.

Name_____ #Days hunted_____
Name_____ #Days hunted_____
Name_____ #Days hunted_____
Name_____ #Days hunted_____
What species did you hunt? _____
What species did you harvest? _____ (sex, # of points)

BMA Technician/Patroller Reports:

Example: Some BMAs have BMA technicians assigned to that specific BMA. One of the technician's duties is to interview hunters and record information. An example of a patroller's report for the 1999 hunting season, from a Region 4 (north-central Montana) BMA, follows: "During the period _____, I interviewed 291 hunters, consisting of 89% adult males, 5% adult females, and 7% juveniles high school age or younger. I recorded harvest of 14 mule deer, 13 white-tailed deer, and 6 elk during this period. I recorded only harvested big game, and made no record of upland birds or waterfowl harvested on this BMA."

Hunter Check Stations:

Example: In Region 5 (south-central Montana), harvest information gathered at biological game check stations is recorded by landowner and land status. This information is used to develop and evaluate management strategies for regional hunting districts. An example of the kind of data produced during the 1999 hunting season appears below:

Antelope habitat in HD 513
25% BMA
75% private with limited accessible public land

Block Management Harvest	Other Lands Harvest
24% of the antelope bucks	29% of the antelope bucks
31% of the antelope doe/fawns	16% of the antelope doe/fawns
55% of the total antelope harvest	45% of the total antelope harvest

Antelope Hunting District 513

Block Management Harvest	Other Lands Harvest
60% of antelope bucks = 1.5 years old	40% of the antelope bucks = 1.5 years old
40% of antelope bucks > 1.5years old	60% of antelope bucks > 1.5 years old
75% of antelope fawns, both sexes*	25% antelope fawns, both sexes*
65% antelope does, all ages	35% antelope does, all ages

*Small sample size – total of 4 animals

Daily Sign-In Coupons:

On many BMAs, hunters sign themselves in daily, using a two-part coupon. One portion is deposited in a sign-in box, the other is carried by the hunter as proof of permission. After the hunt, the hunter may annotate harvest information on his portion and deposit it upon departure, providing a record of game seen, game harvested, and hunter satisfaction. For the 2001 hunting season, a total of 10,596 Daily Sign-In Coupons were returned. For more complete program data compiled from these cards, see subsequent section entitled "2001 Season Hunter Harvest/Comment Cards." Listed below is an example of data collected from a Region 6 (northeast Montana) BMA:

From 12 Malta area BMAs, 3,340 daily permission coupons were issued.
Of these, 851 (26%) were returned with annotated data.
Of the 851 hunters who returned cards, 604 (71%) observed game.
Of the 851 hunters who returned cards, 215 (25%) bagged game.
Of the 851 hunters who returned cards, 695 (82%) rated BMA experience "Satisfactory."

Note: This information was compiled for each specific BMA which utilized daily sign-in coupons, providing a "hunters' report card" of BMA experiences.

Hunter Comment Cards: Information collected on these cards is similar to that collected on the daily sign-in coupons. A total of 1,571 Hunter Comment Cards were returned for the 2001 hunting season, providing BMA-specific information related to hunter observation and harvest of game, and hunter satisfaction of BMA experience. For more complete information regarding this evaluation tool, see subsequent section containing examples of Hunter Comment Cards and summary of season data.

Program Surveys: Since 1996, two program surveys have been administered. One survey, administered to both hunters and landowners in 1997, asked several questions related to harvest (see subsequent section entitled "Summary of the 1996 Landowner & Hunter Evaluations). The second survey, administered to landowners in 1999, solicited information regarding BMA Cooperators' feelings about the Block Management Program as a way of managing game (see subsequent section entitled "Summary of the 1999 Block Management Cooperator Program Evaluation). A survey of landowners and hunters will be conducted in Spring, 2002, which will include several questions related to harvest of game on BMAs.

Post-Season Harvest Surveys: Following the 1997 hunting season, resident hunters were contacted, as part of the annual post-season harvest survey process, and solicited for information regarding their use of Block Management Areas during 1997. The following data was compiled from that survey effort:

Total Resident Hunters Surveyed:	6602
Total Hunted on Block Management:	1631 (25%)

Of those 1631 resident hunters who hunted on Block Management:

928 (56%) hunted deer;	58% of these hunters hunted 1-3 days on BMAs; 24% of these hunters hunted 4-6 days on BMAs; 12% of these hunters hunted 7-10 days on BMAs; 6% of these hunters hunted > 10 days on BMAs;
237 (15%) hunted upland birds:	53% of these hunters hunted 1-3 days on BMAs; 28% of these hunters hunted 4-6 days on BMAs; 11% of these hunters hunted 7-10 days on BMAs; 8% of these hunters hunted >10 days on BMAs;
537 (33%) hunted elk:	49% of these hunters hunted 1-3 days on BMAs; 21% of these hunters hunted 4-6days on BMAs; 18% of these hunters hunted 7-10 days on BMAs; 11% of these hunters hunted >10 days on BMAs;

Summary of 2001 Season
Hunter Comment Cards/Daily Sign-In Coupons

A total of 12,539 hunter comment cards (BMA specific) were received for the 2001 hunting season. These cards were voluntarily returned, and solicited answers to 3 specific questions:

1) Did you observe the game species being hunted? yes/no
2) Did you bag any game species? yes/no
   Game taken _____.
3) How would you rate your BMA experience? Satisfactory/unsatisfactory

Postage-paid hunter comment cards were included in every regional tabloid distributed to hunters. Hunter comment card information was also incorporated into daily sign-in coupons used extensively in FWP regions 4, 5, and 6, at Type I BMAs where hunters administered their own permission.

Listed below is a summary of the information gathered for the 2001 hunting season:

Daily Sign-In Coupons:

Total received: 10, 596		
Total hunters observing game they were hunting:	8,318	76%
Total hunters who bagged game:	2,275	21%
Total hunters who rated BMA experience satisfactory:	8,836	79%

Hunter Comment Cards:

Total received: 1,583		
Total hunters observing game they were hunting:	1,262	80%
Total hunters who bagged game:	730	46%
Total hunters who rated BMA experience satisfactory:	1,326	84%

Combined Summary:

Total received: 12,539		
Total hunters observing game they were hunting:	**9,580**	**76%**
Total hunters who bagged game:	**3,005**	**24%**
Total hunters who rated BMA experience satisfactory:	**10,162**	**81%**

NOTE: These cards are used to evaluate individual BMAs and regional, area, and program trends. While many hunters may observe game, but choose not to harvest an animal, these cards prove useful in tracking general hunter satisfaction with individual BMAs.

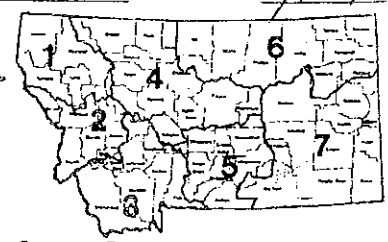
Examples of 2001 Season Hunter Comment Cards

BLOCK MANAGEMENT AREA
Harvest Report/Comment Card

BMA Name/Number: 48 Hunt Date: 11/1 07

BMA Location: (Circle one region number)

1 2 3 4 (5) 6 7



1. Did you observe the game species being hunted? (yes)/ no
2. Did you harvest any game? (yes)/ no
3. Game taken (species & sex): White Tail - Deer - Buck
4. Please rate your BMA hunt: (Satisfactory)/ Unsatisfactory

COMMENTS: Very nice rancho owner asked us to come back next year. We had hunter here last year also.

Please return a completed, postage-paid card after each BMA hunt. Information will be used to evaluate the BMA. Thanks!

RETAIN THIS PORTION
TO VERIFY PERMISSION TO HUNT THIS BMA.

7670
BMA NAME
DATE 11/1/2002

Upon Completion of hunt, please deposit completed coupon in roster box.

This will help us evaluate the BMA.

1. Did you observe the game species being hunted? (Yes) No
2. Did you bag any game species being hunted? (Yes) No

Game Taken: White tail Buck and doe

3. Please rate your hunting experience? Satisfactory / Unsatisfactory

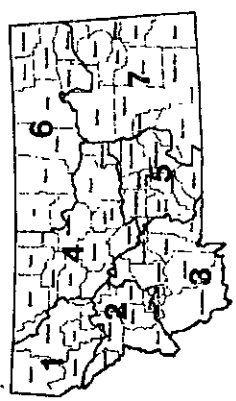
Other comments: [illegible]

BLOCK MANAGEMENT AREA
Harvest Report/Comment Card

BMA Name/Number: TR (7) Hunt Date: 5 & 9 Nov 02

BMA Location: (Circle one region number)

1 2 3 4 5 6 (7)



1. Did you observe the game species being hunted? (yes)/ no
2. Did you harvest any game? (yes)/ no
3. Game taken (species & sex): Whitetail doe, muley buck 5x5
4. Please rate your BMA hunt: (Satisfactory)/ Unsatisfactory

COMMENTS: Excellent, except for slight interference from illegal hunters coming in by boat off Yellowstone River

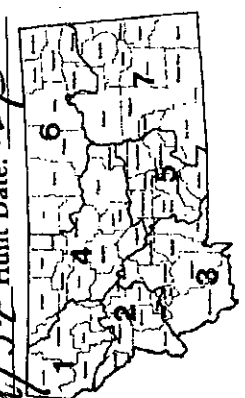
Please return a completed, postage-paid card after each BMA hunt. Information will be used to evaluate the BMA. Thanks!

BLOCK MANAGEMENT AREA
Harvest Report/Comment Card

BMA Name/Number: 24/34 Hunt Date: 12/5

BMA Location: (Circle one region number)

1 2 3 4 5 (6) 7



1. Did you observe the game species being hunted? yes/ (no)
2. Did you harvest any game? yes/ (no)
3. Game taken (species & sex): —
4. Please rate your BMA hunt: Satisfactory/ (Unsatisfactory)

COMMENTS: No birds! Nice farm!

Please return a completed, postage-paid card after each BMA hunt. Information will be used to evaluate the BMA. Thanks!

Highlights of the 1999 BMA Cooperator Program Evaluations

Explanation: A survey containing 18 questions was sent to 916 cooperators on January 1, 1999, with a return deadline of January 25. A total of 534 completed surveys were returned, for a response rate of 58%.

SURVEY HIGHLIGHTS

*** 79% of landowners surveyed were satisfied with the Block Management Program;

*** 68% of landowners surveyed indicated Block Management was important as a way of managing HUNTER NUMBERS on the farm or ranch;

*** 65% of landowners surveyed indicated Block Management was important as a way of managing GAME on the farm or ranch;

*** 72% of landowner surveyed indicated that (*disregarding any relationship to the computation of incentives payment amount)* the number of hunters using the BMA in 1998 was about right;

*** 68% of landowners surveyed indicated that they were satisfied with how the Block Management Program works to manage HUNTING ACTIVITIES;

*** 77% of landowners surveyed indicated that they were satisfied with the hunter management system currently used on their BMA; nearly 65% of landowners surveyed indicated use of a system where the landowner administered hunter permission;

*** 67% of landowners surveyed indicated they felt that Block Management had improved hunter behavior on their lands;

*** 22% of landowners surveyed felt that Block Management had improved their relationships with neighboring landowners, while 9% felt the program had damaged their relationships with neighboring landowners;

*** 83% of landowners surveyed planned to re-enroll in Block Management, while 15% were unsure at the time of the survey;

*** 46% of surveyed landowners indicated they were interested in providing special hunting opportunities for either youths, seniors, or hunters with disabilities;

Highlights from the 1996 Landowner/Hunter Evaluations

Explanation: Two separate surveys were conducted following the 1996 hunting season. The Landowner Evaluation polled landowners enrolled in the 1996 Block Management Program. The Hunter Evaluation polled hunters who hunted one or more Block Management Areas (BMAs) in 1996. Of a total 881 surveys sent to landowners, 647 (73%) completed surveys were returned. Of a total 1250 surveys sent to hunters who had used BMAs in 1996, 782 (62%) completed surveys were returned.

LANDOWNER EVALUATION

*** 80% of landowners surveyed were satisfied with the Block Management Program.

*** 94% of cooperators said they'd like to continue participating in the program.

*** 74% of surveyed landowners said Block Management was important as a way of managing Hunters on the farm or ranch.

*** 70% of surveyed landowners said Block Management was important as a way of managing GAME numbers on the farm or ranch.

*** Over 75% of surveyed landowners were satisfied with the various payments offered under the incentives portion of the program.

*** 96% of surveyed landowners said the majority of hunters abided by ranch rules.

*** 62% of surveyed landowners felt that the Block Management Program had improved their relationships with hunters

HUNTER EVALUATION

*** 77% of hunters were satisfied with hunting opportunities on BMAs.

*** 94% of hunters felt BMA rules were reasonable.

*** 72% of hunters found the game animals they expected to see on BMAs hunted.

*** Over 67% of hunters were successful in taking game on a BMA.

*** 89% of surveyed hunters were satisfied with obtaining permission by person-to-person contact with the landowner.

*** 87% of surveyed hunters felt BMA landowners were helpful.

*** Over 68% of hunters felt Block Management improved landowner/sportsperson relationships.

Legislative Audit Division

State of Montana

Report to the Legislature

December 1999

Performance Audit

Block Management Program

Department of Fish, Wildlife and Parks

This performance audit contains 14 recommendations for improvement of the Block Management Program. Recommendations include:

- Developing goals and objectives to measure program success or outcomes.
- Coordinating with other programs addressing access.
- Re-evaluating the base payment system used to compensate landowners enrolled in the Block Management Program.

Direct comments/inquiries to:
Legislative Audit Division
Room 135, State Capitol
PO Box 201705
Helena MT 59620-1705

97P-10

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Chapter VI - Conclusion

Introduction

Block Management was formally created in 1985, although the program existed in some regions since the 1970s. The program was started in response to landowners' concerns about the number of hunters, damage to their land, and the time it took the landowner to deal with hunters. In 1995 the legislature created the enhanced Block Management Program in response to concerns expressed by landowners, hunters, and outfitters during the 1993 Legislative Session. The enhanced program was designed to reduce conflicts between landowners and hunters by providing tangible benefits to landowners who allowed free public hunting. Compensation was the primary tangible benefit provided landowners.

Some Additional Land was Opened to Public Hunting

One of the goals of the enhanced program was to open more private land for free public hunting. We found over one-third of the landowners enrolled in the program in 1996 were already participating in block management, some since 1975. Many of the regional staff acknowledged the enhanced program caused land that was open to public hunting to remain open. A few staff thought the program opened some land that had limited or no public hunting prior to the enhanced program.

Our survey results of landowners in the program showed the goal of opening land to free public hunting was accomplished to a certain extent. Of the 175 respondents to our survey of 307 landowners in the program, 113 indicated their land was open to public hunting when they enrolled in the program. Survey results show a total of 242,939 acres were opened up to general public hunting that were closed or had limited hunting prior to enrollment.

Program Tangible Benefits

Funding for landowner compensation is derived from market-based outfitter-sponsored non-resident deer and elk combination licenses. Because funding is limited to one source, and the tangible benefits provided are money and one sportsman license, the program has not grown since 1996. Most regions have a waiting list of landowners who are interested in enrolling in the program. Based on survey results and conversations with field staff, some landowners would be willing to enroll in the program and not receive compensation. Instead they would like to receive various hunting

licenses/tags/permits, gates, fences, or weed control. It appears, if the department provided benefits other than compensation more land could be enrolled in the program.

Another alternative to expand the program is to develop an additional funding source. We surveyed a sample of hunters to determine if they would be willing to pay for the Block Management Program. We sent 294 surveys and received 122 responses. Seventy-one said they hunted on a BMA in 1998. Forty-seven of the seventy-one indicated they would be willing to pay for the program if the money is used to enroll more land into the program. Another 20 of the 71 indicated they would not be willing to pay. Four did not answer the question. An additional 42 hunters said they were aware of the program but did not hunt on a BMA in 1998. Twenty-four of the forty-two said they would be willing to pay for the program and nine said they would not be willing to pay for the program. Nine did not answer the question. Nine hunters said they had not heard of the program; six would pay for it and three said they would not pay for the program. Generally it appears hunters would be willing to contribute some amount to enroll more land in the Block Management Program.

Conclusion

Overall, it appears the enhanced Block Management Program opened some previously closed land to free public hunting. In this regard it is meeting one of its goals. If alternative forms of compensation to landowners are created, it appears more land could be enrolled in the program. If hunters contributed to the program, additional land could also be enrolled.

Access Montana

Montana Fish, Wildlife & Parks

Public Access to Public Lands

Program Title:
Access Montana

Program Coordinator:
Michael Downey

Program Authorizing Statute:
MCA 87-1-265 Hunter management and hunting access enhancement program created. The department may establish...programs of landowner assistance that encourage public access to private and public lands for purposes of hunting and may adopt rules to carry out program purposes.

Program Funding:

Source: Portions of license fees earmarked for the Hunting Access Enhancement Program
FY03 Program Allocation: $206,855
FY03 Program Expenditures (projected)
$56,855 Program Implementation
$84,874 Total Project Costs ($150,000 allocated - $65,126 other agency matching funds)
$141,729 FY03 Projected Program Expenditures

Program Mission: Access Montana coordinates FWP agency activities related to hunting access on public lands. The program works to negotiate and maintain legal public hunting access to public lands, resolve landowner/sportsman conflicts, assist in marking public land boundaries, and disseminate information about hunting access on public lands. Access Montana utilizes a cooperative inter-agency approach for the resolution of landowner/sportsman conflicts related to hunting access on public lands.

Program Goals:

- Coordinate efforts to identify public lands where legal public hunting access currently exists.
- Coordinate efforts to identify public lands hunting access needs and, where necessary, establish legal public hunting access to public lands either where such access does not currently exist or where current access is threatened.
- Reduce landowner/sportsman conflicts related to hunting access on public lands.

Program Objectives:

- Work with regional staff and state and federal land managers to implement boundary marking projects in targeted areas to reduce conflicts and improve hunter dispersion.
- Solicit input from landowners, sportsman, and department staff to identify areas of historic conflict and develop appropriate solutions wherever possible.
- Develop and disseminate directories, maps, and informational brochures to assist the public with information about hunting access to public lands.
- Identify and prioritize areas where hunting access to public lands is needed, but either not available or threatened.
- Participate in state and federal land management agency planning and decision-making processes that affect public land access.
- Work to develop partnerships with local and regional state and federal land management agency personnel responsible for implementing public land access projects.

FY03 Project Synopsis - Status Report:

- Munson Creek Access (Thompson Falls) – Joint FWP / USFS trailhead development. Provides critical access for sheep hunting. – In Progress. Estimated Project Cost: $46,000 – FWP cost share: $23,000.

- Ninepipe Area Recreation Map – Reprint – identifies FWP, USFWS, and Tribal Lands available for hunting and other recreational use in the Ninepipe area. – In Progress – Total Project Cost: $1,500 for 5,000 copies – FWP cost share: $1000.

- Flathead Valley access analysis and recreational use map – In Progress – Estimated Project Cost: $7,000.

- West Central Montana public lands signing project (Missoula) – seasonal worker – In Progress.

- Montana Prison Ranch map (Deer Lodge) – Provides map of Corrections, and DNRC land located within the prison ranch boundary that are available for archery hunting – Completed – Total Project Cost: $125.

- McCarty Creek Access (Boulder) – Joint FWP / Jefferson County / USFS / DNRC project. Road development and parking area that provides access to large block of Beaverhead Deerlodge Forest. – Completed – Total Project Cost: $11,800 – FWP cost share: $3,000.

- North Hills Access Project (Helena) – Joint FWP / BLM easement and road development. Development of alternative route that provides access to southern end of Sieben BMA, BLM and DNRC lands. Route will provide year-round access to public lands – Completed – Estimated Total Project Cost: $40,000 – FWP cost share: $16,500.

- Quartz Creek Access to Helena National Forest (Clancy) – Long-term agreement whereby FWP provided two cattle guards in exchange for a 5-year agreement to provide access to the Helena National Forest – Completed – Total Project Cost: $2,300.

- Wall Creek / Robb Ledford WMA area hunting map (Madison Valley) – Identifies FWP and DNRC lands that have recently come into public ownership through acquisition and exchange– In Progress – Estimated Total Project Cost: $3,000.

- Armstrong Ranch Access Corridor and Parking Area (Bozeman – Bridger Moutains) – Long-term agreement that provides an access corridor and fenced parking area for excellent mule deer opportunities in the Gallatin National Forest. Agreement provides year round access for a variety of recreational opportunities – Completed – Total Project Cost: $9,500.

- Sage Creek Road Access (South of Billings – Pryor Mountains)– Joint FWP/USFS project to acquire access easements across private lands along the route of Sage Creek Road. The route provides the only legal public hunting access into the Pryor Mountains – In Progress. Estimated Total Project Cost: $24,000 – FWP cost share: $12,000.

- Musselshell River-east public lands signing project (Garfield County) – Joint FWP/BLM project. Signed the intersection of county roadways and BLM sections in the area east of the Musselshell River. – Completed – Estimated Total Project Cost: $7,000.

- Public lands signing project (Southeast Montana) – Joint effort with FWP/ BLM/ DNRC to sign BLM and DNRC lands where tracts intersect county roads and in areas where conflicts have occurred in the past. All county roads in Carter and Powder River counties are signed – Ongoing.

- Hay Draw Recreational Access Corridor (Broadus) – Joint FWP/BLM project will provide drive in access across DNRC land to access multiple sections of BLM lands. Project involves development of an access road, parking areas, and agreement to provide patrolling through the hunting season – In progress – Estimated total project cost: $41,000 – Estimated FWP cost share: $20,500.

For Office Use Only

Public Land Access - Problem Identification Form

This form is a tool that sportsmen and landowners can use to report conflicts involving access to state and federal lands. Problems like trespass resulting from inadequate boundary marking, improperly posted or mismarked lands, or other conflicts related to public land access should be reported to the appropriate land management agency. In the event of these or other access conflicts, you should fill out this form and provide it to the **appropriate regional office** of the state or federal land management agency that oversees the property **(see back of form)**. Remember, not all public lands are legally accessible. Public lands may only be accessed via a public right-of-way or with permission from the adjacent landowner. If you are unsure if the lands you are trying to reach are legally accessible, contact your local U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service, Montana Department of Natural Resources & Conservation, or Montana Fish, Wildlife & Parks office.

Name:_____ **Date:**_____

Address:_____

City:_____ **State:**_____ **Zip:**_____ **Phone:**_____

1. **Describe the Location:**_____

2. **Name of adjacent landowner** (if known):_____

3. **Legal Description of Location** (Township, Range, & Section if known, or attach a map of the area and indicate the location of conflict):_____

4. **Land Management Authority** (USFS, BLM, USFWS, DNRC, FWP): _____

5. **Access Route** (describe the route used to access this site):_____

6. **Description of Situation** (describe the problem observed – e.g. mismarked lands, trespass, conflict over the right to access, etc):_____

SPECIAL ACCESS PROJECTS

Program Title:
Special Access Projects

Program Coordinator:
Alan Charles

Program Authorizing Statute:
87-1-265 MCA. Hunter management and hunting access enhancement program created. (1) The department may establish…programs of landowner assistance that encourage public access to private and public lands for purposes of hunting…
(3) The department may also develop similar efforts outside the scope of the block management program that are designed to promote public access to private lands for hunting purposes."

Program Funding:
Source: Portions of license fees earmarked for the Hunting Access Enhancement Program
FY 03 Program Allocation: $50,000
FY 03 Projected Expenditures: $50,000

Program Mission:
The department may initiate Special Access Projects that address species-specific, regional needs that may not lend themselves to involvement either in Block Management or Access Montana. Special Access Projects may also be used to develop pilot projects to address species-specific, regional hunting access issues.

Program Goals:
- Address localized, species-specific hunting access needs in innovative ways;
- Explore new methods for developing hunting access/hunter management agreements;
- Develop pilot projects that may lead to future enrollment in conventional programs;
- Involve localized communities of landowners, hunters, and FWP staff in projects;

Program Objectives:
- Provide regional staff with enough flexibility to develop local projects that can address regional species-specific hunter management/hunter opportunity needs;
- Utilize available funding to develop pilot projects that will aid in the future development and structure of the Hunting Access Enhancement Program;
- Utilize Special Access Projects to meet needs that cannot otherwise be met through existing administrative frameworks of the Block Management and Access Montana programs;
- Develop a wide array of hunting access options from which landowners, hunters, and FWP can choose when developing hunting access agreements or selecting hunting access opportunities;

FY03 PROJECT SYNOPSIS – STATUS REPORT

- Northeast Montana (Glasgow) – Individual hired under personal services contract, assigned duties to provide area landowners with information about FWP hunting access programs and discuss potential hunting access agreements focused on upland bird hunting opportunities. Status: Project Completed. Total Project Cost: $4,800.

- Southeast Montana (Miles City) – Pilot project focused on developing hunting access agreements with private landowners to provide public hunting access for spring turkey hunting. Status: In Progress. Estimated Project Cost: $18,000.

- Southcentral Montana (Billings) – Special weapons hunt designed to increase deer harvest close to Billings urban area. Status: In Progress. Estimated Project Cost: $1,000.

- Southwest Montana (Madison Valley) – Elk Hunt Coordinator hired to assist hunters and landowners in the southern portion of the Madison Valley by coordinating public elk hunting activities. Status: Project Completed. Total Project Cost: $3,000.

- Westcentral Montana (Missoula) – Special weapons hunt designed to increase deer harvest closer to Missoula urban area. Status: In Progress. Estimated Project Cost: $1,000.

- Central Montana (Bear Paw Mountains – Big Sandy) – Elk Hunt Coordinator hired to assist hunters and landowners in the Bear Paw Mountains area by coordinating public elk hunting activities. Status: Project Completed. Total Project Cost: $8,000.

- North Central Montana (Sweet Grass Hills – Shelby) – Elk Hunt Coordinator hired to assist hunter and landowners in the Sweet Grass Hills area by coordinating public elk hunting activities. Status: Project Completed. Total Project Cost: $3,500.

- Westcentral Montana (Helena) – Elkhorn Working Group formed to study issues related to management of elk in the Elkhorn Mountains and make recommendations to the department regarding their efforts. Status: In Progress. Estimated Project Cost: $1,500.

- Central Montana (Bull Mountains – Roundup) – Hire Elk Hunt Coordinator to assist hunters and landowners in Bull Mountains area by coordinating public elk hunting activities. Status: In Progress; Estimated Project Cost: $8,000.

FISHING ACCESS ENHANCEMENT PROGRAM

Staff Note: FY03 was the first year this program was implemented. While the PL/PW Council was not involved in the implementation phase, program information is contained in this report in compliance with statutory requirements as an informational item.

Program Name
Private Land Fishing Access

Program Manager:
Allan Kuser, Fishing Access Program Coordinator

Program Authorizing Statute:
This program was introduced as HB 292 and titled "Fishing Access Enhancement Program". The statutory reference is **87-1-285, 87-1-286, MCA.**

Program Funding

Source: General License Account
FY03 Allocation: $50,000
FY03 Expenditures: $35,000

Program Status:
The program is in its second year of funding. In 2002, 4 landowners were enrolled in the program. A total of $35,000 of the $50,000 was expended. FWP is currently adopting ARM rules for the program, with ARM adoption scheduled for March 2003.

Program Synopsis
The purpose of the program as stated in HB292 is "to provide incentives to landowners who provide access to or across private land for public fishing." House Bill 292 was enacted by the 2001 Legislature on a trial basis with the intention of augmenting the existing FAS acquisition program. The sole purpose of this program is to give practical, tangible assistance to those landowners who allow the public access across their lands in order to fish streams or lakes that otherwise are not accessible.

The PLFA Program differs from the FAS Program in three ways:

1. The funding is specifically earmarked for use on private land.
2. It is not a capital program through which FWP develops facilities on private land, i.e. boat ramps, dam repairs, stream bank stabilization, etc. Compensation provided to the landowner can be used for these things at his or her discretion.
3. It is a stand-alone program that does not incorporate the Lands Section in negotiating deals, the D&C Bureau to design and engineer projects, or the Parks Division to maintain the sites.

FY03 PROJECT SYNOPSIS – STATUS REPORT

1. Giem Ranches

Giem Ranch is located on the lower Beaverhead River. The site provides 3+ miles of pedestrian access 100 feet along each bank from the centerline of the river. The Department will provide litter patrol and signing. There will be seasonal gate closures. The area has good brown trout fishing as well as providing a unique opportunity to catch Arctic Grayling.

The negotiated fee was $6500 annually for two years for a total of $13,000.

2. Gheny Pond

Gheny Pond is a kids fishing pond located south of Twin Bridges. The pond is located on private land but the local chapter of the American Legion has maintained it. In addition to maintaining the pond the American Legion historically provided liability insurance coverage for the landowner. Through the Agreement FWP will plant fish annually, provide an enforcement presence, and provide a liaison and technical advice as needed. In addition the landowner is afforded the liability restriction under 70-16-302 (1). The landowner will provide fencing around the pond, allow pedestrian access, and excavate material from the pond to enhance fish habitat.

The negotiated fee was $100 yr for a 10-year lease + $5,000 for pond excavation and waste disposal for a total of $6,000.

3. Anglers Roost

Anglers Roost is a privately owned campground and fly shop located on the West Fork of the Bitterroot River south of Darby. The site already contains a parking area and an undeveloped boat launch. Through this Agreement FWP will provide road maintenance material and signing. The landowner will provide day-to-day maintenance of the facilities.

The negotiated fee was $500 a year for one year. The Region is currently evaluating this site as a potential FAS.

4. Haughian Bass Pond

The Haughian Pond is a popular fishing pond located 20 miles north of Miles City. The pond is managed as a self-sustaining largemouth bass and northern pike fishery. It is a 100+ acre pond and deep enough to provide a stable year around fishery. It is also accessible in both winter and summer months. Through the Agreement the Department agrees to manage the fishery including stocking fish, removing undesirable fish, improving spawning habitat, and monitoring fish populations. The landowner agrees to provide year-around access but also retains the right to close the reservoir due to poor road conditions or extreme fire danger.

The negotiated fee was $1500 annually for a ten-year period for a total of $15,000.

87-1-285. *(Temporary)* **Fishing access enhancement program created -- private landowner assistance to promote public fishing access -- rules.** (1) The department may establish programs of landowner assistance that encourage public access to and across private lands for purposes of fishing and may adopt rules to carry out program purposes. Rules may address but are not limited to incentives for private landowners who allow public fishing access on or across their lands, where legal access does not presently exist. Participation in the fishing access enhancement program is established through a cooperative agreement between a landowner and the department, including other resource management agencies when appropriate, that allows access for public fishing with certain restrictions or use rules.

(2) The department may also develop similar voluntary programs that are designed to promote public access across private lands for fishing purposes.

(3) Participation in a program established under subsection (1) is voluntary. Programs may not be structured in a manner that provides assistance to a private landowner who charges a fee for fishing access to private land that is enrolled in the program or who does not provide reasonable public fishing access to private land that is enrolled in the program. The commission shall develop criteria by which tangible benefits are allocated to participating landowners, and the department may distribute the benefits to participating landowners.

(4) Funds from the account established pursuant to 87-1-605 may be used to purchase or lease public fishing access at county road bridge crossings or for necessary parking facilities, trails, or ramps to facilitate fishing access to public waters at bridge crossings. *(Terminates March 1, 2006--sec. 6, Ch. 196, L. 2001.)*

History: En. Sec. 1, Ch. 196, L. 2001.

87-1-286. *(Temporary)* **Fishing access enhancement program -- benefits for providing fishing access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability.** (1) As provided in 87-1-285, the department may establish and administer a voluntary program to enhance fishing access. The program must be designed to provide tangible benefits to participating private landowners who grant access to or across their land for public fishing.

(2) A contract for participation in the fishing access enhancement program is established through a cooperative agreement between the landowner and the department that will guarantee reasonable access for public fishing, which may include leases, easements, or rights-of-way to rivers, streams, ponds, or lakes on the landowner's property and leases or easements for access along the banks or shorelines of rivers, streams, ponds, or lakes on the property. Landowners may also form a voluntary association when development of a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed by the landowner and the department and may include but is not limited to:

(a) fishing access management, which may include off-road parking, foot trails, and vehicle access roads;

(b) services to be provided to the public;

(c) landowner property rules and other restrictions;

(d) any other management information to be gathered, which must be made available

to the public; and

(e) notice to adjacent landowners.

(3) If the department determines that the plan referred to in subsection (2) may adversely influence fish management decisions or fishing habitat on public lands, then other public land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's management goals and personal observations regarding fish populations and habitat use must be considered in developing the plan.

(4) The commission shall develop rules for determining tangible benefits to be provided to a landowner for providing public fishing access. Benefits will be provided to offset potential impacts associated with public fishing access, including but not limited to those associated with general property maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Program priority must be given to properties that provide the greatest fishing access for the lowest costs. Factors used in determining benefits may include but are not limited to:

(a) the number of days of public fishing provided by a participating landowner;

(b) fish habitat provided; and

(c) access provided to adjacent public lands.

(5) Benefits earned by a landowner under this section may be applied in, but application is not limited to, the following manner:

(a) A landowner may receive direct monetary compensation for providing fishing access.

(b) A landowner may direct weed control payments to be made directly to the county weed control board or may elect to receive payments directly.

(c) A landowner may direct fire protection payments to be made directly to the local fire district or the county where the landowner resides or may elect to receive payments directly.

(d) A landowner may receive direct payment to offset insurance costs incurred for allowing public fishing access.

(e) The department may provide assistance in the construction and maintenance of roads, fencing, gates, and parking facilities and in the signing of property.

(6) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who participates in the fishing access enhancement program. *(Terminates March 1, 2006--sec. 6, Ch. 196, L. 2001.)*

History: En. Sec. 2, Ch. 196, L. 2001.