

**MEETING SUMMARY**  
**Private Land/Public Wildlife Council**  
**December 15-16, 2003**  
**BILLINGS, MT**

**Council Members Present:** Darlyne Dascher, Chair, Dan Walker, Todd Tash, Michael Nathe, Jamie Byrne, Donna Tate-McDonald, Vito Quatraro, Tom Pugrud, Craig Roberts, Paul Roos, George Bettas, Representative Michael Lange, Jack Rich.

**Council Members Absent:** Senator Ken Hansen, Don Bothwell

**Fish, Wildlife & Parks Personnel:** Jeff Hagener, Director; Glenn Erickson, Field Services Division Administrator; Alan Charles, Landowner/Sportsman Coord.; Lee Burroughs, Reg. 5 Block Mgmt. Coord. Kevin Holland, Reg. 5 Warden.

**Guests Attending the Meeting and/or the Open House:** Wayne Johnston, Board of Outfitters, Steve Pauli, Lee Gustafson, Les Dolezal, Mike Whittington, Guy Ric, Rep. Carol Gibson, Erl Barsness, Dan Dellinger, Tom Madden, Scott Hicks, John Gibson, John Wilkinson, Ken Greslin, Wagner Harmen.

**1. COMPLETED AGENDA ITEMS**

- Introduction to the session:
  - Information and process update
  - “Trapline” reports
- Finalizing guiding principles
- Initial Sub-Committee reports
- Sub-Committee Work Session reports
- What’s next?

**2. TRAPLINE REPORTS**

- *A landowner said Fish, Wildlife & Parks should be included in the guiding principle for improving communications and relationships among landowners, sportsmen, etc.*
- *Landowners contacted after hunting season seemed happy with this year’s season. They felt the technicians were doing a good job even though they are spread thin. There could be better signage.*
- *Sportsmen were appreciative of the program. The landowners are concerned about the shortage of enforcement. They are happy with the program for harvesting game. Outfitters were happy with the program in general except for their ability to hunt on Block Management lands.*
- *Most comments regarding Block Management are positive, very few negative comments. Funding issues are a concern. There are overcrowding issues, game populations in large human population areas.*
- *A nonresident landowner said he learned that leasing hunting rights on an exclusive basis and making the lessee carry the burden of enforcing the trespass law works. There are too many things such as crops, cattle, etc. to allow unsupervised hunting by unknown persons. For this reason Block Management does not seem to be a good program for them.*

- *Another nonresident landowner does not want to participate in the program but he said he might be willing to donate some “trespass rights” for some type of fishing or fishing trips for his friends or paying customers.*
- *Another landowner said he would not be participating in Block Management in the future as he plans to lease his land to an outfitter because of too many hunters during the season. Too many animals were taken and he had trouble supervising the hunters.*
- *Another individual spent considerable time looking for Block Management Areas and was unable to find any with the information he had been given.*
- *Sportsmen and landowners do not believe there is enough presence of enforcement to ensure laws are obeyed. Signs on Block Management Areas were better this past season. There was a problem of trying to find the sign in box on a particular ranch.*
- *Block Management as a term is well known. However, most people don’t understand or use Block Management but do believe it is working. There are some problems of possible misunderstanding of the program. Education of the public is important.*
- *There are lands owned by timber companies or public lands with portions in Block Management. Plum Creek Timber and Nature Conservancy are working on a real estate deal. The public is concerned how this will affect access will be affected.*
- *An FWP employee hunting on Block Management land accidentally killed an elk on private land not in the program. This highlighted the importance of boundary identification.*
- *In the Ovando/Helmville area many landowners have decided not to have gun areas due to safety concerns and small landholdings.*
- *Landowners support the first guiding principal pertaining to private property rights being fundamental. There are some nontraditional landowners who cause serious problems for their neighbors with elk. However, none of the landowners who had problems wanted to see the private property rights weakened. They want incentives and not a “hammer.”*
- *Some landowners who do not participate in the program do believe it is a good program and support it.*
- *In reviewing the slips that are turned in from a walk-in area approximately, 95% indicate the hunters are satisfied with their hunt whether they harvested game or not. They appreciated the quality of the hunt, the habitat and the experience. The trend among those who were not satisfied seems to be harvest oriented. If they don’t harvest anything, they are not satisfied. They feel there are too many people and not enough game.*
- *Two major issues are enforcement and funding. The majority of people want to know why there are not more game wardens. People are comfortable with the program. Two points that kept coming up are people want to see more dollars be available and more land enrolled in the program. There is satisfaction with the program but in some instances there are questions as to how it is being managed. The idea is too many hunters, quality versus quantity and who should be kept happy. The walk-in areas have improved. A certain segment of hunters feel the program excludes them because they are not able or don’t want to go to the effort to walk-in. There is a sense nonresidents are utilizing the program more than residents. Nonresident use may exclude residents in some areas if hunts are booked ahead of time.*
- *The quality of hunting on Block Management has improved.*
- *This past season was a successful hunting year. People who use the program think it is good and support the program. There could be more Block Management lands opened in certain areas if it were to be opened only for certain species. Some landowners have indicated they would like this. Some of the cooperators in Region Five that the Region*

*Five Block Management Coordinator, Lee Burroughs was the primary reason they were in the program because of the personal attention he gave to them. Others may be considering enrolling in the program because of the good relations with Burroughs. A sportsman commented regarding the 2<sup>nd</sup> guiding principle, “We believe that hunting is an integral part of our heritage...,” that protection of existing public access to public lands should be considered a major component of the discussion because if more opportunities are lost for the public to access the public lands they now have, it will put additional pressure on the BM lands.*

### **3. FINALIZING GUIDING PRINCIPLES**

The Guiding Principles have been revised to reflect the addition of “Fish, Wildlife & Parks to numbers 5 and 6. An additional section has been added. Final guiding principles are as follows:

#### **As the Private Lands/Public Wildlife Council:**

- 1. We believe that private property rights are fundamental to our liberty and must be protected.*
- 2. We believe that hunting is an integral part of our heritage and shall be promoted, preserved, and enhanced, and that ongoing efforts to encourage and improve access opportunities for the hunting public are desirable and should be pursued.*
- 3. We believe that sound management practices, including hunting as a management tool, promote the conservation of habitat and the public’s wildlife.*
- 4. We believe that hunters share responsibility to gain and maintain hunting access through ethical behavior and accountability for their actions.*
- 5. We believe that improving communication and relationships among landowners, sportsmen and women, outfitters, and FWP is critical to our success.*
- 6. We believe that ethical behavior among all interested parties will enhance relationships among landowners, sportsmen and women, outfitters, and FWP, and could lead to increased access.*
- 7. We affirm the economic and social importance of agriculture and hunting to Montana. We also acknowledge changing land ownership patterns and trends in the State and their potential impacts.*
- 8. We appreciate, support, and recognize landowners that provide public access and hunting whether through a formal cooperative effort or their own volition.*
- 9. We believe that all landowners enrolled in formal cooperative efforts should be treated according to fair standards.*
- 10. We recognize the importance of maintaining current access to public land, and where possible, using access enhancement strategies to expand it.*

#### **4. INITIAL SUBCOMMITTEE REPORTS**

**A. Options/Flexibility “Shared Use” Subcommittee:** The charge of this committee was to develop new ideas for adding flexibility and options to the effectiveness of the program.

- This Council may benefit from professional polling efforts to provide better perspective of what the public actually feels about some of these issues; current public participation may be too limited to give a true picture of the general public’s feelings.
- While hunter use of the program seems high, many hunters and landowners may not actually understand how the program works, or may not even know about the program; expanded and enhanced use of advertising and public education efforts may be advisable.
- It seems as if trophy hunting is increasing, while animal harvest is decreasing, leading to concerns about catastrophic disease outbreaks in the future. There may need to be an increased effort toward educating hunters on this. We need to be more creative in dealing with the harvest of nontrophy animals to maintain herd health and control herd numbers.
- In terms of shared use between outfitters serving paying clients and public hunters gaining access to that same land, there is a question about how much of this shared use is currently occurring, and what are the types of shared use? For instance, here are some types of shared use that may now or could occur:
  - Outfitted and non-outfitted hunters could hunt different species
  - Outfitted and non-outfitted hunters could hunt during different seasons, or different portion of season
  - Outfitted and non-outfitted hunters could hunt different areas
  - Outfitted and non-outfitted hunters could hunt big game animals of different sex
  - Outfitted and non-outfitted hunters could hunt with different weapons
- Under the current Block Management payment system, the current rules providing for reduced payments if restrictions are applied may need modification. For instance, maybe the restricted payment should only apply for the period of time it is in place, rather than the entire season. Maybe the landowner applying restrictions should receive a reduced enrollment payment, rather than having a reduction applied to the “unit” hunter day fee.
- Many Montana resident hunters either will not, do not, or cannot go through the necessary process to use Block Management effectively by planning ahead, obtaining the necessary materials or reservations, etc. It may simply be resistance to change or a failure to believe the effort to become familiar with Block Management will pay a fair return.
- From a landowner’s perspective, Block Management has improved hunter behavior, especially that of local hunters who previously may have abused the privilege.
- Key question is “What is the desired role, scope, and goals/objectives of Block Management in the overall Montana hunting landscape?”
- All types of hunting, including fee hunting, outfitted hunting, and free public hunting are threatened by the nonresident, non-typical landowner who locks up land to all types of hunting.
- The label “nontraditional landowner” may actually trigger resentment and perhaps even encourage such a landowner to rebel against people attaching the label; there needs to be some better “name” for these new Montana landowners.
- An effective, local “welcome wagon” approach, similar to that used in the Blackfoot watershed, needs to be developed, where effective communication is established by local people, not necessarily involving agency staff as the initial contact, where the approach is unbiased and directed toward providing positive information about what resources are

available, what are the local customs and traditions of the area, and how can this new landowner be welcomed into the local community? There needs to be a process, not necessarily a new program that can facilitate this effort. It needs to be directed toward “How can this person be helped to make good land management decisions, decisions that are good for the community and good for the land?” However, a problem with this idea is deciding what are good decisions according to whose definition, whose standards.

- The PL/PW Council may not be the best venue for this effort. Maybe better options are county commissions, Soil Conservation district Committees, or local watershed groups; maybe the real estate agent or contact person who first brought the land to the new owner’s attention might be an effective person to work through.
- How can the council develop solutions or incentives for these new, nontraditional landowners without hearing from those landowners about what ideas or incentives might influence them regarding land management decisions?
- Any program or effort needs to be flexible, to meet different needs of different people; maybe there should be a new angle. People could enroll land for only part of the season, or perhaps only for certain species, and still receive incentives.
- While the current program may not be flexible enough, it may be that people don’t know the full range of flexibility that exists in the current program; any effort to modify that flexibility needs to take into account what effects changes may have on the existing program;
- Some ranchers contract with outfitters because they know outfitters will control hunters’ behavior and know outfitters understand game, gates, roads, etc.
- There are some outfitters who want to control all the land all the time, even though they may not need all of that land all of the time to meet the needs of their clients. Many outfitters don’t need all the land they have leased for the whole season, but really need it only for the busiest time of the season. Because the Board of Outfitters requires both written leases and an operations plan on file with the Board before outfitted hunts can occur, outfitters are often forced to lease more than enough just in case it is needed.
- What incentives might encourage a landowner and/or outfitter to change from exclusive leasing to some type of shared use? Many landowners have an ethic that points toward shared use, but they have concerns regarding hunter behavior, game management, damage control etc. The problem of the needs of the outfitter complicates the issue.

**B. Incentives Subcommittee** – The charge of this committee was to explore potential new incentives for landowners who provide/allow access.

- Adopt a Block Management Area – Who would be the “adopter?”
- Give official recognition to existing landowner cooperators (awards, plaques, signage, news releases, public service announcements, etc.)
- Develop “casual” or one-time benefits to landowner/cooperators.
- Tap into “Open Fields” funds, if proposed federal legislation passes.
- Provide deer licenses to nonresident landowners – valid only on the landowner’s property.
- Provide a complimentary deer license to any landowner who allows access - broaden the current program.
- Provide nonresident landowner cooperators the opportunity to sponsor additional family members for licenses.
- Enable certain nonresident landowners who provide free public access the opportunity to receive licenses at resident prices. There would be certain criteria for this.

- Make Sportsmen's Licenses available for nonresidents who enroll in Block Management. This would be in addition to other complimentary licenses.
- Allow landowners more flexibility in regulating/limiting hunters to allow a high quality hunting experience.
- Acknowledge, reward, and foster relationships with landowners who support the reasonable and affordable access to their private land.
- Encourage conservation groups and FWP to include (when appropriate) the purchase of permanent recreation access in conservation easements. This is currently being done with a large project (up to 88,000 acres) in the Blackfoot Valley between The Nature Conservancy and Plum Creek Timber.
- Explore incentives for outfitters to encourage them to be more receptive to sharing land was proposed.
- A nonresident landowner had stated he would be more willing to open land for hunting if he were given the opportunity to purchase deer licenses for family/friends so they would not have to apply through the drawings.
- Some landowners do not want public recognition for allowing hunting. A complimentary deer license would accomplish this recognition.

**C. Enforcement Subcommittee** – The charge to this committee was to see where there are problems in enforcement of Block Management and hunting in general and develop recommendations for improvement.

- Manpower in enforcement is a problem. There are only 40 field technicians to cover all the Block Management Areas and only 66 Game Wardens to cover the entire state.
- Map quality and availability is of concern.
- Funding for enforcement is a problem.
- Create a specific violation report form to be placed at each sign in box. This would enlist the eyes and ears of everyone in maintaining the rules and regulations. Reports could be left in the box when the hunter leaves BMA or be mailed in. A Field Tech could be required to pick up violation reports every 48 hours. Sportsmen could police themselves.
- Educate the public on violation reports by putting the form in the regulations along with Tip-Mont information.
- Increase funding for enforcement purposes. Not much can be done for enforcement without additional funds.
- Create advanced hunter education classes as recommended by the HBAC in 1998 in order to provide “refresher” or continuing education in ethics and responsibility.
- Provide field techs additional training for reporting violations and working with game wardens.
- Bring the field techs on duty early to provide enough time to learn an area and put up better signage.
- Offer outdoor seminars in each region on various topics. Include ethics and responsibility portions in every presentation and educate the public on how to report violations.
- Provide BMA cooperators with highly visible magnetic stickers. This would identify them as landowners, not hunters in violation of BMA rules. This would aid the wardens and techs in patrolling and conserving precious time. This would also help hunters identify landowners and hired hands who can give vehicular access to areas for game retrieval or suggestions on the location of the game.

**D. Funding Subcommittee** – The charge of this committee was to explore the issue of funding the Block Management Program. Is the present funding adequate to accomplish the program goals? Is the funding sustainable, equitable and predictable? What funding sources exist for Block Management and what effect has the guaranteed license had on funding for Block Management?

- The current funding levels are not adequate to accomplish the program goals.
- The current funding sources are sustainable to the point they should be maintained as a fund source but several existing components need closer examination.
- There are questions and concerns regarding the equitability of fees resident and nonresident hunters pay to fund the access programs.
- The predictability of several funding components may be improved.
- The use of federal PR dollars is supported. FWP is encouraged to continue efforts to maximize and fully utilize this source to the extent possible. This council may examine and make recommendations on the use of any new or alternative federal funding sources.
- The use of resident and nonresident hunter access enhancement fees is supported. The equitability and amount of the current fees should be reviewed and discussed further.
- Use of nonresident upland bird license dollars is supported. There are not recommendations for changes to this component at this time.
- Use of the variable-priced outfitter sponsored nonresident deer/elk combination license as a funding source is supported. There are concerns as to how “variable” the price actually is; the mechanism of reaching a cap number and the procedure for application and distribution needs to be evaluated.
- Further recommendations for changes to this component may be made in the future.
- Possible areas of consideration for additional funding are:
  - Increasing resident and/or nonresident hunter access enhancement fees
  - Antelope (or other species) set-aside licenses or increases to other licenses
- Other possible funding sources:
  - Voluntary “contributions”
  - Creation of a Block Management Stamp
  - Revenue from fines or other penalties
  - Apply a portion of general nonresident license dollars to hunter access enhancement
  - Special Game Management Districts (areas with high game management needs and the lack of public hunting opportunities)
  - Property tax credits for enhanced access
  - Special auctions or raffles
  - Increasing resident cost for deer and elk licenses
  - Mutual access agreements – funding sources
  - Funds from the implementation of any “master hunter” program
- The variable priced outfitter sponsored nonresident deer/elk combination license has provided the majority of funding for the Block Management Program since its inception. According to FWP, this license provided approximately \$4.5 million of the \$5.95 million in program funding for fiscal year 2003, or just over 75% of total program funding.
- The possibility of changing the title of the variable priced license from “Outfitter Sponsored” to some other term was discussed. There is the possibility that the present name may affect the license viability.
- Any funds for Block Management must be earmarked for this program to deter the funds being used for other projects/programs.

**PUBLIC COMMENTS:** A public Open House was held on the evening of December 15<sup>th</sup>, during which members of the public conversed informally with Council members about pertinent issues. Following is a condensation of some of the issues and comments expressed during that session:

- *Standardize and simplify procedures between the regions;*
- *maps are better in 2003;*
- *landowners appreciate the complimentary tags,*
- *include nonresident landowners in the complimentary tags without penalty;*
- *hunters are interested in more Access Montana and fishing access;*
- *ensure the habitat and game are on the BMA property;*
- *access to bird and waterfowl hunting is needed;*
- *avoid “chopped” parcels of land in Block Management;*
- *increase resident fees for Block Management;*
- *hunters use fishing access sites to access bird hunting.*

## **5. SUB-COMMITTEE WORK SESSION RESULTS – DRAFT IDEAS**

### **Overall Draft Recommendation**

Members of the Council continued to unanimously agree that the Block Management program, in one form or another, should continue. The following Sub-Committee December 15, 16 work session reports are in support of that overall agreement.

#### **A. Flexibility/Options/Shared Use Subcommittee**

- Explore sharing opportunities with leasees and lessors.
- Clarify definitions of types of Block Management opportunities, processes to participate, and what to expect.
- Enhance the Block Management informational plan:
  - New landowners
  - Expanded public use by encouraging and assisting planning
  - General public
  - Outdoor writers/editors
  - Review efforts to integrate all information on various hunting opportunities (i.e., integrated map with Block Management areas, WPS’s, etc.)
- Facilitate a more generalized approach to extended seasons to control populations. Don’t isolate game damage hunts only on cooperators.
- Explore payment flexibility. Delete penalty for shorter seasons.
- Provide for recommended limitation on the number of hunters on sign-up boxes checking in and out.
- Adopt and facilitate a “welcome wagon” concept (i.e., reach out to new landowner arrivals in the area; offer help and information).
- The Flexibility/Options/Shared Use Sub-Committee agreed to add the “flat fee” issue to their discussion; Jamie and George will work with the Sub-Committee to address this issue.



## **B. Incentives Subcommittee**

### **1. Suggested license incentives**

- Continue use of the following current licenses:
  - Landowner preference
  - Block Management resident complimentary sportsman's license
  - Non-resident combination license plus BMA payment minus cost of license
  - Landowner sponsor license
  - Resident elk permit in exchange for access agreement
- Create an access enhancement license as follows:
  - Resident and non-resident
  - Various species in support of biological management
  - In conjunction with access agreement
  - Some restrictions may apply
  - Does not lessen existing public hunting opportunities

### **2. Suggested stewardship incentives**

- Adopt a Block Management Area
  - Hunter Education classes; 4-H groups
  - Rod and Gun/Sports groups
  - Other formal groups
- Volunteer projects
  - Weed pulling
  - Roll up fencing
- Paid-for projects (good neighbor/fairness)
  - Weed spraying
  - Automatic gates
- Cooperative projects with conservation groups and others

### **3. Suggested appreciation and recognition incentives**

- General
  - Publications and magazine subscriptions
  - Calendars
  - Feed back from landowners regarding appropriate appreciation and recognition
  - Continuation and expansion of Region 6 and 7 Block Management dinner concept
  - Sponsorship of other local banquets and events
- Individual
  - Plaques
  - Gifts such as gate latch, etc.
  - Laser cut ranch sign
  - Helena dinner for Block Management landowner representatives across the State

### **4. Suggestions about incentives through other Committees**

- Enforcement Committee – Additional landowner support
- Flexibility/Options Committee
  - Variety of ways of sharing use between landowners, outfitters, and the general public.
  - Increased compensation (e.g., weed payment, CAP, enrollment fee, hunter day payment, etc.)
  - Permanent easements/recreational access

## C. Enforcement Subcommittee

### 1. Violation report

- Make it simple. Place on sign-in slips or Block Management maps with contact number, TipMont, or local Sheriff's Office, or deposit location.
- Encourage self-enforcement.
- Place an example in all FWP regulations with instructions on use.

### 2. Improvement of maps

- Is color possible? Take to landowners prior to printing for enhancement and useful general landmarks and boundary clarifications.
- Create a standardized highly visible form of ranch vehicle information to reduce confusion between sports men and women, landowners, and FWP personnel, and facilitate all in identifying each other for violations, game retrieval, etc.

### 3. Assistance from field technicians

- Bring field technicians on earlier in the season to help with signing BMA's.
- Allocate more technician time and mileage to accomplish this.
- Don't reduce landowner payments for signage services, but as an additional incentive.

### 4. General suggestions

- Expansion of enforcement presence
  - Add wardens (5 positions were created in 1995 with Block Management funding; perhaps more are needed in relation to program expansion).
  - Increase the number of seasonal ex-officio wardens, perhaps including field technicians in this capacity.
  - Bring field technicians on duty earlier to learn the area and help with signage.
- Educate hunters about how to use violation reports and self-enforcement. Inform hunters on Tip-Mont rewards as well.
- Explore and possibly adopt pertinent strategies from the Hunter Behavior recommendations.
- Offer outdoor seminars in each region on various topics:
  - Use experts in the field.
  - Topics might include bugling, tracking game, coyote calling, etc.
  - Include ethics and responsibility portions in every presentation and educate the public on how to report violations.
- Encourage sports groups to aid in signing Block Management areas.

### 5. Further information needed

- How many complaints are found to be landowners violating their own rules or allowing the violation to occur (e.g., off-road travel by friends, relatives, etc.)?
- How are additional FTE's and PTE's created/funded?
- How will enforcement be affected by increased Block Management acres?

## **D. Funding Subcommittee**

### 1. Existing Block Management funding is as follows:

- Variable-Priced License – 4.5 million
- Hunting Access Enhancement Fee - .8 million
- Non-resident Upland Bird License - .3 million
- Federal funding sources - .3 million

Total for fiscal year 2003 = 5.951 million

### 2. Some possible additional funding sources

- Block Management stamp
- Antelope set-aside from N.R. quota
- Appropriately done advertising
- Modification of variable priced license to maximize funding
- Voluntary contributions

## **6. WHAT'S NEXT?**

**A. Next Meeting – The PLPW Council will meet on March 3rd (all day) and March 4<sup>th</sup> (morning), 2004, in Helena.**

### **B. “Critical path”**

- December 2003 – Spring 2004 meeting
  - Sub-Committees continue work toward recommendations.
  - Draft recommendations are presented to the full Council at the March meeting where they are discussed, edited and agreed upon.
  - FWP puts in a legislative “place card” for possible recommended legislation.
- Spring – Summer
  - Public involvement effort occurs regarding Council’s draft recommendations.
- Early fall 2004 meeting
  - Council reviews public input and finalizes recommendations; develops plan for transmitting recommendations to the Governor and plans how to move their recommendations forward including possible legislation.
- September – December 2004 meeting
  - Legislation drafted for Council reviewed at their December meeting; transmittal letter and report to the Governor/Legislature/FWP completed; further Council role is discussed.

## **7. COUNCIL ADJOURNED**