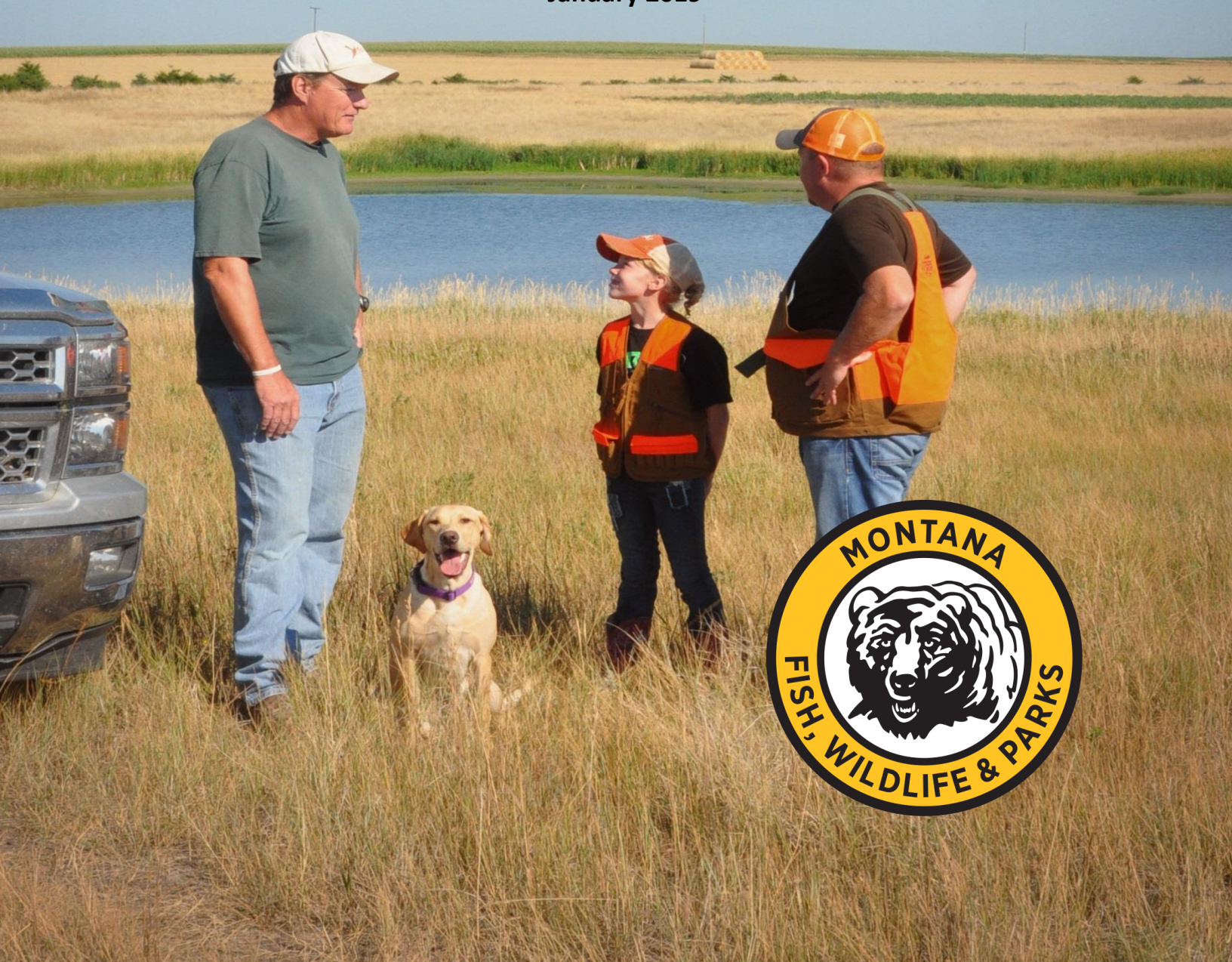
Hunting Access Enhancement Program

Biennial Report

Presented
to
Governor Steve Bullock,
the 66th Legislature
&
Fish, Wildlife, & Parks
January 2019



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Hunting Access Enhancement Program Biennial Report

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Introduction

MCA 87-1-269, passed by the 59th legislature in 1994, requires the governor to 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. Per statute, the committee must have broad representation of landowners, outfitters, and sportspersons.

Additionally, the review committee is required to produce a report to *"report to the governor and to the 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."*

The "committee" referenced in 87-1-269 has become known as the Private Lands/Public Wildlife Council (PL/PW). While appointed by the governor, PLPW is administered and facilitated by Montana Fish, Wildlife and Parks' (MFWP) Hunting Access Enhancement Program (HAEP) and MFWP's legislative liaison. The HAEP is established in 87-1-265, MCA with the purpose of encouraging public access to private and public lands for purposes of hunting, through use of incentives for private landowners who allow public hunting access on their lands.

Consisting of Block Management, Unlocking Public Lands, Special Access Projects, Access Public Lands, and Hunter/Landowner Relations, this report is provided in compliance with 87-1-269, MCA and provides a summary of the PL/PW Council and the HAEP during the 2017 and 2018 program years.

Hunting Access Enhancement Program (HAEP) Overview

The Hunting Access Enhancement Program (HAEP) is established with the direction to develop programs of landowner assistance that encourage public access to private and public lands for purposes of hunting. Most notably the HAEP includes the Block Management Program, the Unlocking Public Lands Program, Special Access Projects Program, Access Public Lands Program, the Managed Access Project Sites Program, Livestock Loss Reimbursement Program and administrative assistance to Private Land/Public Wildlife Council.

Specifically, 87-1-265, MCA states:

The department may establish within the block management program established by administrative rule pursuant to authority contained in 87-1-301 and 87-1-303 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. Rules may address but are not limited to incentives provided under:

a. *a hunter management program as set out in 87-1-266, consisting of a cooperative agreement between a landowner and the department and including other resource management agencies when appropriate, that allows public hunting with certain restrictions or use rules; and*

b. *a hunting access enhancement program as set out in 87-1-267, consisting of incentives for private landowners who allow public hunting access on their lands.*

(2) *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.*

(3) *Participation in a program established under this section is voluntary. A lease, acquisition, or other arrangement for public access across private property that is initiated through a program established under this part must be negotiated on a cooperative basis and may only be initiated with the voluntary participation of private landowners.*

(4) *Programs may not be structured in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program or who does not provide reasonable public hunting 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. The department may by rule limit the number of licenses that can be provided as incentives.*

Hunting Access Enhancement Program (HAEP) Funding

MCA 87-1-290 establishes an account with a requirement that funds deposited in this account must be used for the purpose of funding any hunting access program established by law or by the department through administrative rule.

The HAEP account is funded from the following sources:

- $55 from each Class B-1 nonresident upland game bird license;
- $17 from each half-priced Class B-1 nonresident upland game bird licenses for youth;
- $25 from each Class B-2 nonresident 3-day upland bird license *(Terminates June 30, 2019);*
- Proceeds from Super Tag Lottery
- 28.5% from each Class B-10 nonresident big game combination license and each B-10 elk only nonresident license;
- 28.5% from each Class B-11 nonresident deer combination licenses and each B-11 nonresident landowner deer combination license;
- 28.5% of the fee for Native Montana licenses and Come Home to Hunt licenses;
- Any interest or income earned on the HAEP account;
- Small private donations;
- Wildlife Restoration/Pittman-Robertson (PR) funds.

For fiscal year and program year 2017, $7,782,575 in earmarked license revenue was generated for the HAEP.

Expenditures totaled $6,645,797, of which the over-whelming majority was spent on Block Management program impact payments to landowners totaling, $5,775,805 ($4,446,805 license and $1,329,000 of Pittman-Robertson (PR) funds.)

For fiscal year and program year 2018, $7,499,564 in earmarked license revenue was generated for the HAEP.

Expenditures totaled $8,076,100, of which the overwhelming majority was spent on Block Management Program impact payments to landowners totaling $6,071,100 ($4,484,274 license and $1,586,826 of Pittman-Robertson (PR) funds).

Private Lands/Public Wildlife (PL/PW) Council

The 2018 PL/PW Council was appointed by Governor Bullock on January 19, 2018 and is comprised of 13 members representing a variety of interests. The members on the 2018 Council were reappointed members who participated on PL/PW in 2016. There was no appointed PL/PW Council in the 2017 calendar year.

In order to meet 2018 pending deadlines, council members initially focused their efforts on issues and recommendations from their 2016 meetings that would require legislative action during the 2019 session.

Council members met three times in Helena between April and December 2018. Meeting minutes and agendas are available on MFWP's website at http://fwp.mt.gov/hunting/hunterAccess/plpw/.

2018 PL/PW Members Included:

First Name	**Last Name**	**City**	**Representing**
Sen. Duane	Ankney	Colstrip, MT	Legislator
Ed	Beall	Helena, MT	Hunter/Angler, Business Owner
Rep. Zach	Brown	Bozeman, MT	Legislator
Ed	Bukoskey	Rosebud, MT	Hunter/Angler
Cynthia	Cohan	Butte, MT	Hunter/Angler
Lee	Cornwell	Glasgow, MT	Landowner
Dusty	Crary	Choteau, MT	Outfitter/Landowner
Daniel	Fiehrer	Helena MT	Hunter/Angler
Bill	Geer	Lolo, MT	Hunter/Angler
Rep. Denley	Loge	St Regis MT	Legislator; Landowner
Joe	Perry	Brady, MT	Landowner, Hunter/Angler
Richard	Stuker	Chinook, MT	Commissioner, Landowner
Carl	Zabrocki	Billings, MT	Hunter/Angler

2018 PL/PW Council Recommendations

PL/PW Council members want to enhance the HB454 Permit for Elk Access Program and as a result submitted a bill for EQC to support which recommended statutory changes to MCA 87-2-513 affecting landowners and public elk hunting access.

This change, through the support of EQC, would be to modify MCA 87-2-513 (currently known as the HB454 program) by allowing FWP to issue an either-sex or antlerless elk license, permit, or combination thereof as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property in exchange for access opportunities for public hunters. This program currently exists for permits, but PL/PW would like to see this program extended by providing landowners or their designee a license to increase landowner participation in the HB454 program.

The 2018 Council also reaffirmed their desire to work on their top issues from 2016.

Issues as prioritized by the 2018 PL/PW Council include:

1. Trespass and Consequences– examine statutes for wardens outside of hunting season to enforce trespass.

2. Hunter Behavior – Education and Consequences: work on hunters not respecting the land or landowner.

3. Roads/Access– work to digitize county records and identify a point of contact for investigating road closures.

4. Help for Landowners– Get more boots on the ground for landowners not enrolled in FWP Access Programs.

5. Allow once in a lifetime harvest for moose, sheep, goat, bison.

PL/PW Council Members discuss issues with a member of the public (landowner) during their December 2018 meeting.

6. Landowner Preference Clarification– no clear definition of “used by elk” and difficult to enforce.

7. Hunter Day Payment System—modifying Block Management payment structures.

Block Management Program Overview

The primary element within the HAEP is the popular Block Management Program. Originating in 1985, the Block Management Program (BMP) began as the result of landowners expressing concerns about resulting impacts from allowing public hunting on lands under their control.

Relevant program components include:

- Participation is voluntary, based on agreements between the landowner and Fish, Wildlife & Parks.
- Recreational liability protection is extended to cooperators participating in the program.
- Cooperators participating in the program may receive payment benefits, including compensation for hunter impacts up to $13 per hunter day with a maximum impact payment of $15,000 annually *(increased in 2017).*
- Benefits are to offset impacts associated with hunting access including but not limited to general ranch maintenance, conservation efforts, weed control, fire protection, and road/parking-area maintenance.
- Cooperators may elect to receive up to 5% additional weed incentive payment.
- Cooperators may offer veterans preference on Veteran's Day for those properties taking reservations *(new in 2017: MCA 87-1-263).*

Successful hunter on a Block Management Area.

- Cooperators may elect to receive a resident Sportsman's license (without bear) or nonresident Big Game Combination license for themselves, an employee or a family member. This does not count against the non-resident cap of licenses.
- Cooperators are provided a free annual subscription to FWP Montana Outdoors Magazine

Factors used to determine benefits to landowners are set in Montana statute and criteria for inclusion in the program focuses on:

- Number of days of public hunting provided;
- Wildlife habitat provided;
- Presence of resident game populations;
- Number, gender, and species of animals taken;
- Access to adjacent or isolated public lands

During the 2017 and 2018 program years, no landowners were denied enrollment in the Block Management Program due to budgetary constraints.

For those 2017 Block Management response cards that were returned, hunters reported an average of 90% satisfaction with BMAs with 70% of hunters seeing game and an average of 21% of hunters harvesting game.

Zero formal complaints were filed for the 2017 hunting season. The 2018 program year results will not be finalized until March of 2019. However, previous survey responses have shown similar satisfaction rates over the life of this program.

Block Management Program Summary of Enrollments and Payments

The 2017 Legislature passed two laws respective to Block Management:

- HB 311– provided for landowners who take reservations the opportunity to provide preference to veterans who hunt on Block Management on Veteran's Day;
- HB97– increased the block management landowner payment cap and provided for the increase of the per hunter day payment.

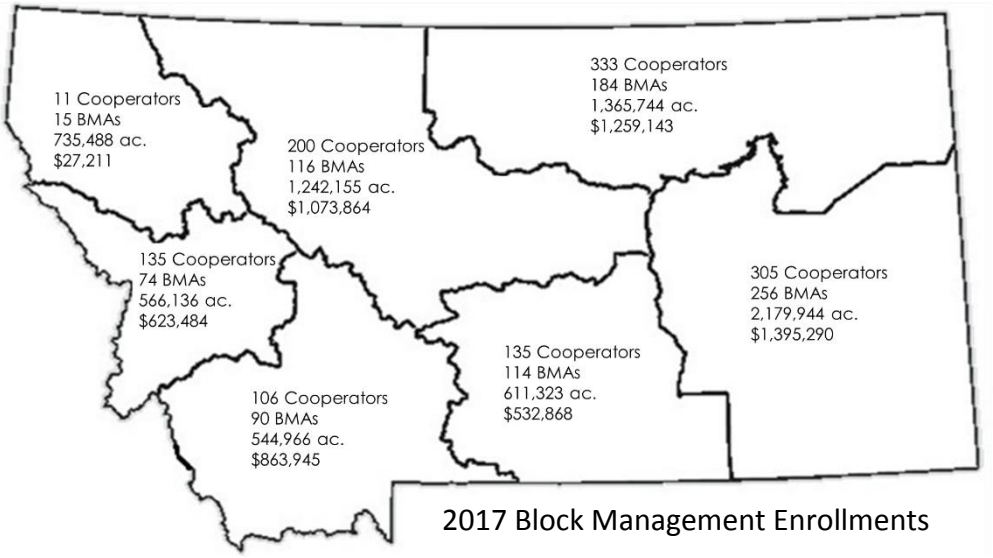
Successful hunter on a Block Management Area.

Both changes were implemented starting with the 2017 hunting season.

As a result of the increased cap ($12,000 to $15,000) and the per hunter day maximum impact payment increasing (from $11 to $13), an additional $1.2 million dollars of impact payment compensation was provided for landowners enrolled in Block Management in 2017 alone.

Over the past few years, the number of cooperators and the number of BMAs has been on the rise, but the program has not returned to 2011 acreage levels.

Year	Cooperators	BMAs	Acres	Contract Payments
2011	1,287	930	8,166,055	$4,939,603
2012	1,289	918	7,685,318	$4,916,595
2013	1,231	866	7,614,097	$4,739,277
2014	1,210	835	7,392,163	$4,585,096
2015	1,194	828	7,376,508	$4,477,366
2016	1,187	829	7,380,057	$4,466,103
2017	1,225	849	7,245,756	$5,775,805
2018	1,254	863	7,180,526	$6,071,100



2017 Block Management Enrollments

Block Management Implementation

The Department works with landowners to customize a variety options to assist with managing hunters on enrolled lands. This allows the landowner the ability to maintain flexibility and manage hunters on their properties the way want to. From an administrative standpoint, Block Management implementation is broken into three main areas: administration, contract payments and landowner/hunter services.

Block Management Program Administration: Defined as portions of the time spent by one state program administrator, one state administrative support staff person, 6 regional program coordinators, regional administrative support staff performing program administrative duties such as processing block management contracts.

FWP Preparing Block Management Area for Hunting Season.

Block Management Landowner Contract Payments: The current payment structure provides for cooperators to receive a $250 annual enrollment payment, and up to $13 per hunter day in annual impact payments, with an optional 5% additional weed management payment. Total annual impact payments may not exceed $15,000 (MCA 87-1-267) with these landowners also being eligible for the weed payment incentive. In 2017, landowners received an average increase of 17.3% per contract, with the increased hunter day payment from $11/HD to $13/HD, and the cap increase from $12,000 to $15,000. These actions resulted in approximately $1,200,000 more being paid to cooperators enrolled in Block Management. Annual payments have remained at that increased rate through the 2018 hunting season. Landowners are also offered a complimentary resident or non-resident hunting license for participation in Block Management.

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 program and fiscal years 2017 and 2018, a total of $414,941.93 was paid to cooperators for weed management activities.

Block Management Landowner/Hunter Services:

Approximately 45 seasonal Block Management Area (BMA) technicians are hired each hunting season to help set up, sign, patrol, and dismantle BMAs;

Regional program coordinators negotiate contracts, produce informational materials, supervise seasonal staff, and respond to the needs of hunters and landowners.

Program materials such as signs, sign-in boxes, permission slips, maps, and access guides are funded through program operations budgets. Annually, approximately 150,000+ maps, 27,000 BMA Hunting Access Guides, and hundreds of BMA signs are printed and distributed.

Enforcement (6 FTE): A total of 6 full-time warden positions are fully funded through the Hunting Access Enhancement Program sources along with $108,000 of additional operations.

This 6 FTE is allocated statewide to game wardens who patrol BMAs for hunter compliance of landowner and FWP rules. Game wardens also assist with BMA contract negotiations, delivery of BMA materials, and landowner/FWP contacts.

Craddock Ranch Block Management Area Fence Pull and Rebuild. Partnership with MFWP and Rocky Mountain Elk Foundation.

BLOCK MANAGEMENT
MONTANA FISH, WILDLIFE & PARKS

Block Management Program Incentive History

1985 Block Management Program Established

1993 House Joint Resolution 24- creates Governor appointed citizen council representing sportspersons, landowners and outfitters to work on Private Land and Public Wildlife issues (PL/PW)

1995 Legislature (HB195) provides tangible benefits to enhance the Block Management Program in opening lands; compensation set at $10.00/HD; $8,000 cap - formally establishes a review committee (PL/PW)

1996 Block Management Administrative Rules created to administer the program and better define benefits to landowners

1999 Legislature increases Block Management maximum $8,000 cap increased to $12,000

1999 Block Management undergoes 1st Legislative Audit Review

2001 Legislature creates 5% additional weed management incentive payment for cooperators

2005 Legislature allows Nonresident landowners to be eligible for payment AND the complimentary deer/elk big game combo license

2007 Legislature allows landowners to designate their complimentary license to an immediate family member with the cost of the license being deducted from payment

2009 Legislature allows all landowners eligible to designate immediate family member/ranch employee for complimentary license, with not cost deduction

2009 Department increases $10/HD payment to $11/HD, resulting in approximately $460,000 more being paid to landowners, representing an average 9% increase per contract

2013 Block Management undergoes 2nd Legislative Audit Review

2017 Legislature increases maximum payment cap to $15,000 and Department increases the hunter day payment from $11 to $13/HD resulting in approximately $1.2 million more being paid to landowners, representing an average 17.3% increase per contract

2017 Legislature provides landowners the opportunity to provide veterans preferential access to BMAs taking reservations on Veteran's Day.

Unlocking Public Lands Program

Unlocking Public Lands is a program whereby a landowner enters into a contractual agreement with FWP to allow public access (for all activities) across a parcel of private land to reach an isolated parcel of state or federal land. If access is open for a continuous period of at least six months, the cooperator is entitled to receive a tax credit of $750 (maximum of 4 contracts or $3,000 total tax credits per tax year).

The 2017 Legislature reauthorized FWP to implement the Unlocking Public Lands Program through HB498. As a condition of reauthorization FWP committed to promoting this program more to landowners.

FWP fulfilled the commitment to promote this program by:

- Contacting all bill proponents to inform them about the enrollment process
- Issuing two press releases statewide.
- Placed an ad in the Deer, Elk, Antelope Regulations
- Purchased $500 of advertising in the Western Ag Reporter
- Extended the deadlines for enrollment
- Used enforcement PR funding to find willing landowners (R6)

Year	Number of Landowners	Number of Parcels Opened
2016	2	4
2017	2	4
2018	5	11

UNLOCKING PUBLIC LANDS
MONTANA FISH, WILDLIFE & PARKS

Access Public Lands

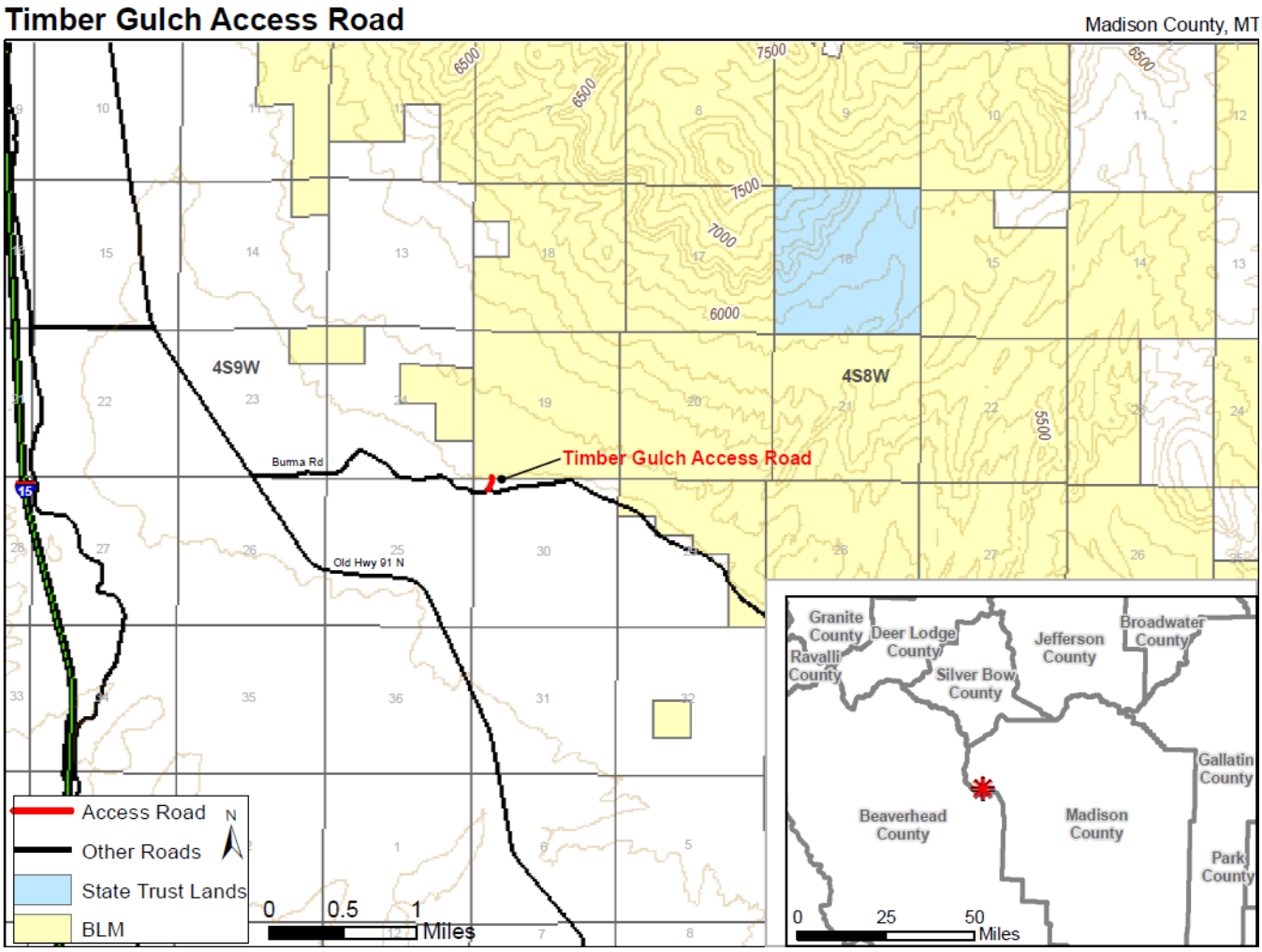
Access Public Lands is a program that coordinates FWP agency activities related to hunting access to public lands. This program seeks to obtain and maintain legal public hunting access to public lands, resolve landowner/sportsman conflicts related to public land access, assist in marking public land boundaries and access points, and disseminate information about hunting access to public lands.

Projects can consist from simple signing projects to rights-of-way acquisitions and easements on term lengths or in perpetuity.

In 2017, FWP worked with partners to purchase a right-of-way easement that provided better access to 3,400 acres of BLM in the Timber Gulch area of McCartney Mountain, 3 miles east of Glen.

The partners in this effort (Rocky Mountain Elk Foundation, Skyline Sportsmen, Beaverhead Outdoor Association, and Jefferson Valley Sportsmen) contributed a total of $16,000 toward the purchase of this $20,000 easement.

This .14 mile acquisition followed the BLM travel/access plan for the McCartney Mountain area and connected a county road (Burma Road) to an open route on the BLM that is open year-round.



Special Access Projects

The *SAP* program was created to address access needs or problems that fall outside of the limitations of Block Management, UPL or APL programs. Generally, projects should protect or improve existing access, create new access, or address landowner/sportsmen conflicts associated with hunting access to private lands. Projects eligible for funding include but are not limited to:

- Development of maps and planning documents for access availability in a defined project area;
- Development of contractual agreements for access onto or across private lands.
- Development of agreements to provide hunter management services as a condition of access onto or across private lands.
- Purchase and installation of cattle guards, water crossings, fencing, or other materials that improve existing access or serve as incentives to help secure additional access to private lands.

During 2017 and 2018, Special Access Projects included:

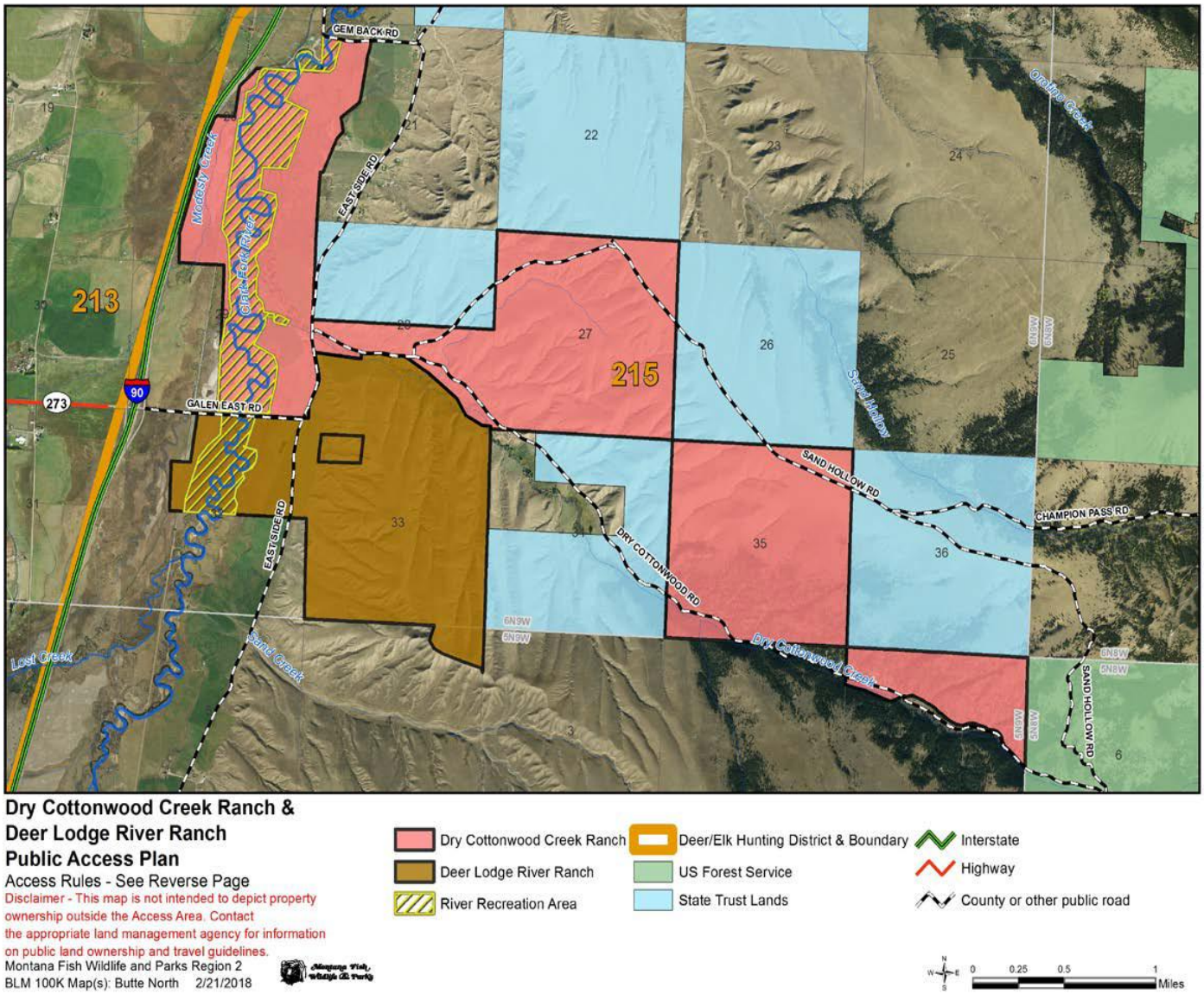
- The Nature Conservancy—Biennial rule provides for continued year-round recreational access on TNC lands in Region 2.
- H Double C access area– Approximately 10 miles north of Anaconda, landowner provides 3,300acres for public access.
- MCE Ranch Archery & Rifle Areas– opens up the Montana Correctional Enterprises Ranch for elk during the general season by administering permission through a drawing conducted by FWP.
- Tower Street– Opens 120ac of city property to archery hunting of deer as the result of a cooperative agreement between FWP and the City of Missoula.
- Sapphire Ranch PTHFV Access Area– Located south of Lolo this area offers Permit to Hunt From Vehicle hunters opportunities for deer, elk, waterfowl hunting from blinds and a motorized lift.
- Craddock Ranch BMA Fence Pull and Rebuild– FWP access staff, wardens and RMEF helped remove and rebuild fence on the BMA.
- Hunting access administration on Conservation Easements including an answering service to handle hunter reservations on conservation easement properties in Region 4.
- Sheep hunting special access in HD455 that opens up 12,800ac of private as well as land-locked, DNRC, BLM lands.
- Contracted with landowner to open up BLM and an Open Fields property through a right of way annual agreement in Region 6 (NE Montana).
- Regional staff continued efforts to repair and maintain signing on legally accessible public lands. Since this effort began, Region 7 (SE Montana) has signed 231,215 acres of legally accessible State Lands (422 parcels) and 188,282 acres of legally accessible Federal Lands (421 parcels).
- Worked with DNRC Public Access Specialist and other Federal and Tribal Partners to update the popular Montana Access Guide to Federal and State Lands brochure.

Partial Assignment of Conservation Easements

The Natural Resource Damage Program (NRDP) and the Clark Fork Coalition (CFC) placed a conservation easement on the 2,363-acre Dry Cottonwood Creek Ranch and the 1,051-acre Deer Lodge River Ranch properties along the Clark Fork River west of the Boulder Range at Galen.

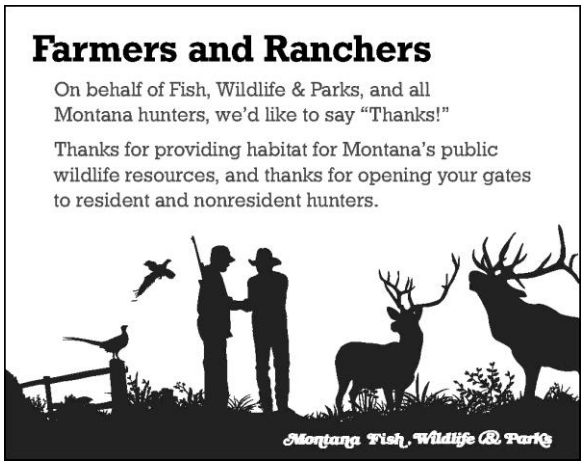
The conservation easement on these two properties included perpetual public hunting access for a minimum of 800 hunter days annually and year-round recreational public access to the Clark Fork River Corridor.

Through the approval process of the FWP commission, NRDP will assign the management of public hunting access for this easement to Montana Fish, Wildlife & Parks. The partial access assignment has not been completed as of November 28, 2018, for these properties, but is expected soon. A couple of other similar projects are in the beginning stages.



Landowner/Sportsman Relations

In 2017-2018, the Hunting Access Enhancement Program also sought ways to say "thank you" to landowners who offer hunting access to their lands. Examples of actions taken include:



- Placed "Thank You" ad in Western Ag Reporter
- Placed "Thank You" radio ad on Northern Ag Network
- Placed Ad in MT Ag News Magazine
- Placed Ad in Grown in MT (Dept. of Agriculture) Magazine
- Revised the Landowners Guide to FWP Programs Brochure
- Provided general sponsorship for a variety of annual ag-related annual conventions.

ASK FOR ACCESS Marketing Campaign

Another effort was launched in the Fall of 2018 to inspire positive hunter behavior and build on landowner/sportsman relations. ASK FOR ACCESS was a marketing campaign consisting of newspaper and magazine ads, billboard ads, a story on the FWP Outdoor Report and an article in Montana Outdoors magazine. The hope with this campaign is that hunters will not only ASK FOR ACCESS before they hunt, but also be smart about all hunting activities and respect the landowner and the land.

Hunter Landowner Stewardship Online Course

The *Montana Hunter-Landowner Stewardship Project* is an information program for anyone interested in promoting responsible hunter behavior and good hunter-landowner relations in Montana. As of December 26, 2018, 31 students had completed this course during this biennium.

Livestock Loss Reimbursement

The purpose of the Livestock Loss Reimbursement Program is to maintain public hunting access to private lands by providing compensation to eligible owners for monetary losses suffered as a result of allowing free public hunting on private land and incurring livestock injury or death. This program offers reimbursement at full market value to qualified landowners allowing free public hunting on lands under their control.

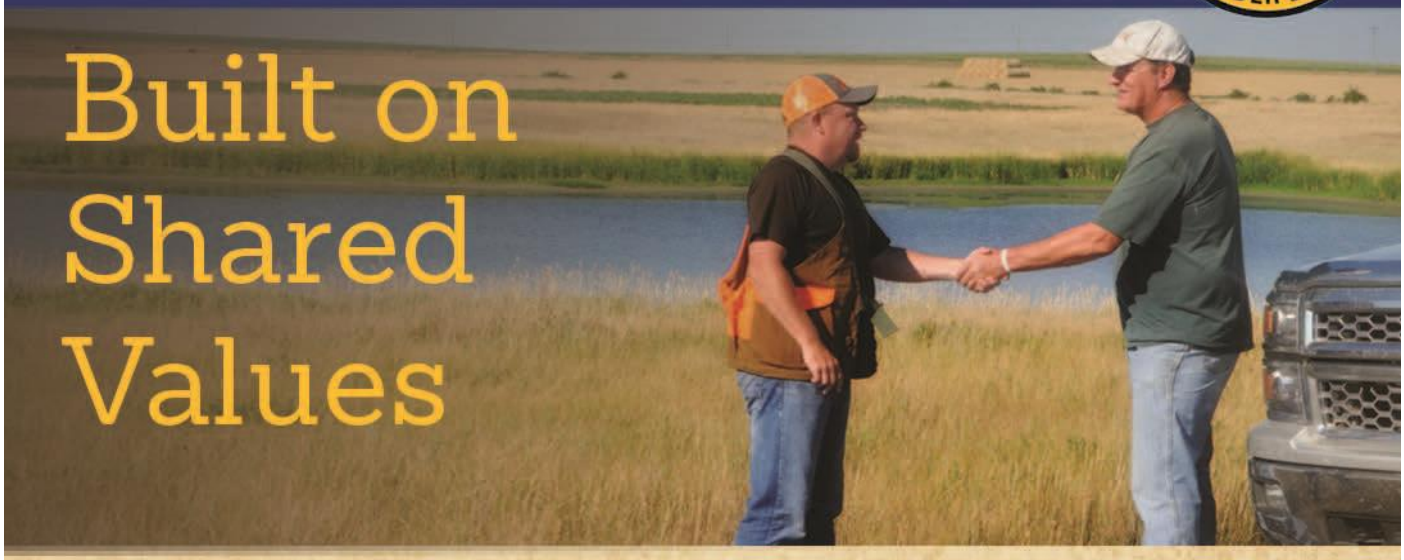
During the 2017 hunting season 5 total claims were filed.

- 3 denied; 2 paid
- Total of $3,524 of sportsman's license dollars used to reimburse producers.

As of December 24, 2018, there have been 3 claims filed for the 2018 hunting season.

- 1 denied; 2 paid
- Total of $1,700 of sportsman's license dollars used to reimburse producers.

A PARTNERSHIP WITH **MONTANA LANDOWNERS**



In Montana, our working farms and ranches define our landscape. These lands are home to friends and neighbors who value how their land benefits the wildlife it supports as well as the products it produces.

The stewardship of these lands is a testament to the families who live there. The simple understanding that if you take care of the land, it will take care of you is one passed down from generation to generation. At Montana Fish, Wildlife & Parks, it's an honor to partner with landowners around the state who value the landscapes like we do; who see a river bottom, not just for the crops it can grow, but for the wildlife that live there; and who cherish the role their lands and operations play in keeping the Montana way of life alive and well.

fwp.mt.gov

TURN IN POACHERS! 800.847.6668

TIP-MONT
MONTANA FISH, WILDLIFE & PARKS

- In Montana, we're all neighbors no matter which side of the fence we're on.
- Good neighbors watch out for each other.
- So if you observe or suspect violations, contact ***1-800-TIP-MONT*** and help protect our hunting heritage.

Sample advertisement placed in Montana Ag News Publication (2018)