EXHIBIT 20
DATE 3/22/2011
SB 255

MONTANA FISH, WILDLIFE & PARKS
HUNTING SEASON / QUOTA CHANGE SUPPORTING INFORMATION

Species: Elk
Region/HD: Regions 4, 5 and 7; LPTs 401-15 , 411-15, 420-15, 500-15, 502-15, 580-15, 590-15, 799-15 as applied to all or portions of HDs 401, 403, 441, 450, 411, 412, 426, 511, 530, 420, 447, 455, 500, 570, 502, 510, 520, 575, 580, 590, 702, 704, 705
Year: 2010

1. Describe the proposed changes and provide a summary of prior history.

Proposed Change: Assemble existing License Permit Types (LPTs) 401-15, 411-15, 420-15, 500-15, 502-15, 580-15, 590-15 and 799-15 for all or portions of the 23 HDs 401, 403, 441, 450, 411, 412, 426, 511, 530, 420, 447, 455, 500, 570, 502, 510, 520, 575, 580, 590, 702, 704, 705 (as described in 2009 regulations) **into one bundle/LPT 900-15**. This permit group would be valid only during the archery season throughout the entire area described in total by the 23 districts or portions of districts (see 2009 regulations). These permit holders could also archery hunt in other general license districts. Total number of permits would be equal to the sum of the first and second choice resident and nonresident eligible applicants from the 2009 drawing process. This sum is 2950 (rounded from 2947) and would accommodate 95% of the 2009 eligible resident applications and 45% of the 2009 eligible nonresident applications. This number of permits would apply to both the 2010 and 2011 seasons. Applicants may apply first, second or third choice. Antlerless elk would remain available on the general license during the archery season.

Prior History: Prior to 2008, these areas had limited either sex elk rifle permits with general license either sex archery seasons. For the 2008 season, either sex archery permits were established with the 23 districts "bundled" into eight groupings/LPTs. The number of permits available was unlimited. For the 2009 season, the number of permits available was limited to 100% of the 2008 total applicants equal to 4080 permits. Other season elements remained unchanged. Total first, second and third choice applications for residents and nonresidents in 2009 was 3453 (2791 residents, 662 nonresidents). 3431 permits were awarded through the drawing with 649 left unallocated. These unallocated permits were not made available for surplus sale. For both 2008 and 2009, archery hunting for antlerless elk was available on the general license.

2. Why is the proposed change necessary?

As a refinement to the 2008 implementation of elk archery permits in these 23 districts, placing all 23 districts into one "bundle" is a response to expressed interest in increased hunter mobility across these districts.

The permit reduction is another refinement of the 2008 archery permit implementation 100% of the total 2008 applicants was a deliberately too-large number relative to the structure's original intent. The large number of permits (confirmed by over 600 unclaimed permits after the drawing) represented transition to the new structure. In order to more fully implement the intent of the limited permits to include managing some of the likely hunter shift out of the Missouri Breaks where unlimited permits where capped and reduced in 2008 and 2009, the proposed permit level is still a relatively high number but is less than demand as described by eligible applicants in 2009. If permit supply remains more than permit demand, the intent of limited permits cannot be realized.

The intent of limited permits in these districts is (broadly) effective elk management and equitable/consistent allocation. While less tangible, "hunt quality" is generally pursued as well. In a comprehensive assessment, each has degrees of overlap and interface with the others.

A. Management effectiveness. Whatever else, management effectiveness alludes to the season structure's ability to facilitate, foster or accommodate movement toward objective in a manner that reasonably accommodates public expectations and values. Objectives can include post-season elk numbers observed, bull:cow ratios and/or harvest objectives. Management needs and/or public expectations and values typically include some critical minimum amount of effective access/harvest relative to elk distribution and random allocation of high value harvest opportunities. While general license either sex opportunity maximizes individual options, the same widely and consistently available ability to pursue high value older aged bull elk very typically does not directly address population management (antlerless harvest), can lead to indirect impacts to population management in the form of adjusted elk distribution away from areas of hunter access (and so relative high hunter density) and can accommodate very non-random harvest allocation of valued bull elk. In a further complication to effective management, very limited or exclusive access can magnify deleterious impacts to effectiveness by receiving elk concentrations that then become largely unavailable for harvest.

"Going first", archers can influence rifle hunting opportunities and management returns via direct harvest and/or elk distribution shifts in response to archery hunting pressure. This potential is further emphasized by the recent growing trend of archery stamp sales in Montana. After a period of relative stability and slow growth, archery stamp sales jumped from approximately 30,000 in 2002 to nearly 41,000 in 2007. Recent research in southwest Montana (wolf/ungulate project, Hamlin and Cunningham) has provided spatial information illustrating elk distribution shifts over the course of the archery season—in a manner different from historical observations. Among the variables likely contributing to that shift is archer presence (representing elk disturbance and mortality) in varying relative amounts on the landscape with elk responding into the safest/quietest areas. In this context, the permit structure allows for potential hunter number adjustment for enhanced or maintained management effectiveness

While not the singular cause, consistently available general license harvest opportunity is fully capable of accommodating if not encouraging "refuge" areas via intentional land purchase, management or leasing for exclusive elk hunting opportunity (or no hunting at all). These circumstances can range from landowner decisions to resident land purchase or leasing to commercial hunting operations with predominately nonresident hunting clients. With the general license season structure and its annual availability, there can be little or no incentive for some to provide public access or other mechanism sufficient to obtain a dispersed elk distribution and/or prescribed harvest. Indeed, the specific intent to have elk consistently and reliably available for hunting (speaking to both "managed" elk presence via limited hunting & harvest and license/permit availability) can be counter and confounding to publicly developed management objectives. To be clear, this proposal does not and cannot prohibit exclusive or limited/no access scenarios that preclude effective management. However, it does pursue through public process a relative reduction in the general season structure's contribution to such specific realized or possible circumstances. Additionally and in the context of incentives as well as regulation, the limited permit structure enables the potential broader application of currently defined but little-used elk hunting access contracts ("HB 454 agreements"). While there is question as to how effective this tool can be, these contracts represent landowner ability to secure a permit specifically for the landowner's property annually (with FWP Commission approval) in exchange for a formally described level of public access that reflects management need as well as allocation.

B. Equitable/consistent allocation. For reasons of limited physical habitat security and/or intentional bull management, rifle permits for either sex elk were already present in these areas. The absence of any

general license rifle opportunity for bull elk was the specific filter used to identify these 23 districts. This filter and approach reflects programmatic intent to maintain or implement either sex ('trophy bull") elk permits for both archery and rifle seasons wherever either sex permits exist (and no either sex general license opportunity exists) for one or the other. As a direct or indirect product of implementation either sex permits often result in older aged "trophy" bull elk. These bulls and the opportunity to pursue them have a high social and monetary value that can significantly influence individual hunter, landowner and outfitter decisions, expectations and perceptions.

Montana's hunting heritage includes public support and expectation for reasonable and random allocation of valued opportunity with residents given preference via the "10% nonresident rule" of permit and license allocation. The critical contributions of private land habitat, wildlife tolerance and hunter access has also been recognized and assigned preference via landowner preference in permit drawings.
While permit numbers for the rifle season are relatively lower to directly reflect typically high individual harvest success rates relative to management objectives, archery permits in these areas can be relatively greater in number based upon typically lower individual success rates. While 2950 either sex archery permits are proposed for these 23 districts, either sex rifle permits numbered less than half that number at 1375 in 2009. However, while 3453 eligible applicants secured 3431 out of the 4080 available archery permits, 11,676 individuals (sum of 1st, 2nd and 3rd choice applicants) applied for the 1375 rifle permits. These long odds can severely limit an individual's opportunity to participate in these high value pursuits. Given the rifle season limitations can be fundamental to the bull age structure archers engage, it is not uncommon for rifle hunters to see inequality in any archery opportunity that is perceived to be more generous. Archers counter with "buy a bow".

To summarize, limited permits randomly allocates potential for harvest, is consistent with the typically lower relative harvest success rate of archers and typically results in better drawing success rates for archery permits than for rifle permits.

C. Hunt quality. Although varying opinions and definitions exist for "hunt quality" and FWP has been challenged when addressing the topic, this concept along with "crowding" was and continues to be a (growing?) theme commonly expressed in public comment across a diversity of topics. The 2008 and 2009 implementation of a permit structure allows for the potential or realized adjustment of hunter numbers in response to public interest for maintained or higher hunt quality as it is directly or indirectly influenced by the number of hunters in an area. In this context, this structure also provides framework to engage hunter shift to these permitted areas that may be catalyzed by other changes and/or evolving hunter interest. Again, these points are further emphasized by the trend of archery stamp sales in Montana.

3. What is the current population's status in relation to the management objective?

Twelve of these 23 districts are over objective relative to elk population levels. Either sex archery permits do not represent the primary mechanism for antlerless harvest. However, the permits do represent effort towards potential change in some areas out of current circumstances that do not address or facilitate management effectiveness. Antlerless harvest remains on the general license in all of these 23 districts and addresses concerns about individual archer contribution to overall population control as well as one type of elk archery opportunity with no additional permit required

4. **Provide information related to any factors or circumstances that have relevance to this change.**

The grouping of these 23 districts into one bundle is tied to the management assumption that many if not most hunters will not move widely across the 23 districts but rather will tend to hunt in one hunting district or a relatively small group of districts that is the focus of their application.

Nonresident allocation has been and continues to be a function of existing allocation process reflecting preference to residents (and landowners via landowner preference). If the nonresident application date is moved, drawing results will be available several months earlier. The permit number and bundling are seen as "works in progress" defined out of the last two years' season implementation. Similarly, continued implementation and evaluation will drive any future refinements or maintenance.

Refunded licenses for nonresidents unsuccessful in the *permit* drawing are typically assigned to alternate nonresident hunters that were unsuccessful in the *license* drawing. While those hunters may not hunt in the same portion of the state, total number of nonresident licenses in Montana will not necessarily decline from this proposal. Relative to local economies, resident hunters as well as nonresidents provide significant financial inputs. Based upon 2007 hunter numbers and Fiscal Year 2008 dollars, residents contributed 56% of estimated elk hunter financial expenditures summed across all 23 districts. Within individual districts, resident elk hunters contributed 32 to 91% of the expenditures. This proposal does not directly speak (certainly there can be overlaps with elk hunting) to deer, antelope, upland bird and other hunting opportunities as those hunter pursuits also provide economic contribution.

If adopted party application would be available for these permits. In addition to landowner preference, landowners may potentially secure a modified permit via access contracts (HB 454 option).

5. Briefly describe the contacts you have made with individual sportsmen or landowners, public groups or organizations regarding this proposal and indicate their comments (both pro and con).

The 2008 elk archery adoptions have prompted considerable debate. While individual elements have been part of many conversations since the last biennial season setting, this specific proposal as a whole has not received significant public review to date. Given the debated history of this topic and the anticipated or known advocacy for the 2007 season type from some landowners, outfitters and the Montana Bowhunters Association (MBA), this is anticipated to be a contentious proposal. This is not to imply a lack of strong support from other members of the public as formal or informal inputs have ranged from advocacies for the 2007 season structure to more limited permit numbers.

Submitted by: Kujala
Date: November 20, 2009

Approved:

Disapproved / Modified by:

Reason for Modification: