EXHIBIT 21
DATE 3/22/2011
SB 255

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

Species: Elk
Region: multiple
Hunting District: multiple
Year: 2008 & 2009

1. **Describe the proposed season / quotas changes and provide a summary of prior history (i.e., prior history of permits, season types, etc.).**

   Implement limited either-sex elk archery permit only hunting in those HDs that currently have limited entry opportunity for rifle either-sex elk. Proposed permit levels represent 65% of most recent 3-year average of unlimited license sales. This percentage was consistently applied in the districts below. Given that crowding has been an articulated concern in these districts, a lower percentage was used than the 85% used for outside the Missouri River Breaks where crowding has been less consistently an issue. A reduction was proposed (instead of "current numbers") as districts below do exhibit leasing concerns and a permit reduction arguably magnifies the intended drawing uncertainty of limited permits.

PROPOSED REGULATIONS

REGION 4

HD410

General Elk License.

- none.

Special Elk Permit. Drawing only. Apply by June 1.
410-00 200 permits.

- Sep 06 - Oct 19 - Antlerless Elk. Archery Only Season
- Oct 26 – Nov 30 - Antlerless Elk.

410-20 55 permits.

- Sep 06 - Oct 19 - Either-sex Elk. Archery Only Season.
- Oct 26 - Nov 30 - Either-sex Elk.

410-21 1560 permits. (Changed to 410-15)
ArchEquip only. Valid in HDs 410 and 417.
Sep 06 - Oct 19 - Either-sex Elk.

HD417

General Elk License.

- . Oct 26 - Nov 30 - Antlerless Elk. Only youth ages 12-15.

Special Elk Permit. Drawing only. Apply by June 1.
417-00 400 permits.

- Sep 06 - Oct 19 - Antlerless Elk. Archery Only Season
- Oct 26 - Nov 30 - Antlerless Elk.

417-20 125 permits.

- Sep 06 - Oct 19 - Either-sex Elk. Archery Only Season.
- Oct 26 - Nov 30 - Either-sex Elk.

410-21 1560 permits. (Changed to 410-15)
ArchEquip only. Valid in HDs 410 and 417.

- Sep 06 - Oct 19 - Either-sex Elk.
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417-80 300 licenses. Resident/Nonresident (A9/B12). Not valid on CMR refuge lands.

- Sep 06 - Oct 19 - Antlerless Elk. Archery Only Season
- Oct 26 - Nov 30 - Antlerless Elk.

REGION 6

620-21 (Changed to 620-15) 1080 permits. ArchEquip only. Valid in HDs 620, 621 and 622.

- Sept __ - Oct __ - Either-sex elk. Archery Equipment only.

REGION 7

798-21**(Changed to 798-15)**: 720 permits. Arch Equip only. Valid in HD's 700 and 701
Either sex elk.

2. Why is the proposed change necessary?

There are several problems associated with unlimited either sex elk archery permits in those areas that are currently limited entry for either sex elk rifle hunters. Many of these issues are fundamentally tied to the (typically) enhanced age structure of bull elk in these districts and the value those bulls represent. The problems are:

Perceived inequity among hunter groups. FWP has long taken comments critical of limited entry rifle opportunities in areas with unlimited archery. Countering arguments have included the (typically) small total harvest by archers and the ability for anybody to enter the sport of bowhunting without having to sacrifice their rifle opportunities. Most recently, in some areas the relatively large archer take of bulls and identified access reductions tied to unlimited and secured archery opportunity moves the argument away from total archery harvest. As or if access restrictions extend into rifle season, unlimited archery opportunity can directly impact rifle hunting opportunity. Limited permits removes this inequity.

A high nonresident participation rate relative to the 10% cap and nonresident participation in other areas. In that sense, unlimited permits that foster a relatively high nonresident participation in specific areas are arguably counter to the cap's intent and manifestation at the local level. While some argue that nonresident elk licenses are already limited and so should not be capped again, in truth limited elk permits across the state have long and consistently maintained a 10% cap in their drawing process. Limited permits maintains a consistent nonresident participation rate.

Hunter crowding and its influence to elk distribution and/or hunt quality. In some areas the presence of world class bull elk and unlimited permits has attracted ever increasing numbers of people—residents and nonresidents alike. With that growing hunter presence has come hunter comments speaking to eroded hunt quality and unwanted impacts to elk distribution. The limited permits structure affords the Commission the ability to adjust numbers when/where/if necessary. Additionally, a reduction in permit numbers (from current unlimited levels) can immediately speak to crowding.

The unlimited season structure easily facilitates leasing and its (typically) exclusive access to wildlife. Field observations and assessments have identified leasing as a growing component of Montana's landscape. While such circumstances are typically first seen as a reduction in hunting access, there can also be significant impacts to management effectiveness as or if access restrictions create refuges that prevent adequate harvest. While any limited permit adoption may not reverse or prevent existing leases, the limited structure and the annual uncertainty it brings arguably facilitates leasing to a lesser degree. From that, limited permits may reduce both rate and volume of future leasing efforts. Criticisms that limited structures may impact commercial interests or gains typically do not speak to the loss of management effectiveness or to the general public's place in Montana's public wildlife management as it is currently defined. A permit reduction effectively magnifies the intended drawing uncertainty.

In a broader context, structural changes based upon management considerations beyond the biological arguably enhance and maximize the Department and Commission's potential strategic role in tomorrow's wildlife management arena. As social pressures to access finite resources continue to climb, collaborative efforts that engage all relevant parties must necessarily keep pace. As a first step towards that collaboration, the Department, reasonably as facilitator, technical advisor and steward of the Public Trust, must responsibly use available tools like season structure to maintain, illustrate and emphasize legitimate values and to articulate rationale and process for divergent parties to engage one another directly. In this case, an unlimited season structure is clearly advocated by some—but that structure's availability just as clearly threatens the legitimate values of others. Given the indirect nature of most interactions (with perspectives typically speaking not to each other but to FWP or the Commission), it seems that only after all parties "come to the table" and are equally aware, respectful and "dependent" upon one another can effective and sincere collaboration begin. It is to that "start" this proposal and others like it also endeavor.

3. **What is the current population's status in relation to the management objectives? (i.e., state management objectives from management plan if applicable; provide current and prior years of population survey, harvest, or other pertinent information).**

While individual districts vary in their population status vs. objective, the Missouri River Breaks Elk Management Unit (EMU) is perceived to be 146% of objective based upon

most recent surveys. This proposal, as it focuses on either sex ("bull") permits, is not intended or anticipated to inappropriately reduce antlerless harvest.

In this context, the proposal's relationship to Elk Plan season packages needs to be addressed. To restate earlier presentations to the Commission, FWP considers elk objectives to be fixed until they are deliberately and collaboratively changed. FWP further recognizes that proposed season packages must communicate the appropriate level of potential harvest based upon population status and objective. That is to say, any proposal must appropriately be "Liberal", "Standard" or "Restrictive". From this, a structure's exact detail may reasonably change during established season setting process—but the sum of those changes must accurately reflect the "correct" level of intended harvest. In this case, the proposal—as it varies from exact Elk Plan language--speaks not only to maintaining appropriate harvest potentials in the short term (2008 – 2009) but comprehensively in the long term as well.

4. **Provide information related to any weather/habitat factors that have relevance to this change (i.e., habitat security, hunter access, vegetation surveys, weather index, snow conditions, temperature / precipitation information).**

Regional staff has articulated (see attached) specific access restrictions that are seen to be facilitated by the current unlimited season structure.

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).**

In addition to a long history of debate on this topic, staff have engaged and continue to engage the public on this proposal. Opinions vary widely on the central theme (limited vs. unlimited) and the actual numbers. In that diversity of opinion, there are both staunch supporters and detractors.

Submitted by: ___Kujala_____
Date: ___December 7, 2007_____