

HB 150 Kelly Flynn:

To regain hunting priveledges, first time offenders would be **required to take an ethical Hunter Safety class.**

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This would be a 40 hour course with a written test that must be passed by 80% in order to earn restoration of their hunting priveledges. The cost of the test would be \$50.00 (or more). This test could be offered online. If a re-test is taken, it would be another \$50.00 fee.

If you use a cellphone or walkie talkie for locating game, you should also lose your hunting priveledges for two years, or pass the Hunters Safety course.

THANK YOU ,

DARRELL HARRIS, representing THE  
PRICKLY PEAR SPORTSMAN'S ASSOCIATION [www.ppsamt.org](http://www.ppsamt.org)

# White Gulch incident stirred emotions, debate

**TOM KUGLIN**  
*Independent Record*

**9** Conflicts over elk is certainly not a Helena-specific issue, but events opening weekend in the White Gulch area became statewide news and opened a larger discussion of hunter ethics and land-owner/hunter relations.

On the surface, the story began as a fairly straightforward incident where multiple game wardens responded to the gulch east of Canyon Ferry Reservoir as a herd of around 500 elk moved between public and private land, with hunters taking around 30 elk. While most hunters conducted themselves ethically, the large number of elk and hunters triggered some unethical and illegal behavior as hunters competed against each other to get shots, according to witnesses. Vehicles allegedly stacked up along public roads, and raced to block the elk as



they tried to leave land open to public hunting. Game wardens issued numerous verbal warnings, wrote three citations for trespassing and seized two elk, leading some to minimize the incident while others criticized game wardens for not writing more tickets.

"Unfortunately a situation like that brings out the worst in unethical hunter behavior," Warden Sgt. Dave Loewen said the third day of the season. "If I could emphasize one thing, it's that type of activity drains local game wardens babysitting elk and unethical hunters. I wouldn't even consider it hunting."

Letters to the editor and editorials condemning the behavior followed, and regional news services picked up on the story, leading to even more attention.

One of the hunters cited for

conflicts with a certain group of hunters, but denied the harassment his critics alleged.

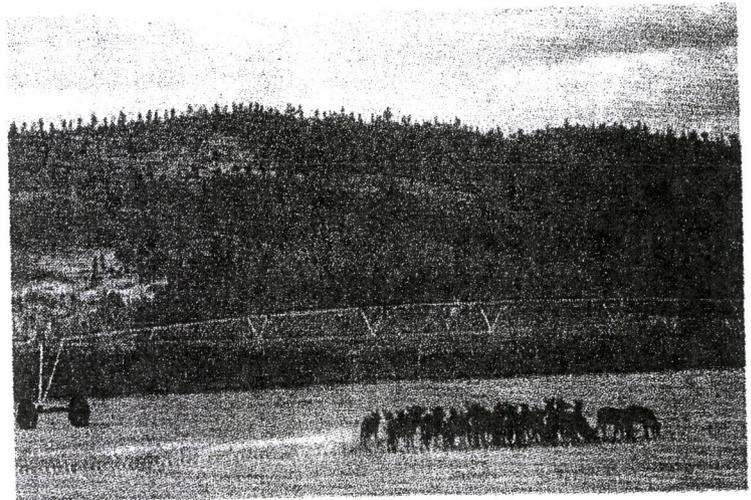
Flynn has steadfastly denied any wrong doing by himself or employees, and said he promotes ethical hunts.

As the season wound down, Flynn expressed interest in legislation to curb illegal hunting tactics and explored raising fines for hunting from the road and using vehicles.

With emotions still running high, Flynn, Brozovich, Loewen and hunters met shortly before Christmas to discuss issues and solutions for hunting in the area. The meeting got off to a tense start with one hunter ejected after verbally confronting Flynn, but the 25 other hunters and landowners in attendance civilly aired their concerns and ideas for nearly 2 1/2 hours.

Ideas such as forming a coalition of hunters to watch behavior in the area, weapons restrictions, reducing hunter numbers on block management areas and expanding opportunities for disabled, youth and senior hunters all saw varying levels of support.

Brozovich said he would



Tom Kuglin, Helena Independent Record

**A herd of elk stands** in an agricultural field on Nov. 7 near White Gulch, east of Helena. Game Warden Justin Feddes reported around 30 elk killed from the herd of nearly 500 opening weekend of hunting season.

allegedly hunting without landowner permission, Brett Gene McMurphey of Great Falls, disputed his charge and said he was not among those that shot an elk.

On Thanksgiving Day, hunters again met a large herd of elk on the flats, this time closer to Townsend. Game wardens

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were unable to respond, and Broadwater County deputies were called in. Allegations again arose of vehicles being used in the hunt, although no citations were issued.

After the hunting season concluded, some hunters that frequent the White Gulch area brought attention to the related issue of landowner relations. In a hunter meeting earlier this month at the Glass Slipper Bar, hunters described run-ins with G Bar T Ranch manager Jeff Brozovich and area outfitter Kelly Flynn.

Flynn is also a state representative and chairs the House Fish and Game Committee.

The hunters believed Brozovich and Flynn should share in the blame. Brozovich, they said, aggressively patrolled the ranch and confronted hunters on the public road. Flynn's clients also shot into the herd and had used vehicles to block elk in the past, they said, although provided no evidence for the allegations.

Brozovich acknowledged

as a deterrent, he said.

Flynn now proposes legislation that would strip a hunter of his or her license for two years for shooting from a vehicle or road, and includes statutes for hunter harassment and using vehicles. Those proposals would "cut both ways" to hold hunters, landowners and outfitters accountable, Flynn said.

After getting input on increasing fines, he believed that would not act

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# Hunting

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has been abused," said Ron Aasheim, FWP administrator.

Cohenour carried HB 226 as a member of the House in 2007, which addressed penalties for transferring replacement licenses. SB 21 is a continuation of that effort to

stifle abuses, she said.

"In Montana a lot of times they don't care so much if they're fined for something, but they do care if they can't access the resources," Cohenour said. "It's a good deal to up those penalties and show there are consequences."

Flynn brought his House bill after incidents near Townsend and several like it across the state highlighted conflicts between hunters and landowners.

Flynn both ranches and outfits and said he believes that a two-year ban would hold all sides accountable.

"It cuts both ways, whether you're a landowner, outfitter or sportsman," he said. "The number of instances were quite large last year and I'm confident the enforcement people will testify to that."

While a major reason for the conflicts are large groups of elk congregated on valley bottoms

and private land, hunter behavior does need to be addressed, said Nick Gevock, outreach director for the Montana Wildlife Federation.

"It seems like this might be a new trend instead of going with fines to going with a loss of hunting privileges to curb some illegal and unethical hunter behavior," he said.

"It'll be interesting to see if it's successful as it is part of a much larger issue

of ethics."

Both bills will receive their first readings at 3 p.m. Tuesday at the Capitol. SB 21 will go before the Senate Fish and Game Committee in room 422. HB 150 will go before the House Fish, Wildlife and Parks Committee in room 152.

Although FWP only brought the senate bill, the agency supports both bills as ways to change regulations to change behavior,

Aasheim said. "In many cases good people make bad decisions," he said. "We don't really know for the people that do this intentionally if it is enough of a deterrent. It does raise awareness and gives hunters another thing to think about before they maybe make a bad decision."

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# toughen hunting penalties

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Independent Record

A pair of bills that would ramp up penalties for a variety of hunting offenses by imposing two-year licensing bans will make their first

appearances in legislative committees on Tuesday, Jan. 13.

Carried by Sen. Jill Cohenour, D-Helena, and requested by Montana Fish, Wildlife and Parks, Senate Bill 21 calls for automatic 24-month forfeiture of hunting, fishing and trapping privileges for purchasing replacement licenses under false pretenses. Rep. Kelly Flynn, R-Townsend, brought House Bill 150, which would carry a



Cohenour



Flynn

mandatory two-year ban on first offenses for unlawful hunting from a public highway and unlawful use of vehicle while hunting, and a mandatory two-year ban for second offenses of hunter harassment.

The bills would add additional punishments rather than replace fines or jail time.

The senate bill comes after concerns from law enforcement that a number of people were purchasing a license, harvesting game, then purchasing a replacement license to continue hunting. Records show that happening habitually with the same people purchasing replacement licenses several times.

"We've had instances where some of that occurs and it's an honest mistake, but we know the opportunity