



Montana Wildlife Federation EMP Comments

The Montana Wildlife Federation is Montana's oldest and largest hunter-conservation organization, established in 1936 and composed of affiliated rod and gun clubs across Montana. We have been involved in the management of wildlife in Montana for over 80 years, and during that time, MWF has forged a strong relationship with the Department of Fish, Wildlife and Parks. We extend our thank you to FWP, and especially to Lindsay Parsons and Justin Gude for their hard work in crafting this expansive and thorough document. MWF has been requesting a new Elk Management Plan since 2015, actively collaborating during the 2019 Legislative session to secure funding for the Elk/Deer Planner position that was included in the 2020/2021 FWP budget. We volunteered for several FWP-led activities pertaining to this issue. In addition, we have taken a leading role within the hunting community to foster unity and bring together diverse stakeholders to find solutions on elk management.

As a general comment, we would like to extend a thank you to the director, the commission and the entire staff of FWP for their efforts to gather feedback on the draft EMP over the course of almost 50 meetings, many long conversations with a variety of stakeholders and a new vigor in looking at how habitat impacts elk distribution on public land along with hunter pressure strong supporters of the 2005 Elk Management Plan, we also wish to express support for the 2023 draft EMP, with a few exceptions. We also have been canvassing our affiliates to ensure we reflect their wishes as well. Major Changes to the 2005 EMP: By and large, these changes are reflective of the changing landscape, valuable lessons learned in the last 18 years, and ecological issues that have arisen in Montana. We commend and support the move to a more broad-based approach to season setting to help manage herds, improve bull elk age structure and bull:cow ratios.

Overall, these changes are welcomed, but we do have one major concern with the removal of the ability to eliminate animals from the objective range if they are inaccessible for public management (Page 55 of the old EMP). Though FWP has only used this provision twice to our knowledge, its judicious application in the Madison Valley and the Bitterroot resulted in significantly better management outcomes. We strongly suggest that it be reinserted into the

2023 EMP. The increase in objectives is greatly welcomed and we commend FWP for thinking holistically about herd size while still maintaining statutory compliance relative to laws around landowner tolerance and social carrying capacity. Furthermore, the built-in flexibility and planned revisions every five years, although a large undertaking for the wildlife bureau, are desperately needed and should be strongly supported by all.

FWP has done a remarkable job blending the new science relative to elk management, public desire and the needs of wildlife within the whole of the new draft Elk Management Plan. While this general support is strong, that does not preclude other strong concerns relative to how limited entry districts would be managed if over objective, or some specifics in hunt districts that our membership is deeply involved with.

1.) FWP Hunting Access Programs:

Montana boasts some of the most well-constructed, managed and subscribed-to access programs. Block Management has approximately 7 million acres of private land enrolled for hunting access. Habitat Montana has ensured better outcomes for wildlife, hunters and landowners in terms of conservation easements and fee title acquisition of critical wildlife habitats. The Montana Wildlife Federation has actively worked to increase the efficacy of incentive-based programs, and has played a significant role in creating new programs such as the Public Access to Lands Act of 2019 and SB 56 from 2023, which increased the cap on Block Management Payments to \$50,000. The programs have proven to increase access to animals while also rewarding landowners for participating in wildlife management by allowing the public to utilize their property. We understand that PLPW will be looking at how to improve Block Management in the interim of 2023-2024, and we appreciate the efforts of FWP to update ARM rules. Block Management is perhaps the best chance of increasing access to private land, but FWP needs to think creatively relative to using Block Management as a wildlife management tool as much as it is an access tool. The best method of gaining access to unavailable private land is not through hunter pressure nor is it through governmental pressure; it is peer-to-peer. Using Block Management to bring a community of landowners together under a common cause needs to be explored more. There are some conglomerate BMAs that work well for deer and antelope hunting, and we encourage FWP to develop a model for elk management across a Hunt District or Elk Management Area experiencing chronic over-objective populations. Furthermore, we strongly encourage the continued use of Habitat Montana, especially with the increased revenue stream from recreational marijuana secured for another biennium. By utilizing the permanent nature of conservation easements and land purchases, FWP helps ensure a more stable future for elk management and for hunter access while conserving some of the best wildlife habitat in the state from future development or ruination. These programs play a crucial role in achieving better management outcomes, and we take pride in our contribution to securing record funding levels for them. We encourage FWP to utilize these monetary resources judiciously and vigorously.

2.) Economics of Elk Hunting:

MWF recognizes the significant economic impact of elk in Montana, across the United States and Canada. However, we are concerned about using economics as the primary metric in elk management, as we believe it may not always align with making decisions that prioritize the long-term management of elk. It is essential that we are clear that MWF fully supports outfitting and landowners who generate revenue by offering access and hunting and guiding services. The United States has a strong ethic when it comes to monetizing wildlife for personal gain. This is born out of our national history where, as a nascent nation-state, America decided that wildlife is for all the citizens of the country, and not simply those with enough wealth to control land.

In that vein and with those exceptions, we offer the following relative to this section:

License sales for antlerless elk have been the main driver in the spike of license sales, leading to reduced hunter success and increased hunter days. While we recognize the fiscal impact of removing a broadly purchased license for a more strategic approach, we also recognize that FWP has seen historic investments of non-hunting or federal dollars through the appropriation of approximately 32% of the revenue from recreational marijuana taxes. Additionally, it is important to note that antlerless licenses are not tied to statutory appropriations such as Block Management or Habitat Montana. Using permits for antlerless harvest over licenses is a more targeted approach and allows for the agency to place pressure where it is needed most, rather than employing a scattergun approach towards herd management through liberal hunting licenses and reduced hunter efficacy.

3.) Elk Population Monitoring:

MWF supports this section of the draft EMP, and we encourage FWP to explore the integration of emerging technology, especially for herd counts in densely forested areas. Forward Looking Infrared and satellite equipped camera traps can play roles in helping gain a more complex and complete count. We also encourage FWP to work with landowners to develop private land counting metrics that are suitable for management purposes while also helping define which animals are predominately on land inaccessible for management purposes. MWF also strongly supports adding check stations and increasing enforcement of hunters stopping.

To improve harvest statistics, MWF encourages FWP to look at how to integrate mandatory harvest reporting for all species, perhaps starting with elk on a statewide basis. Other states have adopted mandatory reporting with limited controversy or interruption of services. We believe that FWP has the capacity and capability to enact such a program and encourage its development.

4.) Elk Population Dynamics:

While generally in agreement with FWP's position on elk population dynamics, we urge the

agency to consider the research paper titled “Influences of Succession and Biogeoclimate on Forage Resources for Elk in Northern Idaho,” Despite it not being specific to Montana. The ecotypes involved frequently occur in regions 1 and 2. MWF believes that focusing limited harvest on older age class bulls helps ensure earlier calf births and increased ability to survive over winter and be recruited into elk herds. If the swamping concept were to bear out, many of the Region 1 districts would not have such low populations, even with a complete suite of large carnivores. The base of 10 bulls per 100 cows may meet biological thresholds, but it does not represent the varying needs of differing herds in low density areas, and it also ignores the public’s desire to have a more diverse age structure in the bull population. There is an issue of equitable allocation of the resource in bull opportunity districts where, even if the regulations allow for such harvest, the mature animals are often unavailable due to hunter pressure pushing elk off available lands. This creates further controversy around outfitting and landowner tolerance towards elk.

We recommend looking at what it would take to diversify age structure in bull elk and do another literature review relative to bull elk age structure and overall herd dynamics. FWP continues to follow a path that seems to prioritize herd productivity over diversity of age structure. Montanans and MWF’s members believe that FWP can and should do both. It is no secret that hunters, whether ranchers, city-dwellers, outfitters, or nonresidents, desire the opportunity to harvest a mature bull elk. However, it is essential to recognize that the vast majority of Montanans are hunting for other reasons, including recreation and filling their freezers. While MWF does not support more limits on overall bull harvest currently, we do support the tactical application of limited entry permits relative to low diversity herds.

5.) Habitat:

MWF commends FWP for their section on habitat. Due to extreme weather over the last decade, declining precipitation and reduced functionality of public land for a variety of reasons, habitat is more important now than ever before. Research across the West is showing that degraded habitats lead to low wildlife populations, increased risk for problematic concentrations and reduced opportunity for hunters while also impacting every other wildlife species in the West. Montana is currently experiencing record extreme weather events and increased spread of noxious weeds, among other significant habitat issues. While FWP rightly cites the management authority of other federal and state agencies relative to habitat management, FWP maintains the management authority for wildlife. In our estimation, this means FWP should be actively and vigorously engaged in planning and funding habitat management, restoration, conservation, acquisition, and stewardship across the suite of public and private lands. In the past, FWP has engaged heavily in land use planning, mineral development proposals and citing of transmission lines. Given the current state of public land habitat across the state, we are grateful to see so much detail on this — the most important aspect of elk management. FWP’s current suite of tools is comprehensive and well administered, but somewhat incomplete. Montana has led the

nation in habitat conservation through programs such as Habitat Montana, which focuses on long-term protection of land for wildlife and sets an example for conservation programs across the United States. The WHIP program, established in 2017 and collaboratively developed with MWF, helps ensure that some Pittman-Robertson Funding goes towards noxious weed removal and restoration of native plant communities.

The recommendations included in the Draft EMP are strong, but somewhat lacking in aggressiveness. MWF suggests adding a new component to the Habitat Montana funding matrix that allows for the same kind of activities as described in SB 442 from the 2023 Legislative session, in addition to focusing more on summer recreation in the form of non-motorized use on public lands. Research out of Colorado is breaking ground on elk avoidance of even quiet use areas, which stresses cow and calf elk that are still very vulnerable to disturbance during the summer. MWF also suggests focusing on ensuring summer and transitional range forage is made up of the kind of nutritional content necessary to make management decisions. In times of drought, plant communities and soil can lose mineral and caloric content necessary to ensure calf winter survival. By understanding the actual nutritional content of public lands, wildlife managers can work far easier with land managers to improve public land habitat in order to help maintain elk populations where they are desired and lessen the impact to private land.

6.) Predation:

While predation can impact ungulate numbers and distribution, mortality from predation remains unclear as to the overall effect that it can have on herds. Research out of Idaho shows that predation is not a primary driver of elk populations but can be correlated to lowered replacement rates in some specific instances. Most importantly, habitat remains the primary protector of elk in the face of a full suite of native carnivores. MWF believes that simply attempting to manage one species for the benefit of another is anathema to the conservation history of Montana, and only masks the real issue of elk populations in Regions 1 and 2. MWF was a lead proponent in the delisting of wolves and in shepherding significant liberalization of wolf hunting in 2013. We support the ethical hunting and trapping of wolves, the ethical hunting of black bears and the ethical hunting of mountain lions. Focusing on habitat restoration, improvement and stewardship has a longer return on investment than management actions on charismatic species that have strong advocacies across the United States, and whom are candidates for relisting if management strategies fall too far away from the prescribed conditions of delisting. Additionally, as we have seen in the letter from United States Fish and Wildlife Service Director Martha Williams dated Feb. 3, 2023, we strongly encourage FWP to continue to listen to federal partners relative to ensuring management prescriptions for black bears, lions and other species do not limit Montana and other state's ability to manage large carnivores in the present and the future.

7.) Elk Distribution:

MWF is grateful for the inclusion of the issue of other recreation in this section and believe that if FWP does start to look at more recent data relative to how non-motorized summer recreation can cause elk distribution issues. While the new research out of Colorado is mentioned in this document, we do not see it cited in terms of how FWP plans on managing for elk distribution in light of this new research, which shows that even hiking and other “quiet recreation” activities can alter elk behavior. MWF also is concerned about the lack of inclusion of page 55 prescriptions relative to this issue from the old Elk Management Plan. FWP is in possession of research that was created internally as well as external research that shows hunter pressure is one the greatest drivers of elk distribution. Over the last decade, FWP has chosen to ignore this research and add significant hunter pressure on elk to reduce elk populations with little success. This increase in opportunity is well received by the general public, but it seems to be counter-intuitive based on the outcomes. FWP should be looking at ways to implement management strategies on private land that build bridges between landowners and hunters as well as find ways to have neighbors work together when there are problematic distributions of elk. For 20 years, FWP has been accused of being punitive in their actions against landowners. While MWF disagrees with that, the perception is that FWP and the hunting community are simply demanding unfettered access. Again, while this is not the perception of FWP nor is it the perception of the hunting community, the reality is that only landowner-to-landowner pressure will increase public hunting opportunities in areas that act as refugia for elk during hunting seasons. MWF and other organizations have developed a “community block management” prototype that would help FWP create a new system that could do just that: bring landowners together to solve problems alongside local hunters, land managers and the Department of Fish, Wildlife and Parks.

The last paragraph on page 43 states:

Liberalized hunting pressure on elk using public lands may result in increased use of refuge areas by elk. If elk that occupy publicly accessible areas are consistently hunted more frequently and thus experiencing increased harvest, that segment of the elk population may be reduced Proffitt et al. 2016, although inaccessible elk numbers may increase. To keep elk on public lands, recommendations include reduced hunting pressure on public land during archery season, more restrictive hunting seasons in areas with high motorized route densities, closure of certain motorized routes during archery and rifle hunting seasons, and increasing security in areas with high hunter effort Ranglack et al. 2017, Devoe et al. 2019. Reducing hunting pressure will generally decrease harvest, which limits the ability of this strategy to meet numerical objectives. Providing some level of hunter access across public and private lands will be necessary to manage elk population numbers and distribution Proffitt et al. 2016, DeVoe et al. 2019. MWF applauds this statement, and we also wish to point out that this statement is in conflict with a statement on page 56 of the draft EMP which states: “Under circumstances where an HD is chronically and significantly over the stated population size goal and is using limited either-sex permits or limited bull permits, FWP will propose to allow a brow-tined-bull or any bull on a General Elk License regulation type. This may be in addition to antlerless opportunity

on the General Elk License. Chronically and significantly over population size goal is defined as being the mid-range of population goal above the top of the goal range (i.e., if the goal range is 100-200, then mid-range is 150 and mid-range above the top would be 350) for 3 or more consecutive years without a demonstrable change in population trajectory.” It is impossible for us to reconcile these two statements and request that the paragraph on Page 56 be deleted from the next version of the EMP. MWF also expresses support for the migration section of the EMP and encourages the agency to continue to adapt and evolve as the science around CWD expands. Relative to Brucellosis, Montana’s approach to managing brucellosis inside the Designated Surveillance Area has been widely successful, if somewhat labor intensive. We encourage FWP to continue this path along with the Department of Livestock and continue to resist calls for test and slaughter of elk within the DSA.

8.) Harvest Strategies:

Montana has been an opportunity state for many decades. This strategy was fine when populations were low and land ownership had not changed as it has, so more private land was open for public hunting. With the dramatic rise in non-resident licenses over the last decade, and the significant loosening of opportunity, these strategies have led to more congestion in the field, which in turn leads to more problematic distributions.

Antlerless: MWF suggests moving away from the liberal issuance of B licenses and returning to a more strategic approach to antlerless harvest that comes in the form of a mix of permits and damage hunts. We also encourage the agency to focus harvest tactics on lands where elk are causing issues, and not provide antlerless harvest at a level that causes problematic distributions on private land. This means limiting antlerless harvest on public land significantly and liberalizing harvest on private land. We suggest adopting a suite of options that are more surgical than the current system of shoulder seasons and licenses.

Returning to damage hunts is a much more realistic approach to ensuring elk are pushed off public land, and we encourage the agency to revisit how these damage hunts are administered. We have heard concerns from hunters and landowners that these hunts can produce little result and can oftentimes lead to diminished hunter-landowner relations in the face of hunters not being able to travel long distances to take the damage hunt opportunity. By focusing harvest on private land on a general tag (only good on private land in districts chronically over-objective) and returning to permits for public land, FWP can become far more tactical in assigning pressure to lands that need it, while reducing pressure on lands that need more security.

Shoulder seasons remain significantly controversial due to the rapid expansion and limited impact. We again cite page 43 which clearly states that increased hunter opportunity can have a negative effect on actual hunter success.

Antlerless hunting of elk is not only a recreational activity, but also a crucial piece of wildlife management and hunter-landowner relations. Being able to pair ethical, effective hunters with

landowners is always a difficult issue, especially as FWP and the Montana State Legislature have reduced the mandatory portions of hunter education that helped ensure better hunter success and behavior. MWF also supports exploring season structure changes that stagger hunter pressure and help ensure elk are not immediately seeking refuge from the moment that the first truck door slams on opening morning.

We suggest that FWP return to in-person hunter education and salute the recent move to restore the in-person field day. However, enhanced hunter education could be a solution in terms of increasing elk harvest as well. Repeatedly, we hear from hunters and landowners that many people in the field are inexperienced and ineffective hunters. FWP has an obligation to try and improve this, as do hunting specific NGOs. While we are participating and supporting current FWP efforts in this regard, we strongly encourage the agency to seek new programs that can increase the efficacy and ethicality of today's hunters.

Antlerless management is perhaps the most difficult aspect of elk management because of the perception of the public that they are "cleaning up other people's mess" when it comes to increased or aggressive antlerless harvest strategies. While this perception may or may not be valid, it is real, and it leads to the increased conflict around elk management. Antlerless elk hunting is still a valuable and challenging activity. Current management practices weaken that thought by being perceived as simply attempts to create a situation of mass elk depopulation rather than effective, ethical herd management. This area is also critical to ensuring that local hunters and landowners are working together on working groups. That model has been successful in many places, and we strongly encourage FWP to institute and invest in more of these, especially in historically difficult areas. If FWP is to effectively achieve the kind of herd management that these strategies imply, then a return to a more surgical and granular approach to antlerless harvest is needed.

Considering the above, MWF requests a far more tactical use of the antlerless matrix described and we expressly wish to continue to voice our concerns over shoulder seasons taking the place of more thoughtful and locally produced tactics and strategies.

Antlered: Montana currently operates under an opportunity first management strategy for bull elk. This is both a blessing and a curse. The ability of the average citizen to engage in an activity that is held for only the wealthy and landed in other countries has been a foundational freedom that our nation, and the state of Montana, have maintained since colonial days. That opportunity is critical to our way of life and our economy. Due to past habitat conditions, lowered use of public lands and increased access to traditional farms and ranches, this opportunity strategy worked well, and became ingrained in the fabric of life in Montana. Opening day and the rifle season closing weekend are family traditions for generations. However, with the changing world we live in, this approach needs to be reviewed and cautiously

altered after significant public involvement and education. Limited Entry permits are a good way to manage bull:cow ratios, bull age diversity and hunter pressure on public land.

As the administrative note on page 52 of the draft EMP states:

Note: in some cases, increased opportunity does not result in increased harvest, specifically if/when additional hunting pressure shifts elk distribution to areas where harvest cannot be achieved. The ultimate season structure for any hunting district will rely on several factors including status relative to population goals, other goals of the HD, and social considerations. MWF supports both opportunity under a general license tag, as well as limited entry permits for our most sought-after herds. Furthermore, we support limiting antlered opportunity under either shortened seasons for rifle, similar to some districts for deer, as well as ensuring the habitat portion of this emp is utilized to its fullest extent in order to create conditions that provide security for bull elk to survive the firing lines that lowered bull:cow ratios in these opportunity districts help create.

Bull elk are a trophy to all. Most Montana hunters will only get 2-3 changes at truly trophy bulls in their lifetime under the current management system. That's acceptable to most. Most Montana hunters will also have several opportunities at immature bulls depending on where they hunt. Even fewer hunters will kill those animals. With low success rates on public land, FWP needs to focus on antlered harvest on public land through a variety of strategies including staggered season dates, more limited entry permits, fewer public land licenses for antlerless elk, and the creation of sub-districts based on elk usage.

Furthermore, MWF suggest adopting a limited entry system like the Blackfoot-Clearwater WMA and the Sun River WMA in order to help maintain populations but also not blow elk out of areas set-aside for wintering, on to adjacent private land where they are either unavailable or unwanted.

Lastly, the muzzle-loader season is not helping with reasonable and sensible elk management due to statutory dates being set, and the commission's hands being tied. This opportunity is widely known to cause disturbances to wintering elk on public land, leading to lower bull:cow ratios, as well as increasing unethical hunter behavior. We suggest FWP work with the Environmental Quality Council to fix this inappropriate legislative incursion into commission authority, and then restructure the muzzleloader season to not further degrade Montana's elk management on public land.

9.) Statewide Management Direction:

Objective 1: MWF supports.

Objective 2: MWF supports the goals, measures and strategies included in page 61 & 62. Relative to page 63, MWF supports increasing Block Management enrollments, increasing the number of Public Access Land Agreements, increasing the number of hunters passing the Hunter/Landowner stewardship course and developing new Block Management types that focus on wildlife management over hunter access to utilize the robust funding for Block Management to increase hunter access while dealing with problematic distributions of elk in chronically over-objective areas. MWF also supports the goals, measures of success and strategies on Page 64 except for having hard averages for harvest on private and public land. This seems overly prescriptive to us and creates a metric that will be difficult to adhere to under the current reporting requirement and the lack of mandatory reporting.

Objective 3: MWF supports Objective 3 in its entirety, and suggest FWP convene a yearly stakeholder summit between agriculture, hunters and outfitters to help discuss what is working and what isn't from their perspective. This type of dialog is crucial to ensuring all stakeholders understand the concerns and strategies of others and it will help reduce conflict around elk management on private land.

Objective 4: The goals of objective four are easy to support. The measurement of success creates a bit of confusion and contradicts the statements throughout the EMP relative to hunter opportunity and hunter success as well as impacts on problematic distributions. We suggest further refinement of this column and exclude the use of shoulder seasons in districts where you would not link them to population status. This seems like a giant step backwards to us. By and large, the strategies for objective 4 seem to repeat the current strategies which we question the efficacy of the existing hunter surveys given the ease of ignoring and that the preponderance of people who will answer will be people with good experiences. We do not find this model to be acceptable in getting a good picture on the ground of what the hunting quality is like as we believe these surveys see hunters self-select their participation. This is why so many other states are going to mandatory reporting, which MWF supports. MWF supports both "green" strategies on page 67 as well as alternative season structures, impacts of hunter displacement on other areas, limited entry bull permits, adjusting seasons (rifle, archery, muzzleloader), and we embrace FWP's need for flexibility in the variety of tools, yet we are not supportive of eliminating sideboards on shoulder seasons, as we do not believe that they work as intended except for some very specific circumstances where landowner effort is intense and the hunters are managed heavily.

Objective 5: While MWF supports the goals, measures of success and strategies around objective 5, we wonder if this isn't thinking outside of the box enough. Landowners who provide habitat for elk have several incentives that they can look at outside of what seems to be some well-executed recognition and some performative recognition. With the passage of SB 58 which

increases the cap on block management to \$50,000, and with the significant increase in habitat funding FWP has on hand through the allocation of recreational marijuana taxes, we suggest implementing grant programs that help landowners be better stewards of that habitat. Certificates, plaques and stories are all vital in terms of helping keep Montanans together as a people, but stories without measurable appreciation can sometimes come across as less than genuine. MWF very much supports the creation of an FWP led Elk Summit as well.

Objective 6: MWF supports objective 6 in its entirety, and we request that FWP start to look at how to create an “enhanced hunter education program” similar to the Ravalli County Fish & Wildlife Association’s program, and the Master Hunter program. Furthermore, MWF suggests offering this class for free, as the cost of both excellent programs can be a barrier to entry to those who need it the most. Relative to a fair chase working group, MWF is eager to participate, but we feel as though this needs to be fleshed out in much greater detail, including what the end result success looks like.

Objective 7: MWF requests that FWP go further than the statutory requirements relative to good governance. That extra-mile has been a hallmark of FWP for generations and has led to FWP’s good reputation across the state and it shows how important wildlife is to all of Montana. Our wildlife management agency is often the front line of state government in rural Montana, and as such, FWP’s excellent field staff, wardens, biologists and others are under a tremendous amount of scrutiny, especially in trying situations. Holding your agency and staff to standards above the baseline helps ensure the future of the agency and the future of wildlife management. Local Scale Information & Management Direction: MWF supports this approach to local herds within HDs and multiple HDs. This is a data-rich, detail intensive approach to hunt districts that contains a lot of information that has not been condensed into this level before. While this is no doubt labor intensive on FWP’s end, the product is one that helps the end user significantly in terms of understanding the unit’s recent history, management decisions and conditions on the ground.

On behalf of the Montana Wildlife Federation, our members, and affiliated rod and gun clubs across the great state of Montana, we thank the agency for a tremendous effort that took three years to produce. This plan marks a significant change in management strategies, tactics and approaches while elevating habitat and recognizing that the old way of doing business isn’t always producing the results desired by the public or by the agency. MWF stands ready to continue working with FWP on further refinements and ensuring consistency as you approach elk management in a new light.