

Contractual Public Elk Hunting Access Agreements Administrative Rules of Montana

12.9.901 DEFINITIONS The following definitions apply to this subchapter:

(1) "Contractual public elk hunting access agreement" means a negotiated agreement between the department and a landowner which defines how free public elk hunting may occur on land enrolled under the agreement.

(2) "Regular hunting season" means the general season established by the commission for hunting elk with firearms in a hunting district which contains land enrolled in a contractual public elk hunting access contractual agreement.

History: 87-1-201, 87-1-301, 87-2-513, MCA; IMP, 87-2-513, MCA; NEW, 2002 MAR p. 1977, Eff. 7/26/02.

12.9.902 ELIGIBILITY (1) In order to be eligible for a permit under 87-2-513 , MCA, a landowner must own and enroll a minimum of 2500 acres experiencing sufficient elk use during the regular hunting season to provide hunting opportunity consistent with the terms of a contractual public elk hunting access agreement. The department may consider enrollment of less than 2500 acres, as long as all other eligibility criteria are met.

History: 87-1-201, 87-1-301, 87-2-513, MCA; IMP, 87-2-513, MCA; NEW, 2002 MAR p. 1977, Eff. 7/26/02.

Rules 12.9.903 and 12.9.904 reserved

12.9.905 CONTRACTUAL PUBLIC ELK HUNTING ACCESS AGREEMENTS

(1) The department may enter into a contractual public elk_hunting access_agreement provided that the landowner and the department agree to terms. A contractual public hunting agreement must include but is not limited to the following terms:

(a) area open to public elk hunting, including:

(i) specific land area with identified boundaries;

(ii) times and dates area is open;

(iii) methods_for obtaining landowner permission;

(iv) area use rules which address travel methods, game retrieval, etc.;

(b) number and distribution of public hunting days that will be allowed on property for the following categories:

(i) hunters with permits valid for the hunting district;

(ii) hunters with permits issued under 87-2-513 , MCA;

(iii) landowners with permits issued under 87-2-513 , MCA; and

(c) methods for collecting evaluation data, including:

(i) hunter use data;

(ii) elk harvest data; and

(iii) hunter/landowner/department satisfaction data.

History: 87-1-201, 87-1-301, 87-2-513, MCA; IMP, 87-2-513, MCA; NEW, 2002 MAR p. 1977, Eff. 7/26/02

Rules 12.9.906 and 12.9.907 reserved

12.9.908 PROCESS FOR COMMISSION CONSIDERATION OF PERMITS

(1) In order for the commission to determine the number of hunting permits to issue under 87-2-513 , MCA, the department shall complete negotiations for contractual public elk hunting access agreements prior to the commission meeting at which the commission makes final permit quota decisions.

(2) The department shall place proposals to grant permits under 87-2-513 , MCA, on the commission agenda as part of the commission meeting when final permit quota decisions are made.

History: 87-1-201, 87-1-301, 87-2-513, MCA; IMP, 87-2-513, MCA; NEW, 2002 MAR p. 1977, Eff. 7/26/02.

Rules 12.9.909 and 12.9.910 reserved

12.9.911 PROCESS FOR SELECTING PERMIT HOLDERS

(1) The department shall randomly select hunters from the list of applicants who were unsuccessful in drawing permits valid in a hunting district affected by an approved contractual public elk hunting access agreement, and offer the selected hunters an opportunity to receive a permit issued under 87-2-513 , MCA.

(2) If there were no unsuccessful permit applicants in an affected district, the department shall give public notice of the available permits and distribute them to hunters on a first-come, first-served basis.

History: 87-1-201, 87-1-301, 87-2-513, MCA; IMP, 87-2-513, MCA; NEW, 2002 MAR p. 1977, Eff. 7/26/02.