

## Wickman, Erik

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**From:** commissionerregion5@mtfwp.org  
**Sent:** Monday, October 9, 2023 10:55 AM  
**To:** 'Paul Ellis'  
**Subject:** RE: Proposal to Increase Quotas for HD 417--Quota History

Thank you for the information Paul.

Brian

**From:** Paul Ellis <ellispaul4@aol.com>  
**Sent:** Saturday, October 7, 2023 7:41 AM  
**To:** commissionerregion5@mtfwp.org  
**Cc:** ellispaul4@aol.com  
**Subject:** Re: Proposal to Increase Quotas for HD 417--Quota History

Commissioner Cebull

I put together a table showing the quotas & draw stats for HD-417. Prior to 2022 the archery permits for HD 417 were combined with HD 410, with a LPT 410-21.

On a Side Note: I noticed that the FWP reduced the quotas for HD 410-20 & 410-21. I have a question on why & when the FWP reduced both the rifle HD 410-20 & HD 410-21. The FWP reduced the rifle permits from 150 down to 75 and the archery permits down to 1,000 from 1,500. I suspect that it was because of decline in elk counts, but wanted to make sure. I think they had plenty of time to change this this decrease in the 2023 Regulations because if the decision to decrease the quotas were based on the 2022 elk counts. This cut in the archery quota removed 449 resident hunters.

Thanks for your help and consideration.

### Quotas and Draw Results for Hunting District 417

Year	Landowner %		Rifle		Archery			
	Rifle	Archery	LPT	Quota	LPT	Quota	Resident Draw %	Resident Not Draw
2016	100%	100%	417-20	100	410-21*	1900	83%	345
2017	100%	100%	417-20	100	410-21*	1900	80%	444
2018	100%	100%	417-20	100	410-21*	1900	83%	341
2019	100%	100%	417-20	100	410-21*	1900	81%	403
2020	100%	100%	417-20	225**	410-21*	1900	88%	227
2021	100%	100%	417-20	225	410-21*	1900	79%	445
2022	100%	100%	417-20	225	417-21***	300	100%	0
2023	100%	100%	417-20	225	417-21	300	94%	16
							<b>TOTAL</b>	<b>2,221</b>

\* Prior to 2022 HDs 410 & 417 Were Combined as LPT 410-21

\*\* Landowners Requested an Increase in Either Sexed Permits Because of the Game Damage Being Caused by Bulls

\*\*\* Starting in 2022 The Commission Approved a Separate Archery Quota for HD 417-21 at 300

**Why Did the FWP Lower the Quota in HD 410-20 Rifle & HD 410-21 in 2023.**

2022	100%	100%	N/A	N/A	410-21	1500	92%	109
2023	100%	100%	N/A	N/A	410-21	1000***	65%	486
							<b>TOTAL</b>	<b>595</b>

\*\*\*\* Why did the FWP Drop the Rifle Quota in half, from 150 down to 75 and the Archery Quota from 1,500 down to 1,000? did it warrant a 1/2 and a 1/3 decrease in the quotas. When did the FWP make the decision to decrease the quota? After the reason to decrease the quota was based on the 2022 elk count, which showed a decline in elk numbers, the FWP had an plenty of time to change the quota in 2023 Regulations. This decrease in the archery quota eliminated **449** residents from dra

## Paul Ellis

71 Spain Bridge Circle Drive  
Belgrade, MT 59714  
406-581-2717

In a message dated 10/6/2023 12:49:19 PM Mountain Daylight Time, [commissionerregion5@mtfwp.org](mailto:commissionerregion5@mtfwp.org) writes:

Thanks Paul. Can you tell me the history of the number of both rifle tags and archery tags offered in 417? Have they increased at all with the increase in elk populations? Thanks, Brian

**From:** Paul Ellis <[ellispaul4@aol.com](mailto:ellispaul4@aol.com)>  
**Sent:** Thursday, October 5, 2023 1:10 PM  
**To:** [commissionerregion5@mtfwp.org](mailto:commissionerregion5@mtfwp.org)  
**Cc:** [ellispaul4@aol.com](mailto:ellispaul4@aol.com)  
**Subject:** Proposal to Increase Quotas for HD 417

Commissioner Cebull,

Please consider my proposal to increase the quotas for both rifle and archery in HD-417. There isn't any reason to not increase quotas especially in the wake of large numbers of elk in that HD.

The increase in the archery quota will assure all residents to be able to draw 1st choice.

Thanks for your consideration and help.

**Paul Ellis**

71 Spain Bridge Circle Drive

Belgrade, MT 59714  
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## Wickman, Erik

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**From:** Paul Kemper <p.kemper.54@gmail.com>  
**Sent:** Monday, October 9, 2023 9:50 PM  
**To:** commissionerregion5@mtfwp.org  
**Subject:** Re: Please Vote No on Crossbow Petition

Commissioner Cebull,

Thank you for the quick response. It's heartening to know our commissioners are hearing from sportsmen and listening to what information we can provide.

Thank you,  
Paul Kemper  
[www.thewilddiabetic.com](http://www.thewilddiabetic.com) [[thewilddiabetic.com](http://thewilddiabetic.com)] | Founder  
[Traditional Bowhunters of Montana](http://TraditionalBowhuntersofMontana.org) [[tradbowmt.org](http://tradbowmt.org)] | Vice President  
[www.paulkempermedia.com](http://www.paulkempermedia.com) [[paulkemperphoto.com](http://paulkemperphoto.com)]  
p. 406.970.5705 | ig. [@paul\\_kemper](https://www.instagram.com/paul_kemper) [[instagram.com](https://www.instagram.com/paul_kemper)]

On Mon, Oct 9, 2023 at 10:55 AM <[commissionerregion5@mtfwp.org](mailto:commissionerregion5@mtfwp.org)> wrote:

Paul,

Thank you for your comments and all the information you provided. I'll review and let you know if I have any follow up questions.

Regards,

Brian Cebull

Region 5 Commissioner

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**From:** Paul Kemper <[p.kemper.54@gmail.com](mailto:p.kemper.54@gmail.com)>  
**Sent:** Friday, October 6, 2023 9:08 PM  
**To:** [commissionerregion5@mtfwp.org](mailto:commissionerregion5@mtfwp.org)  
**Subject:** Please Vote No on Crossbow Petition

Dear Commissioner Cebull,

I am the Vice President of the Traditional Bowhunters of Montana and I am reaching out regarding the proposal to allow crossbows during the Montana archery-only season.

**FWP and the Permit to Modify Archery Equipment (PTMAE) have been challenged three times at the federal level as being in violation of the Americans with Disabilities Act (ADA). The ADA requires a “reasonable accommodation,” not preferential treatment, and all three times the PTMAE was challenged, it was determined to be in alignment with the ADA.**

Crossbow legislation has been struck down 11 times in the Montana legislature. Montana hunters have spoken up every time and overwhelmingly oppose crossbows in the archery-only season.

In front of the Senate Fish and Game Committee, Senator Molnar stated he hunted a mountain goat with a crossbow—which is perfectly legal. However, he also admitted that he was sponsored on the hunt that if he killed his mountain goat with a crossbow, he would have received money (presumably from a crossbow manufacturer) toward his lawsuit against FWP. It appears this is more about special treatment for a select few than it is about helping disabled hunters and preserving Montana’s cherished bowhunting heritage.

Please do not allow crossbows into the Montana archery-only season. I’ve attached the relevant court documents as well as the video of Senator Molnar’s admission to accepting money if he successfully killed his mountain goat with a crossbow. I’ve also included some snippets from the court cases and rulings below to hopefully make things easier for you.

If I can be a resource or if you have questions, please don’t hesitate to reach out at 406-970-5705 or this email address.

Thank you,

Paul Kemper

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According to the ruling from *Gardipee v. Montana*, in which Senator Molnar was a co-plaintiff,

“The Court finds that on this record, Plaintiffs have not shown that the “facts and law clearly favor” them on their ADA claims, as required to demonstrate entitlement to a preliminary injunction that alters the status quo. *Anderson*, 612 F.2d at 1114.

First, Plaintiffs have not provided sufficient evidence to demonstrate that they are likely to succeed on their claim that their requested accommodation is necessary in light of the state's

existing accommodations for hunters with disabilities. FWP's PTMAE is an open-ended permit to "use archery tackle that supports the bow, and draws, holds, and releases the string to accommodate the individual's disability[, ]" subject to only a few limitations, including the prohibition on crossbows.

"there is no evidence that Montana's restrictions on the use of the crossbow deny qualified disabled persons an effective opportunity to participate in Montana's hunting program.""

In 2003, the Department of Interior responded to a complaint filed by Mr. Peter L. Cuffaro, saying, "Based on the relevant information provided, we have determined that the MFWRPD did not discriminate under the Act or ADA when it denied your request to use a crossbow. Since the MFWRPD did not violate these statutes, there are no compliance issues that require enforcement. Accordingly, the Department is dismissing your complaint. The Department's analysis is provided below.

#### Analysis

In Montana, the State's fish and game regulations provide that crossbows may be used during the general hunting season and in most weapons restricted areas during the general season. The use of crossbows is prohibited during the archery season. This restriction applies equally to members of the public. In Montana, any person including people with disabilities may hunt with a crossbow during the general hunting season and in most weapons restricted areas.

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## Wickman, Erik

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**From:** Paul Ellis <ellispaul4@aol.com>  
**Sent:** Friday, October 6, 2023 11:21 PM  
**To:** commissionerregion5@mtfwp.org  
**Subject:** Re: Proposal to Increase Quotas for HD 417

Commissioner Cebull

I hit send on the previous email before I attached the table, which will follow tomorrow. Paul Ellis

In a message dated 10/6/2023 12:49:19 PM Mountain Daylight Time, commissionerregion5@mtfwp.org writes:

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