



## **The 454 Program: How to improve the program to ensure better elk management outcomes.**

Montana currently offers landowners many avenues for landowner permits. From setting aside 15% of elk permits for landowners to widely available B tags to the ability to receive free licenses/permits through the [Public Elk Hunting Access Agreements](#), landowners have many options to hunt their own land.

Colloquially known as '454 agreements' - named after the original bill that set up the program - the Public Elk Hunting Access Agreements were intended to be an elk management tool that encouraged public access by rewarding landowners with a license or permit to hunt elk based on public hunter opportunities provided. This program had been marginally used in the past (only two landowners had utilized this program from 2002 to 2015), but with recent changes under the 2021 bill, HB 637, public access requirements were lowered, sweetening the deal for landowners. Participation has since spiked.

The Montana Citizen's Elk Management Coalition (MCEMC) believes that the 454 agreements need to be altered back to their original form as an elk *management* tool, that proper sidebars need to be placed on the program to prevent abuse, and that a more equitable balance between the public's interest and the private landowners' interests are restored.

### **We recommend the following:**

- 1.) Restoring the 4:1 ratio as the *minimum* for license/permit approval, and we suggest mandatory negotiations between the landowner or their agent and the agency at the local level to ensure that elk management priorities remain grounded in the program. By increasing hunter take, especially in areas over objective, the agency can affect elk management outcomes that benefit the overall management objectives as well as increase landowner tolerance for elk and hunters. Otherwise, the perception becomes that of subservience to a special class of landowner, with little to do with elk management.
- 2.) FWP must select *all* public hunters, with the landowner retaining the right of refusal based on previous history or poor fit. A random draw of both A tag and B tag holders will help ensure that the perception of impropriety remains low, while the ability of the agency to ensure proper management outcomes remains high. The desire is to ensure that equitable opportunity and

desired management outcomes are driving this approach.

3.) We recommend tightening the language around who can receive the applicable permits to ensure that *only* the landowner, immediate family members or a full-time employee who is involved with the agricultural operation and resides in Montana may receive the permits and/or license(s).

4.) 454 permits awarded to landowners in conjunction with the 15% landowner preference permits should not exceed 20% of a Limited Entry District Quota. A recognition that this program opens previously unavailable lands is absolute. However, this recognition and appreciation of private land stewardship should not impact overall herd management and public opportunity, especially when dealing with bull/cow ratios and overall herd dynamics. The 454 agreement should be used to enact better herd management outcomes relative to distribution and harvest of cow elk, as well as bull elk management for quality both in terms of age class and hunter harvest opportunity. That level of detail is critical to ensure better outcomes not only for the landowner receiving the permit or license, but the whole community who deals with elk on their lands or who hunts elk in that Elk Management Unit.

5.) 454 Agreements must originate at the local level and be negotiated by biologists, technicians and wardens, along with game managers within the district. Landowners seeking these licenses and permits should go through their regional office, rather than the Director's office. Managing elk isn't a one-off gift of permits and licenses and ensuring that these permits & licenses align with the overall Elk Management Plan and local herd objectives ensures a more equitable outcome for the public, while recognizing and rewarding landowner stewardship of wildlife habitat.

6.) The 454 applications must be timed with the license draw, in order to ensure compliance with the 5% limit on limited entry permits ( as we have proposed for the 454 program) and ensure that herd management objectives are aligned with this program. Later acceptance of these permits and licenses creates a perception of impropriety and favoritism and must be avoided to ensure the proper management of elk, while recognizing the role landowners play in wildlife management.

7.) Tying Access to Herd Management: One way to ensure that harvest metrics and previous year's 454 agreements were satisfactory to both the local wildlife biologist and the landowner would be to engage in a post-season mandatory reporting/analysis of what worked and what didn't in the specific instances of each agreement. Metrics relative to harvest & hunter behavior/ability, with an understanding that ensuring ethical and well-seasoned hunters are paired with landowners looking to decrease depredation as well as allow for public hunting, while also respecting the public's need for equitable management for male harvest as well as female should drive the next agreement, rather than simply checking off pro-forma boxes.