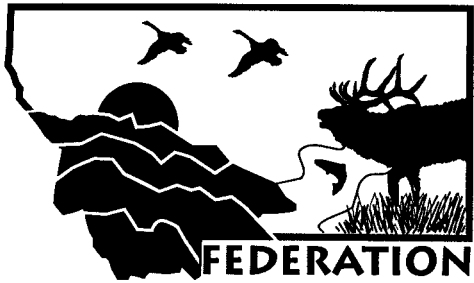


MONTANA WILDLIFE



OHVs

IMPACTS, CONFLICTS & SOLUTIONS - PART II

Editors Note: The increasing use of OHVs by hunters, and conflicts from inappropriate uses, has led MWF to take an in-depth look at regulations and ways to reduce impacts. This is Part II of a two-part series; Part I was published in Feb 2008.

In Part I of this two-part series, we explored the contentious issues and conflicts surrounding the increasing use of OHVs while in the act of hunting. The term OHV is often interchanged with off-road-vehicle (ORV) and includes any machine that has the power to travel off a road or highway including ATVs or three and four wheeled machines, quads, snowmobiles, dirt bikes, mini-bikes, swamp buggies, and dune buggies.

The article included two stories from public land elk hunters that witnessed inappropriate and illegal acts by other hunters using OHVs. These stories triggered reader comments and compliments to MWF. Some shared stories of how a hunt was ruined by an inconsiderate OHV user; some said, "good for you MWF for taking on this issue – something needs to be done in Montana by Fish, Wildlife and Parks or else at the legislative level." In addition, others reminded us that not all OHV hunters are bad apples. MWF agrees and did not mean to imply that the use of OHVs for hunting purposes is always problematic. The majority of hunters using OHVs are respectful, responsible and use them in an appropriate manner but as studies indicate, with increasing use there are increasing conflicts and impacts to hunting, wildlife and the habitats that sustain them.

These conflicts and impacts are not limited to public lands. An MWF Landowner/Sportsmen Relations survey conducted in the autumn of 2007 identified increasing problems and intolerance for OHV hunters by private landowners. Averaged from nearly 150 private landowner respondents, the second most comment complaint was the improper use of motorized vehicles. More specifically, ATV users and abuse was indicated as two of the top ten influence's on whether a landowner will or will not allow public hunting. Many went as far as saying that they give a preference to foot hunters over ATV and motorized hunters. Others suggested that there should be a program whereby landowners who allow public hunting can sign up, post a colored sign or be identified in some manner as not accepting of ANY vehicle or OHV hunting.

What Are the Problems?

As identified in Part I, four categorical issues, in addition to habit damage and impacts to wildlife, continue to be significant in Montana: OHV user behavior; OHV user education; the inability of agencies to enforce regulations due to the lack of manpower and funding; and the lack of regulations or laws governing OHV uses while hunting.

More aggressive efforts addressing these four categorical issues would help resolve many of the more easily recognized on-the-ground problems, a few include:

- ◆ off-route riding which has been illegal since 2001 and the creation of off-trail, user-created, spur, renegade routes, and "non-system" trails,
- ◆ damage to private and public property,
- ◆ illegal uses and conflicts with non-motorized recreationists and hunters on existing trails,
- ◆ not being able to easily identify offenders from a distance making reporting and enforcement difficult,
- ◆ private land trespassing,
- ◆ illegal game retrieval,
- ◆ shooting from machines,
- ◆ livestock disturbance,
- ◆ hunter and wildlife disturbance and harassment, and
- ◆ poaching.

These problems are nothing new. A FWP Hunter Behavior Advisory Council report released in 1998 identified motor vehicle use, including OHVs, as one of the leading behavior problems. Council recommendations included the designation of "walk-in" motor vehicle and pack-in areas on hunting district maps, integrating hunter behavior and fair chase considerations into FWP's motorized recreation programs, and encouragement of federal land managers to address hunter behavior and "fair chase" considerations in travel management. FWP has moved forward with some of these recommendations by holding OHV/Hunting Summits', offering an

All-Terrain Vehicle home-study course, publishing “Hunting and ATV’s” education pamphlets, conducting programs that promote responsible-ethical hunting and working with OHV user groups to educate members and the public.

Federal managers have said, “the outlaw fringe of motor-vehicle users is driving the need for more regulation”, restrictive travel management that separates users from non-users and critical wildlife habitats and we don’t have the funding to manage or enforce what’s out there now.

Similarly, FWP’s Chief of Law Enforcement, Jim Kropp told MWF, “OHV complaints and ticketing has gone up every year over the last decade but our on the ground resources haven’t changed much.” Jim said that while FWP has increased interagency enforcement cooperation in just the last couple years and coordinated enforcement agreements between the USFS, BLM and FWP, the monies it receives from license plate registration and budget restraints don’t allow much dedicated time. “OHV enforcement is really incidental to other duties (monitoring hunters and anglers, running check stations, checking licenses, chasing down poachers, etc.),” said Kropp. FWP only receives a measly \$14,000 (approximately) from license plate registration that only covers about 20 hours annually for each game warden. Department OHV enforcement operations expenses are primarily carried by Montana sportsmen. The USFS dedicates less than two percent of its annual budget to all enforcement needs; roughly 50 percent of what the BLM has available. To fill the gaps, the department has over the years attempted to improve behavior by actively promoting OHV behavior education, often in concert with the federal agencies. But is it enough?

Regulations

Issues and questions arising from MWF’s concerns with negative impacts from improper use of OHVs while hunting have been raised at a Montana Fish, Wildlife and Parks Commission Meeting. MWF members, the Montana Bowhunters Association and fifteen other hunting organizations suggested that greater attention by the department and the Commission to new regulations is needed. The intent of MWF efforts was to improve behavior and not punish responsible and ethical OHV hunters but to urge stronger consequences for violators and to make it easier to identify offenders. One such measure would be to require oversized license plates identifiable from 100 yards on all OHVs used for hunting. Another sought FWP’s legislative assistance to amend the current Hunter Harassment Law adding stiffer penalties for individuals who use an OHV to interfere with another hunter’s lawful hunt. It was acknowledged by an agency administrator at the meeting that “hunter harassment is definitely an issue surrounding the use of ATVs.” Commissioner Shane Colton said that, “if you spend any time in the field, you see ATV abuse.” He said he has observed them traveling fast, clearly chasing game.

Addressing OHV uses for hunting and game violations, Jim Kropp told Commissioners that, “The USFS and BLM write tickets, as does FWP, but the fines are not that significant in deterring illegal activity. Money is generally not a deterrent, people choose to take chances on getting caught. Taking away hunting privileges seems to be most effective.” Former Commissioner, Tim Mulligan said he too, “felt serious consequences for violations would be an incentive for people not to violate the law.”

A theme emerged from this FWP Commission meeting that additional regulations, stiffer consequences for violators, enhanced education promoting responsible use, and more enforcement of current rules and laws are needed.

Unlike many states including Utah, South Dakota, Minnesota, Michigan, Idaho and others, Montana does not prohibit the carrying of a loaded firearm on an OHV. It is only illegal in Montana to discharge a firearm from a motorized vehicle, including an OHV. Many states have gone so far as separating motorized hunting regulations from OHV regulations prohibiting the possession of a firearm or bow while riding an OHV unless it is unloaded and completely enclosed in a carrying case. These approaches primarily target safety issues and shooting from a moving vehicle which gives a hunter an unfair advantage, has a high likelihood of wounding an animal and is contrary to time-honored fair chase hunting. A 2006 Idaho F&G mule deer hunter study found that “too many ATVs” and “misuse of ATVs” was the No. 1 reason why people had a dissatisfying hunt.

So where does this leave us as far as the four categorical issues, behavior, education, the inability of agencies to enforce regulations, and the lack of regulations or laws governing OHV uses while hunting?

Federal and state agencies have been struggling for nearly two decades to manage and accommodate the growing number of OHV users/hunters. Increasingly, professional wildlife managers from across the country are raising issues with the negative effects on big game, wildlife habitat and traditional hunting opportunities. Traditional foot hunters are also speaking out about losing hunting areas where they have hunted for years due to increasing OHV use. Many studies in western states have concluded that elk security, feeding, and calving grounds are being impacted. Animals are frequently displaced to private lands where hunting is either disallowed or commercial ventures only allow clients. It appears that the spattering of education efforts has had some effect on user behavior but is it enough, is there more than can be done – other solutions – and is it time to move toward stricter regulations, more severe penalties, and more comprehensive planning.

Many hunters acknowledge that OHVs can be useful utility tools and are being used by many appropriately and ethically. Nevertheless, the increasing use of OHVs in Montana is resulting in unacceptable impacts, increasing conflicts, violations, environmental damage and wildlife disturbances. MWF is deeply concerned about the lack of action to resolve these issues and how they will impact honorable fair chase pursuit, wildlife and the habitats that sustain them. MWF believes it is time for change; that education programs must be expanded, funding for enforcement must be increased, new regulations including greater consequences for violators must be adopted, and visible means of identifying offenders must be developed. Hunters, resident and non-resident, responsible OHV users and non-users and Montana land and wildlife managers have a collective responsibility to advance policies that reduce impacts, improve behavior, and protect and preserve our traditional hunting heritage.