MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena Headquarters
1420 East 6th Avenue
Helena, MT 59620

DECEMBER 15 – 16, 2004

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Commission Members Present: Dan Walker, Chairman; John Lane; Mike Murphy; John Brenden. Tim Mulligan, Vice-Chairman, was in attendance December 16, but was unable to attend December 15.

Fish, Wildlife & Parks Staff: Chris Smith, Chief of Staff (December 15); Jeff Hagener, Director (December 16); FWP personnel.

Guests: See December 2005 Commission file folder.

Topics of Discussion:

1. **Opening - Pledge of Allegiance**
2. **Approval of November 4, 2004 Commission Minutes**
3. **Approval of November 18, 2004 Commission Conference Call Minutes**
4. **Approval of November 23, 2004 Commission Conference Call Minutes**
5. **Approval of December 6, 2004 Commission Conference Call Minutes**
6. **Approval of Commission Expenses through November 30, 2004**
7. **Recognition Award to Betty Warren for 20 Years of Service to FWP**
8. **Approval of 2005 Commission Meeting Schedule**
9. **Bear Paw State Park Transfer to National Park Service – Final**
10. **Ulm Pishkun Acquisition – Tentative**
11. **Ulm Pishkun / Cascade County Road Easement – Final**
12. **Beaverhead and Bighole Rivers Recreation Rules - Tentative**
13. **Blackfoot River Special Recreation Permit Administrative Rules – Tentative**
14. **Brush Lake State Park Acquisition – Final**
15. **Wolf Compensation Discussion – Informational**
16. **Private Land / Public Wildlife Discussion – Informational**
17. **Black's Ford Fishing Access Site Land Acquisition – Final**
18. **Bull River / Lake Creek Conservation Project – Final**
19. **Elk Management Plan – Final**
20. **2005 Deer, Elk & Antelope Seasons/HD Bounds – Tentative**
21. **2005 Spring Turkey Seasons – Tentative**
22. **2006 General Season Dates - Tentative**
23. **Bison Quarantine Process – Informational**
24. **2004 Bison Hunting Regulations – Final**
25. **2005-2006 Bison Hunting Regulations – Tentative**
26. **Game Damage Permit Authorizations – Tentative**
27. **Establishment of Mountain Lion, Deer & Elk Hunting District 309 – Tentative**
28. **Re-establishment of Big Horn Sheep Hunting Districts 315 and 455 – Tentative**
29. **Black Bear – Regulation Clarification**
30. **Public Opportunity to Address Issues Not Discussed at this Meeting**

1. Opening - Pledge of Allegiance. Chairman Dan Walker called the meeting to order at 3:00 p.m. and led the Pledge of Allegiance.

2. Approval of November 4, 2004 Commission Minutes.
Action: Murphy moved and Lane seconded the motion to approve the minutes of the November 4, 2004 meeting. Motion carried.

3. Approval of November 18, 2004 Commission Conference Call Minutes.
Action: Lane moved and Murphy seconded the motion to approve the minutes of the November 18, 2004 conference call meeting. Motion carried.

4. Approval of November 23, 2004 Commission Conference Call Minutes.
Action: Brenden moved and Lane seconded the motion to approve the minutes of the November 23, 2004 conference call meeting. Motion carried.

5. Approval of December 6, 2004 Commission Conference Call Minutes.
Action: Murphy moved and Brenden seconded the motion to approve the minutes of the December 6, 2004 conference call meeting. Motion carried.

6. Approval of Commission Expenses through November 30, 2004.
Action: *Lane moved and Brenden seconded the motion to approve the Commission expenses through November 30, 2004 as presented. Motion carried.*

7. Recognition Award to Betty Warren for 20 Years of Service to FWP. Jeff Hagener, FWP Director, presented **Betty Warren, Administrative Assistant**, with a Montana Silversmith Bear Head necklace as a token of appreciation for her 20 years of dedicated service to FWP, and he read a letter of commendation relating a few highlights of her history with the Department.

8. Approval of 2005 Commission Meeting Schedule. Brenden proposed that in October 2005, the Commission meet in Glasgow to tour the Fort Peck Fish Hatchery (scheduled for completion in September), tour the new Brush Lake State Park, then hold the Commission meeting in Scobey on October 6.

Action: Brenden moved and Lane seconded the motion to approve the 2005 Commission meeting schedule with the amendment to hold the October meeting in Region 6 and the May meeting in Helena. Motion carried.

Chris Smith, FWP Chief of Staff, advised that the Wildlife Division may request rescheduling final action on deer and elk, and maybe antelope, from the February meeting to the March meeting. The final action had originally been in March but had been changed to February to assist outfitters in booking clients, however now that the season structure is stable, those issues aren't what they were. Acting on them in March would allow more time for public review and comment. No action was taken.

9. Bear Paw State Park Transfer to National Park Service – Final. Doug Monger, FWP Parks Division Administrator, explained that FWP owns the 200-acre Bear Paw Battlefield, located 16 miles south of Chinook, which is one of nineteen battle sites along the Chief Joseph Trail. The

National Park Service (NPS) manages all of the other battle sites, and has leased this site since 1994. The proposal is to exchange the Bear Paw Battlefield State Park for NPS property of the same value ($25,000) at Brush Lake.

Monger reminded the Commission that at their September, 2004 meeting they had approved a 10-year lease extension between the National Park Service and FWP regarding the Bear Paw Battlefield, effective until the exchange could be formulated between the two agencies.

An EA has been conducted, and the Decision Notice will be issued soon. The comment period generated only one comment from the Blaine County Museum stating their support.

Action: Brenden moved and Lane seconded the motion to approve the land transfer of the 200-acre Bear Paw Battlefield State Park from FWP to the National Park Service in exchange for the appraised value of the property. Motion carried.

10. Ulm Pishkun Acquisition – Tentative. Doug Monger, FWP Parks Division Administrator, explained that the 1,425-acre Ulm Pishkun State Park is located south of Great Falls. The large ranch north and west of the park, owned by the Eustance family, has recently been placed on the market for sale. The Eustances offered FWP the first option to purchase the ranch. The Department declined purchase of the entire ranch, however it would be beneficial to obtain the 3-5 acre parcel that serves as the main entrance to the Jump area of the park. FWP presently has a road access easement across this parcel of land. The Eustances are willing to sell FWP the parcel for approximately $10,000.

Lane said he is familiar with this area and it makes sense to purchase this acreage. Walker agreed.

Action: The Commission endorsed moving ahead with the proposal.

11. Ulm Pishkun / Cascade County Road Easement – Final. Doug Monger, FWP Parks Division Administrator, explained that $200,000 was earmarked by the 2003 Legislature for a cooperative project between Cascade County and FWP to improve the county road at Ulm Pishkun State Park. It was discovered that no legal right-of-way easement for the Cascade County road that crosses FWP property had ever been drawn up. The proposal is to grant a right-of-way easement to Cascade County to assure this road retains county road status. Lack of a formal easement could jeopardize the improvement project.

The granting of this easement would be at no cost to Cascade County. An EA was prepared in July, 2004, with the Decision Notice issued in July. No public comments were received.

Action: Lane moved and Murphy seconded the motion to grant a perpetual 60-foot wide right-of-way road easement to Cascade County for the existing county road, known as Goetz Road, that passes through FWP land north of the Ulm Pishkun Visitor's Center, at no cost to Cascade County. Motion carried.

12. Beaverhead and Bighole Rivers Recreation Rules – Tentative. Pat Flowers, FWP Region 3 Supervisor, explained that the 10-member Beaverhead and Big Hole Rivers Citizen Advisory Committee (CAC), whom he commended for their hard work, proposed amendments to the existing rules following their December 1 meeting. These recommendations were drafted into Administrative Rule and will be presented to the public for comment.

Proposed amendments:

- Add two definitions,
- Strike all language that states the Commission shall repeal or amend these rules on or before May 1, 2005,
- Adopt a new rule stating that the Commission shall review the rules within five years of their adoption,
- Combine two reaches of the Beaverhead River (Barretts to Tash Bridge and Tash Bridge to Selway Bridge) into one reach: Barretts to Selway Bridge, which would allow each outfitter to launch or use within the reach of a maximum of one boat in any day (under the existing rules this restriction only applies to the Barretts to Tash Bridge reach, and under the existing rules the Tash Bridge to Selway Bridge is closed to float outfitting),
- Close the Big Hole River to float outfitting from the river's headwaters to its confluence with Squaw Creek,
- Repeal the restrictions that currently apply to the Notch Bottom to High Bridge reach of the Big Hole River, and,
- Create a pool of temporary client days that would be available to one-boat outfitters (the temporary client days would come from outfitters forfeiting their unused client days if they are reporting zero use).

The Citizens Advisory Committee felt it important that the Commission review the rules periodically to assure future management actions remain consistent with the newly adopted statewide rules.

The CAC recommended creating opportunities for one-boat outfitters to operate by using temporary client days on the Beaverhead and/or Big Hole. The temporary client days would come from outfitters who do not use any of their allocated days for two consecutive years and outfitters who have not used any client days for five years prior to the adoption of these rules. Those outfitters reporting zero use would forfeit their days and the opportunity to operate on the river. A pool of applicants of one-boat outfitters will be developed to allocate those days to (not to exceed 2,000 days).

Charlie Sperry, FWP River Recreation Management Specialist, said the intention of the temporary client days is to provide opportunities to "one-boat outfitters" who do not have the monetary means to purchase another outfitter's business in its entirety. The practice of purchasing an outfitter's business in its entirety is cost prohibitive for many. The committee came up with this mechanism for the one-boat outfitter. It was specified for the small outfitter, however there still is an opportunity for someone to buy a multiple boat business.

Brenden wants to ensure there is a mix of opportunities for both the large and small businesses. Flowers said the moratorium on outfitters was created to help level the playing field.

A great deal of discussion ensued on "use days" and selling outfitting businesses to one-boat operations or multi-boat operations. There was discussion on whether or not an outfitter can legally

sell his/her entire business to more than one buyer, what the consequences of such an action would be, and what would happen to the seller's use days. Partnerships, corporations, etc. can throw a "wrench" in it. Walker said the new Commissioners would be dealing with a difficult situation.

Walker strongly suggested that the Department make recommendations prior to the public meetings. He then asked the Department to make recommendations on the proposal regarding the combination of the two sections of the Beaverhead and what the anticipated effects of this change might be. He also said the use-days needs to be clarified and should not be based on water levels. Walker reiterated the importance of making recommendations early in the rule making process.

When the rules are presented to the public for comment, FWP needs to provide information stating what the effects will be if they are adopted as proposed. Opinions and views may change based on comments. Bob Lane said this could be included in the process by noting it in the rule notice.

Mulligan had expressed to the Region that from discussions with members of the CAC, the intent of the CAC was that a one-boat outfitter may use non-pool client days that are transferred to that one-boat outfitter as a part of the sale or transfer of an outfitter's business in its entirety, and the language in the draft rule should be changed to reflect this. All but one member of the CAC who were contacted agreed that this was their understanding, and they were in favor of this alternative language.

It was proposed that the Department publish both versions of the rule for the public to consider. Walker said there might be a reason the days are not being used.

Walker invited the audience to comment.

Raymond Gross, spokesman for Friends of the Beaverhead River, said this 60-member sportsmen and angler group supports the current rules, resident's days and non-resident's days, limiting the number of boats an outfitter can have, capping outfitter use, and the new outfitter moratorium. They would like to see the rules in effect all year long, and they petitioned the Commission to retain the rule for the river reach from Tash Bridge to Selway Bridge that prohibits float outfitting. They don't feel represented on the CAC, and they don't feel the members of the CAC represent all interest groups.

Bob DesJardins, CAC member, said his main contention was that there was no consideration for the effect on resources. The fishery is depleting where there is float outfitting. He is concerned that the elimination of the prohibition on float outfitting on the Tash Bridge to the Selway Bridge section of the Beaverhead is not consistent with the recommendations in the Beaverhead County Resource Use Plan.

Robin Cunningham, Fishing Outfitters Association, asked the Commission to remove the non-resident float regulations on weekends, and expressed a concern that this topic was not adequately addressed in the CAC process.

Joseph Aanes, fly fishing guide, said he feels caught between a rock and a hard place. He said the cost of purchasing an entire outfitting business is beyond his means, it is unattainable. He is a one-person guide and wants the availability to take 2 clients out daily. He is dissatisfied with the proposed one-boat cap, however that would limit the number of temporary days available to 60, and would allow the one-boat outfitter to use a maximum of two-thirds of these days during the restricted period.

Russ Kipp, CAC and River Recreation Advisory Council member, pointed out that the pool days of non-use were based on the highest year in a 5-year period, which set the cap. He stated the two committees had attempted to make as many people happy as possible.

Greg Smith, CAC member, said the recommendations were well thought out and within the established parameters. He would like to see the rules adopted as presented. He said the moratorium on new outfitters does not have a place within the rules and should be struck. He pointed out that the rules were adopted to address social conflict.

Brenden said this is a tough situation and he dislikes preventing anyone from utilizing public waterways. He added that decisions and rules and regulations will never be totally equitable.

Action: Lane moved and Murphy seconded the motion to add the alternative language for Section 7, as recommended by Mulligan, and put the proposed rules out for public comment. The proposed rules shall not include both versions of Section 7. Motion carried. Three in favor – one opposed (Brenden).

Action: Walker moved and Brenden seconded the motion to direct the Department to publicize, by February 22, 2005, the recommendations on the Big Hole River regarding the stretches from Fish Trap FAS to Jerry Creek FAS, and the Department's position on the opening of the lower section of the Beaverhead to outfitting, and the Department's recommendations on the creation of temporary client use days, and how many days would be available and how many would likely be used. Motion carried.

13. Blackfoot River Special Recreation Permit Administrative Rules – Tentative. Doug Monger, FWP Parks Division Administrator, said the Blackfoot River Recreation Steering Committee presented a proposal to the Commission two years ago requesting regulations and restrictions be placed on Blackfoot River use. As the statewide rules were still being formulated, it was premature for the Commission to make any decisions. The Bureau of Land Management has been managing recreational use since 2002. As both BLM and FWP own land along the river, they have agreed to develop one set of rules to meet both agencies' needs as it would be difficult for everyone if BLM had a set of rules, and FWP had another set of rules.

Monger said Mulligan requested an addendum to the rule which reads "(4) The statewide rules governing river recreation management shall apply to future recreation management actions on the Blackfoot River" to insure guidelines of the statewide policy are abided by.

Brenden asked how this rule applies to private landowner access, about the publics right to recreation opportunities. Monger replied that this only affects BLM lands. Family events and school activities will not be affected.

Action: Murphy moved and Lane seconded the motion to approve the tentative administrative rules to implement a Special Recreation Permit Program on the Blackfoot River and adjacent lands that are owned or managed by Fish, Wildlife & Parks with the addition of the addendum to the rule which reads "(4) The statewide rules governing river recreation management shall apply to future recreation management actions on the Blackfoot River". Motion carried. Three in favor - one opposed (Brenden). (Mulligan in favor by absentee vote).

14. Brush Lake State Park Acquisition – Final. Doug Monger, FWP Parks Division Administrator, stated that FWP has been looking to develop a state park in northeastern Montana (Region 6) for some time. The potential for park sites was amazing, however, Brush Lake, 30 miles southeast of Plentywood, stood out as most likely candidate. Brush Lake could attract recreationists from extreme northeast Montana, and from northwest North Dakota. The Department has negotiated a deal with the owners of the north half of Brush Lake, the Jensen family, to acquire the section of property that surrounds and includes Brush Lake. Negotiations with the owners of the south half of the lake may culminate at a future date.

The acquisition would involve the purchase of 450 acres at a cost of $119,000, 370 acres of mineral rights at a cost of $10,000, and 80 acres of mineral rights from NW Farm Credit Services at a cost of $2,160. The Jensen family will reserve a life estate on the mineral interests on the 370 acres. The NW Farm Credit Services reserves royalty interests of 7%. There are 246 acres in CRP payments which will remain with the Jensens until 2007, when the existing contract expires. Property taxes on this parcel are approximately $455 per year.

The EA was published October 22, 2004, and the comment period generated eleven supportive comments. Comments were also received from the Sheridan County Planning Board and the Sheridan County Commission.

Investigations into transferring the mineral rights to Sheridan County revealed that it was constitutionally and statutorily prohibited.

Brenden stated that although this is a good plan, the removal of 450 acres from the tax roles will amount to a significant sum of money over time. He said he would like to do whatever can be done to help Sheridan County.

Action: Brenden moved and Walker seconded the motion to proceed with the proposed acquisition of the approximately 450 acres of Jensen property for the establishment of a state park at Brush Lake. Motion carried.

15. Wolf Compensation Discussion – Informational. Chris Smith, FWP Chief of Staff, explained that the Wolf Advisory Council recommended that FWP develop a program to compensate livestock producers for losses incurred due to wolves. Limited direction was given as to structure or administration of the program or how to fund it, except that it must not be funded by license dollars or general fund dollars, and that it must be administered by a non-governmental agency independent from FWP. A number of opportunities have been afforded the public for input as to how to develop this program. A recommendation has now been drafted which will hopefully satisfy the needs of all parties involved. The guidelines set by the Wolf Advisory Council will serve as the framework for decisions.

FWP is proposing to collaborate with all interests involved, including Department of Livestock, Board of Livestock, and Defenders of Wildlife, to develop a comprehensive program for compensation and incentives in Montana. It is anticipated that in two to four sessions a workable package can be formulated. The Department is entering into discussions with an open mind as to what its role will be.

The plan is to proceed early in 2005, involving everyone who has a stake in the outcome of the program. Identified for involvement is the legislature, a Congressional Delegation representative,

livestock producers, conservation groups, sportsmen, Wildlife Services, and the Department of Livestock. Smith said the Wolf Council was not reconvened because they never reached a consensus on the compensation program, however, he noted that they were not asked to do that.

Smith addressed the question of when Montana's program will take effect for damages incurred. The Defenders of Wildlife is the only program in Montana that provides compensation payments at this point. One question to be resolved is if the compensation program is not finalized until April or May can retroactive claims be submitted and accepted. Also, it should be noted that there may be livestock producers that will not participate due to philosophical differences of opinion etc.

Until the type and quantity of losses are known, an estimate cannot be made as to how much will be involved. Fair market value was discussed as a method for basing payments, however it fluctuates so a static figure cannot be established. The Defenders of Wildlife have set a maximum of $2,000 on a loss, and that commitment will remain in place until wolves are delisted. Smith said the first step is to develop the program and then determine the cost of doing business.

16. Private Land / Public Wildlife Discussion – Informational. Glenn Erickson, FWP Field Services Administrator, said PLPW met today and the committee talked about implementing the 11 recommendations they finalized. They discussed the upcoming legislation involving three separate bills. One bill reauthorizes the program by removing the sunset. That could be changed in legislation, but the PLPW recommendation is to make the program permanent. Another piece of legislation is an enhancement bill to add methods for raising more funds for the hunting access and fishing access programs. The Access Partners decal program is not in legislation, but the Department has committed to PLPW to move that forward by working with the Fish, Wildlife & Parks Foundation. Another item of legislation is the reauthorization of the Fishing Access Program.

Chase Hibbard, Nina Baucus, Stan Meyer, and other Department people who had been involved in the development of the program attended the meeting and provided insight as to how this all got started, and how difficult it was to put these programs in place.

Walker mentioned that also discussed was the final recommendation to allow all cooperators to receive a complimentary license and compensation. Presently, residents receive both, but non-residents receive one or the other. The Council came to the conclusion that both should be equal since a cooperator is a cooperator. Walker said a block management cooperator can designate an immediate family member in or out of Montana. It provides an opportunity, but they still have to pay the costs.

Meeting adjourned at 6:50 p.m. The meeting will reconvene on Thursday, December 16 at 8:00 a.m.

THURSDAY, DECEMBER 16, 2004
Chairman Dan Walker reconvened the meeting at 8:00 a.m. and led the Pledge of Allegiance.

17. Black's Ford Fishing Access Site Land Acquisition – Final. Glenn Erickson, FWP Field Services Division Administrator, said Black's Ford is located on the Madison River 35 miles from Bozeman. This FAS has a graveled parking lot and two outhouses. FWP has leased this 9.6-acre site from the landowner for nearly 25 years. The landowner has now agreed to sell this parcel to FWP for $80,000, as appraised. Funds would come from the Department's FAS account to pay for this purchase.

An EA was released in September 2004. The comment period, which ended October 25, generated two comments that were not opposed to the proposal. This area is important to fishing access, and if the landowners were to sell to someone else there would be no guarantee FWP could retain the lease.

Action: Mulligan moved and Murphy seconded the motion to approve the purchase of the 9.6-acre Black's Ford Fishing Access Site for the price of $80,000, as recommended by the Department. Motion carried.

18. Bull River / Lake Creek Conservation Project – Final. Glenn Erickson, FWP Field Services Division Administrator, said the property to be acquired is approximately 2 square miles, or 1,325 acres in fee title along the Bull River in Sanders and Lincoln Counties. There is a 561-acre conservation easement on the adjoining land. The conservation values that would benefit from this acquisition include bull trout, west slope cutthroat trout, range for elk, moose and deer, the east/west travel corridor for grizzly bear and lynx, and the wetland and riparian zone for waterfowl, bald eagles and other riparian dependent birds. Although land in the area is under development, this particular land is not.

The funding of $4.55 million is provided to FWP through a grant from USFWS under the Habitat Conservation Plan Land Acquisition Program. Partners in this proposal are the Avista Corporation, Plum Creek Timber, the Conservation Fund, and the USFWS North American Wetlands Conservation Act Grant Program.

Three transactions with adjoining properties are involved. FWP would purchase 1,285 acres from the Conservation Fund, now owned by Plum Creek, and then FWP would receive a donation of 40 acres from Avista as well as a donated conservation easement on an additional 561 acres of Avista land. The price for the fee title purchase is $4.55 million, which is approximately $3,540 per acre, based on an independent appraisal paid for by a USFWS grant. The donated conservation easement would provide the required federal match, valued at $2,064,000.

The EA was released in September. Public hearings were held in Troy and Noxon. Thirty nine comments in support of the proposal were received.

Action: Murphy moved and Mulligan seconded the motion to approve the proposed Bull River / Lake Creek Conservation Project, including the purchase of 1,285 acres, the acceptance of 40 acres of land in fee by donation, and the acceptance of a donated conservation easement on 561 acres.

Brenden stated that this is a lot of money for the acreage. Walker agreed. Erickson said Avista has agreed to pay future maintenance costs.

Action on motion: Motion carried. Four in favor – 1 opposed (Brenden).

19. Elk Management Plan – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, Gary Hammond, FWP Management Bureau Chief, and Ken Hamlin, Region 3 Wildlife Biologist, discussed the Elk Management Plan. The final proposed changes are based on public comments, Commission comments, and internal comments. Twenty-three public meetings were held across the state. Over the course of the extended 74-day comment period, 160 comments were received from individuals, and 29 from groups. Comments in favor of Alternative A, a continuance of the 1992 plan, were outweighed by a ratio of 4:1 by comments in support of Alternative B, the adaptive harvest management plan, which is the Department's preferred alternative.

Proposed change #1. In response to concerns expressed as to the process of making changes to objectives in the elk plan, it is proposed to establish an annual July 15 deadline for the submission of proposed changes to the elk plan. These would be internally reviewed and brought to the Commission during the tentative season setting process in December, then season changes would be advertised for public comment prior to final adoption at the February Commission meeting. At the August Commission meeting, objectives and proposals would be discussed as tentatives, and then as finals at the September Commission meeting. That would allow time to bring changes forward as tentatives to be implemented the following year.

Walker felt there is ample opportunity at the December meeting to address the changes, and he asked if the Commission would be expected to deny any suggestions submitted after July. Hammond replied no, however it is difficult to entertain objective changes and season changes simultaneously, and he added that by December, the season package is already in place for the next year.

Mulligan questioned if the Commission should decide to change a tentative season structure in December to finalize in February, would this process prevent that. Herbert said no, it still could be done, but if the recommendations could be entertained by the Commission by early fall, the framework for season setting recommendations would be in place. Herbert said it's important to have the recommendations in advance. Walker suggested that a July 15 deadline be established as the **suggested** deadline, but leave the department flexible.

Action: Walker moved and Lane seconded the motion to approve this proposal, incorporating the suggested deadline of July 15. Motion carried.

Proposed Change #2. Increase Gravelly EMU elk objective from 6500 to 7000.
HD 520 – Portion south and east of the West Fork of Rock Creek – retain permit-only season for antlerless and bulls and eliminate the Draft Standard Package.

Action: Mulligan moved and Walker seconded the motion to approve proposed change #2 in its entirety. Motion carried.

Proposed Change #3. Archery changes in HDs 410, 417, 620, 621, 622, 700 and 701 when 50% of harvest occurs.

Mulligan said that from his experience with the Big Hole and Beaverhead Rivers and the River Recreation Advisory Council, he is concerned that burying a social structure issue in the elk management plan will create problems. He stated that the social issue of crowding in hunting is significant enough that it should be addressed outside of the Elk Management Plan. He also stated that it's all conceptual as to whether it's too crowded in the Missouri River Breaks as compared to whether it is too crowded in the Ruby during rifle season, or whether it is right or fair for archery versus rifles to take "x" number of bulls, and these issues should be addressed similarly to what was done with river recreation. Mulligan stated that statewide perspective needs to be included when decisions are made as to what constitutes crowding in hunting and what is fair for archery vs. rifles, and we should not be arbitrarily picking numbers. Lane agreed – he posed the question of what's the matter with having an area for bowhunters? His argument is that there is nothing wrong with an area where archers harvest more than rifle hunters. Mulligan added that part of the perspective of some people behind this is to limit the non-residents. It also will shift bowhunters to other areas of the state. Brenden agreed – he said it is residents versus non-residents, and non-residents are good for Montana's economy.

Action: Mulligan moved and Brenden seconded the motion to remove and not include Proposed Change #3.

Discussion on Motion. Mark Robbins, rancher, bowhunter and outfitter, commented that the area can handle more permits for bull elk.

Dave Kotta, Lewistown outfitter, said he would be happy if they would go with what they just moved on. After 20 years, he said the 600 districts have only increased 1 %.

Charlie Johnson, bowhunter, thanked the Commission for their motion.

Action on Motion: Motion carried.

Action: Mulligan moved that the Department prepare a recommended approach to consider evaluating the allocation concerns and crowding issues in hunting and bring forward to the next Commission, including harvest allocation between archery and rifle hunters as well as crowding issues as a whole in hunting. Walker seconded the motion.

Action on Motion: *Motion carried. Four in favor – one opposed (Murphy).*

<u>Proposed Change #4</u>. Gallatin / Madison EMU – eliminate the establishment of a limited permit-only hunt in the Gallatin Closed Area for 2005.

Action: Mulligan moved and Lane seconded the motion to approve the elimination of establishment if a limited permit-only hunt in the Gallatin Closed Area in 2005. Motion carried. Four in favor – one opposed (Murphy).

<u>Proposed Change #5</u>. Changes in the Northern Yellowstone EMU regarding restrictive regulations and standard antlerless regulation packages.

Discussion ensued concerning the number of animals to be harvested. Alt said populations are diminishing.

Action: Mulligan moved and Lane seconded the motion to approve Proposed Change #5. Motion carried.

HD 316 Proposed Change. Both the standard and restrictive bull regulation triggers are proposed to be lowered from 25 bulls/100 cows to 10 bulls/100 cows. Additionally, it is proposed to remove the reference to the population objective.

Action: Mulligan moved and Murphy seconded the motion to approve the HD316 proposed change. Motion carried.

Season Extension Proposal. Include the adoption of the season extension ARM into the Final Elk Management Plan.

Action: Murphy moved and Brenden seconded the motion to approve the season extension ARM be included in the Elk Management Plan. Motion carried.

Create New HD309 – The Gallatin Special Weapons Restriction Area

Action: Mulligan moved and Lane seconded the motion to add the new Hunting District 309 Gallatin Special Weapons Restriction Area to the Elk Management Plan. Motion carried.

Action: Mulligan moved and Lane seconded the motion to approve the Final Elk Management Plan as amended.

Discussion: Discussion followed on cow/calf/bull numbers and ratios, predation and habitat, trophy hunting, sociological issues, and the accuracy of counting from fixed wing aircraft and helicopters.

Murphy stated he was especially concerned that the entire plan focused too heavily on bull-to-cow ratios, and would promote more trophy and horn hunting at the expense of general opportunity to hunt. He stressed his concerns that the Plan would lead to more permit-only hunting, and reduced opportunity, by including reduction in season lengths. Murphy stated that he was especially concerned about the provision to reduce the season length from 5 to 3 weeks in HD380 and HD339, based upon bull-to-cow ratios, number of elk, or average age of bulls killed under the permits. He said these are the only districts in the Plan where a season length reduction is proposed.

Action: Murphy moved to amend the motion in order to eliminate the provision within the Plan that would allow the length of the spike-hunting season to be reduced in HD339 and HD380 from 5 to 3 weeks. Brenden seconded the motion to amend.

Mulligan said the reason for shortening the season in the restrictive bull package was for the number of spikes. Kurt Alt said it's the only two districts that have spike only, and they felt they needed to address all the case scenarios. He added that Idaho has a 2-3 week spike only season. Hamlin reiterated that this is a recruitment concern, not a concern of age. Mulligan said it's so late in the process and they have not had time to look it over.

Action on Motion: Motion failed. Two in favor (Brenden and Murphy) – three opposed.

Action on Motion to Approve Final Elk Management Plan as amended. Motion carried. Four in favor – one opposed (Murphy).

Herbert suggested finalizing moose, sheep, and goat regulations in February, and deer, elk, and antelope in March due to complicated schedules involving comment periods, public meetings, application dates, printing dates etc. Discussion followed. Outfitter's application deadlines will still be June 1 so they would not be affected. The FWP website is also an effective tool for purchasing licenses. Brenden suggested backing up the date to provide ample opportunity to everyone. Mulligan asked if the March date was statute, and was informed that yes it is.

Action: No motion. Recommendation to reschedule final regulations failed.

20. 2005 Deer, Elk & Antelope Seasons/HD Bounds – Tentative. Jeff Herbert, FWP Wildlife Division Assistant Administrator, Gary Hammond, FWP Management Bureau Chief, and Ken Hamlin, Region 3 Wildlife Biologist presented the 2005 tentatives. (The recommendations are included in the December Commission file).

Statewide Regulations - Deer
Establish a maximum limit of 5 antlerless mule deer and / or white tailed deer tags per hunter per license year.
Action: Walker moved to establish a limit of 10 mule deer and / or whitetail and 2 doe/fawn.

Discussion: **Harold Wentland, FWP Region 6 Wildlife Manager**, said after a great deal of deliberation, it was decided 5 per hunter was the most reasonable number. The concern is that hunters can buy every tag until the quota is filled.

Action on Motion: Motion failed due to lack of a second.

Action: No motion was made to approve the Department's recommendation.

Region 1 – Deer
No recommended changes to the 2004 regulations.
Action: Murphy moved and Brenden seconded the motion to approve the Region 1 tentative Deer regulations as recommended by the Department. Motion carried.

Region 2 – Deer
Two recommended changes to the 2004 regulations.
Action: Murphy moved and Lane seconded the motion to approve the Region 2 tentative Deer regulations as recommended by the Department. Motion carried.

Region 3 – Deer
Eight recommended changes to the 2004 regulations.

Kurt Alt, FWP Region 3 Wildlife Manager, said the changes west of Yellowstone are reflected in the boundary change between HD313 and HD314. Mulligan stated the proposed changes for HD333 are not supported by the local hunters. He said there is no count done in HD333. He stated he is willing to let this go out as a tentative to hear what the public sector has to say, but he may not support it in the finals.
Action: Mulligan moved and Murphy seconded the motion to approve the Region 3 tentative Deer regulations as recommended by the Department. Motion carried.

Region 4 – Deer
No recommended changes to the 2004 regulations.
Action: Lane moved and Murphy seconded the motion to approve the Region 4 tentative Deer regulations as recommended by the Department. Motion carried.

Audience Comments: John McDunn feels there is a huge population of deer that needs to be harvested on a regular basis with landowners choosing the weapon. Graham Taylor, FWP Region 4 Wildlife Manager, replied that the Commission established archery / cross bow opportunities in that area in response to archers who assured the Department they could control the deer population, however the archers did not harvest enough. Taylor said FWP recommends this same plan for one more year to determine if the archers can manage the harvest. He added that a game damage hunt, which will step outside the boundary of the archery area, is proposed for some time in January. Lane stated that one more year of the archery opportunity will be offered in the spirit of fairness to archers, and the landowners are willing to try it.

John Murnane, Teton Spring Creek Preserve resident, reminded the Commission he had previously expressed safety concerns relative to firearms on the Preserve. He feels nothing has been done to mitigate his safety concerns. The proposed damage hunt will put firearms in the area. He asks that firearms be removed – use buffer zones, archery, etc. Lane said this situation will be handled at the regional level. Hagener said damage hunts are handled by the local Commissioners and the regions. Walker asked for a motion to recognize Dr. Murnane's proposal to remove firearms.

Action: No motion was made – Murnane's proposal failed. Walker suggested that Murnane work with the region to resolve the matter.

Region 5 - Deer
Six recommended changes to the 2004 regulations.
Action: Walker moved and Brenden seconded the motion to approve the Region 5 tentative Deer regulations as recommended by the Department.
Discussion: Ray Mule' said mule deer harvest management requires restrictive packages. Fawn production has been declining. Drought conditions have huge effect.
Action on Motion: Motion carried.

Region 6 - Deer
Three recommended changes to the 2004 regulations. An additional change to 640-00 is to increase B licenses on antlerless mule deer from 100 to 300 was proposed.
Action: Brenden moved and Lane seconded the motion to approve the Region 6 tentative Deer regulations as recommended by the Department with the inclusion of the amendment to HD640-00 to increase B license to 300 antlerless mule deer. Motion carried.

Region 7 - Deer
No recommended changes to the 2004 regulations.
Action: Walker moved and Brenden seconded the motion to approve the Region 7 tentative Deer regulations as recommended by the Department. Motion carried.

Region 1 - Elk
No recommended changes to the 2004 regulations.
Action: Murphy moved and Lane seconded the motion to approve the Region 1 tentative Elk regulations as recommended by the Department. Motion carried.

Region 2 - Elk
Seven recommended changes to the 2004 regulations.
Action: Murphy moved and Lane seconded the motion to approve the Region 2 tentative Elk regulations as recommended by the Department. Motion carried.

Region 3 - Elk
Eleven recommended changes to the 2004 regulations.
Action: Mulligan moved and Murphy seconded the motion to approve the Region 3 tentative Elk regulations as recommended by the Department. Motion carried.

Region 3 – Expand Gallatin Valley Weapons Restriction Area and Create HD 309 for Deer and Elk.
Kurt Alt, Region 3 FWP Wildlife Manager, said this is a proposed new district, formerly known as the Gallatin Special Weapons Restriction Area due to a housing development there. As the proposed area includes portions of four hunting districts, this is an effort to simplify the regulations.

Mulligan said there has been no opposition to the expansion of the district, however there is a group of people who are opposed to not expanding it further. Some feel the agricultural areas in the area need the deer and elk to be harvested, and some landowners in that area would like to be included in the expansion.

Action: Mulligan moved and Walker seconded the motion to approve the expansion of the Gallatin Valley Weapons Restriction Area and create a new Hunting District as proposed by the Department. Motion carried.

Action: Mulligan moved and Walker seconded the motion to approve all the general season license recommendations for the new Hunting District 309 as proposed by the Department for deer and elk, and to drop all reference to Gallatin Valley Weapons Restricted Area from HDs 301, 311, 312, 393, and the recommended boundary changes be made. Motion carried.

Boundary Change to Add a Portion of HD314 to HD313.
Action: Mulligan moved and Murphy seconded the motion to approve the new boundary change to HD313 and HD314 as recommended by the Department. Motion carried.

Region 4 - Elk
No recommended changes to 2004 regulations.

Action: Lane moved and Murphy seconded the motion to approve the Region 4 tentative Elk regulations as recommended by the Department. Motion carried.

Mike Cobb commented that in HD425, the Game Range, 5 permits were initiated to drive bull elk off the Cobb ranch to the Game Range, however they see an increase of bulls anyway. He asked for an increase in permits, and to allow the ranch more opportunity to harvest the bulls as compensation for their presence on his land.

Walker asked that Lane meet with Cobb and not make any decisions at this meeting. Lane agreed and suggested that other landowners may need to be involved as well. He has many questions that need to be addressed. Lane asked that it remain status quo. Walker advised Cobb to work with the region.

Region 5 – Elk
Seven recommended changes to the 2004 regulations.
Action: Walker moved and Mulligan seconded the motion to approve the Region 5 tentative Elk regulations as recommended by the Department. Motion carried.

Region 6 – Elk
One recommended change to the 2004 regulations.
Action: Brenden moved and Walker seconded the motion to approve the Region 6 tentative Elk regulations as recommended by the Department. Motion carried.

Region 7 – Elk
Two recommended changes to the 2004 regulations.
Action: Walker moved and Brenden seconded the motion to approve the Region 7 tentative Elk regulations as recommended by the Department. Motion carried.

Region 2 – Antelope
No recommended changes to the 2004 regulations.
Action: Murphy moved and Mulligan seconded the motion to approve the Region 2 tentative Antelope regulations as recommended by the Department. Motion carried.

Region 3 – Antelope
One recommended change to the 2004 regulations.
Action: Mulligan moved and Murphy seconded the motion to approve the Region 3 tentative Antelope regulations as recommended by the Department. Motion carried.

Region 4 – Antelope
No recommended changes to the 2004 regulations.
Action: Lane moved and Murphy seconded the motion to approve the Region 4 tentative Antelope regulations as recommended by the Department. Motion carried.

Region 5 – Antelope
No recommended changes to the 2004 regulations.
Action: Walker moved and Brenden seconded the motion to approve the Region 5 tentative Antelope regulations as recommended by the Department. Motion carried.

Region 6 – Antelope
Sixteen recommended changes to the 2004 regulations.
Action: Brenden moved and Walker seconded the motion to approve the Region 6 tentative Antelope regulations as recommended by the Department. Motion carried.

Region 7 – Antelope
No recommended changes to the 2004 regulations.
Action: Walker moved and Brenden seconded the motion to approve the Region 7 tentative Antelope regulations as recommended by the Department. Motion carried.

Lane said the CMR National Wildlife Refuge districts are primarily sociological issues, and he feels a working group needs to be established there immediately that encompasses the entire district. Wentland replied that there used to be a working group there that could be implemented once again.

21. 2005 Spring Turkey Seasons – Tentative.
Region 2 has two last minute changes to the regulations.
Increase spring gobbler permits from 150 to 350 and youth (12-14) from 60 to 150 in Ravalli County.
Extend statewide spring season by one week, through the third Sunday of May, as requested by the National Wild Turkey Federation.
Action: Walker moved and Mulligan seconded the motion to approve the Spring Turkey Season regulations as recommended by the Department with the amendments of the one-week extension and the Ravalli County quota increase. Motion carried.

22. 2006 General Season Dates – Tentative.
Hammond presented the proposed dates and stated that the dates conform with the policy that was adopted by the Commission a year ago.
Action: Brenden moved and Mulligan seconded the motion to approve the 2006 General Season Dates as recommended by the Department. Motion carried.

23. Bison Quarantine Process – Informational. Pat Flowers, FWP Region 3 Supervisor stated that over one year ago, in September, a proposal to pursue bison quarantine procedures was presented to, and approved by, the Commission for bison from Yellowstone National Park. An Environmental review was prepared, and over 2,000 comments were received, of which approximately 88% were from supporters of Fund for Animals and the Buffalo Field Campaign. The majority of the comments expressed dissatisfaction with the plan.

Bison will be held up to three years to determine if latent infection occurs and to see if approved quarantine protocols efficiently screen for Brucellosis. The project will occur in three phases and will allow public involvement at each step. The project has been presented to several groups over the past year.

Flowers said the fundamental intent is to determine whether Brucellosis-free bison can be produced after 3 years of testing. Disease free animals would then be disseminated to start other herds. Walker asked when the captures will occur. Flowers said they will happen this winter as part of the normal capture operation.

24. 2004 Bison Hunting Regulations – Final. Gary Hammond, FWP Wildlife Division Management Bureau Chief, said a quota of 5 either-sex bison licenses has been recommended for the period of January 15 through February 15, 2005 in Region 3. Brenden said either the federal government must erect a fence around the Park, or landowners must protect their property.

Action: Brenden moved and Murphy seconded the motion to amend the quota to 25 head of bison.

Discussion: Hagener suggested that Alt and Flowers explain the Department's rationale for selecting 5 head of bison for harvest. Flowers said the Eagle Creek area near Gardiner would be the most likely hunting area, and the Department has found that over the last five winters in January there have only been fifteen bison (including bulls, cows and calves) in that area, and in February there have been only twenty-eight. In 2001-2002 there were none. This is one factor that the number of permits has been based on.

Walker said it is important to establish this hunting opportunity. He said he will offer an amendment to set a quota of ten animals as the original proposal was for 25 head over a 3-month period, and since the season this year is only for 1-month, a third of that is approximately ten.

Action: Walker moved and Mulligan seconded the motion to amend the motion made by Brenden to set the quota at 10 head of bison for the hunt instead of 25.

Mulligan stated that is apparent FWP studied the situation to determine that five permits was a reasonable number. This upcoming season is a third of the projected future seasons, and it is located in a small district. He said twenty-five head is outside the bounds of the EA. Ten head gets closer to the range of the EA, as a pro-rated number. He is also concerned with the controversial nature of the hunt. This Commission has consistently attempted to avoid leaving the next Commission with difficult situations, and this is exactly what is happening by taking action on this hunt this year. It would be wise to defer action on a final hunt this year and go forward with the proposal for a tentative for next year and let the incoming administration and new Commission develop the plan. He fears the incoming administration may disagree and the incoming Commission may want changes, which will cause major problems. His preference is that this decision be deferred.

Brenden said one group will be pacified but another group will not be. He urged defeat of the amendment. He said the difference between 10 and 25 in the scheme of things, when there are nearly 4,500 animals, is nothing. "If this Department, with over 600 people working for it, and a 72 million dollar budget cannot make the stretch from 5 to 25 then God save us all from government".

Mulligan said the data, the EA, the time frame, and the area available to hunt on makes a huge difference between 10 and 25. This is on the national level of profile, and there a lot of strong emotions. The intent of the Commission is to implement a bison hunt that is similar to other states and not escalate to the conflict stage.

Walker stated that legislature directed the Department to develop a hunt. He feels 10 is the right number based on the data provided over the last several years. It is an open winter so there will not be several hundred animals. The important thing is to learn, and to make it work. He expects those totally opposed to the hunt to learn as well.

Lane commented that 25 permits will not decimate the herd. His ranch is affected by the Brucellosis-free status of Montana and that concerns him. It is important that this hunt be successful, he can support the option of 10 head.

Murphy asked if there is a possibility of additional areas to hunt in, and what will the effect be if weather conditions change? Flowers said it is unlikely that there will be additional opportunity beyond Eagle Creek, and he added that the bison have staged fairly early because of the early snow.

Flowers said when an EA is conducted, not only are physical and biological impacts assessed, but social and economic impacts are assessed as well. The assessment of the EA illustrated that 25 permits over 3 months was most conducive. If we tried to conduct a hunt with 25 permits in one month, it would be outside the bounds of the impacts within the EA.

Flowers assured the Commission and audience that FWP is a faithful and committed member of the interagency plan. The Department is actively involved with hazing and trapping operations, and will continue that involvement as a management tool in limiting contact with domestic cattle. FWP would like to see bison managed as wildlife in the future. He said that socially it would be a disaster to harvest 25. A conservative hunt is the way to approach this. Flowers said it is routine for other regions to assist in bison operations.

Alt said another aspect involved was to incorporate hunting in the area as is done with other species. The Gardiner / Eagle Creek area is of no risk to livestock, and they do not wish to kill all the bison in that area. That area has a tolerance for bison, and they should not all be killed.

Murphy said if the numbers are not there, then not to go to excess. He said Commission actions need to be responsible. Brenden said the bison need to be managed. Lane said this is the first time he ever felt it was him against the people on the other side of the issue. He said he appreciates both cattle and buffalo, but he wants to keep Montana's disease-free status. He wants the public to know it's not "us against them".

Action on Amended Motion: Motion to set the quota at 10 either-sex licenses to be issued January 15, 2005 – February 15, 2005, as opposed to 25 as proposed by Brenden's motion. Motion carried. Three in favor – 2 opposed (Brenden and Murphy).

Steve Pilcher, Montana Stockgrowers Association, stated that his organization is in support of the proposal. He applauds addressing the disease issue, and said hunting can be used as a management tool. Lane asked if the Stockgrowers feel there is room for viable bison herds and cattle herds in Montana, to which Pilcher replied yes.

Senator Gary Perry said he sponsored SB395, because in Gallatin County, this is a major issue. All interests need to be recognized, and Montana cannot afford a "slipup in disease". He said the objective was to bring the topic to light, try to use hunting as a means of management, and to eradicate brucellosis. Nobody expressed adversity to a hunt to him when he introduced it. The common objective is bison preservation and conservation.

Tom Linfield, State Veterinarian, said Department of Livestock (DOL) is supportive of the bison hunt. The Board was not aware of the amendment brought before the Commission today, but he feels they will support the issuance of 10 licenses.

Bill O'Connell, buffalo booking agent, would like to see an expanded hunt. He said the brucellosis problem is manageable over an expanded landscape, and he would like to see many more hunted to provide an economic boost.

Stephanie Seay, Buffalo Field Campaign (BFC), said they are not opposed to a hunt, per se. They are opposed to this hunt. She said buffalo are not considered a wildlife species in Montana, and they do not have access to habitat except one small area at Eagle Creek. She said BFC wants them to have habitat, they want them to be considered as wildlife, and they want bison to be managed by FWP and not DOL. They would like to see Native Americans have treaty rights upheld for hunting bison. These buffalo are used to thousands of people so will not provide a "fair chase". In essence, hunters will be shooting a parked car – there will not be an element of fair chase.

Josh Osher, Buffalo Field Campaign, said he attended all the meetings when this bill went through legislature, and commented on the scoping notices, and attended meetings with Region 3, and commented on the EA, and has studied the laws and the Interagency Management Plan extensively. He does not feel that the Commission has "done their homework". He said they do not know the area or the relationship of the area to the buffalo, that they do not understand how the Interagency Management Plan deals with Brucellosis, nor how hunting was discussed in the Plan. None of the alternatives that discussed hunting as a management alternative included Brucellosis as a part of the hunting regulations, it was always about population management. BFC does not oppose hunting, however they do not feel the time is right yet. The Bison Plan states a hunt will be conducted when it is socially acceptable, and since the vast majority of the comments are opposed to the hunt, it is not acceptable. He said the Commission is not listening to the public. Osher said bison habitat is not being developed or even considered. He asked how the bison will be moved so the hunt can be labeled "fair chase". The new administration coming in will have different goals and objectives.

Glenn Hockett, Gallatin Wildlife Association, said he shares the same concerns as Osher. He said patience is warranted, that this is not wildlife conservation. He said Mulligan conveyed great wisdom and he thanked him. He invited the Commission to tour the area, as he does not think they know the issues. He shares the concerns about Brucellosis. He said with patience, a fair chase hunt can be developed, but this is not the time. He disagrees with DOL being involved, and requests deferring the hunt.

Christa Hazen said she is the granddaughter of a cattle rancher. She loves buffalo, and opposes the hunt. It is not of benefit to anyone in Montana, and will negatively impact the image of the state. The cattle industry is dependent on out of state cattle too. She would like to see this postponed for at least one more year.

Sue Gregson, citizen from Missoula, said legal challenges will cost the taxpayers money when legal challenges are filed. She suggested that tribes with treaty rights may wish to conduct a traditional hunt.

Action on Original Motion as Amended: Motion to establish a quota of 10 either-sex bison licenses to be issued through a lottery for the period of January 15, 2005 through February 15, 2005. Motion carried. Four in favor – one opposed (Mulligan).

Mulligan explained that he would have supported the 5-head proposal by FWP. The hard work that was put into that proposal recognized the need for this hunt to be successful without all the "hoopla". That didn't happen, and now he doesn't feel the original intent of the hunt can be accomplished.

25. 2005-2006 Bison Hunting Regulations – Tentative. Jeff Herbert, FWP Wildlife Division Assistant Administrator, said this proposal it to put the bison regulations in sequence with the other regulations. The season dates would be November 15, 2005 through February 15, 2006.

Action: Murphy moved and Mulligan seconded the motion to approve the 2005-2006 bison hunting regulations with the season dates of November 15, 2005 – February 15, 2006. Motion carried.

26. Game Damage Permit Authorizations – Tentative. Gary Hammond, FWP Wildlife Division, said there are no changes from last year's regulations. The numbers worked out well.

Action: Murphy moved and Lane seconded the motion to approve the tentative game damage licenses for antlerless deer, antlerless elk, and doe/fawn antelope as recommended by the Department. Motion carried.

27. Establishment of Mountain Lion, Deer & Elk Hunting District 309 – Tentative. Gary Hammond, FWP Wildlife Division, said the quota is a total of 4 and a female subquota of 1 due to the boundary adjustment.
Action: Mulligan moved and Murphy seconded the motion to approve the Region 3 regulations as recommended by the Department. Motion carried.

28. Re-establishment of Big Horn Sheep Hunting Districts 315 and 455 – Tentative.
Region 3 -- 2 changes
HD315 will reopen with 1 either-sex license
HD300-20 set the season dates to be identical to HD304 (September 1 – 10).

Action: Mulligan moved and Walker seconded the motion to approve the proposed Region 3 Big Horn Sheep hunting regulations as recommended by the Department and reopening HD315 with one either sex license.

Discussion on Motion: Murphy asked if there is a potential of opening HD315 for more than one. Alt, Hammond, and Murphy discussed the survey efforts and number of animals. Mulligan asked if the Big Horn Sheep in the Morrison Lake area were included when considering the permit level proposed by the Department. Alt replied no, they were not.

Action on Motion: Murphy amended the motion and Mulligan seconded the amendment to increase the number of sheep tags in HD315 to 2. Motion carried.

Region 4 -- 1 change
HD455 – Reopen with 1 either-sex license

Action: Lane moved and Murphy seconded the motion to approve the proposed Region 4 Big Horn Sheep hunting regulations as recommended by the Department. Motion carried.

29. Black Bear – Regulation Clarification.
Language clarification in BMU510 to include HD590.
Action: Walker moved and Mulligan seconded the motion to approve the Black Bear regulations as recommended by the Department. Motion carried.

Commissioner Brenden stated that an unpleasant hunting experience for some Kalispell hunters had occurred near Lewistown. They allegedly were given permission to hunt on some private land, and then were told by the landowner that they were not given permission. The landowner brought in a warden who cited them and took their elk away for shooting the wrong species. Brenden is disturbed about this, and said it is not in the regulations that when hunters request permission to hunt that they need to be species specific. Brenden wants this included in the written regulations as protection to the landowners, the hunters, and the Department.

Bob Lane, FWP Legal Counsel, said this suggestion does not require a rule. Landowners can make it specific now. He added that if the regulations state that landowners can designate species specificity, that would be fine, and he recommended written permission as opposed to verbal. Mulligan suggested weapons specificity as well.

30. Public Opportunity to Address Issues Not Discussed at this Meeting. No comments.

Meeting adjourned at 3:05 p.m.

Steven Doherty, Chairman	**M. Jeff Hagener, Director**