

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT
MARCH 10, 2010

Commission Members Present: Bob Ream, Chairman; Dan Vermillion, Vice-Chairman; Willie Doll, Ron Moody.

Fish, Wildlife & Parks Staff Present: Joe Maurier, Director, and FWP Staff.

Guests: See March 10, 2010 Commission file folder for names of who signed in.

Topics of Discussion:

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Minutes of February 11, 2010 and February 24, 2010**
3. **Approval of Commission Expenses through February 2010**
4. **Commission Reports**
5. **Director's Report**
6. **Custer Avenue Land Exchange of FWP Property for Broadwater Avenue Property – Proposed**
7. **Holter Lake Water Skiing ARM Amendment to Include All Waterborne Recreational Devices – Final**
8. **Lake Five Water Use Restrictions Administrative Rule – Proposed**
9. **Echo and Swan Lake Administrative Rule Corrections – Final**
10. **Bailey Reservoir Fishing Access Site (R6) – Endorsement**
11. **Grannis Fishing Access Site Acquisition – Final**
12. **Future Fisheries Projects – Final**
13. **Upper Missouri River Reservoirs Fisheries Management Plan – Proposed**
14. **Wildcat Lake Limit Waiver of the South Fork Project – Proposed**
15. **Hell Roaring Creek Water Right Lease – Final**
16. **Classification of Three Exotic Species as Non-Controlled – Final**
17. **Fish Creek Land Acquisition – Final**
18. **Sunset Hills Conservation Easement (R2) – Endorsement**
19. **Little Fish Creek Conservation Easement (R2) – Endorsement**
20. **Shed Antler Hunting on Sun River Wildlife Management Area – Final**
21. **2010 Peregrine Falcon Take Allocation – Final**
22. **Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. **Opening - Pledge of Allegiance.** Chairman Bob Ream called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance. Ream was recently appointed as Chairman by Governor Schweitzer. Commissioner Colton will continue to serve as the District 5 Commissioner. Ream expressed appreciation for Commissioner Colton's dedicated service to the sportsmen of Montana, and for the excellent job he did in conducting the Commission meetings. Ream said he will continue the practice, and added that although the issues entertained by the Commission are passionate, he will not allow destructive criticism or personal attacks when opinions differ. Ream announced that the Department's new video system has been installed, and today's meeting will be a trial run with Region 1 linked in. Ultimately, all seven regions will be able to link in, which will save a great deal of staff time and money.

Ream acknowledged Barney Benkelman, Dustin Temple, and Chuck Gozelanski, FWP Technical Support Unit staff, for their hard work on developing the new audio and visual systems.

2. Approval of the Commission Meeting Minutes of February 11, 2010 and February 24, 2010.

Action: Doll moved and Moody seconded the motion to approve the February 11, 2010 minutes. Motion carried.

Action: Vermillion moved and Doll seconded the motion to approve the February 24, 2010 minutes. Motion carried.

3. Approval of the February, 2010 Commission Expense Report.

Action: Moody moved and Doll seconded the motion to approve the expense report as presented. Motion carried.

4. Commission Reports.

Ream attended the EQC meeting on wolves. He stated that the Department did an outstanding job with their presentation. The comment period went well. There were varied opinions, but nothing unexpected.

Vermillion expressed his appreciation for Colton's service to FWP and the Commission, and welcomed Commissioner Ream to the role as Chairman. He is hearing concerns regarding the Beaverhead/Big Hole rules and how the Department intends to move forward. He attended the hearings in Butte and Dillon, and was impressed with the open-house format. He felt the meetings went well. He met with Walleye's Unlimited and found that folks are generally happy with the management plan, but have some issues they would like to see addressed. There is increasing concern about the water situation in his district due to the low snow pack. Water temperatures and low water flow may keep the Department busy establishing water closure regulations this summer.

Moody attended more sportsmen's meetings, where he heard concerns regarding the mule deer populations in central Montana. The BLM Resource Advisory Council established a working group to set fees on the Wild and Scenic Missouri River, which is 149 miles long. He advised them that they may want to pay special attention to the Beaverhead Big Hole process for guidance. He added that bison reintroduction is also a topic of interest.

Doll met with the BLM at an open house to discuss a road proposal for motorized access to BLM land where it is currently walk-in only. The proposal was met with opposition. He also met with the BLM on the McNeil Slough fishing project located near Nelson Reservoir. Survey and engineering work has been completed, so hopefully it will go forward.

5. Director's Report. Director Maurier expressed appreciation for Commissioner Colton's work and dedication to the Department. He then introduced Bruce Rich, who was recently hired as Fisheries Bureau Chief. Maurier concurred that the staff did an excellent job on the wolf presentation to EQC, and relative to drought concerns, he stated that the reservoirs are full at this point. Maurier noted that Chairman Ream presently sits on three committees, and with his appointment to Chairman of the Commission, Ream would like to offer his position on the PLPW Council to another Commissioner. Since Moody had expressed interest in the PLPW Council, Maurier asked if he would consider the position. It was supported by the rest of the Commissioners if he should so choose.

Moody said that he would consider it a privilege to serve on the PLPW Council.

Director Maurier noted that it had been suggested to hold the May Commission meeting in Miles City. FWP received a letter from the Surface Transportation Board that spoke to the Commission's current position on the Tongue River Railroad and the associated concerns regarding the date at which the easement would take effect. It is felt that all parties need to meet to discuss this situation further.

Doll stated that there is a predator problem in eastern Montana, specifically coyotes. He feels FWP should provide assistance to landowners to address the coyotes and other predators.

Maurier said FWP previously spent \$110,000 per year on coyote control until the federal government ruled against that practice. FWP has no management authority over coyotes, and cannot use any FWP funding sources for coyote control unless it is related to ungulates. If coyotes were categorized differently within the regulations, possibly something could be done.

6. Custer Avenue Land Exchange of FWP Property for Broadwater Avenue Property – Proposed. Paul Sihler, FWP Land Outreach Supervisor, explained that FWP currently owns approximately 12 acres on the north side of Custer Avenue where three FWP offices reside. A property on Broadwater Avenue near Spring Meadow Lake State Park is for sale with the potential to house the functions operated from the Custer Avenue property. FWP is proposing a property exchange that would consolidate FWP staff, and would enable FWP to control land uses on property adjacent to the park, the shelter and the new Discovery Center. A recent market analysis indicates the values are comparable. If approved, FWP will begin formal negotiations with the landowners, complete an Environmental Assessment, and provide a public comment period.

Action: Vermillion moved and Doll seconded the motion to approve further exploration of a potential exchange of FWP property on Custer Avenue in Helena for property of comparable value on Broadwater Avenue in Helena.

Chairman Ream asked for public comment. There was none.

Action on Motion: Motion carried.

7. Holter Lake Water Skiing ARM Amendment to Include All Waterborne Recreational Devices – Final. Jim Kropp, FWP Enforcement Bureau Chief, explained that the administrative rule currently prohibits water skiing on Saturdays, Sundays, and legal holidays on Holter Lake from the mouth of the canyon to the Gates of the Mountains. With the evolution of new water recreational devices, FWP proposes to amend the rule to expand the prohibited activities beyond water skiing to include any activities that involve being towed by, or riding in the wake of a vessel, such as wake boarding, wake surfing, and tubing. The intent is to provide a safe boating experience for recreationists in this highly popular, and often congested, stretch of the river, and to clarify prohibited activities for enforcement purposes. FWP received six comments, all in favor of the proposal.

Action: Vermillion moved and Moody seconded the motion to adopt the amendments limiting all forms of waterborne recreation involving towing or wake surfing activities on upper Holter Lake to the Gates of the Mountains near Mann Gulch on Saturdays, Sundays, and legal holidays. Motion carried.

8. Lake Five Water Use Restrictions Administrative Rule – Proposed. Bill Schenk, FWP Legal Council, explained that the Department released an environmental assessment on the acquisition and development of the Paul Taylor Fishing Access Site on Lake Five in Flathead County in 2005. The EA was challenged in district court. FWP searched for a different FAS location, but ultimately decided to proceed with developing the existing Department-owned parcel on Lake Five. Opponents appealed that decision to the Director, however before a final decision was issued, the appellants offered up a settlement agreement in which FWP agreed to recommend adoption of an administrative rule that would eliminate the 200-foot no-wake zone on Lake Five, would prohibit personal watercraft on the lake, and would require boats pulling skiers to travel in a counter-clockwise direction. Additionally, problems with the access road would be addressed. Upon approval by the Commission, the proposed administrative rule would be published for public comment, and a public hearing would be held.

Action: Vermillion moved and Doll seconded the motion to approve the tentative language specifying the water use restriction on Lake Five, and provide for public comment. Motion carried.

- 9. Echo and Swan Lake Administrative Rule Corrections – Final.** Bob Lane, FWP Legal Counsel, explained that when the Commission adopted rules regarding no wake zones on Echo Lake and Swan Lake in May of 2008, the adopted language was cited incorrectly, which created a rule making Echo Lake and Swan Lake completely no wake lakes, which was not the intention. The intention was to exempt three corridors on Echo Lake from the 200-foot no wake zone rule, and extend the 200-foot no wake zone on Swan Lake. These proposed amendments were approved by the Commission as tentatives in January. The public comment period generated no comments.

Action: Vermillion moved and Moody seconded the motion to adopt the rule as proposed. Motion carried.

- 10. Bailey Reservoir Fishing Access Site (R6) – Endorsement.** Chas VanGnderen, FWP Parks Division Administrator, explained that this privately owned 55-acre site includes a 39-surface-acre reservoir, and is located twenty-five miles west of Havre. Howard Bailey built Bailey Reservoir in 1974 to provide waterfowl habitat as well as public fishing and public recreational opportunities. The reservoir was not built for irrigation purposes, therefore maintains stable water levels. Upon Commission approval, FWP will work with the landowners to establish a fishing access site on Bailey Reservoir. There is a great deal of support in the Region for this proposed fishing access site.

Action: Doll moved and Moody seconded the motion to authorize the Department to pursue acquisition of the Bailey Reservoir Fishing Access Site. Motion carried.

- 11. Grannis Fishing Access Site Acquisition – Final.** Chas Van Genderen, FWP Parks Division Administrator, explained that FWP proposes to purchase a perpetual right-of-way easement from the Department of Natural Resources and Conservation on a one-acre parcel of School Trust Land near the Shields River for development into a fishing access site. This site is located off of Highway 89 approximately one-half mile south of Grannis, in Park County. The proposed acquisition is expected to cost \$2,000. Eleven comments were received in response to publishing the Environmental Assessment, all in support.

Action: Vermillion moved and Moody seconded the motion to authorize FWP to purchase a Right of Way from DNRC for the Grannis Fishing Access Site. Motion carried.

- 12. Future Fisheries Projects – Final.** The Future Fisheries Improvement Program provides funds for projects that restore fishery habitats in streams, rivers and lakes for the benefit of wild fisheries. Applications to the program are reviewed twice each year by a 14-member citizen review panel appointed by the Governor. Mark Lere, Habitat Restoration Program Officer, explained that the review panel met January 6, 2010, where they reviewed twenty-six proposals. Twenty-two projects, or portions thereof, were recommended at a cost of \$924,261. Matching funds or in-kind contributions from outside sources total \$5,212,612. The Commission retains the final decision authority so can accept or deny panel recommendations.

Action: Vermillion moved and Moody seconded the motion to approve the citizen review panel's funding recommendations for the Winter 2010 funding cycle of the Future Fisheries Improvement Program.

Tim Aldrich, Montana Wildlife Federation, did not feel the EA contained sufficient information or mention any alternatives that were studied. The public needs the opportunity for input and involvement.

Dan Odell was concerned about how fishing rights were leased on the Madison River project and the amount of public access that would be provided.

Vermillion stated that the Madison River project is a modest project, but is significant; it would provide a direct benefit to the fishery.

Moody noted that the Dry Cottonwood Creek proposal #4 and the Madison River proposal #17 were recommended with conditions of receiving FWP approval of their grazing management plan. He felt grazing plans should be required for all project funding.

Lere stated that all applicants are required to enter into grazing agreements with FWP, specific to each project.

Jim Stone, Ovando, said he has served on the Future Fisheries Panel for a number of years. The panel members are dedicated and take reviewing applications seriously. The details are spelled out in the applications.

Action on Motion: Motion carried.

13. Upper Missouri River Reservoirs Fisheries Management Plan – Proposed. George Likness, FWP Region 4 Fisheries Manager, explained that the development of upper Missouri River management plans began in the late 1980s. The Canyon Ferry Plan was implemented in 1993, and the Hauser Plan was implemented in 1989. A system wide 10-year management plan was developed to provide direction from 2000 to 2009. Major changes in the fisheries occurred immediately after the plan went into effect with the decline in kokanee salmon numbers, and the unauthorized introduction of walleye in Canyon Ferry. The newly proposed ten-year management plan (2010-2019) updates the previous plan, addressing the fisheries of the upper Missouri River Reservoir system, which includes Canyon Ferry, Hauser, and Holter reservoirs, and the Missouri River from Toston to Townsend. Specific goals and strategies have been identified in each of these waters.

In 2008, FWP sought nominations for a citizen working group to develop management alternatives for the 2010-2019 Management Plan. Thirty-six nominations were received, from which eighteen citizens were selected. The workgroup met eight times in 2009 to consider data and develop management alternatives. Seventy-seven written comments were received throughout the process, and 203 more were received during the formal public comment period following the release of the draft plan. Alternatives were developed based on public comment, on biological data, and on social considerations.

Action: Moody moved and Doll seconded the motion to approve the proposed tentative Upper Missouri River Reservoirs Fisheries Management Plan for 2010-2019.

Vermillion asked what the multi-species were comprised of, and why the limit on walleye was reduced from 20 to 10.

Liknes replied that the multi-species fish are primarily rainbow trout, perch, walleye, brown trout, and kokanee. The reduced limit is a combination of social and biological issues. Harvest rates of walleye are high, it is a balancing act to maintain a forage base. Walleye natural reproduce in these waters.

Chairman Ream asked for public comment.

Gary Fritz, Hauser Tailwaters Outfitters Association, said they control the majority of fishing outfitter use on the Missouri, which is a world-class rainbow trout fishery. They agree with maintaining a no-wake zone above Beaver Creek. They plan to erect signs so boaters are aware of that restriction. They agree Beaver Creek should be restored to the spawning habitat it once was. They limit their guiding trips into that area, and would like to see a moratorium placed on other guides in that area. They are concerned about the brown trout population in that area, and feel there should be immediate closure in those brown trout spawning areas. They oppose supplemental stocking of Kokanee salmon in Holter. They agree with conducting a study of boats in spawning areas, but want the study expanded to include wade fisherman.

Dale Gilbert, Ulm, said he retired from the professional walleye tournament and applied to become a member of the Upper Missouri River working group. He is concerned about what is happening to the fisheries, and is not comfortable with the Plan. He said there was a lot of support expressed at the December meeting for Alternative

2 on Canyon Ferry Lake. Alternative 1 will not accomplish what is desired, people will keep the ten best fish. Alternative 2 would encourage people to keep some of the smaller fish. He takes issue with how long it will take to implement the plan – it will be March of 2011.

Bob Gilbert, Walleyes Unlimited, is concerned about the policy and the process. Expertise was provided, but was ignored by FWP. People did not attend public meetings because the perception is that “they (FWP) are going to do what they want anyway”. He asked if it is the policy for FWP to do what they want anyway, after inviting others to participate. He recommends Alternative #2 even though they are not that happy with the whole plan.

Pete Test, Helena, has a problem with stocking kokanee salmon. The Kokanee were flushed into Holter Lake during the flood in 1981, and in 1983 they made a huge run upstream. Then the brown trout started showing up with fungus. He said the Kokanee wiped out the brown trout. He suggested not stocking Kokanee until intensive creel studies are completed.

Mark Agenes, Trout Unlimited, said they have been involved in this entire process. They are most interested in forage species, and the introduction of them is good. They like the adaptive management trigger, and not having to wait another ten years for a management plan. They like the aquatic nuisance species language, and the no live bait feature. The economic impact is tremendous. Since walleye were introduced, the numbers of trout fishermen have declined.

Terry McArdle, East Helena, said the Townsend Chamber of Commerce conducted a study at one of the Silos Ramps on Canyon Ferry Lake in May, June, and July where they checked 8,000 people, and asked what they were fishing for. Most anglers (95%) replied that they came to fish for walleyes. That results in a huge impact on Townsend. The walleye tournament alone brings in 150 teams of anglers who spend a lot of money in the area. He said none of the fish in the reservoir are native fish, they have all been introduced. Everyone has their favorite fish, but that doesn't make one better than the others.

Mike Sedlock, Walleyes Unlimited, said he sat in on the development of the first management plan where they came down to a recommendation of a 10 fish limit, but when it was presented to the Commission, it was changed by a FWP biologist. They want this plan to go back to their original recommendation. Placing a slot limit in the plan will turn the fishery around. Canyon Ferry Lake has been overharvested. They recommend Alternative 2.

Action: Moody moved and Doll seconded the motion to amend the first motion to select Alternative 2 rather than Alternative 1 as the preferred alternative in Canyon Ferry Lake.

Vermillion stated that Canyon Ferry Lake is clearly the issue. He suggested obtaining broad-based public comment on all three alternatives.

Action on Motion: Moody withdrew his motion.

Action: Moody amended the original motion to advance all three alternatives regarding Canyon Ferry Reservoir for public comment, with no preferred alternative. The remainder of the motion remains as was originally moved by Moody regarding the balance of the River. Vermillion seconded the motion.

Action on Motion: Motion carried.

14. Wildcat Lake Limit Waiver of the South Fork Project – Proposed. Bruce Rich, FWP Fisheries Division Bureau Chief, explained that the South Fork Flathead Cutthroat Conservation Plan was initiated to replace non-native fish with pure westslope cutthroat in twenty-one lakes in the South Fork Flathead drainage to maintain genetic purity. Replacement involves either chemical treatment or genetic swamping. Five lakes have been treated to date. In 2010, Wildcat Lake is scheduled for treatment and four other lakes are scheduled for continuation of genetic swamping (George, Woodward, Pyramid, Pilgrim) for a second year. The public has

asked for a limit waiver so they might maximize fish harvest before treatment. Removing limits will expedite genetic swamping. Although these lakes are remote, and angling is limited, the limit waivers would create public good will and support, and would enhance the goal of genetic purity. FWP holds annual public meetings on the progress of this project, and also maintains a website on its status.

Action: Vermillion moved and Doll seconded the motion to approve the tentative proposal to remove daily and possession bag limits through October 1, 2010 for Wildcat, George, Woodward, Pyramid, and Pilgrim lakes including within 100 yards of the lakes for inlet and outlet streams.

Chairman asked for public comment. There was none.

Action on Motion: Motion carried.

15. Hell Roaring Creek Water Right Lease – Final. Bruce Rich, FWP Fisheries Division Bureau Chief, explained that Hell Roaring Creek is a tributary to Red Rock Creek in the Centennial Valley. Both streams provide critical habitat for the Arctic grayling population. The U.S. Fish and Wildlife Service Red Rock Lakes Compact provides for instream flows on Red Rock Creek, and allowed the USFWS to negotiate cooperative agreements with water users to ensure these instream flows are met. All but one of the water users on Red Rock and Hell Roaring Creeks signed cooperative agreements, however the ownership of this single holdout has since changed, and the new owners now have signed a water right lease with FWP to provide for instream flow. This lease will also help ensure that the water management aspect of a potential Future Fisheries project would be legally protected.

At the time of FWP Commission Endorsement of this project in November 2009, FWP was considering contracting with the Montana Water Trust to prepare and pursue the water right change application with DNRC, however changes in the Water Trust's' operations might not allow for it to undertake this project. Should that happen, FWP pursue the water right change with DNRC, and will continue to coordinate with the Nature Conservancy.

Action: Doll moved and Vermillion seconded the motion to approve the Water Right Lease Agreement with the Elisabeth Grazing Associates LLC and authorize FWP to file the associated water right change with DNRC. Motion carried.

16. Classification of Three Exotic Species as Non-Controlled – Final. TimFeldner, FWP Enforcement Commercial Wildlife Permit Manager, explained that exotic wildlife must be classified as controlled, non-controlled, or prohibited to be legally imported into Montana. A review committee evaluates petitions for classification based on environmental impacts that would be caused by the animal if it is released or escapes from captivity, the risk the animal would pose to health or safety of the public, and the ability to readily control and contain the animal in captivity.

The classification committee recommends that the Commission adopt rules to classify the Eritrea clawed frog, the Cameroon volcano frog, and the Hermit crab, as noncontrolled, which means they can be possessed or sold as pets in Montana without an authorization permit.

Doll questioned why new animals continue to be introduced into Montana.

Feldner replied that classifying them and allowing them into Montana is one way to keep control over them. Otherwise there would be no control over the exotics.

Moody shared Doll's apprehension regarding importation of exotic species. There is no absolute assurance that a species will bring no harm to Montana. These two frog species may not be able to reproduce in this environment, but can still bring in diseases and bugs. He does not sympathize with pet stores regarding exotic species.

Feldner stated that animals coming into Montana must obtain an import permit from the Department of Livestock, and to receive the permit, a health certificate assuring the animals are disease free is required. Veterinarians request the import permit after drawing up the health certificate. Montana has the ability to require these frogs to come from a breeding facility that is disease free and not from the wild. There are competent individuals on the committee that are disease specialists. There is a long list of prohibited species. Releasing exotics is illegal; FWP has cited people for doing that.

Ream stated that there was no control over exotic species until legislation was passed to provide control. It was wide open before legislation.

Action: Vermillion moved and Doll seconded the motion to give final approval for the classification of exotic species as recommended by the classification review committee. Motion carried.

17. Fish Creek Land Acquisition – Final. Dave Risley, FWP Fish & Wildlife Division Administrator, and Chas Van Genderen, FWP Parks Division Administrator narrated a Power Point presentation on Fish Creek. FWP proposes to acquire 40,945 acres from The Nature Conservancy along Fish Creek, 40 miles west of Missoula, to create a 33,295-acre Wildlife Management Area and 7,650-acre State Park. Funding would come from Habitat Montana, Pittman-Robertson, and Access Montana. Fish Creek and its tributaries support bull trout and west-slope cutthroat trout, has sixty-six miles of riparian habitat that supports many species of wildlife, provides elk and deer winter range, and provides a linkage with Alberton Gorge. The draft Environmental Assessment was released for public comment, and a public hearing was held. There has been overwhelming support for the acquisition, however many folks have shared concerns about the State Park component, specifically regarding the level of development and increased public use. FWP considered completing the purchase without a state park component, but found that the Access Montana funding is essential to complete the project, and the park component offers amenities that the public has requested. The price of the acquisition was increased to \$17.35 million as the Nature Conservancy was no longer able to donate a third of the cost, however the additional expense is eligible for federal match.

Action: Vermillion moved and Doll seconded the motion to approve FWP's proposal to complete the purchase of the Fish Creek parcels.

Chairman Ream asked for public comment.

Tim Aldrih, Hellgate Hunters and Anglers, said it is tremendous wildlife country. It will be challenging to meld the management of a wildlife management area and a state park. Is a great acquisition but need to work hard on developing a management plan.

Mark Agenes, TU, such it is a tremendous value for anglers. It has the best bull trout spawning areas in the Clark Fork. They have concerns about the parks aspect too, but recommends going through with it. They want to be included in the process.

Action on Motion: Motion carried.

18. Sunset Hills Conservation Easement (R2) – Endorsement. Ken McDonald, FWP Wildlife Division Bureau Chief, explained that FWP proposes to enter into a conservation agreement with the Five Valleys Land Trust, under which FWP would provide federal funds for Five Valleys to acquire an approximately 3,500-acre conservation easement in the Blackfoot Valley. Although the land will be held in private ownership, the terms of the conservation easement will ensure that it is permanently open for public recreational access, including hunting. FWP would secure a 'third-party' right of enforcement, meaning that FWP will have the right to enforce the terms of the conservation easement if Five Valleys can no longer serve that role. Funding would come from a portion of a \$6 million federal Habitat Conservation Plan grant, which the U.S. Fish & Wildlife Service has approved for the North Chamberlain Conservation Project, which is a series of proposed conservation easements in the Chamberlain Mountain area of the middle Blackfoot watershed. This land was

part of the approximately 88,000 acres purchased by The Nature Conservancy from Plum Creek Timber Company.

Action: It was moved and seconded to endorse FWP's efforts to develop a proposal to provide HCP grant funds for the Five Valleys Land Trust to acquire the Sunset Hill Conservation Easement and for FWP to hold third-party enforcement rights. Motion carried.

19. Little Fish Creek Conservation Easement (R2) – Endorsement. Ken McDonald, FWP Wildlife Division Bureau Chief, explained that FWP proposes to enter into an agreement with the Five Valleys Land Trust of Missoula, under which FWP would provide federal funds for Five Valleys to acquire an approximately 1,200-acre conservation easement in the Blackfoot Valley. It is anticipated that the land to be covered by the conservation easement will ultimately transfer from The Nature Conservancy to the Department of Natural Resources and Conservation. FWP would secure a 'third-party' right of enforcement, meaning that FWP will have the right to enforce the terms of the conservation easement if Five Valleys can no longer serve that role. Funding would come from a portion of a \$6 million federal Habitat Conservation Plan grant, which the U.S. Fish & Wildlife Service has approved for the North Chamberlain Conservation Project, which is a series of proposed conservation easements in the Chamberlain Mountain area of the middle Blackfoot watershed. This land was part of the approximately 88,000 acres purchased by The Nature Conservancy from Plum Creek Timber Company.

Action: Vermillion moved and Moody seconded the motion to endorse FWP's efforts to develop a proposal to provide HCP grant funds for the Five Valleys Land Trust to acquire the Little Fish Creek Conservation Easement and for FWP to hold third-party enforcement rights. Motion carried.

20. Shed Antler Hunting on Sun River Wildlife Management Area – Final. Ken McDonald, FWP Wildlife Division Bureau Chief, explained that wildlife management areas that include big game winter ranges are closed to the public from December 1 to May 15 to eliminate human disturbance when wildlife most need to conserve energy. The May 15 spring opener attracts crowds of antler hunters. The Sun River WMA alone attracts hundreds of people and more than 200 vehicles. When the gate is opened, people, horses and vehicles rush in to pursue the antlers.

FWP originally proposed to limit all WMA opening days to walk-in only for three days. As an adjusted final proposal, FWP now proposes this restriction on only the Sun River WMA. The walk-in only regulation would be in effect for 72 hours, beginning with the noon opener on May 15. It would apply to all non-emergency public entry to the WMA for any purpose, including shed-antler hunting and activities like bear hunting, photography, and more. FWP could establish WMA-specific travel routes for minimal motorized entry and parking within the WMA. The Department recommends approaching this as a pilot regulation on just the Sun River WMA rather than initiating a statewide regulation so that it can be evaluated before applying it statewide. Public comment produced a relatively large volume of comments.

Action: Moody moved and Vermillion seconded the motion (for purpose of discussion) to set as a final regulation a - day walk-in on all WMAs with development of local management plans on each individual WMA.

Vermillion agreed that Sun River is a concern, but he would not want to implement this on all statewide WMAs at this time. He suggested a gradual approach, and asked that the regions pay special attention to the WMAs to identify problems, then proceed from there.

Moody said he did not support singling out only the Sun River WMA. He said although the discussion began with the Sun River WMA, there were behavioral problems on all WMAs relative to poaching and trespass and other law enforcement issues.

Ream noted that there are WMAs where there are no antlers. He agreed with Vermillion's suggestion to have the regions identify areas with perceived problems and deal with them at that point. He felt it should be implemented on only the Sun River WMA.

Doll stated that the shed horns used to be worth a lot more than they are now, so some of the initiative has been removed. He suggested trying this for a year, or let the regions develop something among themselves.

Action on Motion: Moody withdrew his motion.

Action: Vermillion moved and Ream seconded the motion to adopt the walk-in only regulation for the Sun River WMA as proposed by FWP for a two year trial period of 2010-2011.

Chairman Ream asked for public comment.

Graham Taylor, FWP Region 4 Wildlife Manager, asked where people would walk in from.

McDonald said the intent was to incorporate a travel management plan into the regulations because there will be 200 vehicles lined up waiting at the gate. The thought was to walk in from an established parking area.

Ream said he assumed it would be from the external boundary.

Vermillion said plans need to be in place in order to implement this proposal. It is unknown where vehicles will even be parked at this point. He suggested waiting until 2011, and directed FWP to develop a long-term plan.

Action on Motion: Vermillion withdrew his motion.

No action was taken on this issue. It will be brought back at a later date.

21. 2010 Peregrine Falcon Take Allocation – Final. Jeff Herbert, FWP Wildlife Division Assistant Bureau Chief, stated that monitoring of falcons indicates increases in the number of nesting pairs and production of young. Five take permits were issued to Montana falconers in 2009, but no peregrines were taken. An extended season for take was requested by four of the five permit holders. The Montana Falconers Association supports the take of five peregrines within a season framework that matches federal guidelines, June 1-August 31. The comment period generated 98 comments, with the majority in support of the proposed action. Comments in opposition focused on the inappropriateness of allowing individuals to possess wild falcons. FWP recommends the following:

- authorize the take of five nestling or juvenile peregrines in 2010
- restrict take to June 1-August 31
- limit take to one peregrine for each successful applicant
- prohibit take from eastern Montana to encourage expansion of the breeding population
- prohibit take from certain nests of high value wildlife viewing opportunity and/or part of on-going agency approved research efforts
- prohibit the sale, barter or exchange of birds from the wild

Action: Moody moved and Doll seconded the motion to authorize the take of up to five peregrine falcon nestlings or fledglings for falconry purposes in 2010 within a take period of June 1–August 31. Motion carried.

15. Open Microphone – Public Opportunity to Address Additional FWP Issues. There was none.

Action: Vermillion moved and Moody seconded the motion to adjourn the meeting. Motion carried.

Meeting adjourned at 1:35 p.m.

Bob Ream, Chairman

Joe Maurier, Director