

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Region 7 Headquarters – 352 I-94 Business Loop
Miles City, MT
JUNE 10, 2010

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

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

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

A tour of the Miles City Hatchery and of the Tongue River Railroad Corridor was conducted on June 9.

Topics of Discussion:

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Minutes of May 13, 2010**
3. **Approval of Commission Expenses through May 2010**
4. **Commission Reports**
5. **Director's Report**
6. **Right of Way Easement Report**
7. **North Chamberlain Conservation Project near Ovando - Final**
8. **Noxon/Cabinet Gorge Aquatic Invasive Species Bait Regulations – Final**
9. **Big Hole River Closure Rule – Final**
10. **2010 Mountain Lion Quotas - Final**
11. **2010/2011 Furbearer Seasons and 2010 Quotas - Proposed**
12. **Bighorn Sheep and Mountain Goat Transplant – Endorsement**
13. **2010 Bison Quotas – Proposed**
14. **2010 Deer, Elk and Antelope Quotas Outside Biennial Quota Range – Proposed**
15. **2011 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Final**
16. **Lower Brazil Creek Conservation Easement - Final**
17. **Canyon Creek WMA Proposed Tar Head Creek Fee-Title Addition – Endorsement**
18. **Foy's Lake Boundary Line Adjustment – Final**
19. **Mountain Acres Big Spring Creek – Endorsement**
20. **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.

Chairman Ream thanked Region 7 for hosting the Commission meeting and for conducting the interesting and informative tour of the Miles City Hatchery and of the Tongue River Railroad corridor.

2. **Approval of the Commission Meeting Minutes of May 13, 2010.**

Action: Doll moved and Moody seconded the motion to approve the May 13, 2010 minutes. Motion carried.

3. **Approval of the May, 2010 Commission Expense Report.**

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

4. Commission Reports.

Moody – attended meetings in Bozeman on natural resource management; wolves were a significant topic of discussion. He also attended the Region 3 Citizens Advisory Committee.

Doll – observed, along with Commissioner Moody, the opening day of shed antler hunting on the Beartooth WMA and the Sun River WMA, and found it to be quite enlightening. He thanked Region 7 for conducting the tour of the TRR Corridor and the Hatchery, and for the hospitality extended to the Commission.

Colton – noted the recent passing of Mark Henckel, outdoor editor for the Billings Gazette for thirty years and voice for the sportsmen. Colton will draft a resolution of appreciation in Henckel's honor.

Ream – went to the dedication of the Blackfoot Land Exchange with Commissioners Colton and Vermillion, and attended the wolf hearing in Missoula.

Vermillion – has been receiving many public comments expressing concerns on both sides of the wolf issue. Concerns regarding noxious weeds and the transfer of aquatic nuisances by anglers and boats are also becoming prevalent.

5. Director's Report. Director Maurier stated that FWP will be in court on June 15 in Missoula to present oral arguments relative to removal of gray wolves from the Endangered Species list. Judge Donald Molloy will rule on the issue following his deliberation of the matter. On June 25, a fundraising event will be held in Helena to benefit the Outdoor Discovery Center, and there is a possibility that Jack Hanna may be in attendance. FWP continues to work toward finalization of Spotted Dog - the appraisal came in at \$550 per acre. The Director suggested holding a Work Session in conjunction with the July 8 meeting to discuss wolves and proposed land acquisitions. The Commission set the Work Session for 3:00 p.m. on July 7 at FWP Headquarters in Helena.

6. Right of Way Easement Report. Hugh Zackheim, FWP Lands Unit, reported to the Commission on four right-of-way easements, which included an easement granted to the Montana Department of Transportation at the Clarks Fork of the Yellowstone River Fishing Access Site; a road easement granted to FWP by Dawson County at the Black Bridge FAS; an underground fiber optic line easement granted by FWP to Southern Montana Telephone at Poindexter Slough FAS; and a power line easement granted by FWP to Neeley at the Stuart Mill Bay FAS.

7. North Chamberlain Conservation Project near Ovando – Final. Hugh Zackheim, FWP Lands Unit, explained that FWP proposes to implement the North Chamberlain Conservation Project, in partnership with the Five Valleys Land Trust, in the Blackfoot River drainage west of Ovando, by acquiring two perpetual conservation easements totaling 16,850 acres. Funding is to be provided by a \$6.5 million dollar USFWS Habitat Conservation Plan Grant that was awarded to FWP in 2008, plus the Nature Conservancy is donating 45% of the value of the North Chamberlain and Sunset Hill conservation easements. Recreational access to the main block of the North Chamberlain property would be managed under DNRC recreational access rules. Public comments were in strong support of the project.

Action: Vermillion moved and Colton seconded the motion to authorize FWP to complete the North Chamberlain Conservation Project. Motion carried.

8. Noxon/Cabinet Gorge Aquatic Invasive Species Bait Regulations – Final. FWP and the Department of Agriculture were given authority by the 2009 legislature to designate/create Aquatic Invasive Species Management Areas to areas in need of control or eradication of aquatic invasive species. Dave Risley, FWP Fish and Wildlife Division Administrator, explained that following discovery of Eurasian water milfoil in Noxon and Cabinet Gorge reservoirs in 2007, efforts were instituted to eradicate this plant, but actually designating these reservoirs as Management Areas would mean the use of bait would be prohibited. Because milfoil is a weed and would not affect the fishery, FWP proposes to retain the standard bait requirements already in place in the Western Fishing District. The public comment period generated no comments.

Action: Vermillion moved and Colton seconded the motion to approve the proposed bait regulations for the Noxon/Cabinet Gorge Aquatic Invasive Species Management Area. Motion carried.

9. Big Hole River Closure Rule – Final. Roger Semler, FWP Assistant Parks Division Administrator, stated that FWP is seeking final approval of the rule authorizing closure of a 1.4 mile stretch of the Big Hole River, for public safety purposes, during reconstruction of a diversion dam. The closure would occur from Silver Bridge, also known as Powerhouse FAS, to the Highway Bridge, also known as Divide Bridge, from July 6, 2010 to October 31, 2010. It would apply to all floating, and would limit wade angling in the immediate vicinity of the construction. The closure could be lifted prior to October 31 if construction is completed early, or could be postponed if construction is delayed. Nine comments were received, all in support of the proposal.

Action: Moody moved and Colton seconded the motion to adopt the rule for temporary closure of a portion of the Big Hole River as specified for public safety purposes. Motion carried.

10. 2010 Mountain Lion Quotas – Final.

Quentin Kujala, FWP Wildlife Management Bureau Chief, presented the proposals.

Mountain Lions – Region 1 through Region 7

No proposed changes to the approved tentative quotas.

Action: Colton moved and Vermillion seconded the motion to approve the Region 2, Region 4, and Region 5 Mountain Lion quotas as proposed. Motion carried.

Action: Vermillion moved and Moody seconded the motion to approve the Region 1, Region 3, and Region 6 Mountain Lion quotas as proposed.

Doll stated that folks want higher quotas in Region 6 to get the cats under control.

Action on Motion: Vermillion amended his motion to include only Regions 1 and 3. It was seconded. Motion carried.

Action: Moody moved and Vermillion seconded the motion to approve the Region 6 Mountain Lion quotas as proposed. Motion failed.

Action: Colton moved and it was seconded to approve a Region 6 Mountain Lion quota of three legal lions in HDs 680/690.

Keith Hall, Miles City, said the population needs to be reduced, and he worries about children be harmed.

Action on Motion: Motion carried.

Action: Colton moved and Vermillion seconded the motion to approve the remainder of Region 6, and the Region 7 Mountain Lion quotas as proposed. Motion carried.

11. 2010/2011 Furbearer Seasons and 2010 Quotas – Proposed.

Proposed changes from 2009 seasons and quotas/subquotas are as follows.

- * Reduced bobcat quota in Trapping District 5 from 500 to 400
- * Additional beaver trapping opportunity on the Mount Haggin WMA in Region 3
- * Swift Fox harvest season in part of Trapping District 6 (proposed 2010 quota of 20) and live-capture authorization for potential restoration efforts (up to 20 for 2010; in addition to harvest quota)

Action: Vermillion moved and Colton seconded the motion to approve the proposed 2010/2011 furbearer trapping regulations and seasons and 2010 quotas as proposed.

Chairman Ream asked for public comment.

Kurt Knutson, Saco, was happy about the swift fox proposal. He enjoys trapping them because they are easy to trap, and they are a trophy.

Action on Motion: Motion carried.

12. Bighorn Sheep and Mountain Goat Transplant – Endorsement. Quentin Kujala, FWP Wildlife Management Bureau Chief, stated that Wild Horse Island has been identified as a bighorn sheep source population, and others may also be identified dependent on the late fall field surveys. A potential release site on public and private lands north of Columbia Falls is being explored, and sites suitable for augmentation of existing populations are also under consideration. Ten to twenty mountain goats may be available from HD 313 for transplant to a potential augmentation site in Region 1 in the Cube Iron/Mount Headley area, and another option is to re-introduce the goats into the Whitefish Mountain range.

Action: Colton moved and Doll seconded the motion to endorse these potential augmentation and explorations for new releases or re-introductions as presented by FWP. Motion carried.

13. 2010 Bison Quotas – Proposed.

No proposed changes to the existing 2009 quotas.

Action: Moody moved and Vermillion seconded the motion to adopt the 2010 bison license quotas as proposed.

Moody said the season structure needs more flexibility.

Keith Hall asked how many bison were sent to slaughter, and at what cost. Why not hunt them instead of slaughtering them?

Kujala replied that he does not know exactly how many, that it is a Department of Livestock issue, but no license dollars are spent on the slaughter component.

Bob Lane, FWP Legal Counsel, said there are stipulations within the Bison Management Plan (with the Department of Livestock) that restrict the ability to hunt. Hunting can only be offered on those bison left over.

Action on Motion: Motion carried.

14. 2010 Deer, Elk and Antelope Quotas Outside Biennial Quota Range – Proposed.

Nine outside biennial quota ranges are proposed and listed below. All other changes and/or maintenance of 2009 elk, deer and antelope quotas for 2010 are within the adopted biennial quota ranges and do not require additional commission approval.

DEER

Region 3

- o HD 319-00: decrease antlerless mule deer licenses from 150 to 25
- o HD 322-00: decrease antlerless mule deer licenses from 300 to 50

ELK

Region 1

- o HD 100-80: decrease antlerless licenses 50 to 25
- o HD 101-81: decrease antlerless licenses from 10 to 5
- o HD 109-80: decrease antlerless licenses from 25 to 20
- o HD 120-80: decrease antlerless licenses from 10 to 5
- o HD 122-80: decrease antlerless licenses from 50 to 25
- o HD 123-80: decrease antlerless licenses from 50 to 25

ANTELOPE**Region 7**

- o HD 700-00: decrease either sex licenses from 13,000 to 11,000 (or to a number within the biennial range pending summer surveys)

Action: Colton moved and Vermillion seconded the motion to adopt the proposed adjustments to 2010 Deer, Elk and Antelope quotas outside the biennial range as proposed by FWP. Motion carried.

15. 2011 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Final. State law provides for an auction process to distribute the moose, sheep and goat licenses and an auction/lottery option to distribute the mule deer and elk licenses. The Commission must decide on the criteria and process for selecting conservation organizations to conduct the various big game hunting license auctions/lotteries each year, and then solicit proposals to do so. No less than ninety percent of the proceeds are returned to FWP, with the organization retaining the remaining 10 percent. FWP proposes no change to the 2010 annual auction/lottery rules for use in the 2011 auction.

Action: Vermillion moved and Colton seconded the motion to adopt the final 2011 auction/lottery rules for the moose, sheep, goat, mule deer and elk licenses as proposed by the Department and directed the Department to pursue an ARM process for this rule. Motion carried.

16. Lower Brazil Creek Conservation Easement – Final. Quentin Kujala, FWP Wildlife Management Bureau Chief, explained that FWP proposes to purchase a conservation easement on the Lower Brazil Creek property, which consists of about 145 acres of private land located two miles northwest of Glasgow. The property contains two miles of frontage along the Milk River and Brazil Creek, and includes associated native riparian habitat, hay meadows and managed cropland. The property adjoins the Olsen Ranch Conservation Easement, also held by FWP. FWP and the landowner have negotiated a price of \$149,200 for the conservation easement, which represents 40 percent of the appraised fee value of the property. Funding is anticipated to be provided from the Upland Game Bird Habitat Enhancement Program and the Montana Fish & Wildlife Conservation Trust. The Lower Brazil Creek landowner wishes to stay on the land and continue the farm/ranch operation, while supporting wildlife habitat and providing public recreational opportunities. If FWP does not move forward on this project, there is a possibility that the property will be sold to a private recreational buyer.

Action: Colton moved and Moody seconded the motion to authorize FWP to purchase a conservation easement on the Lower Brazil Creek property near Glasgow. Motion carried.

17. Canyon Creek WMA Proposed Tar Head Creek Fee-Title Addition – Endorsement. Quentin Kujala, FWP Wildlife Management Bureau Chief, explained that FWP is seeking Commission endorsement to pursue acquisition of a one hundred-fifty-acre parcel of property adjoining the Canyon Creek Wildlife Management Area, about 20 miles northwest of Helena along Tar Head Creek. This acquisition would increase the amount of contiguous protected wildlife habitat, would protect a stream in which westslope cutthroat trout reside, would increase access to public lands adjacent to Helena National Forest and BLM land, and it lies within a high-priority wildlife movement corridor along the Continental Divide. The property also fits within the funding parameters of the Montana Fish and Wildlife Conservation Trust, which applies funds gained from the sale of Canyon Ferry cabin-site leases to land conservation. Value will be determined by an independent appraisal.

Action: Vermillion moved and Doll seconded the motion to endorse further work by FWP on the potential Tar Head Creek addition to the Canyon Creek WMA. Motion carried.

18. Foy's Lake Boundary Line Adjustment – Final. Roger Semler, FWP Parks Division Assistant Administrator, explained that FWP owns 2.09 acres in two separate parcels on the north side of the lake that are separated by a private inholding owned by Montana Forest Products. The site is a heavily used recreation site, and the public regards the private land as a continuation of public land and frequently trespasses. To alleviate

this situation, FWP and Montana Forest Products propose a boundary adjustment that would consolidate FWP's parcels and create a single boundary line between the properties. The line adjustment is based on current appraised values, and would result in very similar acreages. Public comments were all favorable with a few suggestions such as the installation of a vault toilet. The Commission endorsed negotiations on this issue in December of 2008.

Action: Vermillion moved and Colton seconded the motion to approve the boundary line adjustment with Montana Forest Products resulting in a consolidated 1.783 FWP parcel and a 0.812 acre MFP parcel. Motion carried.

19. Mountain Acres Big Spring Creek – Endorsement. Roger Semler, FWP Parks Division Assistant Administrator, explained that FWP proposes to acquire the six-acre Mountain Acres property, at a cost of \$60,000, to enhance public access at Big Spring Creek by developing a fishing access site. FWP has applied for a grant from the Montana Fish and Wildlife Conservation, and recently received tentative approval. The public has expressed support for the project.

Action: Moody moved and Vermillion seconded the motion to authorize the Department to pursue acquisition of the Mountain Acres parcel. Motion carried.

15. Open Microphone – Public Opportunity to Address Additional FWP Issues.

Jack McRae, Montana Woolgrowers Association, thanked the Commission for taking time to tour the TRR corridor. He was pleased that the Commission now “has a taste of the situation”.

Kelly Radue, local landowner and member of the Tongue River Chapter of Pheasants Forever, thanked the Commission for taking the tour of the corridor. It, and the hatchery, are jewels, and he hopes the Commission protects them.

Debra Hanson, Miles City, thanked the Commission for touring the area to see what a robust economy it is. A lot of time and effort have gone into developing the facilities. The hatchery has a lot of tax money and sportsmen's money invested in it.

Keith Hall, Miles City, said any access to the resource is welcome.

Mark Fix, Miles City, thanked the Commission for coming to tour the TRR corridor and hatchery. He has not granted an easement to TRR across his property yet, although he has been threatened with condemnation. He would like to see the route of the line changed to save the hatchery as the hatchery is an asset to the Miles City area. He feels TRR needs to conduct an environmental assessment to determine any potential damages.

Commissioner Vermillion expressed thanks to Region 7 for the tour and for the opportunity to spend time with the McRae family to gain a sense of the stress the family is going through.

~ ~ ~ ~

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

Meeting adjourned at 11:35a.m.

Bob Ream, Chairman

Joe Maurier, Director