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

## OCTOBER 7, 2010

**Commission Members Present:** Bob Ream, Chairman; Willie Doll; Ron Moody; Shane Colton.

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

**Guests:** See October 7, 2010 Commission file folder for names of who signed in.

**Topics of Discussion:**

1. **Call to Order - Pledge of Allegiance**
2. **Director's Awards Presentation**
3. **Approval of Minutes of August 5, 2010 Commission Meeting**
4. **Approval of Conference Call Minutes of August 31, 2010 and September 20, 2010**
5. **Approval of Commission Expenses through September, 2010**
6. **Commission Reports**
7. **Director's Report**
8. **Mark Henckel Resolution**
9. **2011 Commission Meeting Schedule – Proposed**
10. **Makoshika State Park – McCarty In-holding Donation of 160 Acres – Final**
11. **Wolf Relisting Response Efforts and 2010 Depredation Levels – Informational**
    **Wolf / Livestock Conflict (Removals)**
    **Preliminary Fall Wildlife Population Status**
    **USFWS Response to Maurier-Gould Letter**
    **Department of Interior Response to Schweitzer-Salazar Letter**
    **10 a1a Permit Application**
    **Negotiated Settlement Update**
12. **2011 Fishing Regulation Changes - Final**
13. **West Swan Valley Conservation Project – Final**
14. **Old Steel Bridge Fish Conservation Area Acquisition along the Flathead River – Endorsement**
15. **Elk Plan Objectives Adjustments – Final**
16. **Bitterroot Wolf 10(j) Proposal – Proposed**
17. **Marshall Creek Fee-Title Purchase near Seeley Lake – Final**
18. **Moline Ranch Conservation Easement – Final**
19. **Canyon Creek WMA Tar Head Creek Fee-Title Addition – Final**
20. **Open Microphone – Public Opportunity to Address Additional FWP Issues**

**1. Call to Order - Pledge of Allegiance.** Chairman Bob Ream called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

**2. Director's Awards Presentation.** Director Maurier and FWP Human Resources Technician Ellen Bryson, presented the awards and framed artwork. Awards are divided into three categories, which included Innovative Thinker, Professional of the Year, and Special Achievement.

| Innovative Thinker Award | Professional Of The Year | Special Achievement | |
|---|---|---|---|
| Jon Obst | Luke Duran | Mack Long | Rebecca Cooper |
| Pat Byrnes | Tom Reilly | Lee Bastian | Ladd Knotek |
| Gary McDonald | Bob Lane | Chet Crowser | George Liknes |
| Dustin Temple | | Mike Thompson | Eric Roberts |
| | | Vickie Edwards | Cleve Schuster |
| | | Darlene Edge | Donna Rae |
| | | Paul Sihler | Jeannie Lake |
| | | Adam Brooks | |

**3. Approval of the Commission Meeting Minutes of August 5, 2010.**
*Action: Doll moved and Colton seconded the motion to approve the August 5, 2010 minutes. Moody noted that a motion he made regarding the Central District should include the words "on walleyes" as follows.*
"Action: Vermillion moved and Moody seconded the motion to approve the Department's recommendations on these reservoirs with the exception to remove the limit on walleyes from Holter to Black Eagle Dam."
*Motion carried.*

**4. Approval of Conference Call Minutes of August 31, 2010 and September 20, 2010.**
*Action: Colton moved and Doll seconded the motion to approve the August 31, 2010 and September 20, 2010 conference call minutes. Moody interjected that a copy of the resolution should be included in the minutes. Motion carried.* (Please note: There is a copy of the resolution in the meeting file folder, and a copy is inserted at the end of the August 31, 2010 minutes).

**5. Approval of the September, 2010 Commission Expense Report.**
*Action: Colton moved and Doll seconded the motion to approve the expense report as presented. Motion carried.*

**6. Commission Reports.**
Moody said that PLPW is continuing to work on developing a dispute resolution process, and he encourages the community to provide comments. He noted that the Montana State Library recently made the FWP Montana Outdoors magazines available online, in their entirety, back to the first issue that was published in 1928.
Colton said several bears have been milling around in Stillwater County, and there have been conflicts between rafters and fishermen on the Stillwater River.
Ream attended the AFWA conference in Michigan, where he attended interesting and productive meetings regarding climate change, lead shot, and wolves.
Doll said due to the wet year, waterfowl production is way up, and it looks good for antelope.

**7. Director's Report.**
Director Maurier stated that FWP is responsible for hosting both WAFWA conferences in 2011. The winter meeting in January will be held in Tucson, Arizona, and the summer meeting in July will be held in Big Sky. Commissioners are welcome and encouraged to attend. A draft agenda should be available soon.
FWP closed on the Spotted Dog land acquisition, and hunters are already using it.

**8. Mark Henckel Resolution.** Commissioner Colton read the proposed resolution written in honor of Mark Henckel, who recently passed away. The resolution will be presented to Mr. Henckle's family. (A copy of the resolution appears at the end of the minutes).
*Action: Colton moved and Doll seconded the motion to approve the resolution. Motion carried.*

**9. 2011 Commission Meeting Schedule – Proposed.** The proposed 2011 meeting schedule was reviewed and discussed. It is important not to change the dates of the meetings once they are set because now that the meetings are live streamed, the audio/video equipment and meeting rooms in both the regions and Helena must be reserved, and it is possible that changes to dates may create conflicts because equipment and rooms are already scheduled for other purposes. It was agreed that the July, 2011 meeting would be held on July 14 in Big Sky in conjunction with the WAFWA meeting.

**10. Makoshika State Park – McCarty In-holding Donation of 160 Acres – Final.** Roger Semler, FWP Parks Division, explained that FWP proposes to accept ownership of a 160-acre parcel of private property, known as the McCarty in-holding, located within the boundaries of Makoshika State Park. Mrs. Jerree Scheitlin, the last living primary descendant of the McCarty family, wishes to donate the property to FWP to manage as a park. For the past 57 years, Makoshika State Park has been managing the property through an annual recreational easement. Acquisition of this property afford park visitors the opportunity for lawful access without trespassing. Public comment has been positive.

*Action: Colton moved and Doll seconded the motion to endorse the Department's recommendation to receive the gift of the McCarty ¼ section in-holding and all its associated improvements for the immediate benefit of all current and future visitors to Makoshika State Park. Motion carried.*

Semler noted that a ceremony was held in honor of Mrs. Scheitlin, and a plaque will be erected at the park. The Commission requested that FWP also send a letter of appreciation to the Scheitlin family.

**11. Wolf Relisting Response Efforts and 2010 Depredation Levels – Informational.**
**Wolf / Livestock Conflict (Removals)**
**Preliminary Fall Wildlife Population Status**
**USFWS Response to Maurier-Gould Letter**
**Department of Interior Response to Schweitzer-Salazar Letter**
**10 a1a Permit Application**
**Negotiated Settlement Update**

Dave Risley, FWP Fish & Wildlife Division Administrator, explained that many internal and external meetings have been held regarding the wolf. The wolf population has recovered and FWP will continue to attempt to get wolves under state management authority. FWP filed a notice of appeal, and the Commission resolution was sent. An EQC meeting focused on wolves, and they sent a letter to Ken Salazar, Secretary of the Interior. Director Maurier sent a letter to Rowan Gould at the USFWS asking for management privileges in time for a 2011 season. No response has been received. FWP is working on a 10(j) proposal for management of wolves in the Bitterroot area. Congressional efforts regarding the Endangered Species Act include Senators Tester and Baucus preparing legislation, and Representative Rehberg drafting a bill and holding a series of listening sessions in Montana. Legislation is the best approach, but least likely to happen. Risley said it is difficult to inform the public that FWP is fully engaged as it is now old news and not likely to be on the front page of the newspapers anymore.

Colton inquired if there has been any discussion with Wyoming regarding their legislature changing their stand since they are the reason we lost the lawsuit. Montana is doing everything possible, but we are not in charge of the situation.

Director Maurier replied that Wyoming does not want to change. Legislators from Wyoming, Idaho, and Montana are meeting on the wolf issue, but FWP has not been apprised of what the discussion entails.

Caroline Sime, FWP Wolf Coordinator, stated that FWP monitors wolf populations year in and year out, and the population is now stable, although some mortality will occur by the end of the year. Mortality has increased over the last year to identify at least 144 wolves. Cattle death losses are higher this year than last, but sheep losses are lower this year than in 2009.

Bob Lane, FWP Legal Council, stated that FWP is exploring a settlement with the plaintiffs. The Department is talking with the USFWS and the plaintiff's group, which involves thirteen environmental organizations. Idaho is not involved, but they are observing. The public will be involved if a tentative settlement is reached.

**12. 2011 Fishing Regulation Changes – Final.** Bruce Rich, FWP Fisheries Division Bureau Chief, presented the regulations.

Dale Gilbert is concerned about making a long-term decision on what could be a short-term situation. He asked that the Commission not adopt a walleye limit of twenty fish from Holter Dam to Great Falls, as he feels it is without merit. It sends a poor message to the public, and it is an abuse of the resource.

Mike Sedlock, Walleyes Unlimited, is concerned that the fishery will be destroyed if the proposed twenty-fish limit on walleyes is approved on Holter Lake.

John Wilson, Trout Unlimited, brought petitions with 325 signatures supporting a no-limit walleye harvest between Holter Dam and Black Eagle Dam. Their reasoning behind the no-limit harvest is that walleye eat trout and the numbers are increasing below Holter. Setting a limit legitimizes the presence of walleye in this stretch of the river.

Bob Gilbert, Walleyes Unlimited, has not seen data indicating that there is a problem on Holter. The trout fishery is doing well. Why make a change when there is no problem. He recommended tabling this proposed regulation.

David Genter, Trout Unlimited, is in favor of the no limit proposal. There is no water body that can maintain both species successfully. The trout fishery on the Missouri River brings people in from all over the world.

Tony Herbert, Trout Unlimited, urged the Commission to go with a no limit regulation on walleyes. Economics are about trout fishing.

Dennis Cates urged the Commission to retain the no-limit regulation and not manage walleyes.

Chris Goodman, Missouri River trout Shop in Craig, said people travel from all over the world to fish this water. Many jobs are created, and a lot of money is generated.

Todd Campbell said he operates a fishing lodge and put up clients from all over the world to fish. He supports no limit.

Mark Aagenes, TU, said it is important to protect the resource, so their choice is to support no limit on walleyes.

Hal Harper supports no limit on walleyes. He said to make a biological decision as opposed to a political decision.

Ron McCullough, Walleyes Unlimited, said he is against the no limit regulation on walleyes. Access to the fishing areas are going to be full on this stretch of river and could cause some fighting among the fishermen.

*Action: Moody moved and Doll seconded the motion to approve the 2011 fishing regulations as proposed with the exception that the section between Holter Dam and Cascade Bridge would have a 25 fish per day on walleye.*

*Action on Motion: Moody withdrew his motion with Doll's concurrence following discussion by the Commission.*

*Action: Moody moved and Colton seconded the motion that the Commission adopt the 2011fishing regulations as proposed with the exception of the Missouri River section from Holter Dam downstream to Cascade Bridge where that section would have no limit on walleye. Downstream from Cascade Bridge to Morony Dam would have a daily limit of 20 walleye with 40 in possession.*

Doll urged the two fishing groups to work out their differences.

*Action: Motion carried. Three in favor – one opposed. (Doll opposed).*

**13. West Swan Valley Conservation Project – Final.** Paul Sihler, FWP Lands and Outreach Section, explained that FWP proposes to acquire either a conservation easement on, or fee title to, approximately 9,500 acres formerly owned by Plum Creek Timber Company in Lake County. The land lies within the Swan River State Forest, and includes portions of the Swan River, Woodward Creek, South Woodward Creek, and Whitetail Creek. Approximately $15.5 million is available for this acquisition from the Bonneville Power Administration Fisheries Mitigation Program. The appraisal is $18.26

million but FWP is acquiring it at $14 million. FWP would purchase the land and/or conservation easement from The Nature Conservancy, which is buying the property from Plum Creek as part of the Montana Legacy Project. Under the fee-title option, any land that FWP acquires will be subject to a conservation easement held by BPA, a requirement to ensure that the fisheries values are protected in perpetuity. Under the conservation-easement option, any lands over which FWP acquires an easement are expected to be purchased and managed by Montana DNRC as an addition to the Swan River State Forest.

*Action: Colton moved and Doll seconded the motion that the Commission approve the West Swan Valley Conservation Project, authorizing the Department to use the BPA grant and, if necessary, other appropriate funding sources to purchase a conservation easement or fee ownership, or a combination of both fee and easement, to conserve approximately 9,500 acres in Lake County as proposed in the Department's decision notice of September 29, 2010.*

Chairman Ream asked for public comment.

Robert Rasmussen, The Nature Conservancy, said they have worked with the landowner, FWP and DNRC to bring this forward, and they support the project.

Steven Braun, Whitefish, supports this proposal, but said the buffers are too small. Purchase the land and leave the conservation easement in the hands of BPA.

*Action on Motion: Motion carried.*

**14. Old Steel Bridge Fish Conservation Area Acquisition along the Flathead River – Endorsement.** FWP proposes to work with the Confederated Salish and Kootenai Tribes and BPA to acquire, in-fee title, an approximately 143-acre parcel of riparian habitat along the Flathead River adjoining Kalispell's Old Steel Bridge Fishing Access Site. This project would use BPA funds available to the CSKT to mitigate harm to resident fish caused by construction and subsequent habitat loss associated with Hungry Horse Dam. After acquisition, the CSKT would transfer ownership to FWP. The landowner wants to complete the transaction this calendar year, and he is not interested is a conservation easement. The landowner would retain 60 adjoining acres on the west side of Conrad Drive. The land would be encumbered by a restrictive conservation easement that the CSKT would convey to BPA at closing, and FWP would complete a detailed management plan for the property within one year of its acquisition.

*Action: Moody moved and Doll seconded the motion to approve that FWP proceed on negotiations for the acquisition of the proposed Old Steel Bridge Fish Conservation Area. Motion carried.*

**15. Elk Plan Objectives Adjustments – Final.** Quentin Kujala, FWP Wildlife Bureau, stated that there are no recommended changes to the proposed adjustments.

*Action: Colton moved and Doll seconded the motion to adopt the Final Elk Plan objective adjustments as proposed by FWP approval. Motion carried.*

**16. Bitterroot Wolf 10(j) Proposal – Proposed.** Ken McDonald, FWP Wildlife Division Bureau Chief, explained that the 10(j) rule is a part of the endangered Species Act. This proposal specifically addresses the West Fork of the Bitterroot in Hunting District 250 where wolves are impacting elk populations. It is a 5-year proposal. The federal 2008 10(j) regulations outline a process where states can gain USFWS approval to lethally remove wolves within specific impacted areas. A state must first write a proposal, obtain scientific peer review, and solicit public comment prior to submission to USFWS for their review. USFWS may either approve or deny FWP's request to lethally remove wolves as described by the proposal. McDonald narrated a Power Point presentation.

*Action: Colton moved and Moody seconded the motion to adopt the proposed wolf 10j proposal for elk in HD 250 and direct FWP to obtain scientific peer review and solicit public comment on the Proposals.*

Chairman Ream asked for public comment.

Charlie Johnson, Bitterroot Working Group, said we need to preserve the hunting heritage and protect agricultural producers. We need relief from predation of wolves. They support the 10( j) proposal.
Ben Lamb, MWF, said they support this proposal.

Derek Goldman, Western Wolf Coalition, commented that the elk numbers were down pre-wolf too.

*Action on Motion: Motion carried.*

**17. Marshall Creek Fee-Title Purchase near Seeley Lake – Final.** Ken McDonald, FWP Wildlife Division Bureau Chief, explained that FWP proposes to acquire 24,170 acres at a price of $18.4 million to establish the Marshall Creek Wildlife Management Area north of Seeley Lake. The property is owned by Plum Creek Timber, but is under contract to The Nature Conservancy and Trust for Public Lands for purchase in November 2010. FWP proposes to immediately purchase between 13,934 and 20,349 acres in the West Fork Clearwater River and Marshall Creek drainages from TNC/TPL upon closing with Plum Creek. FWP would purchase the remaining acres including the headwaters of Placid Creek and most of Deer Creek in spring 2011 when Forest Legacy funds become available. Funding would come from the US Fish and Wildlife Service Native Fish Habitat Conservation Plan grants, a federal State Wildlife Grant, a Department of Agriculture Forest Legacy Program grant, the FWP Habitat Montana Program, the FWP Access Montana Program, and the Blackfoot Challenge.

*Action: Colton moved and Moody seconded the motion to approve FWP's proposal to complete the purchase of the Marshall Creek property. Motion carried.*

**18. Moline Ranch Conservation Easement – Final.** Ken McDonald, FWP Wildlife Division Bureau Chief, explained that this conservation easement was initially endorsed by the FWP Commission in May 2007. The 4,902-acre Moline Ranch is about 20 miles east of Geraldine in eastern Chouteau County. It is heavily used by wildlife, waterfowl, grouse and partridge, and non-game species. The property borders, and provides access to, 14,200 acres of DNRC school trust and BLM, which also contain the mouth and lowest reaches of Arrow Creek as it enters the Missouri River. These public lands, including Moline Ranch deeded acres, have no guaranteed public hunting and/or recreational access without this perpetual easement. The Moline Ranch is managed as a working cattle ranch. Funding will be approximately $775,000 from FWP's Habitat Montana Program. Public comment generated 30 comments in support and 2 in opposition of the easement. It appraised at $998,000.

*Action: Moody moved and Colton seconded the motion to approve FWP's recommendation to purchase a conservation easement on the Moline Ranch. Motion carried.*

**19. Canyon Creek WMA Tar Head Creek Fee-Title Addition – Final.** Ken McDonald, FWP Wildlife Division Bureau Chief, explained that FWP is seeking approval to acquire a 150-acre property adjoining the Canyon Creek Wildlife Management Area northwest of Helena, along Tar Head Creek. The property lies within a high-priority wildlife movement corridor along the Continental Divide, and public acquisition would strengthen habitat connectivity for wildlife across Highway 279 between the WMA and nearby public lands. Acquisition of this land would secure another point of public access to the existing WMA and would increase angler access on Canyon Creek.

The property is also within the focus area of the Montana Fish and Wildlife Conservation Trust (MFWCT), which applies funds gained from the sale of Canyon Ferry cabin-site leases to land conservation, with an emphasis on projects in the upper Missouri River drainage. MFWCT is expected to be the primary funding source for the project. The property value has been determined by independent appraisal at $635,000.

*Action: Colton moved and Doll seconded the motion to approve FWP acquisition of the Tar Head Creek addition to the Canyon Creek Wildlife Management Area. Motion carried.*

**20. Open Microphone – Public Opportunity to Address FWP Issues Not on Agenda.** There was none.

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*Action: Colton moved and Doll seconded the motion to adjourn. Motion carried.*

The meeting adjourned at 2:40 p.m.

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Bob Ream, Chairman

Joe Maurier, Director

# Montana Fish, Wildlife & Parks Commission

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Look for the FWP Commission web page at
***fwp.mt.gov***

Montana Fish, Wildlife & Parks

## MONTANA FISH, WILDLIFE AND PARKS COMMISSION RESOLUTION

*Mark Henckel, an outdoors editor known for his tireless advocacy for fishing, hunting, and recreational interests, passed away unexpectedly on May 29, 2010.*

***Whereas,*** *Mark Henckel was a loving and patient father and husband;*

***Whereas,*** *Mark Henckel was an avid hunter and angler who enthusiastically roamed the hills and fished the waters of Montana for over forty years;*

***Whereas,*** *Mark Henckel was a champion of the average sportsmen and women and spent his entire adult life advocating that public wildlife be held in trust for all citizens;*

***Whereas,*** *Mark Henckel used his gifted pen for the preservation of Montana's fish and wildlife as well as its fishing and hunting heritage;*

***Whereas,*** *Mark Henckel enriched a legacy of future hunters and anglers with his presence in classrooms, at fishing days, and in numerous spontaneous moments of instruction;*

***Whereas,*** *sportsmen and women of Montana have lost a resounding voice with the passing of Mark Henckel;*

***Whereas,*** *the life work of Mark Henckel leaves a compass for defenders of Montana's great outdoors and its fish and wildlife resources;*

*That his memory should serve the future, be it resolved by acclamation of the Montana Fish, Wildlife and Parks Commission acting in regular session on October 7, 2010 in Helena, Montana, that the life and service of Mark Henckel be formally honored and preserved in the public record.*

**THE FISH, WILDLIFE & PARKS COMMISSION**

Bob Ream, Chairman

Dan Vermillion, Vice-Chairman

Shane Colton, Commissioner

Willie Doll, Commissioner

Ron Moody, Commissioner