

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

NOVEMBER 18, 2010

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

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

Guests: See November 18, 2010 Commission file folder for names of who signed in.

A Commission Work Session followed the meeting to discuss the Wolf Population Model and to meet with the Board of Livestock to discuss various issues.

Topics of Discussion:

1. **Call to Order - Pledge of Allegiance**
2. **Recognition of John Baucus for 20 years of Service to Tipmont Board**
3. **Approval of Minutes of October 7, 2010 Commission Meeting**
4. **Approval of Conference Call Minutes of November 9, 2010**
5. **Approval of Commission Expenses through October, 2010**
6. **Commission Reports**
7. **Director's Report**
8. **2011 Commission Meeting Schedule – Final**
9. **Parks Biennial Fee Rule – Final**
10. **Smith River State Park Biennial Rule – Final**
11. **Non-Resident Big Game Combination License Rule – Proposed**
12. **Appeal of Georgetown Lake Ice Fishing Contest Permit Denial - Final**
13. **Classification of Exotic Wildlife Rule - Final**
14. **2011 Fishing Regulation Changes (Supplemental) – Final**
15. **2011 Bighorn Sheep and Mountain Goat Transplants – Final**
16. **Bitterroot Wolf 10(j) Proposal - Final**
17. **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 8:30 a.m. and led the Pledge of Allegiance.

2. **Recognition of John Baucus for 20 years of Service to TIPMONT Board.** Chairman Ream welcomed John and Nina Baucus, and on behalf of FWP, expressed appreciation for their continued support, and gratitude to John for his twenty-three years of service on the TIPMONT Board. Chairman Ream and Director Maurier presented the Baucus' with a plaque and a beautiful bronze statue of an elk.

3. **Approval of the Commission Meeting Minutes of October 7, 2010.**

Action: Colton moved and Moody seconded the motion to approve the October 7, 2010 minutes. Motion carried.

4. **Approval of Conference Call Minutes of November 9, 2010.**

Action: Colton moved and Moody seconded the motion to approve the November 9, 2010 conference call minutes. Motion carried.

5. Approval of the October, 2010 Commission Expense Report.

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

6. Commission Reports.

Colton toured the Yellowstone River Park where some sportsmen have expressed concerns about wildlife management. He feels the visit and tour helped to alleviate some of the concerns, however the Department must continue to be mindful that there are two uses in that area.

Moody said Initiative 161 has been a topic of great discussion. Landowners fear that it is an effort to force access onto private land. FWP needs to let the public know that is not the intent.

Ream said he is keeping up on the wolf situation, and hopes to see them become delisted.

Vermillion said an issue occurs every year, which is that elk and deer move down to the valley floor, creating public safety issues and hunter ethics problems, as so many hunters congregate in such a confined area. He has dealt with dozens of telephone calls regarding I161.

7. Director's Report. Director Maurier noted that Moody's term on the Alternative Livestock Advisory Council expires at the end of 2010. He inquired if any of the other Commissioners were interested in serving on the council, or if Moody wished to continue. Moody agreed to serve another term. Doll and Vermillion's terms on the Commission expire at the end of the year, so discussions will occur as to whether they wish to continue for another term. A directive from Governor Schweitzer prohibits FWP from replacing vehicles and computers for the next couple of years, and freezes out-of-state travel unless approved by Director Maurier and the Governor's Chief of Staff. Travel that was previously approved can still happen, such as the WAFWA Conference in Arizona in January. Suspicious samples taken from Flathead Lake have indicated that there may be a type of mussel there. Further analysis is being conducted, and divers will be looking to determine if adult mussels are present. If so, the impact will be significant. Mussels can move into the rivers. The legislative season is nearing, and there is already the potential for legislation to be introduced for the reinstatement of the outfitter license. Sportsmen will need to be diligent. Updates will be brought to the Commission each month. FWP continues to work hard on the wolf issue.

8. Meeting schedule. *Action: Vermillion moved and Colton seconded the motion to approve the 2011 Commission Meeting Schedule. Motion carried.*

9. Parks Biennial Fee Rule – Final. The biennial fee rule establishes fees and rules for the state parks and fishing access sites. Chas VanGenderen, FWP Parks Division Administrator, said fees are vital to the budget, and have not been raised since 2002. The comment period on the proposed rule generated twenty-five comments, with the majority supporting increases at parks but not at fishing access sites. Those in opposition expressed concerns that the proposed fees would make camping at state park unaffordable for families and lower income households, and noted that some parks offer a reduced level of services and therefore the camping fee should be less. As a result, FWP recommends adopting the proposed rule with the following amendments: 1) strike the proposed increase in camping fees at fishing access sites; 2) add language that would allow the parks division administrator to reduce or waive fees to increase utilization of a park, promote special events, respond to dissatisfied visitors, or for parks with a lower level of services; and 3) add language prohibiting someone from occupying a campsite that has already been reserved or paid for by someone else.

Vermillion stated the people in his region are concerned about increased camping fees with the economy struggling as it is.

Action: Vermillion moved and it was seconded that the Commission approve the final Parks Division Biennial Fee Rule as proposed by the department, but include amendments to the tentative rule to 1) strike the proposed increase in camping fees at fishing access sites; 2) add language that would allow the parks division administrator to reduce or waive fees to increase utilization of a park, promote special events, respond to dissatisfied visitors, or for parks with a lower level of services; and 3) add language prohibiting someone from occupying a campsite that has already been reserved or paid for by someone else, for at least one year.

Chairman Ream asked for public comment.

Robin Cunningham, FOAM, said that their clients are both non-residents as well as residents, and a reduction of fees would benefit them.

Nina Baucus, stated that too much pressure on public sports puts pressure on private landowners.

Action on Motion: Motion carried.

10. Smith River State Park Biennial Rule – Final. The Smith River State Park Biennial Rule establishes fees, permit requirements, and rules for private and commercial float trips on the Smith River from Camp Baker to Eden Bridge. Chas VanGenderen, FWP Parks Division Administrator, stated that sixty-five comments were received regarding the proposed changes. A majority supported the one-year successful applicant waiting period, the minimum applicant age of 12, reissuance of all cancelled permits with a group size limit of 15, a pet restriction, a 24-hour maximum sign-in, a pack-out requirement at Deep Creek boat camp, a nonrefundable permit application fee, and a modest increase in private float fees. Five opposed a super permit lottery, and one opposed year-round fees. Three supported and three opposed the proposed outfitter administrative changes.

Based on public input, FWP recommends that the Commission adopt rule as proposed with the following amendments: 1) maximum group size for reissued permits would be 15 people (currently it is 8 people); and 2) add language clarifying that the park manager may waive the cancellation penalty or one-year waiting period for private or commercial trips cancelled due to unsafe weather or flows, insufficient flows, or other similar exigent circumstances so as not to penalize people due to unforeseen circumstances.

Action: Colton moved and Vermillion seconded the motion to not increase resident float user fees, and that there be no commercial late cancellation fees increases, due to economic conditions.

Chairman Ream asked for public comment. There was none.

Action on Motion: Motion carried.

Action: Colton moved and Moody seconded the motion to adopt the final Smith River State Park and River Corridor Biennial Rule as proposed by the Department, with the inclusion of the above amendment and the amendments that the maximum group size for reissued permits would be 15 people (currently it is 8 people); and to add language clarifying that the park manager may waive the cancellation penalty or one-year waiting period for private or commercial trips cancelled due to unsafe weather or flows, insufficient flows, or other similar exigent circumstances.

Colton stated that he does not support a one-year waiting system on this, or on elk permits.

Chairman Ream asked for public comment. There was none.

Action on Motion: Motion carried.

11. Non-Resident Big Game Combination License Rule – Proposed. Sue Daly, FWP Finance Division Administrator, stated that this annual rule reflects the changes made to the nonresident combination licenses as a result of the passage of I161. The Initiative abolishes the nonresident variable priced outfitter sponsored licenses, moves their quota to the general drawing category, and increases the general nonresident combination license fees. Based on the new law, the proposed Annual Rule increases the license fees to \$912 for Class B-10 Nonresident Big Game Combination licenses, \$542 for Class B-11 Nonresident Deer Combination licenses (both prices include the required \$5 drawing fee and \$10 hunting access enhancement fee), and \$458.50 for the Nonresident Youth Big Game Combination licenses (half price of the Class B-10 Nonresident Big Game Combination plus the \$10 hunting access enhancement fee). This Initiative will become law on March 1, 2011, therefore the Commission needs to take no action on this.

The Commission has the authority to set the fee for the B-10 Elk Combination license. In the past, the B-10 Elk Combination license fee was set \$50 less than the B-10 General Big Game Combination license; the B-10 Outfitter Sponsored Elk Combination license was usually set at \$100 less than the B-10 Outfitter Sponsored Big Game Combination licenses. Since the fees for Nonresident Combination license have increased, and in order to keep a consistent margin between the B-10 Elk Combination license and the Big Game Combination license, FWP recommends a \$100 differential between the two license types. The proposed Annual Rule reflects a B-10 Elk Combination license fee of \$812.

FWP has received requests to remove the restriction on Landowner Sponsored licenses that requires all deer hunting, including hunting with Deer B licenses, be conducted only on the sponsoring landowner's deeded land. Since nonresidents with the prerequisite conservation license can apply for or purchase Deer B licenses, and Deer B licenses are used as a management tool, FWP recommends that the Deer B license restriction on landowner sponsored licenses be removed.

Action: Moody moved and it was seconded to proceed with public comment on the proposed rule with the removal of Deer B licenses for landowner sponsored licenses.

Nina Baucus stated that the landowner set-aside was specifically for the land owners' property. It was legislatively enacted.

Action on Motion: Motion carried.

12. Appeal of Georgetown Lake Ice Fishing Contest Permit Denial – Final. Bruce Rich, FWP Fisheries Division Bureau Chief, explained that FWP denied an ice fishing contest application submitted by the Carroll College Outreach Team. The contest was to be held on Georgetown Lake, in January 2011, as a fundraiser. Their application requested authorization for 200 people, with ten kokanee salmon proposed per person per day. All trout would be required to be released immediately. Georgetown Lake is ranked as one of the top ten lakes in Montana for fishing pressure, and about 35 percent of the annual pressure occurs in the winter. FWP initially denied the application due to the high angling pressure and the public's concern for crowding during the contest. The public comment period generated one comment in support of contests in general, and four comments in opposition to the contest stating concerns for crowding as the main theme. FWP recommends upholding the denial of the application, which is to deny the appeal.

Action: Doll moved and Colton seconded the motion to allow the fishing derby.

Doll said this contest is a family thing and it's important to do everything possible for kids.

Vermillion noted that the issue here is the potential for commercialization of a public resource. FWP has a longstanding position of instituting special circumstances where there are trout fisheries involved.

Moody said he is not in favor of a fishing contest occurring on Georgetown Lake. Every year someone comes up with an idea to use wildlife to generate money. He said he is not prepared to ignore the public who expressed opposition.

Colton stated that the contest application process was messy last year, and the Commission felt an obligation to vote it in.

Chairman Ream asked for public comment.

Tony Schoonen, Anaconda Sportsmen's Club, said two good fisheries biologists in R2 and R3 listened to the locals in the old days. The Georgetown Lake Homeowners Association is opposed to this derby. It is already a social conflict and it will continue. It is privatization and commercialization of a public resource. They want the Commission to declare a moratorium on fishing on Georgetown Lake. If that is not done, they will go to the Butte legislators.

Rich Day, George Grant Chapter of TU, said they are opposed to this application and they were opposed last year too. It is commercialization of wildlife. It will create crowding issues and social impacts, and trout will be caught in a diminished fishery that they are trying to rebuild. There will be trout mortality if this contest is held.

Ryne Dougherty, Carroll College Outreach, said he has not solicited positive comments as he should have, as he was busy. People love ice fishing competitions. Last year it was approved and the fish went to the Helena Food Share. They made enough money to buy books for kids in Niger. He said they have set limits on kokanee salmon, and trout must be released. They keep tabs on contestants. There is no official entry fee, just donations to support the cause. There are 300-500 people on any given weekend fishing there anyway.

Lorry Thomas, Anaconda Sportsmen's Club, said the cause is fine, but he does not want to see Georgetown Lake ruined by a fishing derby.

Leo Gense, Anaconda Sportsmen's Club, said there are only around 100 fishermen on the Lake on the weekends, not 300. There are other means to raise money. He urged the Commission to vote against the fishing contest.

Action on Motion: Motion failed. One in favor (Doll) - four opposed.

Action: Vermillion moved and Moody seconded the motion to deny the appeal of the 2nd Annual Jiggin' at Georgetown fishing contest. Motion carried.

13. Classification of Exotic Wildlife Rule – Final. Eileen Ryce, FWP Exotic Species Coordinator, stated there were no recommended changes to the proposed rule which recommended that the FWP Commission adopt rules to classify Coho Salmon and Barbary Falcon as a Controlled Species, and Hyenas as Prohibited Species. Forty-seven comments were received relative to the classification of Coho Salmon. Eleven were in support of the rule as written, thirty-five were in general support, and one was in favor of classifying them as controlled if the import was restricted to eggs only. The rule will be effective on December 9, 2010 if approved.

Action: Colton moved and Doll seconded the motion to approve the classification of exotic species and associated rule changes as recommended and stated in the rule notice. Motion carried.

14. 2011 Fishing Regulation Changes (Supplemental) – Final. Jim Vashro, FWP Region 1 Fisheries Manager, explained that Flathead Lake is co-managed by FWP and the Confederated Salish & Kootenai Tribes. The Commission voted on all fishing regulations in October with the exception of two proposals. The two regulations included the proposal for a reduced bull trout bag limit and/or reduced number of lines on Lake Koocanusa and a proposal to raise the lake trout limits from 50 to 100 on Flathead Lake. The Commission proposed to delay final action on the Koocanusa regulations until after bull trout redd surveys were conducted in October to better understand the population trajectory. The delay on the Flathead regulation was intended to allow the Confederated Salish and Kootenai Tribes the opportunity to hold a public hearing on the issue and then be voted on by the Tribal Council on October 20.

A decline in bull trout redds has been observed in Lake Koocanusa, so FWP now recommends reducing the bull trout bag limit on Lake Koocanusa from 2 to 1 in the Kootenai River drainage above Libby Dam. The proposal to reduce the number of lines from 2 to 1 will be delayed until the 2012 fishing regulation cycle to allow for more time to discuss the options for reducing catch and release mortality with anglers. The proposal to raise the Flathead Lake lake trout bag limit remains unchanged.

Action: Vermillion moved and Moody seconded the motion to adopt FWP's proposed final regulation changes for the 2011 fishing season.

Chairman Ream asked for public comment. There was none.

Action on Motion: Motion carried.

15. 2011 Bighorn Sheep and Mountain Goat Transplants – Final. Quentin Kujala, FWP Wildlife Management Section Chief, explained that Wild Horse Island has been identified as a bighorn sheep source population. A release site tentatively identified north of Columbia Falls has been removed from further consideration due to the close proximity of domestic sheep. It is proposed to capture 50 Bighorn Sheep on Wild Horse Island and release them on Confederated Salish and Kootenai Tribes lands in Region 1. Additionally, 10-20 mountain goats from HD 313 are slated for capture and transplant to be split between an augmentation in the Cube Iron/Mount Headley area of FWP Region 1 and a new release into historic mountain goat habitat in the Whitefish Range in Region 1.

Action: Colton moved and Vermillion seconded the motion to approve these augmentations and the new release as presented by FWP.

Doll asked if the sheep on Wild Horse Island would be included in the drawing to hunt.

Maurier replied that Wild Horse Island is within the boundary of CSKT lands, so the sheep are not included in the drawing.

Chairman Ream asked for public comment.

Glenn Hockett, Gallatin Wildlife Association, said he is frustrated. He takes offense that FWP said the public values ewe harvest before out-of-state release. Take risks and augment the sheep. They have had several recommendations and they want to participate in FWP meetings and decisions. They want a habitat suitability analysis.

Jim Bailey, Gallatin Wildlife Association, asked if the release site in the Flathead is tribal land. There is a lot of focus on new sites, and he wanted to point out that FWP should not ignore augmentations.

Bill O'Connell, Gallatin Wildlife Association, said he advocates augmentation in the Bridgers. He is very frustrated. Increased ewe harvest is ridiculous rather than transplants.

Kujala said all of these things have been discussed, and will be investigated. Wild Horse Island is not a harvest area. Comments have been made to FWP that before sheep go out of state, hunting would be the preference.

Action on Motion: Motion carried.

16. Bitterroot Wolf 10(j) Proposal – Final. Ken McDonald, FWP Wildlife Division Bureau Chief, explained that the objective to this proposal is to reduce the number of wolves in the West Fork of the Bitterroot - HD250 - as wolf predation is affecting elk calves. This is a five-year plan, and the method of removal is through fair chase hunting or trapping, or by removal by the Department. The federal 2008 10j regulations outline a process whereby states can gain USFWS approval to lethally remove wolves within specific impacted areas. The USFWS said that a NEPA EA process needs to be conducted, which is a 6-month process. FWP recommends that the Commission adopt the proposal as Final and direct FWP to forward the proposal to the USFWS.

Action: Colton moved and Vermillion seconded the motion to adopt as Final the wolf 10j proposal for elk HD 250 as presented by FWP, and direct FWP to forward the proposal to the USFWS for its timely consideration and approval.

Chairman Ream asked for public comment on only the 10(j) proposal.

Keith Kubista asked if there is expectation that the litigation will be done within the next future on 2008 10(j) rule.

McDonald stated that it is up in the air.

Ben Lamb, MWF, supports the 10(j) proposal. This is the best opportunity to apply the North American model of conservation to wolves. He urged FWP to make changes to the elk management plan.

Action on Motion: Motion carried.

17. Open Microphone – Public Opportunity to Address FWP Issues Not on Agenda.

Jim Bailey, Gallatin Wildlife Association, said he has requested documentation on comprehensive surveys in April and was not satisfied with what he received. In September they mailed a response to FWP's response and have received nothing further. He demanded a response. They don't like the word "goal" relative to the Robb Ledford WMA.

Glenn Hockett, Gallatin Wildlife Association, said he approves of the FWP website, and likes the Montana Outdoors Magazine. He is troubled by the objective-driven elk management plan. They are willing to work with FWP on WMAs. They want to work on a "hunnable" population of bison. They are concerned about Brucellosis.

Keith Kubista, Sportsmen for Fish and Wildlife, talked about the wolf litigation case, and asked to be allowed to participate in the negotiations and meetings.

Paul Rossignol said he is wants the interveners to the court case to have access to negotiations, as the interveners represent him more than FWP does. He wants the negotiations to be more transparent.

Bill O'Connell, Gallatin Wildlife Association, has a problem with the administration of FWP. He said Kurt Alt, FWP Region 3 Wildlife Manager, is a liar. Brucellosis levels are higher than they have been told. Its capture, test, and slaughter at Blacktail.

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

The meeting adjourned at 1:20 p.m.

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Bob Ream, Chairman

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Joe Maurier, Director

