

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT
AUGUST 18, 2011

Commission Members Present: Bob Ream, Chairman; Dan Vermillion, Vice-Chairman; Ron Moody; A.T. Stafne. Shane Colton was absent.

Fish, Wildlife & Parks Staff Present: Art Noonan, Deputy Director, and FWP Staff.

Guests: See August 18, 2011 Commission file folder for names of who signed in.

Topics of Discussion:

1. Call to Order - Pledge of Allegiance
2. Approval of Minutes of July 14, 2011 Commission Meeting
3. Approval of Commission Expenses through July, 2011
4. Commission Reports
5. Director's Report
6. Set Time for August 31 Conference Call
7. Report on Right-of-Way Easement Acquisitions - Informational
8. Selection of Organizations to Auction 2012 Moose, Sheep, Goat, Deer & Elk Licenses – Final
9. Deer and Elk Permit Deadline Drawing Date Change - Final
10. Milltown State Park Land Acquisition - Final
11. 2012 Fishing Regulation Changes – Proposed
12. 2011 Early Season Migratory Bird Regulations - Final
13. 2011 Furbearer Quotas - Final
14. 2011 Bison Quotas – Final
15. 2011 Late Season Migratory Bird Regulations - Proposed
16. 2011 Public Land Access Projects
 - Madison Valley Deer Creek (Carroll Ranch) – Region 3 - Proposed
 - Square Butte Grazing Association – Region 6 - Proposed
 - Gate Creek – Region 7 - Proposed
 - Beaver Creek – Region 7 - Proposed
17. Habitat Acquisition Projects
 - Dugas Farms – Conservation Easement – Region 4 - Final
 - Full Curl – Fee Title Acquisition - Region 1 - Proposed
 - Stimson Lumber – Conservation Easement - Region 1 - Proposed
 - Calf Creek – Donation - Region 2 - Proposed
 - Spotted Dog In-holdings – Fee Title Acquisition/Trade - Region 2 - Proposed
 - Browning Ranch – Conservation Easement - Region 7 - Proposed
 - Nix Ranch – Conservation Easement - Region 7 - Proposed
 - Sorenson/Wyman – Fee Title Acquisition - Region 7 - Proposed
 - North Shore Flathead Wetland Conservation Easement - Proposed
18. Fish Creek Mineral Rights - Region 2 - Final
19. Archery Elk Discussion - Informational
20. Open Microphone – Public Opportunity to Address Additional FWP Issues

1. **Call to Order - Pledge of Allegiance.** Chairman Ream called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. **Approval of the Commission Meeting Minutes of July 14, 2011.**

Action: Moody moved and Stafne seconded the motion to approve the July 14, 2011 minutes. Motion carried.

3. Approval of the July Commission Expense Report.

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

4. Commission Reports.

Ream congratulated FWP for attaining two awards from the Association for Conservation Information. Montana Outdoors was awarded 1st place in the magazine category, and a wildlife article earned 3rd place in the magazine article category. He noted that he participated in the WAFWA conference, which was a large success.

Vermillion attended the Tri-State conference in Idaho in July, where typical issues were discussed. He attended the WAFWA conference in Big Sky and noted that FWP did an incredible job of coordinating it. He said a concerted effort will be necessary to assure that the Washington legislators are aware of issues in need of restored funding. He has been receiving wolf depredation calls.

Moody said he applauded FWP for the great job in coordinating the WAFWA conference. The relationship between state government laws and federal government laws was a major discussion item related to what the states' authorities should be. Commissioners from southwest states expressed concern that the people who were instrumental in the foundation of wildlife conservation in the US are losing their credibility.

Stafne reported that whitetail deer along the Milk River are suffering from a terrible disease that causes them to bleed internally and die. Fort Peck Reservation pheasant hunting will be reduced in some areas due to the floods - the river bottom is damaged, and there is still standing water in places. Pheasants were greatly affected, however fishing is great. Stafne reported that last February wardens rescued a female Golden Eagle that had been shot in the wing. She was sent to grafters who mended the bird. They held a ceremony when they released the eagle. The eagle ran about seventy yards, then stopped and looked back at the people before entering into a gust of wind and flying away. He said it was a fabulous thing to see.

5. Director's Report. Deputy Director Noonan said it needed to be noted that the FWP Commission is extremely good at what they do, and FWP staff is very dedicated to their mission and working very hard. He said everyone is doing more and more work, and they are "rising to the occasion" for the good of the resources.

6. Set Time for August 31 Conference Call. The August 31 Commission conference call was set for 9:00 am. The purpose of this annual conference call is to take action on waterfowl regulations following flyway council meetings. Future Fisheries projects and the purchase of a right-of-way easement on the Haymaker WMA will also be addressed.

7. Report on Right-of-Way Easement Acquisitions - Informational. Paul Sihler, FWP Lands Unit Supervisor, explained that under 87-1-209(4), MCA, the Director has authority to issue or receive easements or rights-of-way valued at less than \$20,000. Four right-of-way easements were completed from July 2010 through June 2011. The projects entailed a fiber-optic line easement that FWP granted to Interbel Telephone Cooperative buried along an existing road in the Kootenai/Woods Ranch Wildlife Management Area (\$17,976); an easement granted by a landowner to allow FWP to place a cover on a spring-water source at the Bluewater Springs Fish Hatchery (\$1,000); a railroad crossing easement granted to FWP by BNSF Railway at the Holmgren Ranch Fishing Access Site along the Yellowstone River near Columbus (no cost); and a road-license granted by Plum Creek to FWP to allow the public to continue to use a Plum Creek road to access hunting opportunities in the Dredger Ridge area of Flathead County (no cost).

8. Selection of Organizations to Auction 2012 Moose, Sheep, Goat, Deer & Elk Licenses – Final. Hank Worsech, FWP License Bureau Chief, noted that in June, 2011, the Commission adopted annual rules that established criteria for selecting conservation organizations to conduct the license auctions/lotteries. Proposals to hold auctions/lotteries for the 2012 licenses came from the Wild Sheep Foundation for the sheep license, from the Mule Deer Foundation for the mule deer and elk licenses, from the Rocky Mountain Elk Foundation for the elk and moose licenses, from the Safari Club International Great Falls for the goat license, and from the Safari Club International Foundation for the sheep, moose, goat, deer and elk licenses. Last cycle, the 2011 elk and moose licenses were awarded to the Rocky Mountain Elk Foundation, the deer license went to the Mule Deer Foundation, the bighorn sheep license went to the Wild Sheep Foundation, and the goat license was awarded to the Safari Club International Great Falls.

Jim Weatherly, Wild Sheep Foundation, stated that their premier organization has extensive experience in auctioning tags. They have returned over \$4 million over the years. They would like to receive the Sheep tag.

Marshall Johnson, Mule Deer Foundation, pointed out that though they are a small organization, they pride themselves on putting money back into the mission of mule deer conservation. MDF membership has increased to eight active chapters, and last year they concluded they needed a fulltime director. Up to thirty percent of their banquet proceeds go to conservation, and the national MDF has donated \$50,000 for land acquisitions. He extended an offer on behalf of MDF to host a FWP booth at their annual convention at no charge.

Jared Wold, Rocky Mountain Elk Federation, expressed their desire to be awarded the tags, and advocated their organization's proficiency in attaining high returns for the tags.

Doug Dreeszen stated that the Wild Sheep Foundation is the primary conservation organization for sheep conservation, and they are instrumental in gaining money for sheep management. He would like to see them receive the tag again.

Action: Vermillion moved and Moody seconded the motion to award the 2012 Elk and Moose licenses to the Rocky Mountain Elk Foundation, the 2012 Mule Deer license to the Mule Deer Foundation, the 2012 Sheep license to the Wild Sheep Foundation, and the 2012 Goat license to the Safari Club International Great Falls. Motion carried.

9. Deer and Elk Permit Deadline Drawing Date Change - Final. Hank Worsech, FWP License Bureau Chief, noted that this proposal to change the application deadline for all resident and nonresident antlered/brow-tined/either sex elk & deer permits from June 1 to March 15, to coincide with current nonresident license drawing deadlines, was brought before the Commission in December, 2010. It would enhance customer service by providing drawing results in mid-April rather than the end of July for special elk and/or deer permits. It would provide earlier notification to nonresidents who were unsuccessful in permit drawings, would provide more time for the Department to reissue returned licenses, and would allow more time for successful applicants to make vacation and hunting plans. Since there were many draft bills impacting FWP licensing in the 2011 Legislative session, final adoption of this proposed rule was postponed pending the outcome of the legislation.

Action: Vermillion moved and Moody seconded the motion to adopt the proposed antlered/brow-tined/either sex elk & deer permit application deadline adjustment as presented by FWP. Motion carried.

10. Milltown State Park Land Acquisition - Final. Tom Reilly, FWP Parks Division, explained that this proposal is to accept the transfer of three land donations, totaling approximately 465 acres, at the Milltown superfund site. Parcel One is a former Northwestern Energy property consisting of approximately 416 acres. It was acquired by the State of Montana in December of 2010 as a result of the Superfund cleanup, and is managed by the State's Natural Resource Damage Program. Parcel Two is the Milltown Bluff property consisting of approximately 13.6 acres, and is located on the south side of the Clark Fork River above the former dam site. The land was acquired by the State of Montana in February 2011 and is managed by the Montana Department of Environmental Quality. Parcel Three is the Jacobs property, consisting of approximately 35 acres, and is located to the east of Deer Creek County Road. In 2010, Five Valleys Land Trust purchased the parcel to provide a critical access point and trail link. FVLT would donate the land to Montana State Parks for inclusion in the Park. The Environmental Assessment generated seventeen comments, of which sixteen were in support of the acquisition and one from the Missoula Office of Planning and Grants clarified current zoning of the parcels.

Action: Moody moved and Vermillion seconded the motion that the Department proceed with the acquisition of the three parcels for inclusion in Milltown State Park.

Pelah Hoyt, Five Valleys Land Trust, said there is widespread support throughout the Missoula area for these acquisitions.

Action on Motion: Motion carried.

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Bob Lane, FWP Chief Legal Counsel, updated the Commission on wolf litigation. Last Saturday an emergency motion for a preliminary injunction to stop hunting in Montana and Idaho was filed. He has been in contact with the Department of Justice and the federal attorney.

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11. 2012 Fishing Regulation Changes – Proposed. Bruce Rich, FWP Fisheries Bureau Chief and Don Skaar, FWP Fish Management Section Manager, presented the proposed regulations. The regulation process is based on a four-year cycle. During the first year of every cycle, which is 2012 this cycle, FWP conducts a thorough review of the fishing regulations to identify ways to standardize and simplify regulations, and meet conservation needs. In addition, the public is invited to participate in the process by providing their ideas and suggestions.

FWP developed a brochure that listed several ideas for recommended regulation changes. This brochure was provided to the public for comments and suggestions. It was sent to all license agents for distribution, and was posted on the FWP website. Two hundred and sixty comments were received in response. Additionally, during the month of June, all regions hosted open houses, presentations were made to angler groups, and discussions were held at Citizens Advisory Committees.

Based on all of this input, FWP staff developed the proposed regulation changes. Upon approval by the Commission, a 30-day public comment period will follow.

WESTERN DISTRICT

DELETE – page 25

BEAVERTAIL POND

- Bass: 3 daily and in possession, none over 12 inches.

Rationale: This bass fishery has only been sustained by the movement of live fish from Lee Metcalf Wildlife Refuge. Management objectives have changed to focus on the successful trout fishery and the movement of bass will no longer occur. Without the movements, the fishery will cease as fish die out making this regulation no longer necessary.

CHANGE –page 25

BIG CREEK AND TRIBUTARIES (tributary to North Fork Flathead River)

- Closed entire year

Mouth of Big Creek

- Angling is closed within a 150-yard radius of the stream mouth ~~or as posted~~ June 1 through September 30 *unless posted at a greater distance.*

Rationale: The current closure with the phrase “or as posted” has caused problems in the past because the distance from posted signs to the stream mouth changes as water levels in the North Fork and Big Creek change and problems with enforcement have occurred because signs have been moved or torn down. The proposed wording will make it clear that 150 yards is the minimal distance, regardless of the absence/presence of signs. The need for this change is due to the fact that anglers persist in trying to fish for pre-spawn bull trout staged at the mouth of Big Creek, and game wardens continue to issue citations to anglers fishing the hole. The location of the hole changes each year, so the need to be able to base the closure on a distance greater than 150 yards allows the closure to fully protect the staged bull trout.

CHANGE –page 26

BITTERROOT RIVER (note: river flows south to north)

Ditches, canals and sloughs between US 93 and east side highway, and between Hamilton and the Florence Bridge.

- Regulations are the same as the adjacent river section

Bitterroot River from confluence of the East and West Forks to the mouth, West Fork Bitterroot River downstream from Painted Rocks Dam, and East Fork Bitterroot River downstream from Star Falls.

- Extended season for northern pike and whitefish and catch-and-release for trout open December 1 to third Saturday in May with aquatic insects, maggots and/or artificial lures only.
- *Catch-and-release for cutthroat trout*

~~**West Fork Bitterroot River above Painted Rocks Reservoir**~~

- ~~Catch-and-release for cutthroat trout~~

~~**Painted Rocks Dam to the mouth of West Fork Bitterroot River downstream from Painted Rocks Dam**~~

- ~~Catch-and-release for cutthroat trout~~
- ~~Combined Trout Limit: 3 rainbow or brown trout daily and in possession. *Catch-and-release for rainbow trout.*~~

~~**East Fork Bitterroot River downstream from Star Falls**~~

- ~~Combined Trout Limit: 3 brown trout daily and in possession. *Catch-and-release for rainbow trout.*~~

~~**One mile downstream of Darby Bridge to Star Falls on the East Fork Bitterroot River from confluence of East and West Forks to Woodside Bridge**~~

- ~~Catch-and-release for cutthroat trout~~
- ~~Combined Trout Limit: 3 rainbow or brown trout daily and in possession, only 1 over 14 inches.~~

~~**One mile downstream from Darby Woodside Bridge to Como Bridge-Florence Bridge**~~

- ~~Catch-and-release for all trout~~
- ~~Artificial lures only~~

~~**Como Bridge to Tucker crossing**~~

- ~~Catch-and-release for cutthroat trout~~
- ~~Combined Trout Limit: 3 rainbow or brown trout daily and in possession, only 1 over 14 inches.~~

~~**Tucker Crossing to Florence Bridge**~~

- ~~Catch-and-release for all trout~~
- ~~Artificial lures only~~

~~**Florence Bridge to mouth of Bitterroot River**~~

- ~~Catch-and-release for cutthroat trout~~
- Combined Trout Limit: 3 rainbow or brown trout daily and in possession, only 1 over 14 inches.

Rationale: The proposed regulation manages for trout species where they do best, provides angling for a diverse trout community and for harvest and catch-and-release. In the Bitterroot River above Hamilton (including the Forks), cutthroat trout have responded well to catch-and-release regulations. Brown and rainbow trout have not responded to catch-and-release regulations in a five mile section above Hamilton. To promote the unique native fishery in the upper river, brown trout limits will be increased in response to their expansion, and rainbow trout limits will be reduced for much of the upper Bitterroot to protect declining populations. In the Bitterroot River from Hamilton to Florence, the converse is true to the upper river – brown and rainbow trout have increased with catch-and-release regulations whereas cutthroat have not. Therefore, to promote the brown and rainbow fishery, the ineffective 5 mile catch-and-release section near Darby is replaced with a 5-mile section from Woodside to Tucker. As a result, it is expected that there will be 29 miles of effective catch-and-release for brown and rainbow trout whereas there was only 24 miles of effective area before (5 miles was ineffective). The overall mileage of catch-and-release for all trout remains very similar, at about 29 miles. Catch-and-release for cutthroat trout did not result in a significant change in cutthroat numbers in the West Fork above Painted Rocks Reservoir. Therefore, this exception to the regulations is removed. These proposed changes are generally in line with sentiments expressed during the Public Scoping Process. Anglers were asked if they would support expanding harvest on brown trout populations in the Bitterroot River, Rock Creek and the Clark Fork River. 19 respondents gave either a “yes” or “qualified yes” answer to this question, while 11 respondents said “no.” When asked if anglers were in favor of simplifying regulations in Region 2 (and in the Bitterroot in particular), 16 respondents gave a “yes” or “qualified yes” answer, compared to 9 respondents who gave a “no” or “qualified no” answer. Meetings and discussions with the public have also indicated general support for this proposal.

NEW

BUFFALOHEAD POND

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 5 trout daily, 10 in possession.*

DRY BRIDGE POND

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

NINEPIPES POND

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 5 trout daily and in possession, only 1 over 14 inches. A Flathead Indian Tribal Permit is required to fish on Ninepipes Pond.*

PINE GROVE POND

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

SHADY LANE POND

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

TROY POND

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

EUREKA POND

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

Rationale: These ponds have been voluntarily operated under these regulations for a number of years, under the premise that allowing everyone to fish encourages more families to visit and to stay longer. Compliance has been high but enough transgressions have occurred (adults harvesting fish, some anglers taking overlimits) to make those abiding by the intent unhappy. In addition, FWP Enforcement finds it difficult to deal with someone unwilling to abide by a voluntary regulation. Therefore, FWP proposes to remove the voluntary aspect of management of these seven ponds in Region 1.

DELETE – page 29

CALLAHAN CREEK AND TRIBUTARIES (Kootenai River drainage)

– **Includes North Callahan and South Callahan creeks**

- ~~Combined trout: 3 daily and in possession, none over 10 inches.~~

DELETE – page 32

EAST FORK YAAK RIVER AND TRIBUTARIES

- ~~Combined trout: 3 daily and in possession, none over 10 inches.~~

Rationale: These regulations were originally proposed due to concern over the status of redband trout, which have diminished historically in range and distribution. Subsequent sampling has found redband trout to be locally abundant and to have a wider distribution in these drainages than originally thought. Restrictive harvest in these drainages is therefore no longer warranted. These changes will return the regulations to Standard Western District stream limits (Combined Trout: 5 daily and in possession, only one over 14 inches).

CHANGE – page 33

FLATHEAD RIVER

Flathead Indian Reservation boundary to mouth

- Open entire year

- Northern pike: 5 daily and in possession, must be over 24 inches.
- Bass: Open entire year, 5 daily and in possession, no size limit.

Rationale: The proposed change for pike will simplify and standardize the limits, as it will return the regulation to the Western Fishing District standard limit (15 pike daily and in possession). The District standard is also in effect for the Clark Fork River downstream of the confluence with the Flathead River. The existing limit is the same as the Flathead Indian Reservation limit upstream. With this change, anglers floating down from the Reservation will have kept pike under a more restrictive limit that would be allowable under the standard limit. The change to a more liberal limit is also supportive of bull trout recovery efforts in the lower Clark Fork River by encouraging harvest of a potential predator. The bass exception is at the request of the Confederated and Salish and Kootenai Tribes and is designed to standardize the regulation with the Reservation upstream and lessen the potential for violations. Currently, anglers floating down to the FAS downstream of the Reservation Boundary could be in violation of the regulations during the spawning season (third Saturday in May through June 30), when the District-wide standard allows for only 1 daily and in possession, must be over 22 inches..

DELETE – page 34

FOY LAKE

- Snagging open for salmon September 15 through November 30

Rationale: The regulation arose because salmon schooled along one shoreline for a few years and anglers asked for a snagging season. However, in recent years there has been no evidence a salmon snagging opportunity exists or is used by anglers. This proposal therefore eliminates an unnecessary regulation exception. It also eliminates a method (snagging) that can target other species, and spawning kokanee can still be fished for using other methods.

CHANGE – page 34

FRENCHTOWN POND

- Bass: 3 daily and in possession, none over 12 inches. *Catch-and-release for bass.*

Rationale: The current regulation does not adequately protect the quality of the fishery at this popular family fishing pond. Since this is a stocked pond, the new regulation will balance the supply of stocked fish and the angling pressure.

CHANGE-page 34

GEORGETOWN LAKE

(see special season exception for the South and East Shorelines)

- Open third Saturday in May through March 31, except for the South and East shoreline area which is only open July 1 through March 31. *South and East shorelines area described as follows: all waters from the shore or within 100 yards of shore in the area extending from a point 200 yards west of Denton's Point Marina (along the shore, including all of Stuart Mill Bay) to a point 200 yards north from the mouth of North Fork Flint Creek.*
- Salmon: no daily or possession limit
- Combined trout, *includes brook trout*: 5 daily and in possession, ~~only two of which may be brook trout of which no more than 2 may be brook trout.~~
- Closed to fishing from shore or within 100 yards of the shore April 1 through June 30. *The closed area extends from a point 200 yards west of Denton's Point Marina (along the shore, including all of Stuart Mill Bay) to a point 200 yards north from the mouth of North Fork Flint Creek.*

Tributaries to Georgetown Lake (Hardtla, North Fork Flint, and Stuart Mill creeks)

- Open July 1 through November 30
- Catch-and-release for brook trout
- *Emily Springs: Closed entire year*

Rationale: These proposed changes are strictly for clarification purposes. The shoreline closure on the south and east shorelines of Georgetown Lake protect vulnerable spawning rainbow trout. As the closure is currently worded, anglers commonly misunderstand the regulation and commonly call FWP office staff for clarification, who themselves have a difficult time reading and explaining the regulation to these anglers. This regulation change also clarifies the brook trout regulation change that was put in place in 2010, as this regulation is difficult to enforce due to its conflict with the general Combined Trout regulations for the Western District. This change clarifies the regulation and makes it enforceable. Emily Springs is already closed to fishing, but currently listed on its own, not as an exception under Georgetown Lake. It is included here to lessen confusion over which tributaries are closed.

NEW

GERMAN GULCH

Mainstem and tributaries

- Catch-and-release for cutthroat trout

Rationale: As Silver Bow Creek continues to be remediated and restored from past mining damages, a trout fishery has started to establish. FWP's management objective is to promote a westslope cutthroat trout fishery in the upper Silver Bow Creek drainage to the extent practicable. German Gulch has been identified as the single most important tributary for providing cutthroat trout to Silver Bow Creek. This regulation should protect cutthroat trout in German Gulch, while still providing for the harvest of other species including non-native trout (primarily brook trout) by recreational anglers.

CHANGE – page 36

KOOTENAI RIVER

As per the District Standard, the Kootenai River is closed to angling for bull trout; any bull trout caught must be immediately released.

Libby Dam to Highway 37 Bridge, near Fisher River

- Open June 1 through ~~March 31~~ February 28
- Combined Trout: ~~4~~ 1 daily and in possession, 28 inch minimum length. ~~includes 3 under 13 inches and 1 over 24 inches.~~

Highway 37 Bridge, near Fisher River to Idaho Border

- Open entire year
- Combined Trout: 4 daily and in possession, includes 3 under 13 inches and 1 over 18 inches.

Kootenai Falls to 0.8 miles downstream of Swinging Bridge

- Snagging: open for salmon September 15 through November 30.

Rationale: Wardens that patrol the river and biologists receive comments almost daily from anglers that want to protect the trophy rainbow trout below Libby Dam to produce a larger fish. This problem (as described by anglers) has increased as the trophy fishery unique to this section of the Kootenai River gains popularity by word of mouth and press coverage. Four comments were received during the public scoping period regarding this issue. Two commenters asked that more be done to protect the rainbow trout below Libby Dam, and two other comments asked for a slot limit of 10-30 inches. These regulation proposals are intended to maintain larger (trophy sized) rainbow trout in the system for spawning by reducing harvest and adding protection for early spawners in March that are vulnerable to angling.

CHANGE – page 36

LAKE KOOCANUSA

- *One line per angler*
- Closed to burbot (ling) fishing January 15 to March 1
- Salmon: 50 daily and 100 in possession
- Bull Trout: *Catch-and-release only.* ~~1 daily and in possession from June 1 through February 28, only 1 fish per license year.~~ ~~Catch-and-release the rest of the year.~~ A Lake Koocanusa Bull Trout Catch Card must be in possession when fishing for bull trout. See Special Licenses requirements for application information. All bull trout must be released immediately ~~or killed and counted as your limit when harvest is allowed.~~ It is unlawful to possess a live bull trout for any reason.
- *Rainbow trout: Adipose clipped (shown by a healed scar) fish less than 22 inches must be released.*

Rationale: *Single line regulation:* The intent of this proposal is to generally require anglers to focus on a target species and decrease the chance that anglers fishing for other species capture bull trout either incidentally or by “prospecting” with the additional line. New survey information shows that anglers fishing with two lines catch bull trout at a rate of 2.4 times more fish than single line anglers. During the Public Scoping Process, anglers were asked if they supported FWP investigating strategies to reduce catch and release mortality for bull trout in Lake Koocanusa. Twelve respondents said they supported such an approach, while 5 were opposed. This proposed change will lead to lower incidence of delayed mortality. *Release of adipose clipped rainbows:* The intent of this is to create the best opportunity for these stocked fish to recruit to trophy size (10+ lbs.). *Eliminate harvest of bull trout:* During the Public Scoping Process anglers were asked if they supported dropping harvest on Lake Koocanusa and Hungry Horse Reservoir. Only seven respondents supported the idea while 12 were opposed. While this shows support for the bull trout fishery, FWP believes efforts are needed immediately to halt the negative population trends.

Trend information is based on redd counts and catch per net in spring gill nets in Lake Koocanusa. Wigwam Creek (the most important spawning tributary in British Columbia) redd counts for 2010 were 68 percent of 10 year average and downward trending, and Grave Creek, an important indicator of Montana spawning bull trout was at 69 percent of 10 year average during 2010. In addition, gill net catches in 2011 were at their lowest level since 1993. Given these indices, continued harvest of bull trout is unwarranted until the population trend stabilizes or reverses.

CHANGE—page 37

LAKE MARY RONAN

- ~~Closed to fishing from midnight to 3 a.m.~~
- Open third Saturday in May through the end of February.
- Open March 1 to third Saturday in May; yellow perch only.
- Salmon: 10 daily and 20 in possession
- Bass: open third Saturday in May through June 30 – 1 over 22 inches. Open July 1 through the end of February – 5 daily and in possession, only 1 over 12 inches. Closed March 1 to the third Saturday in May.

Rationale: The night closure was developed because anglers were fishing for kokanee to midnight to catch one limit, then immediately starting on limit for second day. It was difficult to tell which fish were caught before and after midnight and there was concern about overlimits and overharvest in the face of an illegal perch introduction. The night closure forced anglers to leave the ice and not mix limits. Kokanee population levels have stabilized since then, and there is not currently a need for this closure.

CHANGE – page 37

LITTLE BITTERROOT LAKE

- Salmon: 20 daily and 40 in possession, no more than ~~10~~ 2 daily and ~~20~~ 4 in possession over 12 inches.

Rationale: Little Bitterroot Lake is one of a few lakes where kokanee have adapted to the presence of *Mysis* shrimp. A small proportion of the salmon feed on *Mysis* in deep water and grow to large size (12"-22"). It is not known if this is a genetic or learned behavior. Little Bitterroot is a kokanee spawning lake and the hatchery system has focused on trying to increase the proportion of larger kokanee. However, this lake sustained nearly 13,000 days of winter fishing in 2009 with a high percentage directed at the large fish. There are adequate numbers of smaller salmon for this kind of pressure, and although the limit was previously reduced, problems with party fishing and over-possession limits have continued to reduce the number of larger salmon. The proposed regulation would bring harvest in line with the capability of the fishery.

CHANGE – page 39

NORTH FORK FLATHEAD RIVER

- Combined trout: 5 daily and in possession.
- Closed to angling June 1 through September 30 within a 150-yard radius of the Big Creek stream mouth *unless posted at a greater distance*.
- Extended season for whitefish and catch-and-release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.
- Catch-and-release for cutthroat trout
- Montana/Glacier National Park boundary is the middle of the river.

Rationale: The need for this proposed change is due to the fact that anglers persist in trying to fish for pre-spawn bull trout staged at the mouth of Big Creek, and game wardens continue to issue citations to anglers fishing the hole. The location of the hole changes each year, so the flexibility to base the closure on a posted sign rather than a distance from the mouth allows the closure to fully protect the staged bull trout. The current closure at the stream mouth is also worded differently here than under the Big Creek exception, where it is "within 150-yard radius of the stream mouth or as posted." The phrase "or as posted" has caused problems in the past because the distance from posted signs to the stream mouth changes as water levels in the North Fork and Big Creek change and problems with enforcement have occurred because signs have been moved or torn down. The proposed wording here and for the Big Creek exception will make it clear that 150 yards is the minimal distance, regardless of the absence/presence of signs.

NEW

RACETRACK POND

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 3 trout daily and in possession.*

Rationale: Racetrack Pond is a newly acquired water by the state. It currently has no special regulations pertaining to it and given the change in ownership and management, regulations are now necessary to regulate harvest in this relatively small water body. Because the pond is small, overharvest of trout could be a concern if left to general regulations. FWP desires to provide some harvest opportunity for youth anglers and the proposed regulations will provide for this.

CHANGE – page 40

ROCK CREEK (near Missoula)

From the confluence of the East and West forks, near Phillipsburg to the mouth.

- Extended season for whitefish and catch-and-release for trout open December 1 to the third Saturday in May with artificial lures and/or maggots only.
- Combined Trout: 3 brown trout daily and in possession. ~~none over 12 inches~~. Catch-and-release for rainbow trout and cutthroat trout.
- Artificial lures only, except anglers 14 years of age and younger may use bait during the general season.
- Closed to fishing from boats/vessels July 1 through November 30.

Rationale: Expansion of brown trout into Rock Creek and a reduction in rainbow trout numbers since the mid- to late 1990s has reduced angling quality, diversity and catch rates. Brown trout already dominate many waters in the drainage, and may be impacting native trout through competition and predation. This regulation would allow more harvest of brown trout where they are abundant and compromising other fishery objectives. Monitoring will be conducted to follow the response of trout populations.

These proposed changes are generally in line with sentiments expressed during the Public Scoping Process. Anglers were asked if they would support expanding harvest on brown trout populations in the Bitterroot River, Rock Creek and the Clark Fork River. 19 respondents gave either a "yes" or "qualified yes" answer to this question, while 11 respondents said "no." Meetings with angler groups

also suggested a dissatisfaction with the size of brown trout, which has declined from an average of 15 inches in 1989 to 10 inches in 2010 in electrofishing surveys, and is probably a function of increased numbers.

NEW

SILVERBOW CREEK AND TRIBUTARIES

Mainstem and Tributaries

- *Catch-and-release for cutthroat trout*

Rationale: As Silver Bow Creek continues to be remediated and restored from past mining damages, a trout fishery has started to establish. FWP's management objective is to try and promote a westslope cutthroat trout fishery in the upper Silver Bow Creek drainage to the extent practicable. Given that anglers are now beginning to target Silver Bow Creek as a trout fishery, it is appropriate to implement an exception to the standard regulations to help protect and promote a westslope cutthroat fishery in the basin, while still allowing for recreational angling.

DELETE-page 41

SWAN LAKE

- ~~Bull trout: 1 daily and in possession. All bull trout must be released immediately or killed and counted as your limit. It is unlawful to possess a live bull trout for any reason.~~

Rationale: Swan Lake is one of the few waters where bull trout harvest (1 per day and in possession) is still allowed. Bull trout numbers have declined about 30% in recent years since the illegal introduction of lake trout and lake trout suppression netting efforts. Mortality of bull trout must be reduced to stabilize the population. The public agrees with the need to take action: during the recent Public Scoping Process, the public was asked if they felt that FWP should investigate strategies to stabilize numbers of spawning bull trout in the Swan River drainage. Twelve respondents agreed with the need to investigate strategies, while 1 disagreed. Angler harvest is relatively small (about 200 bull trout per year) but the factor easiest to influence. Other methods to reduce angler harvest such as catch cards and closed seasons would be costly, complicated and difficult to enforce. Based on these considerations, FWP is proposing to close the bull trout fishery until spawner numbers stabilize or increase.

CHANGE – page 41

SWAN RIVER

- Closed to angling June 1 through September 30 within a 150-yard radius of the Woodward Creek *and Lion Creek* stream mouths, *unless posted at a greater distance.*

Rationale: Pre-spawning adult bull trout stage at the mouths of their spawning tributaries and are very vulnerable to angling. If an area is open to fishing there is no way to distinguish between anglers fishing for bull trout or for other species. Anglers have been observed catching staged bull trout at these locations. The Swan system is already closed to bull trout fishing, but repeated catch and release handling causes unacceptable mortality for a species listed under the Endangered Species Act. The mouth of Woodward Creek is already closed to angling, but the shape of the hole changes from year to year so the flexibility to base the closure on a posted sign is necessary to protect bull trout. Anglers are also targeting the mouth of Lion Creek and given the recent declines in bull trout redds in the Swan drainage, the added protection of pre-spawn bull trout at this location is warranted.

CHANGE – page 42

WARM SPRINGS CREEK (near Anaconda)

- Open entire year on the Warm Springs Wildlife Management Area (WMA). See Warm Springs WMA for additional regulations.
- Open from the third Saturday in May through November 30 outside the Warm Springs WMA. *Extended season downstream of Meyers Dam: catch-and-release for trout December 1 to third Saturday in May with artificial lures only.*

Rationale: This season extension will expand recreational angling opportunity within and near the community of Anaconda. Trout densities are high in Warm Springs Creek downstream of Meyers Dam, and extending the season to allow catch-and-release angling during this period should have little to no measurable impact on fish populations in the reach. In talking with local anglers, there is an interest in angling here prior to the general opening of fishing season. This was especially noted for youth anglers during the spring. This proposed regulation will provide a legal season for this angling activity.

Action: Vermillion moved and Moody seconded the motion to approve the western district regulations as proposed by the Department.

Mark Aagenes, Montana Trout Unlimited, stated that they have been working with biologists on these proposals, and with the Chapters to make sure everyone is on board. They want to support FWP the best they can. Discussion over walleyes will pre-empt most of the discussion, which will make it hard to focus on the changes. Don't let the walleye thing dominate the discussions.

Bob Klein, Walleyes Unlimited, said there are walleyes in Noxon Reservoir. Walleyes are devalued with the "no limit" regulation, and if there is no limit on them, the population will be eliminated. The fishery should be preserved by putting a limit of 5 and 10 daily possession limit. On them.

Bruce Rich, stated that walleye west of the Divide is an issue FWP has dealt with for over 20 years. This is a key bull trout conservation area, and they are listed as a threatened species. Walleye are not fully established there yet and there is the potential for negative effects. FWP has not chosen to take any active action on walleye.

Action on Motion: Motion carried.

CENTRAL DISTRICT

CHANGE – page 52

Daily and Possession Limits for Catfish

- ~~20~~ 10 daily and in possession

Rationale: Many anglers have expressed concerns that they are seeing more anglers targeting catfish and feel that the limits need to be reduced accordingly. During the Public Scoping Period, FWP asked the public if they were in favor of reducing the catfish limit, and only 1 of 29 respondents was opposed to the idea. Many of the respondents asked that the limit be reduced to 5 fish daily or that a slot limit be enacted. Eight open houses were held in central and eastern Montana this spring and again there was overwhelming support to reduce the catfish limits, although there was some opposition to a reduction expressed by hoop netters. This regulation change would continue to provide a standardized catfish limit in the central and eastern fishing districts while reducing potential impacts from overharvest on this long-lived native species. Biological data is somewhat limited on the catfish populations in central and eastern Montana. In general, based on survey data, the catfish populations appear to be doing well. A creel study conducted on the Missouri River upstream of Fort Peck Dam in 2007 and 2008 found that roughly 50 % of the catfish being harvested were 12 years old and older and many of these fish were over 20 years of age. On a long-lived fish like the catfish it can be a number of years after a problem arises before it shows up in population data. The proposed change is an attempt to get ahead of any problems before they occur.

CHANGE – page 54

BEAVERHEAD RIVER

Entire River

- *Combined Trout: 5 daily and in possession, 1 over 18 inches, only 1 may be a rainbow trout.*

~~Clark Canyon Dam to Anderson Lane~~

- ~~Combined Trout: 3 daily and in possession, only 1 over 18 inches and only 1 rainbow trout.~~

Clark Canyon Dam to Pipe Organ Bridge

- Open third Saturday in May through November 30.

High Bridge FAS to Henneberry FAS

- Closed to float fishing by nonresidents and float outfitting on each Saturday from the third Saturday in May through Labor Day.

Henneberry FAS to Pipe Organ Bridge

- Closed to float fishing by nonresidents and float outfitting on each Sunday from the third Saturday in May through Labor Day.

Downstream from Pipe Organ Bridge

- Open entire year

Highway 91 South bridge (Tash Bridge) to Selway Bridge

- Closed to float outfitting from the third Saturday in May through Labor Day

~~Anderson Lane downstream to mouth (near Twin Bridges)~~

- ~~Combined Trout: 5 daily and in possession, 1 over 18 inches, only 1 may be a rainbow trout.~~

Rationale: This regulation replaces a drought regulation (3 trout daily and in possession, only 1 over 18", only 1 rainbow trout) with the regulations that were previously in place on the reach of the Beaverhead River between Clark Canyon Dam and Anderson Lane. This also places the entire Beaverhead River under the same limits thereby simplifying the regulations. Abundances in the upper trend reach of the Beaverhead River have increased to pre-drought levels (~2200 fish per mile), although size structure is skewed toward smaller 12 to 15 inch fish. Management goals of providing a trophy component can be best achieved by reducing the abundance of smaller fish to improve growth rates and abundances of large trophy fish. Because we are no longer in a drought and abundances have increased dramatically in response to good water years there is no need to continue to enforce drought regulations on this reach of river.

CHANGE – page 57

BIGHORN LAKE AND AFTERBAY RESERVOIR

- Bass: 6 daily and 12 in possession
- Shovelnose sturgeon: 2 daily and in possession
- Sauger/Walleye: 5 6 daily (only 2 3 may be sauger) and 10-12 in possession (only 2 3 may be sauger).
- Catfish: 6 daily and in possession
- Burbot (ling): 3 daily and in possession
- Hook and Line: 2 lines with 2 hooks per line on open water and 6 lines with 1 hook per line through the ice.
- Anglers obtaining live baitfish in Montana may use them only in the Montana portion of the lake.

Rationale: This regulation proposal is the same change in the sauger/walleye limit that Wyoming Game and Fish has presented to their commission for Bighorn Lake beginning in 2012. MT and WY have always strived to maintain consistent angling regulations throughout the entire lake so anglers do not have to worry about which side of the state border they are on if they have licenses for both states. Management emphasis has shifted on Bighorn Lake with plans to manage it for sauger. Sauger populations are currently doing very well in the lake and anglers often catch more sauger than walleye. This change will allow anglers to harvest an additional sauger when fishing the lake and many anglers have been asking for this increase.

CHANGE – page 57

BIG SHEEP CREEK AND TRIBUTARIES (Beaverhead River drainage)

- Combined Trout: includes cutthroat trout ~~except it is catch-and-release for cutthroat trout in Meadow, Muddy and Simpson creeks.~~

Rationale: This regulation has caused confusion for anglers because it provides an exception to the Standard Regulation pertaining to cutthroat trout harvest and then lists several exceptions to the exception on certain tributary streams. This regulation change is intended to remove the confusion, but by doing so eliminates the opportunity to harvest cutthroat trout on some tributaries to Big Sheep Creek.

CHANGE –page 58

BLACKTAIL DEER CREEK AND TRIBUTARIES (Beaverhead River drainage)

- Combined Trout: Includes cutthroat trout ~~except it is catch-and-release for cutthroat trout in Cottonwood, Jake and Rock creeks, and the two Rock Creek reservoirs on Robb-Ledford WMA.~~

Rationale: This regulation has caused confusion for anglers because it provides an exception to the Standard Regulation pertaining to cutthroat trout harvest and then lists several exceptions to the exception on certain tributary streams. This regulation change is intended to remove the confusion, but by doing so eliminates the opportunity to harvest cutthroat trout on tributaries of Blacktail Deer Creek.

CHANGE – page 59

CLARK CANYON RESERVOIR

- Burbot (ling): 3 daily and in possession, only 1 over 28 inches.
- Combined Trout: 3 daily and in possession, ~~only 1 over 23 inches.~~

Rationale: This regulation replaces a drought regulation (3 trout daily and in possession, only 1 over 23") with the regulations that were previously in place on Clark Canyon Reservoir. This regulation was in place specifically to protect the large wild brown trout and older, large hatchery-origin rainbow trout that were concentrated and more highly susceptible to angling at the dramatically reduced reservoir elevations experienced during the early 2000's. Clark Canyon Reservoir is presently in its flood pool, fish are no longer concentrated, and there is accordingly no need to continue to enforce drought regulations on this reservoir. Angler phone calls/interactions have been in favor of making this regulation change because of perceived mortality during release of fish over 23 inches.

CHANGE – page 62

HELENA VALLEY REGULATING RESERVOIR

- Snagging: open for salmon September 1 through October 31, 35 salmon daily and 70 in possession.
- *Snagging limits also apply to the irrigation canal in the area from the discharge outlet to 400 yards downstream.*

Rationale: This proposal clarifies the area open for snagging for salmon. The limit should be consistent throughout the area of the Regulating Reservoir that is available to anglers, as there is no difference biologically between salmon in the Regulating Reservoir and the discharge outlet irrigation canal. Currently the legal limit in the canal is under the District-wide standard which is 10 daily and in possession. Enforcement staff have noted the inconsistency in the regulations and anglers have questioned fisheries staff.

CHANGE – page 66

MISSOURI RIVER

Holter Dam to ~~mouth of Dearborn River~~ Cascade Bridge

- Combined Trout: ~~1 3 rainbow trout (any size) daily and in possession, only 1 over 18 inches, only 1 may be a brown trout. and 1 brown trout (22-inch minimum) daily and in possession.~~
- Walleye: No limit.

Craig Bridge to Sheep Creek Bridge

- ~~Spearing open for up to 5 whitefish daily with rubber or spring-propelled spears by persons swimming or submerged.~~

Mouth of Dearborn River to Cascade Bridge

- ~~Combined Trout: 3 rainbow trout daily and in possession, only 1 over 16 inches and 1 brown trout daily and in possession, 22-inch minimum.~~
- ~~Walleye: No Limit.~~

Rationale: There is no current biological need for different regulations in these two reaches of the river (Holter Dam to the Dearborn and the Dearborn to Cascade Bridge). The regulation change would simplify the trout regulations on the river. The proposed trout limit was selected to maintain the average number of fish each angler can keep over the entire reach: currently an angler can keep two trout upstream of the Dearborn and four trout downstream of the Dearborn, we selected a limit of three trout. The current regulations for rainbow trout in these reaches were implemented to safeguard trout populations against whirling disease. Subsequent monitoring has shown no significant decline in the catchable rainbow trout population levels. Consequently, these complex regulations are not necessary and simplification is deemed warranted. The proposed length limit for rainbow trout and brown trout (1 over 18 inches) is made to match the Central Fishing District standard limit. The current brown trout 22-inch minimum was adopted to allow the harvest of a trophy fish. Data from population surveys show that only 0.9% of the fish handled would be available for harvest as a trophy fish. Implementing the “only one over 18 inches” provision would allow a greater percent (20%) of the fish handled to be potentially available for harvest as a trophy. The Craig Bridge to Sheep Creek Bridge spearfishing regulation was originally requested by a group of local divers. The group does not appear to be active anymore, which makes the regulation unneeded and is proposed for deletion.

These proposed changes are generally in line with sentiments expressed during the Public Scoping Process. Anglers were asked if they would support simplification and standardization of regulations on the Missouri and Smith Rivers. 13 respondents gave either a “yes” or “qualified yes” answer to this question, while only 1 respondent said “no.” When asked if anglers thought spearfishing on the Missouri River is appropriate, 12 respondents gave a “no,” while no one spoke in favor of the existing regulation.

AMMENDED VERSION—August 9, 2011

CHANGE – page 66

MISSOURI RIVER**Holter Dam to mouth of Dearborn River** *Cascade Bridge*

- ~~Combined Trout: 1 3 rainbow trout (any size) daily and in possession, only 1 over 18 inches, only 1 may be a brown trout. and 1 brown trout (22-inch minimum) daily and in possession.~~
- ~~Walleye: No limit. 20 daily and 40 in possession~~

Craig Bridge to Sheep Creek Bridge

- ~~Spearing open for up to 5 whitefish daily with rubber or spring-propelled spears by persons swimming or submerged.~~

Mouth of Dearborn River to Cascade Bridge

- ~~Combined Trout: 3 rainbow trout daily and in possession, only 1 over 16 inches and 1 brown trout daily and in possession, 22-inch minimum.~~
- ~~Walleye: No Limit.~~

Cascade Bridge to Black Eagle Dam

- ~~Walleye: 20 daily and 40 in possession~~

Rationale: *Trout Limit Proposal:* There is no current biological need for different regulations in these two reaches of the river (Holter Dam to the Dearborn and the Dearborn to Cascade Bridge). The regulation change would simplify the trout regulations on the river. The proposed trout limit was selected to maintain the average number of fish each angler can keep over the entire reach: currently an angler can keep two trout upstream of the Dearborn and four trout downstream of the Dearborn, we selected a limit of three trout. The current regulations for rainbow trout in these reaches were implemented to safeguard trout populations against whirling disease. Subsequent monitoring has shown no significant decline in the catchable rainbow trout population levels. Consequently, these complex regulations are not necessary and simplification is deemed warranted. The proposed length limit for rainbow trout and brown trout (1 over 18 inches) is made to match the Central Fishing District standard limit. The current brown trout 22-inch minimum was adopted to allow the harvest of a trophy fish. Data from population surveys show that only 0.9% of the fish handled would be available for harvest as a trophy fish. Implementing the “only one over 18 inches” provision would allow a greater percent (20%) of the fish handled to be potentially available for harvest as a trophy. The Craig Bridge to Sheep Creek Bridge spearfishing regulation was originally requested by a group of local divers. The group does not appear to be active anymore, which makes the regulation unneeded and is proposed for deletion. These proposed changes are generally in line with sentiments expressed during the Public Scoping Process. Anglers were asked if they would support simplification and standardization of regulations on the Missouri and Smith Rivers. 13 respondents gave either a “yes” or

“qualified yes” answer to this question, while only 1 respondent said “no.” When asked if anglers thought spearfishing on the Missouri River is appropriate, 12 respondents gave a “no,” while no one spoke in favor of the existing regulation.

Walleye Limit Proposal: In May of this year, the FWP Commission received a petition from Walleyes Unlimited of Montana containing over 780 signatures which requested that the “No Limit” regulation for walleye between Holter Dam and Cascade be eliminated and replaced with the District-wide standard of 5 daily and 10 in possession. When the No Limit regulation was considered by the FWP Commission in 2010, FWP agreed that raising the walleye bag limit in the prime trout waters was warranted and would meet the objective to prevent predation problems in the future. However, FWP also believed that to justify a No Limit regulation, the threats and risks from walleye and whirling disease would have to be acute and severe; something that FWP did not believe to be the case. Recent information collected during fall 2010 electrofishing surveys reinforces the need to maintain a high limit on walleye. The number of walleye collected in the Craig section during the October rainbow trout estimates was 120, far higher than the previous high year (71 in 2008). In addition, high flows in the Missouri system in both 2010 and 2011 have flushed many walleye from upstream reservoirs. Evidence of high rates of flushing this year include the numerous anglers fishing for walleye below Holter Dam this spring and catching walleye which had been tagged upstream in Holter Reservoir. These findings suggest the trend in walleye numbers in the river has been increasing rather than decreasing. In addition, an ongoing evaluation of stomach samples of walleye captured on the river has revealed that salmonids are utilized by walleye in the upper reaches of the river. Because of these biological data, FWP cannot support reversion to the District-wide standard as proposed by Walleyes Unlimited. However, FWP recommends to the Commission that the No Limit be changed to 20 daily and 40 in possession from Holter Dam to Cascade Bridge, because: 1) the No Limit regulation is seen by some walleye anglers as a stigma and a devaluation of the walleye as a sport fish; 2) the fishing pressure for walleyes and daily catch rates are currently low, with few people apparently catching more than 20 fish per day, meaning that there would be no real difference in total harvest between No Limit and 20 daily and 40 in possession; 3) changing the limit to 20 daily and 40 in possession will standardize walleye limits on the Missouri from Holter Dam to Black Eagle Dam and thereby simplify enforcement; and 4) a 20 daily and 40 in possession for walleye is expected to provide adequate harvest rates that prevent walleye from impacting rainbow and brown trout at the population level.

NEW

ROCK CREEK RESERVOIRS (Robb-Ledford Game Range)

- Catch-and-release for cutthroat trout

Rationale: This is not a new regulation, and is currently listed under Blacktail Deer Creek and Tributaries. Listing it as a stand-alone regulation exception is intended to avoid confusion among anglers.

CHANGE –page 69

RUBY RIVER AND TRIBUTARIES

Upstream from-Ruby Reservoir

- Combined Trout: includes cutthroat trout. ~~except catch-and-release for cutthroat trout in Cottonwood (near Cottonwood Camp), Geyser, Greenhorn, Idaho, Robb, Sweetwater and Whitebear creeks.~~

Downstream from Ruby Dam

- Closed entire year just below Ruby Dam (that portion of the Ruby River from its confluence with the Ruby Dam outlet channel upstream to the dam, including the outlet channel).
- Extended season for whitefish and catch-and-release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.

Rationale: This regulation has caused confusion for anglers because it provides an exception to the Standard Regulation pertaining to cutthroat trout harvest and then lists several exceptions to the exception on certain tributary streams. This regulation change is intended to remove the confusion, but by doing so eliminates the opportunity to harvest cutthroat trout on tributaries of the upper Ruby River.

CHANGE – page 72

TRAIL CREEK AND TRIBUTARIES (Beaverhead River drainage)

- Combined Trout: includes cutthroat trout, ~~except catch-and-release for cutthroat trout on Bear Creek.~~

Rationale: This regulation has caused confusion for anglers because it provides an exception to the Standard Regulation pertaining to cutthroat trout harvest and then lists several exceptions to the exception on certain tributary streams. This regulation change is intended to remove the confusion, and by doing so eliminates the opportunity to harvest cutthroat trout on tributaries to Trail Creek.

CHANGE – page 74

YELLOWSTONE RIVER

--CURRENT--

Yellowstone National Park Boundary to I-90 Bridge at Billings

- Open entire year

- Combined Trout: 4 brown trout and/or rainbow trout daily and in possession, only 3 under 18 inches and 1 over 26 inches. All fish between 18 and 26 inches must be released. Catch-and-release for cutthroat trout.
- Hook and Line: 2 lines with 2 hooks per line all year from the mouth of the Clarks Fork River to the I-90 Bridge at Billings

--PROPOSED ALTERNATIVE 1-- will make the following changes to the Combined Trout exception:

- Combined Trout: 4 brown trout and/or rainbow trout daily and in possession, only 3 under 18 inches and 1 over 22 inches. All fish between 18 and 22 inches must be released. Catch-and-release for cutthroat trout.

--PROPOSED ALTERNATIVE 2-- will make the following changes to the Combined Trout exception--

- Combined Trout: 4 brown trout and/or rainbow trout daily and in possession, only 1 over 18 inches. Catch-and-release for cutthroat trout.

Rationale: The current combined trout regulation has been in place for one year. Numerous anglers have complained that when this regulation was first proposed to the FWP Commission in August 2010, it was not widely disseminated for public comment and their views were not heard. Further dissatisfaction was expressed during the Public Scoping Process this spring, where 30 commenters asked for a change in the regulation (9 wanted the new regulation rescinded, and 20 wanted it replaced with the regulation in place before 2007--5 brown trout and/or rainbow trout daily and in possession, only 1 over 18 inches). Only 1 commenter spoke in favor of the existing regulation. FWP also received an additional 112 comments this spring (during an open house in Billings, an impromptu meeting at the FWP office in Billings, and a signed a letter) asking for a change to the regulation--most commenters wanted a return to the pre-2007 regulation. Based on all these comments, FWP proposes two alternatives for public review and comment. Alternative 1 would maintain the current limits, but would narrow the slot limit from 18-26 inches to 18-22 inches. Alternative 2 would revert to the regulation in place prior to 2010. Based on public comment, the FWP Commission will adopt one of these alternatives (or a modified version) at the October 13 Commission meeting.

Action: Vermillion moved and Moody seconded the motion to approve the Central District regulations with the exception of the Missouri River from Holter Dam to Black Eagle, which will be dealt with separately.

Mark Aagenes, Montana Trout Unlimited, said the data has not changed and no limit on walleye is needed. Montanan's desire to protect the world class fisheries has not changed. He is not sure why this is even being entertained - nothing is broke so there is no need to fix it. Walleye numbers are on the rise - need to look at the impacts of walleye. Many folks believe Trout Unlimited is against walleyes, but they want to see all fisheries benefit from management. Don't waste resources on developing a plan.

Dale Gilbert said he promotes sport fishing in general. He was involved in the development of the Upper Missouri River Management Plan. Numbers taken out of context can be alarming. Look at the total trout numbers in the river system and compare them to the number of walleyes - it is hardly worth consideration. There is no documentation that the population of walleye is a detriment to trout. He pointed out that when there is a liberal limit with no basis, it sends a poor message to the youth by saying that they can all be killed because there is no value set by limits.

Bob Klein, Walleyes Unlimited, said he feels that the proposed no limit regulation on walleye is a devaluation of the fishery. It is an important decision that must be made on sound biological data. 780 residents felt that no limit was inappropriate on that stretch of water. It is a terrible message to send to the youth - it tells people that they can do whatever they want in walleye fishing. The future of fisheries affects everyone. Remove the "no limit" proposed regulation. There is a great trout fishery and a small walleye fishery. The two species can co-exist. The no-limit will eradicate and deplete the fishery.

Mike Sedlock, Walleyes Unlimited, said he has fished the Missouri River system for over 50 years, and walleyes have been there all that time. The biological data has not shown any impact. Leave the limit alone. There is not a problem. Overcrowding occurred on Canyon Ferry when the limit was removed, also impacting the trout. Do not adopt the "no limit" regulation - keep the 5 and 10 regulation.

Tony Herper, Pat Byrne Missouri River Chapter of Trout Unlimited, said the policies made here are the messages that are sent to the public. This is a world class trout stream. Toss this amended version of regulations away.

David Genter, Pat Byrne Missouri River Chapter of Trout Unlimited, urged retaining a no limit regulation on walleye. He knows of no fishery that has an abundant trout fishery that is together with a walleyes fishery. There are places for each species. The Missouri river is a coldwater trout fishery.

John Wilson, Trout Unlimited, has fished this stretch of the Missouri River for over 30 years. This is a world class fishery. No limit is appropriate. This regulation was not scoped. Walleyes are on the increase. JW Weston, Park City, asked the Commission to maintain the walleye regulations that were adopted last year.

Doug Dreeszen, Billings, wants to see the 5 limit and 1 over 18 inches regulations on the Yellowstone River. There is no biological reason not to.

Unidentified man from Laurel said he wants 5 fish and 1 over 18 inches. No biological data to change.

Tom Herman, Billings, said to listen to the biologists and the people who fish the Yellowstone.

Action: Moody moved and Vermillion seconded the motion to approve the upper Missouri River fishing regulations from Holter Dam to Cascade Bridge as presentes:
 - combined trout: 1 daily and in possession ,
 - walleye remains as no limit, from holter dam to cascade bridge.
 Motion carried.

EASTERN DISTRICT

CHANGE – page 83

Daily and Possession Limits for Catfish

- ~~20~~ 10 daily and in possession

Rationale: Many anglers have expressed concerns that they are seeing more anglers targeting catfish and feel that the limits need to be reduced accordingly. During the Public Scoping Period, FWP asked the public if they were in favor of reducing the catfish limit, and only 1 of 29 respondents was opposed to the idea. Many of the respondents asked that the limit be reduced to 5 fish daily or that a slot limit be enacted. Eight open houses were held in central and eastern Montana this spring and again there was overwhelming support to reduce the catfish limits, although there was some opposition to a reduction expressed by hoop netters. This regulation change would continue to provide a standardized catfish limit in the central and eastern fishing districts while reducing potential impacts from overharvest on this long-lived native species. Biological data is somewhat limited on the catfish populations in central and eastern Montana. In general, based on survey data, the catfish populations appear to be doing well. A creel study conducted on the Missouri River upstream of Fort Peck Dam in 2007 and 2008 found that roughly 50 % of the catfish being harvested were 12 years old and older and many of these fish were over 20 years of age. On a long-lived fish like the catfish it can be a number of years after a problem arises before it really shows up in population data. The proposed change is an attempt to get ahead of any problems before they occur.

NEW

BOXELDER RESERVOIR

- *Yellow Perch: 25 daily and 50 in possession*

Rationale: Gillnetting data supports claims from anglers that the yellow perch population has declined, and that this is due to overharvesting by anglers. FWP hosted an open house in Plentywood in early 2011 where attendance was excellent. Broad-based support was expressed for this proposed change, as this has been a destination winter perch fishery in the past and is viewed as a positive for area youth and for the local economy.

CHANGE – page 86

TONGUE RIVER

Tongue River Reservoir to Wyoming State Border

- *Sauger/Walleye: 5 daily (only 1 may be a sauger) and 10 in possession (only 2 may be sauger).*

Twelve Mile Dam Fishing Access Site (T&Y Dam)

- Hook and Line/Setlines: 2 lines with 2 hooks per line all year.

CHANGE – page 86

TONGUE RIVER RESERVOIR

- Crappie: 30 daily and 60 in possession
- Hook and Line/Setlines: 6 lines with 6 hooks per line through the ice.
- *Sauger/Walleye: 5 daily (only 1 may be a sauger) and 10 in possession (only 2 may be sauger).*

Rationale: The sauger population in the Tongue River Reservoir has declined significantly since the 1970s. Between 1975-1977, an average of 182 sauger were caught annually in gill nets in the reservoir, while during the years 1990-2010 an average of only 0.5 per year were caught. Sampling that was initiated in the late 1990's in the Tongue River upstream of Tongue River Reservoir has documented a small adult sauger population. Measures must be taken to stabilize this population, and angler-induced mortality should be limited while

other conservation measures are explored. This proposed regulation will be an exception to the District-wide standard (Sauger/Walleye: 5 daily and 10 in possession) and should reduce total angler harvest but still maintain the angler's opportunity for a daily harvest of one sauger while fishing for other species like walleye.

Action: Vermillion moved and Moody seconded the motion to approve the Eastern District fishing regulations as proposed. Motion carried.

12. 2011 Early Season Migratory Bird Regulations - Final. Jeff Herbert, Assistant Chief of the Wildlife Bureau, said there are no changes proposed to the initial adoption.

Action: Vermillion moved and Moody seconded the motion to adopt the final 2011 Early Season Migratory Bird Seasons as presented by FWP. Motion carried.

13. 2011 Furbearer Quotas - Final. Quentin Kujala, FWP Wildlife Bureau, indicated there were no changes to the initial proposals.

Action: Vermillion moved and Moody seconded the motion to adopt the final 2011 furbearer quotas as proposed by FWP. Motion carried.

14. 2011 Bison Quotas – Final. Quentin Kujala, FWP Wildlife Bureau, stated there are no changes proposed from 2010 bison quotas. Archery equipment is to be added as a legal means of take per 2011 legislative action. The Eagle Creek portion of HD 385 north of Gardiner is proposed to be expanded to the north and west. Proposed changes to the initial adoption include mandatory orientation for those wishing to harvest bison with archery equipment and broader latitude for staff to initiate cow/calf hunters in response not only to a specific number of bison but also consideration of equitable harvest among state licensed and Tribal hunters.

Action: Vermillion moved and Moody seconded the motion to adopt the final 2011 bison license quotas with included archery, mandatory archery orientation, greater flexibility in activating cow/calf hunters and expanded hunt area in HD385 as presented by FWP

Mary Ellen Schnurr, MOGA, said they support the mandatory education component.

Action on Motion: Motion carried.

15. 2011 Late Season Migratory Bird Regulations - Proposed. Late season migratory bird hunting regulations pertain to ducks, geese, swans, and coots. Jeff Herbert, Assistant Chief of the Wildlife Bureau, said they are seeing wetland conditions like have not been seen in 30 years. Proposed season changes to 2010 regulations are as follows, with all other season elements unchanged from 2010.

Central Flyway

- Youth Waterfowl Season: Sept. 24-25 (2 days – limits below apply)
- Duck, Coot and Tundra Swan (500 permits only) Season: Oct. 1–Jan. 5 (97 days)
- Ducks: Daily bag limit shall be 6 ducks or mergansers, possession limit twice daily limit. Daily bag limit shall not include more than 5 mallards no more than 2 of which may be hens, 2 redheads, 2 scaup, 2 hooded mergansers, 3 wood ducks, 2 pintails, and 1 canvasback.
- Coots: 15 daily, possession limit twice the daily limit
- Goose Season: Oct. 1 – Jan. 13 (105 days)
- Geese: Dark - 4 daily, possession limit twice the daily limit
White -6 daily, possession limit twice the daily limit
- Falconry dates: Ducks and coots: Sept. 21 – Jan. 5; Geese: Oct. 1 – Jan. 13

Pacific Flyway

- Youth Waterfowl Season: Sept. 24-25 (2 days – limits below apply)
- General Waterfowl Season: Oct. 1–Jan. 13 (105 days)
- Scaup Season: Oct. 1-Dec. 23 (84 days)

- Ducks: Daily bag limit shall be 7 ducks or mergansers, possession limit twice daily limit. Daily bag limit shall not include more than 2 hen mallards, 2 pintails, 2 redheads, 1 canvasback, and 3 scaup.
- Coots: 25 daily and in possession
Geese: Dark - 4 daily, possession limit twice the daily limit
 White - 6 daily, possession limit twice the daily limit
- Swan (500 permits only) Season: Oct. 8–Dec. 1
- Falconry dates: Ducks, coots, and geese: Oct. 1 – Jan. 13

Action: Vermillion moved and Moody seconded the motion to adopt the proposed late season migratory bird regulations as presented by FWP. Motion carried.

16. 2011 Public Land Access Projects. Ken McDonald , FWP Wildlife Bureau Chief, presented the proposals.

Madison Valley Deer Creek (Carroll Ranch) – Region 3 - Proposed

FWP proposes to acquire permanent footpath access through the Carroll Ranch into the neighboring U.S. Forest Service properties. The Carroll Ranch is currently under a conservation easement with the Rocky Mountain Elk Foundation, but that easement does not contain a public access provision. The Carroll Ranch consists of 7,578 acres. This access would be an extremely valuable addition to MFWP's ability to manage elk, and the hunting opportunities on the Carroll Ranch and adjoining USFS lands are significant.

Action: Vermillion moved and Moody seconded the motion to endorse FWP's recommendation to begin negotiations to acquire a perpetual footpath access easement across the Carroll Ranch to adjacent public lands. Motion carried.

Square Butte Grazing Association – Region 6 - Proposed

FWP proposes to acquire a 19-mile road easement through private land to Bureau of Land Management lands and Department of Natural Resources and Conservation State School Trust lands. The proposed road easement is located in HDs 620, 621, 680, and 690 and is associated with three landowners: Square Butte Grazing Association, Charlie Schwenke, and Winston Mitchell. Public access has been secured annually with the landowners through a Block Management Area contract since 1997. The three landowners approached FWP to initiate discussions for an access easement and are willing to consider an easement in perpetuity. This easement would provide access to over 50,000 acres of public land.

Action: Moody moved and Vermillion seconded the motion to endorse the Department's recommendation to begin negotiations to acquire a public road access easement across Charlie Schwenke, Winston Mitchell, and Square Butte Grazing Association properties to associated public lands. Motion carried.

Gate Creek – Region 7 - Proposed

FWP proposes to purchase a permanent road easement across private land to provide access to land owned and administered by the Ashland Ranger District of the Custer National Forest and the Bureau of Land Management in Rosebud County. The proposed easement is located on an existing two-track road that extends from the Ashland-Birney Road along the Tongue River southwest of Ashland and northeast of Birney. The easement crosses one-quarter mile of private land before connecting to an existing developed road on BLM, ultimately providing access to the Tongue River Breaks Area of the Custer National Forest. The road easement will provide year-round access to the national forest. FWP further proposes to purchase the easement and to transfer the road easement, or administrative authority for the road easement, to the USFS.

Action: Vermillion moved and Moody seconded the motion to endorse FWP's recommendation to begin negotiations for a permanent road access easement to provide public access to the Ashland District of the Custer National Forest. Motion carried.

Beaver Creek – Region 7 - Proposed

FWP proposes to purchase a permanent road easement across private land to provide public access to land owned and administered by the Ashland Ranger District of the Custer National Forest in Powder River County. The proposed easement is located on an existing two-track road that extends from the Beaver Creek County Road northeast of Ashland. The easement crosses one-half mile of private land before connecting to an existing developed road network on the Custer National Forest. The road easement will provide year-round public access. FWP further proposes to purchase the easement and to transfer the road easement, or administrative authority for the road easement, to the U. S. Forest Service.

Action: Vermillion moved and Moody seconded the motion to endorse the recommendation to begin negotiations for a permanent public access road easement to provide public access to the Ashland District of the Custer National Forest. Motion carried.

17. Habitat Acquisition Projects. Ken McDonald, FWP Wildlife Bureau Chief, presented the proposals.

Dugas Farms – Conservation Easement – Region 4 - Final

This easement was not entertained as the appraisal has not yet been completed.

Full Curl – Fee Title Acquisition - Region 1 - Proposed

Glacier Bank of Kalispell acquired this 440-acre parcel through a loan default. The land provides important habitat for the Perma-Paradise (Knowles Creek) bighorn sheep herd. The 110-acre irrigated field of alfalfa and grass provides critical habitat for sheep, and the rock ledges provide secure lambing sites with important escape habitat. The Perma-Paradise herd has an estimated population of 250-275 bighorns, with 75-100 sheep utilizing this property during the winter and spring seasons. This property provides critical access to adjacent Department of Natural Resource land and to the Lolo National Forest, and has 1 5/8 miles of Flathead River frontage. Glacier Bank wishes to sell this land.

Action: Vermillion moved and Moody seconded the motion that the Commission grant FWP approval to negotiate a fee-title purchase on 440 acres of land owned by Glacier Bank as proposed. Motion carried.

Stimson Lumber – Conservation Easement - Region 1 - Proposed

Stimson Lumber Company has offered to sell a conservation easement on 28,000 acres of their land near Troy. This transaction is being facilitated by the Trust for Public Land. The property includes over 20 miles of perennial stream, 14 miles of which supports spawning and rearing habitat for bull, redband, and westslope cutthroat trout. The land also provides wildlife corridors linking public lands in the Cabinet, West Cabinet and Purcell mountains. Stimson currently allows public hunting access through the Block Management Program. This easement would secure continued public recreational access. Funding for the \$16 million project, a committed below-market sale price by Stimson Lumber, would come from federal grants. FWP and TPL have conducted preliminary public outreach and have received strong support by numerous local conservation groups.

Action: Vermillion moved and Moody seconded the motion to grant FWP approval to negotiate a conservation easement on 28,000 acres of Stimson Lumber Company land. Motion carried.

Calf Creek – Donation - Region 2 – Proposed

FWP proposes to accept the fee-title donation of approximately 70 acres adjoining Calf Creek Wildlife Management Area northeast of Hamilton from landowner Christopher Young. Calf Creek WMA was acquired by FWP for elk winter range in 1960, and currently consists of 2,333 acres. The proposed 70-acre addition shares almost ½-mile of common boundary with the WMA, and would add a ¼-mile buffer from private lands. The land contains the primary access road to the WMA. This parcel is a grazing pasture of native and non-native grasses, is non-forested, and has no buildings or development. FWP currently maintains the fence between the two properties, and would transfer that to the new boundary. Acquisition of this property would enhance the ability to manage and control public access to the WMA during open and closed periods, and would prevent subdivision and development in a location where impacts would be detrimental.

Action: Moody moved and Vermillion seconded the motion to endorse the Department's proposal to pursue the donated acquisition of 70 acres adjoining Calf Creek WMA. Motion carried.

Spotted Dog In-holdings – Fee Title Acquisition/Trade - Region 2 - Proposed

Spotted Dog Wildlife Management Area is split into two portions by 2,917 acres of private in-holdings. The in-holdings are owned by G. Reistad (357 acres), B. Mosier (1,280 acres), and Spotted Dog Canyon Land Investments/Cross Canyon Ranch (1,280 acres). The landowners have expressed interest in exploring options for sale or trade of land. Spotted Dog WMA supports the largest concentration of wintering elk in the Upper Clark Fork, and is year-long habitat for antelope, mule deer, white-tailed deer, moose, and black bear. West-slope cutthroat trout are found in Spotted Dog, O'Neill and Trout Creeks. Acquisition of the in-holdings would benefit the WMA and would make it easier for FWP to manage.

Action: Moody moved and Vermillion seconded the motion to endorse the Department's proposal to pursue the purchase of the inholdings within Spotted Dog WMA. Motion carried.

Browning Ranch – Conservation Easement - Region 7 - Proposed

FWP proposes to purchase a conservation easement on 2,847 acres approximately twelve miles north of Mosby, from private landowner Tom Browning. The property consists of plains forest, sagebrush grassland, and 3.5 miles of Musselshell River frontage with cottonwood bottoms. The easement would provide FWP the opportunity to work with a successful ranching operation to enhance and manage native habitats for the benefit of wildlife and domestic livestock, to increase public recreational opportunity, to protect riparian and sagebrush habitats, and to support land management practices such as rest rotation grazing.

Action: Moody moved and Vermillion seconded the motion to grant FWP approval to negotiate a conservation easement on 2,847 acres owned by the Tom Browning Ranch. Motion carried.

Nix Ranch – Conservation Easement - Region 7 - Proposed

FWP proposes to purchase a conservation easement on 792 acres of Yellowstone River bottomland and 19,886 acres of upland rangeland owned by the Nix Ranch located southwest of Hysham. The property would provide the public with a number of recreational opportunities. Management activities would include development and implementation of a rest rotation grazing system and management of irrigated cropland to benefit livestock and wildlife.

Action: Vermillion moved and Moody seconded the motion to grant FWP approval to negotiate a conservation easement on 20,678 acres from the Nix Ranch. Motion carried.

Sorenson / Wyman – Fee Title Acquisition - Region 7 - Proposed

FWP proposes to purchase 1,093 acres (fee title) of Yellowstone River bottomland adjacent to Seven Sisters WMA. This purchase includes 1,024 acres of land owned by Lucille Sorenson, and 68 acres of land owned by Larry Wyman. Approximately 971 acres is native Yellowstone River riparian habitat. The property provides access to the Yellowstone River and would provide the public with a number of recreational opportunities. Management activities would include restoration of a portion of the irrigated cropland to a combination of native riparian vegetation, dense nesting cover, brood cover and winter food plots for resident wildlife. The existing native riparian habitat would be maintained.

Action: Vermillion moved and Moody seconded the motion to grant FWP approval to negotiate a fee title purchase of 1,024.5 acres of land owned by Lucille Sorenson and 68.9 acres of land owned by Larry Wyman. Motion carried.

North Shore Flathead Wetland Conservation Easement - Proposed

In 2008, FWP purchased, with Access Montana funds, the 161-acre North Shore State Park/WMA to enhance habitat along the North Shore of Flathead Lake, and to develop a 25-acre state park site. FWP has been working with MDT on a habitat restoration plan that would create wetlands and topographic diversity. A conceptual habitat plan has been developed, and MDT has agreed to design and pay for habitat work. In return, MDT needs to secure the wetlands that they create for highway mitigation with a perpetual conservation easement, so FWP is proposing to grant a conservation easement to MDT in exchange for the habitat work on this property.

Action: Vermillion moved and Moody seconded the motion to direct FWP to work with MDT to develop detailed plans for habitat restoration and to develop conservation easement language for the North Shore State Park and Wildlife Management Area. Motion carried.

18. Fish Creek Mineral Rights - Region 2 - Final. Ken McDonald, FWP Wildlife Bureau Chief, explained that FWP proposes to acquire the hard-rock mineral rights on 29,488 acres of its 40,807-acre Fish Creek Wildlife Management Area and State Park. The acquisition will add to FWP's current ownership of approximately 5,500 acres of hard-rock mineral rights on the Fish Creek Property (the other 5,957 acres is retained by the federal government). The land is important for elk, mule deer, white-tailed deer, mountain lion, black bear, wolves and furbearers, and Fish Creek and its tributaries support bull trout and westslope cutthroat trout. Acquisition of the mineral rights would ensure that no mineral exploration and/or extraction activities would occur on the majority of the Fish Creek Property., thus meeting many of the objectives for which the Department originally purchased the property. Funding would come from the Pittman-Robertson Wildlife Restoration Program in the amount of approximately \$150,000. Strong support for this proposal has been expressed.

Action: Moody moved and Vermillion seconded the motion to approve FWP's proposal to purchase the hard rock mineral rights under the Fish Creek WMA and Fish Creek State Park. Motion carried.

19. Archery Elk Discussion - Informational. Quentin Kujala, FWP Wildlife Bureau, reported that members of the archery elk working group have been selected, and they have already held one meeting in Lewistown. A second meeting is

scheduled for next week in Billings, and additional meetings are scheduled for September 19-20 and October 17-18, with locations yet to be determined.

20. Open Microphone.

Kim Baker, MT Cattlemen's Association, is concerned about brucellosis. More adequate surveillance is needed as it may be spreading. She said congratulations on the delisting of wolves, however she still has concerns about wolves, wolf management, and the money to pay ranchers back for depredation damages. They need FWP's support. Money has been appropriated to FWP.

Dave Risley, FWP F&W Division Administrator, said he signed an application for federal assistance for \$660,000. Collaring wolves continues, however it is not an easy thing to do, and some attempts have failed. If it's a problem to a rancher, it is a problem to FWP. It is imperative to look seriously at federal money and if funding will continue, and what we want to do as Montanans as far as responsibility over the long-term.

Ken McDonald, stated that SB348 directed FWP to allocate \$900,000 for wolf management, but the Department has to have authority from the legislature. HB361 directed FWP to develop a wolf management account for control and collaring of wolves.

Art Noonan, FWP Deputy Director, said that money allocated by the legislature is restricted to specific purposes.

Brian McCullough, Helena, said he has concerns about damage hunts. There are unintended consequences. If private landowners don't allow hunting during the general season, they can't hold damage hunts, therefore he feels he is being punished if he isn't successful in the general season. He requested that the Commission adjust administrative rules so the objective excess can be hunted.

Marvin Mace, Helena, said he is addressing the Commission for the last time because he is frustrated that the Commission ignores the public comment process. It is now political and self serving, and the Commission oversteps their authority.

Keith Kubista, Stevensville, suggested holding a general large scale meeting with stakeholders for clarity of uncertainties. More is needed than a regulated hunting season on wolves. Need to maintain aggressive predator control. Need to compare with Idaho – all states are so diverse.

John Helle, Dillon rancher, said he feels the Department's interpretation of legislation is different than the legislative intent. He expressed frustration with the whole process and with depredation reimbursement.

Ream said if FWP could help with funding they would, but the simple truth is that there isn't enough money to go around. The wolf specialists are working hard, and they work nights and weekends. He sympathizes with the ranchers.

Jim Brown, MT Woolgrowers Association, said the cost of wolf management is passed on to the livestock producer. Part of that is FWP's failure. They ask that FWP provide a written response on how the legislation will be implemented. The intent was to prepare for the delisting and management of wolves. Federal money was taken away. They ask that FWP have a plan in place, take an oversight role, and spend the money where it was directed to go.

Rick Sandru, Twin Bridges, said they need help with the wolf situation. Taking out one or two wolves from a pack doesn't stop them. The protocol needs to be changed. It's costly to keep finding them and killing them one at a time. They are not getting reimbursed for all of the depredation. Stress from wolves is creating open cows. He has had to hire additional help to maintain a human presence so wolves stay away. The ranchers are bearing the brunt of the wolves.

Rick Cline, Deer Lodge, said the only way a pack will be taken is if FWP pays for it. Two wolves have been shot. He is concerned about brucellosis if buffalo are placed on Spotted Dog WMA, and he said it was not originally stated that bison would be located there. The NRD money should not be used for this purpose.

JW Weston, Park City, supports FWP in the elk archery decision that was made. It needs to stand as it is.

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The meeting adjourned at 4:20 p.m.

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Bob Ream, Chairman

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Art Noonan, Deputy Director