

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue - Helena, MT
OCTOBER 13, 2011

Commission Members Present: Bob Ream, Chairman; Dan Vermillion, Vice-Chairman; Ron Moody; A.T. Stafne; Shane Colton (via AV system in Glasgow).

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

Guests: See October 13, 2011 Commission file folder for names of who signed in.

Topics of Discussion:

1. **Call to Order - Pledge of Allegiance**
2. **Director's Awards Presentations**
3. **Approval of Minutes of August 18, 2011 Commission Meeting**
4. **Approval of Minutes of August 31, 2011 Commission Meeting**
5. **Approval of Commission Expenses through September, 2011**
6. **Commission Reports**
7. **Director's Report**
8. **2012 Commission Meeting Schedule – Proposed**
9. **Deer and Elk Permit Deadline Drawing Date Change - Final**
10. **Commercial Use Permit Biennial Fee Rule – Proposed**
11. **Clark Fork, Blackfoot, and Bitterroot Rivers Boating Administrative Rules – Final**
12. **Fort Benton Urban Deer Plan – Proposed**
13. **Dugas Farms Conservation Easement – Final**
14. **Season Setting Scoping Results – Informational**
15. **Disabled Hunting / Permit to Hunt From A Vehicle (Blackfoot Access Group) - Informational**
16. **2012 Fishing Regulations – Final**
17. **Fort Peck Reservoir Management Plan – Proposed**
18. **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. **Director's Awards Presentations.** Director Maurier, with the assistance of Ellen Bryson, presented achievement awards to twenty-two Fish, Wildlife & Parks employees. Awards went to Kelly Proffitt, Pat Flowers, and Roger Semler for Professionals of the Year, to Tom Palmer, Dustin Jensen, Cheryl Aldrich, Missy Erving, Will Martin, Mike Anderson, Jessica Plunkett, Bobbi Rognrud, Philip Schroeder, Dustin Temple, Karla Mertens-Morse, Beth Shumate, Margie Gilbert, Dawna LaRoque, Pat Stewart and Elizabeth Anthony for Special Achievement Awards, and to Joe Kambic, Dave Bennetts, and Chuck Gozelanski for Innovative Thinker Awards.

3. **Approval of the Commission Meeting Minutes of August 18, 2011.**

Action: Vermillion moved and Moody seconded the motion to approve the August 18, 2011 minutes. Motion carried.

4. **Approval of the Commission Meeting Minutes of August 31, 2011.**

Action: Moody moved and Vermillion seconded the motion to approve the August 31, 2011 minutes. Motion carried.

5. **Approval of the September Commission Expense Report.**

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

6. Commission Reports.

Vermillion reported that he had received several phone calls regarding brucellosis following the confirmation of six head of cattle that tested positive in Park County, and had received several more calls about the wolf quotas. He attended a meeting in Ennis two weeks ago with a group who are collaborating on the development of a plan for the Madison Valley.

Colton reported that the oil-spill clean-up efforts are wrapping up, and the region has is still determining the impacts. Antelope numbers are way down - it is very noticeable on the ground.

Moody reported that he has met with several sportsmen's groups, including the Region 6 Elk Working Group at Malta and the Sun River Working Group in Conrad, and has attended regulation-setting hearings and scoping meetings. The meetings were not well attended. He feels that folks react to what FWP puts before them rather than attend the meetings to present their opinions. Sun River WMA presently has twice the population objective, which could destroy the habitat. The season and quota system isn't providing enough elk harvest there.

Stafne reported that northeastern Montana has been quiet, and suggested that it could be the calm before the storm. He noted that the bison hearing is scheduled for next week in Glasgow and that folks on both sides of that issue are passionate. Additionally, issues keep coming up with Fort Peck tribes over the closure of pheasant hunting ground.

Ream reported that he had toured Spotted Dog. He said it is amazing elk winter range and was a good acquisition. He attended the Deer Lodge hearing regarding locating bison on Spotted Dog, and commended Mack Long, Ken McDonald, and Mike Thompson for the professional way they handled the meeting. There was a lot of argument in spite of Ken's introduction, in which he stated that these bison are the most tested bison in the world. He said the wolf harvest quota north of Yellowstone has been exceeded by one. Eighteen wolves have been harvested.

7. Director's Report. Director Maurier reported that Jeff Herbert and Janet Hess-Herbert are retiring October 21, and Bob Lane is retiring at the end of November. An acknowledgement dinner party for Willie Doll is being planned for November 9, which is the evening prior to the November Commission meeting. Paul Sihler has been promoted to the position of External Affairs and Special Projects Coordinator, and is no longer in the Lands Unit. Maurier stated that fiscal year numbers indicate that FWP is \$2 million down from projections, so Sue Daly, FWP Finance Division Administrator, and her staff are evaluating the situation. They will also be determining the impacts of the legislative changes and how they will affect FWP's future. Director Maurier and Pat Flowers, Region 3 Supervisor, attended a multi-state meeting in Wyoming to discuss Brucellosis. The university is spearheading a charge to obtain congressional money to start a research project.

8. 2012 Commission Meeting Schedule – Proposed. Two options were proposed for the annual meeting schedule. One was for regular monthly meetings similar to what has been done in the past, and the other reflected omitting some months when things are customarily quiet. Monthly meetings create a heavy workload on already busy staff, so the question had arisen as to whether it was necessary to meet every month. Director Maurier stated that it was determined that business could be successfully conducted without monthly meetings, however there *could* be some months when it *might* be necessary to hold a day-and-a-half or two-day meeting. The likely months to omit would be January, March, May, September, and November, based on a review of past year's agendas and specific deadlines.

Vermillion and Stafne felt that two-day meetings would create a hardship on them. Vermillion said the monthly meetings allow him to speak with staff more frequently.

Ream suggested that if it becomes obvious that a particular month's agenda will be quiet, to cancel the meeting at that time.

Moody encouraged the Commission and Department to hold work sessions prior to season setting meetings to provide sufficient time to discuss the process and the proposed regulations.

Since a September meeting is typically not held, it was agreed not to schedule one in 2012.

Action: Vermillion moved and Moody seconded the motion to adopt the monthly 2012 Commission Schedule, with the exclusion of a September meeting, and possible cancellation of additional meetings if deemed appropriate. Motion carried.

9. Deer and Elk Permit Deadline Drawing Date Change – Final. Hank Worsech, FWP License Bureau Chief, explained that this proposal is 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. It will provide drawing results in mid-April rather than the end of July for special elk and/or deer permits. It will also provide earlier notification to nonresidents who were unsuccessful in permit drawings, will provide more time for the Department to reissue returned licenses, and will allow more time for successful applicants to make vacation and hunting plans. It will go into effect in 2012.

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

Dave Risley, F&W Division Administrator, noted that the low participation at scoping meetings is not necessarily due to lack of interest, but that perhaps it means folks are satisfied. People usually attend meetings when they are not happy about something, and want to make changes. People generally like what FWP does. He stated that the actual wolf harvest to date is eleven, rather than the eighteen earlier stated. The FWP website gives duplicative totals, and will be adjusted. Risley reported that he had attended AFWA in Omaha, Nebraska, and a major discussion item involved the relationships between state wildlife agencies and their federal partners, such as BLM, the Fish & Wildlife Service, Forest Service, etc. Another topic was sage grouse. BLM issued a guidance memo regarding grouse on public land. This guide will have a big impact on energy development if it is passed; effects on Montana are being analyzed. Wyoming wants Utah, Colorado, Idaho, and Montana to work together to develop mechanisms to preclude drastic action by BLM. The national bison plan was also on the agenda. The National Park Service director wants to establish three more nationwide populations as part of his goal. Risley noted that it was apparent that some of the folks at the meeting are oblivious to concerns related to bison.

10. Commercial Use Permit Biennial Fee Rule – Proposed. Charlie Sperry, Recreation Management Specialist, explained that the Commission first adopted commercial use rules applicable to FWP property in 2005. The rules are comprised of two components, which are the Commercial Use Permit Biennial *Fee Rule* and the Commercial Use Administrative Rules *that establish the policy and permit requirements* for conducting commercial use. Both were brought before the Commission in 2009.

The Biennial Fee Rule is brought before the Commission every two years for review and approval. The Department is recommending the following amendments to the rule, which would reestablish the commercial use fees on fishing access sites, wildlife management areas, and state parks for the next two years (2012 and 2013).

1. Minimum annual fee for Restricted Use Permits (\$50 - \$100): outfitters, water-based service providers. Rationale: The department already charges a minimum annual fee for commercial use on the Beaverhead, Big Hole, Blackfoot and Madison rivers under the authority of 12.14.160, ARM. The fee amount ranges from \$50 (Beaverhead, Big Hole) to \$95 (Blackfoot, Madison). Inserting the dollar amounts into the fee rule will provide more transparency to the public. Increasing the top-end of the minimum fee from \$95 to \$100 will enable the department to be consistent on rivers operated under a joint permit system with the Bureau of Land Management (Blackfoot and Madison rivers).

2. Late Fee (\$50) for failure to submit restricted use permit fees and/or records by the required deadline. Rationale: The late fee would be used to encourage permittees to submit fees and records on time. Late payments and records create a burden on staff administering permits and have an impact on the permitting timeline for the next year.

3. Rule language allowing regional park manager or fisheries manager to select fee system for a site(s). Rationale: The rule currently grants this authority to the regional park manager in consultation with the appropriate division administrator. With the transfer of the FAS Program to the Fisheries Bureau it is necessary to add the fisheries managers to the list of authorized staff. The selection of a fee system from the fee table has not proved to be controversial and therefore consultation with the division administrator is no longer necessary.

Action: Vermillion moved and Moody seconded the motion to approve the proposed rule for commercial use permit fees pending public comment. Motion carried.

11. Clark Fork, Blackfoot, and Bitterroot Rivers Boating Administrative Rules – Final. Mack Long, FWP Region 2 Supervisor, explained that they are experiencing increased conflicts on these rivers relative to concerns that motorized watercraft are creating safety issues and are negatively impacting recreation and habitat. One year ago FWP was formally approached by members of the public for solutions as to what could be done on these rivers. In May, proposed rule amendments were brought before the Commission for regulation of motorboats that stipulated exceptions for time of year, section of river, and/or horsepower. The public comment period generated 647 comments, of which 473 were in support of restricting motorized use, 157 were opposed to restricting motorized use, and 17 were neutral. Supporters cited safety and noise concerns. Opponents cited loss of motorized opportunities or need for multiple use recreation. There were mixed responses to the proposed rules in particular sections of the rivers.

Pat Saffel, FWP Region 2 Fisheries Manager, narrated a Power Point presentation.

Based on public comment and staff recommendations, modifications were made to the proposed rule amendments as follows:

- Blackfoot, Clark Fork rivers (near old Milltown Reservoir): Closed to all motorboats.
- Clark Fork River (Milltown to Kelly Island Fishing Access Site[FAS]/Grass Valley Diversion [GVD]): Closed to motorboats.
- Clark Fork River (Kelly Island FAS/GVD to Harper's Bridge FAS): Closed to personal watercraft (PWC) year-round; motorboats other than PWC allowed May 1–June 15 (no restriction on motor size) and Oct. 1–Jan. 31 (20hp or less).
- Clark Fork River (Harper's Bridge FAS to St. Johns FAS): Closed to PWC year-round; motorboats other than PWC allowed year-round.
- Bitterroot River (headwaters to Florence Bridge): Closed to PWC year-round; motorboats other than PWC allowed Oct. 1–Jan. 31 (20hp or less).
- Bitterroot River (Florence Bridge to Clark Fork River): Closed to PWC year-round; motorboats other than PWC allowed May 1–June 15 (no restriction on motor size) and Oct. 1–Jan. 31 (20hp or less).

Action: Vermillion moved and Moody seconded the motion to adopt the proposed rule language as modified for the Clark Fork River, Bitterroot River and Blackfoot River.

A gentleman from Trout Unlimited stated that they support many aspects of this proposal, but not all. Personal watercraft do not belong on rivers. Jet boats are not compatible on rivers.

Greg Munther, Back Country Hunters and Anglers, said the lower Bitterroot has a lot of backwaters with nesting waterfowl and raptors. He said it is peculiar that FWP has not addressed motorized craft with these birds who get scattered by motorized crafts. They all get displaced. Jet boats are still being allowed and comments have requested that they not be allowed. Extend from Florence to Kelley Island. He cited the good neighbor policy.

Casey Hackedore, Hellgate Hunters and Anglers, said they have gone out of their way to compromise and to find areas for appropriate motorized use, but motorized use precludes other uses. They share the water with motorized users.

Jack Mauer asked why the duck hunters rule is there. They can row between any access areas. Need quiet for duck hunting. Need shallow waters. He reiterated the problems with birds and motor boats. There needs to be a complete or even partial ban on motorized craft, or even a timing thing.

Ed Olwell said last September he came by Kelley Island where a large jet boat was. It fired up and came by him full throttle which made his boat rock. It then came again directly at them, and then swerved at the last minute. He became involved with this process at that time. He said this is becoming more and more of a common occurrence. There are more and larger jet boats that he feels they are too big for the river. Everyone has the right to use the river without fear. He suggested May 1 to June 15 as dates to allow powerboats.

Brianna Randall, Clarkfork Coalition, said they are in favor of safe and responsible recreation. She thanked the Department for their work on this. They were in favor of the original proposal, and the changes to it seem counter intuitive. They recommend a seasonal restriction for motorized use. Big motors belong on large flat water, not on rivers.

Action: Vermillion moved and Colton seconded an amendment to the motion to limit horsepower to motors smaller than 20 horsepower from the Harpers Bridge FAS to the St. Johns FAS for a seasonal motorized limitation between June 16 and September 30. It would be wide open the rest of the year, except, of course, to personal watercraft, which are banned all year. Motion carried.

Action: Moody moved and Ream seconded the motion to eliminate the May 1 - June 15 motorboat usage on the Bitterroot River between Florence Bridge and the confluence of the Clark Fork River. Motion carried.

Jakes-Dockter stated that no public comment is needed on these changes as they were encompassed in the original proposal when comments were sought and received.

Action: Vermillion moved and Moody seconded the motion to adopt the remainder of the recommendations. Motion carried.

12. Fort Benton Urban Deer Plan – Proposed. In 2003, the Montana Legislature authorized cities to create plans to control wildlife to address public health and safety issues within city limits. Plans must be approved by the FWP Commission. Quentin Kujala, FWP Wildlife Bureau, explained that the City of Fort Benton, in conjunction with FWP, has developed a Deer Management Action Plan to address safety and property damage concerns due to increased deer populations. The Plan includes goals and a management process. It is patterned after plans already approved for Glendive, Colstrip, and Ekalaka. Public hunting is not viable, so a process has been set up for identifying problem deer and for reporting deer / human conflicts to the Chief of Police or the local FWP Warden. Only City Police will dispatch problem deer. Public comment will be solicited.

Action: Moody moved and Vermillion seconded the motion to approve the proposed City of Fort Benton Deer Management Action Plan as presented, and put the Plan out for public review and comment. Motion carried.

Vermillion inquired as to how well the Glendive plan worked.

Brad Schmitz, FWP Region 7 Supervisor, replied that it was the first year of their plan, and has been very quiet.

Kujala stated that FWP requires annual reports on these plans. A copy will be provided to the Commissioners.

Ream said this plan has an element of danger.

Gary Bertellotti, FWP Region 4 Supervisor, said the deer removal will be strictly handled by the Police Department with guidance from FWP because of the lack of open space. A report will be made that records every complaint and every deer taken. FWP is confident it will be handled well.

Ream asked if trapping could be an option.

Bertellotti replied that that option has not been explored.

Colton stated that is important to draw a distinction between removing deer by actual hunting and culling by the City. It is also important not to involve a lot of FWP staff time when it is not a hunting season.

Action on Motion: Motion carried.

13. Dugas Farms Conservation Easement – Final. Ken McDonald, FWP Wildlife Bureau Chief, explained that FWP is purchasing an 800-acre conservation easement from Dugas Farms with the help of the USDA Farm and Ranchlands Protection Program, PPL Montana, MT Fish and Wildlife Conservation Trust, NWTF, SCI, PF, and a considerable donation by Dugas Farms. The property is located 2 miles south of Ulm in Cascade County, and is comprised of riparian, wetlands, and shrub and native grasslands, and fronts five miles of the Missouri River. The land is managed as a working wheat farm and cattle ranch, and maintains and enhances wildlife habitats. The FWP Commission endorsed the proposal in April of 2008. Twenty-seven comments were submitted to FWP – twenty-five were in support.

Action: Moody moved and Vermillion seconded the motion to authorize the Department to acquire the 800-acre Dugas Farms conservation easement.

Stafne asked if the ranch will continue to graze cattle.

McDonald affirmed that there will still be the agricultural component mixed with conservation efforts.

Action on Motion: Motion carried.

14. Season Setting Scoping Results – Informational. Quentin Kujala, FWP Wildlife Bureau, discussed the process and results. Hunting season structures for deer, elk, antelope, moose, sheep, goat, bison, black bear, mountain lion, and upland birds are currently adopted for two-year intervals. Biennial season setting also includes game damage and management season quotas and may include statewide elements of migratory bird seasons. Wolf season setting has been a mix of both biennial and annual commission actions.

FWP staff routinely engages the public throughout the year, and the season setting process provides a great deal of public comment opportunity. The Department encourages written comments, and hosts more than 40 meetings, hearings, and open houses across the state. While this biennial season-setting process has successfully generated considerable public comment, FWP has still been criticized that a lack of public participation opportunity prior to initial proposals exists. In response to this criticism, FWP has inserted an additional scoping step during the summer and early fall prior to the December meeting. This scoping includes two additional FWP Commission presentations in July and October, additional public comment opportunities, and one open house in each FWP region. The open houses have been lightly attended. FWP received 150 public comments, of which many addressed multiple species. The prevalent theme revealed general satisfaction with existing seasons, however some specific requests for change included more restrictive harvest for antlered and antlerless deer, once in a lifetime draws for moose, sheep and goat, and a hybrid license/quota system for lions.

15. Disabled Hunting / Permit to Hunt From A Vehicle (Blackfoot Access Group) – Informational. Chairman Ream stated that he has received several complaints regarding abuse of hunting from vehicles, and he and the Department are working with the Blackfoot Access Group toward solutions. The Blackfoot Access Group consists of disabled hunters and anglers, sportspersons, and landowners concerned about the abuse of Permits to Hunt from a Vehicle (PTHV), and they want to see a change in the rules and laws to guarantee PTHV's are granted only to those who meet the qualifying criteria to keep them relegated to only those who are honest and are genuinely disabled and need the permits in order to hunt. The group is also working with other organizations across the state who are involved with, or represent, disabled persons

Jim Kropp, FWP Enforcement Bureau Chief, lead the discussion, explaining the Enforcement Bureau is providing technical support to the group. Kropp introduced Chris Clasby and Brenden Dalin of the Blackfoot Access Group, who are spearheading the effort. They are here today to speak with the Commission and Department about their concerns.

Kropp stated that the state law governing disabled hunting has been amended so often that it has become so liberalized that it causes problems for sportsmen and landowners. The Department has seen a significant increase in PTHV permits over the last two years – they have become very popular. It has been witnessed several times that some individuals possessing the disability permits are walking several miles and hauling carcasses off a mountain all by themselves. The Wildlife Bureau is researching how taking either sex elk in certain districts without drawing a permit may have affected wildlife populations by the holders of PTHVs, as well as youth hunters. The Commission has the ability to address either-sex elk hunting by holders of PTHV as part of the season-setting process.

Chris Clasby, Blackfoot Access Group, said he has been in contact with multiple sporting groups. They are concerned that the large number of PTHV has resulted in landowners limiting access. These permits are for people with significant mobility impairments, not general disabilities. Federal agencies have authority to make rules at the local level, but they defer to the state's specifications. Some landowners have wanted to allow hunters with significant impairments on their land, but have found there are so many people with PTHVs that they don't want to open up their land to so many people. He said requirement #6 on the application regarding the inability to walk unassisted 600 yards carrying 15 pounds and handle / maneuver up to 25 pounds is so subjective that it has allowed 5,630 people to cite that for their reason to get the permit. The application is simply signed by a doctor and then the permit is given out by FWP. Medical personnel would not have time to go out and test individuals for this. The criteria is too broad and is not a valid consideration. They want that provision reined in for people with actual impairments. As a group, they have been working on ideas of what new eligibility criteria would look like. They are developing a checklist. Clasby added that a second issue relates to antlerless elk hunting from a vehicle. There is an increase in that, and they feel there is a tie. They see this as an issue that will threaten the wildlife population.

Jack Atcheson, Butte, said he is concerned about the family with handicaps. There should be regulations, but there is conflict between people who don't like the system and people who want to do something different. For every elk killed there are three wounded, and for every two deer one dies. The question is what impact is made on the population. Kids and injured people of these 10,000 disabled permits are still alive and hunting, so how much is the impact? How many elk

do they actually kill? Landowners should not have any input on this at all. They have no business commenting on what happens on public land or what the public should do. Look into impact that archers are making on wildlife. He spoke about shooting from the road.

Charlie McCarthy, Helena Hunters and Anglers, commented on the two issues Clasby mentioned. He said the cow permit from a vehicle is under Commission authority. The other requires statutory changes. Physicians don't want to measure how far you can carry 25 pounds. Morbid obesity is recognized as a disability. It can be very complex.

Ben Lamb, MWF, stated that they support the Blackfeet Access Group as well as reining in the abuse of disabled permitting. Whatever they can do to help, whether it be working with legislature or whatever else, they are there to help.

George Hirschenberger said he wants to increase access opportunities for severely disabled folks. Liberal issuance of hunting permits from a vehicle is used as criteria to opening landowner's gates to anyone holding a disabled permit, legitimate or not.

Land Lindbergh said private landowners would be more open to allowing access if they knew the disabled permits were legitimate. Once they open their gates under the current regulations, they lose control with all the permits out there that really do not qualify.

Becky Jakes-Dockter, FWP Legal Counsel, explained that FWP has looked into this issue for options the Department can address. The Department has some authority for defining disabilities. Statute provides an umbrella for some of it, but FWP can further define in Administrative Rule what they are. The permit to hunt from a vehicle has the three parameters which are pretty specific. The Department could develop rules on what is considered a medical condition, however FWP relies on the medical profession to define that. It will take a statutory amendment to make changes to the hunting from a vehicle permit. The Commission does have authority to open PTHV opportunity in a number of places from October 22 through November 16 to either sex whitetail deer -- that is where the Commission can make changes. The statute allows recipients to be certified year after year.

Vermillion stated that only Section 1 of the PTHV Application requires applicants to sign an oath that their statements are true and correct subject to criminal prosecution. He said it needs to be revised so that applicants must sign an oath in Sections 2 and 3 as well.

Jakes-Dockter concurred saying that is a good idea, and stated that the Department can indeed make those changes.

Kropp said Enforcement is working with the Wildlife Bureau on researching statistics such as actual harvest numbers etc. There are limited elk numbers in some areas. There is no interest in changing the permit process. He said it needs to be pointed out that people cannot shoot from a road or highway, ever! He said they are seeing people who are miles from their vehicle who are abusing the well intended privilege of the disabled permit when they do not qualify. They have been lenient on citing people for misuse of the permit itself because there are other violations to focus on, but that could change. Once these permittees are in the system, they are in for life -- it will take legislation to correct the situation. The Department will continue to identify problems and propose solutions.

Moody suggested exploring the requirement of an online training course for these applicants so they know the laws.

Ream stated that the Department needs to get started on changing the statute and drafting new language.

16. 2012 Fishing Regulations – Final. 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. During the remaining three years of the cycle, changes are made for conservation needs, clarifications, etc. Don Skaar, Fish Management Manager, explained that the Department provided a 30-day comment period regarding the proposed regulations that were approved by the Commission in August. Four hundred forty-nine comments were received through the online survey, and 39 comments were received by email or handwritten letter, which includes a petition with 99 signatures and a form letter with 27 signatures. Additionally, twelve statewide open houses were held to solicit comments. Open houses were not well attended. Based on a review of these comments, and after consultation with the FWP Commission, FWP staff has modified 3 of the regulation proposals and have incorporated these changes into the attached regulation package.

Modifications are: 1) The Missouri River trout limit proposal from Holter Dam to Cascade is increased to 3 trout daily, 1 over 18 inches, and only one may be a brown trout; 2) The Yellowstone River trout limit proposal is increased to 4 rainbow and/or brown trout daily and in possession, 1 over 18 inches; and 3) the Central and

Eastern District catfish limit is changed to 10 daily, 20 in possession. All other proposals remain the same as approved by the FWP Commission in August.

Skaar requested that decisions on Lake Koocanusa and Swan Lake be deferred to November's meeting as bull trout surveys are currently being conducted, which could alter proposed regulations.

Action: Vermillion moved and Moody seconded the motion to defer Lake Koocanusa and Swan Lake decisions to the November meetin, and approve the recommended Western District regulations. Motion carried.

Action: Moody moved and Vermillion seconded the motion to approve the Central District regulations. Motion carried.

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

17. Fort Peck Reservoir Management Plan – Proposed. Steve Dalbey, FWP Region 6 Fisheries Manager, explained that the existing management plan, signed in 2002, is set to expire in January of 2012. This revised ten-year plan is the result of a nine-month scoping period. Eight open houses were held, however they were not well attended. The four components of the Plan that were emphasized during scoping included angler walleye catch rates, walleye stocking rates, reservoir water level management, and tournaments.

Changes made to the draft plan include Walleye catch rate target was reduced from 0.5 fish per hour to 0.4 per hour, Walleye Stocking: The minimum number of walleye fingerlings was increased from 2 to 3 million, Reservoir Water level Management; FWP will make biologically based water level recommendations to the Army Corps of Engineers for inclusion in the Annual Operating Plan, and Tournaments; No change was made to the number of open water tournaments permitted annually (12). However, the following changes are proposed; No more than 6 tournaments will be permitted from June 1st through July 30th, only one tournament per weekend will be permitted and unsuccessful applicants will receive a bonus point following year.

Action: Stafne moved and Vermillion seconded the motion to approve the proposed Draft Fort Peck Reservoir Fisheries Management Plan with a 30-day public comment to run from October 17 through November 18, 2011.

Bob Gilbert, Ulm, said if numbers are too low, incentives are removed. Then hatchery production is reduced. The limit is a game. Fingerlings grow but frey die. Ramps are open all day long. Anglers leave early and come back later in the day. Competition for tournaments isn't all that bad. This proposal is a good start.

Bob Kline, Walleyes Unlimited, stated that they held their state meeting and Steve Dalbey spoke on the management plan. Walleyes Unlimited support the plan. Water levels are important. WU will do their best to help FWP attain the water level. It is a great fishery and they want to see it remain a great fishery.

Action on Motion: Motion carried.

20. Open Microphone.

Mike Geary, Outfitter, asked if the Smith River biennial rule could be changed because it provides no flexibility. The high waters last spring and summer were catastrophic for outfitters. He requests that when outfitted dates cannot be used because of high water, that outfitters be permitted to use substitute days at a later date. The public now gets increased dates to float. He asked that the rule be placed on the agenda for the November or December Commission agenda.

ChasVanGenderen, FWP Parks Division Administrator, said the Smith River Management Plan was designed to redistribute opportunity between commercial and non-commercial trips. He will have staff complete an analysis so a determination can be made.

Bob Kline said he is disappointed that the Walleyes Unlimited petition was ignored. It was validated that the trout fishery is ok, but the Commission threw the walleye under the bus. The two fisheries can co-exist.

Brian McCullough said the Commission has to amend damage hunts. The Administrative Rules covering damage hunts punishes him.

Bob Gilbert said he is concerned with no limit on walleye. It opens up the possibility for people to catch above the limit above the dam, and then bring them down and claim that they caught them below.

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

The meeting adjourned at 3:00 p .m.

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Bob Ream, Chairman

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Joe Maurier, Director