

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters - Helena, MT
August 2, 2012

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

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

Guests: See August 2, 2012 Commission file folder for sign-in sheet.

Topics of Discussion:

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Minutes of July 12, 2012 Commission Meeting**
3. **Approval of Commission Expenses through July, 2012**
4. **Commission Reports**
5. **Director's Report**
6. **Selection of Organizations to Auction Moose, Sheep, Goat, Deer and Elk Licenses – Final**
7. **Reissuance of Separated Deer Licenses – Final**
8. **Travelers Rest State Park Donation and Acquisition – Final**
9. **State Wildlife Action Plan Five-Year Update – Informational**
10. **Drought Update**
11. **2013 Fishing Regulation Changes – Proposed**
12. **2012 Early Season Migratory Bird Regulations – Final**
13. **2012 Furbearer Seasons and Quotas – Final**
14. **2012 Bison Quotas – Final**
15. **2012 Late Season Waterfowl Seasons/Closures – Proposed**
16. **Elk Objectives Change – Proposed**
17. **North Shore WMA Farming Lease – Final**
18. **Blackfoot Clearwater WMA Timber Management Project – Proposed**
19. **Marshall Creek WMA Addition – Final**
20. **Garr Canyon Access – Proposed**
21. **Habitat Acquisition Projects – Endorsements**
22. **Open Microphone – Public Opportunity to Address FWP Issues Not on Agenda**

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 12, 2012.**

Action: Vermillion moved and Moody seconded the motion to approve the July 12, 2012 minutes. Motion carried.

3. **Approval of the July Commission Expense Report.**

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

4. Commission Reports.

Stafne had no report.

Moody reported that he attended two meetings. The first was the annual meeting of the Association of Grazing Districts held in Lewistown. The topics of interests and concerns were pretty well known with FWP Policy. Moody believes they had a positive conversation. The second was Region 4 Citizens Advisory Council Meeting in Great Falls. The people on the counsel care a great deal about Montana's resources. A lot of questions were asked that tell him we need to get a lot more information to the Grass Roots.

Ream passed for now.

Vermillion said southwest Montana continues to be hot and dry. He is keeping in contact with Travis Horton from Region 3 about fisheries. He stated that Yellowstone Park did season closures on Gibbon Firehole and Upper Madison rivers. The temperatures are holding and lucky the flows have managed to stay large enough and have not hit that critical temp of 73°. Attended the WAFWA meeting and had good meetings over three days. Good presentations on commissioner communications, developing communication networks, the role of Commissioners and how we communicate with the public were given. With one limited exception, he thinks it was well received and was a good meeting.

5. Director's Report. Director Maurier reported that he attended the WAFWA meetings also and it takes quite a while to sort through all the reports that they get. In general it seemed like the underlined theme was the endangered species act and how the Fish and Wildlife Service interprets certain things. Talked to Wyoming and Idaho about the Tri-State Meeting and they decided to cancel it due to multiple scheduling complications. May hold a video conference meeting and focus on a couple subjects in late November or early December. Most people wanted to talk about sage grouse and grizzly bear. Will keep the Commissioners posted. The AFWA meeting which includes all fifty states is in South Carolina in mid September and the budget is fine so if anyone is interested in attending to get in contact with the Directors Office to make plans. There is a series of Bison litigation coming up. The Park County Trial begins on August 14 and is scheduled to go until the 17. There are also other bison litigation cases over the next several months. Coleen Furthmyre was introduced as the new Commission Secretary. As many of you know, Reg Peterson has decided to jump on her motorcycle, hit the highway and retire.

Ream presented Reg with a certificated from Ben Franklin and Capitol Sports from the Commission along with a wolf sculpture and commended her on a job well done.

Director Maurier commented on Reg's direction and her hard work which has been greatly and truly appreciated. Presented Reg with an elk sculpture and thanked her for all her service and wishes for the best. Stated that the staff is having a get together at Buffalo Wild Wings after work today.

Moody explains that Reg endeared herself to the Commissioners as the person to call on any crises or if they wanted a solution they would call Reg to help them out. She will be missed.

6. Selection of Organizations to Auction Moose, Sheep, Goat, Deer and Elk Licenses – Final.

Hank Worsech, Licensing Bureau Chief explained the FWP Commission adopted in June annual rules establishing the process for selecting conservation organizations to conduct the moose, sheep, mountain goat, mule deer and elk license auctions or lotteries, in response, FWP solicited proposals for 2013 to conduct the auctions/lotteries. Proposal for the 2013 auction licenses came from: Mule Deer Foundation-elk and mule deer; Rocky Mountain Elk Foundation-elk and moose; Safari Club International Great Falls-mountain goat; and Wild Sheep Foundation-bighorn sheep. He stated that three of the four organizations were in attendance.

Brad Lencion, President of the Great Falls Chapter of the Safari Club International thanked the commission for the opportunity to come before them to once again ask for the mountain goat tag for their banquet held in Great Falls the second week in March. GFSCI had some pretty good success in the past with this mountain goat tag. As of last year they raised the most that has ever been raised which was \$23,500 through their banquet. Going to do a lot of good advertising and would like to keep it local again. Have a lot of interest within Montana to purchase this tag.

Vermillion asked if the auction was held in Great Falls and how do they go about advertising?

Lencion responded yes it is held in Great Falls and advertising is done locally through newsletters, approximately 210 local members, the storage bank has about 500 members from past and present, advertise nationally and through the website and at the National Safari Club convention held in Reno.

Marshall Johnson, Regional Director of the Mule Deer Foundation explained the Mule Deer Foundation has been going through great growth in the last year and a half and have a lot of interest. In September 2010 they had four active chapters and now there are ten active chapters, with three other communities looking into adding chapters. This offers the opportunity through banquets and raffles to raise funds. In the last year donations have been made to ten different habitat projects, have done a couple studies, donated to the 4-H club and to the National Archery School Program. This year the MULE "Minefull Understanding Legal Ethical Youth" program was introduced. The Lewis and Clark Chapter and the Miles City Chapter have volunteered with youth events through this program. The foundation has reached out to other programs throughout the state to help work with MULE program. The Rocky Mountain Elk Foundation, Friends of the NRA, SCI, Ducks Unlimited, Autobahn Conservation Education Center and Zoo Montana are all taken part in the first time upcoming youth day Billings. The foundation nationally has been growing in interest with the tag that is auction off at the national banquet held in Salt Lake City. Over \$40,000 has been generated of the last two years, which 93% of those dollars coming back to the State of Montana.

Vermillion asked about the banquet and where the tag is auctioned off.

Johnson replied it has been held in Salt Lake City at the Western Conference and Hunting Expo. About 30,000 people come to the event, and it is an opportunity to showcase the State of Montana and what it has to offer regarding hunting activities. It is promoted nationally through magazines and the internet.

Vermillion asked if there has been any effort to auction the tags within the state at some of the local banquets.

Johnson replied that they give notice to the Chapters about the expo and last year there were more members coming from Montana to the expo itself.

Scott Westphal, Senior Regional Director for the Rocky Mountain Elk Foundation, asked for receipt of the elk tag and the statewide moose tag, to be sold at the National Convention which will be held February 28 – March 02, 2013 in Las Vegas. Have had these tags many times with a very good historical track record and raising a lot of money. The elk tag was sold for \$23,000 and the moose tag for \$13,000 at last year's convention. Expect over 20,000 people at the event this year in Vegas. Hold two days of auctions with 1200-1500 attendees at each auction. Estimate to sell the elk tag for \$25,000 and the moose tag for \$15,000 this year. Not only does this raise money for the Rocky Mountain Elk Foundation, it supplements the Fish, Wildlife and Parks strapped budget. The foundation has a good working relationship with Fish Wildlife and Parks as well as the Commissioners for quite some time. The foundation has completed over 750 projects in Montana alone affecting over 750,000 acres either through enhancement or protection. No one from the Wild Sheep Foundation was present.

Action: Vermillion moved and Moody seconded the motion to award the auction deer license to the Mule Deer Foundation, the auction elk license to the Rocky Mountain Elk Foundation, the moose license to the Rocky Mountain Elk Foundation, the goat license to the Safari Club International Great Falls and the auction bighorn sheep license to the Wild Sheep Foundation.

Vermillion stated that Mr. Weatherly is typically at all the meetings and is one of the most active participants in this discussion. They have proven themselves to be fermentable fundraisers on behalf of wild sheep in Montana and urge their support in spite of their inability to attend the meeting.

Moody stated that this year these auction tags have generated more discussion about what these auction tags are and what they represent. Major concern expressed is that the Department is endorsing political positions of organizations that auction the tags. Need to make clearer that the reason why the legislature created these tags, and we offer them for auction for a substantial amount of money to raise money for the benefit of those species. In Montana, unlike some other states, the organization that accepts these tags for auction return 90% or more of the revenue from these tags back to the department. We are not funding their budget with these tags. The people need to understand that the organizations spend most of the portion to promote the tag. The legislature did the auction tags right, and our constituents need to have some confidence in that. Vermillion echoed Moody's comments, and he has also received a lot of call on this. Largely the concern is that these

organizations, at least at the National level, are getting very political and there are some concerns over that. Advises those organizations as a cautionary note to be aware of what is being said. Ream echoed both Moody and Vermillion.

Action of Motion: Motion Carried

7. Reissuance of Separated Deer Licenses – Final.

By statute, when nonresidents apply for big game combination licenses, they can choose to separate the deer license out and apply for an elk combination license only. After this year's drawing, there are 2,195 deer licenses available for issue. In 2011 1,783 separated deer licenses were issued. By rule, when deer populations are significantly below long term averages or objectives across large portions of the state, the commission will determine the number of B-11 deer combination licenses to be issued. Wildlife will provide information indicating areas where deer numbers are below long term averages. The annual rule was adopted on July 12, 2012 with only one public comment

Action: Vermillion moved and Stafne seconded the motion to issue 2,195 separated deer licenses to nonresidents as B-11 deer combination licenses.

Vermillion asked Worsech the history on the ability to separate the deer tag from the elk license and vice versa, has that statute been passed recently?

Worsech replied that it has been at least seven or eight years. In the past we have automatically added the quota to the deer quota when we issued the license to the drawing. In the past the number was significant lower.

Director Maurier made a comment that the department has started talking to legislatures about pending legislation. There is a Legislator that is going to carry a bill to separate our licenses so we won't have combo licenses anymore. Probably not a bad idea given the cost of the license but we have to do some homework quickly. We will have to crunch some numbers as soon as possible to see if it would be benefit us.

Ream asked to keep the Commission posted on this.

Action of Motion: Motion Carried

8. Travelers Rest State Park Donation and Acquisition – Final.

Chas Van Genderen, Administrator of Park Division reported that Travels Rest is a park that started in this century, as a donation to the state where we would not have to operate and maintain this national historic landmark. This land is contiguous to the park and consists of three parcels. Parcel A is approximately 10 acres in size and is comprised largely or riparian habitat along Lolo Creek, The department holds a conservation easement on this property and the acquisition would allow for further public access to Lolo Creek and consistent managements. Parcel B is approximately 12 acres and is currently used for grazing. This parcel would connect the park to US Highway 12, preserving the park entrance from development and creating important trail linkage through the park connecting non-motorized trail along Highway 12 and Highway 93, Parcel C is approximately two acres and houses the museum and visitor center and park offices for Travelers' Rest, Fort Owen and Painted Rocks state parks. This parcel is currently leased by Montana FWP for these purposes. The appraised value is 1.1 million dollars of which \$402,500 of Land and Water Conservation Fund monies would be used and matched with \$247,500 from the Missoula County Open Space Bond Fund and will be complete by a \$50,000 community fundraising effort spearheaded by the Travelers' Rest Preservation and Heritage Association and the Missoula Community Foundation. The family is donating \$485,000 for the land and buildings, and will also donate historic artifacts and exhibits valued in excess of \$100,000.

Action: Vermillion moved and Moody seconded the motion that the Department proceed with the acquisition of these three parcels of land as part of Travelers' Rest State Park.

Ream asked Van Genderen to transmit to the owner's appreciation for their efforts in bringing this along over the years and the donation of the land.

Van Genderen said he would be happy to do that and possibly could host a Commission meeting at the facilities, would love to have the Commission come and tour the park.

Action of Motion: Motion Carried

9. SWAG State Wildlife Action Plan Five-Year Update – Informational.

Deb O'Neill reported on behalf of Dave Risley. Montana is mandated to manage nongame species or not traditionally hunted species and there is a problem finding that funding to do it. In 1995 the initiative was developed to tax sporting equipment which was not funded. In 1997 CARA "Conservation and Reinvestment Act" was looked to be funded by taxes of sporting equipment and ended up not being funded. In 1998, CARA Lite was going to be funded by off shore oil and gas leasing and production and in 2005 it was signed and funded by President Clinton which is where the state and wildlife grant is today. State Wildlife action plans were mandated by the Fish and Wildlife Service to ensure that the money given through the State Wildlife Grant Program was being used effectively. Montana's plan was approved in 2006, and in order to keep receiving SWG funding, the department had to commit to reviewing and/or revising as necessary as well as redoing the plan by 2013. In 2010 the state of Montana received \$1,347,486, in 2011 congress disproportionately substantially cut department of interior funding, in 2011 FWP received less than a million and in 2012 received \$845,742. But over 11 years FWP received just under 12 million dollars. Last year it was proposed that FWP would get 90 million by the President and the appropriation committee said zero and we received just over 61 million dollars. This year the appropriation committee recommends 30.6 million and we are hoping to get up to where we were last year. The State's wildlife grant program is the nation's core program for keeping common species common, keeping the species from being listed from the endangered species act. Our programs that have been funded on SWG dollars have been heavily focused on inventory and gathering base line information because most information on these nontraditional species (bats, herbs, crayfish, birds, small mammals) is really lacking. This past 11 years a lot of inventory has been done. This can really help keeping these species off of the endangered species list. For example the Northern Leopard Frog in May 2009 the status was downgraded from potential at risk to common and that was largely based on survey efforts that were funded by SWG dollars. In June 2009 there was a petition filed with the FWS to list the Northern Leopard Frog under the endangered species act and because of the survey we collected in Montana that was critical to informing the FWS decided it wasn't warranted to be listed under the endangered species act. Internal steering committees have been made up of Bureau Chiefs, Regional Supervisors and Director's office. This committee developed a document with clear objectives on how to proceed and what to be included with this SWAP. Also, there has been an internal and external technical team to write the SWAP, experts in species, habitat, mapping and they will be doing the bulk of the documents. The SWAP will be revised in a way that (1) guides decision making and prioritizes species and community types of greatest conservation need; (2) identifies and prioritizes threats to species and community types; (3) implements monitoring, inventory, and conservation of species, community types, and habitat; (4) incorporates effectiveness measures; (5) maximizes funding opportunities and partnerships, and (6) meets the Federal requirements (8 elements). A lot of public outreach has been done and will continue to do so, such as press releases, SWAP website and sending out informational letters to over 400 individuals and organizations of what is happening and how they can be more involved. Director Maurier sits on the regional review team with the FWS to review other SWAPs that have been submitted by other states, which is very beneficial FWP's to write grant. The timeline for the draft is December 2013, and then we expect an approved document within six months.

Ream asked is there anything the Commission can do to encourage an increase in the appropriation?

O'Neil encouraged Commissioners to talk to our Senators and Representative about voting for a higher appropriation.

Ream said part of the appropriation is for competitive grants and has we in Montana put it for that?

O'Neil responded yes, and we have received several over the years for wild life

Vermillion asked FY13 proposed appropriation subcommittee is that on the house side?

O'Neil responded yes.

Ream asked what is the timeline with Congress?

O'Neil responded that it is still in the sub-committee.

Moody asked if there had been any use of federal aid to wildlife conservation funds to support the state wildlife planning process to this point?

Ken McDonald asked if Moody was referring to Pittman-Robinson or Dingell Johnson dollars for planning or implementation. Not using Pittman-Robinson or Dingell Johnson dollars for planning because FWP uses the state wildlife grant dollars but do use Pittman-Robinson and Dingell Johnson dollars for native fish and native wildlife projects including nongame.

Action: Vermillion motioned that the department draft a letter to the appropriation sub-committee outlining the importance of these particular programs and ask for a revisit to the budget so we can continue to do this monitoring work and asked O'Neil to work with the Commissioners to get more of the details and to put together a letter expressing our support for continuing funding. Ream seconded and asked that O'Neil draft the letter and on behalf of the Commissioners he would sign and get it mailed out.

Action of Motion: Motion Carried

Moody commented that we very careful in the use of Pitman Robertson and Johnson funds and to keep that on the record and transparent so that the people who pay that money know how it is being spent.

10. Drought Update.

Bruce Rich, Chief of Fisheries reported. With Commissioner Moody's approval the department did impose a hoot owl fishing restrictions on the Sun, Dearborn and Smith Rivers and remain in effect and will stay that way for the foreseeable future. The good news is no other statewide restrictions are necessary. The day length is changing rapidly and if we have decent weather in August we hopefully can get by without any other restrictions and get the restrictions off of the rivers that we do have as soon as possible.

Vermillion asked Rich if he remembers when the Yellowstone was reopened.

Rich replied in 2007 Yellowstone restrictions went in place on August 19th and the restriction came off on 89 bridge to Stillwater on August 17th and Stillwater to Huntley on August 25th.

Ream noted that he heard on the radio that fifty percent of the counties in the Nation are drought disaster areas.

Rich said that he has a graph that shows the footprint of drought of the United States. It is very significant.

Vermillion commended the Fisheries Department getting the monitoring station at Springdale up and running. He checks it every day and thankful that it has not reached 73°, keeping fingers crossed.

11. 2013 Fishing Regulation Changes – Proposed.

The fishing regulation process is based on a four-year regulation cycle. In the first “on” year of the cycle a more robust review of the regulations is conducted during which FWP actively solicits ideas for changes from the public. During the following three years of the cycle (“off-cycle” years), the FWP only solicits ideas for changes from FWP personnel only. Because 2013 is an “off-cycle” year, ideas for changes were solicited internally (full public involvement will occur again in 2015 for the 2016 regulations). Although the public was not solicited directly, ideas received from the public were considered. Tentative regulation changes proposed by the Commission on August 2 will be posted on the FWP website for public review (30-day public comment period). Following public input, the FWP will revise the tentatives if necessary and propose final regulations to the Commission on October 11. The proposed regulation changes for 2013 are summarized below:

- Bitterroot River (Western District): Extend a harvest section of the river to include Woodside FAS.
- Clearwater River (Western District): Change regulations to reflect the removal of Lake Inez fish barrier.
- Elk Lake (Central District): Expand catch and release regulation to include grayling.
- Red Rock Creek (Central District): Expand cutthroat trout harvest opportunities to protect grayling.
- Upper Red Rock Lake (Central District): Establish new regulations to allow harvest of cutthroat trout and catch and release angling for grayling.
- Widgeon Pond (Central District): Expand cutthroat trout harvest opportunities to protect grayling.
- Yellowstone River from YNP to Billings (Central District): Eliminate exception that currently allows 2 lines with 2 hooks per line all year from the mouth of the Clarks Fork River to I-90 Bridge at Billings.

- Fort Peck Reservation - Tribal Boundary Water Regulations (Eastern District): Change catfish harvest regulation in response to Fort Peck tribal staff interest in consistency with tribal fishing regulations and State of Montana regulations.

Action: Vermillion moved and Ream seconded to adopt FWP's proposed tentative regulation changes for the 2013 fishing regulation year and instruct the Department to proceed with the public comment period.

No Public comment was received

Action of Motion: Motion Carried

12. 2012 Early Season Migratory Bird Regulations – Final.

George Pauley, Wildlife Management Section Supervisor addressed the Commissioners on the early Season Migratory Bird and reported no changes from the proposal from last meeting.

Action: Vermillion moved and Moody seconded to adopt the final 2012 Early Season Migratory Bird Seasons as proposed by FWP.

Action of Motion: Motion Carried

13. 2012 Furbearer Seasons and Quotas – Final.

There is one change from the proposed. In the initial proposal FWP proposed to remove the Special Marten Regulation which was implemented in trapping in districts 1 and 2 to prevent incidental harvest of lynx and after further consideration and discussion proposed to remove that restriction and subsequently with discussion with US Fish and Wildlife Service they identified some concerns. It is our suggestion at this time that we remove that proposal until we can consider those issues further. The changes to season 2012 and 2013, and annual quotas for 2012 are listed below:

- Close furbearer trapping in the Bass Creek Special Recreation Area in Region 2.
- Clarify language regarding snares under Public Land Trailheads. Clarify language to prohibit snares within 1000 feet of public land trailheads.
- Replace otter carcass collection with skull collection only. Otter skulls will continue to be collected to provide teeth for aging used in population analysis.
- Modify bobcat quotas in Regions 2 and 6: Region 2 increase from 100 to 180; Region 6 decrease from 125 to 90.
- FWP proposes no change to bobcat quotas in Regions 5 and 7.

Action: Vermillion moved and Moody seconded moved to adopt the final 2012 and 2013 trapping regulation and furbearer seasons and the 2012 quotas as proposed by FWP.

Ream replied to Pauley that 22 public comments were made and asked what the comments where.

Pauley responded that various issues where identified. Some suggestions were for more liberal bobcat quotas and more restrictions on trapping.

Vermillion commented whenever trapping seems to come up, it is less of a discussion about quotas and actual sustainable management of wildlife and much more question of whether trapping is humane. That's not really the purpose of the Commission The statutes of Montana allow for trapping and as long as that is the case that's the way it is going to be and is it sustainable. The Commission has shown that it supports trapping, and it is a sustainable way to harvest wildlife, and it is a very important part of a sporting activity.

Moody talked about how the wolverine and trapping needs to be watched carefully. The department has good regulation for good management of species, but at some point, we have to stop short of how far we could go, simply because of the human reaction we would receive. People need to know that when they are advocating their point of view.

Pauley noted that those are some important observations. Ken McDonald pointed out that in the Federal Register there was a discussion that Montana's harvest strategy and Montana's wolverine harvest would unlikely have adversely impact populations. The US Fish and Wildlife Service recognize our conservations efforts and awarded the department a high level of trust of Montana's management.

No public comment was received

Action of Motion: Motion Carried

14. 2012 Bison Quotas – Final.

No changes are proposed from the 2011 bison quotas.

Action: Vermillion moved and Moody seconded the Commission adopt the final 2012 bison license quotas as presented by FWP.

Ream asked Becky Jakes Dockter about any updates on the bison litigations.

Becky Jakes-Dockter, Chief Legal Council, responded that currently there are three ongoing bison litigations. (1) Park County Stockgrowers Association vs. FWP case is regarding the expansion of a tolerance zone and the trial begins on August 14; (2) Citizens for Balanced Use v. Joe Maurier, FWP and the Commission is regarding the translocation of quarantine feasibility study bison from the Gardner area to Fort Peck and hopefully in the future Fort Belknap and a contempt motion hearing is scheduled in September. (3) Western Watersheds v. FWP regarding the first cohort of quarantine feasibility study bison on Turner's property. Presently reviewing a summary judgment brief to be submitted in the Turner case-hoping to be disposed of on a summary judgment motion. She has been told and promised by some of these organizations that there will be a fourth and potentially a fifth law suit.

Ream asked about the CBU case. He received a letter that the Commission would be served notice but has not received anything.

Jakes Dockter explained that the Commission was served through the Commission secretary and the General Attorney's office. She also explained that the Department also represents the Commission and to call or e-mail her if they have any questions

Vermillion asked what the contempt hearing is about in September.

Jakes Dockter explained that the main translocation was on March 20 and because there was some trouble with five bison, two days later they went to reship them and the plaintiffs in the case filed for a temporary restraining order which was issued while the bison were in transit. The plaintiffs filed for a motion of contempt against Joe Maurier, Dave Risley and Art Noonan for not being able to stop the translocation in transit. The department will go defend that on September 21st in front of Judge McKeon in Chinook.

Maurier explained that if the Judge requires the Department to take the bison back we will, the department never did hear anything from the court so how the Department is in contempt is unknown.

Action of Motion: Motion Carried

Vermillion spoke about the reclamation project that the Bureau of Reclamation Western Area Power Administrations was looking into relocating some high voltage power lines in the Yellowtail Dam. It was scheduled to take place sometime in the middle of August. If the project would have been done at that time it would have potentially elevated the water temps in the bighorn trout section of the rivers to the point of looking at closing the fishery. Gary Hammond, Ken Frasier, Jim Darling, Bruce Rich, along with Senator Baucus, Senator Tester, TU, Doug Hawkey (Bighorn Alliance in Billings) put a lot of pressure on the Bureau of Reclamation meeting with Dan Jewel with some pressure and subtle persuasion by the different members of the group, the project has been rescheduled, and it is now on for October 15. This is very good news and Mr. Jewels was thanked for being responsive and everyone else who payed attention by bringing this issue to the front and getting it changed before they put the Commission in a tough spot and endangering the trout on the Bighorn River.

15. 2012 Late Season Waterfowl Seasons/Closures – Proposed.

Late season migratory bird hunting regulations pertain to ducks, geese, swans, and coots. Montana participates in both the Central and Pacific Flyways and adheres to the federal frameworks established by the U. S. Fish and Wildlife Service in cooperation with the flyway councils. Frameworks are based on population status from winter surveys for geese and May population and habitat surveys for ducks. Duck seasons are developed with an adaptive harvest approach with three specific regulation packages (restrictive, moderate, liberal) based on pond counts and mallard breeding populations. Recent

habitat conditions and population numbers are favorable allowing liberal season frameworks. May duck surveys revealed record numbers of ducks, 43 percent above the long-term average, although pond counts were down from 2011. There was discussion in the coversheet of various items that might change and subsequently had a SRC meeting, flyaway meeting, central and pacific flyway meetings. There won't be any change to canvas back or redhead bag limits. The season was greatly liberated for scaup which went over the threshold to put into the liberal framework. Reminded the Commission that in February the changes in bag limits for geese were approved. In the Central Flyway it was changed from 4 dart geese to 5 dart geese and the white goose bag limit changed from 6 to 20 and in the Pacific Flyway the white goose limit was changed from 6 to 10. In response to Commission discussion and direction at the July meeting, three options are proposed for consideration: (1) No change from the 2011 framework – no breaks within the season dates, with the exception of changing the various items that change with Federal rules; (2) End of season split – Close the Central Flyway duck and goose seasons two days early and then re-open together on one of the following weekends in January. Otherwise, season elements would remain similar to 2011; (3) Mid-season split – Close the Central Flyway goose season seasons during November 11 - 17, and then re-open the season(s) extending the close later in January. If the waterfowl season was closed during mid-season there would some loss of opportunity. Small ponds are generally starting to freeze up in late October and by late November most of the ponds are frozen up. Another season split option was opening September 29 and closing for ducks and geese on October 14 and then reopened October 31 which would allow goose to close on January 27 and ducks the closure, with a limit on days, January 19. Interest was expressed of a midcontinent spring goose season...snow geese are greatly over population's objectives to the extent that they are doing substantial damage to their habitat to the tundra and breeding grounds in North America. It is a major conservation issue. The service and the flyways are taking fairly extreme measures and looking into reducing snow goose populations. One of the measures is taking a conservation order to allow spring goose hunting and to the most part, the regulations are relaxed, there is no bag or possession limit. The season would be offered March 11 through April 30.

Action: Vermillion motioned and Moody seconded the Commission adopt two options for public comment: (1) No Change from the 2011 Framework – no breaks within the season dates; (2) mid season split for the CentralFlyway where geese would run from September 29 – October 14, would be closed from October 15 through October 30, reopen October 31 and run all the way the was until January 27, duck would be the same date except it would close January 19 instead of January 27. Because under the regulations we get 107 goose days 97 duck days, and this would not affect youth waterfowl season open early in September.

Ream reported that he had phone call from an avid goose hunter that really wanted that spring hunt because all the other states and provinces in the flyway has the spring season and why don't we?

Pauley explained they do offer the spring season because they have a lot of white geese to hunt. Our fall harvest over the past several years were on average 171 white geese in the fall. We just don't have a lot of snow geese coming through Montana, for the most part they start at the North Dakota border.

No Public Comment was received

Action of Motion: Motion Carried

16. Elk Objectives Change – Proposed.

FWP proposes to amend the elk population objectives for Hunting District (HD) 283 in the Garnet Elk Management Unit. HD 283 is currently managed with a district-wide objective of 500 +/- 20% (400 to 600) elk. The district-wide management scale is inappropriate given that elk numbers are increasing beyond desired levels in the North Hills herd-unit, while elk numbers on the Gold Creek herd-unit are below desired levels, and declining. The North Hills herd unit which is the west end of HD 283 is largely in private ownership there are access issues subdivision and the elk population is growing well and beyond levels we like to see. The North Hill herd-unit is a source of chronic game damage complaints as hunting access is hampered by land ownership and development. The Gold Creek herd-unit is largely comprised of National Forest System Lands and Plum Creek Timber Company holdings. Objectives at the herd-unit scale are necessary for effective elk population management. In addition, given changes in elk abundance and distribution, along with changing elk population performance, it is also appropriate to change the unit-wide objective. The proposed herd-unit objectives would be:

- North Hills/Evaro herd: 300 elk
- Jumbo herd: 90 elk
- Gold-Belmont-Morrison herd: 300 elk

The overall objective for HD 283 would be adjusted from 500 to 690 elk

Action: Vermillion motioned and Moody seconded to adopt the proposed 2012 elk objective adjustment as presented by FWP.

No public comment was received

Action of Motion: Motion Carried

17. North Shore WMA Farming Lease – Final.

Ken McDonald, Chief of Wildlife, asked the Commissioners to approve a three-year share-crop farming lease with a private operator to improve food and cover for wildlife, particularly spring migrating waterfowl and upland birds, and to help manage weeds on the Flathead Lake North Shore State Park/Wildlife Management Area. The proposed action would use the time, fuel, and equipment of a private agricultural operator to enhance wildlife habitat by providing food plots, nesting cover, and weed control at no direct expense to FWP. This action would result in negligible environmental impacts associated with customary farming activities on the SP/WMA and by operators on surrounding private lands. The draft environmental assessment was out for a two-week public review from June 28 through July 12. The draft EA has been finalized and a Decision Notice rendered. FWP received five comments from the public, all supportive.

Action: Moody motioned and Vermillion seconded to move to approve the North Shore SP/WMAS Farming Lease as proposed.

Action of Motion: Motion Carried

18. Blackfoot Clearwater WMA Timber Management Project – Proposed.

Two small ponderosa pine stands within the Blackfoot Clearwater Wildlife Management Area totaling 83 acres are infested with mountain pine beetle. These stands of dead and dying trees are overstocked and visible to the public passing by and using the WMA. Removing these recently killed and infested trees would restore the stands to a more typical ponderosa pine stocking rate, allow recovery of some value from the harvested trees to reduce the overall cost of the treatment, and would continue to demonstrate timber management on FWP forested habitat. DNRC foresters provided FWP with treatment recommendations and a preliminary assessment of costs and value. Healthy trees and large diameter snags would be retained. These stands are not within the portion of the BCWMA that most elk use early in winter. FWP does not expect the proposed treatment to substantially disturb wintering elk. Treatments would begin immediately after the November 10 public closure and be completed by mid-winter. Weed treatments would be conducted spring of 2013. Treatment by a FWP-contracted forester would occur fall of 2012. About 300,000 board feet of lumber and 200 tons of pulp wood would be sold to local mills, and proceeds would be deposited into FWP's Forest Management Acct. per **87-1-201(S3)**. Any net revenue would be used to conduct further forest habitat management projects.

Action: Vermillion moved and Moody seconded that the FWP proceed with an environmental analysis and public review of the 83 acre timber management project on Blackfoot-Clearwater WMA.

No public comment was received

Action of Motion: Motion Carried

19. Marshall Creek WMA Addition – Final.

FWP proposes to purchase a contiguous 640-acre private parcel and add it to the adjacent Marshall Cr. WMA northwest of Seeley Lake. This parcel contains one of the last unprotected reaches (1.3 miles) of Deer Creek, which supports regionally important adfluvial and stream-resident bull trout and westslope cutthroat trout populations. The property is high quality big game habitat; important to lynx, grizzly bears and other wildlife species; and enjoyed by the recreating public year-round. Purchase of the property would secure and improve access to the WMA and other adjacent public lands. The property would be purchased at its appraised value of \$1.28 million. All necessary funding is currently in-hand and was granted entirely by the USFWS Habitat Conservation Plan Land Acquisition Program, Milltown Bull Trout Mitigation Fund, Montana Fish and Wildlife Conservation Trust, and the Vital Ground Foundation. Upon purchase, the parcel would be included in and managed consistently with the Marshall Creek WMA. A draft environmental assessment, management

plan, and socioeconomic assessment were released for public review from May 31-July 2, 2012; a public meeting was held in Seeley Lake on June 18. Thirteen public comments supported the proposal, and one other did not register support or opposition. No comments in opposition were received. If FWP does not purchase the parcel, Plum Creek Timber Co. (the current owner) will continue to actively offer it on the open market for private sale. FWP's environmental and socioeconomic analyses concluded that the purchase would significantly benefit fish and wildlife, public recreation, and local economies by maintaining resource-based recreation. As further described in the Decision Notice, FWP recommends approval by the FWP Commission for FWP to proceed with purchasing the subject 640-acre parcel and adding it to the adjacent Marshall Creek WMA. The purchase would permanently conserve critical fish and wildlife habitat, would maintain and enhance recreational access to and through the property, and has broad public support.

Action: Vermillion moved and Moody seconded the motion to approve FWP's acquisition of a 640 acre parcel in the Deer Creek watershed and its addition to the adjacent Marshall Creek Wildlife Management Area.

Action of Motion: Motion Carried

20. Garr Canyon Access – Proposed.

FWP proposes to allocate \$50,000 of Access Public Land funds towards a conservation easement on the Garr Canyon Ranch, near Dell. The project is a joint effort between the Rocky Mountain Elk Foundation and FWP. RMEF and the Montana Fish and Wildlife Conservation Trust have each committed \$100,000 toward the easement. RMEF would hold the conservation easement and FWP would be conveyed and manage the public access portion of the project. The easement would create two permanent access points supporting at least 250 hunting recreation days annually. The Garr Canyon Ranch is a 2,800-acre parcel, of which about 1,086 acres of important wildlife habitat would be protected through the conservation easement. These acres include the native, mountain foothills habitat along a 5.75 mile common border with DNRC and USFS. The easement includes about one-third mile of Big Sheep Creek, an important spawning tributary to the Red Rock River. The property is important habitat for elk, mule deer, antelope, bighorn sheep and various predators. The ranch is part of a larger raptor staging and migration corridor and also supports abundant nesting and brood rearing habitat for species of concern like Ferruginous hawks and long billed curlews. FWP recommends preliminary endorsement by the FWP Commission to proceed with developing a conservation easement for this property with access management by FWP to protect and enhance habitats for numerous fish and wildlife species and provide hunter access.

Action: Vermillion moved and Moody seconded the motion to approve preliminary endorsement of FWP's effort to develop and acquire a conservation easement on the Garr Canyon Ranch, in cooperation with the Rocky Mountain Elk Foundation.

No public comment was received

Action of Motion: Motion Carried

21. Habitat Acquisition Projects – Endorsements.

The Wildlife Bureau solicited land project proposals from FWP regions in February. A total of 15 proposals were submitted. Each proposal was reviewed and ranked by regional supervisors and Wildlife Bureau staff in mid-May. The following seven prospective projects are recommended based on that ranking process. Funding will be from a variety of FWP and external sources.

- Flathead Lake North Shore State Park/WMA Addition I–Region 1, Flathead County. Fee 190 acres. Grassland, wetland, shrub forest.
- Flathead Lake North Shore State Park/WMA Addition II–Region 1, Flathead County. Fee 62 acres. Grassland, wetland, shrub forest.
- Fish Creek WMA Forks Inholdings–Region 2, Mineral County. Fee 228 acres. Conifer forest, foothill grassland, and Fish Creek bottom.
- Dome Mountain WMA Addition–Region 3, Park County. Fee 31.53 acres. Foothill grassland adjacent to Dome Mtn WMA.
- Teigen Ranch–Region 4, Fergus and Petroleum Counties. Cons. Easement 22,000 acres. Sagebrush grassland and riparian.
- Buffalo Coulee–Region 6, Valley County. Cons. Easement 2,825 acres. Sagebrush grassland, riparian, Milk River bottom.

- Jorgenson Elk Island WMA Addition–Region 7, Richland County. Fee 40 acres. Yellowstone River bottom cropland, to be restored to bottomland.

Action: Moody motion and Vermillion seconded to give preliminary approval for FWP to begin negotiations and related land acquisition processes for these seven priority land project.

Commissioner Ream asked for public comment

Walter Songdo asked the Commissioners to consider acquiring Garcia Homestead which is in the middle of Fish Creek.

Ream asked the staff to look into the Garcia Homestead.

Action of Motion: Motion Carried

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

Pat Helvey asked if there is going to be an evaluation of the Perigon Falcon take and where or not it will be available for the public. Recommends commercial propagations on raptors within the state, no information is available.

Action: Vermillion moved and Moody seconded the motion to adjourn.

The meeting adjourned at 11:43 am.

Bob Ream, Chairman

Joe Maurier, Director