

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Montana Wild - Helena, MT**  
**May 9, 2013**  
**Corrected Version**

Commission Members Present: Dan Vermillion, Chairman, Lawrence Wetsit, Richard Stuker  
Matthew Tourtlotte

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff.

Guests: See May 9, 2013 Commission file folder for sign-in sheet.

**Topics of Discussion:**

1. Call to Order - Pledge of Allegiance
2. Approval of Minutes of April 11, 2013 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. 2013 Commission Meeting Calendar Revision
7. Vice Chairman Selection
8. Award Recognition
9. ARM Amendment for Echo Lake and Adoption for Abbott Lake and Peterson Lake – Final
10. Madison River Citizen Advisory Committee Recommendations - Endorsement
11. Big Springs Creek Fishing Access Acquisition - Endorsement
12. Lena Lake Bag Limit Waiver – Proposed
13. Murray Douglas Conservation Easements - Final
14. Marias River WMA Access Settlement – Proposed
15. Blackfoot Clearwater WMA – Two Creek Grazing Lease - Final
16. Bighorn Sheep Trapping and Transplants – Endorsement
17. Nongame Tax Check-Off Project – Proposed
18. 2013 HB 454 Hunting Access Agreements – Proposed
19. 2013 Fall Upland Game Bird Quotas and Limits – Proposed
20. HD 304 Bighorn Sheep Hunt Closure – Proposed
21. 2013-14 Wolf Season – Proposed
22. Public Comment – For Issues Not On This Agenda

**1. Call to Order - Pledge of Allegiance**

Chairman Vermillion called the meeting to order at 8:35 a.m. and led the Pledge of Allegiance.

**2. Approval of the Commission Meeting Minutes of April 11, 2013**

*Action: Commissioner Stuker and Commissioner Tourtlotte seconded the motion to approve the April 11, 2013 minutes. Motion carried.*

**3. Approval of Commission Expenses**

*Action: Commissioner Wetsit moved and Commissioner Tourtlotte seconded the motion to approve the Commission expenses as presented. Motion Carried.*

#### 4. Commission Reports

Commissioner Stuker stated he received calls regarding Echo Lake and wolves.

Commissioner Wetsit stated he received a call regarding the Big Springs FAS purchase. Spoke with local residents regarding fishing and hunting regulations.

Commissioner Tourtlotte stated he has received calls on proposed purchase of the Bank of the Rockies parcel, Big Springs FAS acquisition, Echo Lake and the proposed wolf season. Spoke with three different individuals/groups at the Yellowstone WMA and expressed how impressed and appreciative they are of the WMA and wanted him to thank the Department for all their hard work.

Chairman Vermillion reported it has not been quiet in Paradise Valley: Spoke about bull bison that was shot north of Yellowstone Park, wolf killing in Gardiner, successful dispersal hunts, and low water levels in the rivers.

#### 5. Director's Report

Director Hagener reported on legislative items, need to assess budget items, will give update at next meeting. Governor's Executive Order Sage Grouse Council first meeting will be held May 21-23 in Helena. Monday, May 13 is the final day for FWS wolverine comments. Explained fish passages and irrigation issues with Intake Dam. Stated the current Fish, Wildlife and Parks Commission name will change to Fish and Wildlife Commission effective July 1 (HB 24).

#### 6. 2013 Commission Meeting Calendar Revision

Director Hagener explained the revisions to the 2013 Commission calendar:

June 4:	11:00 am Milk River Ranch Tour 6:30 pm open house with area constituents-Great Northern Hotel conference room
June 5:	8:30 am Commission meeting - Northern Montana College
July 10:	8:30 am Commission meeting - Montana Wild
October 9:	Miles City Tour
October 10:	Commission Meeting - Miles City/location to be determined

*Action: Commissioner Stuker and Commissioner Tourtlotte moved to approve the 2013 Commission calendar revisions. Motion carried.*

#### 7. Vice Chairman Selection

Tabled until later date.

#### 8. Award Recognition

Bob Ream, former FWP Commissioner, presented Michael Madel with his 30 year recognition award. Chairman Vermillion also congratulated and thanked Madel for his dedication.

Director Hagener recognized Bob Ream for his dedication and hard work while with the Commission.

Director Hagener presented Jim Williams with his 20 year recognition award.

#### 9. ARM Amendment for Echo Lake and Adoption for Abbott Lake and Peterson Lake - Final

Lee Anderson, FWP Region 1 Game Warden Captain explained on November 8, 2012 the Commission considered three petitions to amend the administrative rules on Echo Lake. The petitions requested to designating Causeway Bay a no wake zone; designating Echo Lake a no wake zone during high water; and prohibiting methods to increase or enhance a boat's wake on Echo Lake. The Commission decided to initiate rulemaking and asked for public comment based on the petitions, with revisions to include Abbott Lake and Peterson Lake to the designation of a no wake zone during high water. On January 17, 2013 a notice of public hearing was published on the websites of the Montana Secretary of State and FWP, submitted for news release to local newspapers, and distributed to interested persons. A well-attended hearing was held February 19. The public comment period ended February 22; received hundreds of comments during the comment period; a vast majority of which were opposed to rule amendments either in part or in their entirety.

*Action: Commissioner Tourtlotte moved and Commissioner Wetsit seconded the motion the FWP Commission amend the Echo Lake administrative rule to establish a no wake zone on Echo Lake, Abbot Lake and Peterson Lake when the water reaches a level of 2 feet below the survey pin on the deck of the causeway bridge on Echo Lake and that the Commission not adopt the other proposed amendments.*

Chairman Vermillion asked for public comment.

Cameryn MacLennan against adoption.

Scott Hollinger property owner, in favor of amendment.

Doug Scottie, attorney for some homeowners, against adoption, discussed legal issues.

Jeremy Swenson, property homeowner, against amendment.

Randy Leavitt, homeowner, bought land because of recreational activities, against amendment.

Tom Payne, homeowner, against amendment, should be landowners' responsibility; committee should be formed to resolve this issue.

Alan Hable, real estate agent, mitigation should be done between both parties,

William Tanney, homeowner, against amendment.

Unknown, against amendment, questioned ruling.

Dia Hollinger, resident, would more regulations for public access.

Steve Dixey, resident, supports the idea of a study group to look over these issues.

Representative Scott Reichner, HD 9, many phone calls, appreciates efforts, will help on this issue if needed.

Eugene Hutz, resident, for amendment.

Mike Thompson, resident, would like more study done.

Andy Miller, representing Robert Maloney (son), restrictions are very stern, against amendment.

Bob Hansen, recommends forming committee, not for amendment.

Commissioner Wetsit asked who owns the lake.

Captain Anderson explained by statute, all surface waters belong to the state of Montana; explained rules for use of land, water and public safety.

Commissioner Wetsit asked what is the probability of the lake rising to the 2 foot level this year.

Captain Anderson stated currently the level is at 7.4 feet below the survey pin, average water levels rise 4-5 feet. Hard to predict.

Chairman Vermillion asked how the Department came up with the 2 foot level measurement?

Captain Anderson explained due to the emergency closure in 2011, the lake was at the 2 foot level; have knowledge of the situation at that level.

Commissioner Stuker asked what the public safety issues for the closure?

Captain Anderson explained the public safety issue was due to possible contamination/waste spilling up onto drain fields. The health department surveyed the water throughout the summer.

Commissioner Stuker asked if there has been any official studies done on erosion in this area.

Captain Anderson stated that is correct.

Vermillion asked Becky Dockter, FWP Chief Legal Counsel, is there anything from protecting the Department for 2013, from instituting another emergency rule if the water hits the 2 foot level, to protect public safety and erosion?

Dockter explained no, the Department or Commission would not have the authority for emergency rule making at the 2 foot level if this amendment is approved as is.

Chairman Vermillion stated they need to figure a way to allow alternative decision making to take place in the interim while working on a solution, and revisit in 2014 with a different proposal. Still considerable opposition from residents around the lake.

Dockter stated the Commission can create rule making authority to ask the Department to come back in 2014, the decision needs to be made today. Gave a brief overview of the petition process. Any form of study is not required by statute or rules.

Commissioner Stuker asked if there is anything stopping the Commission from taking no action today, but if the water hits at the 2 foot or below level and implement an emergency rule at that time?

Dockter explained the requirements for the emergency rule making is if there is imminent threat to public health, safety and welfare that can't be avoided by any other action, then authority of emergency rule making could be done.

Commissioner Stuker asked if someone came forward to say there is dangerous situation that would be enough for emergency closure consideration at that time.

Dockter stated the Department and Commission would have to consider the public safety, health and welfare; could be anyone, not just landowners.

Unknown, the reason for the closure in 2011 was because of E. coli, which turned out to be false.

Commissioner Tourtlotte stated in 2011, the report stated there was possible E. coli contamination.

Alan Habel stated this amendment would have an economic impact in that area.

Chairman Vermillion stated there needs to be a lot more collaboration within the private community.

***Chairman Vermillion requested to add a friendly amendment to the motion, to put the rule into effect but give an opportunity for constituents to come back in 2014 with a better solution.***

Commissioner Stuker has a problem with amendment and proposal, would like to see studies and more scientific information.

Commissioner Wetsit, agrees with Commissioner Stuker, recommends to not approving the amendment and would like the local people to come up with their own agreement, a study group formed and return back with a solution within one year.

Commissioner Tourtlotte supports the proposed amendment, there is no evidence lacking from the amendment going forward. If a year from now, the situation has not been dealt with, the Commission should proceed on the proposed amendment.

***Action on motion: Motion Failed***

Wetsit, Stuker            oppose  
Tourtlotte, Vermillion    approve

***Chairman Vermillion moved and Commissioner Stuker moved to include the same proposal, but to add the effective date to take place on May 1, 2014; to give people an opportunity to work on this between now and next year, knowing fully and clearly that if you don't come up with a solution, next year this rule will take effect.***

Chairman Vermillion asked for public comment.

Cameron MacLennan, against motion.

William Tanner, against motion.

Commissioner Stuker, to clarify, asked if the motion was to bring back the proposal to the Commission in 2014 to vote on it, but give the opportunity to individuals or FWP to come up with data or study stating this is where the level should be.

Chairman Vermillion explained the motion was, the rule would go into effect next year if an alternative process is not done. Effective date would be May 1, 2014, with essentially another year to go through the public process.

Catherine MacLennan, homeowner, stated if people cannot come to the Commission and prove to you there is an issue, then at that time reconsider.

Unknown, there is no downstream analysis or an environmental impact statement on this, no validity.

Commissioner Stuker asked to amend the motion to include a study if done, and if that evidence is contrary to what is in front of us now, then the Commission would reconsider the motion.

Chairman Vermillion stated will to let process play out by itself, the Department has done a good job at accessing this lake. Asked for someone to second the motion.

***Chairman Vermillion motioned have an effective date of May 1, 2014 with direction to Region 1, landowners and water users of Echo Lake to come up with an alternative solution and come back to the Commission through the petition process***

Dockter explained the Department/Commission has the authority to do that motion, but will have to go through the administrative rule process, which would have a timing issue with the effective date; would have to start roughly six months prior to the effective date in order to ensure that it would meet that date.

Chairman Vermillion asked if it would be more effective to table the motion.

Dockter that is an option; could also ask the Department come back in enough time to adopt an alternative, if there is one.

Chairman Vermillion asked for a vote on the current motion, for an effective date of May 1, 2014.

***Action on motion: Motion Failed***

Wetsit, Stuker	oppose
Tourtlotte, Vermillion	approve

Chairman Vermillion suggested the constituents of Echo Lake to get focused on this; the problem is not going away; come up with a solution or the Commission will.

Commissioner Stuker recommended the citizens to do a study and come back prepared when this issue comes up again. If the information is not available when this issue comes up, his vote could be different.

**10. Madison River Citizen Advisory Committee Recommendations – Endorsement**

Charlie Sperry, Fisheries Recreational Management Specialist explained in May 2012 the Department appointed a Citizen Advisory Committee (CAC) to develop recommendations for managing recreation on the Madison River, which is one of the most heavily fished rivers in Montana in recent years. Department surveys in 2008 and 2009 suggested that satisfaction of users was fairly high, but congestion on the water and access sites is a concern at certain locations at certain times of year. The Department decided to develop a recreation management plan to ensure the quality of the experience remains high and to identify management actions that could be implemented should conditions deteriorate to an unsatisfactory level. The CAC developed recommendations that desired conditions for the river, river-wide management recommendations, and more specific management recommendations for eight sections of the river.

- Include a healthy and productive fishery, acceptable frequency/range of encounter among users; adequate space; no garbage; world class fishing experience.
- Use educational material to promote river etiquette and advise visitors on what conditions to expect during peak-season or at high-use sections of the river.
- Mandatory use iron rangers at all access sites to collect data on user numbers and satisfaction levels.
- Implement management actions if user numbers and/or dissatisfaction reach an unacceptable level for a specified period of time.
- Management actions range from less restrictive actions which would be considered before proceeding to more restrictive actions.
- Management actions that could be considered in the future include: redesign access sites to reduce launch time and congestion; require annual permits of all users - no limit on availability; restrict use by place/time; cap availability of permits.
- Redesign boat ramp and parking area at Lyons Bridge Fishing Access Site (FAS) to reduce launch wait-time and congestion.
- Open the river to year-round angling from Lyons Bridge FAS to McAtee FAS.
- Prohibit glass bottles from Warms Springs Recreation Area to Black's Ford FAS.

Sperry thanked the CAC and all the many hours they volunteered; CAC members in attendance: John Way, Lee McKenna, John Juracek, Robin Cunningham, FWP Travis Horton, and FWP Cheryl Morris;

Robin Cunningham explained the group has met over a year; represent the widest variety of interest, spent considerable time to come up with a consensus of recommendation. Hopefully everyone respects the product.

Chairman Vermillion asked what the considerations were on Quake Lake to Lyons Bridge FAS and no fishing from a boat.

Cunningham explained much concern about boat traffic. There were conflicts with the committee regarding wade anglers and boats; it was decided that more specific data was needed and the general river-wide recommendations should be implemented here immediately.

Chairman Vermillion asked about the recommendations on the section between Ennis FAS to Ennis Lake.

John Juracek stated most of the public comment received stated they wanted it to stay the way it is; river is slower and shallower in this stretch.

Chairman Vermillion asked what recommendations would be most effective in reducing the perception of excess congestion during certain times of the year.

Cunningham stated CAC recommendation is the need for more information/data.

Pat Flowers, FWP Region 3 Supervisor stated received a lot of public comment, crowded meetings, passion on all sides, concerns about a river recreation plan. Very popular river, need to get ahead of it before it get worse. Thanked the CAC, for all their patience, worked a lot of evenings and weekends; a lot of time sacrifice and travel.

***Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion to endorse the Madison River CAC recommendations and instruct the Department to solicit public comments on the recommendations, to be followed by the development of a draft recreation management plan.***

Chairman Vermillion asked for public comment.

Commissioner Stuker thanked the committee for all their work.

Chairman Vermillion also thanked the CAC.

Chairman Vermillion asked boat ramp remodeling recommendations

John Way, some of the ramps not built to flow adequately, specifically Lions Bridge and bridges in Ennis.

Chairman Vermillion asked if Bureau of Land Management (BLM) made a commitment to improving their sites as well.

Chris McGrath, BLM, committed to updating sites. CAC was a good group to work with.

Chairman Vermillion asked if the iron ranger work envisioned being in place this year or next year.

Sperry explained implementation would be in 2014 at the earliest, possibly 2015. Will put document out for public comment early fall.

***Motion Carried.***

#### **11. Big Springs Creek Fishing Access Acquisition – Endorsement**

Charlie Sperry, Fisheries Recreation Management Specialist explained FWP is seeking an endorsement to pursue the potential acquisition of a 19.7-acre parcel of land adjacent to Big Springs Creek near Lewistown, currently owned by the Bank of the Rockies. The acquisition would enable FWP to provide enhanced public fishing access and initiate the second phase of a stream restoration project. The Lewistown Trails Coordinating Committee and the City of Lewistown have already expressed support for acquiring the parcel. Purchase of the parcel would create a continuous public access corridor on both sides of the creek, approximately 1.65 miles that extends from the Machler conservation easement downstream to the end of Carroll Trail FAS. Plans are to manage the area as a FAS and riparian area with the development of a trail by the City of Lewistown. Big Springs Creek is a popular trout stream but it's too small to float and often necessary for anglers to walk above the high water mark because the depth of the stream. In 2007, FWP purchased the Machler 62-acre conservation easement upstream and to the east of this parcel for public access and to begin Phase 1 of a stream restoration project. This area of Big Spring Creek was channelized in 1961, reducing stream length by 3,800 feet. Down cutting resulted in an entrenched channel with very limited flood plain, limited pools and meanders. Stream straightening in this area caused problems and is one of the main reasons the Montana Streambed and Land Preservation Act was enacted in 1975. The Bank of the Rockies parcel would enable FWP to pursue Phase 2 of the project to reestablish stream meanders

and would allow public access to an additional 0.66 miles of Big Spring Creek on both banks. Funding sources for this potential acquisition has yet to be determined but could include a grant from the Montana Fish and Wildlife Conservation Trust or funds from the FWP FAS acquisition account. FWP would solicit public comment as a part of the acquisition process and environmental review.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion to endorse FWP's request to pursue potential acquisition of the Bank of the Rockies parcel on Big Springs Creek.***

Commissioner Stuker stated this is an acquisition that makes a lot of sense; hopes it can be accomplished.

Commissioner Tourtlotte seconded Commissioner Stuker advocacy, valuable acquisition. Testament to the community of the property they have to use.

Chairman Vermillion stated this acquisition is very unique.

***Motion Carried.***

### **12. Lena Lake Bag Limit Waiver – Proposed**

Don Skaar, Fisheries Management Section Supervisor explained FWP initiated the South Fork Flathead Cutthroat Conservation Plan to replace nonnative rainbow and Yellowstone cutthroat trout with pure westslope cutthroat (WCT) in 21 lakes in the South Fork Flathead drainage to maintain WCT genetic purity. The project successfully chemically treated 11 lakes and 6 more lakes are being aggressively stocked with genetically pure westslope cutthroat. Lena Lake is a 74-acre lake is located at the headwaters of the Big Salmon drainage, popular with backcountry anglers and is scheduled for chemical treatment in September 2013. FWP has heard from anglers prior to treatment of other lakes, who have asked for bag limit waivers to allow more harvest of fish that would otherwise not be utilized. The current bag limit is three trout per day. The South Fork Plan underwent four years of review through an EIS process and annual public meetings in the spring to report on its progress in implementing the plan. Bag limit waivers were discussed at the 2013 spring annual meeting and also with the Region-1 FWP Citizens Advisory Committee. The only comments received related to how soon anglers could take advantage of waived limits. FWP would seek public comments on the proposed rule and report to the Commission with a recommendation for final action in June.

***Action: Commissioner Tourtlotte moved and Commissioner Wetsit seconded the motion to propose a rule that removes the combined trout daily and possession bag limits for Lena Lake, effective immediately and terminating on August 31, 2013.***

Chairman Vermillion asked for public comment.

Director Hagener stated this has been done on several lakes in the past; been very popular, supportive and very successful.

Skaar stated the Department will restock fish as soon as possible for angling purposes.

***Motion Carried.***

Skaar stated the Department will give drought updates starting at the next meeting.

Chairman Vermillion asked to have the temperature logger system online by the July 1.

### **13. Murray Douglas Conservation Easements – Final**

Ken McDonald, Wildlife Administrator explained FWP proposes to acquire about 10,760 acres of important fish and wildlife habitat in Powell County north of Drummond. The lands are owned by The Nature Conservancy, Blackfoot River Ranch, Inc., and Manley Family Limited Partnership. FWP began pursuing funds to conserve these properties in 2007; in 2010, FWP received \$2.9 million by the U.S. Forest Service's (USFS) Forest Legacy Program to purchase these 3 conservation easements and all 3 private landowners generously agree to donate up to 25 percent of the easements' 2013 appraised values to provide the required match for the federal grant. The conservation easements would conserve regionally important fish and wildlife habitat by preventing subdivision, development, and other forms of habitat loss; perpetuate the ranching and logging lifestyle of the private landowners who own the land under easement; and guarantee fall public hunting access to the properties. The lands under easement would remain in private ownership and state and county tax rolls. Traditional uses of the land, including livestock production and timber management, could continue under terms of the

easements. The easements would endure in perpetuity, and be enforceable upon future owners of the properties. A draft environmental assessment (EA), socio-economic assessment, and draft resource management plan were released for public review on March 22 and closed April 22. Public review opportunities were advertised in the local, Missoula-area, statewide media, and a copy of the draft EA was mailed to adjacent landowners and all parties who indicated an interest. A public hearing was held at the Drummond Community Center on April 3. Eighteen people attended the hearing and seven testified, all in support of the proposal.

***Action: Commissioner Tourtlotte moved and Commissioner Wetsit seconded the motion the FWP Commission approve the acquisition of the Murray-Douglas, Murray Creek, and Douglas Creek conservation easements.***

Chairman Vermillion reminded the public this land is under easement and will remain in private ownership and on state/county tax rolls. Great project.

Chairman Vermillion asked for public comment

***Motion Carried.***

#### **14. Marias River WMA Access Settlement – Proposed**

Gary Bertellotti, Region 4 Supervisor explained the Marias WMA is nine miles southwest of Shelby along the Marias River in Toole and Pondera counties and consists of 7,540 deeded acres, 492 leased DNRC acres, and 833 leased BLM acres. The Marias River runs the entire 14-mile length of the property from west to east with wide riparian habitats and associated river breaks, all composed primarily of native habitat. Existing public access is on the north side of the WMA at McCormick road to a parking area; and on the north-central area at the Zel access; both access points are to the WMA boundary and do not provide vehicle access to the river bottom. After FWP acquired the property for \$7.6 million in 2008 it was determined an implied easement was established historically by Charlie Lincoln in 1951 for public hunting to the east via the Lincoln Road. Wanken Farms, however, disputed this as a public road and open access and blocked the road before the property line between Wanken and the WMA. Good faith negotiations in 2010 and 2011 could not resolve the differences between Wanken Farms and FWP. A lawsuit was filed in 2012 by FWP against Wanken Farms asking for a declaratory judgment identifying public and administrative access on the east of the WMA. Wanken Farms counterclaimed for trespass and abuse of process. A court ordered mediation was held on April 15, 2013. An agreement was negotiated: in return for a transfer of the 360 eastern most acres, Wanken would grant perpetual unlimited administrative access and limited public access across Wanken property. This will provide a southeastern access to the river bottom during hunting season and provide six parking spots, three for overnight. Administrative access on the Lincoln Road is also included with administrative access on the two-track bench roads that traverse the property. The agreement is a result of a lawsuit settlement subject to approval by the FWP Commission and the Land Board. A 30-day public comment period on the terms of the settlement would be set. Will be back in July for final approval.

***Action: Commissioner Stuker moved and Commissioner Vermillion seconded the motion to establish a 30-day public comment period to determine whether the settlement agreement should be ratified by the FWP Commission on July 10.***

Commissioner Stuker asked if limited access is only during the hunting season.

Bertellotti stated public access is limited to archery and rifle big game hunting season; the season for deer is restricted to a draw system of 10 hunters per week.

Chairman Vermillion asked about bird season.

Bertellotti stated there is no bird season; limited opportunity for birds and not a positive step to getting public access.

Commissioner Tourtlotte asked about restricted access.

Bertellotti stated it is walk or horseback only, no motorized vehicles.

Chairman Vermillion asked for public comment

***Motion Carried.***

**15. Blackfoot Clearwater WMA – Two Creek Grazing Lease – Final**

Ken McDonald, Wildlife Administrator explained FWP offered exchange-of-use grazing/haying leases on the Blackfoot Clearwater WMA and nearby privately managed lands between 1991 and 2012. The intent was to improve spring/fall re-growth of both tame and native FWP grasslands while positively influencing grazing management on important elk habitat on private land adjacent to the WMA. This proposed 2013-2018 grazing lease would exchange either grazing or haying of 1,050 acres of agricultural pastures on the Blackfoot Clearwater WMA for compliance with a FWP-prescribed rest-rotation grazing system on 1,000 acres privately managed native bunchgrass winter range. The lessee would agree to install temporary electric fencing, remove unnecessary traditional barbed wire fencing, permanently exclude cattle from any portion of Cottonwood Creek, develop off-stream watering facilities, and treat noxious weeds associated with the grazing lease area. An EA was published for public review; no comments were received. FWP is aware of no conflicts between the lessee's activities on the WMA and the recreating public. The Block Management Area (BMA) that includes the privately-managed subject parcels is one of the most highly valued in Region 2.

**Action:** *Commissioner Wetsit moved and Commissioner Tourtlotte seconded the motion to approve that the FWP Commission approve the exchange-of-use grazing lease as described by Fish Wildlife and Parks.*

Wayne Slaght, Two Creek ranch manager, encourages keeping the leases and doing more on game ranges around the state. At this time there are 300-600 elk on the ranch.

Jay Bodner, Montana Stockgrowers Association stated Mr. Slaght is a great example of how this program works, has done a tremendous job of taking care of the land.

John Borgreen, Montana Sportsman Alliance, in support of grazing lease.

**Motion Carried.**

**16. Bighorn Sheep Trapping and Transplants – Endorsement**

George Pauley, Management Bureau Chief explained trap and transplant of bighorn sheep as an effective management tool. The removal of sheep assists population control. Transplanted animals can ultimately represent new populations or augment existing ones. Funds from auction licenses are available for transplants with all animals receiving a health assessment at capture. These types of management actions and associated process are consistent with the Montana Bighorn Sheep Conservation Strategy.

- Bighorn sheep on Wild Horse Island in FWP Region 1 represent a source population for potential transplants during the 2014 winter (January 2014). It will be necessary to remove approximately 100 sheep from Wild Horse Island in 2014. Bighorn sheep in the upper Madison (HD 302) also represent a source population.
- FWP plans to transplant 40-50 sheep into the Bear Creek WMA area in the Madison Basin. The source would be Wild Horse Island or the Madison herd. An EA of this endorsement and public comment will be completed and brought back at the December meeting.
- Proposed augmentation for existing bighorn sheep populations in the Cabinets (HD 123) and Kootenai Falls WMA (HD 100), Lake Kookanusa (HD 102) and possibly the Hog Heaven area (CSKT tribal lands). Augmentations of existing populations may take place without further public review or process

**Action:** *Commissioner Tourtlotte moved and Commissioner Stuker seconded the motion that the FWP Commission endorses the new augmentation proposals in Region 1 and continued public process for the potential new release in the Bear Creek WMA area as presented by FWP.*

Chairman Vermillion asked for public comment.

Jim Weatherly, Sheep Foundation, supports proposal. Worried about genetics on Wild Horse Island.

Laura Welker, Montana Woolgrowers Association, supports the scoping and transplants of the Bear Creek WMA.

Chairman Vermillion asked about genetic diversity on Wild Horse Island.

Pauley, explained worth considering, will look into it further.

Chairman Vermillion asked the Department to come to the Commission when the Bridgers are being discussed, with a description of viability of whether it could be done and costs.

Commissioner Tourtlotte stated it is something important to look into.

Pauley stated he will bring a plan in December and options to address Wild Horse Island.

Commissioner Stuker asked about disease problems with transplant and bringing sheep onto the island.

Pauley explained tests would be done to make sure the sheep are compatible before any transplant would take place.

***Motion Carried.***

**17. Nongame Tax Check-Off Project – Proposed**

Laurie Hanauska-Brown, Nongame T & E Bureau Chief explained under the provisions of 87-5-122, MCA, the Commission shall review and annually approve the nongame wildlife program's projects recommended by the department for funding from the nongame wildlife account. The Commission shall provide for public comment during the review and approval process. As of March 31, 2013 nearly \$18,000 had been donated for tax year 2012, which is average for this time of year; the average received from the 2004-2011 tax years was \$27,000/year. FWP is proposing the following work in FY14 with this anticipated funding:

- \$ 12,000 Inventory, monitoring and conservation work on Montana Species of Concern and species in need of inventory as determined through a formal ranking process.
- \$ 5,000 Prioritize habitat for conservation including: identifying the most critical habitat needs for nongame, threatened or endangered species and identifying and monitoring threats to these critical habitats.
- \$ 5,000 Competitive student stipend for nongame research.
- \$ 3,000 Contribution to ongoing Sylvatic Plague Vaccine research in Montana for black-footed ferret recovery.
- \$ 2,000 Education and outreach efforts to promote nongame wildlife appreciation and conservation.

Chairman Vermillion asked why the funding dropped.

Hanauska-Brown explained change in economy is the main reason.

Chairman Vermillion asked about adding a checkbox onto the licensing paperwork.

Hanauska-Brown and McDonald stated it has to be legislatively approved.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion FWP Commission tentatively approve the proposed Nongame Tax Check-Off work for Fiscal Year 2014.***

Chairman Vermillion asked for public comment.

***Motion Carried.***

**18. 2013 HB 454 Hunting Access Agreements – Proposed**

Ken McDonald, Wildlife Administrator explained FWP received the authority to issue either-sex or antlerless elk permits to landowners for management purposes. The landowner must offer free public elk hunting, meet the various conditions of the statute, and enter a contractual public elk hunting access agreement with FWP. The contract defines the areas open to public elk hunting, the number of elk hunting days that will be allowed on the property, and other factors that FWP and the landowner consider necessary for the proper management of elk on the landowner's property. The Swanz Hunting Access Agreement specifically states that in return for allowing access to elk hunters, Mr. Swanz, or a family member, would receive one 411-21 either-sex permit. FWP would also issue four additional 411-21 permits from the list of unsuccessful applicants for that license permit type (LPT). Successful applicants could only hunt on the Swanz deeded property. This agreement was first used in 2002 and has been reapplied annually since then based upon continued positive post-hunt evaluations. The proposed agreement for 2013 represents no change.. The Swanz agreement has received public review in

previous years via the Commission's hunting season setting process. To date, the evaluations generally confirm that agreement terms, and reasonable expectations, are being met to all parties' satisfaction. Public comment will run through June 24 with final adoption at the July 10 meeting.

**Action: Commissioner Tourtlotte moved and Commissioner Stuker seconded the motion that the FWP Commission adopt the proposed Hunting Access Agreements for the 2013 general hunting season as proposed by FWP.**

Chairman Vermillion asked for public comment.

Commissioner Stuker asked if there is more opportunity like this for other landowners.

McDonald stated yes and each year the Commission give the Department direction, but is difficult.

Chairman Vermillion explained there is much higher percentage of drawing for a non-resident elk license.

Director Hagener stated the Department is currently working with a few major landowners that are thinking about it.

**Motion Carried.**

### **19. 2013 Fall Upland Game Bird Quotas and Limits – Proposed**

George Pauley, Management Bureau Chief explained FWP proposes a two-bird bag limit and twice the daily bag possession limit for sage grouse in 2013, which represents no change from 2012; a permit quota change for the Gallatin County fall turkey hunts. The HD 375-50 permits would be increased from 10 to 50, while permits for the HD 375-51 youth hunt would be increased from 2 to 10. Based on the static nature of upland bird bag and possession limits as supported by biology and management history, no other changes are proposed for other upland game bird bag, possession limits and permit quotas. Public comment will run through June 24 with final adoption scheduled at the July 10 meeting.

**Action: Commissioner Wetsit moved and Commissioner Tourtlotte seconded the motion the FWP Commission adopt the proposed 2013 upland game bird bag and possession limits and permit quotas as presented by FWP.**

Commissioner Stuker stated he would like to see the season shortened and lower limits.

Pauley explained the Department is taking steps and efforts to maintain habitat management on sage grouse.

Commissioner Stuker stated he would like the Department to look at different options.

Chairman Vermillion asked if the Department could provide a precluded listing decision that has the description of the hunting base mortality related to sage grouse in Montana

Pauley said yes, he will gather the information and send it to the Commissioners.

Commission Wetsit, how long does it takes to regenerate a stable population of sage grouse.

Pauley stated they have a high productive rate; doesn't take long to repopulate.

Chairman Vermillion asked for public comment.

**Motion Carried.**

Ken McDonald, Wildlife Administrator explained Governor Bullock made an executive order creating a 10 member Sage Grouse Advisory Council with a charge to develop a conservation plan that define Montana's approach to sage grouse conservation which is focused on sage brush habitat. There are nine meetings scheduled with the first meeting being held May 21 at FWP Headquarters; each meeting will discuss different issues. The Council will have a draft product by the end of October that will go out for public comment at finalized January 2014. Montana needs to have a proposed rule to USFWS by September 2014 and a final rule by September 2015. Idaho, Wyoming and Utah have done similar efforts and are willing to help and explain what they have done regarding this issue.

### **20. HD 304 Bighorn Sheep Hunt Closure – Proposed**

George Pauley, Management Bureau Chief explained the bighorn sheep population in HD304 is experiencing a pneumonia die-off, with a 35 percent decline in the population due to mortalities between mid-February and late March, 2013 and only

two mature rams were observed on a recent survey. Hunting opportunity is very limited and will likely decline further due to additional mortality. Since the season structure provides an either-sex license, the successful applicant would have the option of harvesting an ewe. In the midst of a die-off, allowing ewe harvest is not biologically justified and is not likely to be viewed favorably by sportsmen and other public. This proposed closure was discussed with the Park County Rod & Gun Club; directors of the Montana Wild Sheep Foundation; National Wild Sheep Foundation; as well as a number of local sportsmen and landowners and has met with support. The public comment period will extend through May 27 and any final adoption will occur at the June 5 Commission meeting.

**Action: Commissioner Tourtlotte moved and Commissioner Stuker seconded the motion the FWP Commission adopt the proposed closure of the bighorn sheep hunt in HD304, as presented by FWP.**

Jim Weatherly, Montana Wild Sheep Foundation, supports closure.

**Motion Carried.**

**21. 2013-14 Wolf Season – Proposed**

Ken McDonald, Wildlife Administrator explained regulated public hunting and trapping of wolves was endorsed by the Governor's Wolf Advisory Council in 2000 and is included in Montana's wolf conservation and management plan. The FWP Commission adopted a conservative hunting-only quota of 75 wolves for the 2009 season and closed with a legal harvest of 72. The minimum wolf count increased in 2009 from 497 to 524 wolves and the 2010 season, blocked by court ruling, the Commission adopted a statewide quota of 186 with 13 wolf management units (WMUs). The 2011 season had a statewide hunting-only quota of 220 wolves with 14 WMUs. Modeling predicted harvest equal to this quota would result in up to a 25 percent reduction from the 2010 minimum of 566 to 425. Including a season extension to February 15, 2012, 166 wolves were harvested with 3 of the 14 WMU's closing due to their quota being met. WMU boundaries were again modified for 2012-13, regular rifle season was expanded to run from October 15, 2012 through February 28, 2013 and trapping was added as a method of take from December 15, 2012 through February 28, 2013. The Commission approved a 3 wolf bag limit that was implemented with the passage of House Bill 73. By season end, trappers harvested 97 wolves while hunter harvested 128; 225 total. The changes from the 2012-13 wolf season framework are proposed for 2013-14: archery season will open on September 7 and run through September 14; rifle season would open on September 15 and close on March 31; trapping dates would remain the same, December 15 – February 28; and trappers would be required to complete the Montana or Idaho Wolf Trapper Education Course. The bag limit would be five wolves per person in any combination of wolves taken by hunting or trapping. WMU 316 would be expanded to include portions of HD 313 and would have a quota of 7 wolves; WMU 110 quota of 2 wolves will remain the same. Hunters would be allowed to take wolves over bait placed for trapping and trappers would be required to dispatch wolves via gunshot. In Regions 1-5, trappers would be required to set pan tensions on wolf traps to 10 pounds; this standard would minimize the take of lynx, wolverines, and other non-target species. The public comment period will run through Monday, June 24 and the final adoption is scheduled for July 10, 2013.

**Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion the FWP Commission adopt the proposed 2013-14 wolf season as presented by FWP.**

Chairman Vermillion asked for public comment.

Marguerite Putman, Bigfork, very opposed to new proposal.

April Lane, Whitefish, opposed and disappointed in proposal. Testified and supported FWP at this year's HB 73, and is concerned about this proposal.

Brad Orsted, Director of Outreach for Wolf Watch Coalition, asks science to be the driving factor for this proposal. Willing to help, train, donate time and offered to set up a fund to FWP for wolf management.

Chris Colligan, Greater Yellowstone Coalition, against proposal.

Shari Sutherland, against proposal.

Doug McLaughlin, Ware of 754, against proposal, would like to work the Department and Commission to help resolve issues. Thanked for extending WMU316.

Brett Poncia, Gardner, against proposal; hurts economic growth.

Linda Thurston, Gardner, current wolf management is hurting tourism and economic growth. Thankful for change in WMU 316.

Brandon Navratil, National Wolf Watcher Coalition, against proposal, needs changes.

Kim Beam, Vice President-Wolves of the Rockies, against proposal.

Ilona Popper, Bear Creek Council, against proposal, willing to help FWP manage wolves.

Marc Cooke, Wolves of the Rockies, intensive management, let HB 73 go to work.

Mart Essen, Victor, asked why public comment is taken; against proposal.

Toby Walrath, Montana Trappers Association supports proposal, willing to work with the Department and Commission on wolf management and come up with a solution for all parties involved.

Dan Wenk, Yellowstone National Park Superintendant, willing to collaborate with FWP and whatever action taken. Forty-One wolves were introduced in 1995-1997; 2003 174 wolves and 14 packs; December 2012 83 wolves and 10 packs; decline due to disease, wolves killing wolves etc. Currently, there are 25 wolves affected by hunting outside the park, in Montana. Understands and respects hunting is a tool and part of Montana's heritage. Seek to balance Park Wildlife management objectives for preservation with State objectives. Has worked with Montana in the past to develop quotas to achieve a balance. The current proposal for 2013 hunting season substantially increases risk to entire wolf packs in breeding pairs that spend the majority of time in the park. Specifically, worried about taking of 5 wolves per hunter, allowing shooting for bait when retained a trap line, combining WMU 316 and the extension of the hunting season. Proposed regulations are undesirable because they do not provide safeguards against excessive harvest; threatens the productive and collaborative Wolf Ecology and Research Program; adverse impacts on regional breeding pair objectives; visitor enjoyment; and intensify public outcry. Asked to consider: Expand WMU 313 to include Gardner Basin, south of Yankee Jim Canyon, east and west of highway 89 and Yellowstone River as it exits the park, limit quota to 1-2 wolves; WMA 316 to remain the same with a quota of 3 wolves; rifle season run concurrently with deer/elk general rifle season and not be extended; harvest 1 wolf per trapper/hunter and no shooting with baits at any time.

Marlon Clapham, Montana Bow Hunters Association, encourages more aggressive approach and snares.

Keith Kubista, Montana Sportsman for Fish and Wildlife Organization, impressive job, overwhelming supports proposal.

Bill Mitchell, Missoula, supports proposal.

Filip Panusz, Footloose Montana, against trapping with the exception for science.

Barbara O'Grady, Gardner, business owner, against proposal (read statement from Gardner Chamber of Commerce).

Kat Brekken, National Wolf Watcher Coalition, effecting business in Yellowstone National Park and in Montana, science and responsibility need to have a say.

Paul Rossignol, Lolo, approves of proposal.

Blake Henning, Rocky Mountain Elk Foundation, supports recommendation.

Nick Gevock, Montana Wildlife Federation, strongly support proposal.

Wayne Slaght, Ovando/Rancher, supports recommendations.

MaryEllen Schnur, Montana Outfitter and Guides Association, supports this proposal in its entirety. Commend Department for all its work.

Jay Bodner, Montana Stockgrowers Association, supports proposal.

Rod Bullis, support proposal, well thought out.

John Borgreen, Montana Sportsman Alliance, in support, commended Department and Commissioners for the hard work, strong advocate.

Eric Bindseil, Gardner, need to recognize wolves in MWU 316 have economic, ecological and scientific importance to the State of Montana and the world; need to remember that when establishing regulations

Commissioner Stuker questioned why that portion of WMU 390 was not included in WMU 316.

McDonald replied that area is a major corridor for the Northern Yellowstone elk herd that has been significantly reduced in the last decade; giving relief to the herd.

Chairman Vermillion asked if under the current legislation that passed, the Department does not have managerial authority over a particular district that affects the Park unless there is a quota set or a district; there is nothing the Commission can do.

McDonald explained the statute states cannot have a closed area adjacent to the Park.

Chairman Vermillion asked the Department to get legal status and verification in case the Department steps into an over harvest situation that has occurred in WMU 390 or to consider where an appropriate line may be to join the two new parts of 316 to give managerial control.

McDonald explained it has not been an issue in the last three years.

Chairman Vermillion stated he want's to be careful and would like to know what that district would look like. Would like WMU 316 hunting area with a quota of 7, limit of 1; to preserve opportunity to the public.

McDonald stated the Department will add in his request for public comment.

Chairman Vermillion asked about the September 15 start date, and if there were discussions between bow hunters and wolf hunters; concerned of both happening at the same time. Would like to hear from Montana bow hunters regarding this.

McDonald stated there was a discussion and not a much concern.

Commissioner Tourtlotte questioned the trap bait proposal and asked to have something be put into the public comments regarding this matter.

Chairman Vermillion congratulated the Department, sincerely dedicated to managing wildlife.

McDonald stated public comment will go through June 24 and final adoption at July 10 meeting.

***Motion Carried.***

**22. Public Comment – For Issues Not On This Agenda**

Paul Rossigno, Lolo, talked about his concerns with the proposed Noxon Walleye Suppression.

Marc Cooke, Wolves of the Rockies, asked where the wolf license dollars go.

McDonald stated a law was passed at the session that all wolf license dollars must go into the wolf management account and must be used equally between collaring and lethal removal.

Filip Panusz, Footloose Montana, concerned about the upcoming furbearing/trapping regulation proposal.

Toby Walrath, Montana Trappers Association, working with other constituents to come up with an agreeable plan that works with everyone.

Iona Popper, Bear Creek Council, a lot of concern with the sheep herder in Gardner and wondering about FWP regulations regarding this issue.

**Commissioner Stuker motioned and Commissioner Tourtlotte seconded to adjourn the meeting.**

**Motion carried.**

**The meeting adjourned at 4:40p.m.**