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**Montana Fish,
Wildlife & Parks**

Montana Fish & Wildlife Commission

MINUTES

Montana Fish and Wildlife Commission Meeting

FWP Headquarters
1420 East 6th Avenue, Helena, MT

March 13, 2014

Commission Members Present: Dan Vermillion, Chairman,
via Video: Richard Stuker Vice-Chairman, Matthew Tourtlotte, Larry Wetsit and Gary Wolfe

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

Guests: March 13, 2014 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes of February 13, 2014 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Future Fisheries Improvement Projects, Winter 2014 Funding Cycle – Final Action
7. Big Hole River and Powerhouse FAS Closure Rule – Proposed
8. Powerhouse FAS – Parcel Conveyance to MDT (R3) – Final Action
9. Clark Fork River Mitigation Phase 1, 2, 5 & 6 Closure Rule – Proposed
10. Blackfoot River at I-90 Bridge Closure Rule Amendment – Proposed
11. Keep Cool Hills Management Agreement – Final Action
12. Beartooth WMA Addition – Endorsement to Proceed
13. Big Lake Access Project – Informational
14. Wolf ARM Rule – Final Action
15. Public Comment – For Issues Not On This Agenda

1. Call to Order - Pledge of Allegiance

Chairman Vermillion called the meeting to order at 9:59 a.m. and led the Pledge of Allegiance.

2. Approval of Minutes of February 13, 2014 Commission Meeting

Action: Commissioner Stuker moved and Commissioner Wolfe seconded the motioned to approve the February 13, 2014 minutes. Motion carried.

3. Approval of Commission Expenses

Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion to approve the Commission expenses.

Chairman Vermillion questioned the amount in other expense account.

Coleen Furthmyre, Commission Secretary explained the majority of the amount is from the Commission training that was held in August.

Motion Carried.

4. Commission Reports

Commissioner Wetsit stated he received a lot of correspondence over the current and last month's agenda items; received calls on bison management around Gardner; had a discussion with a landowner from Forsyth regarding too many elk on his property.

Commissioner Stuker stated a Public Land/Public Wildlife (PL/PW) Advisory Council meeting was held in February; very interesting; landowner and sportsmen/women attended; One Montana gave an interesting and enlightening presentation; Ken McDonald explained the budget; Legislative Audit Division reviewed the Block Management (BM) audit; Alan Charles explained the history and what the future holds for the BM program. Received numerous calls on grizzly bears, wolves and bison; early and late season elk hunts. Attended a BM dinner in Havre; well attended.

Chairman Vermillion asked when the next PL/PW meeting will be and when will the agenda be set for the biennium. Thanked Commissioner Stuker for his time dedication.

Commissioner Stuker stated the next PL/PW meeting is March 18-19 in Lewistown.

Commissioner Tourtlotte stated he spoke with a rancher from Hysham who is having elk game damage issues; would like to increase the number of elk permits/tag; will speak with Region 7 to see if there is a way to help this gentleman. Received calls and emails on numerous wolf issues; spoke with hunters from Ohio who are concerned about mule deer hunting opportunities; received calls on the Marias River Wildlife Management Area (WMA) asking what is happening within the WMA.

Commissioner Wolfe stated he attended the Citizen Advisory Committee meeting (CAC) in Kalispell; good diverse group; Captain Lee Anderson gave an interesting update on ongoing investigations. Continued interest in Flathead Lake and Noxon Reservoir fisheries issues; conversations with various sportsmen, conservation and environmental organizations on numerous topics; several calls and emails on the mountain lion season structure proposal for the Bitterroot; received several letters in support of extending the Clark Fork River; received letters from trappers with concerns and suggestions regarding illegal harvest of bobcats, Region 1 and 2 are looking at ways to address the concerns with the furbearer regulations.

Chairman Vermillion stated he has received correspondence regarding the bison harvest near Gardner; a lot of tension on how the bison have been harvested by tribal members; the Department is working hard on keeping the situation friendly as possible and minimize conflicts. Numerous calls concerning the Brucellosis Elk Working Group Plan; a lot of questions; will need to look at the plan carefully after public comment has been received. Several calls asking how the State is going to engage with CSKT regarding the FEIS on Flathead Lake; making progress. Conversations on land exchanges; strong interest from sportsmen/women asking to make sure land exchanges with high quality elk habitat have same opportunity for hunters; fair exchange for all parties involved.

5. Director's Report

Director Hagener stated a work session has been scheduled with the Commission and the Parks and Recreation Board on April 9, 2014; trying to identify specific topics and who has authority. PL/PW council is making headway; not as simple as people thought; next meeting is scheduled for March 18; key landowners will be part of the discussion. Governor Bullock is still in the process of reviewing the Sage Grouse Plan; he has met with different parties along with FWP and stated he will come out with his proposed plan by the beginning of April; other states are waiting for Montana's plan to be released; Montana is a key component of sage grouse habitat. Tribal hunts under the tribal treaty rights are under way; working closely with tribal enforcement. EQC meeting will be held next week; Block Management audit will be discussed, a fact sheet that explains the Departments position has been released; Licensing and Funding Advisory Council update, Sage Grouse Advisory Council update, Forest Management Plan, expansion areas around Yellowstone, and bison will also be on the agenda. Continued discussions with CSKT on Flathead Lake Management; sensitive issue; strong opinions on both sides. The Regions, especially Region 7 are currently having flood and ice jamb issues.

Chairman Vermillion asked if the Department has flood insurance.

Director Hagener stated he was unsure.

Chairman Vermillion stated he would like Fish Creek State Park on the work session agenda with the Parks and Recreation Board.

Bruce Rich, Fisheries Administrator stated after 2011 flooding, the Department received help from FEMA and anticipates the same this year.

Rich recognized Mere Lere, Habitat Restoration Program Officer, retiring after 34 years with the Department; thanked him for his dedication and great service.

6. Future Fisheries Improvement Projects, Winter 2014 Funding Cycle – Final Action

Bruce Rich, Fisheries Administrator explained the Future Fisheries Improvement Program continues to provide funds for projects that restore fishery habitats in streams, rivers and lakes for the benefit of wild fisheries. Applications are reviewed twice a year by a 14-member citizen panel appointed by the Governor; panel recommendations are forwarded to the Fish and Wildlife (FW) Commission every six months for consideration and approval. For the winter 2014 funding cycle, the Panel recommends funding 9 of 10 submitted proposals at a program cost of \$375,709.00; matching funds or in-kind contributions from outside sources total \$1,024,764.00. The public was informed about program funding opportunities via news releases, information posted on FWP's website. The panel conducted a public meeting to review applications, discuss proposed projects with applicants in attendance and receive public comment; no public comment was received at the meeting, except from applicants in attendance. All applications were posted on FWP's website, which allows viewers to submit comments on-line; no comments were received. Environmental Assessments (EA) have been prepared for five

of the nine projects recommended for funding; the four exceptions either fell under a categorical exclusion, the federal National Environmental Policy Act (NEPA), or ongoing regional processes. The comment period for the EA's ended on February 3, 2014; one person submitted a comment supporting all five projects; the State Historical Preservation Office commented that a cultural survey should be conducted on the Browns Gulch project; U.S. Forest Service (USFS) commented on the Stony Creek EA, stating they should be added to the list of entities that may have overlapping jurisdiction because they own the property at the project site, and will be subject to analysis under NEPA.

Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission approve the Future Fisheries Citizen Panel funding recommendations for the Winter 2014 funding cycle of the Future Fisheries Improvement Program.

Chairmen Vermillion asked what the thought process was on the project that was not approved.

Rich explained the proposal was for Race Track Creek in Region 2, the project did not support the application.

Chairman Vermillion stated he thought in the past, the program cost was much higher and a lot more applications; should more outreach be done; important program.

Mark Lere, Future Fisheries Program Manager stated the program is receiving fewer applications per funding cycle, the amount that is being applied for commensurate the dollar amount as in the past; program has been in effect for 18 years, the Commission has approved funding for 666 projects; more difficult to find projects. The program does get promoted as it is right now; need more opportunities to meet with watershed groups and encourage them to promote projects that benefit fish.

Action on Motion: Motion Passed.

7. Big Hole River and Powerhouse FAS Closure Rule – Proposed

Charlie Sperry, Water Recreation and Fishing Access Coordinator explained the Montana Department of Transportation (MDT) notified FWP of its intent to conduct repairs and upgrades to Silver Bridge on the Big Hole River beginning July 1, 2014; Silver Bridge is adjacent to the Powerhouse Fishing Access Site (FAS), near Divide. MDT will require the contractor to provide safe public float passage, including a 40' effective opening between instream construction-related obstructions, and appropriate navigational signage and hazard posting. MDT has informed FWP it does not anticipate construction will create conditions that require temporary closures of the river or the FAS; as a precaution, MDT has asked the Commission to consider a rule that would authorize FWP and the local Commissioner, to temporarily close the river and/or the FAS during the construction timeline, July 1 - October 15, 2014; the contractor would be required to notify FWP of such a request. The contractor would be responsible for posting signs at upstream access sites notifying the public about any temporary site or river closures. FWP would make it clear to MDT and the contractor that the Big Hole River is very popular among the angling public, important to the economy and would only consider closures if there are no other reasonable alternatives. FWP would invite public comment and report back to the Commission with a final recommendation. Proposed Rule:

I. PURPOSE

- (1) The purpose of the following rule is to address safety concerns on the Big Hole River and at Powerhouse Fishing Access Site (FAS).
- (2) The Montana Department of Transportation (MDT) is scheduled to replace Silver Bridge as early as July 1, 2014. Silver Bridge spans the Big Hole River near the town of Divide.
- (3) Bridge construction will require work within the river channel. Although MDT contract provisions stipulate that the contractor provide safe float passage through the construction site, MDT anticipates that there may be times when construction activities will create unsafe conditions for the public and requests that FWP be prepared to temporarily close the river and the entire access site to all use in the proximity of the construction site.

II. BIG HOLE RIVER AND POWERHOUSE FAS CLOSURE

- (1) The closure rule applies to a portion of the Big Hole River and the Powerhouse FAS, located in Butte-Silver Bow County.
- (2) The Commission authorizes the Department, with the approval of the Commissioner in whose district the closures are located, to close the Big Hole River 1000 feet above and 1000 feet below the Silver Bridge construction site to all public occupation and recreation including, but not limited to, floating, fishing, hunting, swimming, wading, and boating.
- (3) The Commission authorizes the Department, with the approval of the Commissioner in whose district the closures are located, to close the Powerhouse FAS in its entirety to all public occupation and recreation.
- (4) The Commission authorizes the Department, with the approval of the Commissioner in whose district the closures are located, to repeal any or all portions of the rule once conditions no longer present a public safety concern, and to reinstate the closures should safety issues become apparent.

III. EXCEPTIONS TO RIVER CLOSURES

- (1) The general exceptions and applications identified in 12.11.505, ARM, apply to these closure rules.
- (2) Vessels, equipment, and employees necessary for completion of the Silver Bridge construction are permitted to occupy the closed portions of the Big Hole River and Powerhouse FAS.

IV. EFFECTIVE DATE AND EXPIRATION OF THIS RULE

- (1) This rule is effective upon final approval of the Commission.
- (2) This rule expires one year after final approval of the Commission.
- (3) This rule may be repealed at anytime by the Commission. Signs restricting use of the Big Hole River and Powerhouse FAS will be removed when the rule is not active.

Action: *Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission propose an annual rule authorizing the Department, in consultation with the local Commissioner, to temporarily close a portion of the Big Hole River and/or the Powerhouse Bridge FAS to address public safety concerns related to the repair of Silver Bridge during the time period from July 1 to October 15, 2014.*

Chairman Vermillion asked if there has been any discussion with MDT how much advance notice they can try to give the Department.

Sperry stated staff has been working with MDT on contract language; notification procedures states the contractor would be required to notify the Department two days in advance of the closure.

Chairman Vermillion asked for public comment.

Chairman Vermillion asked to give public notice on the possibility of the closure.

Sperry duly noted Chairman Vermillion's comment.

Action on Motion: *Motion Passed.*

8. Powerhouse FAS – Parcel Conveyance to MDT (R3) – Final Action

Hugh Zackheim, Lands Program Manager explained the 35-acre Powerhouse FAS is located along the Big Hole River about two miles west of Divide in Silver Bow County. MDT is reconstructing the bridge connecting Pumphouse Road on the east side of the Big Hole River to Highway 43 on the west, and has requested FWP convey ownership of a 0.3-acre parcel of the FAS to MDT for use as right-of-way for the bridge approach; this parcel constitutes less than 1% of the FAS, and is seldom used by the public. Under MDT ownership, the land will remain unfenced and available for recreationists who choose to access the river down this steep slope; the popular boat ramp on the north side of Powerhouse Road will not be affected by the conveyance of this small parcel to MDT. MDT will pay the land's fair market value of \$3,000, and these funds will be deposited in FWP's real property trust account. On February 11, 2014, FWP released an EA describing the proposed land conveyance to MDT. Public comment closed March 3, 2014; received one comment in support and none in opposition. FWP considered a right-of-way easement; MDT prefers to secure ownership of right-of-way parcels, and FWP sees no benefit from owning land largely dedicated to highway uses.

Action: *Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission approve FWP's conveyance of a 0.3-acre parcel at the Powerhouse Fishing Access Site to the Montana Department of Transportation, in return for MDT's payment of the parcel's fair market value. Motion Passed.*

Chairman Vermillion asked about the Logan FAS in Three Forks.

Zackheim explained the history and present activities at the Logan FAS.

9. Clark Fork River Mitigation Phase 1, 2, 5 & 6 Closure Rule - Proposed

Charlie Sperry, Water Recreation and Fishing Access Coordinator explained on June 5, 2013 the Commission adopted an annual rule closing a 1.75 mile section of the Clark Fork River and a small portion of the Warm Springs Wildlife Management Area (WMA). The closure was requested by the Department of Environmental Quality (DEQ), who is conducting a multi-phase cleanup project to remove contaminated soils in the streambanks and historic floodplain within the Clark Fork River near Warm Springs; the project is part of the Milltown Reservoir/Clark Fork River Superfund Site. The purpose of the closure was to prevent the public from entering the construction area and encountering haul trucks, heavy equipment and other hazardous conditions associated with Phase 1 of the superfund cleanup; the construction period of Phase 1 is complete. DEQ is requesting the Commission continue the Phase 1 river closure through September 15, 2015, which would allow time for planted vegetation to become established without impacts from anglers and other members of the recreating public; the closed portion of the WMA would reopen beginning June 6, 2014. DEQ is also requesting the Commission consider additional rules for public safety purposes during Phases 2, 5 and 6. Proposed Rule:

I. PURPOSE

- (1) The purpose of the following rules is to address public safety concerns during construction and to protect vegetation planted during Phases 1, 2, 5 and 6 of the Milltown Reservoir / Clark Fork River Superfund Site cleanup, at the request of the Montana Department of Environmental Quality and the Montana Department of Justice, Natural Resource Damage Program.
- (2) These closure rules apply to portions of the Clark Fork River and Warm Springs Wildlife Management Area located in Deer Lodge County downstream from Warms Springs Ponds.
- (3) An annual closure rule has been in place for 1 3/4 mile section of the Clark Fork River and an adjacent section of the Warms Springs Wildlife Management Area since June 5, 2013 for the purpose of addressing safety concerns associated with anglers entering into the construction zone in the presence of heavy equipment and exposed toxic metals and arsenic. The current annual rule will expire on June 6, 2014.

II. CLARK FORK RIVER AND WARM SPRINGS WMA CLOSURE-PHASE 1 COMPLETION

- (1) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from June 6, 2014 through September 15, 2015 for 1 3/4 river miles starting 3/4 mile downstream of the Pond 2 outflow and proceeding downstream to the Warms Springs WMA boundary as signed.

III. CLARK FORK RIVER AND WARM SPRINGS WILDLIFE MANAGEMENT AREA CLOSURE – PHASE 2

- (1) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from December 1, 2014 through September 15, 2016 for 1.9 river miles starting at the river's upstream boundary with the Warm Springs WMA and proceeding downstream to Perkins Lane as signed.
- (2) The road accessing the eastern portion of the wildlife management area is closed from December 1, 2014 through September 15, 2015 as gated and signed.
- (3) The portion of land south of the road closure to the downstream boundary of the wildlife management area is closed to all public occupation from December 1, 2014 through September 15, 2015 as signed. The Job Corp Ponds portion of the WMA will remain open through the closure for angler opportunity and waterfowl hunting only with road access from the north end of the Job Corp Ponds via Perkins Lane.

IV. CLARK FORK RIVER A CLOSURE – PHASE 5 AND 6

- (1) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from July 15, 2014 through July 15, 2016 for 4.5 river miles starting where the river flows under the Galen Road and proceeding downstream to where the river flows under Gemback Road as signed.

V. EXCEPTIONS TO RIVER CLOSURES

- (1) The general exceptions and applications identified in 12.11.505, ARM, apply to these closure rules.
- (2) Equipment and employees necessary for completion of the cleanup are permitted to occupy the closed portions of the Clark Fork River and Warm Springs WMA.
- (3) The Commission authorizes the Department, with the approval of the Commissioner in whose district the closures are located, to repeal any or all portions of the rule should conditions no longer present a public safety concern, and to reinstate the closures should safety issues become apparent.

VI. EFFECTIVE DATE AND EXPIRATION OF THIS RULE

- (1) These rules are effective upon final approval of the Commission.
- (2) This rule may be repealed at anytime by the Commission. Signs restricting use of the Clark Fork River and Warm Springs WMA will be removed when the rule is not active.

Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion that the Commission propose the rules requested by DEQ and presented by FWP that would close portions of the Clark Fork River and the Warm Springs WMA related to Phases 1, 2, 5 and 6 of the Milltown Reservoir/Clark Fork River Superfund Site.

Chairman Vermillion stated this project is going to be a great asset for the people of Montana.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

10. Blackfoot River at I-90 Bridge Closure Rule Amendment – Proposed

Charlie Sperry, Water Recreation and Fishing Access Coordinator explained the Blackfoot River from Weigh Station FAS to the downstream side of the I-90 bridges has been closed to all floaters and swimming since the summer of 2006 due to numerous man-made hazards associated with the Milltown Dam Superfund site. The rules were necessary to address safety concerns during construction activities associated with the removal of Stimson and Milltown dams. On April 11, 2013, the Commission amended the Blackfoot River closure to allow public occupation of the banks for recreation; boating, floating and swimming remained prohibited due to ongoing safety concerns over the river's hydraulics at the I-90 bridge piers now that the Blackfoot River's velocity is no longer impeded by Milltown Dam; FWP and other state agencies are still pursuing a long-term solution that will address safety concerns related to the I-90 bridge piers. Constricted by rip-rap under the bridge, the river generates turbulent hydraulics during higher flows as it passes by the bridge piers and is also expected to continue adjusting its bed elevation after removal of Milltown and Stimpson dams, which could reveal more logs and debris during high flows. State agencies continue to communicate with EPA and the Army Corps of Engineers regarding possible solutions; FWP has identified a temporary solution that would allow use of this section of river during a time period when river flows are generally low enough to reduce the danger in the area. FWP is recommending that the Commission adopt a biennial rule that would close the river to floating and swimming from May 1 - June 30; the rule would also allow the Department, with approval by the local Commissioner, to temporarily close the river between July 1 - April 30 if river conditions present a significant public safety concern.

I. PURPOSE

- (1) The purpose of the following rule is to address on-going public safety concerns on the lower Blackfoot River associated with the Interstate-90 Bridge Piers.
- (2) Closure of portions of the lower Blackfoot River is necessary to increase public safety associated with the Interstate-90 bridge piers, which could entrap river floaters during high water periods.

III. BLACKFOOT RIVER CLOSURE

- (1) The Blackfoot River is closed to all floaters and swimmers, (including boats, rafts, canoes, kayaks, inner tubes, etc.) from the Weigh Station FAS to the downstream side of the Interstate-90 bridges from May 1 through June 30. Walk-in bank access will be allowed.
- (2) The Commission authorizes the Department, with the approval of the Commissioner in whose district the closure is located, to temporarily close the Blackfoot River to all floaters and swimmers, (including boats, rafts, canoes, kayaks, inner tubes, etc.) and swimming from the Weigh Station FAS to the downstream side of the Interstate-90 bridges during the time period from July 1 through April 30 for the purpose of addressing significant public safety concerns. Walk-in bank access will be allowed.

IV. EXCEPTIONS TO RIVER CLOSURES

(1) The general exceptions and applications identified in 12.11.505, ARM, apply to these closure rules.

V. EFFECTIVE DATE AND EXPIRATION OF THESE RULES

(1) This rule is effective upon final approval of the Commission.

(2) This rule expires two years after final approval of the Commission.

(3) This rule may be amended or repealed based on a suitable risk management plan. Prior to expiration, the Commission may extend the effective date of these rules for no more than two years.

Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission propose a biennial rule closing the Blackfoot River from Weigh Station Fishing Access Site to the downstream side of the I-90 bridges from May 1 through June 30, with authority granted to the Department to close the river outside of this time period for significant public safety reasons.

Chairman Vermillion stated the Department has been dealing with this issue for a lot of years; commends the Department for continuing to work and get the river opened while being mindful of different public hazards that do exist on this stretch of the river; this is a great solution.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

11. Keep Cool Hills Management Agreement – Final Action

Ken McDonald, Wildlife Administrator stated the final proposal is unchanged from the tentative proposal (see minutes from the January 9, 2014 Commission meeting). Three public comments were received; two people in support and one person offered comments unrelated to the proposed rule.

Action: Commissioner Wolfe moved and Commissioner Wetsit seconded the motion that the Commission approve the Keep Cool Hills Hunting Access and Recreation Management Area Biennial Rule.

Rod Bullis, Helena, supports agreement; Siebens are good neighbors.

Chairman Vermillion stated this is a good example of the Department, private landowner and sportsmen working together on a way to minimize the impact on private land while providing public access to a great resource. Thanked the Sieben family and the Department for continuing this relationship.

Action on Motion: Motion Passed.

12. Beartooth WMA Addition – Endorsement to Proceed

Ken McDonald, Wildlife Administrator explained Whitetail Prairie is a 2,840-acre native Intermountain/Foothill Grassland parcel adjoining the 32,320-acre Beartooth WMA; includes grazing leases on an additional 200 acres of BLM and 640 acres of DNRC lands adjacent to their deeded property. The acquisition would allow FWP to positively maintain and/or enhance 3,680 acres of Native Intermountain habitats as part of the WMA in perpetuity and provide winter range for approximately 1,500 elk. Whitetail Prairie property is part of the same habitat and is heavily used by wintering elk; provides recreational access to an additional 880 acres of currently inaccessible DNRC and BLM lands, providing a total of 3,720 acres of recreational access. FWP's Habitat MT Program looks to partner with the Rocky Mountain Elk Foundation (RMEF) and a variety of other organizations on the purchase; RMEF has indicated a significant commitment towards the project. Future involvement to complete the proposed fee title purchase will include an appraisal and EA process; standard press releases, website notification, notification of adjacent landowners, public hearing, and presentations for final approval to the Commission and the State Land Board.

Action: Chairman Vermillion moved and Commissioner Wolfe seconded the motioned that the Commission endorse the Department's recommendation to proceed with Landowner negotiations and associated work toward fee title purchase of the Whitetail Prairie addition to Beartooth WMA.

Commissioner Stuker stated we need to be cautious on land projects; need to have an actual right-of-way to get onto the land projects.

Chairman Vermillion asked if there is access to this property other than through the WMA.

Darlene Edge, Lands Conservation Specialist stated yes, there is administrative access.

McDonald explained access would be part of the endorsement; federal dollars would be used; certain criteria must be used on appraisal.

Mike Mueller, RMEF stated this is a great location; other state and Bureau of Land Management (BLM) land is in and around the property; wildlife value is unprecedented; compliments the Department and landowners for the working relationship; access is a key component; expect a lot of partnership support; will have the best appraiser in the state conduct the appraisal.

Commissioner Wolfe asked what RMEF involvement entails.

Mueller stated once the appraisal is completed and everything looks good with all parties, RMEF hopes to establish a purchase option; contribute a significant amount of money from fundraisers.

Commissioner Wolfe thanked RMEF for their help and support.

Mueller thanked the Commission and Department for their support on the Red Hill project.

Action on Motion: Motion Passed.

13. Big Lake Access Project – Informational

Ken McDonald, Wildlife Administrator stated in November 2012, FWP acquired 1,110 acres along the eastern boundary of Big Lake WMA in Stillwater County; this brought most of the lake shoreline into FWP ownership and management. The WMA has two public access points along its west side; access to the east shore and east side of the WMA is by boat or waders only when the basin fills with water; the east shore and north shore provide quality waterfowl hunting opportunities but access is very difficult. This proposed access would provide vehicular access to a parking area in the northeast corner of the WMA, making the east side and north end more accessible to waterfowl hunters and other recreationists; a traversable road currently exists in this location; property boundary runs down the center of the road. FWP has successfully negotiated a right-of-way easement with the two landowners and secured permanent public access to this land for hunting, wildlife viewing and other outdoor recreational activities. Funding for the right-of-way easement is from the Come Home to Hunt Program. An EA and public involvement were conducted following Commission endorsement of this project; no public comments were received. Due to the small size and cost of the project, Commission approval is not required.

Chairman Vermillion stated the Come Home to Hunt Program has been a successful program.

14. Wolf ARM Rule – Final Action

Quentin Kujala, Wildlife Management Section Chief stated Senate Bill (SB) 200, passed by Montana's 63rd Legislature, provides landowners or their agents, without a wolf license, to take wolves that are a potential threat to human safety, livestock or domestic dogs. The bill also provided authority for the Commission to create rules to implement this action. FWP has proposed other changes to existing ARM based upon management experience, public input, and the successful wolf delisting since the rules were originally adopted in October 2008. Proposed rules from the October 2013 Commission meeting were made available for public review and comment; not less than 1300 unique and repeated public comments were received with one of the primary themes being a call for better clarification of potential threat. To carry out the new legislation, FWP must have a method by which lawful take and reporting is formally defined and authorized. The proposed rules provide a means for SB 200 to be complied with while ensuring the lawful take of these wolves. (Yellow highlighted text below represents language proposed to be re-inserted in response to public comment. Red font underlined text represents new language proposed in response to public comment. Red font strike through text represents language proposed to be deleted in response to public comment. Black font strike through text represents language from the original proposal to be deleted.)

12.9.1301 COMMITMENT TO PRESERVATION OF THE GRAY WOLF AS RESIDENT WILDLIFE IN NEED OF MANAGEMENT

(1) The Department has management authority of the gray wolf, a resident native wildlife species, and is dedicated to the conservation of wolf populations within the state of Montana. Pursuant to the definition of management under the Nongame and Endangered Species Conservation Act, 87-5-102, MCA, the Department will implement conservation and management strategies to make sure that wolves continue to thrive and are integrated as a valuable part of Montana's wildlife heritage. The Department will manage wolves to ~~assure~~ ensure that recovery criteria are met or exceeded. Montana will ensure maintenance of at least 15 breeding pairs and assist natural dispersal and connectivity between gray wolf populations in Canada, Montana, Idaho, and Wyoming. The Department uses an adaptive management framework for the gray wolf, meaning that if the statewide number of wolves exceeds 15 breeding pairs, the Department may, as outlined in these rules, approve lethal control of wolves. If there are fewer than 15 breeding pairs, the Department will allow only conservative management of the wolf populations so that the number of breeding pairs does not go below 10 but may still approve lethal control. These rules set out the comprehensive structure governing control of the gray wolf so that all control actions fall within the Department's adaptive management considerations. The Commission has authority, when the statewide number of wolves exceeds 15 breeding pairs, to adopt a ~~hunting harvest~~ harvest season with ~~quotas~~ for wolves and will exercise that authority as part of the adaptive management framework for the gray wolf. The Department's management decisions will be guided by the principles of maintaining and enhancing Montana's contribution to the overall northern Rocky Mountain gray wolf population and the gray wolf's connectivity between contiguous populations in Canada, Idaho, Montana, and Wyoming.

(2) ~~This rule will be applied on the date the gray wolf in Montana is no longer subject to federal jurisdiction under the Endangered Species Act, 16 U.S.C. 1531, et seq., and the Department and Commission have sole jurisdiction over the management of the gray wolf in Montana.~~

12.9.1302 DEFINITIONS The following definitions apply to this subchapter:

(1) "Adaptive management" means wolf conservation and management strategies that will maintain a recovered population and assure natural connectivity and genetic exchange among the wolf populations in Canada, Montana, Idaho, and Wyoming. It establishes resource objectives such as maintenance of a recovered population; it monitors progress towards meeting those objectives ~~through wolf numbers, distribution, dispersal, genetic diversity, and consideration of disease~~; and it adjusts management decisions to meet these resource objectives. Adaptive management directs selection of more conservative or liberal management tools, accordingly. ~~If wolf numbers, natural connectivity, or genetic exchange ever become conservation concerns, a~~ adaptive management allows the Department a full range of tools to ensure a recovered and connected population, ~~including more conservative lethal control, smaller regulated harvest quotas, and human-assisted genetic exchange.~~

(2) "Agency" means the Department of Fish, Wildlife and Parks or another agency of government authorized by the Department of Fish, Wildlife and Parks through an interagency cooperative agreement.

(3) "Attacking" means the actual biting, wounding, or grasping of livestock or domestic dogs.

- (4) "Breeding pair" means an adult male and an adult female wolf ~~that have produced and~~ at least two pups that survived until December 31 of the year of their birth, during the previous breeding season.
- (5) "Confirms", "confirmed", or "confirmation" means an incident where the Department or USDA Wildlife Services determines through a field investigation of dead or injured livestock that there is reasonable physical evidence that the animal was actually attacked and/or killed by a wolf. ~~The primary confirmation would ordinarily be the presence of bite marks and associated subcutaneous hemorrhaging and tissue damage, indicating that the attack occurred while the victim was alive, as opposed to simply feeding on an already dead animal. Spacing between canine tooth punctures, feeding pattern on the carcass, fresh tracks, scat, hairs rubbed off on fences or brush, and/or eye witness accounts of the attack may help identify the specific species or individual responsible for the depredation. Predation might also be confirmed in the absence of bite marks and associated hemorrhaging (i.e., if much of the carcass has already been consumed by the predator or scavengers) if there is other physical evidence to confirm predation on the live animal. This might include blood spilled or sprayed at a nearby attack site or other evidence of an attack or struggle. There may also be nearby remains of other victims for which there is still sufficient evidence to confirm predation, allowing reasonable inference of confirmed predation on the animal that has been largely consumed.~~
- (6) "Habituated" means readily visible in close proximity to people or structures on a regular basis; not threatened by close proximity and may even be attracted to human presence or human food sources; extremely rare behavior in wild wolves, but typical behavior for released captive wolf or wolf-dog hybrid; for wolves, may or may not involve food conditioning.
- (7) "Intentional harassment" means the deliberate and preplanned harassment of a wolf by less than lethal munitions, including but not limited to, 12 gauge shot gun rubber bullets and bean bag shells, that are designed to cause physical discomfort and temporary physical injury but not death. Intentional harassment may also include other devices intended to make noise such as 12 gauge shot gun cracker shells, RAGG boxes, propane cannons, or sirens.
- (8) "Lethal control" means killing a wolf except for hunting or trapping by the public as authorized by the Commission as part of a regulated public harvest.
- (9) "Livestock" means bison as defined in 81-1-101, MCA, cattle, calf, hog, pig, horse, mule, sheep, lamb, llama, goat, herding or guarding animals, rhea, emu, ostrich, donkey, and certain breeds of dogs commonly used for herding or guarding livestock.
- (10) "Nonlethal control" means actions intended to decrease the risk of conflict that does not injure or kill a wolf.
- (11) "Opportunistic hazing in a noninjurious manner" means harassment, without the conduct of prior purposeful actions, such as yelling and radio activated noise makers, or use of firearms to scare or discourage a wolf in a way that does not injure or kill the wolf.
- (12) "Problem wolf" means a wolf that has been confirmed by the Department or USDA Wildlife Services to have attacked or been in the act of attacking livestock within the past 45 days.
- (13) "Threatening to kill" means the actual chasing, testing, molesting, harassing of livestock or livestock herding/guarding animals that would indicate to a reasonable person that an attack was imminent.
- (14) "USDA Wildlife Services" means the Wildlife Services Division of the United States Department of Agriculture, Animal and Plant Health Inspection Service.
- ~~(15) This rule will be applied on the date the gray wolf in Montana is no longer subject to federal jurisdiction under the Endangered Species Act, 16 U.S.C. 1531, et seq., and the Department and Commission have sole jurisdiction over the management of the gray wolf in Montana.~~

12.9.1303 CONTROL METHODS OF THE GRAY WOLF INCLUDE NONLETHAL AND LETHAL MEANS

- (1) These rules address when and how the Department may carry out nonlethal and lethal control of wolves.
- (2) ~~To undertake control actions that are consistent with this rule and the Montana Gray Wolf Conservation and Management Plan, the Department may:~~
- (a) take control actions;
- ~~(b) pursuant to an interagency cooperative agreement, may authorize USDA Wildlife Services to undertake control actions pursuant to an interagency cooperative agreement; or~~
- ~~(c) pursuant to an interagency cooperative agreement, may authorize the Department of Livestock pursuant to an interagency cooperative agreement, to undertake control actions that are consistent with this rule and the Montana Gray Wolf Conservation and Management Plan.~~
- ~~(d) issue permits to individuals pursuant to ARM 12.9.1305.~~
- (3) The Department is responsible for ~~any lethal control decision and for~~ the status, conservation, and management of the gray wolf population as a state species in need of management, game animal, or a furbearer as guided by the Montana Gray Wolf Management Plan, administrative rules, and statutes.
- ~~(4) Control of the gray wolf by an agency or an individual may include nonlethal and lethal actions. Specific control actions shall connect in both time and location to a wolf or wolves with the highest likelihood of having injured or killed the livestock. The Department shall address wolf conflicts on an ease-by-ease basis, connecting response to the conflict in both time and location to direct nonlethal and lethal actions to a wolf or wolves with the highest likelihood of having injured or killed the livestock.~~
- (4) ~~(5)~~ The Department shall take an incremental approach to lethal control.
- ~~(5) (6)~~ Killing or harassing a wolf not in conformance with these rules is subject to criminal penalties pursuant to 87-1-102, 87-1-125, 87-5-106, and 87-5-111, 87-6-201, and 87-6-203, MCA, as applicable.
- ~~(6) This rule will be applied on the date the gray wolf in Montana is no longer subject to federal jurisdiction under the Endangered Species Act, 16 U.S.C. 1531, et seq., and the Department and Commission have sole jurisdiction over the management of the gray wolf in Montana.~~

12.9.1304 ALLOWABLE NONLETHAL CONTROL OF THE GRAY WOLF

- (1) Control of the gray wolf includes a variety of nonlethal management activities intended to decrease risk of, prevent, or resolve a conflict without killing the wolf in question. Allowable nonlethal control activities include, but are not limited to:
- (a) husbandry practices including, but not limited to, electric fencing, increased human presence, fladry, herding or guarding animals, night pens, shed lambing, carcass removal, alternative pastures, amended pasture or grazing rotations, or supplemental feed;
- (b) placement of a radio collar to facilitate increased monitoring of the pack;
- (c) opportunistic hazing in a noninjurious manner;
- (d) intentional harassment;
- (e) Department discouraging wolves from denning in a particular location;
- (f) carcass removal or electric fencing of bone yards (e.g., localized livestock disposal sites which attract a variety of scavengers); and
- (g) working with interested individual livestock owners and private landowners, watershed groups, interested groups, state and federal land managing agencies, USDA Wildlife Services, and the Montana Livestock Loss ~~Reduction and Mitigation Board~~ and its coordinator to provide technical assistance and to assist with selection and implementation of proactive nonlethal controls on both public and private lands when and where livestock are present, either seasonally or yearlong. ~~Examples include: allotment management or annual operating plans; Wildlife Management Area or other state land grazing leases; and, predator deterrent programs offered through the United States Department of Agriculture Natural Resource and Conservation Service Environmental Quality Incentive Program.~~

(2) The Department will also work with others to better understand the effectiveness of nonlethal activities to prevent or decrease the likelihood of wolf-livestock conflicts.

~~(3) This rule will be applied on the date the gray wolf in Montana is no longer subject to federal jurisdiction under the Endangered Species Act, 16 U.S.C. 1531, et seq., and the Department and Commission have sole jurisdiction over the management of the gray wolf in Montana.~~

12.9.1305 ALLOWABLE LETHAL CONTROL OF THE GRAY WOLF

~~(1) On a case-by-case basis, the Commission delegates its authority to the Department to may authorize lethal control of problem wolves. only The Department may authorize the following to conduct lethal control of problem wolves:~~

- ~~(a) agency control by the Department,~~
- ~~(b) USDA Wildlife Services, or the Department of Livestock pursuant to an interagency cooperative agreement that outlines the procedures for verifying the needs for lethal control and as part of a coordinated agency response; or~~
- ~~(c) Department of Livestock pursuant to an interagency cooperative agreement that outlines the procedures for verifying the needs for lethal control and as part of a coordinated agency response.~~
- ~~(d) control by a livestock owner, immediate family member, or employee, or other person authorized by the Department with a permit issued by the Department under the conditions authorized and specified on the permit; and~~
- ~~(e) control to protect human safety, and~~
- ~~(f) control pursuant to 87-1-901, MCA.~~

(2) The Department may authorize lethal control of a problem wolf, after considering the number of breeding pairs within the state and other factors in these rules.

(3) Before considering lethal control of a problem wolf for livestock conflict, the Department or USDA Wildlife Services shall conduct the following investigation:

- (a) the Department or USDA Wildlife Services will conduct a field investigation to determine if the death of the livestock was due to natural causes or a predator; and
- (b) if a predator killed the livestock, the Department or USDA Wildlife Services will examine the evidence at the scene to determine if a wolf was responsible.

~~(4) If the Department or USDA Wildlife Services confirms that a wolf killed the livestock, the Department will consider input from USDA Wildlife Services and the livestock owner and decide the best course of action. The Department may authorize incremental lethal control for problem wolves for up to 45 days from the date of confirmation by USDA Wildlife Services, assessing each conflict on a case-by-case basis and after considering the following factors:~~

- ~~(a) pack size and pack history of conflict;~~
- ~~(b) livestock operation;~~
- ~~(c) age and class of livestock killed;~~
- ~~(d) location of conflict;~~
- ~~(e) potential for future conflict;~~
- ~~(f) status and distribution of prey;~~
- ~~(g) season;~~
- ~~(h) number of breeding pair within the state;~~
- ~~(i) effectiveness and prior use of nonlethal control; and~~
- ~~(j) verification that wolves are not intentionally baited or drawn to the area, wolves are routinely present, and that nonlethal tools are unlikely to prevent further incidents of injured or dead livestock.~~

(5) (4) The Department has the discretion to lethally remove or authorize removal of a gray wolf if the Department determines that the wolf is:

- (a) bold;
- (b) food conditioned;
- (c) habituated to humans or livestock;
- (d) ~~demonstrates demonstrating~~ abnormal behavior patterns or physical characteristics indicative of a wolf-dog hybrid or of captive origin; or
- (e) ~~if it poses posing~~ an immediate or ongoing threat to human safety.

(6) (5) Pursuant to 87-5-109, MCA, the director of the Department may permit killing, possessing, transporting, or exporting of a wolf for scientific, zoological, or educational purposes.

~~(7) (6) The Department may kill or remove a sick, injured, or diseased wolf.~~

~~(8) (7) To further conservation of the species, the Department may capture and translocate a wolf or use other human assisted techniques.~~

(9) (8) The Department may authorize a livestock owner, immediate family members, or employees by a permit to take a problem wolf under the following circumstances and conditions as part of a coordinated agency response to confirmed livestock damage due to wolves:

- (a) when the Department or USDA Wildlife Services confirms that a wolf killed the livestock; ~~and when the Department or USDA Wildlife Services confirms wolves are routinely present on the property or allotment and present a significant ongoing risk to livestock;~~
- (b) ~~the Department has authorized USDA Wildlife Services to implement lethal control to resolve conflict;~~
- (c) when the Department or USDA Wildlife Services determines that the wolf was not purposefully or intentionally fed or baited to a site;
- (d) the permit may last for a maximum of 45 days from the date the Department or USDA Wildlife Services confirms the wolf caused damage and any wolf killed within the 45 days will be counted towards the number specified on the permit;
- (e) the permit expires when the total desired number of wolves are removed by the combined action of the Department, USDA Wildlife Services, and individuals named on the permit, or at the end of the 45 days, whichever is first;
- (f) within 24 hours, a person must report to the Department killing or injuring a wolf under a permit;
- (g) to preserve the physical evidence, the permittee shall leave the carcass of any wolf killed where it lay, and shall not disturb the area surrounding the carcass; and
- (h) ~~g~~ surrender the carcass to the Department.

~~(10) (9) The permit must specify:~~

- (a) its duration and expiration date;
- (b) total number of wolves that may be lawfully killed through the combined actions of the individuals named on the permit or other Department authorization and the Department or USDA Wildlife Services;
- (c) the geographic area where the permit is valid; and
- (d) that wolves may be killed using means of take authorized by the Commission for wolf harvest seasons from the ground and in a manner that does not entail the use of intentional live or dead baits, scents, or attractants or deliberate use of traps or snares, or poisons; or use of radio telemetry equipment.

(10) As allowed by 87-3-130, 87-1-901 and 87-6-106, MCA, any person may kill without permit or license a wolf that is attacking, killing, or threatening to kill a person or livestock, or that is in the act of attacking or killing a domestic dog. A person may not intentionally bait a wolf with domestic dogs or livestock for the purpose of killing the wolf.

(a) This person shall notify the Department within 72 hours, preserve the scene, leave the carcass where it was killed until the Department investigates the scene, and surrender the carcass to the Department. USDA Wildlife Services will investigate and determine the cause of any injured or dead livestock.

(11) A landowner or landowner agent, pursuant to 87-1-901, MCA, may take a wolf on the landowner's property without permit or license when the wolf is a potential threat to human safety, livestock, or domestic dog until the quota established by the Commission under 87-1-901, MCA is met.

(a) Wolves representing a potential threat to human safety, livestock or domestic dogs are those wolves in immediate proximity to human dwellings, livestock or domestic dogs. do not include wolves that might routinely use an area as free-ranging wildlife. The intent of this requirement for immediate proximity is to maximize the likelihood that wolves harvested under this authority are those wolves most likely to threaten humans, livestock or domestic dog.

(b) This landowner or landowner's agent shall:

(i) notify the Department within 24 hours;

(ii) preserve the scene;

(iii) leave the carcass where it was killed until the Department investigates the scene; and

(iv) surrender the hide, skull and carcass to the Department.

(c) Any take after the quota established by the Commission under 87-1-901, MCA is met is subject to criminal penalties pursuant to, 87-5-106, 87-5-111, 87-6-201, and 87-6-203, MCA, as applicable.

~~(12) This rule will be applied on the date the gray wolf in Montana is no longer subject to federal jurisdiction under the Endangered Species Act, 16 U.S.C. 1531, et seq., and the Department and Commission have sole jurisdiction over the management of the gray wolf in Montana.~~

Action: Commissioner Wetsit moved and Commissioner Stuker seconded the motion that the Commission adopt the amendments to the Wolf Administrative Rules as presented.

Chairman Vermillion asked for public comment.

Keith Kubista, Montana Sportsmen for Fish and Wildlife (MSFW), participated in the hearing process; explained additions he would like added into the rule; worried about privacy.

Paul Rosingal, Lolo, needs to be stated in the rule that this is a recovered population for future management plans and rules; livestock producers should remain anonymous.

Marc Cooke, Wolves of the Rockies (WOTR), rule is overkill for wolves; explained in detail.

Kylie Paul, Defenders of Wildlife (DOW), generally opposed to the continued increase in liberalization of hunting and trapping; encouraged by the edits based on public comment and concern; would like language similar used by Oregon Fish and Wildlife.

Claudia Narcisco, Missoula, lack of willingness of the Department to notify members of the public who have been engaged in conversation; this is a formal complaint that she did not get adequate notification for her to prepare a statement for today's meeting; explained mixed emotions on rules.

Zack Strong, Natural Resource Defense Council (NRDC), explained changes he would like to the rule.

Kim Bean, WOTR, stated threat language, production aspects and quotas are essential to the rule; need better definitions; notification time needs to be adjusted.

George Edwards, Livestock Loss Board (LLB) Executive Secretary, amended rule and adopted federally approved Wolf Management Plan conflict each other; explained changes LLB would like.

Cheryl Kindschy, Wolf Watchers (WW), the public does not trust the ranchers; ranchers are not proactive; ranchers and the State have a public relations problems.

Jim Brown, Montana Woolgrowers Association (MWA), FWP's definitions and language are more than adequate; MWA appreciates the Department for their work and making changes based on public comment; present rule conflicts with Montana law. Asked if there is a Memorandum of Understanding with the Department of Livestock (DOL).

Nick Gevok, Montana Wildlife Federation (MWF), well written rule; trying to address all aspects; commends FWP for their work on the rule.

Commissioner Wolfe asked if section 12.9.1305 (11) is the only part that is in response to SB200.

Kujala stated yes, the other changes are from the Department clarify the ARM more clearly.

Commissioner Wolfe asked what the reasoning is for changing the definition of a breeding pair.

Kujala gave a lengthy explanation on the reasoning of the definition changes.

Commissioner Wolfe asked if there was any particular reason why potential threat was not defined in the definition section of the rule.

Kujala stated there is no specific reason; no harm by adding it for additional clarity.

Commissioner Wolfe asked what the Department's relationship is with Wildlife Services over problem wolves, compared to other depredate cougar/black bears.

Kujala stated the differences have been minimized, if not eliminated all together; all definitions are captured in the same document for the species.

Commissioner Wolfe asked if privacy issues were considered.

Kujala stated yes, the current statute protects personal information when a species is harvested; the Department decided it would be best not to include privacy issues in the rule; best to address the concern with the legislature via statute.

Commissioner Stuker asked about a MOU with DOL.

Kujala stated there is not a MOU with DOL in place; if the parties see a need for a MOU, one will be written.

Commissioner Stuker asked if the rule complies with the Montana statute.

Kujala stated the dual identification is present throughout the ARM; for consistency the language was kept in; no intent to change operational relationship; cannot change the statutory requirement of Wildlife Service; they are the voice to speak of compensation for a confirmed kill.

Commissioner Stuker stated he agrees with the privacy issues should be considered in the ARM.

Commissioner Wolfe stated he encourages the Department to make the breeding pair definition consistent with federal guidelines; try and maintain privacy as much as possible on this issue. Would like to amend the motion to include the definition of potential threat in the definition section 12.9.1302.

Chairman Vermillion, Commissioner Wolfe and Kujala had a lengthy discussion on definition and word usage within the rule.

Commissioner Tourtlotte asked if the breeding pair definition being used within the ARM is the same definition being used in the Wolf Management Plan; should be consistent with the Department's Plan.

Kujala stated it is consistent with the Management Plan; can restate it exactly.

Commissioner Tourtlotte stated he would like to amend the motion that the breeding pair definition in the ARM rule be identical to the Wolf Management Plan definition.

Amended Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded to amend the motion to include the definition of potential threat to the definition section 12.9.1302. and ensure the definition of breeding pair is consistent with the way breeding pair is defined in the Statewide Wolf Conservation and Management Plan.

Chairman Vermillion asked for public comment on the amended motion.

Director Hagener stated when Legislative Council reviews the ARM, they usually strike duplications throughout the rules to keep the size down.

Chairman Vermillion duly noted Director Hagener's comment.

Claudia Narciso, Missoula, read the definitions in the Federal Recovery Plan.

Chairman Vermillion stated there are plenty of civil and criminal statutes to protect privacy issues until the next legislature; the Department goes through the most robust public comment process; the Department sets the standard as related to public comments.

Action on Motion and Amended: Motion Passed.

15. Public Comment – For Issues Not On This Agenda

Allen Schallenberger, Sheridan, requested the Commissioners have the Department redo the Grizzly Bear Management Plan.

Jim Brown, Flathead Wildlife Inc., would like some form of contact from the Department whether they intend to challenge CSKT authority to take management actions on all areas of Flathead lake; have tried to contact the legal department and Director Hagener.

Chairman Vermillion stated Director Hagener sent a response letter to Mr. Brown; should receive in the next couple days.

George Edwards, LLB, requested to have a work session/meeting with the Commission and LLB to discuss different issues; invited Chairman Vermillion to the April 11 board meeting being held in Bozeman.

Nick Gevok, MWF, Department did a good job on the Grizzly Bear Management Plan; explained his outlook on grizzly bears.

Keith Kubista, MSFW, asked the Commission and Department not to mingle the wolf ARM and hunting season framework/structure together.

Mark Cooke, WOR, encourages the Department to consider non-consumptive revenue sources; Department's wolf weekly report is falling further behind on posting dates; asked the Department to put greater effort into being more timely with report; wolf enthusiasts look at that information.

Chairman Vermillion stated his comment is duly noted and will be looked at.

Action: Commissioner Vermillion moved and Commissioner Stuker seconded the motion to adjourn the meeting. Motion Carried.

The meeting adjourned at 12:58 p.m.



Dan Vermillion, Chairman



M. Jeff Hagener, Director