



# Montana Fish & Wildlife Commission

## MINUTES

### Montana Fish and Wildlife Commission Meeting

Region 2 Headquarters  
3201 Spurgin Road; Missoula, MT

July 10, 2014

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

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

Guests: July 10, 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 June 12, 2014 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Budget and Legislative Update – Informational
7. Classification of Exotic Wildlife ARM – Final
8. Camas Lake and Elkhorn Creek – Waive Bag Limit – Final
9. Koessler Lake – Waive Bag Limit Waiver – Proposed/Final
10. Logan FAS Addition – Endorsement
11. 2014 Wolf Season – Final
12. SB 200 Wolf Quota – Final
13. 2014-2015 Furbearer Seasons and 2014 Quotas – Final
14. 2014 Upland Game Bird Quotas and Limits and Sage Grouse Season Dates and Closures – Final
15. 2014 Deer, Elk, and Antelope Quotas Outside Biennial Quota Ranges – Final
16. Nongame Tax Check-Off Work Plan – Final
17. HB 454 Hunting Access Agreements – Final
18. Avista Cooperative Management Area – Final
19. 2014 Early Season Migratory Bird Regulations – Proposed
20. Missouri/Marias/Teton Rivers Turkey Augmentation (Chouteau and Teton Counties) – Endorsement
21. Threemile WMA Forestry Project – Endorsement
22. Access Public Land Projects:
  - Region 2: Lazy J Cross - Endorsement
  - Region 3: Medicine Lodge – Final
  - Region 4: Adams Creek - Endorsement
  - Region 7: Calypso – Endorsement
23. DNRC Land Exchange on Wildlife Management Areas – Endorsement
24. Public Comment – For Issues Not On This Agenda

1. Call to Order - Pledge of Allegiance  
Chairman Vermillion called the meeting to order at 8:33 a.m. and led the Pledge of Allegiance.

2. Approval of Minutes of June 12, 2014 Commission Meeting  
*Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motioned to approve the June 12, 2014 minutes with the agreed changes. Motion carried.*

3. Approval of Commission Expenses  
*Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion to approve the Commission expenses. Motion Carried.*

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Montana Fish,  
Wildlife & Parks

#### 4. Commission Reports

Commissioner Wetsit reported he received numerous public correspondence regarding the furbearer season and quotas, sage grouse, wolf season setting and exotic wildlife issues on the agenda; has been quiet in his region.

Commissioner Wolfe reported he received public input on the proposed wolf quotas, wolf stamp, sage grouse and exotic species; spent a day canoeing on the Whitefish River to personally see what is being discussed with the City of Whitefish, FWP and Commission.

Commissioner Tourtlotte reported he received numerous correspondence on sage grouse, wolf quotas and wolf stamp proposals.

Commissioner Stuker reported he received correspondence regarding Bison Working Group meeting being held on July 14-15 in Billings; sage grouse, wolf stamp, wolf quotas, and turkey transplant proposals. Public Land/Public Wildlife Working Group is working on differentiating public access on county and public right-of-way roads; recommendation to look at a map system that would document what roads are actually public. Thanked Region 2 for the Commission tour; very beneficial. Attended the Montana Trappers Association (MTA); 157 participants.

Chairman Vermillion reported water conditions in Park County and Yellowstone area are remarkably good; received phone calls regarding the proposed Tintina/Sheep Creek mine; received emails on the Broadle Road verdict in Choteau. Received numerous comments regarding the wolf stamp; willing to have conversations if needed; explained reasoning of the stamp.

#### 5. Director's Report

Director Hagener explained the Department is working closely with the Department of Environmental Quality (DEQ) with issues and concerns regarding the Tintina mine proposal. Stated Region 3 Supervisor Pat Flowers will be retiring in August. Attended the Environment Quality Council (EQC) meeting; discussed sage grouse, bison and licensing and funding issues. Receiving several wolf stamp public comments; going to hold a public meeting in the near future. Meeting with US Fish and Wildlife Service (FWS) Director Dan Ashe and Regional Director Noreen Walsh to discuss several critical issues. Commissioner Wolfe, himself and FWP employees, will attend the Western Association Fish and Wildlife Association summer conference in Texas July 17-23. Explained Montana is hosting the annual Tri-State meeting August 12-14 in Ennis; Commissioners are encouraged to attend.

Commissioner Wolfe stated he is unclear of which rules are under Commission authority and what rules are Department authority.

Commissioner Stuker asked if a binder could be put together to help the Commission understand the statutes.

Rebecca Dockter, FWP Chief Legal Counsel explained statutes are largely separate and set out duties and responsibilities of the Department and Commission; in certain topics the statutes do overlap.

#### 6. Budget and Legislative Update – Informational

Sue Daly, Chief of Administration explained Montana statutes delegate authority to the Commission to review and approve the Fish and Wildlife budget prior to submission to the Governor and gives the Commission authority to establish policy direction for the agency, and includes direction regarding legislative proposals. FWP addresses these obligations by: reviewing broad fiscal and legislative priorities with the Commission early in the executive planning process; presenting requests for new work; and for legislative proposals in July for final approval. No formal public process is undertaken related to the budget detail or the legislative proposals; the broad priorities give direction to the budget detail and the proposed legislation are based on ongoing dialogue with constituents and regional CAC; the public is afforded the opportunity to comment on budget and legislative proposals through the Commission meeting process. The budget proposals reflect a careful balancing of revenue projections with the need to address the agency's priorities and the Governor's Office direction. This budget reflects FWP's plan to balance expenditures with revenues while sustaining positive fund balances through FY19; adding proposals to the budget request could reduce the fund balances faster than planned; eliminating any of the proposals could extend the current fund balances further into the future. Gave a detailed explanation of the budget and legislative proposals.

Chairman Vermillion asked the Department to designate someone who would act as a liaison to help the Commission and Department with public outreach to keep the lines of communication open with constituents; would help the Commission become more efficient and effective and help the Department and Commission communicate with the people of Montana.

#### 7. Classification of Exotic Wildlife ARM – Final

Mike Lee, Wildlife Commercial Permit Manager explained at the April 2014 Commission meeting, the Commission proposed rules based on the Classification Review Committee's recommendation to classify several species. A total of 72 public comments were received; a majority of the comments opposed classifying the Coturnix quail due to their inability to survive in the wild in Montana and the diseases that they may carry are already in the state. A public hearing was conducted on May 21 at FWP Headquarters; no participants were present and no comments were received. The Classification Review Committee recommends that the Commission adopt the amendments to the rule as proposed with the exception of the *Coturnix* or "Old World" quail; FWP recommends that the Commission not adopt the classification of the *Coturnix* or "Old World" quail as proposed. Public comment indicated that *Coturnix* do not pose an immediate threat to Montana's native fish and wildlife, its habitats, the human health and safety environment, and does not require any special needed control measures.

Chairman Vermillion, Commissioner Wolfe and Lee discussed the decision making process.

**Action:** *Commissioner Stuker moved and Commissioner Wetsit seconded the motion that the Commission adopt amendments to the classification of exotic species Administrative Rules of Montana as proposed with the exception of the classification change of the Coturnix or "Old World" quail.*

Chairman Vermillion asked for public comment.

**Action on Motion:** *Motion passed.*

Bruce Rich, Fisheries Administrator gave a water, illegal fish introduction and aquatic invasive species (AIS) update; Madison and Beaverhead rivers are not in good condition; watching flows and temperatures closely.

#### **8. Camas Lake and Elkhorn Creek – Waive Bag Limit – Final**

Bruce Rich, Fisheries Administrator explained this proposal is to lift fishing bag limits for trout on two central Montana waters that are scheduled for westslope cutthroat trout restoration efforts later this summer. Camas Lake is scheduled for chemical treatment in August to remove Yellowstone cutthroat trout. Elkhorn Creek is scheduled for electrofishing activities to remove cutthroat/rainbow hybrids from a portion of the creek in August. On both waters, FWP proposes to immediately waive the bag limits to allow anglers to catch and keep as many of these fish as desired in advanced of the native fish restoration efforts. The portion of the Elkhorn Creek where the bag limit waiver would apply from the confluence of the east and west forks of Elkhorn Creek downstream about one mile to a man-made barrier. Currently the limit on Camas Lake is five trout daily and 10 in possession; Elkhorn Creek is catch-and-release only. Under this proposal, there would be no limit for trout caught through August 15. A total of five comments were received; all in favor of lifting the bag limits on these two waters; two comments elaborated on their support; one expressed the desire that bag limits be raised for non-native fish species in all waters across the state, especially warm-water species; one comment was opposed to removal of these fish using chemicals, and would prefer to see the fish physically moved to other waters than be killed with chemicals. The Department recommends that the bag limits be waived on these two waters to build public support for the project and to answer anglers' desires to not waste fish.

**Action:** *Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission immediately waive the bag limits on Camas Lake and Elkhorn Creek to allow anglers to catch and keep as many of these fish as desired in advance of the native fish restoration efforts through August 15.*

Chairman Vermillion commended the Department for their work on this issue; very important.

**Action on Motion:** *Motion passed.*

#### **9. Koessler Lake – Waive Bag Limit Waiver – Proposed/Final**

Bruce Rich, Fisheries Administrator explained westslope cutthroat trout have been reduced to less than 10 percent of their historic range in Montana, and the South Fork Flathead River Drainage comprises half of what is left of pure, interconnected populations. Genetic purity is threatened by non-native rainbow and Yellowstone cutthroat trout historically introduced into 21 mountain lakes in the drainage; these fish are moving downstream and hybridizing with westslope cutthroat. The South Fork Flathead Cutthroat Conservation Project has been systematically removing non-native fish and replacing them with pure westslope cutthroat. The project has successfully chemically treated 12 lakes and an additional 6 lakes are being genetically swamped. Koessler Lake is scheduled for treatment in September 2014. Koessler Lake is 86 acres and is located at the head of the Gordon Creek drainage; it is moderately popular with backcountry anglers and some have asked for limit waivers prior to previous treatments to allow more harvest of fish so they are not wasted. Current bag limit is three trout per day. Limit waivers were discussed in the South Fork Flathead Project annual public meeting and at the R-1 FWP Citizens' Advisory Committee (CAC). Two comments were received; one in favor of the proposal and one was concerned about the overall project.

Director Hagener stated this issue has been a long term project.

Chairman Vermillion, Director Hagener, Rich and Mark Deleray, Region 1 Fisheries Manager, had a lengthy discussion about genetic swamping on six lakes.

**Action:** *Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the combined trout daily and possession bag limits for Koessler Lake be removed effective immediately, through August 31, 2014.*

Chairman Vermillion asked for public comment.

**Action on Motion:** *Motion passed.*

#### **10. Logan FAS Addition – Endorsement**

Bruce Rich, Fisheries Administrator explained FWP owns a 1.5-acre property on the Gallatin River at Logan, which will soon be developed into the Logan Fishing Access Site (FAS). This land was donated to FWP in 2010, and the American Legion (AL) received an adjoining one-acre parcel at the same time. The AL parcel had originally been planned as a veterans' access, but the Legion now proposes to transfer the land, free of charge, to FWP for incorporation into the Logan FAS. The Logan FAS is located on a river reach where there is no established public access site. A draft Environmental Assessment (EA) and public involvement process will begin in

July. The Department believes acceptance of the property merits thorough consideration would preclude any potentially incompatible use on our eastern boundary, connect the FWP ownership to Gallatin County park property, and provide more space for public parking and river access.

**Action:** *Commissioner Stuker moved and Commissioner Vermillion seconded the motion that the Commission authorize the Department to evaluate acceptance of a one-acre addition to the Logan Fishing Access Site by donation from the American Legion.*

Chairman Vermillion asked for public comment.

**Action on Motion:** *Motion passed.*

#### **11. 2014 Wolf Season – Final**

Quentin Kujala, Wildlife Management Section Chief explained regulated public hunting and trapping of wolves were endorsed by the Governor's Wolf Advisory Council in 2000 and is included in Montana's wolf conservation and management plan. For the 2014–2015 proposed wolf season, adjustments include reducing the closure period in Wolf Management Units (WMU) 313 and 316 from 24 hours to 12 hours and limited wolf trapping opportunities via drawing for the Blackfoot-Clearwater, Fish Creek, and Mount Haggin WMAs. Final proposed adjustments include increasing the quota in WMU 313 from 3 to 4 reflecting surveyed wolf numbers in that area; to confirm the "open" road definition as it was in 2013 and also confirm the list of 500-foot setbacks for ground sets along high recreational use roads and trails applies to wolf trapping. All other season structures are proposed to remain unchanged from the 2013–14 wolf season. Public comment ended June 23; large volume of comments were received including general opposition to wolf harvest and quota reduction in HD 313. The proposal is consistent with the Montana Gray Wolf Management Plan.

**Action:** *Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission adopt as final the 2014-2015 wolf season as presented by FWP, with the exception of WMU 313 quota remain at 3 as previously approved by the Commission in the tentative process.*

Chairman Vermillion and Kujala discussed wolf population numbers in northern Yellowstone and southern Paradise Valley.

Commissioner Wolfe explained his reasoning for the proposed motion.

Chairman Vermillion and Commissioner Wolfe discussed the proposed motion.

Chairman Vermillion asked for public comment.

Keith Kubista, Montana Sportsman for Fish and Wildlife (MSFW), need longer hunting season in WMU 200, 250, 280 and 290.

Marc Cooke, Wolves of the Rockies (WOR), agrees with the quota of 3 in WMU 313; depredation is declining in Montana.

Toby Walrath, MTA, opposed to online wolf orientation class; hands on learning is best.

Cheryl Kindschy, Wolf Watchers (WW), agrees with WMU 313 quota of 3.

Nick Gevok, Montana Wildlife Federation (MWF), supports proposal.

Chairman Vermillion asked about the online class; does not support; use caution.

Kujala explained online classes are only being looked at; not proposed this year.

Chairman Vermillion, Director Hagener and Kujala discussed the use of livestock depredation lists and past harvest numbers.

Chairman Vermillion asked for statistics to be given to the public and Commission.

**Action on Motion: Motion passed. 4-1**

Commissioners Stuker, Tourtlotte, Wolfe and Wetsit - aye  
Chairman Vermillion - nay

#### **12. SB 200 Wolf Quota – Final**

Quentin Kujala, Wildlife Management Section Chief explained Senate Bill 200 provides landowners or their agents, without a wolf license, to take wolves that are a potential threat to human safety, livestock or domestic dogs and provides authority for the Commission to create rules and set a quota to regulate this specific take. This quota and take is separate, and in addition to, any quota or general harvest associated with the wolf hunting and trapping season. The Commission has already adopted Administrative Rules of Montana (ARM) that confirm landowners must report any wolf taken under this expanded authority within 24 hours; the carcass must be left where it was killed until FWP investigates; and the hide, skull and carcass must be surrendered to FWP. FWP proposes an adjustment to the initial adoption of a statewide quota of 50 wolves with the option for the Commission to allow an additional 50 if the first 50-quota is

met; this would remain in place until another annual quota is adopted in July 2015. If the take of wolves under this authority exceeds expectations and represents real concerns, the Commission may restrict take in specific areas before the statewide quota is met. Public comment ended June 23; large volume of comments opposed the proposed quota.

Commissioners, Becky Dockter Chief Legal Counsel and Kujala had a lengthy discussion on the proposed rule.

**Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion that the Commission adopt as final the statewide 50-wolf quota with a Commission option for an additional 50 for wolves taken under the terms of Senate Bill 200 as presented by FWP.**

Chairman Vermillion asked for public comment.

Marc Cooke, WOR, quota of 100 is too high; request to lower quota to 25 or less.

Steve Clevidence, Living with Wolves (LWW), asked how it pertains to public grazing lands.

Dockter stated the statutes only applies to a wolf on landowner's property; does not include public property with grazing allotments.

Keith Kubista, MSFW, supports proposal; provided there is no potential gap of an interim condition that puts a landowner at risk for trying to comply with the intent of the law.

Erin Edge, Defenders of Wildlife (DOW), proposal of 50 is too high; reduce quota to accurately reflect the history of wolf removal in potentially threatening situations.

Dwayne Garenea, Missoula, supports proposal.

Derek Goldman, Endangered Species Coalition (ESC), asked if the Department or the Commission have the authority to reduce the quota of wolves that are removed by Department staff or FWS by depredation.

Kujala stated procedurally there is no reason to revisit the quota.

Zack Strong, Natural Resources Defense Council (NRDC), a lot of confusion on the proposal; incorporate all quotas together.

Cheryl Kindschy, WW, need a more reasonable/lower quota; 100 is too high.

Nick Gevok, MWF, building social tolerance for wolves; supports proposal.

Commissioner Stuker stated he would like to be updated next year on landowners who have taken a wolf with SB 200 and had a general wolf tag they didn't use.

Kujala stated a question will be added onto the inspection form to ask this particular question.

Commissioner Wolfe asked if the Department has received any indication if there will be a significant reduction in funds for support from FWS next year.

Director Hagener stated that is unknown and is a question for the FWS.

Commissioner Wolfe stated he is concerned with the quota of 100; would like to have smaller segments.

Kujala stated it is procedurally available to have smaller segments.

Commissioner Stuker stated he attended a FWS meeting and it was mentioned a lot less money will be available for predator control.

Commissioner Tourtlotte has concerns about the quota; offered an amended motion.

**Amended Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded to amend the motion that the quota remain 100 but be broken into 25 wolf segments and the Department report to the Commission when the quota reaches 20, so the Commission has time to act and approve the next segment of 25 wolves.**

Chris Koppenhaver, Seeley Lake, good way for the Department and sportsmen to not fund all of the wolf management; monies could be used elsewhere.

Commission Stuker stated he questions the amended motion.

Director Hagener, Chairman Vermillion, Commission Stuker and Commissioner Wolfe had a lengthy discussion on the amended motion and wolf management.

**Action on Amended Motion: Motion passed.**

**Action on Main Motion as Amended: Motion passed.**

**13. 2014-2015 Furbearer Seasons and 2014 Quotas – Final**

Quentin Kujala, Wildlife Management Section Chief stated the 2012 incidental capture was just over 50 and the 2013 incidental was 33. The furbearer season structure is defined by Commission rule every two years and quotas are set annually. FWP proposes to:

- Moderately increase the otter harvest quota for Trapping District (TD) 1 from 21 to 23 and TD 2 from 20 to 25, while retaining the per trapper bag limit at two otter.
- Reduce the 2014 bobcat quota from 300 to 250 in TD 5.
- Expand trapping opportunity to the Fish Creek WMA.
- Adjust the deadline to apply for WMA trapping opportunities from September 30 to September 15.
- Reverse a portion of the initial adoption and maintain the 2013 definition of “open road” on public land in setback definitions.
- Reduce the required reporting period for incidental capture of dogs from 48 to 24 hours.
- Reduce the incidental lynx capture reporting from five days to 24 hours.
- Require trappers to identify bobcat skulls with the corresponding pelts during pelt inspection.
- Adjust the start time for chasing bobcats in areas where the lion season has closed from two hours before sunrise to the more standard ½ hour before sunrise.
- Add the Lake Como groomed ski trails in Region 2 to the list of areas that are subject to 500-foot setbacks for ground sets along high recreational use trails and roads.
- Clarify the south boundary of TD 1 as the southerly boundary of the Flathead Indian Reservation.

All other season elements and quotas are proposed unchanged from 2013. Public comment period ended June 23. Proposals provide sound furbearer management to include trapping with consideration of comments and concerns from other user groups; the intent is to reasonably share the landscape, associated resources and opportunities to the extent possible. This is consistent with existing information and represents reasonable and appropriate consideration of user conflict and the continued presence of contemporary data in furbearer management including trapping.

**Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission approve as final the 2014 and 2015 furbearer seasons and 2014 quotas as presented by FWP with the exception of the setback discussion for the Lake Como groomed ski trails.**

Chairman Vermillion asked for public comment.

Toby Walrath, MTA, MTA Region 5 was not aware of the bobcat reduction; not does not support. Supports recommendation for otter quota and Fish Creek WMA. Need to look at other options and resolutions for Lake Como.

Kylie Paul, DOW, lynx change is a good step forward; would like wolverine trapping closed to perpetuity and a conservation plan similar to Idaho’s plan; fishers population is small, need sufficient data; close trapping

Keith Kubista, MSFW, supports MTA comments; urges to support their recommendation.

Chairman Vermillion commends the Department for working with all parties.

**Action on Motion: Motion passed.**

Commissioner Wolfe explained his reasoning for the motion on the Lake Como ski area.

Walrath explained all components and options for trapping at Lake Como.

**Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission approve that ground set are prohibited within the Lake Como Ski Area from December 1 to March 31. The Lake Como Ski Area is defined as that portion of the Bitterroot National Forest, and Ravalli County, lying within the following described boundary: Beginning at the junction of US Forest Service Roads (FS) 550 and 550 A, then south and west on FS 550A to its junction with FS 13201, then north on said road to its junction with FS 550, the east on said road to its junction with FS 550A, the point of beginning.**

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

#### 14. 2014 Upland Game Bird Quotas and Limits and Sage Grouse Season Dates and Closures – Final

Quentin Kujala, Wildlife Management Section Chief stated the Adaptive Harvest Management (AHM) for sage grouse assesses populations and bag limits. The Management Plan and Conservation Strategies for Sage Grouse recommends a conservative two-bird bag limit if average lek counts are below the long-term average (LTA) of about 30 males/lek on nearly 90 pre-selected leks. The sage grouse plan prescribes season closures based on average lek counts at least 45% below LTA over three years. Heightened awareness of sage grouse, and potential habitat impacts from energy development, resulted in the Commission adopting a conservative two-bird bag limit in 2007, a year of above-average lek counts (33.6 males/lek) and has been maintained through 2013; continuing a downward trend from the recent high in 2009 (23.3), the 2013 lek statewide average was 14.9 males/lek, 48% below LTA. The 2014 statewide lek count was 13.1 males/lek, about 54% below the LTA of 28.4 males/lek (1980-2013); a statewide downward trend for the second consecutive year at or below 45% below the LTA. When separated by hunt management zones the Commission adopted in February 2014, only one management zone has been at or below 45% below the LTA for three consecutive years. FWP originally proposed closing the season statewide; analysis of final lek data and public comments prompted adjustments to include:

- Closing all of harvest management in zone three, northeast Montana north of Highway 2 and Shields Valley in zone 1, and address low numbers and hunter shifts to isolated open areas and to ease communication/closure descriptions.
- Season would run September 1-30.
- No bag limit changes.

FWP proposes re-opening criteria that includes:

- lek counts above the 45% closure criteria for three consecutive years; or
- a single year with lek counts above the LTA. Either would prompt a re-opening proposal and/or potential season adjustments.

No other changes are proposed for other upland game bird bag, possession limits and permit quotas. Public comment ended June 23; primary comments being opposed to a full closure but some tolerance/support for other restrictions; comments also emphasized the minimal impact to populations from hunting v. habitat loss. This proposal is based upon field observations and is consistent with the sage grouse management plan.

Commissioner Tourtlotte and Kujala discussed timeframes for the closure areas to get above 45% LTA.

Commissioner Wolfe and Director Hagener conversed how Montana's sage grouse season compares to other surrounding states.

Chairman Vermillion and Kujala discussed season time frames.

**Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion that the Commission to approve the final 2014 sage grouse season, re-opening criteria and other upland game bird bag and possession limits and permit quotas as presented by FWP.**

Chairman Vermillion asked for public comment.

Ben Deeble, Big Sky Upland Bird President, generally supports proposal; would like later season; habitat is a issue; FWP needs to be more effective in: improving records, actual causes of decline, addressing West Nile Virus, update 2005 plan, consider cooperative management with neighboring areas.

JW Westman, Laurel Rod and Gun Club (LRGC), habitat is the key issue; people are concerned about sage grouse.

Joel Webster, Theodore Roosevelt Conservation Partnership (TRCP), hunting is a solution, not a problem, habitat is the main issue; commends Department for making modifications; concerned about FWP data collection, very robust.

Glen Hockett, Gallatin Wildlife Association (GWA), thanked FWP for modifying proposal; can live with changes but is a significant hunting loss for hunters.

Chairman Vermillion, Commissioner Tourtlotte, Commissioner Wolfe and Director Hagener had a lengthy discussion on the reasoning of the proposal and the future of sage grouse.

**Action on Motion: Motion passed.**

Chairman Vermillion explained the Sage Grouse Accountability and Private Conservation Act of 2014.

**Action: Chairman Vermillion moved and Commissioner Wolfe seconded the motion to adopt the Sage Grouse Accountability and Private Conservation Act of 2014 resolution.**

**Resolution by the Montana Fish and Wildlife Commission in support of the Sage Grouse Accountability and Private Conservation Act:**

- **WHEREAS:** the greater sage grouse (*centrocercus urophasianus*) is an iconic species that inhabits much of the sagebrush-grassland habitats in Montana;
- **WHEREAS:** the State of Montana currently enjoys viable and widespread populations of the species, the second largest abundance of greater sage-grouse among western states;
- **WHEREAS:** not later than September 30, 2015, the Secretary is scheduled to issue a decision on whether to proceed with listing greater sage grouse as a threatened or endangered species under the Endangered Species Act of 1973;
- **WHEREAS:** state and federal governments, as well as private institutions, have invested substantial funds on sage-grouse conservation efforts, and the State of Montana is developing a local strategy to preclude the need to list the greater sage-grouse;
- **WHEREAS:** protecting sage-grouse habitat protects other wildlife such as elk, mule deer, pronghorn, and the golden eagle;
- **WHEREAS:** a balanced, local approach will ensure Montanans can enjoy recreational activities like hiking, camping, hunting, and fishing, while allowing responsible livestock grazing and oil and gas development, protecting the local economy and the jobs those industries provide;
- **WHEREAS:** the Sage Grouse Accountability and Private Conservation Act requires the Department of Interior to make critical data publically available, providing Montana an opportunity to provide additional input about the listing decision;
- **WHEREAS:** the Act will increase opportunities available for sage grouse habitat protection through agricultural land easements;

**NOW, THEREFORE, LET IT BE RESOLVED** that the Montana Fish and Wildlife Commission supports the Sage Grouse Accountability and Private Conservation Act and urges its passage to increase federal accountability and improve sage grouse conservation efforts and urges its passage to protect our state's incredible, valued public wildlife resources, remarkable habitat, and economic development.

*Action on Motion: Motion passed.*

**15. 2014 Deer, Elk, and Antelope Quotas Outside Biennial Quota Ranges – Final**

Quentin Kujala, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the June 12, 2014 Commission meeting). Public comment ran through 5 p.m., Monday, July 7; no comments were received. This approach maintains the integrity of the adopted biennial ranges and adheres to survey-based management prescriptions.

*Action: Commissioner Wetsit moved and Commissioner Stuker seconded the motion that the Fish and Wildlife Commission adopt no deer and elk B license and antelope license quota adjustments outside the biennial quota range as presented by FWP.*

Chairman Vermillion and Kujala discussed FWP hunt roster procedures.

*Action on Motion: Motion passed.*

**16. Nongame Tax Check-Off Work Plan – Final**

Quentin Kujala, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the May 22, 2014 Commission meeting). Public comment ran through Monday, June 23; two comments were received.

*Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission approve as final the proposed Nongame Tax Check-Off work for Fiscal Year 2015 as presented by FWP.*

*Action on Motion: Motion passed.*

**17. HB 454 Hunting Access Agreements – Final**

Quentin Kujala, Wildlife Management Section Chief stated the HB 454 hunting access agreements for the Gillett Ranch and Swanz Ranch are unchanged from the tentative proposal (see minutes from the May 22, 2014 Commission meeting). Public comment ran through June 23; five comments were received.

*Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion that the Commission adopt as final the 2014 Gillett Ranch and 2014 Swanz Ranch hunting access agreement as presented by FWP.*

Chairman Vermillion, Director Hagener and Commissioner Stuker conversed about progress the public land/public wildlife (PL/PW) committee is doing on making HB 454 more appealing.

**Action on Motion: Motion passed.**

#### **18. Avista Cooperative Management Area – Final**

Quentin Kujala, Wildlife Management Section Chief stated the Avista Cooperative Management Area proposal is unchanged from the tentative proposal (see minutes from the May 22, 2014 Commission meeting). Public comment ran through June 23; no comments were received. This rule will result in continued free public access on Avista lands year round.

**Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission adopt the Avista Cooperative Management Area Biennial Rule.**

**Action on Motion: Motion passed.**

#### **19. 2014 Early Season Migratory Bird Regulations – Proposed**

Quentin Kujala, Wildlife Management Section Chief explained migratory bird seasons have direct federal oversight and must be set within federal frameworks. Mourning doves have fixed season dates of September 1 - October 30 and snipe have fixed dates of September 1 - December 16; both have fixed bag/possession limits from year to year. No changes are proposed for the 2014 mourning dove and common snipe seasons. The Rocky Mountain Population (RMP) of sandhill cranes is annually monitored, with individual states' allowable harvest quotas based on observed numbers and coordinated with the U.S. Fish and Wildlife Service (USFWS). In Montana, crane numbers (3-year average) and hunter access have been used to set permit numbers for each of five areas (Dillon/Twin Bridges/Cardwell, Warm Springs area, Ovando-Helmville, Wheatland/Meagher/Golden Valley/portion of Sweetgrass Counties, and Broadwater County). RMP crane numbers in the multi-state, coordinated survey in September 2013 increased; the 3-year average remains low; the allowable harvest for each state will be reduced slightly. Montana's RMP harvest allocation will be reduced from 144 in 2013 to 127 in 2014; the Montana crane harvest has been below allowable levels, with an estimate of 94 birds taken in 2013, compared to a harvest allocation of 144. FWP proposes maintaining permit numbers in most hunting units for the 2014 season, except in the Ovando-Helmville unit increasing the number of cranes allowed per hunter from one to two; numbers of permits and hunters have been kept low in this area and others due to limited hunter access, and the proposed increase will allow more opportunity with the same number of hunters. The remainder of the Central Flyway is under frameworks for mid-continent sandhill cranes, for which the federal framework remains unchanged for 2014. FWP proposes no changes to either RMP or the mid-continent crane season for 2014; season dates would change for both due to calendar progression, with no change in season length:

- Season dates for RMP sandhill cranes (special drawn permits): September 13 – October 5.
- Season dates for mid-continent sandhill cranes: October 4 – November 30.
- The Dillon/Twin Bridges/Cardwell RMP crane unit was already expanded by the Commission at its February, 2014, meeting to include all of Madison and Gallatin Counties.

Public comment will run through 5 p.m. August 4, with final adoption at the August 7 Commission meeting.

**Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the proposed 2014 early season migratory bird seasons as presented by FWP.**

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

#### **20. Missouri/Marias/Teton Rivers Turkey Augmentation (Chouteau and Teton Counties) –Endorsement**

Quentin Kujala, Wildlife Management Section Chief explained FWP is asking the Commission to endorse a wild Merriam's turkey augmentation effort in the Fort Benton and Loma area. Birds trapped in northwestern Nebraska or Montana if available would be relocated to riparian habitats along the Missouri, lower Marias and Teton Rivers. Birds would augment an existing struggling population. With increasing landowner and general public interest for turkey transplants, the National Wild Turkey Federation (NWTf) and FWP toured FWP Regions 4 and 6 analyzing wild turkey habitats. New releases filled EA's in the Bears Paw Mountains and the Missouri River near Cascade in 2008-09, with augmentations along the Missouri/Marias/Teton Rivers discussed since. The Commission endorsed this project in January 2012; excess birds haven't been available in Montana in 2012 and 2013. FWP is looking to partner with Nebraska Game & Parks Commission (NGPC) to receive Merriam's turkeys from the Pine Ridge and Niobrara River area of northwestern Nebraska. Should birds become available in Montana, those birds will be a priority for trapping efforts; FWP is looking to move 100-200 birds over the next two winters to the project area. The Department has had numerous conversations and meetings with area landowners and sportspeople in the project area; a meeting held June 10, 2014 in Fort Benton had 14 landowners and eight sportspeople present; all in full support; ten additional landowners contacted in the project area prior to the meeting offered full endorsement of the proposal. Complete consensus was reached among participating landowners to allow turkey augmentations and turkey hunting on their properties should populations become established. Local, state and regional NWTf and Safari Club International (SCI) representatives offer full support. The NGPC director endorsed the proposal to move birds to Montana over the next two winters.

**Action:** *Commissioner Stuker moved and Commissioner Wolfe seconded the motion that the Commission endorse augmentation of the wild turkey population in the Missouri, lower Marias and Teton rivers with turkeys from Nebraska or Montana.*

Chairman Vermillion asked if turkeys are not available from Nebraska, would there be another area to get turkeys from and if so, should the motion be less vague.

**Chairman Vermillion offered a friendly amendment to strike “from Nebraska or Montana” from the motion.**

Director Hagener stated turkeys should come from Montana’s surrounding area with the same sub-species.

Commissioner Wolfe asked if turkeys are transferred from Nebraska, does Montana provide anything to Nebraska in return.

Kujala stated there is a great working relationship between the two states; stems from a previous delivery of bighorn sheep from Montana to Nebraska.

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

**21. Threemile WMA Forestry Project – Endorsement**

Ken McDonald, Wildlife Administrator explained FWP proposes to develop a forest management project for the Threemile WMA in Ravalli County. FWP envisions a thinning operation of approximately 350 affected acres in a forest of 5,000 acres, to pilot several aspects of potentially replicated future treatments. FWP proposes to: pilot a relationship with Montana Department of Natural Resources and Conservation (DNRC) foresters to provide silvicultural and sale administration expertise to achieve fish and wildlife objectives set by FWP and the public; pilot treatments that would release aspen stands from encroaching conifers, reduce competition for moisture around legacy pines and snag recruits, and reduce the risk of stand replacing fire when fires do occur; make any road improvements of value in reducing sediment delivery to Threemile Creek and enhancing hunter access; and develop a project that could be implemented this coming winter, and serve as a baseline for improving any future forest management prescriptions. FWP will begin obtaining public input and prepare a draft EA for public review with a final recommendation to Commission later this year. No action will allow fuels to continue accumulating on the WMA, which will continue to increase the risk of a wildfire burning all trees, instead of burning a mosaic pattern of the sort that would naturally occur in this ponderosa pine forest. FWP could consider a larger action, involving more acres, but would encumber the time and resources of both FWP and DNRC to the extent that valuable management would not occur this winter; FWP also values the concept of a demonstration, to learn what works and what could be improved before thinking about a larger treatment.

**Action:** *Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission endorse the proposal to begin public involvement toward developing a forest management demonstration project on Threemile WMA as presented by FWP.*

Chairman Vermillion asked for public comment.

Rich Lane, Missoula, supports project; good forestry will enhance wildlife habitat.

**Action on Motion: Motion passed.**

**22. Access Public Land Projects:**

**Region 2: Lazy J Cross - Endorsement**

Alan Charles, Landowner Sportsman Coordinator explained The Bitter Root Land Trust is negotiating a conservation easement (CE) on the 1,080-acre Lazy J Cross Ranch in the Sula Basin area of southern Ravalli County. The landowners have a tradition of providing public hunting access through FWP’s Block Management (BM) program, and are interested the possibility of providing perpetual hunting access as part of the CE. FWP has been asked to consider supporting a partnership effort to acquire the CE, protecting key winter range and other important habitat, and securing exceptional public hunting access. The Lazy J Cross borders both state land and the Bitterroot National Forest, and offers access to more than 40,000 acres of public land within five miles of the ranch’s borders. The Department would provide approximately \$105,000 to complete the project; funding is earmarked from the Home to Hunt program. Public involvement through a draft environmental assessment (EA) will be sought. This conservation project has the potential to secure outstanding hunter access to the ranch and adjoining public lands in the Bitterroot National Forest and Sula State Forest. If negotiations are successful, FWP will bring the project back to the Commission for final review and approval.

**Action:** *Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission endorse the recommendation to proceed with negotiations to develop and bring to the Commission a transaction to secure public hunting access rights as part of the proposed Lazy J Cross Conservation Easement.*

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

Commissioner Wolfe and Stuker stated this is a great project.

**Region 4: Adams Creek - Endorsement**

Alan Charles, Landowner Sportsman Coordinator explained Adams Creek Access Project would acquire a year-round perpetual access easement from Thorson Ranch LLC (Barbara & Ray Russell) for approximately 1.25 miles of road across private land that will connect to USFS Roads. This access easement would maintain public access to the aforementioned USFS roads as significant access points to the Little Belt Mountains, Lewis & Clark National Forest, in Meagher County and has recently been appraised by a private contractor; estimated market appraisal value is \$140,000; due to federal government rules and regulations, however, the USFS would be unable to make a monetary offer for the easement in excess of the appraised value that its process produces, which is likely to be much less. Rocky Mountain Elk Foundation (RMEF) has committed partnership/funding and Montana Fish and Wildlife Conservation Trust has approved \$50,000 if the project moves forward. Public involvement through a draft EA will be sought, pending an endorsement to proceed. This project will secure permanent public access to USFS lands in the Little Belt Mountains of the Lewis & Clark National Forest.

**Action:** *Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission endorse the recommendation to begin negotiations for acquisition of a public road right of way on Adams Creek to access the Lewis & Clark National Forest.*

Commissioner Wolfe asked how FWP conducts land appraisals.

Charles explained FWP contracts with an independent appraiser; appraisals are significantly lower than private contractor appraisals.

Chairman Vermillion asked for public comment.

**Action on Motion:** *Motion passed.*

**Region 7: Calypso – Endorsement**

Alan Charles, Landowner Sportsman Coordinator explained FWP proposes to purchase a permanent road easement across private land to provide public access to more than 40,000 acres of land owned and administered by Bureau of Land Management (BLM) and DNRC in Prairie County; the proposed easement is located approximately four miles west of Terry at the Calypso Bridge on the Yellowstone River. The easement crosses one-quarter mile of private land before connecting to an existing developed road in the Terry Badlands and will provide year-round access for all types of public recreation. FWP proposes to purchase the easement and transfer the road easement, or administrative authority for the road easement, to Prairie County. Upon approval, an EA and public involvement will be developed.

**Action:** *Commissioner Tourtlotte moved and Commissioner Stuker seconded the motion that the Fish and Wildlife Commission endorse the recommendation to begin negotiations for a permanent public access road easement to provide public access to this area.*

Chairman Vermillion asked for public comment.

**Action on Motion:** *Motion passed.*

**Region 3: Medicine Lodge – Final**

Alan Charles, Landowner Sportsman Coordinator explained FWP proposes to purchase a 30-foot wide permanent road easement which would allow the public to cross 0.66 miles, in three separate road segments of Denhan Ranches Inc. in Beaverhead County. The easement would be held by BLM and would create access into Ayers Canyon in the Beaverhead Mountains and Kate Creek in the Tendoy Mountains; both routes are primitive roads and they would receive minimal maintenance; the Kate Creek route is very steep and use will be limited by season. The cost of the easement is \$33,000; \$14,000 from FWP, \$14,500 from RMEF, \$2,000 from Beaverhead Outdoors Association (BOA) and \$2,500 from Skyline Sportsmen (SS). The state and federal land management agencies in Dillon have been under intense pressure to find access solutions to public lands since Denhan Ranches pulled out of Block Management in 2012. An EA was submitted for public comment on May 9; two written comments in support of the access easement were received. Current BLM appraisals do not generate sufficient value to interest the landowner in selling an easement; road construction is a viable alternative, but would require cut-and-fill on Ellis Peak on hills with grades as steep as 60 percent. The access will benefit the public by providing opportunities for upland bird hunting, big game hunting, wildlife viewing and other outdoor recreational pursuits in Douglas-fir and sagebrush grassland habitat of southwestern Montana.

**Action:** *Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission approve FWP's effort to acquire an access easement on the Denhan Ranches Inc., in cooperation with the BLM, RMEF, Beaverhead Outdoors Association and Skyline Sportsmen.*

Chairman Vermillion asked for public comment.

Chairman Vermillion thanked BLM, RMEF, BOA and SS for their work and involvement.

**Action on Motion:** *Motion passed.*

**23. DNRC Land Exchange on Wildlife Management Areas – Endorsement**

Ken McDonald, Wildlife Administrator explained DNRC Trust Lands are intermingled with many of FWP's WMAs. The different agency missions and associated land management direction have been cause for ongoing issues, affecting the integrity of WMAs and lease fees paid by FWP to DNRC continue to increase. The long term solution is for FWP to fully incorporate DNRC lands into FWP ownership and be managed as WMA lands. Accomplishing this would involve multiple individual transactions using one or more of the following options: direct purchase; land exchanges involving outside lands that DNRC has identified for acquisition; and/or direct agency to agency exchanges; each individual transaction would be presented to the Commission for final approval. Acquisition costs for acquiring DNRC lands would be funded primarily with Pittman Robertson dollars and matched by Habitat Montana and other possible funding sources. FWP has been working with DNRC on this proposal and both agencies recognize the considerable benefits to the public, habitat, resource, and Trust Lands of consolidating ownerships. FWP will work with DNRC to obtain public input on individual projects and fulfill other land acquisition process requirements. Pittman Robertson funding and strong support of DNRC embody a unique opportunity. Consolidating lands supports both agencies' missions and provides substantial long term benefit to the public. FWP recommends acquiring up to 18,000 acres of DNRC lands that are within WMA boundaries; owning and managing these parcels as part of the WMAs will help assure habitat values and applied management are consistent and secure into the future.

**Action: Commissioner Wolfe moved and Commissioner Wetsit seconded the motion that the Commission endorse FWP working with DNRC on acquiring up to 18,000 acres of priority DNRC lands within Wildlife Management Area boundaries.**

**Action on Motion: Motion passed.**

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

Keith Kubista, MSFW, against wolf stamp proposal.

Bill Mitchell, Missoula, opposed to wolf stamp proposal; need public hearings.

Toby Walrath, MTA, concerned with wolf stamp proposal; not opposed to nonconsumptive users contributing funds if done correctly.

Dwayne Garner, Missoula, supports wolf stamp; would like a monthly newsletter on wildlife just like fisheries.

Stacy Philbrick, MTA/MTSFW, there is agenda behind the wolf stamp, need public hearings.

Steve Risner, Missoula, against wolf stamp; supports public hearings.

John Davidson, against wolf stamp; wolves have plenty of protection as it is.

Bert Wustner, MTA/MTSFW, where did the promotion of the wolf stamp come from; opposes wolf stamp; family value encourages keeping heritage in mind.

Chairman Vermillion stated he worked with a gentleman in Bozeman; the proposal if for the nonconsumptive user help to financially support wolves; no hidden agenda; final is not drafted yet.

George Corn and Jack Connors, Attorneys, discussed concerns over Bitterroot River closure; public did not have a voice in the closure; FWP has been illegally closing rivers by using emergency rules; outdoors should not be regulated unless the resource is being damaged; Commissioners need to rethink delegation of authority for the Department.

Nick Gevok, (MWF), agrees with wolf stamp.

**Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion to adjourn the meeting. Motion Passed.**

**The meeting adjourned at 3:19 p.m.**

  
Richard Stuker, Vice-Chairman

  
M. Jeff Hagener, Director