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Montana Fish, Wildlife & Parks

MINUTES

Montana Fish and Wildlife Commission Meeting

FWP Headquarters
1420 East 6th Avenue, Helena, MT

November 13, 2014

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

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

Guests: November 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 October 16, 2014 Commission Meeting**
3. **Approval of Commission Expenses**
4. **Commission Reports**
5. **Director's Report**
6. **2015 Commission Meeting Calendar – Final**
7. **Fish and Wildlife Commission Public Comment Policy - Endorsement**
8. **Betty Warren 30 Year Recognition**
9. **Marias River WMA Access Settlement – Final**
10. **Develop Lease Agreement (no-cost) with US Army Corp of Engineers for Murray Springs State Fish Hatchery Endorsement**
11. **Pine Grove Pond FAS Addition – Final**
12. **Silver Lake Recreational Use Petition**
13. **Pheasant Bend Conservation Easement (R4) – Final**
14. **Big Lake WMA Addition – Final**
15. **McClean Game Preserve – Repeal of ARM – Proposed**
16. **Roundup Deer Management Plan – Proposed**
17. **Bighorn Sheep Translocation – Final**
18. **Annual Review & New Annual Work Plans for Elk Management Guidelines in Areas with Brucellosis - Final**
19. **Public Comment – For Issues Not On This Agenda**

1. Call to Order - Pledge of Allegiance
Chairman Vermillion called the meeting to order at 10:19 a.m. and led the Pledge of Allegiance.

2. Approval of Minutes of October 16, 2014 Commission Meeting
Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motioned to approve the October 16, 2014 minutes. Motion passed.

3. Approval of Commission Expenses
Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion to approve the Commission expenses.

Chairman Vermillion asked about the communication expenses.

Coleen Furthmyre, Commission Secretary explained the communication expense is for Verizon Wireless data usage for the tablets.

Chairman Vermillion, Vice-Chairman Stuker, Commissioners Tourtlotte and Wolfe stated they are willing to have 4G data removed from their tablets to help cut costs.

Action on Motion: Motion Passed.

4. Commission Reports

Commissioner Wolfe reported hunting season is underway; whitetail deer harvest has been strong, elk numbers are low. Attended the Finding Common Ground Meeting in Helena; positive meeting; discussed ways to bring together a number of different groups and views; everyone agreed the Department/Commission needs to move forward with expanding public constituency funding. Received calls and emails regarding the elk herd shooting incident near Canyon Ferry; need to prevent the situation from happening in the future; poor hunter behavior and ethics; public is outraged. Had correspondence and input regarding items on the agenda.

Commissioner Tourtlotte reported he spoke with two landowners who were inquiring what they could do to help enhance productivity of sage grouse. Met with a group of individuals from Sheridan who are concerned about wolves and elk reduction in the Tobacco Root Mountains; will follow up with the individuals in January to discuss wolf harvest in that area. Met with individuals and received calls regarding the White Gulch/Canyon Ferry incident; need to look at the situation closely to discourage that type of behavior; lack of hunter ethic. Received correspondence regarding items on the agenda.

Vice-Chairman Stuker reported he has received calls concerning items on the agenda and the Canyon Ferry incident; ethic of hunters is slipping. Attended the Finding Common Ground Meeting; good discussions to move forward. Toured Pheasant Bend, Whitetail Prairie and another conservation easement (CE) with local biologist. Check station in Havre was 75% below last year and 84% below long term average first week of hunting season; second week buck take was within long term season average.

Chairman Vermillion reported he received several calls on the the Canyon Ferry situation; individuals are not hunters, they are thieves. Attended grizzly bear meeting in Bozeman; discussed delisting process. Met with a landowner and the Department in Madison Valley regarding stream access issues. Received several calls concerning bighorn sheep.

5. Director's Report

Director Hagener reported 2/3 of the bison were transferred off Turner's property to Fort Peck on November 12 and the other 1/3 should be moved November 13, deadlines were met; Region 1 and 3 Supervisor selection is in the final stage; legislative bills are starting to come in; will send out monthly report next week.

Chairman Vermillion, Director Hagener and Jim Kropp, Chief of Law enforcement discussed elk shoot-out problems.

Chairman Vermillion commended the Department for the way they handled the Region 3 Supervisor hiring public meeting; public was complementary of the Department.

6. 2015 Commission Meeting Calendar – Final

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission approve the 2015 Commission Meeting Calendar.

Action on Motion: Motion Passed.

7. Fish and Wildlife Commission Public Comment Policy – Endorsement

Becky Dockter, Chief Legal Counsel explained the reasoning and changes for the policy update.

Fish and Wildlife Commission Public Comment Policy

The Montana Fish and Wildlife Commission (Commission) adopts the following policy regarding public comment protocol at Commission meetings.

The Commission values public input and will request public comment on applicable agenda items during regularly scheduled Commission meetings. Before public comment is taken, the Montana Department of Fish, Wildlife & Parks (Department) presents a briefing and recommendation on the agenda item. A Commissioner then proposes a motion based upon the Department's recommendations. Typically, with the exception stated below, members of the public will be offered the opportunity to comment on the motion proposed by the Commission. The Commission reserves the right to limit length of comment due to time constraints and fairness. The Commission begins deliberations after the closure of public comment. During deliberations, the Commission may ask questions of the Department or persons who made public comment. The Commission will then take executive action.

The Commission may take action on any clearly described item appearing on the agenda, whether the item indicates "Proposal," "Endorsement," or "Final." If an agenda item described as "Informational," the Commission will not hear public comment and will not take action.

In light of the extensive opportunity for public comment at meetings across the state on hunting, fishing and trapping regulations, and as a matter of equity for citizens who cannot attend the Commission meeting, when making final decisions on hunting, fishing and trapping regulations, the Commission will not open public comment unless a significant amendment to the tentative proposal is brought forth by the Department. Any comment taken will be limited to the amendment only. The Agenda for each meeting will reflect this exception to public comment opportunity.

Statement of Legal Authority for the Rule

Section 2-3-103, MCA gives the Fish and Wildlife Commission and the Department of Fish, Wildlife and Parks authority to adopt and enforce rules and guidelines regarding public participation in its decisions.

Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission approve the Fish and Wildlife Commission Public Comment Policy.

Chairman Vermillion stated this policy is a restatement of how the Commission has been doing business; no major changes to the policy; public comment is still encouraged.

Action on Motion: Motion Passed.

8. Betty Warren 30 Year Recognition

Director Hagener recognized Betty Warren for her 30 years of service with the Department.

9. Marias River WMA Access Settlement – Final

Aimee Fausser, FWP Attorney explained on September 15, 2014, the Department initiated a three week public comment period (September 15 - October 3) seeking comments on the proposed agreement. At the October Commission meeting, the Commission directed the Department to seek further public comment. The Department held a public meeting on November 10, 2014 in Shelby; 59 verbal and written comments were received; 10 in support and 49 opposed. The Department recommends approval of the Marias River WMA access settlement agreement, in order to gain needed public and administrative access to the Marias River WMA on its east side.

Commissioner Tourtlotte asked if any group that commented was in favor of the settlement.

Fausser state no, all groups were against the settlement.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve the proposed Marias River WMA access settlement agreement.

Chairman Vermillion asked for public comment.

Joe Perry, Montana Sportsmen Association (MSA), not a good agreement; against settlement.

Vice-Chairman Stuker stated he was not a lead negotiator and asked for a caucus during negotiations; explained his feelings, pros and cons about the settlement.

Director Hagener explained the history behind the property; the highest priority from the start was for a wildlife management area (WMA) and the possibility for a primitive park.

Chairman Vermillion echoed Director Hagener comments; unique hunting opportunity; public sentiment is against proposal. Vice-Chairman Stuker is a fair Commissioner who has supported sportsmen issues over the past two years.

Vice-Chairman Stuker asked if a road can be built and upheld.

Gary Bertellotti, Region 4 Supervisor stated physically a road could be built, cost would be extreme.

Vice-Chairman Stuker stated he would like the Department to look at ways to put a road in; worried about what may happen with court case; need to do the best to fulfill past promises.

Commissioner Tourtlotte stated a lot of work and compromise has been put into this project; overwhelming opposition; came up short of where he wanted it to be. Mr. Hunter, Charlie Lincoln's co-representative conveyed that one of Mr. Lincoln's last wishes was to not have the property go to the Wankens.

Commissioner Wolfe recognized the Department's and Commissioners Stuker and Tourtlotte work that was put into the negotiations; voting against settlement; great value to offer more primitive recreational opportunity.

Action on Motion: Motion Failed 3-1.

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

10. Develop Lease Agreement (no-cost) with US Army Corp of Engineers for Murray Springs State Fish Hatchery - Endorsement

Bruce Rich, Chief of Fisheries explained Murray Springs Fish Hatchery was built and is operated as mitigation for Libby Dam, and is owned and operationally funded 100% by the U.S. Army Corps of Engineers (USACOE). The Corps has approached FWP requesting to

enter into a no-cost lease agreement for the land and facility; the Corps would continue to own and fund operations and maintenance at the facility. No public involvement has been solicited to date; FWP will determine if any, public involvement is needed and conduct a process to seek any if found necessary. Alternative would be to work on an agreement and potentially jeopardize collaboration with the Corps and ending mitigation fish production at the hatchery, jeopardizing three full time FWP staff positions and causing the Corps to be non-compliant with their mitigation commitments.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission endorse FWP to pursue a potential no-cost agreement with the U.S. Army Corps of Engineers for the lease and operational funding of Murray Springs Fish Hatchery.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

11. Pine Grove Pond FAS Addition – Final

Bruce Rich, Chief of Fisheries explained on June 12, 2014 the Commission endorsed FWP's request to pursue acquisition through purchase of two parcels covering 4.39 acres and the donation of 0.33 acres bordering the 18-acre Pine Grove Pond Fishing Access Site (FAS). The two fee parcels were appraised at $20,000/acre, and are being purchased for $10,000/acre. The parcels would provide additional access to the Whitefish River and establish the Whitefish River boundary between the FAS and private land; the 0.33 acre donation would be used as additional parking for the busy FAS. Pine Grove Pond FAS is a popular family fishing pond with 30,000 visitor days each year. The two parcels (each about 2 acres) are both part of larger pieces of property and are landlocked between the Pine Grove Pond FAS and the Whitefish River. The Flathead Land Trust recognized this land would be a valuable addition to the FAS and initiated contact with the land owners. The 0.33 acre parcel on the northwest side of the FAS was offered as a donation by the Street Family Trust, who donated the original land for the FAS and developed the fishing pond. FWP is now seeking Commission approval to finalize this acquisition. FWP conducted an environmental review and received 10 comments; all but 1 comment was in favor of the acquisition.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish & Wildlife Commission authorize FWP to purchase approximately 4.39 acres bordering the south side of the Pine Grove Pond Fishing Access Site and finalize the donation of approximately 0.33 acres on the northern boundary of the Fishing Access Site.

Chairman Vermillion asked for public comment.

Chairman Vermillion thanked the Street Family for their donation.

Action on Motion: Motion Passed.

12. Silver Lake Recreational Use Petition

Jim Kropp, Chief of Law Enforcement stated the Department will bring back an amended version of the petition at the December Commission meeting; no action is needed.

13. Pheasant Bend Conservation Easement (R4) – Final

Ken McDonald, Chief of Wildlife explained FWP's Habitat Montana and Upland Game Bird Programs are intending to partner with PPL Montana, Montana Fish & Wildlife Conservation Trust (MTFWCT), Safari Club International (SCI), Ducks Unlimited (DU) and Pheasants Forever (PF) to purchase a conservation easement (CE) from Olson Farms on 298-acres for $280,000. The Commission endorsed the CE at the November 13, 2013 Commission meeting. The property is located 0.5 miles south of Ulm and includes riparian, emergent and forested wetlands, native shrub grassland communities important to many wildlife species, including white-tailed deer, Merriam's turkeys, pheasant, waterfowl and numerous non-game wildlife species. The remainder of the property is managed as a working farm primarily for cereal grain production. Pheasant Bend adjoins the Ulm FAS, administered by FWP, which incorporates two miles of Missouri River and Smith River frontage. The CE would compliment three existing nearby CE's that would conserve and protect important riparian/wetland habitats along the Missouri and Smith Rivers while providing public hunting, trapping, hiking and wildlife viewing access on the on approximately 4,000 acres. Public comment ran from September 24 - October 23, 2014; a public meeting was held on October 9, 2014 with no attendance; 12 written comments were received, all in support.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission approve the Department's recommendation to purchase the conservation easement from Olson Farms as described.

Vice-Chairman Stuker stated he visited with Mr. Olson and toured this property; received a call concerning the easement. Spoke with Region 4 Supervisor Gary Bertellotti regarding weapons restriction in this area and unlimited hunting and access; the more open it is, the better it will be for the Department, as long as it is within the management agreement.

Chairman Vermillion asked for public comment.

Chairman Vermillion stated the Commission wants to see a sound management plan and done in a way that does not burden the neighbors, and hunters that use the property can have a quality hunting experience.

McDonald explained the intent is to secure the easement and then develop the management details before the next hunting season.

Action on Motion: Motion Passed.

14. Big Lake WMA Addition – Final

Ken McDonald, Chief of Wildlife explained the proposed acquisition is a continuation of the Big Lake Wildlife Management Area (WMA) eastside addition project approved by the previous Commission during the October 11, 2012 meeting. In November 2012, FWP acquired approximately 1,110 acres, (parcels 1a and 1b) of land adjacent to the east side of Big Lake WMA in Stillwater County through fee title; this brought the total area of the WMA to 3,170 acres; in July 2013, approximately 4 acres (parcel 3), was acquired. Funding for these purchases came from the Migratory Bird Wetland Habitat Program (MBWHP). A road easement providing public vehicular access to the NE corner of the WMA was acquired from two landowners in February 2014, funded by the Access Public Lands Program. The purchase of parcel 2, approximately 160 acres for $24,000, is nearing completion, and is being brought to the Commission for final approval; this project would be funded through the MBWHP. An Environmental Assessment (EA) on the entire project was prepared and released on August 6, 2012, with public comment running through August 31, 2012; three written comments received, two in support, one comment from the State Historic Preservation Board reminded FWP to consider any cultural/historic features that may be on the property; a public meeting was held in Billings on August 16, 2012, four comments were received all in favor. A Decision Notice was issued on September 21, 2012.

Action: Commissioner Tourtlotte moved and Chairman Vermillion seconded the motion that the Commission approve the Department's recommendation to purchase in fee-title the approximately 160 acres of private land within the boundary of Big Lake Wildlife Management Area.

Chairman Vermillion asked for public comment.

Chairman Vermillion stated this is an excellent project.

Action on Motion: Motion Passed.

Chairman Vermillion excused himself from the final portion of the meeting; at this time, McClean Game Preserve and Roundup Deer Management Plan are the final two items on the agenda requiring action; Bighorn Sheep Translocation and Annual Review and New Annual Work Plans for Elk Management Guidelines in Areas with Brucellosis have previously been discussed.

15. McClean Game Preserve – Repeal of ARM – Proposed

Ken McDonald, Chief of Wildlife explained the 1,464 acre McLean Game Preserve, consisting entirely of private land closed to hunting, was established over 40 years ago to provide for upland game bird nesting habitat. Following the death of the original property owner, the land within the preserve was purchased by two individuals. Since that time, much of the native rangeland has been converted to small grains production and the remainder is seasonally grazed and does not provide quality nesting habitat for upland game birds. One landowner desires to abandon the game preserve status and supports all hunting on his property; the other landowner does not support deer hunting on his property. Repealing the designation of the preserve does not inhibit his choice to allow or not allow hunting on his portion of the preserve; precluding one landowner from allowing hunting, and repealing would not preclude the other landowner from allowing or not allowing hunting on his land; it is the opinion of the Department that the best course of action is to examine repealing the designation of the preserve. The Commission approval is needed to initiate the process to evaluate repealing ARM 12.9.206 which established the McLean Game Preserve. Upon approval to proceed, FWP would conduct the appropriate public review process.

Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission approve for public comment the proposed repeal of ARM 12.9.206 Mclean Game Preserve.

Commissioner Wolfe asked what the purpose of the game preserve is.

McDonald explained it makes the property off limits to all hunting.

Vice-Chairman Stuker asked for public comment.

Action on Motion: Motion Passed.

16. Roundup Deer Management Plan – Proposed

John Vore, Big Game Management Bureau Chief explained in 2003 the Montana Legislature authorized cities to create plans to control wildlife to address public health and safety within city limits; plans must be approved by the Commission. In response to concerns and complaints expressed by citizens concerning the growing population of urban deer and the increased risk to human safety and property damage, the City of Roundup, the Roundup City Council, Musselshell County Sheriff's Department and the Musselshell County Commissioners worked with FWP to draft a Deer Management Plan for the city. The plan lays out goals, actions needed to meet goals

and management process to implement actions. The plans have been approved for the communities of Colstrip and Glendive. Public hunting, restricted to archery is the primary tool employed to manage urban deer numbers. Property owned by the City and Musselshell County where public hunting can occur has been identified; a process has been set up to involve public hunters in the deer management program. A public hearing of the Roundup City Council was held on October 7, 2014 to discuss the Deer Management Plan in and adjacent to the City of Roundup; a few residents and adjacent private property owners attended the hearing and voiced concerns about hunters trespassing on private property but overall supported the Deer Management Plan. The Musselshell County Commissioners and the Musselshell County Sheriff have been contacted and are signatories to the plan. The City of Roundup has been proactive in developing a management plan that is both reasonable and effective.

Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission adopt approval of the City of Roundup Deer Management Plan as presented.

Vice-Chairman Stuker asked for public comment.

Sandra Jones, City of Roundup Mayor, strong support from the city.

Director Hagener asked if it is mule or whitetail deer in question.

Ray Mule', Region 5 Wildlife Manager stated it is primarily mule deer.

Vice-Chairman Stuker asked if it will be open to whitetail deer.

Mule' stated the licenses could be made either sex or species; mostly mule deer.

Action on Motion: Motion Passed.

17. Bighorn Sheep Translocation – Final

John Vore, Big Game Management Bureau Chief explained transplanting bighorn sheep is an effective tool for augmenting existing populations, establishing new populations, and reducing sheep numbers if necessary. At the October 16, 2014 Commission meeting, FWP requested authorization from the Commission to reduce the bighorn sheep population in Hunting District (HD) 482 by trapping and relocating up to 50 sheep to South Dakota. Trapping is proposed because difficult access to some population portions can result in other portions receiving a disproportionate share of comparable ewe harvest. The Commission approved reducing sheep in HD 482 but did not approve an out-of-state transplant. FWP has again queried regional staff regarding the availability of potential transplant or augmentation locations. Due to inadequate habitat, lack of public access for hunting, proximity to domestic sheep and/or goats that pose a disease threat, or concern over inadvertent disease transmission to healthy herds, no suitable transplant or augmentation sites are available at this time. Bighorn sheep in HD 482 are currently over population objective and at greater risk of disease; population objective is 325, as of July 2014, the count was 436. The need to reduce the population and because there are no acceptable in-state transplant sites confirmed at this time, FWP is again requesting authorization to transplant up to 50 sheep from HD 482 to South Dakota. South Dakota Game, Fish and Parks will pay all expenses associated with capture, disease testing, and transport. FWP would also like to have the option of potentially capturing less than 10 sheep north of the river in HD 680 if necessary, to complete the capture goal.

Commissioner Tourtlotte asked if this proposal is different than the one made last month.

Vore stated no.

Director Hagener stated the Department understood the Commission wanted the Department to look if there were any other opportunities within the state for augmentation.

Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Fish and Wildlife Commission endorse reducing sheep numbers in HD 482 by capturing and moving approximately 50 bighorn sheep out-of-state to South Dakota.

Commissioner Wolfe and Vore discussed demographics and population objectives of the sheep in HD 482.

Commissioner Tourtlotte asked if there has been any exploration of the management plans to increase hunting opportunity.

Vore stated there is opportunity to increase hunting, but to actually realize the harvest on the landscape is difficult because the sheep are distributed on private land, and difficult access.

Commissioner Wolfe commented he is in full support of finding places within the state to create new populations; first responsibility is to take care of health and viability of the existing populations; if the future wants the Department to be aggressive in finding areas to reintroduce sheep populations within the state and augment populations when it can be biologically justified; at this time willing to defer to the Department's recommendation.

Commissioner Tourtlotte stated the Department does need to look at this aggressively; unable to understand that there are not three areas to augment sheep populations; still against transferring sheep out of state.

Vice-Chairman Stuker stated the proposed motion only states HD 482 but HD 680 was mentioned; asked if it is both HD's or just HD 482.

Vore explained the Department is mainly looking at HD 482 but if the minimum sheep count was not met, they would take sheep from HD 680 to meet the maximum count.

Vice-Chairman Stuker stated his first priority is for the sheep to stay in state; does not want to create a hazard or disease problem in the state; reluctantly in support of motion.

Vore explained what the Department knows and is learning about sheep disease.

Commissioner Wolfe offered an amendment to his original motion.

Amended Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse reducing sheep numbers in HD 482 by capturing and moving approximately 50 bighorn sheep out-of-state to South Dakota and to provide FWP with the option of potentially capturing some sheep, no more than 10, north of the river in HD 680 if necessary to complete the capture goal.

Chairman Vermillion asked for public comment.

Jim Weatherly, Wild Sheep Foundation (WSF), sheep should stay in Montana but no place to put them this year; Department needs to increase efforts to put sheep in Montana; will submit a letter for educating the public and putting more emphasis on finding areas in Montana; supports motion.

Jim Manning, Clancy, supports and appreciates Chairman Vermillion; need to provide support and effort to determine what is happening with the wild sheep population; need to rely on professional judgment and knowledge of FWP employees; need to transfer sheep out of state at this time and find other places to transfer them in state for the future; supports motion.

Bob Ream, Helena, supports the Department's decision; need to look long term; encourages Commission to endorse.

Glenn Hockett, Gallatin Wildlife Association (GWA), opportunity to capture and transplant sheep in HD 455 and HD 381 (Beartooth WMA); would like the Department to look at enhancing the sheep herds in this area; had same discussion five years ago; sent letter regarding modifications.

Ward Olson, GWA, numerous areas within Montana where sheep could be transferred.

Chairman Vermillion stated he has received a list of over 60 places from people who have suggested places to transfer sheep; believes there is an area along the Rocky Mountain front to transfer sheep; need to look at other ways and resources to support this work; against motion.

Action on Amended Motion: Motion Failed 2-2.
Vice-Chairman Stuker and Commissioner Wolfe - aye
Chairman Vermillion and Commissioner Tourtlotte - nay

18. Annual Review & New Annual Work Plans for Elk Management Guidelines in Areas with Brucellosis – Final

Quentin Kujala, Wildlife Management Section Chief explained in January 2013, the Commission endorsed elk management recommendations from a citizen working group for a plan in areas with brucellosis, including the Designated Surveillance Area as described by the Montana Department of Livestock (DOL). The annual work plans describe specific management actions available for implementation. The proposed 2015 annual work plan represents the third iteration of annual plans and it builds upon the 2013 and 2014 plans and experience gained in their implementation. The proposed 2015 plan includes hazing, fencing, lethal removal of elk, habitat modifications and other efforts to adjust elk distribution to mitigate the risk of brucellosis transmission from elk to cattle; includes the potential for local work groups to propose modifications or additions to the 2015 plan at a later date to the Commission. The public comment opportunity ran through 5 p.m. Monday, September 8; 18 comments were received with opposition consistently represented from sportspersons; support came from the landowner comments. (Plan is available in its entirety in the November 2014 Commission file.)

Dr. Elizabeth Metcalf, Montana State University (MSU) Assistant Professor gave a power-point presentation on attitudes toward brucellosis management tools among hunters, landowner, and general residents.

Action: Chairman Vermillion moved and Commissioner Wolfe seconded the motion that the Commission adopt the proposed 2015 annual work plan for elk management in areas with brucellosis as presented by FWP.

Chairman Vermillion asked for public comment.

Dave Chadwick, Montana Wildlife Federation (MWF), allowing public access makes the use of these tools more acceptable, but also potentially makes them unnecessary; best way to address is through public hunting for public wildlife.

Druska Kinkie, Paradise Valley working group, plan represents flexibility and adaptability; conditions are different for each rancher and areas.

Representative Alan Redfield, Livingston, plan is very workable; does not work once hunting season is over; hazing is important.

Les Castren, Skyline Sportsman, disappointment with the Department and Commission; need scientific evidence that elk is the problem; survey is hypothetical.

Kujala explained the science behind the plan; Department and DOL will have a public presentation to discuss the science behind the plan on Saturday, January 17, at MSU.

Commissioner Tourtlotte questioned waiting until after the January 17 meeting to make a decision.

Chairman Vermillion stated the science on this issue has been firmly established; the meeting is an opportunity for the public to have the results presented to them by the Department and DOL.

Commissioner Tourtlotte stated he has concerns the Department is rushing into this plan and all the issues have not been addressed; Skyline Sportsman and Anaconda Sportsmen club submitted a detailed letter that raised several issues.

Kujala stated the Department believes the plan address the concerns.

Chairman Vermillion explained past activities in Paradise Valley and his perspective on the plan.

Commissioner Wolfe asked for clarification; is there additional approval that will be needed by the local Commissioner.

Kujala stated yes; what makes this plan are the check points and individual action items by the local Commissioner.

Ward Olson, GWA, concerned about late season hunts; critical time for calving; skeptical of allowing grazing in these areas prior to elk calving especially on WMAs.

Chairman Vermillion stated the commingling areas are strictly on private land, not public land.

Action on Motion: Motion Passed 3-1.
Chairman Vermillion, Vice-Chairman Stuker and Commissioner Wolfe – aye
Commissioner Tourtlotte - nay

John Vore, Big Game Management Bureau Chief asked to revisit the bighorn sheep agenda item; asked if the sheep in HD 482 cannot be moved to South Dakota could they be moved to the Beartooth Game Range.

Vice-Chairman Stuker and Becky Dockter, Chief Legal Counsel discussed different legal options to reconsider the motion.

Vice-Chairman Stuker requested the motion only refer to transferring the sheep to the Beartooth and not South Dakota.

Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion to reconsider the bighorn sheep transplant agenda item.

Vice-Chairman Stuker asked for public comment.

Jim Weatherly, WSF asked if the Department's request is to transfer sheep from HD 482 into HD 455.

Vore stated yes.

Weatherly stated in 2011 sheep were transferred from HD 482 into HD 455; there was a die-off a few years later and in 2013 HD 455 was closed; as an alternative send half to South Dakota and the other half into HD 455.

Commissioner Tourtlotte stated he is more comfortable waiting on making a decision and making sure this is what the Department wants to do.

Commissioner Wolfe asked if the Department gave considerable consideration of what plan B would be if the Commission did not approve the transplant to South Dakota and or did this idea come up momentarily.

Vore stated him and Graham Taylor, Region 4 Wildlife Manager discussed this at a recent biologist meeting and he just spoke to Sonja Smith, Region 4 biologist. Sheep need to be moved out of HD 482.

Commissioner Wolfe asked if this was a conscious plan B and a week from now would it still be plan B.

Vore stated yes.

Commissioner Tourtlotte stated he is satisfied with the explanation.

Action on Motion: Motion Passed.

Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission authorize FWP to capture up to 50 bighorn sheep from HD 482 and HD 680 for the purpose of translocating the sheep to the Beartooth Wildlife Management Area.

Commissioner Wolfe stated he is more comfortable with the prior motion but supports this motion as a plan B.

Brian Solan, President WSF, there is a lot of private land holdings and bigger domestic producers in this area; recommends splitting the sheep into this area and South Dakota; transplants have not succeeded in this unit in the past.

Vice-Chairman asked for public comment.

Director Hagener asked when this transfer would occur.

Vore stated in mid-December.

Action on Motion: Motion Failed 2-1.
Commissioner Tourtlotte - aye
Vice-Chairman Stuker and Commissioner Wolfe - nay

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse reducing sheep numbers in HD 482 by capturing and moving approximately 50 bighorn sheep with approximately half of them going to the Beartooth WMA and the remaining sheep going to South Dakota. Furthermore, providing the opportunity for FWP the option of potentially capturing some sheep, less than 10 in HD 680 if necessary, to complete the capture goal.

Vice-Chairman Stuker stated he is uncomfortable voting on this motion as Chairman Vermillion stayed for the bighorn sheep agenda item and thinking it was finalized; asked if it is possible to have a conference call to discuss this further.

Commissioner Tourtlotte stated he is unhappy the way this has unfolded; asked a specific question earlier with the thought in mind that the vote might come down to a tie and asked if there were any place the sheep would be located and the answer to the most part was no; should not vote and objects voting on the motion.

Vice-Chairman Stuker stated there has to be a vote on the motion but will vote against the motion for the reasons he stated. Would like to have a Commission conference call with public comment within the next couple days.

Dockter stated there is no standard on how long the public should be notified before something is on an agenda; the Department usually tries to have notice within 48 hours ahead of time.

Vice-Chairman Stuker asked Director Hagener to get in contact with Chairman Vermillion and ask him to call a tele-conference meeting sometime next week for this item. Asked Legal if there is anything in the statutes that states how many Commissioners have to request for an override of the Chairman, if the Chairman decides he does not want to call a meeting.

Dockter stated there is nothing in statute, but it is a Commission agenda; if there is a quorum to have a requested agenda, it would be considered a vote.

Vice-Chairman Stuker asked for public comment.

Action on Motion: Motion Failed 3-0.
Vice-Chairman Stuker and Commissioner's Tourtlotte and Wolfe – nay

19. Public Comment – For Issues Not On This Agenda

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

The meeting adjourned at 3:14 p.m.

Dan Vermillion, Chairman

M. Jeff Hagener, Director