



# Montana Fish & Wildlife Commission

MINUTES - CORRECTED

## Montana Fish and Wildlife Commission Meeting

FWP Headquarters  
1420 East 6<sup>th</sup> Avenue, Helena, MT

March 12, 2015

Steve Bullock, Governor

Dan Vermillion, Chairman  
PO Box 668  
Livingston, MT 59047  
406-222-0624  
District 2

Gary J. Wolfe  
4722 Aspen Drive  
Missoula, MT 59802  
406-493-9189  
District 1

Richard Stuker  
1155 Boldt Road  
Chinook, MT 59523  
406-357-3495  
District 3

Richard Kerstein  
Box 685  
Scobey, MT 59263  
406-783-8564  
District 4

Matthew Tourtlotte  
940 Blonco Circle  
Billings, MT 59105  
406-698-9696  
District 5

M. Jeff Hagener, Director  
MT Fish, Wildlife & Parks  
1420 East Sixth Avenue  
PO Box 200701  
Helena, MT 59620-0701  
406-444-3186  
(Fax)406-444-4952

Look for the Montana  
Fish & Wildlife Commission  
web page at  
[fwp.mt.gov](http://fwp.mt.gov)



Montana Fish,  
Wildlife & Parks

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman and Gary Wolfe; Lawrence Wetsit via telephone

Fish, Wildlife & Parks Staff Present: Mike Volesky, Chief of Staff and FWP Staff.

Guests: March 12, 2015 - 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 12, 2015 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Neal Whitney's 30 Year Recognition
7. White Bear FAS Seasonal Closure – Final
8. Cedar Creek Water Lease Renewal – Final
9. Future Fisheries Improvement Projects, Winter 2015 Funding Cycle – Final
10. Fishing Access Site Biennial Rule – Final
11. Commercial Use Fee Rule – Final
12. Big Hole River and Powerhouse FAS Closure Rule – Proposed
13. Blackfoot River Recreation Corridor Administrative Rules – Proposed
14. Fishing Contest ARM Rule Modification – Proposed
15. 2016 Fishing Regulations Comprehensive Review – Informational
16. Wallis Ranch Conservation Easement – Endorsement
17. Ash Coulee Conservation Easement – Endorsement
18. Assignment of Public Hunting Access Rights on the Lazy J Cross Ranch – 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 8:32 a.m. and led the Pledge of Allegiance.

### 2. Approval of Minutes of February 12, 2015 Commission Meeting

*Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the February 12, 2015 minutes. Motion passed.*

### 3. Approval of Commission Expenses

*Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the Commission expenses. Motion passed.*

### 4. Commission Reports

Commissioner Wetsit stated his replacement has been appointed, has enjoyed being on the Commission and has enlightened him on the work the Department does; has received a number of calls regarding legislative bills.

Commissioner Wolfe wished Commissioner Wetsit well on his future endeavors. Met with several Blackfoot Valley ranchers to discuss elk management and the biennial season setting process; ranchers have thoughts and ideas they would like to bring forward. Received a call from a Bitterroot Valley sportsman who is interested in looking at a waiting period for the limited-draw hunting units; referred him to the Department. Met with several disabled hunters to discuss the possibility of restoring the opportunity to take antlerless elk/deer for permit to hunt from a vehicle permit holders. Attended a Montana Trappers Association (MTA) trapper education workshop; better understanding of the

terminology, techniques and equipment trappers use; impressed with the presentations and consistent theme of emphasizing ethics; MTA did an excellent job with their education program.

Vice-Chairman Stuker thanked Commissioner Wetsit for his time on the Commission and wished him well. Attended a Block Management appreciation dinner; well attended; Region 6 did a great job of providing information; received a 94% satisfactory on the block management program survey. Few conversations on legislation issues.

Chairman Vermillion stated House Bill (HB) 140 preliminarily passed the House; this bill allows the Department to continue managing Montana Fish Wildlife and Parks; thanked legislatures who supported the bill and the advisory council for their hard work; Department did a great job on outreach. Received calls from disabled hunters regarding the permit to hunt from a vehicle; need to look at ways to restore these opportunities. Mule deer populations in eastern Montana are coming back; trends are positive. Thanked Commissioner Wetsit for his time on the Commission; wished him luck on his future endeavors.

#### **5. Director's Report**

Mike Volesky, Chief of Staff reported Director Hagener is at the North American Wildlife and Natural Resource Conference in Omaha; a lot of issues being discussed at the Conference. House of Appropriations will be finalizing activity soon; things are looking good; 4% reduction for all agencies. Representative Welborn and Flynn, a number of employees and the licensing and advisory council are to be commended for their hard work; HD 140 passed the House on second reading (71-29).

#### **6. Neal Whitney's 30 Year Recognition**

Sue Daly, Chief of Administration recognized Neal Whitney for his 30 years of service with the Department.

#### **7. White Bear FAS Seasonal Closure – Final**

Bruce Rich, Fisheries Administrator explained the White Bear Fishing Access Site (FAS) is located on the edge of Great Falls and has become an attraction for non-sporting use from June 1 - September 1, 2015. The site has many secluded areas that promote unsavory activities during summer months and has caused numerous disturbances with neighbors and traditional site users, and require a high enforcement presence and high demand on maintenance resources. Given the nature of the violations occurring at the site, FWP law enforcement has little to no enforcement authority without assistance from the Cascade County Sheriff. In 2014, the Cascade County Sheriff was unable to respond to some requests for assistance due to the high number of calls and other county priorities; at least two vehicle-related accidents have occurred from people leaving the site while intoxicated; one involved a fatality and the other caused serious injury to a neighbor. FAS neighbors approached the Commission in September 2014 during the open-microphone session and raised concerns about their safety; FWP met with the Homeowners Association in December to explain the preferred approach with a seasonal closure. At the January Commission meeting, the Commission proposed the seasonal closure recommended by FWP, which initiated further public processes; public comment ran from January 22 - February 22; 31 comments were received; 23 in support, 6 opposing and 2 citing need for change without endorsing or opposing the closure.

**Action:** *Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission propose the seasonal closure of the White Bear FAS from June 1 – September 6, 2015.*

Vice-Chairman Stuker stated this motion would eliminate the possibility of parties on Friday and Saturday of Labor Day weekend, and still allow hunters to come in on Monday.

Chairman Vermillion asked what approach is the Department taking to keep the FAS open in 2016.

Gary Bertellotti, Region 5 Supervisor stated the Department is looking at a land exchange, changing the parking structure, increasing visibility to the river, isolating a smaller a portion of the site for public activity and working with the county sheriff.

Chairman Vermillion and Bertellotti had a lengthy discussion on the FAS.

Vice-Chairman Stuker stated the closure does need to be done; public comments asked for a later closure.

Chairman Vermillion stated he will vote for this motion but does not understand and is unfortunate.

Commissioner Wolfe stated he will support the closer due to the documented problems, but is discouraging because of bad actions of a few people.

Commissioners and Rich discussed the reasoning and circumstances surrounding the closure.

Chairman Vermillion asked for public comment.

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

**8. Cedar Creek Water Lease Renewal – Final**

Bruce Rich, Fisheries Administrator explained in 1993, FWP leased seven irrigation water rights on Cedar Creek, tributary to the Yellowstone River near Corwin Springs, from the U.S. Forest Service (USFS); the lease protects 1.3 cubic feet per second (cfs) in the lower reach of Cedar Creek. The Montana Department of Natural Resources and Conservation (DNRC) authorized the temporary change to in-stream flow in 1995 for a period of 10 years. In 2005, the lease was renewed for an additional 10 years, which expires September 20, 2015. Cedar Creek has been an important spawning stream for Yellowstone cutthroat trout; during times of drought, irrigation diversions have dewatered the stream, limiting fry production and migration into the Yellowstone River; the lease has been successful in maintaining high levels of Yellowstone cutthroat fry production during these times. FWP holds another instream flow change which provides an additional 1.7 cfs in the lower reach of Cedar Creek. The USFS has agreed to a 10-year extension of the lease to FWP at no cost for this process. On approval of the agreement by the Commission, FWP will make application to DNRC for renewal of the temporary change to in-stream use for an additional period of 10 years; as part of the lease renewal process, DNRC would notify other users and allow them to submit evidence the instream-flow lease has adversely affected their water rights. FWP has worked closely with the local water users to ensure the effectiveness of the lease.

Commissioner Wolfe asked if there was no cost to the Department and is it an assignment from the USFS.

Rich stated yes, that is his understanding.

**Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion to approve the Water Rights Lease Renewal Agreement with U.S. Forest Service and instruct FWP staff to make application with the DNRC to renew the temporary change to instream flow for a period of 10 years.**

Chairman Vermillion stated this program has worked well in the upper Yellowstone; glad to hear it is being renewed.

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

**9. Future Fisheries Improvement Projects, Winter 2015 Funding Cycle – Final**

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 each year by a 14-member citizen review panel appointed by the Governor. Panel recommendations are forwarded to the Commission every six months for consideration and approval. For the Winter 2015 funding cycle, the Panel recommends funding 18 of 19 submitted proposals at a program cost of \$453,017.90; matching funds, or in-kind contributions from outside sources, total more than \$2.44 million. The public is informed about program funding opportunities via news releases, a public meeting, and information posted on FWP's website. The Panel conducted a public meeting to review applications, discussed proposed projects with applicants in attendance, and received public comment. All applications received for the funding cycle were posted on FWP's website, which allowed viewers to submit comments online; no online comments were received. Environmental Assessments (EAs) were prepared for 8 of the 18 projects recommended for funding; the remaining 10 projects: (3) fell under a categorical exclusion (defined under ARM), (6) will be assessed under the federal National Environmental Policy Act, and (1) had a previously-completed EA. The comment period for the drafted EAs ended on February 17; the State Historical Preservation office commented a cultural survey should be conducted on the Shanley Creek project, a cultural survey on the Douglas Creek project is unwarranted, and coordination of cultural efforts with the USFS should take place regarding Stonewall Creek, Yukon Creek, and Theodore Creek projects. The recommended cultural surveys are underway and will be completed prior to project initiation.

**Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the Future Fisheries Citizen Review Panel funding recommendations for the Winter 2015 funding cycle of the Future Fisheries Improvement Program.**

Chairman Vermillion asked for public comment.

Chairman Vermillion thanked the review committee for their work; nice to see interest.

**Action on Motion: Motion passed.**

**10. Fishing Access Site Biennial Rule – Final**

Bruce Rich, Fisheries Administrator stated the final proposal is unchanged from the tentative proposal (see minutes from the January 15, 2015 Commission meeting). The new rule would replace the current FAS Annual Rule; the rule doesn't contain any changes to the current rule. FWP conducted a 30-day public comment period; no comments were received.

**Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission adopt the Fishing Access Site Biennial Rule.**

Commissioner Wolfe and Rich discussed the possibility of an annual pass or permit for people who use FAS's but do not have a fishing license.

**Action on Motion: Motion passed.**

**11. Commercial Use Fee Rule – Final**

Bruce Rich, Fisheries Administrator explained in January, the Commission proposed a Commercial Use Permit Fee Rule, which sets fees for commercial use occurring on lands under the jurisdiction of the Commission. The Commission proposed two changes to the previous fee rule in response to a recent amendment that now exempts individual photographers and videographers operating on their own without the use of models, props, crew members, or clients. To reflect this exemption for individual photographers/videographers, the Commission proposed the fee rule be amended to no longer include reference to a one-person (photo/film) crew, and the \$50 per year fee for 1–3 person crews be eliminated (retaining the \$25 per day fee). The \$50 per year fee was used by the Department when issuing a permit valid for a 12-month period of time at all locations. The rationale for proposing to eliminate the \$50 per year fee was based on the exemption of individual photographers, there would no longer be a demand for a statewide permit, and the Department would issue site-specific permits to a 2-3 person crew at a cost of \$25 per day. FWP received 86 comments with 95% expressing opposition to the rule; concerns stated there will still be a number of photographers and videographers operating with models, props, crew members or clients and will still need to obtain a permit; there is a concern that site and date specific permits are too confining for an industry that relies on flexibility to photograph when and where conditions are right; the other primary concern is the \$25 per day fee would create a financial hardship to an industry who has paid \$50 per year for a permit.

**Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission adopt the proposed commercial use fee rule for lands under jurisdiction of the Commission with an amendment to include a \$25 per day or \$50 per year fee for two to three person photography and film crews, and definitions for model, prop, crew member, and client.**

Chairman Vermillion asked for public comment.

Vice-Chairman Stuker and Charlie Sperry, Responsive Management Supervisor discussed the fee for, and definition of “model”.

Chairman Vermillion and Commissioner Wolfe stated they received phone calls on this agenda item.

Chairman Vermillion commended the Department for listening to public comment.

**Action on Motion: Motion passed.**

**12. Big Hole River and Powerhouse FAS Closure Rule – Proposed**

Bruce Rich, Fisheries Administrator explained the Montana Department of Transportation (MDT) notified FWP in 2014 of its intention to repair and upgrade Silver Bridge on the Big Hole River beginning July 1, 2014. Due to several construction delays, work on Silver Bridge was not completed before the projected completion date; work was halted for the winter and will resume again with a projected start date of July 1, 2015. MDT will require the contractor to provide safe public float passage, including a 40-foot opening between instream construction-related obstructions, and appropriate navigational signage and hazard posting. MDT informed FWP it does not anticipate the construction will create conditions that would require temporary closures of the river or the FAS; as a precaution, MDT has asked the Commission to reauthorize a rule that would let FWP, in consultation with the local Commissioner to temporarily close the river and/or the FAS to all activity during the new construction timeline (July 1 - October 15, 2015). The contractor, with confirmation from MDT, would be required to notify FWP of such a request and would be responsible for posting signs at upstream access sites notifying the public about any temporary site or river closures. FWP understands the Big Hole River is very popular among anglers and important to the regional tourism economy; for these reasons, FWP would only consider closures if there are no reasonable alternatives. Public comment will be sought and the Department will report back to the Commission with a final recommendation.

**Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission propose an annual rule authorizing FWP, in consultation with the local Commissioner, to temporarily close a portion of the Big Hole River and/or the Powerhouse Bridge FAS to all activity, as may be necessary to safely complete repairs of Silver Bridge during the time period July 1 to October 15, 2015.**

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

**13. Blackfoot River Recreation Corridor Administrative Rules – Proposed**

Bruce Rich, Fisheries Administrator explained the Blackfoot River Recreation Corridor Agreement has been in existence since 1976 when landowners along the Blackfoot River entered into an informal agreement with FWP and others agencies to manage recreation on a stretch of the Blackfoot now referred to as “the Corridor”. Landowners wished to continue their agricultural way of life and maintain the natural state of the river, while still allowing for the tradition of reasonable public use on private land/access. The original agreement created a public travel zone along the river bank between parking areas where people can walk, fish, picnic, or carry river craft; this was defined as 50 feet above the ordinary high water mark; the agreement was in place before the Montana Stream Access Law and was unaltered until 1995; the agreement has had four reviews, revisions, and renewals since 1995. The exclusion areas are signed so the public does not come above the ordinary high water mark in these areas. Another important addition over the years is float-in campsites in the corridor that are designated and maintained by FWP. There are three privately owned (Six Stall, Three Stall and Roundup), public

access sites provided by landowners through the Corridor Agreement. If landowners opt out of the Corridor Agreement, it is stated they may also remove those access sites from public use. The agreement is up for renewal this year and the landowners want it renewed with the caveat that the rules are established, are enforceable and the public is made aware of and given the opportunity to comment. (see the proposed "Blackfoot River Recreation Corridor Landowners' Agreement" in the March 15, 2015 Commission file folder)

**Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission propose administrative rules in accordance with the Blackfoot River Recreation Corridor Agreement.**

Vice-Chairman Stuker thanked the Department for working with the private property owners; benefits all parties.

Commissioner Wolfe congratulated the Department and complimented Region 2 staff for their work on this issue.

Chairman Vermillion, Rich and Joe Jaquith, Region 2 Warden Captain discussed the 50 foot travel zone.

Chairman Vermillion asked for public comment.

Chairman Vermillion stated this is a great agreement that has been in place a long time.

**Action on Motion: Motion passed.**

#### 14. Fishing Contest ARM Rule Modification – Proposed

Bruce Rich, Fisheries Administrator explained fishing contests on wild brook trout in rivers or streams are currently prohibited under ARM 12.7.807; no competitive fishing events are allowed on rivers/streams for wild trout. FWP would like to modify this prohibition to allow anglers 14 years old or younger to participate in contests for brook trout; contests would remain subject to requirements of ARM 12.7.801 that designates threshold numbers of anglers and prize values above which a formal tournament permit would be required. The proposed modifications of ARM 12.7.807 are indicated below:

##### 12.7.807 PROHIBITED CONTESTS

- (1) Contests involving any ~~Montana~~ listed species or species of special concern are prohibited except ~~the following:~~
  - (a) ~~contests are allowed for lake/ reservoir stocked for~~ Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) or westslope cutthroat trout (*Oncorhynchus clarki lewisi*) ~~including upper Missouri cutthroat trout stocked in lakes or reservoirs.~~
- (2) All contests involving wild trout (*Salmo Onchorynchus* or *Salvelinus*) in streams/ or rivers are prohibited except contests for brook trout (*Salvelinus fontinalis*) that are restricted to anglers 14 years or younger.

With proposal of this rule, filing and publication initiates the public involvement process; public comment will be solicited and public hearings will be held; potential adoption will be brought back to the Commission no earlier than June 11. With no change, angling contests remain prohibited on wild trout in streams and rivers; organized fishing events could occur if prize offerings are distributed on some basis not related to the actual fish that are caught. The rule change would allow young anglers to fish organized events for brook trout in rivers and streams that directly associate rewards to each angler's actual success.

**Action: Commissioner Wetsit moved and Vice-Chairman Stuker seconded the motion that the Commission propose to modify existing ARM rule 12.7.807 as suggested by Fish, Wildlife and Parks, and to conduct all appropriate public involvement processes necessary for consideration of its final adoption.**

Chairman Vermillion and Rich discussed rule clarifications.

Chairman Vermillion asked the Department to clarify the modification in the proposal; proposed ARM is confusing.

Mike Volesky, Chief of Staff and Rich explained the genesis and necessity of the rule.

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

#### 15. 2016 Fishing Regulations Comprehensive Review – Informational

Bruce Rich, Fisheries Administrator explained the Fisheries Division has begun the fishing regulation setting process for 2016. Regulation changes are made every year; every fourth year (2016 being one of them) FWP embarks on a thorough review of its fishing regulations. Two primary activities occur during these fourth-year efforts: FWP proposes ways to simplify and standardize regulations, within individual waterbodies, regions or statewide, and the public is solicited for ideas on regulation changes. A brochure is being developed which asks the public to provide FWP with ideas on regulation changes and to comment on a number of ideas developed by FWP. The brochure will be sent to all license agents for distribution to anglers buying their 2015 fishing licenses and will be posted on the FWP website, where comments can be made. Comment will be sought locally through March at which point FWP will compile the public responses to date and send to Regional Fisheries Managers who will use the information to decide on ways to fashion appropriate

regulation changes. Further engagement with the public will occur and could include open houses, presentations to angler groups, discussion at Regional Citizens Advisory Committees (CAC) or surveys. Results will be used to propose regulation changes for 2016, and will be presented to the Commission in August. Once approved, a 30-day public comment period will follow, and the Commission will consider final adoption of the existing regulation and any changes in October.

Commissioner Wolfe asked if a member of the public has a topic they would like to bring to the Department but is not Region specific, who should they contact, and will there be extensive meetings like the biennial season setting regulations.

Rich stated he would prefer they speak with the regional fisheries manager; there will be discussions at the CAC meetings and meetings with local angler groups.

Commissioner Wolfe and Rich discussed spearholes and spear fishing.

#### **16. Wallis Ranch Conservation Easement – Endorsement**

Rich Northrup, Wildlife Habitat Bureau Chief explained the Wallis Property is comprised of approximately 1,179 acres of private land adjacent to the Musselshell River in Region 5 near Lavina. The area has a high level of terrestrial species richness and provides key winter range for mule deer and white-tailed deer; upland game birds; cottonwood and riparian floodplains make up approximately 15 percent of the property. As a result of recent severe flooding, there is active cottonwood regeneration in riparian areas and many species of concern are likely to use these areas. Approximately 65% of the plant communities on this property are considered by the 2014 State Wildlife Action Plan (SWAP) to be of greatest conservation need. The landowner and his family intend to provide quality wildlife habitat while maintaining their livelihood under the terms of a conservation easement (CE) and are interested in providing additional public access for hunting, fishing, and recreation in an area where opportunities are limited. A CE would conserve and enhance a variety of valuable wildlife habitats and would prevent fragmentation from subdivision or other land use changes in the future; and public access for hunting and fishing would be secured under the terms of the easement. Habitat Montana and Upland Game Bird Enhancement Program funds will help support this easement. Upon endorsement, FWP will conduct appropriate analyses, public review processes and negotiations. The CE alternative allows the property to remain in private ownership while conserving and enhancing habitat, and providing recreational access. Given current trends in the area surrounding the Wallis property, it is probable, if sold in the future this parcel would be converted for subdivision or other land use changes. If FWP took no action, the land may eventually be sold to a recreational buyer or a developer, and opportunities to conserve and enhance wildlife habitat, and increase public access would be lost.

**Action: Vice-Chairman Stuker moved and Commissioner Wetsit seconded the motion that the Fish & Wildlife Commission endorse this conservation easement project, allowing FWP to initiate negotiations and to conduct analysis and associated public review.**

Chairman Vermillion asked what the time line is on this project.

Northrup stated it will be at least a year before the project is finalized.

**Action on Motion: Motion passed.**

#### **17. Ash Coulee Conservation Easement – Endorsement**

Rich Northrup, Wildlife Habitat Bureau Chief explained FWP proposes to purchase a perpetual CE on 4,800 acres of deeded land northwest of Glasgow; approximately 1,400 acres of the proposed easement are located along 11 miles of the Milk River, in addition to 3,400 acres of native grass and shrublands. The property, Ash Coulee, consists of two separate parcels located within 1 mile of each other. The ranch provides productive riparian, wetland, native shrub and mixed grassland habitats, all have been identified as state priority habitats. The area includes critical winter range for antelope and mule deer, and is part of the Sage Grouse Connectivity Core Area. The Milk River portion includes important year-round habitat for ring-necked pheasants, turkeys, white-tailed deer, and many other resident wildlife species. Ash Coulee lies adjacent to the FWP Vandalia Wildlife Management Area (WMA), Bureau of Reclamation property, publicly accessible DNRC land, two properties enrolled in Block Management, and the Buffalo Coulee CE; when combined, these properties represent 8,914 contiguous acres of publicly accessible land. A CE would protect healthy blocks of riparian and sagebrush habitats from conversion to other cover types, benefitting wildlife and agriculture, while increasing public hunting and fishing opportunities. Upon endorsement from the Commission, FWP would conduct appropriate analysis, public review, and negotiations.

**Action: Commissioner Wetsit moved and Vice-Chairman Stuker seconded the motion that the Fish & Wildlife Commission endorse this conservation easement project, allowing FWP to initiate negotiations and to conduct analysis and associated public review.**

**Action on Motion: Motion passed.**

#### **18. Assignment of Public Hunting Access Rights on the Lazy J Cross Ranch – Final**

Alan Charles, Wildlife Access Bureau Chief explained FWP proposes to accept assignment of the rights of fall public hunting access on the 1,080-acre Lazy J Cross Ranch from the Bitter Root Land Trust (BRLT) under its CE on the ranch. FWP would provide \$105,000 from the *Access Public Lands* program as partial funding towards the BRLT's purchase of the easement; matching funding for the easement comes from the U.S. Department of Agriculture Natural Resources Conservation Service, pursuant to the Federal Farm and Ranch Lands Protection Program (\$400,000), and the Ravalli County Open Lands Bond (\$350,000); Lazy J Cross Ranch is generously

agreeing to voluntarily gift part of the value of the CE. The proposal would protect in perpetuity, public hunting access on and through the Ranch to over 40,000 acres of adjacent USFS and DNRC School Trust lands. BRLT would hold the easement and enforce the public's right to use the property in the fall; FWP would manage the specific access considerations. The property provides year-round habitat for elk, mule deer, white-tailed deer, bighorn sheep, limited moose, black bear, mountain lion, wolf, and upland game birds. FWP released a draft EA on January 8; public comment ran through February 6; 20 comments were received in support, including the Ravalli County Fish and Wildlife Association and the Montana Wild Sheep Foundation; 5 comments didn't express support or opposition. A public hearing was held January 20 at the Sula Club House; 16 people attended, 7 people offered testimony in support and 2 people expressed concern about parking and safety; 1 concern about acreage removed from the easement for 3 building sites was addressed by BRLT; no comments were received in opposition.

**Action: Commissioner Wolfe moved and Chairman Vermillion seconded the motion that the Fish & Wildlife Commission approve FWP's acceptance of the rights of public hunting access on the Lazy J Cross Ranch and the expenditure of \$105,000 toward the conservation easement held by the Bitter Root Land Trust.**

Commissioner Wolfe stated himself and Vice-Chairman Stuker toured this property in July; great project; thanked the BRLT for the work they have done to put this project together.

Vice-Chairman Stuker concurred with Commissioner Wolfe's comments; tour was beneficial; it is great different groups can work together to accomplish these types of goals.

Chairman Vermillion asked for public comment.

Chairman Vermillion asked how the access will be managed.

Charles stated the property has previously been enrolled in block management and there is a management plan in place; it is the intent to continue to manage hunting access in the same framework using block management as a tool.

Chairman Vermillion thanked the family and BRLT for participating in the process.

**Action on Motion: Motion passed.**

#### 19. Public Comment – For Issues Not On This Agenda

Mike Volesky, Chief of Staff stated the Commission Tour/Open House and Commission meeting will be held in Billings on April 14-15.

**Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to adjourn the meeting. Motion Passed.**

**The meeting adjourned at 10:42 a.m.**



Dan Vermillion, Chairman



M. Jeff Hagener, Director

