



Montana Fish & Wildlife Commission

MINUTES

Montana Fish and Wildlife Commission Meeting

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Montana Fish,
Wildlife & Parks

Montana WILD
2668 Broadwater, Helena

May 14, 2015

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman,
Richard Kerstein and Matt Tourtlotte
Gary Wolfe via video

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

Guests: May 14, 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 the April 15, 2015 Commission Meeting and April 20, 2015 Teleconference Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Malteurop Lease Agreement – Final
7. Classification of Exotic Wildlife ARM – Proposed
8. Big Hole River and Powerhouse FAS Closure Rule – Final
9. Potential Fishing Access Site Acquisitions – Endorsement
 - ~Flathead Lake near Dayton (R1)
 - ~Sun River near Vaughn/Wing Dam FAS Addition near Cascade (R4)
 - ~Missouri River near Carter (R4)
 - ~Musselshell River near Musselshell (R5)
10. Trumbull Creek Conservation Easement (R1) – Endorsement
11. North Shore WMA Additions (R1) – Endorsement
12. Lost Creek WMA Addition (R2) – Endorsement
13. Isaac Homestead WMA Addition (R7) – Endorsement
14. Nongame Check-Off Workplan – Proposed
15. 2015 Mountain Goat Quotas Outside Biennial Quota Ranges – Final
16. 2015 HB 454 Hunting Access Agreements – Proposed
17. 2015 Fall Upland Game Bird Quotas and Limits – Proposed
18. 2015 Furbearer Regulations – Proposed
19. 2015-2016 Wolf Regulations and Landowner Take – Proposed
20. 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 the April 15, 2015 Commission Meeting and April 20, 2015 Teleconference Meeting

Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion to approve the Minutes of the April 15, 2015 Commission Meeting and April 20, 2015 Teleconference Meeting. Motion passed.

3. Approval of Commission Expenses

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

4. Commission Reports

Commissioner Wolfe reported he attended the Region 1 Citizen Advisory Council (CAC) meeting; concerns with the hunter apprentice HB 140 amendment. Received calls from: an individual complaining about the overabundance of turkeys in his yard; two bow hunters who are encouraging the Commission to

consider the use of lighted nocks during archery season; landowner in the Bitterroot Valley encouraging the Commission to consider allowing the use of crossbows on private land during archery season; individuals in opposition of issuing mule deer tags in Region 6 and 7. Toured the Blackfoot Challenge; great collaboration and community based conservation.

Commissioner Tourtlotte reported he received numerous emails and phone calls regarding mule deer B tags; Region 7 staff are doing a tremendous job following the principals of the Adaptive Harvest Management Program; supports the science. Received numerous emails on Senate Bill (SB) 245; supports Governor Bullock's veto; great partners who work with the Department; don't always agree but share the common goal of managing the resources; important to disagree respectively; issue was contentious.

Commissioner Kerstein reported he attended the Missouri Breaks Elk Working Group (MBWG) meeting; Department conducted the meeting well; several organizations were represented; not an easy solution; more landowners should have attended.

Vice-Chairman Stuker stated he received several emails regarding the legislative session and SB 245; communication between the different sportsmen groups could have been done in a more conducive manner. Region is dry; close to a drought situation. Received a call from a veteran asking to consider allowing crossbows for disabled hunters during archery season. Attended the MBWG meeting; conversations on elk and bighorn sheep objectives; concerns over bighorn sheep contracting diseases; mule deer populations are up in the south area of Malta/Glasgow; sage grouse counts continue to increase.

Chairman Vermillion stated he spoke with a disabled hunter regarding the use of crossbows; referred him to FWP Chief Legal Counsel Becky Dockter; very contentious issue. Met with Region 3 fisheries staff to discuss the 2016-2019 Fishing Regulations. Thanked the Department, lobbyists and Representative Welborn for their work on HB 140; disappointed with the legislature's decision on land acquisitions; congratulated Commissioner Kerstein on his appointment.

5. Director's Report

Director Hagener gave a lengthy synopsis on the legislation session; session was difficult from the beginning; commended Sue Daly for her hard work. Attended several meetings on sage grouse; highly controversial topic across the nation; Fish and Wildlife Service (FWS) has to make a determination whether to delist by the end of September. Still negotiating the delisting for grizzly bears in the Greater Yellowstone; making progress. Western Association of Fish and Wildlife Agencies (WAFWA) conference is being held in Reno in July; Tri-State meeting will be held in Wyoming mid-August. Process of finalizing the draft Statewide Bison Plan; hoping to release soon for public comment.

6. Malteurop Lease Agreement – Final

Director Hagener explained FWP and IMC (the predecessors of Malteurop) entered into a water lease agreement and contract in 2005. The contract addressed three components: water lease 1,200 gallons per minute (gpm) for non-consumptive use from Giant Springs Hatchery's water right; the malt company's use of hatchery infrastructure to collect and pump to the malt plant the 1,200 gpm and an additional 300 gpm for consumptive use; and administrative costs. The contract provides Malteurop with water, and use of infrastructure; Malteurop will compensate FWP to mitigate for impacts and use of hatchery facilities and infrastructure, reduction in fish production and a reasonable value for water lease at Giant Springs Hatchery. The first water lease contract was for a period of 10 years and will end September 1, 2015; FWP and Malteurop have renegotiated a water-lease contract from September 2015 - September 2025

<u>Summary of the contract</u>	<u>2005 – 2015</u>	<u>2015 - 2025</u>
Annual Water lease payment:	\$125,000	\$215,000
Infrastructure Lease:	\$125,000	\$155,000
Administrative costs:	\$ 30,000	\$ 40,000
Annual Inflationary rate:	0%	2.15%
Total Annual Reimbursement:	\$280,000	\$410,000 year one

Revenue will be deposited into the Fisheries Mitigation Trust Fund for use by FWP. The original contract offered multiple public-review processes including: Commission approval and public comment, an environmental assessment (EA) for components including development at the hatchery, a pipeline from the hatchery to the plant, temporary water rights changes, Great Falls City Water use, and place of use from the Missouri River water reservation to Giant Springs; additional public comment was taken at the May 14 Commission meeting.

Commissioner Wolfe asked if the 2.15% annual inflationary rate is discretionary or a mandatory rate.

Bill Schenk, FWP Legal Council stated it is an annual fixed rate.

Chairman Vermillion asked how the funds have been spent in the course of the last 10 years.

Schenk explained the funds have been spent on fish hatcheries, monitoring projects, and water and instream flow enhancement. A review panel will be formed to review future expenditures of the funds.

Action: *Vice-Chairman Stuker moved and Commissioner Kerstein seconded the motion that the Commission approve the 10-year water lease and contract between FWP and Malteurop as negotiated for the period from September 2015 until September 2025.*

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

7. Classification of Exotic Wildlife ARM – Proposed

Mike Lee, Enforcement Division explained to be legally imported into Montana, exotic wildlife must be classified. The Classification Review Committee evaluates petitions for such classifications which includes FWP, the Montana Departments of Livestock, Agriculture, and Public Health and Human Services, a representative of the exotic pet trade, and a citizen with an interest in fish and wildlife. The committee makes recommendations to the Commission to classify exotic wildlife either as non-controlled, controlled, or prohibited. Recommendations are based on: the environmental impacts caused by the animal if it is released or escapes from captivity, including ecological and economic impacts; the risk the animal would pose to health or safety of the public, wildlife or agriculture; and the ability to readily control and contain the animal in captivity. The Classification Review Committee recommends the Commission propose rules to allow for the following classification of exotic wildlife:

- **African Soft Fur Rat - *Mastomys natalensis* - Prohibited**—The importation, transportation or possession of the following species of live wildlife or hybrids thereof, including viable embryos or gametes, is prohibited.

Lee explained the African soft fur rats is an opportunistic feeder consuming all types of food in different frequencies depending on the availability of food items in its habitat; grain is their dominant food type. African soft fur rats often live in and around homes where they scavenge for food. The rodents are proven to have environmental impacts. The rodents survive best at 68 F to 75 F and it is unknown if the species could survive indoors in Montana at lower temperatures. Not enough information exists to understand the potential impacts these rodent species in Montana. *Mastomys* species shed the Lassa Fever virus in their urine and droppings that causes illness in humans and have been shown to be the reservoir for plague and other bacterial diseases. Eradication of any feral animal can be costly and time consuming. The Classification Review Committee recommends the African soft fur rat/natal rat be listed as prohibited; Nevada, Kentucky, and Utah, have prohibited this species.

- **Pacific White Shrimp - *Penaeus (Litopenaeus) vannamei* Controlled**—The following exotic wildlife may be possessed in Montana only with a Controlled Species permit from FWP.

Eileen Ryce, Fisheries Hatchery Bureau Chief explained pacific white shrimp are a tropical marine aquatic species who would have limited ability of survival in Montana water; water temperatures needs to be above 20 C and require salt water to survive and reproduce. The primary concern is their ability to introduce pathogens that could potentially infect other aquatic organisms. The risks associated with *Penaeus vannamei* can be minimized by maintaining them within contained systems with no connection to open water. The Classification Review Committee unanimously recommends the pacific white shrimp be listed as controlled with the following restrictions: Corporations raising *P. vannamei* commercially must hold a \$500 surety bond; facilities must be indoors and locked with restricted access; facilities cannot be within 100-year flood plain, at least 200 feet from surface water, does not divert surface water or discharge into surface water; importation only of certified specific pathogen free stock.

Vice-Chairman Stuker asked if an individual wishes to acquire the pacific white shrimp would they need a surety bond.

Ryce stated the only way to import and possess the shrimp is for a commercial operation; individuals are not allowed to raise them.

Commissioner Tourtlotte asked what the intent of the surety bond is.

Ryce explained if something happens that causes impact, the \$500 would help mitigate expense cost; same surety bond as commercial hatcheries.

Chairman Vermillion asked if the applicant's pay any part of the administrative costs and can the Department or Commission have the authority to look at a ways to recover some of the administrative costs.

Ryce stated the only fee that is charged is for a controlled species permit; \$500 is per statue; will talk to the Legal Unit to see what can be done.

Vice-Chairman Stuker stated the surety bond should be increased substantially.

Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission propose amendments to the classification of exotic species Administrative Rules of Montana as recommended by the Classification Review Committee.

Vermillion asked for public comment.

Action on Motion: Motion Passed.

Bruce Rich, Fisheries Administrator explained the administrative rules and Commission actions for fishing restrictions and/or closures.

Chairman Vermillion and Rich discussed fishing opening/closing procedures.

Chairman Vermillion stated to make sure all temperature gauges are in place and working properly.

8. Big Hole River and Powerhouse FAS Closure Rule – Final

Bruce Rich, Fisheries Administrator explained the Montana Department of Transportation (MDT) notified FWP in 2014 of its intent to conduct repairs and upgrades to Silver Bridge on the Big Hole River beginning July 1, 2014; due to several construction delays the December 1, 2014 project completion date was not met; work halted for the winter and will resume on July 1. MDT will again require the contractor to provide safe public float passage, including a 40-foot opening past instream construction-related obstructions, and appropriate navigational signage and hazard posting. MDT has informed FWP construction conditions requiring temporary closures of the river or the Fishing Access Sites (FAS) are not anticipated; as a precaution, MDT has asked the Commission to consider a rule that would reauthorize FWP, in consultation with the local Commissioner, to temporarily close the river and/or the FAS during the July 1 - October 15 timeline. The contractor would be responsible for posting signs at upstream access sites notifying the public about any temporary site or river closures. FWP would make it clear to MDT and the contractor the Big Hole River is very popular among the angling public and important to the regional tourism economy and would only consider closures if there are no other reasonable alternatives. Public comment ran from March 13-April 17; eight comments were received primarily asking for clarification on the closure rule process, time frame of the proposed construction and a general concern the construction closure may interfere with spring and early summer use; it was explained construction would not begin until July 1 and thereby avoiding conflict with early spring fishing.

Action: Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Commission propose an annual rule authorizing FWP, in consultation with the local Fish & Wildlife Commissioner, to temporarily close a portion of the Big Hole River and/or the Powerhouse Bridge FAS to address public safety concerns related to the repair of Silver Bridge during the time period from July 1 to October 15, 2015.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

Director Hagener clarified the following acquisitions are to continue negotiations; discussions have already been made at the field level.

9. Potential Fishing Access Site Acquisitions – Endorsement

Bruce Rich, Fisheries Administrator explained the following potential FAS acquisitions:

Flathead Lake near Dayton (R1)

FWP is seeking Commission approval to conduct due diligence toward potentially acquiring a FAS on the west side of Flathead Lake near Dayton. A private landowner approached FWP and expressed interest in selling approximately 15 acres to FWP. The site would provide lake access for anglers. FWP has been in discussions regarding the potential acquisition since April. If approved, FWP would continue discussions with the landowner, prepare an EA, and seek public comment. Acquisition of this site would provide closer access to the Wild Horse Island State Park than all other access sites, and space is available for plentiful parking, a boat ramp and vault latrine.

Sun River near Vaughn/Wing Dam near Cascade (R4)

FWP is seeking Commission approval to conduct due diligence toward potentially acquiring a FAS on the Sun River near Vaughn. This 56.8-acre parcel with 0.33 miles of Sun River frontage and three ponds measuring 3.2 acres, 0.75 acres, and 0.53 acres. The largest pond is licensed by FWP to contain largemouth bass; previous surveys by FWP showed the pond had yellow perch, pumpkinseed sunfish, fathead minnows and white suckers. FWP estimated this section of the Sun River had 1,237 angler days in 2013. Besides fishing for bass, trout and whitefish, other recreation potential includes floating, waterfowl hunting, upland bird hunting, deer hunting, trapping furbearers, bird watching and nature walks. There are three FAS's upstream and three county bridge access sites downstream. The parcel is accessible by road through a recorded easement. FWP met with the landowner in April to discuss his interest in disposing of the parcel and has had informal discussions with several members of the public to gauge public interest in the site. FWP would formally evaluate the location to include an EA, with public notices and opportunities for review and comment. Regional office determined the Wing Dam FAS will not be included in endorsement.

Missouri River near Carter (R4)

FWP is seeking Commission approval to conduct due diligence toward potentially acquiring a 105-acre parcel FAS on the Missouri River near Carter which borders the Carter Ferry FAS along the entire north boundary of the FAS boat launch. The Missouri River at this site provides angling for smallmouth bass, sauger, walleye, northern pike, shovelnose sturgeon, channel catfish and a myriad of nongame fish. FWP has discussed options for the acquisition with the landowners' agent and informal discussions with several members of the public to gauge public interest in the site. If endorsed, FWP would formally evaluate the location to include an EA, public notices and opportunities for review and comment. There are two boat launches upstream and the two closest boat launches downstream are 16 miles; the parcel is accessible by county road. This part of the river is popular among anglers; FWP estimated this section of the Missouri River had 18,126 angler days in 2013. With minimal development, the site could provide public access for shore fishing in the Missouri River, waterfowl hunting, upland bird hunting, deer hunting, trapping furbearers, bird watching and nature walks.

Musselshell River near Musselshell (R5)

FWP is seeking Commission approval to conduct due diligence toward potentially acquiring a FAS on the Musselshell River near Musselshell. This site has been privately owned but accessed by anglers for many years. An irrigation district has an easement for the

diversion and canal and is willing to work with FWP to improve public access and safety; the irrigation district closed the area for safety concerns of people around the canal headworks. This project could include 25 acres or smaller with as much as ¾ of a mile of river access. The closest FAS is 90 miles upstream. FWP has conducted the following: September 2013-landowner approached FWP about the possibility of a FAS at the diversion; December 2014-met with landowner and irrigation district representative at the site; November 2014-present-FWP has discussed ways to provide safe access with the irrigation representative; April 2015-FWP presented idea to the Musselshell Water Coalition during the regular meeting. FWP would prepare an EA, seek public comment and could negotiate a Private Lands Fishing Access Agreement with the landowner, although the landowner and irrigation district representative have expressed interest in a permanent solution. FWP recommends the Commission endorse its request to pursue the potential purchase of the property and would include negotiating with the landowner to secure acreage for parking, bank fishing access, and potential development for small water craft use; FWP would consult with Musselshell County to address any park-use concerns and with the irrigation district for safety concerns.

Action: Commissioner Wolfe moved and Commissioner Tourlotte seconded the motion that the Commission endorse FWP's request to continue negotiations for the acquisition of fishing access sites on Flathead Lake near Dayton, the Sun River near Vaughn, the Missouri River near Carter, and the Musselshell River near Musselshell.

Chairman Vermillion asked for public comment.

Chairman Vermillion asked if hunting will be allowed on the Musselshell acquisition.

Rich stated he is unclear if hunting will be allowed.

Action on Motion: Motion Passed.

Rich Northrup, Wildlife Habitat Bureau Chief stated the following four land projects were brought before the Commission in December 2014 and held prior discussions with the landowner.

10. Trumbull Creek Conservation Easement (R1) – Endorsement

Rick Northrup, Wildlife Habitat Bureau Chief explained F.H. Stoltze Land & Lumber Co. has offered to sell a conservation easement (CE) on 7,150 acres of commercial forest land along Trumbull Creek; the neighboring 3,020 acre Haskill Basin CE project received Commission endorsement in November 2013. This project would be funded through the Forest Legacy Program, Habitat Conservation Plan (HCP) Land Acquisition Program, a private landowner donation, and cash donations from other organizations or other federal sources. The property provides winter range for mule deer, white-tailed deer and moose, is rated Class 1 for terrestrial species richness and provides important habitat for a variety of Tier I species. The 1.5 miles along South Canyon Creek supports a population of genetically pure westslope cutthroat trout and receives substantial levels of public use for hunting, fishing, trapping and many other outdoor activities. The application process requires considerable endorsement; FWP is working with the Trust for Public Land to inform partners of this potential opportunity. More than 24 organizations have endorsed the project including FWS, U.S. Forest Service (FS), and Confederated Salish and Kootenai Tribes (CSKT) and presented to the Columbia Falls City Council. The federal funding sources proposed for this project can only be granted to FWP; other agencies or organizations cannot secure this property with a CE. This property would likely be developed without a CE; the owners receive regular calls from people interested in buying acreage to build a home or subdivide.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse FWP's proposal to continue negotiating for the purchase of the Trumbull Creek conservation easement.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

11. North Shore WMA Additions (R1) – Endorsement

Rick Northrup, Wildlife Habitat Bureau Chief explained FWP proposes to purchase three different parcels totaling approximately 139 acres that are next or close to FWP's North Shore State Park/North Shore Wildlife Management Area (WMA) and the FWS Flathead Lake Waterfowl Production Area (WPA); these parcels would be added to the existing North Shore WMA. The properties contain agricultural lands, wetlands, and portions of old river channels that provide valuable habitat for migratory waterfowl, upland game birds, bull trout and westslope cutthroat along the north shore of Flathead Lake. The parcels are at risk of being developed, directly affecting adjacent conserved lands. The landowners are motivated to sell their interests to FWP so the conservation/habitat values of these lands can be protected and managed for wildlife and fisheries habitat. Funding could come from Pittman Robertson, Habitat Montana, and Bonneville Power Administration fisheries mitigation funds.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse these additions to the North Shore Wildlife Management Area, allowing FWP to continue negotiations to conduct analysis and associated public review.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

12. Lost Creek WMA Addition (R2) – Endorsement

Rick Northrup, Wildlife Habitat Bureau Chief explained FWP proposes to acquire 449 acres adjoining the Lost Creek WMA in the Beaverhead National Forest. The purchase price would be the appraised value of the fee-title property, which is yet to be determined. Funding would likely be from the Natural Resource Damage Program matched with Habitat Montana funds. Wade Johnson is the current owner and has enrolled this property in Block Management for many years; in 2014, 62% of 82 respondents observed game on the Antelope Gulch BMA, 14% harvested game, and 78% reported enjoying a satisfactory experience on the proposed acquisition. The proposed addition is critical elk winter range and supports mule deer, bighorn sheep and black bear; aspen and associated riparian vegetation offers habitat diversity for a variety of small mammals and birds including ruffed grouse, great gray owls, flammulated owls, and neotropical migrants; upland habitats include xeric Douglas fir, native bunchgrass communities, and juniper shrub-grasslands. Perpetual public access to the parcel for hunting and other recreational activities would be assured. Upon Commission endorsement, a draft EA and management plan for public review and comment. The property contributes important wildlife habitat and public hunting values to the existing Lost Creek WMA, and the possible future loss of private-land habitat and access would diminish the existing span and quality of habitat on public lands.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse FWP's proposal to continue negotiations and develop a plan for adding about 449 acres of habitat to the Lost Creek Wildlife Management Area.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

13. Isaac Homestead WMA Addition (R7) – Endorsement

Rick Northrup, Wildlife Habitat Bureau Chief explained FWP proposes a 527-acre fee title addition to the Isaac Homestead WMA which comprised of two separate units, the east unit (530 acres) and the west unit (745 acres); the west unit is accessible to the public by county road and the only legal public access to the east unit is from the Yellowstone River. This proposed acquisition would connect both the east and west parcels, establishing a contiguous WMA. The proposed addition includes 46 acres of irrigated cropland with associated water rights, is currently in good condition and would transition well to be managed for wildlife habitat under the current WMA management plan; the remainder of the property includes native mixed grass prairie, a shallow wetland basin, and brush-filled coulees. The property would provide fishing, pheasant, whitetail deer and waterfowl hunting. Upon Commission endorsement, FWP would develop a draft EA for public review and comment.

Action: Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Fish & Wildlife Commission endorse the purchase of this addition to the Isaac Homestead Wildlife Management Area, allowing FWP to continue negotiations and to conduct analysis and associated public review.

Chairman Vermillion asked for public comment.

Chairman Vermillion stated this is a great addition to the existing WMA.

Action on Motion: Motion Passed.

14. Nongame Check-Off Workplan – Proposed

John Vore, Game Management Bureau Chief explained under the provisions of 87-5-122, MCA, "the FWP Commission shall review and annually approve the nongame wildlife program's projects recommended by the Department for funding from the nongame wildlife account. The Commission shall provide for public comment during the review and approval process." The average received by FWP from 2004-2014 was \$27,537/year. The total donation from 2013 was \$35,992 and as of March 31, 2015, \$18,972 has been donated for tax year 2014. FWP is proposing the following work in FY15 with anticipated funding:

- **\$15,000** Inventory, monitoring and conservation work on Montana Species of Concern and species in need of inventory as determined through a formal ranking process.
- **\$5,000** Prioritize habitat for conservation including: 1) identifying the most critical habitat needs for nongame, threatened or endangered species, 2) identifying and monitoring threats to these critical habitats.
- **\$5,000** Competitive student stipend for nongame research.
- **\$3,000** Contribution to ongoing Sylvatic Plague Vaccine research in Montana.
- **\$5,000** Contribution to a landowner incentive program designed to aid in recovery and eventual down-listing of the black-footed ferret.

- **\$2,000** Education and outreach efforts to promote nongame wildlife appreciation and conservation.

Public comment will be solicited upon approval. The recommended work addresses several nongame management program, as identified in the Comprehensive Fish and Wildlife Conservation Strategy. Tax check-off funding is used in conjunction with State Wildlife Grants to address high priority habitat, survey and inventory, and species conservation needs.

Commissioner Kerstein asked what efforts the Department is doing to try and increase the amount for the check-off.

Vore stated over the years there has been several different efforts; open to new ideas.

Director Hagener stated the Department is conducting a Finding Common Ground meeting June 10; other sources of funding will be discussed then.

Action: Vice-Chairman Stuker moved and Commissioner Kerstein seconded the motion that the Fish and Wildlife Commission tentatively approve the proposed Nongame Tax Check-Off work for Fiscal Year 2016.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

15. 2015 Mountain Goat Quotas Outside Biennial Quota Ranges – Final

John Vore, Game Management Bureau Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the April 15, 2015 Commission meeting). The Rocky Mountain Goat Alliance (RMGA) publicized this project and proposal via social media through 2014 and supports a reduction in licenses to allow this population a chance to increase. Formal public comment ran through 5 p.m., May 11; 35 comments were received; 23 in support, 8 opposed and 4 undecided.

Chairman Vermillion stated he has received phone calls expressing concerns about the decline in mountain goats; does the Department have a plan or research that being done to move forward.

Vore stated the populations that have been reintroduced are doing well; the native populations are struggling and the Department has reduced harvest in these areas; researching historic population data for guidance on future efforts.

Action: Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission approve the proposal to reduce the mountain goat license quota for hunting district 326 from six to two either-sex licenses to be issued for the 2015 season as recommended by FWP.

Action on Motion: Motion Passed.

16. 2015 HB 454 Hunting Access Agreements – Proposed

John Vore, Game Management Bureau Chief explained under the provisions of 87-2-513 MCA, FWP received the authority to issue either-sex or antlerless elk permits to landowners for management purposes. The landowner must offer free public elk hunting, meet the various conditions of the statute, and enter a contractual public elk hunting access agreement with FWP. The contract defines the areas open to public elk hunting, the number of elk hunting days that will be allowed on the property, and other factors FWP and the landowner consider necessary for the proper management of elk. The Swanz Hunting Access Agreement states in return for allowing access to elk hunters, Mr. Swanz, or a family member, would receive one 411-21 either-sex permit and FWP would issue four additional 411-21 permits from the already randomized list of unsuccessful applicants for that license permit type; successful applicants could only hunt on the Swanz deeded property. This agreement was first used in 2002 and has been reapplied annually based upon continued positive post-hunt evaluations; the proposed agreement for 2015 represents no change from the 2014 agreement. The Swanz agreement has received public review in previous years and has generated few public comments. The post-hunt evaluations have sought feedback from all identified hunters and the landowner; the evaluations confirm the agreement terms, and reasonable expectations, are generally being met. The public comment period will run through 5 p.m., Monday, June 29, with final action at the July Commission meeting.

Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion that the Fish and Wildlife Commission adopt the proposed Swanz Ranch hunting access agreement for public comment as presented by FWP.

Vice-Chairman Stuker asked if there are other HB 454 proposals being looked at.

Vore stated there are three other proposals currently under consideration.

Chairman Vermillion, Vice-Chairman Stuker, Director Hagener and Vore discussed active infrastructure, ways to modify the allowance and encourage more landowners to participate, and conversations with the Public Land/Public Wildlife (PL/PW) Council.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

17. 2015 Fall Upland Game Bird Quotas and Limits – Proposed

John Vore, Game Management Bureau Chief explained upland game bird season dates for 2015 were approved in February. Other season elements include bag and possession limits, and permit quotas for turkeys. The following changes are proposed for the 2015 upland game bird season:

Region 1: In December 2013 Region 1 originally proposed the fall bag limit be increased to two either-sex turkeys with the intent that the yearly bag limit would likewise be increased to three; this proposed bag limit did not get properly reflected in the regulations. FWP seeks a clarification so that the fall regulations will read:

Bag Limit: Two wild turkey, either-sex in the fall. A separate license is required for each turkey. The total bag limit of the spring and fall seasons combined cannot exceed three turkeys per hunter. The combination of up to three turkeys per year may come from the spring and fall seasons as described below; any combination of three turkeys taken during the spring and fall seasons combined; one must be harvested in Administrative Region 1.

Spring Season - A hunter may harvest up to two male turkeys in the spring; one must be harvested in Administrative Region 7.

Fall Season - A hunter may harvest up to two either-sex turkeys in the fall; one must be harvested in Administrative Regions 1 or 7. Any hunter taking a second turkey in the fall and hunting in Administrative Region 1 must harvest a hen turkey.

Region 3: Increase the HD 395 fall permit quota from 20 general and two youth-only permits to 50 general and 10 youth-only.

All other upland game bird regulations will remain unchanged from 2014; season dates were set by the Commission in February 2015. The proposal is based upon field observations and regional input, and is consistent with statewide upland game bird management. Public comment will run through 5 p.m., June 29.

Chairman Vermillion and Vore discussed the 2015 season sage grouse opening/closures and current sage grouse counts.

Chairman Vermillion and Director Hagener discussed the new sage grouse executive order, Commission provisions and sage grouse research.

Action: *Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion that the Fish and Wildlife Commission approve for public comment the proposed 2015 upland game bird bag and possession limits and permit quotas as presented by FWP.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion Passed.*

18. 2015 Furbearer Regulations – Proposed

John Vore, Game Management Bureau Chief explained the proposed three changes to the furbearer regulations:

Proposed furbearer quota changes are:

- Reduce Region 4 bobcat quota from 200 to 100
- Reduce Region 5 bobcat quota from 250 to 200
- Reduce Region 6 bobcat quota from 90 to 50

All other season elements and quotas are proposed as unchanged from 2014. The public comment will run through 5 p.m., Monday, June 29, with any final adoptions at the July Commission meeting. 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.

Action: *Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission approve for public comment the proposed 2015 furbearer season structure and quota change recommendation for bobcats as proposed by the Department.*

Vermillion asked for public comment.

Christopher Justice, Footloose Montana, supports reductions; asked if the numbers include hound hunting.

Vore stated quotas include both trapping and hound hunting.

Action on Motion: *Motion passed.*

Proposed lower jaw extraction:

FWP is proposing people harvesting bobcats be required to turn in the lower jaw for ageing. The jaw would not be returned and would be sent directly to the independent tooth-ageing lab for tooth extraction and ageing. This differs from the current system of requiring the entire skull be turned in and sent to the FWP lab at the end of the season; the lab boils the skulls, extracts the teeth,

sends them to the tooth-aging lab, and returns the skulls to the individual harvesters. The proposed changes are due to the FWP lab no longer having the capacity to process skulls, and analysis indicates it will be cheaper.

Action: *Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission approve for public comment the proposed 2015 furbearer regulation that the lower jaw be surrendered by the harvester as proposed by the Department.*

Vice-Chairman Stuker, Commissioner Tourtlotte and Commissioner Wolfe discussed the logistics of the proposed lower jaw extraction regulation.

Chairman Vermillion asked for public comment.

Action on Motion: *Motion passed.*

Proposed regulation changes outlined in the lynx lawsuit settlement:

Aimee Fausser FWP Legal Council explained as part of the settlement agreement in Friends of the Wild Swan vs. Dan Vermillion et. al. (13-CV-66-M-DLC), the State-Defendants agreed to adopt and implement special regulations required in areas identified as Lynx Protection Zones (LPZ) to protect lynx and help trappers avoid accidentally taking lynx in Montana. These regulatory measures require Commission approval to be adopted and implemented. The special regulations for the Commission to consider are:

- Rabbit or hare parts, whether for flagging purposes or for bait, may not be used within 30 feet of a set trap.
- The use of natural flagging such as bird wings, feathers, or pieces of fur may not be used within 30 feet of a set trap.
- The use of fresh meat baits is not allowed (only tainted bait allowed).
- The use of Conibear or "body-gripping" traps are not allowed unless:
 - they are placed as part of a water set
 - they are placed as part of an elevated set that does not include a leaning pole
 - they have a jaw spread of less than or equal to 5 inches
 - are placed in a leaning pole set with a diameter of no larger than 4 inches and with trap and bait set at least 48 inches above the ground; or
 - are placed with a trigger recessed a minimum of seven inches and contained in a wood, plastic, or metal enclosure or cubby with an opening no larger than 52 square inches.
- For trappers targeting bobcat, the use of foothold or leghold traps are no allowed unless they:
 - have an inside jaw spread of less than or equal to 5 3/8 inches
 - are placed in a leaning pole set with a diameter of no larger than 4 inches and with trap and bait set at least 48 inches above the ground; or
 - are equipped and set with a minimum 10 pound pan tension device.
- The use of snares are not allowed unless they:
 - have a cable diameter greater than or equal to 5/64 inches
 - have loops that are larger than 8 inches measured from side to side; and
 - are equipped with a breakaway lock device designed to release when more than 350 pounds of force is applied (no non-relaxing lethal snares are allowed).
- All leaning pole sets must use poles that are no larger than 4 inches in diameter and with trap and bait sets at least 48 inches above the ground.
- Any incidentally caught lynx that is uninjured must be immediately released, if possible. Any trapper who accidentally takes a lynx is required to notify their local conservation officer as soon as possible or within 24 hours. Persons who know about the take of a lynx shall report it by calling 1-800-6668.
- Trappers targeting bobcat are required to visually check their traps at least once every 48 hours.
- Trappers are strongly encouraged to not set traps if lynx are observed in an area or if lynx tracks are identified. Trappers are also strongly encouraged to use live traps (e.g. box trap) and carry catchpoles to aid in the safe release of non-target species.

Information about the lawsuit settlement was shared at regional meetings with trappers; reactions were mixed with some opposing the conditions of the settlement while others thought it would not require much change to the way they currently trap.

Chairman Vermillion asked if the components of the settlement will be in the regulations.

Vore stated yes, they will be included in the regulations.

Action: *Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Commission adopt the regulations changes outlined in the lynx lawsuit settlement as proposed by Fish, Wildlife and Parks.*

Commissioner Tourtlotte asked if the lynx settlement is approved, would the lawsuit be dismissed with prejudice.

Fausser stated if the regulations are approved, the Department will ask the court for the lawsuit to be dismissed.

Chairman Vermillion asked for public comment.

Mathew Bishop, attorney for plaintiffs, good decision and compromise; based on best science; any risk will be alleviated.

Nick Gevok, Montana Wildlife Federation (MWF), supports settlement; Montana has a good trapping community.

Kylie Paul, Defenders of Wildlife (DOW), supports settlement; good faith efforts.

Action on Motion: Motion Passed.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve for public comment the proposed 2015 furbearer season structure including the quota changes as proposed by the Department.

Chairman Vermillion asked for public comment.

Kylie Paul, DOW, fisher numbers are down; consider closing fisher trapping for this year.

Action on Motion: Motion Passed.

19. 2015-2016 Wolf Regulations and Landowner Take – Proposed

John Vore, Game Management Bureau Chief explained regulated public hunting and trapping of wolves was endorsed by the Governor's Wolf Advisory Council in 2000 and is included in Montana's Wolf Conservation and Management Plan. At the end of 2014, a minimum of 544 wolves were counted and verified in the state; down from a high of 653 wolves in 2011. The number of wolf-related complaints and livestock losses also declined in recent years; in 2009 there were 233 complaints and 309 livestock lost to wolves; 2014 there were 92 complaints and 41 head of livestock lost. During the 2014-15 season, 206 wolves were legally harvested; 130 by hunters and 76 by trappers; 6 wolves representing a potential threat to human safety, livestock or domestic dogs were taken by landowners or their agents from July 2014 to present. There are no proposed changes to the wolf hunting and trapping seasons for 2015-16 or to the quota for landowner take. Public comment would be taken until 5 p.m., June 29 with final adoption at the July Commission meeting. This proposal is aligned with known biology, management history and experience, livestock depredation trends, survey efforts, and public comment. It is consistent with wolf season objectives, considers the management of other species and continues to value wolves as an integral part of functioning ecosystems.

Chairman Vermillion and Vore discussed wolf regulations and quotas in areas surrounding Yellowstone Park.

Action: Commissioner Kerstein moved and Vice-Chairman Stuker seconded the motion that the Commission approve for public comment the proposed 2015-16 wolf regulations and landowner take quota as presented by FWP.

Chairman Vermillion asked for public comment.

Rhonda Lanier, Wolves of the Rockies (WOR), Montana populations continue to be strong; request quota change in WMU 313-316 from three to two wolves; wolves are the best tool to control chronic wasting disease in elk.

Paul Rossignol, Montana Sportsmen for Fish and Wildlife (MSFW), plenty of habit for the wolves; discussed handout given to Commission.

Marc Cooke, WOR, wolf numbers and depredation are declining; need to shorten season and lower quota around Yellowstone; quotas in WMU 100 need to be reinstated; offered to work with the Department.

Stacey Philbrick, MSFW, Idaho is taking considerable measures to reduce wolves; spoke with Region 1 biologist who stated WMU 110 has a healthy population; need more liberalized hunting/trapping season.

Nick Gevok, MWF, Department is doing a good job; reaching a balance; supports proposal.

Kylie Paul, DOW, current regulations are overly aggressive; statewide quotas need to be reestablished; reduce quotas around Yellowstone and Glacier; need to look at Idaho's management plan.

Chairman Vermillion stated this is the beginning of the tentative process; the Department deserves credit for the management of wolves; less of a contentious issue.

Action on Motion: Motion Passed.

Director Hagener explained the scoping process has begun for DNRC to dispose of, and for FWP to purchase, the DNRC trust lands; this scoping notice serves FWP's new requirement for scoping acquisitions that exceed 640 acres.

20. Public Comment – For Issues Not On This Agenda

Marc Cooke, WOR, spoke with Region 2 Supervisor Randy Arnold regarding wolf killings in Mineral county; agency should look at poaching issues in the area.

Stacy Philbrick, MSFW, having issues with ravens bothering her chickens; what can be done.

Director Hagener stated chickens are classified as livestock; FWS has authority for livestock depredation; recommends contacting FWS.

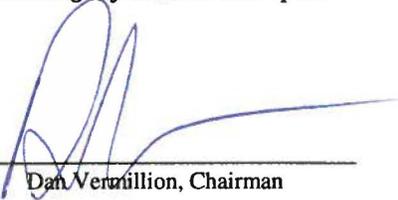
Nick Gevok, MWF, commented on several legislative bills.

Rick Higgins, Ulm MT, would like road work done around his area; has had multiple meetings with Region 1 FAS Coordinator Vicki Robinson, she will no longer take responsibility; who should he contact.

Director Hagener recommended Mr. Higgins speak with Region 4 Supervisor Gary Bertellotti regarding his situation.

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

The meeting adjourned at 12:30 p.m.



Dan Vermillion, Chairman



M. Jeff Hagener, Director