



# Montana Fish & Wildlife Commission

## MINUTES

### Montana Fish and Wildlife Commission Meeting

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

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

June 11, 2015

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

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

Guests: June 11, 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 May 11, 2015 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Apprentice Hunter Certificate Administrative and Annual Rule – Proposed
7. Water Update
8. Blackfoot River Corridor Administrative Rules – Final
9. Fishing Contest Administrative Rule Modification – Final
10. Prickly Pear Fishing Access Site Land Sale – Endorsement
11. Guidelines for Elk Shoulder Seasons – Proposed
12. 2015 Mountain Lion Quotas – Final
13. 2015 Deer and Elk Quotas Outside Biennial Quota Ranges – Proposed
14. 2015 Antelope Quotas Outside Biennial Quota Ranges – Proposed
15. 2015 Bison Quotas – Proposed
16. Tendoys Bighorn Sheep Proposal Status – Informational
17. Tendoys Bighorn Sheep Licenses – Proposed (conditional on approval of the EA)
18. Klamert Ranch Conservation Easement (R5) – Endorsement
19. Statewide Bison Environmental Impact Statement – Informational
20. Public Comment – For Issues Not On This Agenda

#### 1. Call to Order - Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:32 a.m. and led the Pledge of Allegiance.

#### 2. Approval of Minutes of the May 11, 2015 Commission Meeting

*Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion to approve the May 11, 2015 minutes. 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.*

Chairman Vermillion asked about the communications expenses.

Coleen Furthmyre, Commission secretary explained the majority of the cost is derived from Verizon for the data usage on the tablets (\$30.02 x 6 tablets x 6months (July-December) = \$1080.72); the remaining \$63.78 are costs for meetings made throughout the year.

*Action on Motion: Motion passed.*

#### 4. Commission Reports

Commissioner Wolfe reported the rivers are low and temperatures have been hot in his District; likely looking at fishing restrictions/closures in the near future. Had several discussions on the proposed

Apprentice Hunter administrative rules; had conversations on the mountain lion proposal, furbearer regulations and predator control. Attended the Region 1 Citizen Advisory Committee (CAC) meeting in Kalispell; Apprentice Hunter rule was the main discussion; the Department presented the Western Montana moose research project, very interesting and insightful.

Commissioner Tourtlotte reported earlier in the month, rivers were down and negatively impacting paddle-fishing; in the past week received opportunistic rainfall which helped make the paddlefish season successful. Few conversations on wolf quotas/regulations and elk season structure; received a packet on mountain lion season setting.

Commissioner Kerstein reported he received various letters on mountain lions quotas. Attended a landowner meeting regarding potential game damage; interesting and contentious meeting; the Department should be able to address the problems. Attended Region 6 CAC meeting and Finding Common Ground meetings; both were educational. Region is very dry; ranchers are concerned; could affect the early bird season.

Vice-Chairman Stuker reported the Region is dry. Attended landowner meeting in hunting district (HD) 410 to discuss long term wildlife management; good turnout; Region 4 staff did an excellent job at presenting and listening; raising the objective number level is not going to satisfy the landowners nor take care of the problem. Attended Region 6 CAC meeting; good meeting; core sage-grouse lek counts are up; CAC member and Hill County Commissioner Mark Peterson is working on land trades near Fresno reservoir, looking to partner with FWP, should not be any cost to the Department. Participated in a Public Land Public Wildlife PL/PW teleconference; discussed legislation issues and present and future endeavors. Visited with a HD 426 rancher; can no longer raise barley or oats due to the number of elk in his fields. Spoke with several individuals who will be pushing for general season either sex hunt. Attended Finding Common Ground meeting; hopefully will move forward and accomplish goal.

Commissioners discussed current and future either sex elk general hunts.

Chairman Vermillion reported the water is high but not where it should. Visited Fort Peck Dam/Lake; infrastructure and recreational opportunities are phenomenal; AIS boat inspection employees did a good job. Received several calls regarding Arnie Dood; would like the Department to communicate with him on controversial issues in the future. Spoke with Steve Adkins regarding the ability to use cross bows during archery season; may be taking legal action against the Department; raises compelling arguments; talked with him regarding modifications to traditional compound bows. Spoke with Toby Walrath regarding the lynx settlement; concerned with pan tension and size of trap. Northern Yellowstone elk herd is making an upswing count; moving in a good direction.

## 5. Director's Report

Director Hagener reported the Department attended the annual treaty meeting with the tribes; primarily conversations on Beattie Gulch and bison hunting. U.S. Fish and Wildlife Service (FWS) granted FWP intervenor status in the wolverine lawsuit and have requested to have intervenor status on the Arctic grayling lawsuit. Had good discussions at the Finding Common Ground meeting; people are getting a better understanding of the Department's finances and programs. Grizzly and black bear activity is increasing; several cattle depredations near Red Lodge; sheep depredations near Fort Shaw. The Department has established a '15 and Forward Committee who will be updating FWP's vision statement by utilizing employee and public input to find alignment, and to build unified priorities, strategies, and services that are most valuable to Montana's outdoors and its people. Region 5 Supervisor Gary Hammond and Chief of Law Enforcement Jim Kropp are retiring within the next month.

## 6. Apprentice Hunter Certificate Administrative and Annual Rule – Proposed

Ron Aasheim, Communication and Education Administrator explained the 2015 Legislature passed HB140 creating an Apprentice Hunting Certificate available for people 10 through 17 years of age who have not completed hunter education. Met with Senator Blasdel and discussed items the Commission needs to clarify within the statute: the process for designating and identifying a mentor, the number of apprentices a mentor can supervise while hunting, sight of and direct voice contact with apprentice hunter, and how completion of a hunter education course is defined for an apprentice hunter. Due to timing issues, FWP recommends an annual and administrative rule be proposed simultaneously; the annual rule will expire upon approval of an administrative rule. FWP will initiate public involvement per rule making requirements. The proposed annual rule reads as follows:

### Proposed Apprentice Hunter Certificate Annual Rule

#### I. PURPOSE

The 2015 Legislature passed HB 140 creating an apprentice hunting certificate available for people 10 through 17 years of age who have not completed hunter education. The purpose of this rule is to state the legislative intent regarding completion of hunter education; establish the process for designating and identifying a mentor; and, define "sight of and direct voice contact with apprentice hunter" as required in statute.

#### II. APPRENTICE HUNTER CERTIFICATE

- (1) An apprentice hunter must be accompanied by a mentor while hunting. The mentor must:
  - (a) meet the requirements of [HB 140, Chapter 449, Laws of 2015], MCA;
  - (b) possess a completed Department issued designation form;
  - (c) only accompany one apprentice at a time;
  - (d) remain within direct voice contact with the apprentice without the use of enhancement or transmittal devices, except prescription hearing aids; and

- (e) remain within direct sight of the apprentice without the use of any magnifying or enhancing aids except prescription eyewear.
- (2) [HB 140, Chapter 449, Laws of 2015] states a person cannot obtain an apprentice hunting certificate upon completion of a hunter safety course. For the apprentice hunter certificate, completion of a hunter safety and education course is defined as:
  - (a) passing a state approved hunter education course including the required test and field day; and
  - (b) reaching 12 years of age by January 16 of the license year.

### III. EXPIRATION

This rule will expire upon the effective date of an administrative rule.

Commissioners Tourtlotte and Wolfe, Aasheim, Aimee Fausser; FWP Legal Council discussed logistics of the rules.

Commissioner Wolfe stated he spoke with several hunter education instructors who have numerous questions and concerns over the rule.

**Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission propose an annual rule and an administrative rule clarifying the requirements of a mentor to an apprentice hunter and how completion of a hunter education course is defined for an apprentice hunter.**

Chairman Vermillion asked for public comment.

Senator Blasdel thanked the Department for the work on this issue; rules try to clarify the issues; was not the intent to penalize young hunters from taking hunters education; promotes and incentivizes for them to participate in hunter education.

JW Westman, Laurel Rod and Gun Club (LRGC), upset over the way this law came into place, thoughtfully consider how to go forward on the arm rule.

**Action on Motion: Motion passed.**

#### 7. Water Update

Bruce Rich, Fisheries Administrator stated recent rain has been beneficial; extremely dry in western Montana; June-July forecast is below average; infrastructure are in place and operational.

Chairman Vermillion, Commissioner Tourtlotte and Rich discussed the 2015 paddlefish season.

#### 8. Blackfoot River Corridor Administrative Rules – Final

Christina Oschell, FWP Fishing Access Site (FAS) and River Recreational Manager explained on March 12, Commission approved for public comment proposed additions to a recreational use rule for the Blackfoot River Recreation Corridor (BRRC) in accordance with an agreement between FWP and landowners. The BRRC agreement has been in existence since 1976 but no public process or a rule has been in place; a consensus among landowners for an agreement that would recognize the Blackfoot Corridor as a special recreation area with specific regulations to manage use. A public meeting was held on April 30 and a hearing on May 6; public comment ended May 8; five public comments were received; two comments did address the rule; two comments opposed the agreement, not the rule; one asked for rule clarification. In response to public comment FWP recommends changing the proposed language to address concerning land-use regulations on private land. These regulations were applied to the Corridor as per the agreement and allowed for FWP to apply public use rules to areas within the ordinary high water mark in the Corridor. The proposed change would allow FWP to apply these regulations on private property 50 feet above the high water mark in the Corridor. Proposed rule:

##### NEW RULE I [ARM 12.11.616] BLACKFOOT RIVER RECREATION CORRIDOR

- (1) The Blackfoot River Recreation Corridor includes:
  - (a) a portion of the Blackfoot River from the Missoula-Powell County line downstream to Johnsrud Park [Fishing Access Site](#); and
  - (b) a portion of the Clearwater River from Highway 200 downstream to the confluence with the Blackfoot River.
- (2) Unless otherwise signed, the public is permitted to occupy:
  - (a) 50 feet above the ordinary high water mark from the [Missoula-Powell County line](#) ~~Russell Gates Memorial~~ to Corrick's Riverbend [Fishing Access Site](#) on the Blackfoot River;
  - (b) 50 feet above the ordinary high water mark from Clearwater Crossing [Fishing Access Site](#) to Clearwater Bridge on the Clearwater River; and
  - (c) 1/4 mile from the Blackfoot River or to the Corridor Road, whichever is greater, from Corrick's Riverbend [Fishing Access Site](#) to Johnsrud Park [Fishing Access Site](#) on the Blackfoot River.
- (3) Camping is permitted in designated areas only.
- (4) Building and maintaining a fire is permitted in designated areas only.
- (5) [Discharge of any firearm, air or gas weapon, or arrow from a bow is prohibited except for legal game hunting.](#)
- (6) [Discharge of fireworks is prohibited.](#)
- (7) [Pets must remain within sight and under control at all times.](#)
- (8) [Within designated camping areas, pets must remain on a leash at all times.](#)
- (9) [Motor vehicles are to remain within authorized roadways and designated parking areas.](#)

~~(10)~~ Glass bottles and containers are prohibited.

~~(5)~~ (11) It is the responsibility of the public to know the current regulations, rules, and laws governing the use and occupancy of the land within the Blackfoot River Recreation Corridor. ~~If there is any question, the stream access law should be applied.~~ This rule is in effect as long as the Blackfoot River Recreation Corridor Agreement is in effect.

Commissioner Wolfe asked what opportunities the public is giving up.

Oschell explained the public would not be able to make camp or have fires anywhere, must be in designated areas.

**Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission adopt the Blackfoot River Recreation Corridor administrative rules with the changes proposed by FWP.**

Chairman Vermillion asked for public comment.

Chairman Vermillion stated this is an innovated approach to recreation and crowd management; the Department listened to public comment concerns.

Commissioner Wolfe thanked and commended Oschell on her diligent work.

**Action on Motion: Motion passed.**

#### **9. Fishing Contest Administrative Rule Modification – Final**

Bruce Rich, Fisheries Administrator explained fishing contests for wild trout in streams are currently prohibited under ARM 12.7.807. At the March 2015 Commission meeting, FWP proposed to modify this prohibition to allow young anglers to participate in fishing contests for brook trout; this proposal received approval from the Commission in March. Public comment ran from March 26 - May 1; public hearings were held in Helena with video conference to all FWP Regions; three comments were received; two comments opposed, including George Grant Chapter of Trout Unlimited who opposed the ARM modification, and fishing contests generally; Montana Bass Nation and the Montana Bass Federation supported the modification unconditionally. The proposed ARM reads as follows:

##### 12.7.807 PROHIBITED CONTESTS

- (1) Contests involving any listed species or species of concern are prohibited except for Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) or westslope cutthroat trout (*Oncorhynchus clarki lewisi*) stocked in lakes or reservoirs.
- (2) All contests involving wild trout (*Salmo*, *Oncorhynchus*, 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 no change, angling contests remain prohibited on wild trout in streams and rivers. The new rule allows young anglers to enter organized events for brook trout in streams, and associate prizes with their catch. Fishing contests have a potential to harm fisheries. The proposed ARM was intentionally restricted to wild brook trout, a non-native species, for anglers aged 14 years or less to help limit this potential for damage; further safeguards to mitigate harm remain if contests exceed 30 anglers or prize values more than \$500; FWP feels these safeguards are sufficient to avoid most of the concerns about harm raised during public comment.

**Action: Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion that the Commission modify existing ARM rule 12.7.807 as suggested by FWP but also to include a two year sunset provision in the said rule.**

Chairman Vermillion, Commissioner Wolfe and Rich discussed the motivation for the rule change.

Rich stated the changes were focused on the idea that could provide different youth opportunities on non-native species.

Chairman Vermillion, Commissioner Wolfe, Rich and Becky Dockter, FWP Chief Legal Counsel discussed clarification of the motion.

Chairman Vermillion asked for public comment.

Mark Aagenes, Trout Unlimited (TU), the Department will not know when a fishing derby is happening; notification requirement is important; critical habitat cannot be considered; AIS should be a concern.

**Action on Motion: Motion passed.**

#### **10. Prickly Pear Fishing Access Site Land Sale – Endorsement**

Bruce Rich, Fisheries Administrator explained in August 2013, the Commission gave final approval to FWP's request to obtain a donation of a 36-acre parcel from the Prickly Pear Land Trust (PPLT) for the purpose of providing fishing access on Prickly Pear Creek which consists primarily of riparian habitat along Prickly Pear Creek and includes a .3-mile section of a small spring creek that merges with Prickly Pear Creek. The parcel is bordered on the south by three homes and associated outbuilding, the property line comes close to

the homes and outbuildings and there is an easement for a septic system on the FAS. FWP proposes to sell approximately 1.13 acres to the adjacent landowners to reduce the potential for conflict with landowners, create a buffer between the homes and the FAS, and eliminate the septic easement on FWP property. FWP will follow the process as outlined in 87-1-209 (3) (a), which allows the sale of land to government entities and neighboring landowners; conversations with the landowners have indicated their willingness to consider purchasing the property.

**Action:** *Commissioner Kerstein moved and Commissioner Wolfe seconded the motion that the Commission provide preliminary approval to explore the possibility of selling, exchanging or otherwise disposing approximately 1.13 acres of the Upper Prickly Pear Fishing Access Site to adjoining property owners.*

Chairman Vermillion asked if PPLT have been consulted and agreed to the exchange or sale.

Rich stated the PPLT has been consulted; stated that proper procedures be followed; not against the exchange or sale.

Chairman Vermillion asked for public comment.

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

#### **11. Guidelines for Elk Shoulder Seasons – Proposed**

Quentin Kujala, Wildlife Management Section Chief explained in response to Governor Bullock's charge to improve landowner relations and in response to criticism FWP was not meeting elk objectives, Director Jeff Hagener authorized an internal process to explore and develop guidelines for the 2016 – 2017 biennial elk season setting process; FWP staff members met for three days, five different times from fall 2014 through spring 2015. Given past ineffectiveness with late seasons, and current over-objective status in many areas, Director Hagener charged the work group to develop a next iteration of more effective elk harvest management. The internal work group reviewed management history, research, and circumstances across Montana to develop these proposed guidelines which include: Fundamental objectives to help guide and assess elk-season effectiveness; shoulder seasons as an option before and after the existing general firearm season; and performance criteria to assess whether or not shoulder seasons should be maintained. If approved, public comment would run until 5 p.m., Monday July 13 with final adoption at the August Commission meeting. The proposal is aligned with known biology, management history, and experience.

Commissioners and Kujala had a lengthy discussion while Kujala presented a powerpoint. (See a copy of powerpoint in the June 11, 2015 Commission file).

Kujala recognized and Chairman Vermillion thanked Dr. Mike Mitchell and staff from University of Missoula Wildlife CO-OP who were instrumental in helping the Department work internally through this topic.

Commissioners and Kujala had a lengthy question/answer discussion and discussed the timeline for the agenda item.

**Action:** *Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion the Commission approve for public comment the proposed Guidelines for Elk Shoulder Seasons as a 60 day comment period.*

Senator Doug Kary, Billings, should develop a new rule, not redefine; define what a shoulder hunt is; no rules were issued on the 2003 legislative elk management bill, Department did not follow law; listen to biologist and range managers; Commission has commented in the past the legislature is moving too quickly; elk objectives were established in 2003, management book was written in 2005, the legislature is not moving too quickly; Commission needs to do something.

Rod Bullis, Helena, important topic, this effort is putting the technique to achieve 11 year old objectives verses the objective in place and defining the technique; most sportsman clubs in Montana do not meet during the summer; asked to postpone agenda item until later this year.

Brian McCullough, Helena, late hunts need to be district wide in districts that are seriously over objective with a longer window.

Ron Wetsch, Drummond rancher, too many elk on his property; in block management program 38 years; need to change the way things are done; FWP needs to work together and listen to everyone; should have the opportunity to say who hunts on his property.

Commissioner Wolfe asked Wetsch if the Departments proposal will help him out as a landowner.

Wetsch responded more elk need to be removed.

Nick Gevok, Montana Wildlife Federation (MWF), supportive of putting guidelines in place when appropriate to have shoulder seasons outside the general/archery seasons.

Jay Bodner, Montana Stockgrowers Association (MSA), support late/shoulder season concept; need to approach objectives carefully.

Chairman Vermillion and Bodner discussed landowner concerns.

Paul Ellis, Bozeman, landowners across the state are having problems with elk; current system is not working; if something is not done relationships are going to be ruined; suggests sending survey monkey out to hunters/landowners.

JW Westman, LRGC and speaking for the Montana Sportsman Alliance (MSA), opposes plan, follow present elk management plan; took a beating for opposing SB 245; several concerns over proposal.

Kathryn QannaYahu, Bozeman, has specific concerns over process; not enough biological and statistical data; data is inaccurate; moving too fast; number of processes not being addressed.

Commissioner Tourlotte stated this discussion is based on objectives; information is not accurate; requesting to look at objectives and for specific direction from the Department; asked for this discussion two years ago; sportsmen/women need to look closely at the language and comment; if the elk management plan cannot be followed, changes need to be made; interested in Kathryn's map overlay; difficult problem to deal with.

Vice-Chairman Stuker stated the comment period does need to move forward; if something is not done, there will be a revolt by landowners; need to take care of the average hunter and landowners for better relationships.

Commissioner Kerstein stated he is concerned this is not going to solve the solution; need to hear from the public; need more logical and less drastic solution.

Chairman Vermillion stated he is unclear of the June 15 cutoff date for the game damage and management season hunt roster; should be open at all times; would like to have a summary of game damage complaints in areas that are over objective by the October Commission meeting.

Kujala explained the cutoff date is embedded in the Administrative Rules of Montana (ARM); the ARM is scheduled to be reviewed as part of the comprehensive response to the game damage audit.

Vice-Chairman Stuker stated he would like a summary for all game damage complaints.

Commissioner Tourlotte asked if the ARM is a Commission or Department rule.

Alan Charles, FWP Landowner Sportsman Coordinator stated the current ARM does set the specific dates; if specific hunters cannot be identified on the roster for a certain district, hunters from adjacent districts can be selected; will advertise in other ways.

Commissioner Wolfe commented need to look at more effective ways to get hunters onto properties that are willing to travel when the opportunity arises along with the knowledge and relationship with the landowners for the hunt to be effective.

Becky Dockter, Chief Legal Counsel explained the process and timeline for a Department rule and Commission rule; Commission rules on average takes six months, Department rule take an average of three months.

Chairman Vermillion stated he would like an answer at the July meeting whether the hunt roster ARM is a Department or Commission rule.

**Action on Motion: Motion passed.**

## **12. 2015 Mountain Lion Quotas – Final**

John Vore, Game Management Bureau Chief stated the final mountain lion proposal is unchanged from the tentative proposal (see minutes from the April 15, 2015 Commission meeting). Public comment ran through 5 p.m., May 15; 44 comments: 23 agreed, 18 disagreed, and 3 undecided; most comments agreeing with the proposals spoke to an abundance of lions and a need to reduce numbers. Many disagreeing wanted higher quotas or spoke to specific areas, reducing female harvest further, the need to include other mortalities, or were not in favor of harvesting lions.

Vore gave a brief update on the mountain lion plan.

Chairman Vermillion, Vice-Chairman Stuker and Vore discussed harvest quotas and incidental mortalities.

**Action: Commissioner Wolfe moved and Commissioner Kerstein seconded the motion the Commission approve the proposed 2015 Mountain Lion quotas and sub quotas as presented by FWP.**

Chairman Vermillion, Vice-Chairman Stuker, Vore and Mike Thompson, Region 2 Wildlife Manager discussed HD 270 quotas.

Chairman Vermillion asked for public comment.

Grover Hendrick, Boulder, time to look past population in Region 2 and look at data; kill ratio is dropping.

Rod Bullis, Helena, incidental mortalities should be counted; would like a one female reduction in HD 280.

Penny Maldonado, The Cougar Fund, need to reduce female quotas in Region 2.

Toby Walrath, Montana Trappers Association (MTA), lion numbers are high in Region 2; concerned about lion management.

Chairman Vermillion asked Thompson to enlighten the Commission on HD 280 and the quota numbers for HD 270.

Thompson explained last year HD 270 had a over harvest of one female harvest; if there is a desire to change HD 280 +/- one female it will have no biological effect on population, social issue only.

Commissioner Wolfe asked what the current quota is for HD 280.

Thompson stated for group HD's 280, 281, 284 and 293, the female quota is 4 and the male quota is 5.

Vice-Chairman Stuker asked if the quota for Region 2 was below 30%.

Thompson stated Region 2 was below quota in the southeastern part of the Region.

**Amended Action:** *Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded to amend the motion to adjust the female quota in HD 280 by one.*

Chairman Vermillion asked for public comment.

Bullis stated HD 280 is the most desired place to hunt for mountain lions; mostly public land.

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

### **13. 2015 Deer and Elk Quotas Outside Biennial Quota Ranges – Proposed**

John Vore, Game Management Bureau Chief explained the Commission has previously adopted a numerical range for deer and elk B-licenses for each HD which FWP can make changes that do not need Commission approval; changes outside the adopted range require Commission approval. There are no proposed changes to deer quotas; elk B-license quota changes outside the adopted range are listed below. No other changes are proposed.

- Increase the Fleecer: HD 319-00 from 30 to 250
- Decrease the Radersburg: HD 380-00 (valid entire HD) from 250 to 125
- Increase the Radersburg: HD 380-01 (valid south ½ HD) from 150 to 250
- Increase Dry Creek-Duck Creek: HD 391-00 from 300 to 475
- Increase Dry Creek-Duck Creek: HD 392-00 from 175 to 300

FWP biologists have proposed these changes in effort to manage elk populations to objective, minimize conflicts on private land, and encourage elk use of public land. Formal public comment will run through 5 p.m., Thursday, July 2; final adoption will take place at the July 9 Commission meeting.

**Action:** *Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission approve for public comment the changes to elk B-license quotas as recommended by FWP.*

Chairman Vermillion asked why Region 3 is the only Region with changes.

Vore explained other Regions are asking for changes that are within the quota and do not require Commission action.

Chairman Vermillion asked for public comment.

Glen Hockett, Gallatin Wildlife Association (GWA), opposes Fleecer HD 319-00 increase proposal.

Kathryn QannaYahu, Bozeman, opposes Fleecer increase proposal; substantial increase.

Howard Burt, FWP Biologist explained the logic for the increase in HD 319-00.

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

**14. 2015 Antelope Quotas Outside Biennial Quota Ranges – Proposed**

John Vore, Game Management Bureau Chief explained the Commission previously adopted a numerical range for antelope licenses for each HD which FWP can make changes that do not need Commission approval. Changes outside the adopted range require Commission approval. Proposed changes to antelope quota ranges outside the adopted range are listed below. No other changes are proposed.

- Decrease the South Belts: HD 390-20 either-sex licenses from 50 to 35
- Decrease the South Belts: HD 390-30 doe/fawn licenses from 75 to 35

The objectives of the proposed changes are to increase overall antelope numbers and improve the buck/doe ratio. Formal public comment will run through 5 p.m., Thursday, July 2; final adoption will take place at the July 9 Commission meeting.

**Action:** *Vice-Chairman Stuker moved and Commissioner Kerstein seconded the motion that the Commission approve for public comment the changes to antelope license quotas as recommended by FWP.*

Chairman Vermillion asked for public comment.

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

**15. 2015 Bison Quotas – Proposed**

John Vore, Game Management Bureau Chief explained for the 2015 bison hunting season, FWP is proposing no changes from the 2014 bison license numbers. These quotas include an offer of 2 licenses to each of the 8 Native American tribes statutorily listed to receive the licenses for a total of 16 licenses; if licenses are not claimed by the tribes, they are issued through the regular bison drawing. The public comment period for this proposal will run through 5 p.m., Monday, July 13 with final adoption at the August 6 Commission meeting.

**Action:** *Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion the Commission adopt for public comment the 2015 - 2016 bison license numbers as presented by FWP.*

Chairman Vermillion asked for public comment.

Kathryn QannaYahu, Bozeman, disservice to the Montana public hunters; is not a fair chase opportunity; bison are being trapped and sent to slaughter.

Vice-Chairman Stuker, Director Hagener and Vore discussed Native American quotas.

Glen Hockett, GWF, need to respect bison as wildlife and find more habitat for bison; recommends the Commission read *Yellowstone Bison Conserving an American Icon*; bison are instinct in the upper Gallatin Valley.

Commissioner Wolfe asked if there are several hundred bison being sent to slaughter, could more public permits be given out in that area.

Howard Burt, Region 3 Wildlife Manager explained it is a tight area; permits have been increased in the last two years.

Joe Gutkoski, Yellowstone Buffalo Foundation, need to keep bison hunting away from Highway 89; will lose tourist attraction, bad for business.

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

**16. Tendoy Bighorn Sheep Proposal Status – Informational**

John Vore, Game Management Bureau Chief explained in December, FWP informed the Commission of the concept of depopulating the struggling population of bighorn sheep in the Tendoy Mountains, HD 315, to make way for restocking the same range with healthy sheep. In February, the Commission adopted the necessary HD boundary and license quota changes to make way for the proposed depopulation and restocking project. In April, FWP informed the Commission of the release of a draft environmental assessment (EA). The public comment period on the EA ended on May 22. Public notification of the EA release and opportunities to comment were made by a statewide press release; two legal notices in numerous newspapers; direct mailings to adjacent landowners and interested parties; public notice on the FWP webpage; a public meeting was held on May 7 in Dillon, 12 people attended. FWP received 17 comments from 4 organizations and 13 individuals. Decision notice has been signed and approved.

Chairman Vermillion asked how the Department is going to deal with the domestic sheep population on the other side of the mountain.

Vore stated the EA proposes a no commingling zone and bighorn sheep would lethally be removed moving through the area.

**17. Tendoy Bighorn Sheep Licenses – Proposed (conditional on approval of the EA)**

John Vore, Game Management Bureau Chief explained FWP is asking the Commission to approve for public comment, the issuing of over-the-counter either-sex bighorn sheep licenses for HD 315 to begin the depopulation phase of the depopulation/restocking project in

the fall of 2015. Licenses would be available in August at standard prices of \$125 for residents and \$750 for non-residents. FWP proposes a hunt similar to the unlimited bighorn areas except no harvest quota would control the length of hunt and licenses would be valid for either-sex bighorn. Season dates would follow the general season format. Mandatory reporting of all harvest through established FWP reporting numbers will be necessary to track the harvest; successful hunters harvesting a ram  $\frac{3}{4}$ -curl or greater would be subject to a 7-year wait before applying for a bighorn license. By Commission rule, all rams of  $\frac{1}{2}$ -curl or greater would have to be plugged with an identifying aluminum plug to show the animal was harvested legally. An aggressive harvest strategy is needed to achieve full removal. FWP anticipates it may take at least two years to remove the estimated 30-40 bighorns in the area. Any sheep remaining after aggressive public hunting would be removed by FWP and the meat donated to a local food bank. Following confirmation the bighorns are gone from the project area, the area will be restocked with approximately 50 healthy bighorns from one or more of Montana's source populations. Public comment will run through 5 p.m., Thursday, July 2, final adoption will take place at the July 9 Commission meeting.

Director Hagener asked how many sheep are estimated in this area.

Vore stated the last count was 18; there could possibly be 30-40 head.

**Action:** *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve for public comment the proposed issuing of over-the-counter either-sex bighorn sheep licenses for HD 315, the Tendoy Mountains.*

Commissioner Kerstein asked if the sheep will be tested for disease.

Vore stated yes, will there be testing on majority of the sheep.

Chairman Vermillion asked for public comment.

Jim Bailey, Belgrade, and Vore discussed the reasoning for the depopulation.

Bailey stated there is a great deal of speculation on the depopulation; demographic information is not precise.

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

#### **18. Klamert Ranch Conservation Easement (R5) – Endorsement**

Ken McDonald, Wildlife Administrator explained the Klamert Ranch comprises approximately 17,300 acres of private land adjacent to the Musselshell River. This property provides high quality sagebrush habitat and associated riparian habitats. The land is within designated sage-grouse core and provides important mule deer winter range; white-tailed deer, antelope, Merriam's turkey, sharp-tailed grouse, pheasant, gray partridge, furbearers, and native nongame species also occur on the property. The landowner and his family intend to provide quality wildlife habitat while maintaining their livelihood, and are interested in providing additional public access for hunting, fishing, and recreation in an area where opportunities are limited. A conservation easement (CE) would maintain the conservation values and associated public benefits while helping fulfill the landowner's management objectives. Upon endorsement, FWP would conduct a public review processes and negotiations. Project would be funded by Habitat of Montana.

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

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

#### **19. Statewide Bison Environmental Impact Statement – Informational**

Lauri Hanauska-Brown, FWP Non-Game Wildlife Management Bureau Chief explained the purpose of draft Environmental Impact Statement (EIS) is to determine if bison restoration is appropriate and if so, what potential opportunities are feasible and consistent with Montana's laws, policies, rules, and regulations. FWP's desire is to fulfill its statutory obligations to manage all wild ungulates in the state, while recognizing bison management presents additional challenges compared to other species. The objectives of the draft EIS are to: evaluate which method(s) for a pilot bison restoration effort may be appropriate, if any; evaluate potential landownership scenarios where a restoration effort may be feasible; and evaluate potential costs and benefits of a restoration program. The following alternatives are evaluated within the draft EIS: Alternative # 1: No Action; Alternative #2: Restoration of a Publicly Managed Bison Herd on the Private and/or Public Lands of Willing Landowner(s); Alternative #3: Restoration of a Publicly Managed Bison Herd on Tribal Lands; Alternative #4: Restoration of a Publicly Managed Bison Herd on a Large Landscape Where there are Minimal Conflicts with Livestock. Within any of the alternatives to restore bison is an opportunity to carry out a five-year test project. Any test project or any restoration project would follow implementation guidelines described within this EIS to include: project site guidelines; bison source herd guidelines; herd management guidelines; and program implementation criteria. In particular, any test or restoration project would: only use animals free of reportable diseases and free of cattle gene introgression; involve a pre-restoration range assessment; have a well thought out containment and management plan; have secure full funding for at least a five-year test period; and have local community involvement. Potential impacts to the human and physical environment are evaluated for the alternatives; the evaluation is based on broad restoration scenarios. The final Decision for the EIS will not identify a site within Montana where bison restoration will occur; the

decision will identify potential opportunities and guidelines for restoration if it is determined to move forward with some effort. A site-specific EA will be needed in order to fully evaluate all factors and potential impacts of any effort to restore bison if a Decision selects any of the restoration alternatives. Public comment will include a 90-day comment period and a number of public hearings will be held across the state.

Commissioner Tourtlotte asked if the Commission would be involved in the final decision for the restoration project with the particular landowner.

Hanauska-Brown stated based on the need for an EA, the Commission would be involved.

Vice-Chairman Stuker commended Hanauska-Brown for her work on the document; difficult situation.

Chairman Vermillion asked what the time-line is for the final decision.

Hanauska-Brown stated late 2015-early 2016.

Chairman Vermillion, Vice-Chairman Stuker and Hanauska-Brown discussed federal grazing leases and the American Prairie Foundation.

Commissioner Wolfe asked who approves the alternative once the EA is completed.

Rebecca Dockter, Chief Legal Counsel stated the Director has the final EIS decision; site specific decisions are a Commission decision.

Chairman Vermillion commended Department for their work and put the skepticism to rest.

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

Toby Walrath, MTA commented on the lynx settlement; explained different types of traps; do not adopt the proposed lynx settlement as is; please take the Montana Trapper Associations comments seriously.

Chairman Vermillion, Commissioner Tourtlotte and Walrath discussed the different type of traps and other state trapping regulations.

Commissioner Tourtlotte and Dockter discussed the lynx settlement.

Commissioner Tourtlotte asked MTA to submit a written comment to the legal unit.

Dockter stated during the settlement discussions FWP was not aware MTA was were sequestered in a room and could not give a presentation to the judge; FWP Wildlife Biologist, Jay Kolbe advised on the trap size and width for settlement; want to have input from FWP employees if there is push-back.

Stan Frazer, has question and concerns regarding the Spotted Dog Wildlife Management Area.

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

**The meeting adjourned at 4:07 p.m.**



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Dan Vermillion, Chairman



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M. Jeff Hagener, Director