



# Montana Fish & Wildlife Commission

## MINUTES

### Montana Fish and Wildlife Commission Meeting

FWP Headquarters – Helena, MT

August 6, 2015

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Montana Fish,  
Wildlife & Parks

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

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

Guests: August 6, 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 July 9, 2015 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. '15 and Forward Initiative
7. Brian Marotz 30 Year Recognition
8. Representative Jeff Welborn and Mark Aagenes Recognition
9. Apprentice Hunter Certificate Annual Rule – Final
10. Selection of Organizations to Auction 2016 Moose, Sheep, Goat, Mule Deer and Elk Licenses – Final
11. Classification of Exotic Wildlife ARM (Controlled: Pacific White Shrimp – Prohibited Species: African Fur Rat) – Final
12. Water Update
13. 2016 Fishing Regulations - Proposed
14. Farm Lease Extensions North Shore of Flathead Lake – Final
15. Contractual Elk Hunting Access Agreements (Swanz Ranch (Renewal) – Lee Ranch (New)) – Final
16. 2015-16 Flathead Indian Reservation Pheasant and Gray Partridge Hunting Regulations – Final
17. 2015 Bison Quotas – Final
18. 2015 Early Season Migratory Bird Regulations – Final
19. 2015 Late Season Waterfowl Seasons/Closures – Proposed
20. 2015 Elk Plan Objective Adjustments – Proposed
21. Biennial Season Setting Process – Informational
22. Brucellosis 2015 Work Plan Review and 2016 Annual Work Plan – Proposed
23. Public Comment – For Issues Not On This Agenda

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

Chairman Vermillion called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

#### 2. Approval of Minutes of the July 9, 2015 Commission Meeting

*Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion to postpone approval of the July 9, 2015 minutes until the August 25, 2015 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 Kerstein reported the drought situation has been alleviated around Scobey. Received numerous comments on the elk shoulder seasons; mixed comments. Attended the '15 and Forward

meeting at Fort Peck; not well attended but people who attended are dedicated and committed; good suggestions. A Bison Environmental Impact Statement (EIS) meeting is being held in Malta on August 19; will draw a lot of interest. Questions from out of state residents regarding training dogs in Montana and how are they allowed to use public/state land; talking with Department of Natural Resources (DNRC).

Commissioner Wolfe reported water levels are very low; hoot owl restrictions on the Clark Fork, Bitterroot and Blackfoot rivers, including the Blackfoot drainages/tributaries; rivers are still dangerous. Attended '15 and Forward meeting in Missoula; well attended; cross section of public views on wildlife and conservation. Received numerous correspondence on the proposed elk shoulder season; generally supportive but have questions and concerns. Received a call from an older gentleman in Libby asking the Commission to offer some sort of priority consideration on game damage hunts for older hunters. Received a call from an individual in the Swan Valley who is interested in starting a private fund to provide rewards for wildlife violations; will follow up with FWP Enforcement to see if it could be integrated with the TIP-Mont program and get back with the gentleman. Received several comments on the Hunter Apprentice Program.

Commissioner Tourtlotte reported he has received comments on the elk shoulder seasons; good discussions and mixed comments; requests to have the Commission extend the comment period; extended comment period could allow the Department to address the public's concerns. Escalated issues on the Boulder Forks Fishing Access Site (FAS); lengthy history; dangerous actions taken by Mr. Titeca against the public; questions the misdemeanor charge.

Chairman Vermillion stated the Department has dealt with the issue at Boulder Forks FAS for several years; several individual do not use the FAS because of Mr. Titeca; the Department is doing everything they can but need help from Sweetgrass County; issues are not going to go away.

Commissioners, Director Hagener and Becky Dockter, Chief Legal Counsel, discussed FWP legality on the FAS issue.

Vice-Chairman Stuker stated the Public Land Public Wildlife (PL/PW) has discussed issues with the county attorney's filings and charges; don't feel the charges are strong enough; need to get county attorneys to file appropriate charges. Conversations regarding the trophy elk and deer areas; would like an extended time frame for individuals who draw a permit in these areas. Elk shoulder seasons issue has been the most discussed issue while on the Commission, from a diverse group of individuals and groups; majority of comments are in favor; questions and concerns over harvest survey counts. Attended '15 and Forward meeting; small turnout; good discussions. Received calls on the Apprentice Hunter agenda item.

Chairman Vermillion, Vice-Chairman Stuker and Director Hagener discussed the waiting period for elk and deer hunts.

Chairman Vermillion stated he has received numerous calls on the proposed elk shoulder season; concerns over harvest surveys. Commended Region 3 for being proactive on the river closures. Several calls on surplus licenses and the automated licensing system (ALS). Met with the Minister of Environment of the Yukon to discuss climate change and how sheep and elk are managed. River use is very busy; diverse individuals using the waters.

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

Director Hagener reported the Bison EIS statewide meetings have started; mixed comments. Working with the Governor's office and DNRC on the sage grouse over-sight team. Fish and Wildlife Service (FWS) needs to make a decision whether to delist sage grouse by September 30; Congress is looking at ways to delay the decision. License sales are up; may sell out of non-resident licenses, which hasn't happened in many years. Attended the Western Association of Fish and Wildlife Agencies (WAFWA); discussions on several issues. Next Finding Common Ground meeting will be held in Missoula on August 21. New trapper initiative to ban trapping on public lands is in the Attorney General's office for final review; Department has been requested to put together a fiscal note. Recommends extending the elk shoulder season public comment until August 28 and changing the October Commission to be held in Helena instead of Kalispell; easier for the public to attend meeting in Helena.

Becky Dockter, Chief Legal Counsel stated no action or public comment is necessary to change the venue for the October meeting nor extending the public comment date.

Commissioners concurred with Director Hagener to move the October meeting to Helena, and extending the public comment until August 28.

## **6. '15 and Forward Initiative**

Charlie Sperry, Responsive Management Supervisor gave a brief overview on the '15 and Forward Initiative.

## **7. Brian Marotz 30 Year Recognition**

Director Hagener recognized Brian Marotz for his 30 years of service with the Department.

## **8. Representative Jeff Welborn and Mark Aagenes Recognition**

Director Hagener recognized Representative Welborn and Mark Aagenes for their difficult task on getting House Bill (HB) 140 passed in the 2015 legislature.

Chairman Vermillion thanked Representative Welborn and Aagenes for tirelessly working over the last two legislative sessions to find solutions that work for everyone; without their efforts, Montana sportsmen, landowners and the Department would be a lot more challenged moving forward in the future.

Commissioner Wolfe asked if an interim discussion on the elk shoulder season could be held at the August 25 meeting; would like to touch base with the Department before the October Commission meeting.

Chairman Vermillion stated it would be challenging to discuss over the phone.

Director Hagener stated with the subject being contentious, it would be difficult to discuss over the phone.

Becky Dockter, Chief Legal Counsel stated it would need to be very clear to the public that no decisions will be made and no comment would be allowed.

Chairman Vermillion recommended having a meeting after public comment is closed, and the Department has a chance to review public comment.

Chairman Vermillion asked to setup a meeting for the middle of September to discuss the proposal.

#### **9. Apprentice Hunter Certificate Annual Rule – Final**

Wayde Cooperider, FWP Outdoors Skills and Safety Supervisor explained 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 Commission needs to clarify specifics included in 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; how completion of a hunter education course is defined for an apprentice hunter. At the May meeting, the Commission approved proposing an Annual and Administrative Rule regarding requirements for apprentice hunters and mentors. The Administrative Rule will be presented to the Commission for final approval during the August 25 conference call. 158 public comments were received; 123 addressed the law not the rule; 31 addressed the rule with 22 in favor of the rule as written, 8 favored suggested not allowing the mentor to carry a weapon or hunt, allowing more than one apprentice/mentor and/or establish a specific distance that the mentor must maintain with the apprentice; 1 individual opposed the rule as written. Failure to propose the rules and clarify the statute will cause problems with consistency of enforcement and confusion among the public.

#### **Apprentice Hunter Certificate**

##### **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.

Becky Dockter, Chief Legal Counsel, explained the difference between the annual rule and administrative rule.

Chairman Vermillion and Cooperider discussed the apprentice hunter program and hunter safety course.

Commissioner Wolfe, Dockter and Cooperider discussed mentor qualifications.

Commissioner Kerstein asked for clarification of the rule.

Cooperider stated if the rule is passed as proposed, it will permit a 10-11 year old who has taken a hunter education class, to hunt as an apprentice hunter.

**Action:** *Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion that the Commission approve the Annual 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.

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

#### **10. Selection of Organizations to Auction 2016 Moose, Sheep, Goat, Mule Deer and Elk Licenses – Final**

Hank Worsch, License Bureau Chief explained Montana ARM 12.3.131 & 12.3.132 establishes the criteria and process for selecting conservation organizations to conduct the moose, sheep, goat, mule deer and elk license auctions/lotteries. FWP solicited proposals to conduct the auctions/lotteries and the Commission decides which organization is awarded the licenses for distribution through auction or lottery. A press release and notice on the FWP website for solicitation of interested organizations were completed; a letter of solicitation was sent to those who have expressed interest. Interest in obtaining and aggressively auctioning these licenses has remained high, especially among the responding conservation organizations. Many of these conservation organizations have effectively and significantly partnered with FWP on other conservation and management efforts.

The 2015 species auction licenses were awarded to:		<u>Auction Price</u>
Montana Ducks Unlimited (DU)	- Moose	\$ 60,000
Mule Deer Foundation (MDF)	- Mule Deer	\$ 25,000
Rocky Mountain Elk Foundation (RMEF)	- Elk	\$ 28,500
Safari Club International Great Falls (SCI)	- Mountain Goat	\$ 19,000
Wild Sheep Foundation (WSF)	- Bighorn Sheep	\$320,000

#### **2016 Proposals:**

Grand Slam Club/Orvis (GSC)	- Moose and Mountain Goat
Montana Ducks Unlimited (DU)	- Moose
Mule Deer Foundation (MDF)	- Mule Deer
Rocky Mountain Elk Foundation (RMEF)	- Elk and Moose
Safari Club International Great Falls (SCI)	- Mountain Goat
Wild Sheep Foundation (WSF)	- Bighorn Sheep

Chairman Vermillion asked for public comment.

Marshall Johnson, MDF, have participated in three youth events, assisted in six habitat projects and three land acquisitions for a total of \$135,000; 2014 auction price was record breaking; Michael Kuiper is the new MDF Regional Director; applauds FWP on the '15 and Forward initiative.

Commissioners and Johnson discussed past and future MDF license auctions.

Joe Cohenour, RMEF, FWP receives 100% of proceeds from the auction; auctioned at the hunters' rendezvous event each year; since 1985 RMEF and its partners have completed 862 conservation hunting projects in Montana with a combined total of over \$149 million dollars and have protected 781,000 acres of habitat; over the years RMEF has generated over \$10 million dollars towards conservation by selling special permits.

Kevin Hurley/Brian Solan, WSF, moving headquarters to Bozeman from Cody, WY; 30 year history of auctioning off the Montana sheep tag; generated \$5.7 million dollars with FWP receiving \$5.1 million; if awarded, will auction tag at the national convention in Reno next January.

Jim Daugherty, DU, last year the moose tag sold for \$60,000; if awarded, will auction off at the Helena convention.

Brad Lencioni, SCI, last six years the mountain goat tag has sold for an average of \$14,250; Great Falls chapter does intend to retain 10% of sale, but will be used towards local Montana conservation projects.

**Action:** *Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion that the Commission award the Rocky Mountain Elk Foundation the 2016 elk auction license, the Mule Deer Foundation be awarded the 2016 mule deer auction license, Wild Sheep Foundation be awarded the 2016 bighorn sheep auction license, Safari Club International Great Falls be awarded the 2016 mountain goat auction license and Ducks Unlimited be awarded the 2016 moose auction license.*

Chairman Vermillion stated the Department and Commission thanks and appreciates the assistance from non-government and non-profit organizations for helping generate awareness on behalf of these species.

Director Hagener stated the legislature questioned whether programs for habitat protection were needed; these organizations support and believe these programs are important.

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

**11. Classification of Exotic Wildlife ARM (Controlled: Pacific White Shrimp – Prohibited Species: African Fur Rat) – Final**  
Mike Lee, FWP Enforcement Division explained to be legally imported into Montana, exotic wildlife must be classified. The Classification Review Committee evaluates petitions for such classifications. The committee-which includes FWP, the Montana Departments of Livestock (DOL), Agriculture (DOAg), and Public Health and Human Services (DPHHS), a representative of the exotic pet trade, and a citizen with an interest in fish and wildlife 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. Public comment and a public hearing was held; five comments were received; one comment in support, two outside the scope of this rule making, one suggesting adding the Pacific White Shrimp to prohibited instead of controlled, and one suggesting a change to the proposed amendments to allow live Pacific White Shrimp larvae to be imported for rearing in permitted facilities. Based on public comment, the Department recommends the Commission adopt the amendments as proposed, but to allow live Pacific White Shrimp larvae to be brought into the rearing facilities that are permitted for Pacific White Shrimp.

**Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission adopt the amendments to the classification of exotic species Administrative Rules of Montana as proposed with the Department's recommended change.**

Eileen Ryce, Fish Hatchery Bureau Chief, explained the live Pacific White Shrimp would be in a contained building with no discharge; would not survive if accidentally or intentionally released; need to be certified disease free before they are brought into the state.

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

## **12. Water Update**

Bruce Rich gave a lengthy statewide and regional water update.

## **13. 2016 Fishing Regulations – Proposed**

Bruce Rich, Chief of Fisheries explained Montana's fishing-regulation process is based on a four-year cycle. The first year of every cycle (such as 2016) establishes fishing regulations that have undergone a recent thorough review. To begin development of Fishing Regulation Proposals for 2016, a brochure was developed which listed a number of ideas under consideration by FWP; the public was asked to respond to the ideas and given the opportunity to present additional ideas for regulation changes. The brochure was sent to all FWP regional headquarters in April for public distribution and was posted as an online survey on the FWP website. A total of 137 comments were received. Other discussions were held at open houses, angler groups and Citizens Advisory Committee (CAC) meetings. Once approved by the Commission, a formal 30-day public comment period will follow as proposals are further assessed and refined. The Commission will consider final adoption of the regulation changes at the October meeting. Proposals received from the public that were not directly incorporated are retained by regional staff for consideration at a future time. FWP recommends adopting for 2016 the existing 2015 fishing regulations with the proposed changes, and offering them for public comment. Twenty-three of the 69 regulation changes proposed here for 2016 are intended to simplify or standardize existing regulations; another 16 changes are primarily for fish conservation purposes, 6 are proposed as clarifications, and 24 provide new or enhanced fish harvest opportunities for anglers. Proposed fishing regulations changes for 2016 are:

### **STATEWIDE - Multiple Fishing Districts**

1. Live bait use clarifications: Specify fish species that can be used as live bait, rather than list those that cannot.
2. Specify Catfish species in Central and Eastern Fishing District standard regulations.
3. Reduce harvest limits for Channel Catfish in the Musselshell River.
4. Increase Smallmouth Bass harvest limit for the Yellowstone River.

### **WESTERN DISTRICT – District Standard Regulation**

1. Reduce Western District standard harvest limit for Burbot.
2. Increase Western Fishing District standard harvest length limit for Cutthroat Trout in rivers and streams.
3. Increase Western Fishing District standard harvest limits for Lake Trout.

### **CENTRAL DISTRICT – District Standard Regulation**

1. Add 1 Cutthroat Trout to the combined trout limit.
2. Rivers and Streams to remain open all year.

**EASTERN DISTRICT – District Standard Regulation**

1. Add Tongue River Reservoir Dam to Eastern District Dam Closures and Restrictions.
2. Prohibit bow fishing for Gar in Eastern Fishing District.
3. Adjustment to list: Live Bait - Lakes, Reservoirs, Ponds, and Impoundments (listed by County).
4. Re-word bait collection prohibition in Eurasian water milfoil infested waters.
5. Require mandatory Paddlefish harvest reporting. Unlawful to sell portions of Paddlefish.
6. Increase Lake Trout possession limit in Eastern Fishing District Standard regulations.

**WESTERN DISTRICT-Region 1**

1. Change from Western District Standard Regulation to no limit on Northern Pike harvest at Bull Lake (near Troy).
2. Adjusting Bass fishing season at Cabinet Gorge Reservoir to agree with Noxon Rapids Reservoir.
3. New regulations: Libby Pond.
4. Change regulations in one section of the Clark Fork River to agree with nearby sections.
5. Change Cutthroat Trout regulations in Flathead River sloughs to match the Flathead River.
6. Change Flathead River Bass harvest regulations to agree with Flathead River Sloughs. Eliminate Lake Trout exception for the Flathead River.
7. Eliminate the existing daily and possession limit for Lake Trout in Flathead River, to be replaced by more liberal Western Fishing District limits.
8. Establish a length limit on Yellow Perch in Flathead Lake.
9. Establish a length limit on Yellow Perch and increase harvest limits for Northern Pike in Smith Lake.
10. Establish a length limit on Yellow Perch in Lower Stillwater Lake.
11. Delete an unnecessary regulation exception for Frank Lake.
12. Increase protections for adult Bull Trout in key spawning streams tributary to the Kootenai River.
13. Add catch-and release for Burbot to portions of the Kootenai River; Delete Lake Koocanusa exception.
14. Change from Western District Standard Regulation to no limit on Brown Trout harvest in the Kootenai River from Highway 37 Bridge downstream to the Idaho border.
15. Change from Western District Standard Regulation to no limit on Brown Trout harvest Lake Creek (near Troy).
16. Expand protection for Bull Trout at the mouth of Lion Creek.
17. Eliminate the existing Loon Lake regulation exception; revert to Western District standard limits.
18. Standardize stream angling closures in Bull Trout streams in the Kootenai River drainage.
19. Allow Bull Trout harvest again in Lake Koocanusa.
20. Remove an unneeded seasonal angling closure from Lake Mary Ronan.

**WESTERN DISTRICT-Region 2**

1. New regulations, Skyline Pond in Butte.
2. Remove Northern Pike from the extended season list for the Blackfoot River Mainstem.
3. Expand Kokanee snagging opportunity between Lakes Alva and Inez. Remove catch-and-release restriction for Bass in Clearwater River, from Salmon Lake outlet to river mouth. Standardize Combined Trout limit.
4. Standardize Combined Trout limit exception for the Clark Fork River with others in Region 2.
5. Standardize many Trout harvest exceptions throughout Region 2.
6. Reduce harvest limit and set a length requirement to harvest Brook Trout from Georgetown Lake.
7. Increase Kokanee harvest limits at Lakes Alva, Inez, Placid, Salmon, and Seeley. Remove catch-and-release restriction for Bass at Lakes Alva, Inez, and Salmon.
8. Add artificial lures only restriction to Silver Bow Creek and its tributaries.

**CENTRAL DISTRICT-Region 3**

1. Delete Darlington Spring Creek and Poindexter Slough exceptions.
2. Delete five mountain lake exceptions; revert to Central Fishing District standard regulations instead.
3. Allow Cutthroat Trout harvest in Hyalite Creek section Below Hyalite Reservoir.
4. Allow some Rainbow Trout harvest in the Jefferson River.

**CENTRAL DISTRICT-Region 4**

1. New regulations: East Fork Reservoir spearing opportunity.
2. New regulations: Willow Creek Reservoir near Augusta.
3. Remove Sunrise-Sunset shelter removal requirement on Hauser Reservoir and Lake Helena.
4. Eliminate Bean Lake regulation exception.
5. Modify Big Spring Creek exception.
6. Modify East Fork Big Spring exception.
7. Walleye limit correction for Hauser Reservoir and Lake Helena.
8. Remove Sauger from species lists for spearing in regulation exceptions for Lake Elwell aka Tiber Reservoir, Tiber Reservoir aka Lake Elwell, and Lake Frances.
9. Increase Smallmouth Bass harvest limits on the Missouri River from Morony Dam to Fort Benton.
10. Change Sauger limits for Sauger/Walleye Combinations on the Marias River and the Missouri River from Morony Dam to Fort Benton – Central Fishing District locations.

**EASTERN DISTRICT – Region 4**

1. Change Sauger limits for Sauger/Walleye Combinations on Judith River– Eastern Fishing District locations.
2. Change Sauger limits for Sauger/Walleye Combinations on the Missouri River upstream from Fort Peck Dam to Beauchamp Creek and CMR Trail 837 – Eastern Fishing District locations.
3. Change Sauger limits for Sauger/Walleye Combinations on the Marias River and the Missouri River upstream from Fort Peck Dam to Fort Benton – Eastern Fishing District locations.

**CENTRAL DISTRICT-Region 5**

1. Change bait specifications: Allow minnow collection in tributaries of the Clarks Fork.
2. Increase Bass harvest limit at Bighorn Lake and Afterbay Reservoir. Specify catfish.
3. Change Kokanee Salmon snagging season description for Deadmans Basin Reservoir.
4. Eliminate Lightning Creek exception.
5. Reduce number of Sauger allowed in the Sauger/Walleye combined harvest limit in portions of the Yellowstone River. Revert to 2 new Central Fishing District Standards: Open all year and Combined Trout Limit to include 1 Cutthroat.

**EASTERN DISTRICT – Region 5**

1. Reduce harvest limits for Sauger/Walleye Combined limits in the Musselshell River.

**EASTERN DISTRICT – Region 6**

1. Delete exceptions for Bearpaw Lake and Beaver Creek Reservoir. Revert to Eastern Fishing District standard.
2. Paddlefish harvest lottery draw.

**EASTERN DISTRICT – Region 7**

1. Live bait specifications: Tongue River and Tongue River Reservoir.

Chairman Vermillion and Ken Frazer, Region 5 Fisheries Manager discussed catfish impacts, populations, and the Musselshell river.

Chairman Vermillion stated he is uncomfortable with certain Central District changes; willing to put out for public comment.

Commissioner Wolfe and Pat Saffel, Region 2 Fisheries Manager discussed regulation changes for the Blackfoot river and the North Fork of the Blackfoot.

***Commissioner Wolfe proposed an amendment to say: In Western District rivers and stream, wherever there is a catch-and-release only regulation for Cutthroat Trout, and also an artificial lures regulation on the same body of water, the artificial rules only regulation is expanded to read: artificial lures with a single barbless hook.***

Chairman Vermillion, Commissioner Wolfe, Director Hagener, Rich, Saffel and Mark Deleray, Region 1 Fisheries Manager, discussed the proposed amendment.

Chairman Vermillion, Commissioner Wolfe, Director Hagener, Rich, Deleray, Saffel, Frazer, Travis Horton, Region 3 Fisheries Manager, Grant Grisak, Region 4 Fisheries Manager, Steve Dalbey, Region 6 Fisheries Manager and Mike Backes, Region 7 Fisheries Manager had a lengthy discussion on the proposed regulation changes.

***Horton proposed an amendment for the Madison River to state: from Hebgen Dam to Ennis Lake to be artificial lures only, 1 trout any size and allow fishing year-round.***

***Action: Commissioner Wolfe moved and Chairman Vermillion seconded the motion that the Commission adopt for public comment, FWP's proposed fishing regulations for the 2016 fishing season as amended.***

Chairman Vermillion asked for public comment.

Mark Lembrecht, Rocky Mountain Elk Foundation (RMEF), asked for clarification in the rules for particular types of lures.

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

**14. Farm Lease Extensions North Shore of Flathead Lake – Final**

John Vore, Game Management Bureau Chief explained FWP requests Commission approval to extend for one year the two existing farming lease contracts on the North Shore State Park/WMA and the North Shore WMA; the two properties are located on the north shore of Flathead Lake adjacent to a FWS Waterfowl Production Area. The North Shore State Park/WMA farming lease (89 acres) has been active over the past three years and will expire September 1; the other lease (166 acres) has been leased since 2013 and expires on December 31. In return for the leases, both farmers are annually providing 15% of their crop acres for wildlife food plots, controlling weeds, and planting grass cover on areas identified by FWP. A one-year extension will provide time for FWP to work on completing additions to the North Shore WMA, which the Commission gave FWP preliminary approval for in May. After the additions are in place, FWP will develop a farming plan for the entire property. FWP notified the public about the project through press releases, emails or

letters to all adjoining landowners and other interested publics; a draft environmental assessment (EA) was released for a 14-day public review July 6, 2015; a decision notice is pending until comments are finalized. FWP considered the no-action alternative in the draft EA; under no-action, FWP would not extend the lease for either property; there would be no farming on the North Shore State Park/WMA after the current growing season. The proposed action would extend the current farming leases for one year, providing continued food plots and weed control, and an opportunity for a more comprehensive management plan following proposed addition of neighboring farmlands to the WMA.

**Action:** *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve both farm lease extensions for one year on the North Shore of Flathead Lake.*

Chairman Vermillion asked for public comment.

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

#### **15. Contractual Elk Hunting Access Agreements (Swanz Ranch (Renewal) – Lee Ranch (New)) – Final**

John Vore, Game Management Bureau Chief explained under the provisions of 87-2-513 MCA, FWP has 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 that FWP and the landowner consider necessary for the proper management of elk on the landowner's property.

##### **Swanz Ranch**

The Swanz Hunting Access Agreement specifically states that 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 (LPT). Successful applicants could only hunt on the Swanz deeded property. This agreement was first used in 2002 and has been reapplied annually since then 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 via the Commission's hunting season setting process, and has generated relatively few public comments. Evaluations confirm that agreement terms, and reasonable expectations, are generally being met.

##### **Robert Lee Ranch**

The Robert Lee Ranch Hunting Access Agreement is a new HB 454 agreement that specifically states in return for allowing access to elk hunters on 5,400 acres of land, Mr. Lee, 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 LPT. Successful applicants and the designated member of the Lee family could only hunt on the Lee Ranch deeded property considered in this agreement.

**Action:** *Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Fish and Wildlife Commission adopt as final the 2015 Swanz and Robert Lee Ranch hunting access agreement as presented by FWP.*

Commissioner Tourtlotte stated this is a great opportunity; underutilized program.

Chairman Vermillion asked for public comment.

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

#### **16. 2015-16 Flathead Indian Reservation Pheasant and Gray Partridge Hunting Regulations – Final**

John Vore, Game Management Bureau Chief explained the Confederated Salish and Kootenai Tribes (CSKT) and the State of Montana have entered into a cooperative management agreement on the Flathead Reservation that provides approval of Tribal bird season frameworks by the FW Commission. Tribal recommendations are first presented to the Flathead Reservation Fish and Wildlife Board. The board votes on tentative proposals, solicits public review and comment and then meets for final adoption. Adopted final proposals are then presented to the CSKT Council; FW Commission endorsement is subject to final Tribal Council approval. The significant differences between Tribal regulations and the current FWP upland bird regulations are:

- Tribal shooting hours are sunrise to sunset for all pheasant and partridge hunting (no grouse may be taken);
- No hunting with falcons on the Flathead Indian Reservation;
- A requirement that only non-toxic shot be used for all game birds on the Flathead Indian Reservation.

**Action:** *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish & Wildlife Commission endorse the 2015-2016 Flathead Indian Reservation Pheasant and Gray Partridge Hunting Regulations as presented, and subject to final Tribal Council approval.*

Chairman Vermillion asked for public comment.

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

#### 17. 2015 Bison Quotas – Final

John Vore, Game Management Bureau Chief explained while the bison hunting season structure was addressed during biennial season setting in February, license quotas can be changed through a proposal, public comment, and final Commission action. FWP is proposing no changes from the 2014 bison license numbers. Quotas include an offer of two licenses to each of eight Native American tribes statutorily listed to receive the licenses for a total of 16 licenses; if licenses are not claimed by the entitled tribes, they are issued through the regular bison drawing. Public comment ran through 5 p.m., Monday, July 13; nine comments were received; seven disagreed and two agreed.

Vice-Chairman Stuker and Vore discussed why more licenses are not offered in the Yellowstone area.

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

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

#### 18. 2015 Early Season Migratory Bird Regulations – Final

John Vore, Game Management Bureau Chief explained migratory bird seasons have direct federal oversight. Hunting seasons must be set within federal frameworks. Mourning dove and common snipe have fixed season dates: September 1 – October 30 for doves; September 1 – December 16 for snipe; and fixed bag/possession limits from year to year. No changes are proposed for the 2015 mourning dove and common snipe seasons. The Rocky Mountain Population (RMP) of sandhill cranes is annually monitored, with individual states' allowable harvest quotas based on observed numbers and coordinated with the FWS. In Montana, crane numbers and hunter access have been used to set permit numbers for each of five areas (Dillon/Twin Bridges/Cardwell/Bozeman, Warm Springs area, Ovando/Helmville, Wheatland/Meagher/Golden Valley/portion of Sweetgrass Counties, and Broadwater County). The three-year average of RMP crane numbers increased after the multi-state, coordinated survey in September 2014, so the allowable harvest for each state will be increased. Changes for 2015 are:

- Montana's RMP harvest allocation will be increased from 127 in 2014 to 176 in 2015.
- FWP proposes maintaining permit numbers in most hunting units for the 2015 season, but in the Dillon/Twin Bridges/Cardwell/Bozeman unit, an increase in hunter numbers from 100 to 120 (two permits per hunter) is proposed. This slight increase is expected to be compatible with the allocation, crane numbers, and hunter access.
- The remainder of the Central Flyway is under frameworks for mid-continent sandhill cranes, for which the federal framework remains unchanged for 2015.

Other than the increased crane permits in the one unit, FWP proposes no changes to either RMP or the mid-continent crane season for 2015; season dates would change for both due to calendar progression, but with no change in season length.

- Season dates for RMP sandhill cranes (special drawn permits): September 12 – October 4.
- Season dates for mid-continent sandhill cranes: October 3 – November 29.

The public comment period ran through 5 p.m. August 3; nine comments were received; five agreed and 4 disagreed. This proposal is consistent with known wildlife biology, management history, and survey efforts, and are within the frameworks established by the FWS.

Chairman Vermillion, Vore and Jim Hanson, Central Flyway Coordinator discussed changing the dove opening date.

**Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish & Wildlife Commission adopt the 2015 early season migratory bird seasons as presented by FWP.**

Vermillion asked for public comment.

**Action on Motion: Motion passed.**

#### 19. 2015 Late Season Waterfowl Seasons/Closures – Proposed

John Vore, Game Management Bureau Chief explained for ducks, geese, swans, and coots, Montana is in the Central and Pacific flyways and follows FWS frameworks based on: winter and breeding population status for geese and May population and habitat surveys for ducks. The proposed seasons are for the maximum number of hunting days allowed by the FWS. To stay within the limit for the total number of days, yet allow for late-season hunting in December and January, both flyways have short closures within the seasons creating split seasons; the two hunting zones within the Central Flyway are different for ducks and geese. FWP would like to make them the same, but by FWS rules FWP cannot change the duck zones to match the goose zones until 2016. Allowing for changing start and end dates consistent with calendar rotation (opening date October 3), FWP proposes no changes from the 2014 season other than the exceptions noted below:

- Closure period for Central Flyway – Zone 2 for ducks, coots and tundra swans and South Zone for geese: Change the closed period to October 12–23 to allow waterfowl hunting during a significant migration period for ducks and tundra swans in late October. The proposed closed period is a week earlier than last year to allow waterfowl hunting during a significant migration period for ducks and tundra swans in late October. Last year, the closed period was such that big game hunters would not have to choose between the opening of big game season and waterfowl hunting. However, those closed dates miss some very good waterfowl hunting opportunities for those wishing to do so. FWP is proposing an earlier closed period this year.
- Central Flyway – Bonus Teal Season: Change the bonus teal season to the first nine days of the regular duck season (October 3–11). Because the proposed closed period referred to above would be a week earlier, the bonus teal season would need to be shortened to the first nine days instead of the first 16 days of the regular duck season. Last year, there were very few bonus teal taken, so this isn't viewed as a significant loss of opportunity.
- Scaups/Canvasbacks: keep scaups the same; 3 scoup canvas back from 1 to 2. The FWS has not issued individual species limits yet so scoup and canvasback limits may change.
- Elimination of the Milltown Reservoir goose hunting closure in Missoula County, Pacific Flyway.

The public comment period will run through 5 p.m., Friday, August 21, with final adoption set for the August 25 Commission meeting.

**Action: Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Commission adopt the proposed 2015 late season migratory bird regulations for public comment as presented by FWP.**

Chairman Vermillion asked for public comment.

**Action on Motion: Motion passed.**

**20. 2015 Elk Plan Objective Adjustments – Proposed**

John Vore, Game Management Bureau Chief explained the population objectives in Montana's elk plan were established by Commission action in 2005 with some adjusted since. Changes were anticipated in the original document, which allows for any proposed change of merit to be forwarded to the Commission for consideration as a proposal for public comment. FWP is proposing elk plan adjustments in the Bob Marshall Elk Management Unit (EMU) in the South and Middle Forks of the Flathead and the Swan and the Bitterroot Valley. Proposed changes in the Bitterroot are designed to better reflect the situation on the ground and facilitate management while slightly increasing the valley-wide objective from 7,470 to 7,550.

Proposed 2015 Elk Plan Adjustments				
HD	Current Objectives		Proposed Objectives	
	Numbers	Ratios per 100 Cows	Numbers	Ratios per 100 Cows
130, 140 & 141	225	None	150-320	None
150 & 151	400	None	310-500	None
204	1,320 for 204 &	25 Calves & 10 bulls	600	20-30 calves & 15 bulls
261	261 Combined	25 Calves & 10 bulls	700	20-30 calves & 15 bulls
240	750	25 Calves	1000	20-30 calves
250	2000	25 Calves & 15 Bulls	1400	30-40 Calves & 25 Bulls
260	None		50	None
262	None		0	None
270*	3400	25 Calves & 15 Bulls	3800	20-30 Calves & 20 Bulls
<b>Bitterroot Total</b>	<b>7470</b>		<b>7550</b>	

\*The HD 270 proposal also would raise the subobjective for elk on publically accessible land (i.e. not on the CB Ranch) from 2,600 to 3,000.

The Region 1 proposals will be vetted with Flathead Wildlife Inc; Region 2 where vetted at public meetings on July 7-8 where 35 people attended, including members of the Ravalli County Fish and Wildlife Association. Public comment will be taken until September 7.

**Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Fish & Wildlife Commission adopt the proposed elk plan adjustments in Regions 1 and 2 as presented by FWP.**

Chairman Vermillion, Vice-Chairman Stuker, Commissioner Wolfe and Vore discussed several issues regarding the elk plan adjustments.

Chairman Vermillion asked for public comment.

Senator Doug Kary, Senate District (SD) 22, studies need to be done; setting bad precedent; could have legal consequences

Chairman Vermillion stated the way objectives are set is a question of land owner tolerance, caring capacity and sportsmen; intent is not purely scientific, social tolerance as well.

Kathryn QannaYahu, Enhancing Montana's Wildlife and Habitat (EMWH), discussed different objective numbers; range number is being established; fluctuating populations; need to revise elk management plan.

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

Aye: Vermillion, Kerstein, Tourtlotte, Wolfe  
Nay: Stuker

**21. Biennial Season Setting Process – Informational**

John Vore, Game Management Bureau Chief explained every two years, in odd-numbered years, FWP looks at the biennial season setting process to consider changes to the structure of hunting seasons. FWP wants to make sure all interests, including the Commission, know that they have the chance to offer any ideas or comments, over the coming month, to offer their thoughts and ideas about specific directions for FWP to explore. From August 6 through September 3, FWP will provide the public with opportunities to participate online. FWP will communicate with local sporting groups, work groups, CAC's and interested individuals, on any developing recommendations and encourage comment and additional ideas in return; this will be especially important if FWP and the Commission propose elk shoulder seasons. Proposals will be sent to the Game Management Bureau Chief by October 15 in preparation for presentation to the Commission in December for approval for additional public comment. Final Commission adoption of any recommended changes will be presented to the Commission in February 2016.

Chairman Vermillion encouraged the public to communicate with the Department on any biennial season setting questions, comments or comments.

**22. Brucellosis 2015 Work Plan Review and 2016 Annual Work Plan – Proposed**

Quentin Kujala, Wildlife Management Section Chief explained in January 2013, the Commission endorsed elk management recommendations from a citizen working group for application in areas with brucellosis, including the Designated Surveillance Area as described by the DOL; the Commission recognized the need for annual work plans based upon these recommendations. The annual work plans describe specific management actions available for implementation. The proposed 2016 annual work plan represents the fourth iteration of annual plans and it builds upon the 2013, 2014, and 2015 plans and the experience gained through implementation. The proposed 2016 plan largely restates the 2015 plan and includes hazing, fencing, lethal removal of elk, habitat modifications, and other efforts to adjust elk distribution at small scales to mitigate the risk of brucellosis transmission from elk to cattle. The proposed work plan includes the potential for local work groups to propose modifications or additions to the 2016 plan to the Commission at a later date. Changes in the 2016 annual work plan include definitions and clarifications to aid common understanding and implementation across staff, landowners, sportspersons, and other members of the public and allowing up to 25% of hunters for an elk management removal to be identified by the landowner, if hunters from the Hunt Roster cannot respond as needed. Public comment will run through 5 p.m. September 8 with final adoption at the October 8 Commission meeting. The plan reflects FWP experience gained from 2013, 2014, and 2015 efforts as well as participation from the statewide working group, landowners, sportspersons, and other members of the public. (Copy of the proposed 2016 Work plan is available in the August 6, 2015 Commission file).

**Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion that the Commission adopt the proposed 2016 annual work plan for elk management in areas with brucellosis as presented by FWP.**

Vice-Chairman Stuker thanked the Department for presenting this item; appreciated last year's seminar in Bozeman; would like to attend any future meetings.

Commissioner Wolfe and Kujala discussed the possibility of increasing the percentage rate.

Chairman Vermillion asked for public comment.

Joe Cohenour, Brucellosis Working Group member, lack of work on the wildlife management areas (WMA); more work at the adjacent WMA would help fortify relations with private landowners; DOL is not addressing this issue properly.

Dave Chadwick, Montana Wildlife Federation (MWF), hunters want to work with landowners; proven tool with a track record for redistributing animals is public hunting and public access; important for DOL to be engaged; communication and education is important.

Kathryn QannaYahu, EMWH, opposes plan; do not pass; unregulated program.

Chairman Vermillion thanked the Brucellosis Working Group for agreeing to continue to participate on this issue.

**Action on Motion: Motion passed.**

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

Kathryn QannaYahu, EMWH, would like the elk shoulder season public comment period extended.

Director Hagener stated the Department and Commissioners earlier in the meeting, agreed to extend the comment period until August 28.

Mary Ellen Schnur, Townsend, need clarification on the legality of trail cameras; not solving anything by singling out trail cameras that might not be being used for scoping out game animals.

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

**The meeting adjourned at 3:18 p.m.**



Dan Vermillion, Chairman



M. Jeff Hagener, Director