



Montana Fish & Wildlife Commission

MINUTES

Montana Fish and Wildlife Teleconference Commission Meeting

FWP Headquarters

1420 East 6th Avenue, Helena, MT

August 25, 2015

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Montana Fish,
Wildlife & Parks

Commission Members Present via phone:

Dan Vermillion, Chairman, Richard Stuker Vice-Chairman,
Richard Kerstein, Matt Tourtlotte and Gary Wolfe

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

Guests: August 25, 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 July 9, 2015 and August 6, 2015 Commission Meeting
3. Commission Reports
4. Director's Report
5. Apprentice Hunter Certificate Administrative Rule and Correlating Hunting Regulation Change - Final
6. Water Supply Update
7. Future Fisheries Improvement Projects, Summer 2015 Funding Cycle - Final
8. Termination of the Blackfoot River Closure Rule (near the I-90 Bridge) - Proposed
9. Upper Clark Fork Phase 1 Annual Rule Extension - Proposed
10. 2015 Late Season Waterfowl Seasons/Closures - Final
11. 2015 CSKT Waterfowl Regulations - Final
12. Biennial Rule Regulating Use In Nature Conservancy Land Recreation Management Area - Final
13. Public Comment - For Issues Not On This Agenda

1. Call to Order and Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:31 a.m.

2. Approval of Minutes of July 9, 2015 and August 6, 2015 Commission Meeting

Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion to approve the July 9, 2015 and August 6, 2015 minutes. Motion passed.

3. Commission Reports

Commissioner Kerstein reported he attended the Bison meeting in Malta; well attended; interesting conversations. Received correspondence on the proposed elk shoulder seasons; mixed comments.

Vice-Chairman Stuker reported Beaver Creek lower dam will be closed September 1 – November 1 for construction purposes. Attended the Whitetail Prairie Wildlife Management Area (WMA) dedication; honored all parties involved. Attended Marias River Livestock Association Meeting; bison issues were discussed. Attended the bison EIS meeting in Great Falls; 15 people attended; discussed cross-breeding. Attended bison EIS meeting in Malta; at least 200 people attended; overall a good meeting. Attending the Finding Common Ground meeting; have moved forward; need to look at fundraising ideas. Received correspondence on the proposed elk shoulder seasons. Approved a game damage hunt for 40 bull elk in hunting district (HD) 426. A meeting is scheduled in Winnett to discuss HD 410 on September 1; unable to attend, asked if another Commissioner could attend.

Commissioner Wolfe reported he attended the '15 and Forward meeting in Kalispell and Missoula; Department did a great job presenting. Attended the Finding Common Ground Meeting; looking forward to moving ahead; good discussions. Hoot owl restrictions were lifted on most of the Region 2 rivers. Murphy Lake is closed for fire suppression efforts. Conversations on the game damage ARM revisions and elk shoulder season proposals; variety of opinions; confusion on the two proposals. Approved 15 game damage hunts for Region 1 and 2, majority for antlerless elk.

Commissioner Tourtlotte reported he has received several calls requesting a special management season. Authorized a kill permit for the Red Lodge Area. Yellowstone River WMA is closed due to extreme fire danger; several concerns over the current fire danger situation. Received several calls on the proposed elk shoulder season; worried the Department is moving towards "ranching for wildlife". Another incident was reported with Mr. Titeca and a Park County resident; problem is not going away.

Chairman Vermillion reported he spoke with the woman from Park County who stated she had a situation with Mr. Titeca; she has been in contact with the local game warden and the local county attorney; consistent type of behavior from Mr. Titeca. Received comments on the proposed game damage rules and elk shoulder seasons. Spoke with a gentleman from Missouri regarding an elk head confiscation; referred him to the Department. Visited Beckman WMA; property is being well taken care of; shows the importance to preserve, enhance and create recreational opportunities.

4. Director's Report

Mike Volesky, Chief of Staff reported water restrictions are slowly being lifted. Bison Environmental Impact Statement (EIS) meetings are concluding. New trapping initiative is in the process of being reviewed; will not affect the Department's fiscal note significantly. '15 and Forward statewide meetings are wrapping up; 8 staff meetings and 10 public meetings were held. Finding Common Ground meeting was held in Missoula; good discussions. Discussions on game damage and elk shoulder seasons. Work session to discuss elk shoulder season is set for September 18; not an opportunity for public to comment.

Chairman Vermillion, Vice-Chairman Stuker and Commissioner Kerstein stated they can attend the September 18 work session.

Commissioner Tourtlotte stated he could attend via video.

Vice-Chairman Stuker and Commissioner Kerstein stated they could attend in person or video.

Chairman Vermillion asked if the meeting could begin at 11:00am on September 18, and for the meeting to be publicized as much as possible so certain sectors of the public do not assume this is a behind the scene meeting.

Volesky stated the meeting will begin at 11:00am at FWP Headquarters with video availability.

5. Apprentice Hunter Certificate Administrative Rule and Correlating Hunting Regulation Change – Final

Ron Aasheim, Communication and Education Administrator explained the 2015 Legislature passed HB 140 creating an Apprentice Hunter Certificate available for people 10-17 years of age who have not completed hunter education. The Commission needs to clarify the following 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; and how completion of a hunter education course is defined for an apprentice hunter. At the August 6 Commission meeting, the Commission implemented an annual rule for FWP to issue apprentice hunter certificates until the administrative rule could be adopted; additional language was added to the proposed annual rule: apprentice hunters 15 years of age or younger are allowed to hunt during any specified statewide youth season as provided in the regulations. FWP received 214 comments; 161 comments addressed the apprentice hunter statute which fell outside the scope of the rule making process; 13 comments related to the mentor and offered one or more of the following suggestions: the mentor should not be able to carry a firearm while hunting; mentors should undergo a background check; mentors, regardless of date of birth, should have to take a hunter education or mentor certification course; 8 comments suggested the sight and sound needed to be specifically defined as a measured distance; 12 comments supported the language to allow 10 and 11 year olds who have taken hunter education to participate in the apprentice hunter program; 9 comments generally supported the ARM rule; 1 comment thought a mentor should be able to have more than one apprentice; 3 comments suggested one shouldn't be allowed to be a mentor if he/she has a fish and game violation; 5 comments seeking clarification about the law or ARM rule and how the program would function; and 1 comment provided an interpretation of definitions for the ARM rule. The new recommended rule with changes reads as:

NEW RULE I 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.

(3) Apprentice hunters 15 years of age or younger are allowed to hunt during any specified statewide youth season as provided in the regulations.

Action: *Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion that the Commission adopt the hunter apprentice administrative rule as proposed with additional language providing apprentice hunters 15 years or younger the opportunity to hunt during any specified statewide youth season as provided in the regulations.*

Commissioner Wolfe stated there is a flaw within the legislation, not the rule; concerned that a person born before 1985 could serve as a mentor without ever taking a hunter education class; would like the legislature to address this concern at the next session.

Vice-Chairman Stuker concurred with Commissioner Wolfe's statement.

Chairman Vermillion commended the Department for listening to public comment.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

6. Water Supply Update

Joel Tohtz, Fisheries Management Bureau Chief, explained several hoot owl and angling restrictions have begun to be lifted; stream flows are still low in certain parts of the state.

Chairman Vermillion commended Region 3 for their responsiveness on the Big Hole River.

7. Future Fisheries Improvement Projects, Summer 2015 Funding Cycle – Final

Joel Tohtz, Fisheries Management Bureau Chief, explained the Future Fisheries Improvement Program continues to provide funds for projects that restore fishery habitats in streams, rivers and lakes for the benefit of wild fisheries. Applications are reviewed twice each year, by a 14-member Citizen Review Panel (CRP) appointed by the Governor. Recommendations are forwarded to the Commission every six months for consideration and approval. For the summer 2015 funding cycle, the CRP recommends funding 17 of the 19 submitted proposals at a program cost of \$440,848. Matching funds or in-kind contributions from outside sources total more than \$2.16 million, for a near 5-to-1 match. The public was informed about program funding opportunities via news releases, a public meeting, and information posted on FWP's website. The CRP conducted a public meeting to review applications, discuss proposed projects with applicants in attendance, and receive public comment; no public comments were received. Environmental Assessments (EA) were prepared for 6 of the projects recommended for funding; the remaining 11, 2 projects fell under a categorical exclusion, 4 will be assessed under the Federal National Environmental Policy Act (NEPA), and 5 will be completed via other processes. The comment period for the drafted EAs ended August 12; 3 comments were received.

Summer 2015 Future Fisheries Applications -summary						
Project #	Project Name	Original Request	Match	Total Project Cost	% match	Panel Recommendation
023-2015	Big Otter Creek fencing and stock tank	\$7,028.55	\$4,350.00	\$11,378.55	38%	\$7,028.55
024-2015	Brazil Creek instream flow	\$12,400.00	\$48,432.00	\$60,832.00	80%	\$10,400.00
025-2015	Cherry Creek fish passage	\$7,080.00	\$8,804.00	\$15,884.00	55%	\$7,080.00
026-2015	Deep Creek streamflow improvement	\$8,950.00	\$129,000.00	\$137,950.00	94%	\$8,950.00
027-2015	Devil's Dip Spring Creek channel restoration	\$8,500.00	\$21,810.00	\$30,310.00	72%	\$8,500.00
038-2015	Stonewall Creek fish screen	\$13,300.00	\$25,600.00	\$38,900.00	66%	\$13,300.00
039-2015	Trail Creek fish screening and passage	\$21,175.00	\$38,800.00	\$59,975.00	65%	\$21,175.00
028-2015	French Gulch channel restoration	\$90,000.00	\$755,000.00	\$1,053,961.00	72%	\$90,000.00
036-2015	Smith Slough spawning enhancement	\$50,000.00	\$325,995.00	\$375,995.00	87%	\$40,000.00
041-2015	Van Houten fish barrier and spawning channel	\$10,000.00	\$20,000.00	\$30,000.00	67%	\$10,000.00
029-2015	La Marche Creek fish passage improvement	\$8,400.00	\$2,700.00	\$11,100.00	24%	\$5,550.00
030-2015	Martina Creek channel restoration	\$30,000.00	\$126,879.20	\$156,879.20	81%	\$30,000.00
031-2015	Moose Creek riparian fencing	\$3,000.00	\$13,500.00	\$16,500.00	82%	\$3,000.00
033-2015	Poindexter Slough channel restoration	\$75,000.00	\$484,000.00	\$559,000.00	87%	\$75,000.00
034-2015	Rattlesnake Creek fish screen	\$11,865.00	\$15,500.00	\$27,365.00	57%	\$11,865.00
035-2015	Reese Creek instream flow enhancement	\$55,000.00	\$71,000.00	\$126,000.00	56%	\$55,000.00
037-2015	Spokane Creek bridge	\$6,600.00	\$1,625.00	\$8,225.00	20%	\$0.00
040-2015	Upper Lolo Creek sediment reduction	\$65,000.00	\$73,650.00	\$181,650.00	41%	\$44,000.00
042-2015	Warm Springs Creek fish passage improvement	\$43,250.00	\$106,250.00	\$149,500.00	71%	\$0.00
Bold= RIT funding						
		\$526,548.55			TOTAL	\$440,848.55
					RIT \$	\$306,870.00
					LICENSE \$	\$133,978.55

	Available Funds (prior to recommendations)*	Funds (after recommendations)**	% remaining	% used this cycle
TOTAL	\$1,300,633.01	\$859,784.46	66%	34%
RIT \$	\$1,008,064.81	\$701,194.81	70%	30%
LICENSE \$	\$292,568.20	\$158,589.65	54%	46%

*includes 1,277,000 allocated by the 2015 legislature plus turn back dollars that remained as unallocated authority.

**funding

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

Chairman Vermillion, Volesky, Tohtz and Michelle McGree, Habitat Restoration Program Officer, discussed the Machler Big Spring Creek Restoration Project; update will be given at the December Commission meeting.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

8. Termination of the Blackfoot River Closure Rule (near the I-90 Bridge) – Proposed

Joel Tohtz, Fisheries Management Bureau Chief, explained the purpose of the Blackfoot Closure Rule, scheduled to expire on May 22, 2016, was to address on-going public safety concerns on the lower Blackfoot River associated with anticipated changes in river bed elevation and exposure of timber and other mill-related debris and the Interstate-90 Bridge Piers. FWP feels Region 2's goals are accomplished in terms of awareness and the river has settled enough since the dam removal that the hazards have decreased significantly. Allowing the rule to expire without further action would mean a 22-day closure in 2016 that is unnecessary. Public comment was accepted on the original biennial rule from April 4 - April 18, 2014; 40 comments were received. If the Commission passes this item today, public comment would be initiated and finalized at a later Commission meeting. FWP recommends the rule be terminated before May 1, 2016.

Action: Commissioner Wolfe moved and Commissioner Kerstein seconded the motion to terminate the Blackfoot Closure Rule as recommended by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

9. Upper Clark Fork Phase 1 Annual Rule Extension – Proposed

Joel Tohtz, Fisheries Management Bureau Chief, explained the Department of Environmental Quality (DEQ) is conducting a phased cleanup project to remove contaminated soils in the streambanks and historic floodplain within the Clark Fork River near Warm Springs. The project is part of the Milltown Reservoir/Clark Fork River Superfund Site. Initiated in March 2013, Phase 1 began below Warm Springs Ponds and proceeded downstream for approximately 1.75 river miles; construction included restrictions on public access for safety purposes. Phase 1 cleanup is completed, including replacement of soil, planting and seeding on more than 50 acres. Currently, the site's vegetation is thriving, but plants have had limited growing seasons so they are still vulnerable to foot traffic from renewed public access. Phase 2 is currently under construction with equipment using a road within the Warm Springs WMA. The current closure, which entails the west portion of the WMA and the river through this area, has prevented anglers from entering the construction area and encountering heavy equipment. To help Phase 1 vegetation establish, and to provide necessary public safety for Phase 2, DEQ is requesting FWP to continue the current closure of 1.75 miles of river, the eastern portion of the WMA road, and add the 68-acre portion of the WMA located between the road and the construction zone; public safety is a concern in the vicinity of the Phase 2 cleanup area. With Commission approval, FWP would solicit public comment and report back with a final recommendation at the October meeting. The Commission could choose not to propose the annual rule. The existing rule would expire on September 15. Work here might stop completely if health and human safety conditions are deemed unsafe. The DEQ and Natural Resource Damage Program (NRDP) have spent roughly \$10 million on remediation and restoration of this area and the vegetation and floodplain need time to recover. With the floodplain closed by DEQ and no reasonable way for the public to exit the river otherwise, no alternatives beyond implementing the extended closure are recommended.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission propose for public comment an annual rule closing 1.75 river miles of the Clark Fork River, 68 acres of the Warm Springs WMA, and 1/3 mile of the WMA road.

Commissioner Wolfe asked if it is anticipated the work will be completed by September 2016 and if the closures will be lifted.

Brian Bartkowiak, DEQ-Lead Project Officer, stated DEQ is trying to minimize the closures; Phase 1 closure is anticipated to be completed in 2016 depending on vegetation; Phase 2 is on schedule and anticipated to be completed on time; closures are for public safety and to protect the investment.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

10. 2015 Late Season Waterfowl Seasons/Closures – Final

John Vore, Game Management Bureau Chief, explained for ducks, geese, swans, and coots, Montana is in both the Central and Pacific flyways and follows U.S. Fish and Wildlife Service (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 and 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 USFWS rules, FWP cannot change the duck zones to match the goose zones until 2016. Public comment period ran from August 6 - August 21; four comments were received; as a result of comments, FWP added a proposal for the tundra swan season in the Central Flyway to not have the current two zones and season split. Allowing for changing the start and

end dates consistent with calendar rotation, opening date October 3, FWP proposes no changes from the 2014 season other than the few 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 in 2014. Last year, the closed period was such so 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). The proposed closed period referred to above would be a week earlier, the bonus teal season would need to be shortened to the first 9 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.
- Canvasback bag limit: Increase the canvasback bag limit to 2 as allowed by the FWS.
- Tundra Swan Zones and Season Split: Eliminate the two different zones and the season split for tundra swan in the Central Flyway. This simplifies regulations, offers opportunity when swans are present during what used to be the season split in Zone 2, and lessens chances of taking a trumpeter which is greater late in the year. The tundra swan season would run 93 days from October 3 - January 7.
- Elimination of the Milltown Reservoir goose hunting closure in Missoula County, Pacific Flyway.

Commissioner Kerstein and Vore discussed the bonus teal season.

Action: Commissioner Kerstein moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the proposed 2015 late season migratory bird regulations as presented by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

11. 2015 CSKT Waterfowl 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 for presentation and approval of Tribal waterfowl season frameworks to the Commission. FWP is included in the development of Tribal waterfowl regulations, which are set within federal frameworks in the Pacific Flyway. Tribal recommendations are first presented to the Flathead Reservation Fish and Wildlife Board. The Board then votes on tentative proposals, opens them to general public review and comment, and then meets for final adoption; adopted final proposals are then presented to the CSKT Council. The Commission endorsement is subject to final Tribal Council approval. The only significant difference between the two regulations is no hunting with falcons on the Flathead Indian Reservation.

Action: Commissioner Wolfe moved and Chairman Vermillion seconded the motion that the Commission endorse the Confederated Salish and Kootenai Tribes regulations as presented and subject to final Tribal Council approval.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

12. Biennial Rule Regulating Use In Nature Conservancy Land Recreation Management Area – Final

Ken McDonald, Wildlife Administrator, explained in January, the Nature Conservancy (TNC) acquired 117,152 acres of Plum Creek Timberland in the Clearwater and Blackfoot watersheds. In February, FWP met with TNC to discuss ideas for a possible land recreation management plan for the 163,883 acres in Missoula, Powell and Lewis and Clark counties. The land is enrolled in the Block Management Program, which provides free public access during the fall big game hunting seasons. The proposed biennial rule will provide year-round recreational access for public use. The tentative rule was approved for public comment in July by the Commission; no comments were received. FWP is unaware of any specific opposition to this rule or to the practices proposed. Managed public access will reduce resource damage caused by unregulated access and trespass, prevent vehicular damage to soils and vegetation, and avoid excess disturbance to native wildlife including threatened and endangered species. Without these rules, TNC may close these lands to public access. FWP recommends the Commission approve the proposed rule, which would allow FWP to work in partnership with TNC to provide a significant amount of managed public recreation access to high quality lands. The Biennial Rule reads as follows:

The Nature Conservancy Recreation Management Area - Public Use Special Regulations
BIENNIAL RULE

Montana Department of Fish, Wildlife and Parks and the Montana Fish & Wildlife Commission adopts the following rules and regulations to govern recreational use of The Nature Conservancy Recreation Management Area throughout Region 2 for the purpose of gaining hunting access and recreational privileges on private land, to prevent vehicular damage to soils and vegetation, and to avoid excessive disturbance to native wildlife including threatened and endangered species. This Rule is effective from 8/25/15 to 8/25/17. Because the public enjoyment of the recreational facilities of these lands necessitates rules, regulations and enforcement, the provisions of 23-1-106 and 87-1-303 M.C.A. shall apply. It is therefore ordered that it shall be unlawful for any person to:

1. Drive any motorized wheeled-vehicle in the above-described area except on designated open roads or areas posted open to motorized use. Off-road motorized vehicle use is prohibited. Landowners and/or their designee in the course of administrative work, and federal, state, and county officials in the course of their official duties will be exempt from these vehicular restrictions.
2. Drive any motorized wheeled-vehicle behind any gate, earthen barrier, barricade, or signs. Any earthen barrier is considered a "closure" to all wheeled-motorized vehicles. Road restrictions apply behind unmarked gates, even if vandalized or open.
3. Park any vehicle in such a manner as to obstruct traffic or block any gate. Administrative, contractor or emergency traffic may need to pass through locked gates at any time.
4. Operate a snowmobile in the above-described area between April 2 and November 30. Snowmobile use is allowed seasonally from December 1 through April 1. Snowmobiles are permitted to go beyond an earthen barrier or gate; however, snowmobiles must stay on groomed or signed snowmobile routes, or forest road systems.
5. Trespass, hunt, or discharge a firearm within Nature Conservancy posted safety zones. Recreational shooting and discharge of firearms is prohibited on Nature Conservancy lands when posted. However, hunting and non-commercial trapping of game and non-game animals is allowed in accordance with Montana Fish, Wildlife and Parks rules and regulations.
6. Hunt, transport hunters or retrieve game behind a closed road with administrative or commercial vehicles.
7. Conduct any commercial activity without a Nature Conservancy *Land Use Permit*.
8. Conduct commercial outfitting or guiding of hunters or fisherman in the above-described area.
9. Commercially trap game and non-game species. Recreational trapping and wolf trapping, as defined by published Montana Fish, Wildlife and Parks trapping regulations is allowed. Trapping is prohibited on active logging and road construction projects, if machinery is in the area; the area is closed to trapping. Trap setbacks required; 150' from all open or gated roads and hiking trails. 1,000' from all residences and trailheads.
10. Leave a campsite unattended for more than three consecutive days. However, camping on Plum Creek Timber Company lands is allowed but is limited to 16 consecutive days. Camping beyond 16 days requires relocation to new site at least five miles from the original site. A Nature Conservancy *Land Use Permit* is required for any exceptions or special use camping.
11. Leave a campfire unattended. Campfires must be attended at all times. Cutting of firewood for personal use while camping on Nature Conservancy lands is allowed, a Nature Conservancy *Land Use Permit* is not required.
12. To minimize conflicts with bears; human, pet, and livestock food, garbage and all other attractants shall be acceptably stored at all times in accordance with the Montana Fish, Wildlife and Parks; Wildlife Management Food/Attractant Order.
13. The use of certified weed-seed-free livestock hay, forage and bedding is required for all livestock use on Nature Conservancy lands.
14. Cut standing trees or remove firewood without a Nature Conservancy *Lands Use Permit*. Permitted personal-use firewood gathering of dead or down wood is allowed from June 1 – December 31. Personal firewood gathering must not exceed five cords per permit.
15. Use any exploding targets, fireworks or explosives on Nature Conservancy lands.
16. Leave any garbage or litter. All trash must be packed out and the area left clean.

STATEMENT OF LEGAL AUTHORITY FOR THE RULE: Section 23-1-106, MCA and section 87-1-303, MCA gives the Fish, Wildlife and Parks Commission authority to adopt and enforce rules governing uses of lands that it operates under agreement with or in conjunction with a private owner.

McDonald expressed the Department's appreciation to TNC for making these lands open and available to the public.

Action: Commissioner Wolfe moved and Chairman Vermillion seconded the motion that the Fish & Wildlife Commission approve the Montana Nature Conservancy Lands, Recreation Management Area biennial rule.

Chairman Vermillion thanked TNC for their hard work and willingness to work with the Department and sportsmen/women of Montana.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

13. Public Comment - For Issues Not On This Agenda

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

The meeting adjourned at 9:50 a.m.


Dan Vermillion, Chairman


M. Jeff Hagener, Director