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Montana Fish & Wildlife Commission

MINUTES - Amended 1/14/16

Montana Fish and Wildlife Commission Meeting

Montana WILD
2668 Broadwater, Helena

November 12, 2015

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

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

Guests: December 12, 2015 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes of the October 8, 2015 Commission Meeting
3. Approval of the October Commission Expenses
4. Commission Reports
5. Director's Report
6. 2016 Commission Meeting Calendar - Final
7. Lease Agreement for Round Up Fishing Access Site, Blackfoot River - Endorsement
8. Authority to Prohibit Floating near Supply Ditch on the Bitterroot River Biennial Rule - Proposed
9. 2016 Fishing Regulations - Final
10. Blackfoot-Clearwater Wildlife Management Area Timber Sale - Endorsement
11. Willard Fee Title Addition to Blackfoot-Clearwater Wildlife Management Area - Endorsement
12. Hansen Fee Title Addition to Fresno Tailwater Wildlife Management Area - Endorsement
13. Wall Creek Wildlife Management Area Fee Title Addition - Final
14. Threemile Wildlife Management Area Antrim Donation/Addition - Endorsement
15. Alberta Sage Grouse Translocation - Endorsement
16. Waterfowl Regulations/Central Flyway Duck Zone Adjustments (to match the goose zones) - Final
17. 2015 Elk Late Shoulder Season Pilot Project - Final
18. Public Scoping on Biennial Season Setting - Informational
19. Acceptance of the Gift of Oil and Gas Interest and Approval of Oil and Gas Lease - Final
20. Public Comment - For Issues Not On This Agenda

1. Call to Order - Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:33 a.m. and led the Pledge of Allegiance.

2. Approval of Minutes of the October 8, 2015 Commission Meeting

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the minutes of the October 8, 2015 Commission Meeting. Motion passed.

3. Approval of the October Commission Expenses

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

4. Commission Reports

Commissioner Tourtlotte reported he is still receiving a lot of public comments on the proposed pilot program and the shoulder seasons that were voted on at the last meeting; some people are excited, some are concerned and not confident the results will be what everyone is hoping for; people are saying the Department has moved away from the public trust; if landowners and hunters can cooperate, the season will be successful, if not, it's not going to work. Receiving anecdotes from hunters; it's been a warm season and not much snow; hunters are enjoying themselves, season started out well but has leveled out.

Commissioner Wolfe reported he has received phone calls from landowners in Region 2 thanking the Commission for approving the shoulder season guidelines; one person commented it was a violation of

the public trust. Received calls in support of the barbless hook proposal. Region 1 and Region 2 overall elk and deer harvests are doing well. Received calls from archers concerned about the overlap of the youth rifle hunt and archery season; three grizzly bears were struck and killed on Highway 83; confirmed Walleye in Swan Lake.

Vice-Chairman Stuker reported he attended a Finding Common Ground meeting; moving forward and there are only two meetings left. An influx of ethical and unethical hunters on private land within the Region, including his ranch; costly for landowners; landowners are talking of closing their land to hunters if this continues.

Chairman Vermillion reported on a daily basis he has had discussions with individuals regarding hunting district (HD) 313; very appalling when certain members of the public are uninformed and motivated by other factors, decide to attack dedicated FWP staff; doing more harm than good. Several phone calls on fishing regulations. Harvest has been good. Walleye situation in western Montana is becoming a challenging situation for the Department; Commission and Department are losing the battle. Hunter behavior is becoming unacceptable; access is/will become unavailable due to the unethical behavior of some hunters. Everyone is keeping Commissioner Kerstein in their hearts and prayers and wishing him well.

5. Director's Report

Mike Volesky, Chief of Staff reported Director Hagener is in Cody, Wyoming for a Western Governors Association meeting. Introduced the newly hired Region 5 Supervisor Barb Beck; Mark Sullivan, newly promoted Region 6 Supervisor; Darlene Edge, newly promoted Lands Supervisor; and Jonathan Ferree, newly hired Stream Protection Coordinator. Hunting season is stable, no big issues so far; fewer bear issues with the cooler weather; Game Damage Administrative Rules have been revised and provided to the Environmental Quality Counsel (EQC) for review; Department is looking into the Weyerhaeuser/Plum Creek deal, could have effect on access in northwest Montana.

Alan Charles, Landowners Sportsmen Coordinator, gave an update on the Plum Creek acquisition, Block Management program and access; hopefully a similar relationship can be made with Weyerhaeuser.

Commissioner Wolfe and Charles discussed how many acres Plum Creek still has in Region 1 and 2.

Chairman Vermillion stated on behalf of the Commission, he signed two letters being sent to Senator Tester and Representative Zinke, in support of the Federal Land and Water Conservation funding bill and Representative Cynthia Lummis's Yellowstone and Great Teton Paddling Act Bill.

6. 2016 Commission Meeting Calendar – Final

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the 2016 Commission meeting calendar. Motion passed.

7. Lease Agreement for Round Up Fishing Access Site, Blackfoot River – Endorsement

Bruce Rich, Fisheries Administrator, explained the Blackfoot Corridor Agreement was renewed with Commission approval in 2015; during this process, it was discovered the Round Up Fishing Access Site (FAS), has been managed by FWP without a formal agreement for some time; the landowner and FWP would now like to establish a formal lease agreement. The landowner did request a trash receptacle be established at the site; otherwise the agreement would involve no additional cost to FWP. The final lease agreement would be brought back to the Commission for tentative approval, which would initiate a public process.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission endorse negotiation of a lease agreement between FWP and the private owner of the Round Up Fishing Access Site to formally secure FWP long-term management of the site.

Commissioner Wolfe stated the FAS is heavily used; encourages the Commission to endorse.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

8. Authority to Prohibit Floating near Supply Ditch on the Bitterroot River Biennial Rule – Proposed

Bruce Rich, Fisheries Administrator, explained in 2011, the Bitterroot River shifted flow into a new stream channel and over the Supply Ditch Diversion creating a dangerous hydraulic situation, and floating accidents occurred; FWP placed signs to warn of the danger; in 2013, more accidents and one fatality occurred; more outreach was provided, no more accidents were reported in 2013; at least two more accidents occurred in 2014. By April 2014, FWP implemented an emergency rule closure for user safety on a five-mile section of the Bitterroot River, from Woodside Crossing FAS downstream to Tucker Crossing West FAS; the Commission approved closing this portion of the river to floating under certain conditions. Closure was not necessary in 2015 because flows happened to provide a safe alternative route past the diversion. The need for an option to prohibit floating during the 2016 and 2017 spring runoff remains before repairs to alleviate the problem can be completed; implementation of plans to repair the problem may be possible in 2016; a public-safety closure would be necessary to safely complete that work. If approved, public comment would be initiated, with results included in the final proposal. The proposed Biennial Rule reads as follows:

PURPOSE

1. The following rules govern any possible temporary closure of a portion of the Bitterroot River surrounding the Supply Ditch Diversion Dam to protect public safety.
2. The dam is a low-head structure that creates dangerous currents that have caused numerous boat accidents including a fatality.
3. During flood stages, portage around the dam is very difficult.
4. Conditions are unpredictable and an immediate temporary closure may need to be instated to educate the public and address the safety concerns around the dam.
5. The Fish and Wildlife Commission (Commission) is outlining the circumstances that the Department of Fish, Wildlife and Parks (Department) may temporarily close all or a portion of the Bitterroot River between Woodside Fishing Access Site and Tucker West Fishing Access Site.

BITTERROOT RIVER TEMPORARY CLOSURE REQUIREMENTS

1. The Department may close a portion or the entire length of the Bitterroot River between Woodside Fishing Access Site and Tucker West Fishing Access Site to floating and boating when:
 - a. Danger at the dam is heightened; and
 - b. Alternative ways to avoid the dam are difficult or impossible to navigate.
 - c. The Supply Ditch Diversion Dam is being repaired/redesigned.
2. The Department must reopen the Bitterroot River as soon as the flows are below 4000 cubic feet per second at the USGS Missoula Gauge or July 10, whichever occurs first. When the dam is repaired, the Department must reopen the Bitterroot River as soon as construction is complete.
3. This rule does not affect any rules that may be adopted to address unforeseen temporary, emergency situations.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission propose the biennial rule as recommended by FWP and initiate a public comment process.

Chairman Vermillion, Volesky, Rich, Pat Saffel, Region 2 Fisheries Manager, discussed where the Department is currently at to alleviating the problem.

Chairman Vermillion asked for public comment.

Robin Cunningham, Fishing Outfitters Association of Montana (FOAM), urges approval of rule and seeks public participation; public safety is the primary function, not guaranteed access.

Action on Motion: Motion Passed.

9. 2016 Fishing Regulations – Final

Bruce Rich, Fisheries Administrator explained the fishing regulation process is based on a four-year cycle and prior to the first year of every cycle, FWP embarks on a thorough review of its fishing regulations. As part of this review, staff is directed to propose ways to simplify and standardize regulations, within individual water bodies, regions, or statewide. The public is solicited for ideas on how to standardize and simplify, as well as other regulation changes they may wish to see adopted. In August, 71 proposed fishing regulation changes for 2016 were approved initiating a 30-day public comment period that was extended at public request, through October 3; FWP received 1,152 comments, 415 online survey and 548 electronically, by mail, or by handwritten note; 14 open houses were held around the state. After considering public comment and consultation with the Commission, four proposals have been modified from their original form, and two are recommended to be entirely withdrawn. Seventy-one recommended regulation actions are proposed; many are meant to standardize or otherwise simplify regulations, mostly by deleting unneeded exceptions for fish size, harvest limits, or seasons on specific water bodies. Many additional proposals came from public comments that were not included with the 2016 regulation recommendations. These ideas have been forwarded to FWP regional staff and retained in Helena for consideration at a future time. Full explanations of all proposals were discussed in length. (modified proposals are in blue and withdrawn proposals are in red).

STATEWIDE – Multiple Fishing Districts

Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion to adopt FWP's proposed statewide regulation changes for the 2016-2019 fishing seasons.

Chairman Vermillion and Rich discussed, and the reasoning for the statewide live bait use clarification proposal.

Action on Motion: Motion Passed.

WESTERN DISTRICT – District Standard Regulation

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion to adopt FWP's proposed regulation changes 5-7 in the western district for the 2016-2019 fishing seasons as presented by FWP.

Action on Motion: Motion Passed.

Chairman Vermillion, Commissioner Wolfe and Saffel, discussed the Department's plan for the North Fork of the Blackfoot River and barbed/barbless hooks.

Commissioner Wolfe stated he has received positive feedback on proposal 8 but wants it to go farther; comfortable dropping the tributaries but would like to implement a single barbless hook rule on the North Fork of the Blackfoot.

Proposal 8 - Modify proposal to include: single point barbless hook restriction to streams in the Western Fishing District currently designated catch and release and artificial lures only, where Cutthroat Trout are the primary species meant to be protected by the restrictions.

Action: Commissioner Wolfe moved and Chairman Vermillion seconded the motion to adopt from the North Fork of the Blackfoot from the Highway 200 bridge, up to the falls, a single point barbless hook restriction beginning with the 2016 fishing restrictions.

Chairman Vermillion asked for public comment.

Jim Vashro, Montana Wildlife Federation (MWF), supports FWP proposal; further testing should be done before a more broader application; education is important.

Chairman Vermillion concurred with Vashro's comments; strongly supportive of motion.

Vice-Chairman Stuker stated, in the future, any areas that are catch-and-release should be changed to barbless hooks only.

Chairman Vermillion put the Department and public on notice: at the August 2016 meeting, during the fishing regulation revision, the Commission will discuss and make hook changes to the regulations, as it relates to a particular species.

Action on Motion: Motion Passed.

CENTRAL DISTRICT – District Standard Regulation

Action: Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion to accept FWP's proposed regulation central district changes with the modification that the Yellowstone River and its tributaries remain catch and release for Cutthroat Trout from the Yellowstone National Park boundary downstream, to the Pine Creek Bridge.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

EASTERN DISTRICT – District Standard Regulation

Proposal 12 - Withdraw from proposal: Prohibit bow fishing for gar in Eastern Fishing District.

Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion to adopt FWP's proposed regulation for the eastern district changes for the 2016-2019 fishing seasons.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

WESTERN DISTRICT-Region 1

Proposal 33 - Withdraw from proposal: Eliminate the existing Loon Lake regulation exception and revert to Western District standard limits.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion to adopt the Region 1 specific regulation changes for the 2016-2019 fishing seasons, as proposed by FWP.

Chairman Vermillion asked for public comment.

Jim Vashro, Flathead Wildlife (FW), supports leaving proposal 33 as proposed; better posting and more enforcement would help; FW could provide a sign if needed.

Chairman Vermillion, Volesky and Mark Delray, Region 1 Fisheries Manager, discussed proposal 35: allow Bull Trout harvest again in Lake Koocanusa.

Action on Motion: Motion Passed.

WESTERN DISTRICT – Region 2

Proposal 42 - Modify proposal: to reduce harvest limit and set a length requirement to harvest Brook Trout from Georgetown Lake: 5 daily and in possession, of which only 1 may be a brook trout. Only brook trout over 16 inches can be kept.

Proposal 44 - Modify proposal to include: artificial lures only restriction to Silver Bow Creek and its tributaries.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion to adopt Region 2 specific regulation changes for the 2016-2019 fishing seasons as proposed by FWP.

Chairman Vermillion asked for public comment on proposal 42 and 44.

Jim Vashro, Kalispell, supports modification to proposal 42.

Action on Motion: Motion Passed.

CENTRAL DISTRICT – Region 3

Proposal 45 - Modify proposal to reinstate the 2015 regulations.

Chairman Vermillion, Rich and Travis Horton, Region 3 Fisheries Manager, Dave Moser, FWP 3 Biologist, discussed why artificial lures only are allowed only from Quake Lake to Varney Bridge and doesn't extend to Ennis Lake.

Action: Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion to approve all Region 3 specific regulation changes as proposed by FWP except for proposal 45.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

Action: Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion to approve proposal 45 as proposed with the exception to extend the artificial lures only provision to the outlet of the Madison River into Ennis Lake.

Chairman Vermillion asked for public comment.

Robyn Cunningham, FOAM, supports motion.

Chairman Vermillion, Rich, Becky Dockter, Chief Legal Counsel discussed what criteria is best when suggesting a change for the 2017 fishing regulation.

Chairman Vermillion stated he intends to change the Madison River regulation from Quake Lake to Ennis Lake to barbless hooks only in August 2016, for the 2017 fishing regulations.

Action on Motion: Motion Passed.

Chairman Vermillion thanked Region 3 staff for their work on the fishing regulations changes and getting the public involved.

CENTRAL DISTRICT – Region 4 / EASTERN DISTRICT – Region 4

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to adopt the FWP's proposal for Region 4 for the 2016-2019 fishing seasons as presented.

Action on Motion: Motion Passed.

CENTRAL DISTRICT – Region 5 / EASTERN DISTRICT – Region 5

Action: Commissioner Tourlotte moved and Vice-Chairman Stuker seconded the motion to adopt FWP's proposed regulations changes for Region 5 for the 2016-2019 fishing seasons.

Action on Motion: Motion Passed.

EASTERN DISTRICT – Region 6

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to adopt FWP's proposed regulations for Region 6 for the 2016-2019 fishing seasons.

Action on Motion: Motion Passed.

EASTERN DISTRICT – Region 7

Action: Commissioner Tourlotte moved and Commissioner Wolfe seconded the motion to adopt FWP's proposed regulation change for Region 7 for the 2016-2019 fishing seasons.

Action on Motion: Motion Passed.

Chairman Vermillion asked Region 3 to review other regions of rivers, where it would be appropriate, to include barbless hook regulations, at least during a certain part of the year.

Chairman Vermillion, Rich and Jim Williams, Region 1 Supervisor, had a *lengthy* discussion and the Department's direction on the walleye issue in Swan Lake and Noxon Reservoir.

10. Blackfoot-Clearwater Wildlife Management Area Timber Sale – Endorsement

Rick Northrup, Habitat Bureau Chief, introduced Jason Parke, new FWP Wildlife Forester who is spearheading this project. FWP proposes to enhance forest habitat at nine sites on approximately 340 acres of the Blackfoot Clearwater Wildlife Management Area (WMA). Treatments would enhance aspen habitats, open canopy for improved forage production, and improve forest resiliency by reducing fire risk and beetle infestation risk. Treatments include salvage logging of mountain pine beetle infected trees, commercial thinning, fuels reduction and removal of encroaching conifers within aspen groves. The project would be designed to minimize impacts to big game security and hiding cover. Contingent on environmental assessment (EA) and final approval from the Commission, FWP would initiate this project in the summer of 2016 with the intent to complete in 2017. This project is consistent with statutory requirements of MCA 87-1-622. Timely salvage is an important feature of this project, which could offset the costs of the fuels reduction and aspen enhancement components of the project. Most dead trees no longer have value; no action would retain dead and downed fuel while the commercial value would continue to diminish to a point where treatment would no longer pay for itself. Thinning of dense Douglas-fir stands would not occur and stands would continue to accumulate greater fuel loads over time; conifers would not be removed from aspen stands and would continue to out-compete aspen. Future mountain pine beetle risk would not be mitigated and risk of mortality would be higher if another mountain pine beetle epidemic occurs. FWP recommends the Commission provide preliminary approval, which would allow FWP to develop a more detailed proposal and conduct public involvement for the proposed treatments.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve for further analysis and public comment the proposed forest treatments on the Blackfoot Clearwater WMA.

Commissioner Wolfe stated the Blackfoot Clearwater WMA is an open area, not much timber; wants to learn more about the project; not convinced the quality of the WMA can be improved by conducting a timber management project.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

11. Willard Fee Title Addition to Blackfoot-Clearwater Wildlife Management Area – Endorsement

Rick Northrup, Habitat Bureau Chief, explained the Willard family has been negotiating with FWP and the Five Valleys Land Trust (FVLT) since spring 2014 to conserve a private land inholding along the north side of the Blackfoot Clearwater WMA (BCWMA) in Missoula County; the family is not interested in a conservation easement (CE). The proposal's intent is to purchase approximately 22 acres of land, which is surrounded on three sides by the BCWMA, and would help access and maintain wildlife habitat and connectivity values, including wetland and forested habitats. Surrounding lands provide elk winter range and seasonal habitats for grizzly bear, Canada lynx, and other forest carnivores. There has been little public involvement out of respect for the landowner and FVLT. Based on the history of land conservation in the Blackfoot Valley, the Department anticipates strong community support. If endorsed, FWP would conduct an EA and public review. The landowners have expressed an interest in disposing of the property and could sell or residentially develop the property.

Volesky stated the acquisitions on the current agenda have been in the works for some time and previously granted legislative spending authority; all the acquisitions are inholdings and additions that make sense from a management and access standpoint.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission endorse the 22-acre addition to the Blackfoot Clearwater WMA, allowing FWP to conduct analysis and associated public review.

Chairman Vermillion asked for public comment.

Commissioner Wolfe asked what the family is contemplating doing with their holding north of the road.

Northrup stated FVLT will continue to work with the landowner to consider other options for conserving the landowner's remaining holdings.

Action on Motion: Motion Passed.

12. Hansen Fee Title Addition to Fresno Tailwater Wildlife Management Area – Endorsement

Rick Northrup, Habitat Bureau Chief, explained FWP proposes to purchase up to 47 acres of property adjacent to the Fresno Tailwater WMA, located along the Milk River. FWP first negotiated the layout of this purchase with the landowner in March 2015. The primary benefit of this acquisition is maintaining public access to the WMA for public recreation and Department management. The route currently used by the public to access the WMA crosses this parcel, which is in between U.S. Bureau of Reclamation (BOR) and WMA lands, and support native grasslands, waterfowl, pheasants, white-tailed deer, mule deer and a variety of songbirds, amphibians,

mammals and other nongame wildlife species. Upon endorsement, FWP would conduct appropriate analysis and public review process; FWP has not sought any public comment at this time.

Action: *Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion that the Commission endorse this addition to the Fresno Tailwater WMA, allowing FWP to conduct further analysis and associated public review.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion Passed.*

13. Wall Creek Wildlife Management Area Fee Title Addition – Final

Rick Northrup, Habitat Bureau Chief, explained FWP proposes proceeding with the purchase of approximately 631 acres of land adjacent to Wall Creek WMA (WCWMA). The Commission endorsed this project in October 2013. Currently owned by the Rocky Mountain Elk Foundation (RMEF), the parcel lies along the northern boundary of WCWMA. The land provides important elk winter range for over 2000+ elk, and would be managed as part of the WMA. The land comprises native grassland and a 10-acre developed site which includes two outbuildings, and a two-acre pond; the outbuildings would remain for administrative use and the pond site would be rehabilitated. The fair market value for this proposed addition is \$1,041,000; \$260,250 Habitat Montana (HM) and \$780,750 Pittman-Robertson (PR). An EA was completed and released for public comment from September 15, 2015 to October 15, 2015; legal notices were printed in the local newspaper; a public meeting was held in Ennis on October 1. Two alternatives were considered in the EA: Alternative A: No action – RMEF would seek another buyer for this property; Alternative B: FWP purchases the property, adding it to WCWMA. Depending on the desires of the new owner, the habitat and wildlife values of the property may change. Public recreation access to the property could be lost, benefit to wildlife management could be negated, and conflicts could arise. Under Alternative B, substantial benefits are expected, with no negative effects foreseen. Benefits would include enhanced wildlife habitat, conserved ungulate winter range that is contiguous with the WMA and provide additional opportunities for public hunting and other compatible recreation. Five private parties and one agency submitted written comments and all favored Alternative B; one party asked questions about the process, but indicated no opinion. Standard boundary signing, reclamation of the developed site, and ongoing maintenance to bring the parcel up to WMA maintenance standards will be necessary. Department thanked RMEF for the help on the project.

Action: *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve the purchase of the Wall Creek WMA addition.*

Chairman Vermillion thanked RMEF for facilitating and expediting this transaction.

Chairman Vermillion asked for public comment.

Mike Mueller, RMEF, thanked the Department for their support; great benefits; good use of HM and PR funds.

Action on Motion: *Motion Passed.*

14. Threemile Wildlife Management Area Antrim Donation/Addition – Endorsement

Rick Northrup, Habitat Bureau Chief, explained FWP proposes to accept a donation of fee-title ownership of approximately 214.8 acres adjoining Threemile WMA. The acreage was bequeathed to FWP in the last will and testament of Ms. Priscilla Antrim. This property shares approximately 1.5 miles with the WMA, and 0.90 miles of boundary with a National Forest parcel between the Antrim property and the WMA. It contains open grassland, timber, and riparian habitat, including a small unnamed drainage and a portion of Threemile Creek. There are no developments on the property except for a segment of Forest Road 640, which is maintained by Ravalli County and the US Forest Service. The primary benefit of acquiring this property would be the preservation of elk and mule deer winter range habitat that is contiguous with the WMA, and the ability to avoid subdivision development in a location where impacts from development would be significant. The property would be managed as part of the WMA for wildlife habitat and compatible public recreation. FWP has not sought any public comment at this time. Upon endorsement from the Commission, FWP would conduct further negotiations with the landowner's executors and complete appropriate analysis and public review processes to determine project feasibility. If FWP does not accept ownership of this parcel, it is likely the land would eventually be under new private ownership. Under the no action alternative, the land could be vulnerable to subdivision, potentially other development and public accessibility would be in jeopardy.

Action: *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission endorse the donated addition to Threemile Wildlife Management Area, allowing FWP to conduct further analysis and associated public review.*

Chairman Vermillion asked for public comment.

Chairman Vermillion thanked Ms. Antrim for the kind gesture.

Action on Motion: *Motion Passed.*

15. Alberta Sage Grouse Translocation – Endorsement

John Vore, Game Management Bureau Chief explained Alberta sage grouse have been struggling for a number of years, declining from highs of 1,000 - 1,500 birds in the early 1980s to less than 50 by 2011. FWP has helped Alberta's efforts in the past, to increase sage grouse numbers by supplying birds for translocation; 41 birds from Phillips and Valley counties were released in southeast Alberta in 2011 and 2012 as part of an initial pilot project. Despite problems with equipment failure and high predation rates, the pilot project showed the translocated birds exhibited lek fidelity, successfully bred, and integrated with the resident sage-grouse population within the first year post-release. After years of continuous decline, the Alberta population experienced a short stabilization during 2013 and 2014 at a low of about 40 birds and exhibited a marked increase in 2015 to a current level of about 100. The Alberta Government believes the earlier translocations contributed to the growth of the Alberta population and, along with other important recovery actions have positioned Alberta for increased success from future translocations. There is every expectation the knowledge gained from the pilot project, coupled with other important management practices, will result in improved translocation success in the future. To continue recovery efforts the Government of Alberta is requesting up to 40 adult female sage-grouse from north-central Montana in the spring of 2016 with an additional 40 in 2018 and 2020, for a total of 120 birds over the next 5 years. If endorsed, the EA will be released for public comment through December 11th with final action taken at the January 2016 Commission meeting. Pending approval, capture and translocation of birds would begin in March and April 2016. The translocation project would not harm, and may help, Montana's population. Following two years of low numbers the northern Montana population from which the transplanted birds would be taken experienced an uptick of about 60% in 2015 and is estimated to be about 6,000 birds, including nearly 4,000 hens, in south Valley and Phillips counties. Although still 27% below the long-term average, removing up to 40 hens for translocation, will not have a noticeable effect on the population; to the extent possible, only young birds not associated with a lek will be taken. Instead of committing to future translocations at this time, Montana will evaluate its population before allowing any translocations in 2018 and 2020 and may not allow them dependent upon the status of the population.

Joel Nicholson, Alberta Environment and Parks introduced himself.

Action: *Commissioner Wolfe moved and Chairman Vermillion seconded the motion that the Commission endorse FWP to release for public comment the Environmental Assessment on translocating sage grouse to Alberta.*

Vice-Chairman Stuker stated he has concerns about the translocation until levels are at long term average, especially with the recent concerns over the delisting of the sage grouse; looks forward to reviewing public comments.

Commissioner Wolfe asked what the estimated annual sage grouse harvest is on the Montana side of the border.

Vore and Mark Sullivan, Region 6 Supervisor, explained the annual fall sage grouse harvest for Region 6.

Chairman Vermillion stated he is in full support of the proposal.

Chairman Vermillion asked for public comment.

Action on Motion: *Motion Passed.*

16. Waterfowl Regulations – Central Flyway Duck Zone Adjustments (to match the goose zones) – Final

John Vore, Game Management Bureau Chief explained through federal regulations, the U.S. Fish and Wildlife Service (FWS) allows Montana to divide its Central Flyway portion into two different zones for waterfowl hunting. Zones are areas within the state's portion of the flyway that can have different hunting season dates to accommodate the timing of migrations and/or hunters' desires; the zones can be different for ducks and geese. By FWS rules, the zones for geese can be changed every year but ducks can only be changed every five years. The opportunity for a change is now as the 2016 regulations are set. Montana's zones for geese were first established in 2014 with a seven-county south zone to include Carbon and Yellowstone counties, in addition to the five counties that are included in the current duck zone; the zones allow for more late-season hunter opportunity; the duck zones could not be changed at that time. FWP is proposing to change the existing duck zones to match the goose zones. Public comment was solicited; 10 comments were received; eight in favor, one disagreeing, and one undecided.

Action: *Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion that the Commission adopt changing the duck zones to match the existing goose zones in the Central Flyway portion of the state". (amended 1/14/16)*

Chairman Vermillion thanked the Department; something the Commission and Department have been working on for a long time.

Action on Motion: *Motion Passed.*

17. 2015 Elk Late Shoulder Season Pilot Project – Final

John Vore, Game Management Bureau Chief explained FWP's direction is to manage elk populations to objective. As a management tool FWP proposes a limited-scope, antlerless elk only pilot shoulder season to begin after the 2015 general season in six HDs that are over objective. HDs proposed include the east portion of 391, and HDs 445, 446, 449 and 452 and 410; except in HD 410, the season would run from November 30, 2015 to February 15, 2016; licenses would not be valid on National Forest (NF) lands or WMAs; and any B-licenses would be good in the hunting district for which they are valid and subject to the same restrictions. The shoulder season in HD

410 would not start until January 1 to allow elk to redistribute and would run until February 15; elk hunting would be by drawing only and either-sex permits, valid for antlerless elk only, or B-licenses specific to the district would be valid but would not be valid on the CMR Refuge. This proposal differs from the proposed in that it drops HD 392 because of landowner concerns and includes the eastern part of HD 391 in Meagher County; it is important to include this part of HD 391 because elk typically move back and forth between it and adjacent HDs 446, and 452. This would exacerbate landowner conflict, game damage issues and hinder the ability to effectively evaluate the shoulder seasons in adjacent districts. During the October meeting it was stated the Devil's Kitchen Working Group is in full support of the pilot proposal for HD 445; HDs 446, 449 and 452 have been endorsed by a vast majority of landowners and the Meagher County Commission supports the concept. In Region 3 the proposal has been vetted with a limited number of landowners and sportsmen, with support among landowners being mixed and the Broadwater Rod & Gun Club being either positive or at least not opposed. Public comment was accepted from until Friday, November 6; 300 comments were received; most in favor of the proposal. Whether the commenter agreed or disagreed with the proposal, access was the main issue; there was considerable amount of confusion as to what was actually proposed; many spoke to shoulder seasons in general and not specifically to the pilot project and many were still confusing shoulder seasons with game damage hunts; several comments disliked allowing rifle hunting during archery season. If this proposal is not adopted, there would be no pilot shoulder seasons starting December 2015. Shoulder seasons could still be proposed and adopted during biennial season-setting for the 2016-2017 hunting seasons. No pilot this winter would preclude experiences that might inform the season-setting process; management seasons and other existing tools would remain available in these HDs. The final draft shoulder season pilot projects for 2015-2016 are:

-- HD 391 Dry Creek-Duck Creek ONLY THAT PORTION IN MEAGHER COUNTY--

General Elk License

- Nov 30 – Feb 15 –Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs.

Elk B License. Drawing only. Apply by June 1.

391-00: 475 B Licenses. Not Valid on National Forest lands or FWP WMAs.

- Nov 30 – Feb 15 – Antlerless Elk

-- HD 410 Missouri River Breaks --

Elk – Hunting by Drawing only.

Elk Permit. Drawing only. Apply by March 16.

410-20: 100 permits.

- Jan 01 – Feb 15 –ANTLERLESS ELK ONLY. Not valid on CMR Refuge.

Elk B License. Drawing only. Apply by June 1.

410-00: 800 B Licenses.

- Jan 01 – Feb 15 – Antlerless Elk. Not valid on CMR Refuge.

-- HD 445 Hound Creek --

General Elk License

- Nov 30 – Feb 15 –Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs.

Elk Permit. Drawing only. Apply by March 16.

445-20: 40 permits. Not valid on National Forest lands or FWP WMAs.

- Nov 30 - Feb 15 – ANTLERLESS ELK ONLY.

Elk B License. Drawing only. Apply by June 1.

004-00: 4500 B Licenses. Not valid on National Forest lands or FWP WMAs.

- Nov 30 – Feb 15 – Antlerless Elk

-- HD 446 Northeast Big Belt Mountains --

General Elk License

- Nov 30 – Feb 15 –Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs.

Elk B License. Drawing only. Apply by June 1.

004-00: 4500 B Licenses. Not valid on National Forest lands or FWP WMAs.

- Nov 30 – Feb 15 – Antlerless Elk

-- HD 449 Castle Mountains East --

General Elk License

- Nov 30 – Feb 15 –Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs.

Elk B License. Drawing only. Apply by June 1.

004-00: 4500 B Licenses. Not valid on National Forest lands or FWP WMAs.

- Nov 30 – Feb 15 – Antlerless Elk

-- HD 452 Castle Mountains West --

General Elk License

- Nov 30 – Feb 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs.

Elk B License. Drawing only. Apply by June 1.

004-00: 4500 B Licenses. Not valid on National Forest lands or FWP WMAs.

- Nov 30 – Feb 15 – Antlerless Elk

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission adopt a 2015-2016 late-season shoulder season pilot project including the following hunting districts, as presented by FWP: HD 391, HD 410, HD 445, HD 446, HD 449 and HD 452.

Commissioner Wolfe and Vore discussed the reasoning for not allowing anyone with a general hunting license the opportunity to participate in HD 410.

Chairman Vermillion and Vore discussed the option for the Commission to close a certain HD before the cutoff date.

Chairman Vermillion, Vore and Howard Burt, Region 3 Wildlife Manager, discussed HD 391's proposal and landowners concerns.

Chairman Vermillion, Vice-Chairman Stuker and Gary Bertellotti, Region 4 Supervisor discussed HD 410 tags/licenses and landowners concerns.

Vice-Chairman Stuker stated he received calls from two legislators; it seems like the Department is not doing a good job in explaining the programs to the landowners and what their options are.

Chairman Vermillion stated he believes having the guidelines and pilot project transition on the same day confused everyone; in the future should split the two up.

Commissioner Wolfe stated he supports the proposal as a learning tool.

Vice-Chairman Stuker stated he supports proposal; hopefully will learn something; skeptical the requirement will be met in three years as passed.

Commissioner Tourtlotte stated he is skeptical of the pilot program, especially HD 391, not enough landowner participation; not going to support proposal or HD 391 being in the pilot program.

Commissioner Wolfe and Bertellotti discussed Region 4's role in advising participating hunters and landowners.

Chairman Vermillion asked for public comment.

Paul Rossignol, Montana Sportsmen of Fish and Wildlife (MTSFW), in support of pilot season; need more specific area; concerned with HD 391.

Jeff Brozovich, G Bar T Ranch and surrounding landowners, do not support the proposed shoulder seasons; will not grant any access nor participate in the program; landowners will pull the Block Management program.

Chairman Vermillion and Brozovich discussed daily shoot-fest situations and other concerns in HD 391 and HD 392; more support for game and management hunts.

Vice-Chairman Stuker asked if the Department has been in contact with landowners with more options.

Brozovich replied yes, but still have a lot of concerns.

Arlyn Lemer, Lolo, supports proposal; need to have plenty of access.

Douglas Becker, Townsend, supports shoulder season, especially the eastern portion of HD 391.

Shannon Tyler, Headwaters Sportsmen Association (HSA), management tools need to be in place.

Tim Aldrich, MWF, supports proposal; need to generate conversations with all parties.

Vice-Chairman Stuker and Vore discussed other options for future seasons.

Chairman Vermillion, Vore and Burt, discussed management hunt options for undisclosed landowner.

Chairman Vermillion stated the petition from the landowners in HD 391 and HD 392 is a very persuasive; comfortable with proposal except in HD 391 and HD 392.

Chairman Vermillion and Commissioner Wolfe discussed HD 391's proposal versus management's hunts.

Action on Motion: Motion failed. 2-2

Vice-Chairman Stuker and Commissioner Wolfe - Aye
Chairman Vermillion and Commissioner Tourtlotte – Nay

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission adopt to proceed with the pilot season in HD 445, HD 446, HD 452, HD 449 and 410 as proposed by the Department.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

18. Public Scoping on Biennial Season Setting – Informational

John Vore, Game Management Bureau Chief explained while regional and other FWP staff routinely engage with the public throughout the year, the formal season setting process for public introduction is at the December Commission meeting, of odd years, with alternative proposals available at that time; the proposals are then made available for public comment, which include more than 40 public meetings and other contacts with sportsmen across the state. Final proposals and adoptions take place in February 2016 so the regulation booklets may be available for spring bear and turkey seasons and nonresident deer and elk license application deadlines. While the biennial season-setting process has successfully generated considerable public comment, one criticism was the lack of public participation opportunity prior to initial proposals being framed by FWP. In response to this criticism, starting in 2014, FWP inserted an additional scoping step during the summer and early fall prior to the December meeting. For 2015 this scoping includes two additional Commission presentations or discussions in August and November, and public comment opportunities online using Survey Monkey from August 6, 2015 - September 9, 2015; FWP previously held public open houses in each region, were poorly attended and discontinued; 136 online and three email comments were received; Montana residents made up 92% of the comments; comments spoke to multiple hunting district, region-specific, and statewide geographic scales (scoping public summary is available in the November 12, 2015 Commission file). Formal recommendations will be presented to the Commission at its December 10, 2015 meeting.

Vice-Chairman Stuker asked how the use of a smart phone would be used for a proof of license.

Vore stated the hunter would still be required to buy a license and tag the animal.

Commissioner Wolfe asked if the prohibition against using a lighted nocks is dictated by statute or by Commission regulation; been approached by several archers.

Becky Dockter, Chief Legal Counsel stated she will send written verification of the provision to the Commissioners.

Chairman Vermillion asked the Department to consider moving to an earlier hunting season and a later season for upland game bird; would like to have discussions at the public proposal meetings to see what the public says.

Vice-Chairman Stuker stated he would like a status report on all management's hunts as they happen.

Commissioners requested to have the December's agenda documentation be sent via a binder.

Dockter introduced the Department's legal staff.

19. Acceptance of the Gift of Oil and Gas Interest and Approval of Oil and Gas Lease – Final

Bill Schenk, Senior Legal Council FWP is proposing the Commission accept the devise of Mr. William Kamps, which includes partial interests in the oil and gas rights to seven tracts of land in North Dakota and to lease its oil and gas interests on two of those acquired parcels. Mr. Kamps' wish was the proceeds from a portion of his oil and gas interests be used by FWP to benefit the Hooked on Fishing Program in Region I. FWP has not conducted any public involvement independent of the November 12 Commission meeting. Mr. Kamps passed away in December 2011. Though FWP did receive at least one deed as early as October 2014, the full extent of Mr. Kamps' oil and gas related assets had not been known until recently. The Montana Environmental Policy Act does not apply to state actions taken outside of Montana. The absence of public involvement prior to the current Commission meeting is further due if the lease is not approved by the Commission, the proposed new wells will still be developed; FWP will simply be a non-participating owner. Deeds which transfer Mr. Kamps' oil and gas interests to FWP have already been executed by Mr. Kamps' estate. In the event the Commission was to deny accepting the gift, the interests would need to be deeded back to Mr. Kamps' estate. The Commission could accept the gift of the interests, but deny the request to approve the lease of two tracts. If this were to occur, pursuant to North Dakota law, FWP would miss the opportunity to gain liability protection on one tract which is already developed, and on the second tract, FWP would lose both liability protection and incur a penalty of 50 percent of development costs which would negatively impact future royalties received. Montana law requires the Commission approve the acquisition of any form of real property, including property given

to FWP under the terms of a will. Region 1 staff knew Mr. Kamps and is grateful for his generous gift and the Hooked on Fishing Program in Region 1 would greatly benefit from acceptance of the gift.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission approve and accept the devise of oil and gas rights on seven tracts of land in North Dakota from Mr. Will Kamps, and that the Commission approve the oil and gas development lease of two of the tracts.

Chairman Vermillion asked for public comments.

Vice-Chairman Stuker and Schenk discussed how many acres/tracts and the percentages involved.

Action on Motion: Motion Passed.

20. Public Comment – For Issues Not On This Agenda

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

The meeting adjourned at 1:07 p.m.



Dan Vermillion, Chairman



M. Jeff Hagener, Director