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Montana Fish & Wildlife Commission

MINUTES

Montana WILD – 2668 Broadwater – Helena, MT

July 12, 2016

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

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

Guests: July 12, 2016 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes of the May 12, 2016 and June 9, 2016 Commission Meeting
3. Approval of the June 2016 Commission Expenses
4. Commission Reports
5. Director's Report
6. Water Update
7. Re-Instate Seasonal Closure of White Bear Fishing Access Site - Final
8. Clark Fork River Floodplain Closure Rule (Phase 5&6, Galen Road to Gem Back Road) – Final
9. Harrison Lake Fishing Access Site Property Donation (R3) – Endorsement
10. 2016/2017 Wolf Hunting Seasons, Quotas, HD Boundaries, and SB200 Quota – Final
11. 2016/2017 Furbearer Seasons and 2016 Quotas – Final
12. 2016/2017 Fisher Season and Quotas – Final
13. Greater Yellowstone Ecosystem Grizzly Bear Tri-State Memorandum of Agreement – Final
14. Greater Yellowstone Ecosystem Grizzly Bear Hunting Regulation Structure – Final
15. 2016 Mule Deer Quotas Outside Biennial Quota Ranges – Final
16. Nongame Check-off Workplan – Final
17. 2016 Upland Game Bird Quotas and Limits – Final
18. 2016 HB 454 Hunting Access Agreements – Final
19. Veebaray Upland Game Bird Enhancement Program Grazing System (R7) – Final
20. North Shore Wildlife Management Area Farming Lease (R1) – Final
21. Shoulder Season Performance Criteria – Informational
22. 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 May 12, 2016 and June 9, 2016 Commission Meeting

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the minutes of the May 12, 2016 and June 9, 2016 Commission Meeting.

3. Approval of the June 2016 Commission Expenses

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

4. Commission Reports

Commissioner Wolfe reported he received over a thousand emails and phones calls regarding items on the agenda.

Vice-Chairman Stuker reported he also received numerous emails and phone calls; looks at individual correspondences for suggestions how things can be done differently; mass correspondence does not persuade him and asked to keep that in mind for future comments. Participated in a call with the Park Lands Reconciliation Work Group to discuss FWP West Shore property on Flathead Lake; looking at several suggestions. Received a call asking and giving suggestions, to change the elk preference point

system. Spoke at the annual meeting of the Association of State Grazing Districts. Wants to receive actual comments on all environmental assessments (EA) or let the public know that the Commission received just the comment summary.

Commissioner Tourtlotte reported received thousands of comments on grizzly bears and wolves; does not sway his opinion to receive mass emails. Received several calls on shoulder seasons; advised the callers to contact the Region 5 office. Calls on grizzly bear issue; lack of public knowledge of delisting; questions asking when the Rocky Mountain Front area will be considered to be delisted.

Chairman Vermillion received several hundred comments on meeting agenda items and disapproval of his support for Yellowstone wolves. Good start for the summer; lots of water; temperature has cooled down; southeastern Montana is green, has not looked green in a while. Commended Region 3 and Travis Horton for their quick response to opening the river.

5. Director's Report

Director Hagener reported most water restrictions have been lifted; hopefully the cooler weather will continue. Blue Ribbon Panel legislation has been introduced to Congress (HR5650); introduced by Representatives Dingle and Young. Montana Sportsmen for Fish and Wildlife contributed \$15,000 to be used towards a hunt information coordinator position; other entities have also expressed interest in contributing. Busy season with grizzly bears in the Rocky Mountain Front moving east; bear population is expanding; Fish and Wildlife Service is aware of the situation; will be looked at after the Greater Yellowstone delisting is finalized. Quentin Kujala spoke with the Board of Livestock (BOL) to discuss the Natural Resources Defense Council's trapping petition; Board Chairman expressed appreciation for the Commission denying the petition. Conversations internally on the Quiet Waters petition. August 11 Commission meeting will have a light agenda; scheduling a tour with the Natural Resource Damage Program (NRDP) and Department of Environmental Quality (DEQ) on the upper Clark Fork rehabilitation area.

Nina Baucus, BOL, appreciates invitation to address Commission; discussed in length depredation issues with grizzly bears in the Rocky Mountain Front; conflict problems are not be dealt with quickly; something needs to be done. Clear information needs to be put out for the public to understand the grizzly delisting; asked for a copy of the grizzly bear management plan.

Vice-Chairman Stuker and Baucus discussed Commission and BOL set-back authority.

Chairman Vermillion thanked Baucus and her family for all their work dealing with public access and block management throughout the years; Department will work on being better communicators.

Mike Honeycutt, BOL, thanked Kujala for his outreach regarding the petition; communication between the BOL and FWP entities is important; explained BOL's perspective on the petition; what is the actual threat to animals?

Commissioner Wolfe and Honeycutt discussed M44 regulations on public land.

Ken McDonald, Wildlife Administrator, explained the scope of the grizzly bear delisting and the distinction between different grizzly bear areas across the state.

Becky Dockter, Chief Legal Counsel, gave an update on the Quiet Waters Petition; Department will draft an Administrative Rule with the intent to not change any substance of the petition; will return to the Commission after public comment is taken.

6. Water Update

Don Skaar, Acting Fisheries Administrator, gave a brief statewide water update.

7. Re-Instate Seasonal Closure of White Bear Fishing Access Site – Final

Don Skaar, Acting Fisheries Administrator, explained White Bear Fishing Access Site (FAS) is located on the edge of Great Falls and has become an attraction for non-sporting type use during summer months. The site attracts unsavory activities during summer months such as under-age use of alcohol, illegal drug use, violent behavior, public disturbance, vandalism and litter; this activity has caused numerous disturbances with neighbors and other site users and requires a high law enforcement presence and high demand on maintenance resources; neighbors have expressed concerns about their safety and security by users of the FAS. In 2015, the Commission closed the site from June-September to eliminate this type of behavior while a long term solution to trade the site was being explored; the trade option fell through in June 2016 due to an access easement problem at the trade site. Both before and after the closure, the public had frequent reports and complaints about users at the site; the neighbors approached the Commission in September 2014 during the open-microphone session and raised concerns about their safety; the public commented during the 2015 seasonal closure process and expects the Department to control the problems at this site. FWP staff met with the Homeowners Association frequently to address complaints and concerns for safety; the 2015 seasonal closure addressed the public's concerns. With no seasonal closure in place in 2016, problems have returned, and the public continues to contact the Department through direct phone calls, TIPMONT and County law enforcement. A seasonal closure has proven to eliminate this behavior at the site and ensure public/neighbor safety. A closure would allow FWP law enforcement staff to issue citations for trespass or violation of the closure rule at anytime during the summer months, thereby removing any incentive for these individuals to visit the site; the closure would end in September and the site would then allow duck and big-game hunters to access the river in the fall and early-winter months. FWP is asking the Commission to re-institute a seasonal closure from July 15 through September 6, 2016 in an attempt to control use at the site. The Department will continue to search for a long term solution for trade or disposal of the site.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission re-instate the seasonal closure of the White Bear Fishing Access Site as recommended by FWP.

Chairman Vermillion asked public comment.

Mike Winn, Great Falls, area is a public nuisance; worried about safety, it's not a question if someone is going to get hurt, it is when.

Jim Edwards, Great Falls, sad deal; safety issue; good families get pushed out; pain in the butt for law enforcement.

David Phillips, Cascade County Sherriff's office, supports closure for the safety and security of the citizens that live in this area; roadway is limited.

Chairman Vermillion asked Phillips if the Sherriff's office has any suggestions of a way to manage the site in the future.

Phillips stated it is during the summer time when the problems occur; only way to prevent problems is to have a person present at all times; violations are given all times during the day.

Edwards, not a true FAS, site is a swimming hole with a nice beach.

Chairman Vermillion asked if the Department is still pursuing the land exchange.

Gary Bertellotti, Region 4 Supervisor, stated the trade that was originally pursued fell through; access issues with landowners.

Chairman Vermillion stated to reevaluate in the spring.

Vice-Chairman Stuker stated he is sorry the trade cannot happen, nice piece of property; agrees with Chairman Vermillion's statement to reevaluate in the spring.

Action on Motion: Motion Passed.

8. Clark Fork River Floodplain Closure Rule (Phase 5&6, Galen Road to Gem Back Road) – Final

Don Skaar, Acting Fisheries Administrator, explained the DEQ and NRDP are removing contaminated soils in the Upper Clark Fork River as part of a Superfund Site cleanup on the Clark Fork River; work is being done in phases. This proposal concerns Phases 5 and 6, which is currently under construction. For public safety, public access was already closed to the river and floodplain in these areas. Construction is scheduled to be completed in July 2016, and the current closure will expire on July 15, 2016. Re-vegetation of the Phase 5 and 6 areas began this spring. Plants are especially vulnerable to foot traffic in their first growing season. To allow plants to become established, it is beneficial to restrict foot traffic on the banks and floodplain for a couple additional years. With expiration of the current closure, DEQ proposed "float or wading only" use to prevent public access to the floodplain, protecting a \$13 million investment in these restoration efforts. The new biennial rule would be in effect from July 15, 2016 to September 15, 2018. To maximize public access as new plants become established, DEQ also proposed to sign areas at bridge locations where people could access the river with boats without affecting newly planted vegetation. Public comment was solicited between May 17 and June 17, 2016; three comments were received; one comment from the primary landowner is concerned allowing wading will result in people accessing the banks and trampling vegetation; the landowner prefers float access only; subsequent discussions with the landowner indicated many sections of the river are too deep to wade most of the year; people might be compelled to access banks out of necessity in some areas to bypass deep water. Even at summer low flows, Phase 5 and Phase 6 reaches cannot be safely waded entirely. FWP is concerned allowing wading would potentially require anglers to backtrack and interfere with other anglers; the remaining two comments were from DEQ and NRDP who concurred with the landowner preference for float access only.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve a biennial rule allowing float only access between Galen and Gem Back road (Phase 5&6), except as signed, effective July 15, 2016 through September 15, 2018.

Chairman Vermillion, Skaar and Pat Saffel, Region 2 Fisheries Manager, discussed enforcement regulations and the two-year maturity proposal.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

9. Harrison Lake Fishing Access Site Property Donation (R3) – Endorsement

Don Skaar, Acting Fisheries Administrator, explained the Willow Creek Project is owned and administered by the Montana Department of Natural Resources and Conservation (DNRC) through its State Water Projects Bureau. The Willow Creek Water Users Association (WCWUA) operates the Project under a water marketing contract with DNRC. At the request of the WCWUA, SB 221 was introduced and passed during the 2015 Legislative Session requiring DNRC to attempt to dispose of the Willow Creek Project lands by June 30,

2015. The WCWUA has expressed their interest in acquiring the property; FWP owns land adjacent to the Willow Creek Project land and manages it as the Harrison Lake FAS. When FWP acquired the FAS in 1961, unknown to FWP a discrepancy in the original survey left a small gap between FWP's property and the shoreline. FWP constructed a portion of the access road, camping area and boat ramp on land owned by DNRC that will be included in the proposed land transfer. In order to ensure continued public access to the lake, DNRC is proposing to transfer 220 acres key piece of property at no cost, before the balance of the land is acquired by the WCWUA. Many details have still yet to be worked out regarding details of the land transfer, but of particular concern to FWP is that a short section of the access road is in private ownership. This was recently also revealed during DNRC's survey, and even though it has always been this way, FWP is working to acquire a permanent easement from the landowner. An EA was prepared by DNRC with public comment extending from February 8 through March 8, 2016. Public comments were evaluated and a decision notice (DN) was released by DNRC on May 16, 2016. FWP can either accept or refuse the donation of property by DNRC; if refused, the only way FWP could continue to provide water access at the site would be to enter into an easement or lease with the WCWUA; the details and costs of such an arrangement are unknown. If accepted, access will be guaranteed in perpetuity; donated land extends from the FAS out toward the middle of the reservoir.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission authorize the Department to work with DNRC to accept the donation of property at the Harrison Lake FAS.

Chairman Vermillion asked for public comment.

Frank Rigler, Gardiner, FWP should be responsible to take care of the property i.e.: knapweed; expensive for landowner to keep up.

Action on Motion: Motion Passed.

10. 2016/2017 Wolf Hunting Seasons, Quotas, HD Boundaries, and SB200 Quota – Final

John Vore, Game Management Bureau Chief, explained other than regular calendar rotation and the specific Wolf Management Unit (WMU) 313 proposal, FWP is proposing no change to the 2015-16 season structure. The objective of increasing the wolf quota in WMU 313 is to strike an acceptable social balance among consumptive and non-consumptive users. Public comment was solicited May 12 through June 18; 655 comments were received; most spoke to anti-trapping and anti-hunting and supported the Commission's May decision; several comments were formed or similar; 2/3 were from out of state, mostly spoke to opposing hunting and trapping and increasing wolf harvest would affect viewing opportunity; some comments supported the original proposal and asking for a higher harvest of wolves. It has been said the Department does listen to the desires and wants from non-consumptive users; at the non-consumptive user request, the Department and Commission established a quota and a per person bag limit in the WMA; the harvest quota has been continually reduced over the years; the proposed split season and Deckard Flat trapping closure is a further nod to the concerns of the non-consumptive user; the Department and Commission has been sensitive to and has made adjustments addressing the non-consumptive user; hunting wolves has not had a dire effect on visitation in Yellowstone National Park. Consumptive users have seen their opportunity continually decline; since 2001 antlerless harvest opportunity has been largely eliminated and the elk hunting season has been reduced to a three week period. FWP proposes no change to the SB 200 quotas. (see copy of power-point presentation in July 13, 2016 Commission file). In WMU 313 the Department is proposing to:

- Increase the wolf quota in WMU 313 from 2 to 4 wolves
- Institute a split season with the wolf quota in WMU 313 divided equally into 2 hunt periods to minimize the chance of overharvesting any one particular pack as follows:
 - September 4 – November 30 (end of elk/deer general rifle season): quota of 2 wolves
 - December 1 – March 15: quota of 2 wolves

The quota for the second time period will remain at 2 even if the quota for the first time period remains unmet. Unfilled quota numbers from the first time period will not be carried over to the second period.
- Institute a no wolf trapping zone in WMU 313 in the Deckard Flat – Trail Creek elk closure area because of concerns over conflict with recreationists and dogs.

Vice-Chairman Stuker asked if all season dates could be changed to coincide with the calendar year.

Vore stated yes, it can be done; suggests keeping current quota until the end of the current calendar year, and begin in 2017.

Commissioners and Vore had a lengthy discussion on landscape, the wintering elk population and objectives in HD 313/316, wolf counts and harvest quotas in WMU 313.

Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion to approve the proposed 2016-2017 wolf season and SB 200 quota as presented by FWP, except that the harvest quota for WMU 313 remain at 2 and no split season.

Chairman Vermillion stated today's conversation is a symbolic conversation; no longer tethered to biology; a social and economic question; puts him in a difficult spot; scientific evidence gives direction, social aspect does not.

Amended Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded to instruct the Department to change the reporting time frame on the take under SB 200 beginning in 2017, so it is concurrent with the defensive property bill.

Marc Cooke, Wolves of the Rockies (WOR), encourages to support lower quota if there is a chance to find common ground; poaching going on; social tolerance is increasing; need 24 hour trap check.

Mark Lambrecht, Rocky Mountain Elk Foundation (RMEF), strongly opposes with motion; motion is made on emotion, not science.

Chris Colligan, Greater Yellowstone Coalition (GYC), concurs with proposal; opposes motion.

KC York, Trap Free Montana Public Lands (TFMPL), supports motion; would like the Commission to institute the no-trapping zone in the Deckard Flat – Trail Creek elk closure.

Frank Rigler, Gardner, wolves keep the elk down; opposes motion; Department and Commissioners are not caretakers of the ground.

Jay Bodner, Montana Stockgrowers Association (MSA), supports the SB 200 quota provisions.

Derek Goldman, Endangered Species Coalition (ESC), supports motion.

Paul Rossignol, Montana Sportsmen for Fish and Wildlife (MTSFW), supports proposal; motion is a small step in the right direction; lied to by going to this direction.

Toby Walrath, Montana Trappers Association (MTA), supports Rossignol comments.

Bonnie Rice, Sierra Club (SC), opposes quota increase; there is a trend of the Department disregarding comments from people out of state; supports the no trapping zone.

Representative Al Redfield, Livingston, supports original proposal; many individuals in his district felt disenfranchised at the May meeting and want a greater quota.

Chad Esche, Absarokee, supports harvest increase.

Commissioner Wolfe clarified his motion includes the no wolf trapping zone in WMU 313 in the Deckard Flat – Trail Creek elk closure area; still part of the motion.

Vice-Chairman Stuker stated the Department and Commission do consider out of state comments; returned phone calls to 10 different states on this issue.

Chairman Vermillion stated he concurs with Vice-Chairman Stuker's comment; the out of state comment was taken out of context.

Tim McKenrick, MTA, is a social thing; applaud for limiting the quota and not disregarding it completely.

Chairman Vermillion stated biologists do their best when looking at the science; might be a good idea to look at adding to the biennial season setting proposals.

Action on Motion and Amended Motion: Motion Passed. 3-1

Aye - Vice Chairman Stuker, Commissioners Wolfe and Tourlotte

Nay - Chairman Vermillion

11. 2016/2017 Furbearer Seasons and 2016 Quotas – Final

Bob Inman, FWP Furbearer and Carnivore Coordinator, gave an informational presentation on the furbearer program (see copy of power-point presentation in the July 13 Commission file).

John Vore, Game Management Bureau Chief, explained trapping district boundaries follow deer/elk/lion regional boundaries and there were minor changes to those approved by the Commission in February, with the creation of HD 451 and an adjustment to the HDs 392/446 boundary. The Department and different stakeholders will be conversing over the next year to establish recommendations on trap check times and other aspects of the trapping program; will bring to the Commission next year. Proposed changes for the 2016/2017 season are:

- Statewide: Establish trapping setbacks on federal and state public land for all species at all times to reduce the likelihood of unintentional capture of dogs. This change will extend the regulations and setbacks we currently have for wolves and furbearers during trapping season to year-round for all species including predators such as coyotes and non-game wildlife such as foxes.
- Region 1: Increase river otter quota from 23 to 28.
- Region 2: Increase bobcat quota from 180 to 200.
- Region 6: Decrease swift fox quota from 30 to 10.

All other season elements and quotas are proposed as unchanged from 2015. Public comment was solicited until June 17; 480 comments were received; 54% primarily commented on anti-trapping by those opposed to the practice, many were in a form letter; comments generally favored all proposals to limit or further regulate trapping. Comments speaking to the specific proposals on swift fox, bobcat and otter broke down as follows: comments on swift fox favored reducing the quota from 30 to 10; increase in the Region 1 otter quota was opposed by a 2:1 margin; increase in the bobcat quota in Region 2 was nearly equally supported and opposed; the proposal to extend setbacks to include all species year-round was supported by a 2:1 margin; additional comments not specific to the proposals included several suggestions to manage beaver with quotas.

Commissioner Wolfe, Vore and Scott Thompson, Region 6 Wildlife Biologist discussed swift fox quotas and allocation harvest.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion to approve the proposed 2016 furbearer season structure and quota changes as proposed by FWP for all species except fisher.

Claire Beelman, Missoula, what set-back is the Commission going to adopt in the proposal; no reason to trap swift fox; opposes bobcat quota increase.

Vore clarified the set-back regulations.

KC York, TFMPL, trapping is market driven; trappers wait to turn in number; need 24-hour trap check, trapping is not humane.

Jim Buell, Gilford, supports motion as presented.

Tim McKenrick, MTA, supports motion and proposal.

Toby Walrath, MTA, supports current furbearer regulations as written; appointed a committee to evaluate trap check requirements; complicated issue; MTA is looking forward to working with the Department to form a mandatory trappers education program; thanked Dr. Inman for his communication with MTA and other organizations, and reaching out for further funding.

Paul Rossignol, MTSFW, agrees with Walrath's comments.

Valerie Esche, Absarokee, in support of quotas; 24 hour trap check is not realistic.

Chad Esche, Absarokee, supports Walrath's comments; 24 hour is not sensible.

Commissioner Wolfe commended the Department and MTA for taking a serious look at trap check times; looks forward to seeing the recommendations.

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

Chairman Vermillion stated there is an initiative for voters to consider this November; encourages everyone to educate themselves on how trapping works.

Action on Motion: Motion Passed.

12. 2016/2017 Fisher Season and Quotas – Final

John Vore, Game Management Bureau Chief, gave a lengthy presentation on Fisher and the Fisher proposal (see copy of power-point presentation in July 13, 2016 Commission file). Total population size in Montana and Idaho is unlikely to have ever been more than 1,000-1,500; distribution and numbers in Montana have always been relatively limited and will remain so. An annual season for fisher has been in place since 1983 and has been approached conservatively given the limited numbers and distribution of the species. At the May 2016 meeting, the Commission proposed to zero the quota which would eliminate the opportunity to harvest fisher in Montana. FWP proposes to delineate four fisher management units (FMU) based on the unique history, status, and conservation approaches needed in each area: the Bitterroot, Cabinet, Yaak, and Continental Divide Units. For harvest quotas in these units the Department proposes zero in the Continental Divide and Yaak Units, one in the Cabinet Unit, and five with a female subquota of one in the Bitterroot Unit. FWP will insert recommendations for avoiding incidental take 2016 trapping regulations, which does not require Commission action. Public comment was accepted at the May meeting and until June 17; 135 public comments were received; 68 in support, 67 opposed.

Vice-Chairman Stuker and Vore discussed Idaho's fisher regulations.

Commissioner Wolfe complemented the Department on the fisher proposal and for inserting recommendations for avoiding incidental take of fisher.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion to establish four fisher management units, a Bitterroot, Cabinet, Yaak, and a Continental Divide Unit, as described, with harvest quotas to be five with a female subquota of one in the Bitterroot Unit, one in the Cabinet Unit, and zero in the Yaak and Continental Divide Units.

Chairman Vermillion asked for public comment.

Kylie Paul, Defenders of Wildlife (DOW), commends FWP for taking steps towards fisher conservation but more is needed; willing to work with Department; education efforts needed.

KC York, TFMPL, how many fisher are there; premature to propose a management unit until a management plan is completed; quota needs to be zero.

Nick Gevok, Montana Wildlife Federation (MWF), supports proposal; well justified.

Wes Miles, TFML, opposes proposal; quota of zero is needed.

Jim Buell, Gilford, applauds FWP for their effort; supports motion; well thought out.

Mary Sarumi, TFMPL, questions the carnivore furbearer priorities; why did it start in the 1930's.

Tim McKenrick, MTA, very reasonable to harvest a few fisher to get information; need to work with Idaho.

Don Bothwell, Kalispell, fisher is not a watchable animal; Department has been conservative in developing a plan; supports proposal.

Toby Walrath, MTA, thanked Commissioner Wolfe for pressing this issue and taking the time to meet with him; split Regions make sense; Fisher Management Plan is needed.

Vice-Chairman Stuker and Vore discussed populations in the Cabinet area.

Commissioner Wolfe stated quotas will be revisited every year.

Vore stated the Department is working with multi-agencies to monitor and survey forest carnivores.

Chairman Vermillion commended Commissioner Wolfe for bringing this issue to the Commission and the Department has responded with a solid fisher plan.

Action on Motion: Motion Passed.

Due to the Grizzly Bear topic being a contentious issue, agenda item 13 and 14 are verbatim.

13. Greater Yellowstone Ecosystem Grizzly Bear Tri-State Memorandum of Agreement – Final

McDonald: Mr. Chairman, Commissioners, Ken McDonald, Wildlife Division Administrator, the next two items are kind of similar and overlap, and so what I'd thought I'd do is kind of a quick refresher from our work session last time on the grizzly bear delisting status and specifically the items we're going to be talking about today, so again Bob mentioned it on his presentation on furbearers, there's a lot of focus right now on grizzly bear hunting and whether we should hunt or not we want to remind everybody first and foremost this is a success story, it's a conservation success story, with the help of a lot of different people and agencies, we've recovered grizzly bears and are ready to move on to delisting and management. Real quick, this gets to some of that discussion earlier today, there's six different recovery zones that the Fish and Wildlife Service has identified as part of the recovery plan, the one we're talking about today is the Yellowstone down here, and the focus of the rest of the talk will be on the greater Yellowstone ecosystem grizzly bear population. Pulling that polygon up, this is the specific geographic area we're talking about, the blue line is what would be the proposed distinct population segment, so if this population is delisted, everything in the blue would be delisted, and then everything outside the blue would remain listed. Within that line, then you have a couple of things to pay attention to, one is this black polygon which is the demographic monitoring area, that's the area in which bears count, are being counted and mortalities are tabulated against the count. The other line is the known distribution, as of 2014, for the majority of the state the populations within that monitoring area, but we do have a few areas in our case over here in the eastern portion and little bit over here where the distribution falls outside of that demographic monitoring area, and the significance of that is for recovery purposes, for the federal delisting purposes, all of the measures we're talking about apply to bears within the black demographic monitoring area, so bears that are counted at prior to population estimate, and are we meeting recovery criteria, and any mortalities. If we're outside of this, those bears don't count for or against us in the monitoring of recovery. So real quick, there's multiple documents out there and multiple comment periods going on, so in March the US Fish and Wildlife Service released 3 different documents they were taking comments on, one is the amendment to the recovery plans specific to the Greater Yellowstone Ecosystem, an actual proposed delisting rule that also includes the delineation that distinct population segment, and then a conservation strategy that's a modified version of what was approved and in place in 2007, and then as part of that conservation strategy the states of Idaho, Montana, and Wyoming have said were going to include as an appendix a memorandum of agreement that further defines how the 3 states collectively will work together to insure that we're managing on an ecosystem scale and one state isn't undermined the efforts of the other state. So the MOA is one of the things we're asking you to approve today and the reason that's in front of you is because it does limit, by agreeing to that MOA, it is also limiting some of your authority, in recognition of the ecosystem approach, and then the other document that will be following this discussion is the hunting season framework, so as part of the delisting

rule that the US Fish and Wildlife Service put out, they've set a condition of delisting is the 3 states have a framework in place that addresses specific components that they want to see in order to demonstrate adequate regulatory mechanisms would be in place if we proceeded with the hunting season. So with that, I'll talk a little more about the MOA, the one point I want to make real clear is by you approving both the MOA and the framework, if you were to approve that today, that doesn't mean you're approving a hunting season, before we ever had a hunting season we would be back in front of you with a minimum, reaffirming the framework, and then adding some numbers in terms of what the quotas would be and how those are distributed, so again this is to put in place these frameworks that demonstrate the regulatory assurances that the Fish and Wildlife Service is looking for, and that doesn't mean we're going to leave here with a hunting season that we're going to be implementing. So one thing is again the recovery plan amendment is a point I wanted to focus on because it includes the statement that is really the basis for everything else, for the conservation strategy, for the hunting season framework, for the MOA, and that is that collectively, the population is going to be managed around the 2002 to 14 population estimates using this model average Chao 2 and the 95% interval, which is the estimate 674, the interval is 600-747, and we're going to do that by maintaining annual mortality limits for independent males, independent females, and dependant young. So that's the crux of pretty much everything else that we're going to be talking about, and then we proposed the sliding scale approach, where as the population is higher, above that average we have more flexibility, as it gets lower that flexibility is reduced. Then the proposed delisting rule includes again that commitment, includes requirement of these mortality thresholds that I'll be talking about in one second, and then as I said includes as a condition of delisting that we finalize a conservation strategy and that's in the works right now, and then we also have the hunting season framework in place. So that's part of the reason, that's the main reason we're here today is to make sure we are able to finalize those last two bullets, and again the MOA is an appendix to the conservation strategy. This is the table again, these mortality limits, so when we visited with you last month, one of the things that was a point of contention, and was a comment, one of the more common comments we got is, in this column here, for all 3 of these values we had a less than or equal to sign, I believe the direction of the Commission was go back and make sure we're being consistent with documents, so I did and it turns out, this particular column was portrayed 3 different ways in 3 different documents, the recovery plan amendment had it this way, the way I'm presenting it today, the conservation strategy had it another way, and the proposed delisting rule had it a third way, so I figured that the recovery plan amendment is probably the bar that's going to drive everything else, so one of the proposals, or one of the changes to what was proposed to you in May, we took that or equal to sign out of these two, this one had no sign, so what you're seeing here is consistent with what is in the proposed recovery plan amendment. Hopefully that addresses that issue that was raised. One other point, and it's come up from the solicitors and as well as in the comments is this asterisk here that is included elsewhere in the document but I wanted to just make sure it was clear that part of what we're agreeing to as well is that if the population falls to 600, then any discretionary mortality would be suspended unless it was absolutely necessary for safety reasons. So even though this has less than or equal to 674, it's really between 600 and 674, these would apply, and so one of the things we've done is we've added to your motion some additional language that highlights this and that's mainly to make sure everybody's clear that the intent is that if we got down to 600, not only would we stop hunting, other discretionary mortality things like our management efforts, we would probably, unless there was a real safety issue, we wouldn't euthanize bears, we would transplant them elsewhere. So again that's one of the proposed changes then from you May, is the adjustments to this column to hopefully address those concerns that were raised. So the MOA, again specific to what is now before you, is an appendix of the conservation strategy. The whole intent of that, it's not a requirement of the Fish and Wildlife Service, but the 3 states wanted to put this in place to really describe how we will collectively manage an ecosystem scale and ensure that recovery is maintained. The intent is that each of our states Commission and Director sign this document so it's committing the agency and the Commission, and then demonstrates regulatory commitments of our states to ensure that collectively we're all on board with ensuring that we're not going to exceed the recovery criteria. Again the people are asking, well how exactly does it work, so this is the example we used, the numbers are just examples just to give you an idea, and again the main point of this MOA is the states will get together each year and this is the process we'll use to make sure that we don't exceed those mortality thresholds. The first part is you begin with a population estimate, the study team, there's an interagency study team, that develops the population estimate each year, so at the end of the year you get a number, here's what it was at the end of last year, then based on that population estimate you determine an allowable mortality limit for each of those classes based on the mortality rates identified above. So an example you could have this 717 is divided into males, females, and dependant young, and then from that, based on those percentages that are in that table, you can come up with for example 50 independent males and 22 independent females as a maximum mortality that could be sustained based on that population estimate. Then we determine a total mortality for the previous calendar year for each of those classes, so in this example, you had 22 males and 15 females, subtract the total mortality from the previous year from the allowable mortality and you get what's left. So in this example you'd have 28 males and 7 females potentially available for hunting. And then that gets divided up among the 3 states. And what we've included in the MOA is the 3 states would get together probably January of each year, run through these numbers, and then decide again collectively how that mortality might get added up, or might be divided up, to ensure that it doesn't exceed these numbers which are based on those allowable mortality limits which is based on the size of the population. And then allocate that out, and then if for some reason there's not the ability to come to agreement, the default is that allowable mortality would be divided up based on the proportion of the geographic area within each state within the DMA. So these are the, that's that proportion. One of the other comments that was common is what about the Park service and Forest Service and other management agencies, so we've included in that MOA, and it was already in there that we would include those agencies as part of that annual meeting in the winter to make sure input from those other agencies is incorporated into the discussion as well. So that's what went out for public comment, we had a 30 day comment period, we got 80 comments that we specific to the MOA topic and then there was a lot of other comments that were just submitted under the heading of grizzly bear, so whether it's hunting or the MOA, so very few of the comments actually were specific to items in the MOA, they were more related to we don't support hunting, or we don't think you should delist them, or the opposite of that, yeah we support hunting and we support delisting, but there were very few that were actually specific to the MOA. The main one was again, that table and the less than or equal to sign. So we've only made a couple of minor changes, the main one was that the table with the change in the less than or equal to, to just less than for the females and cubs, and there's... I thought that we showed it in here, but apparently it didn't print, but on page 4 of the MOA in your documents, at the very top, 2A one of the changes was maintain the minimum population of 500

bears, it said in the GYE, and we added to "within the DMA" within the demographic monitoring area of the GYE, so that's one change. And then we changed table 1 in the, just the less than or equal to sign, and the one other change which was pretty small, is on page 5 the second bullet down, it says that the total mortality limit for independent males, independent females, and dependant youngs exceeded for 3 consecutive years, and it did say the population estimate and we added the "annual" population estimate, we just added the word "annual" which made it consistent with the proposed delisting rule. And then again we're, it's already in here, but in the proposed motion that we provided you, we wanted to make it real clear that if the population falls below 600, the intent is that all mortality, all discretionary mortality will cease unless for public safety. So with that, we're asking you to approve that MOA with those few changes and with your approval then we would ask that the Commission Chairman and the Director sign that, and we would make those available to Idaho and Wyoming, they've already passed the version minus these changes but my counterparts didn't think there would be any problem with the changes we're proposing. So that's what I have, and I'd be happy to answer any questions.

Chairman Vermillion: Thank you Ken, do we have a motion?

Commissioner Wolfe: Ken thank you for making those subtle but I think some significant changes there to make it align with the federal register delisting rule, I did actually, when I was reviewing this last night, see one other difference between this and the delisting rule, and actually I think the MOA is correct and the delisting rule is wrong on it, and that has to do with the upper limit of the 95% confidence interval around the Chao 2 estimate, in the federal register under demographic recovery criteria in 2, the upper limit of the 95% CI is 757, and in this document we're talking 747, and again I think the 747 is correct, but I didn't know whether that had been addressed by the 3 states, and that had been identified as a actually an error in the proposed delisting rule, or what, I'm just curious on that.

McDonald: Yeah and Mr. Chairman and Commissioner Wolfe, that was identified by us and in the comments that the state submitted, the Fish and Wildlife Service we pointed that out and 747 is the correct number.

Commissioner Wolfe: That's what I thought it was based on the symmetry that should be around the mean there. And then the other comment I had is over on page 5, table at the bottom where it actually has the allocation of the discretionary mortality between the 3 states, if we were dealing with let's say a small discretionary mortality, say 10 animals total, Montana's share would be approximately 3, and if the Commission decided not to hold a grizzly bear hunt, would only a harvest of 3, what would happen to those 3 bears? Does that go back into a pool that Wyoming and Idaho could then use those 3? Or does basically Montana say "Hey, 3 of those bears that are allocated to Montana, we have chosen not to harvest this year?"

McDonald: Commissioner Wolfe, it could go either way. And that's part of the discussion each year. The default is, you know if say for example you guys felt pretty strong that we want those 3, but we don't want to hunt them, then we would defer to the table. The idea of that the annual get together though is what's happening in each state how are we each, you know what are our objectives and are meeting those objectives and are we having big problem areas, you know and maybe that in one year we have some anomaly going on with lots of conflict and we want 5, and Wyoming doesn't have it, and say okay we'll give you 2, but it really is it will be a year to year discussion, the opportunity thought, or the potential is you know to take our share and not use them, that is an opportunity.

Commissioner Wolfe: Okay, So that would really, really be at the department's discretion then.

McDonald: Yeah

Commissioner Wolfe: Okay, Thank you.

Chairman Vermillion: Ken, just kind of pulling from Gary's point there, question does the Commission, will the Commission have a check in with the department if the department goes and negotiates with Wyoming and Idaho and comes up with an allocation mortality that the Commission is not happy with, is there any oversight from the Commission at that point to say no in fact we're not going to give those 3 bears to Wyoming for example, we want to retain those 3 bears in the Montana population as part of our segment of the allowable mortality.

McDonald: Commissioner Vermillion, Commissioners, I believe there would be for no other reason than once we come up with that, you know discussion with the other 3 states, we'd come back to you with the recommendation and it's no different than any other season or quota setting it's your call if that's acceptable or not, and if you said no this is what we want, then we would have to go back and renegotiate with the 2 other states.

Chairman Vermillion: Thank you. Alright, do we have a motion?

Vice-Chairman Wolfe: *Mr. Chairman, I move the Fish and Wildlife Commission approve the tri-state Memorandum of Agreement regarding the management and allocation of discretionary mortality of grizzly bears in the Greater Yellowstone Ecosystem, including the stipulation that all discretionary mortality will cease inside the DMA, except if required for human safety if the model average Chao 2 population estimate falls below 600.*

Vice-Chairman Stuker: *Second.*

Chairman Vermillion: Alright, we have a motion and a second. We will open that up to public comment on the changes between what we approved as a tentative and what we have moved to approve today as a final. Public comment proceed.

Chairman Vermillion and Commissioners, Director Hagener, Chris Colligan with Greater Yellowstone Coalition. Just want to start with saying we have a strong interesting grizzly bear management, a long history on this issue, that our members and our staff relish the opportunity to see grizzly bears, and recreate in grizzly bear country. I myself live and recreate and hunt in grizzly bear country, and grizzly bears demand a great deal of humility, respect, and caution. And especially caution in managing them. I'll keep my comment specific to the MOA, but we appreciate that shift, that subtle difference in that 7.6%, less than 7.6%, that's an important but subtle difference. I'd also add that we raised significant concerns around the higher mortality thresholds for females when the population is above 674. Where those numbers came from, 9 and 10%, female mortality seems very excessive and strategically crafted to drive the population down. And we'd like to see what that model would look like if the department would move forward in time with those mortality thresholds, just what the impact would be on the population. Our belief is that it would drive that population down to that 674 level, and maintain at that low level. Other concerns we raised were with the Park Service, and appreciate that addition consulting with the Park Service, I wonder if the Park Service will be given mortality, discretionary mortality through this process, as an allocation rather than consultation. Because the Park Service does have a need for discretionary mortality on occasions, and makes up much of the core grizzly bear habitat here in the GYE. Another issue that, and I think we've, some grizzly bear advocates, we've been on the circuit as of late because all 3 states are don't this somewhere simultaneously, Idaho just kicked off their process here last week. And so I guess I wonder about the process for the other states to update their MOA and ensuring that we have the same language, I think it's going to be critical if there are any other revisions today, we hope there are, that that MOA is brought forth to Idaho Commission right now through their process. So thank you for the opportunity to comment, and answer any questions.

Chairman Vermillion: Thank you. Further public comment?

Chairman Vermillion, Commissioners, My name is Wes Miles, I introduced myself before, I'm with Trap Free Montana Public Lands, I didn't mention before that I also have a graduate degree in biology, specifically in Environmental Population Organismic Biology, and that my working career was spent as a park ranger in Yellowstone. For my entire career, in fact longer than my career, we've been trying to bring the grizzly back from a really sorry population state to where it is today, it has been a long hard battle, with a lot of people working on it, and a lot of money spent on it. For a lot of years I worked in the thoroughfare of Yellowstone, the most remote area in the lower 48 states. We worked a lot with all the back country users on trying to change the way they were doing things, and it took a lot of effort on my part. It was all too my familiar that the area that I worked in, was known as a black hole where grizzly bears went to die. These animals would not be known when you total up mortalities, because they just disappear, the ethic of shoot, shovel, and shut up prevail in a lot of these back country areas, when you decide about the trapping, pardon me, the hunting format, and if you just go by the number that they have of known mortalities, all these unknown mortalities aren't going to be factored in there, and given the grizzlies extremely low reproductive rate, it doesn't take much to put them back in the same depleted state that population was prior to all the efforts that went into recovery. I'd like you to consider this, when you do come up with a plan for the hunting model. Thank you.

Chairman Vermillion: Further public comment?

Chairman Vermillion, Commissioners, Director Hagener, My name is Erin Edge, and I represent Defenders of Wildlife. We acknowledge and appreciate the changes although subtle to the MOA; however we feel there is still additional changes that should be made. The MOA still does not recognize a method for shifting to a new population estimator if that is to occur in the future. We think that's very important. Also we feel that hunting should end if the population reaches 674, given that discretionary mortality in regards to human safety could still occur. We also feel that it is a concern that the states would be able to divvy up mortality after that annual meeting, and I think that process is still quite unclear, I think that was a good point that was raised, is that process going to be public, one location in particular could become a sink for grizzly bears, one state could just continuously request more and more mortality each year for one spot, so once that annual meeting occurs, and then it goes to the Commission, does it then go to the public? I think that process is just a little bit muddy, and is a concern for us. Thank you.

Chairman Vermillion: Thank you. Further public comment?

Mary Sarumi, Trap Free Public Lands, I have a concern with the fact that the females grizzlies often time, when you're totaling the numbers that can be killed, the female grizzlies their cubs are often not with them during this time, they're often hiding. So how is that going to affect the total number killed and also the fact that the most famous grizzlies are the ones that have names and they are tourists and they drive a lot of people to the area so those are going to be the first ones that are killed, and that's going to drive down the tourist industry because when those bears that the people go to see aren't going to be there. Thanks.

Chairman Vermillion: Thank you. Mr. Gevock.

Commissioners, Nick Gevock again with the Montana Wildlife Federation, we supported these changes to the MOA and you know in our official comments we actually agreed with Erin Edge about we should be managing it at 674 as a floor, but I think is as good of a chance as any to make some comments you know I think when we look at all this, it speaks to something and I don't know if the Commissioners have seen the letter we sent to the director but given some of Nina Baucus's comments this morning, it speaks to the need of statewide grizzly plan, I think that would address a lot of these, the issues we're having with bears showing up in new places. And finally I've spoke with all of you about this, I've had the good fortune yesterday to take a tour of the Blackfoot valley, and see the work, the

proactive work they've done there and it is remarkable the carcass management, the fencing of the attractants, the range rider program, I had a rancher up there who told me, and they'd been at it 14 years there, when they started that a lot of cattle producers in that county said if we had our choice we'd kill them all in that valley, now they say we can live with bears, so I think that there's a great opportunity here with the Ag community, I think if we can work together on this, I think they would find a lot of willing partners to get those programs, and there's one being built right now in the Big Hole, they're working on one in the upper Ruby and so these efforts are under way. As far as the MOA I think the changes are good and we support them. Thank you.

Chairman Vermillion: Thank you Nick. Ms. Baucus

Thank you, my name is Nina Baucus I'm with Montana Board of Livestock. Just a couple of questions. First off you're saying a population number, do you have the habitat within the designated area for that population? And if the population increases and you do not have the habitat there for it, where is that population going to go? And that's kind of what's going on the East front at this particular time, if that happens and I don't know about Idaho and Wyoming as far as what kind of habitat they have, Ken talked about transplanting, if you're habitat is already saturated, where are you going to transplant to? And right now if you get young animals I believe you're at the point where there are no zoos left that can even take them, so what are you going to do with all that population? And again it comes back do you have plan B? Do you have a management plan for if your population goes over what you're looking at here. You're talking about removal in this area only in case of human safety, and again I'm here dealing with predation and if you get into predation troubles with livestock in this area, what is the management plan for dealing with predation in that area? And if you, you know, we would like to see it, we would like to see what you're plans are, and what you're going to do with them. Thank you.

Chairman Vermillion: Thank you. Further public comment here in Helena? Seeing none, we'll go to the regions. I'm not sure if we can change that screen, why don't we go to Bozeman first because I imagine there will be more comment there.

Hello again, I'm Bonnie Rice with the Sierra Club, and thanks for the opportunity to comment on grizzly bear issues today. So Sierra Club has a long history of working to protect grizzly bears and their habitat, and our members have a really strong interest in the full recovery of grizzly bears in Greater Yellowstone and more broadly in the lower 48 states. And I would just like to say at the outset that we believe that delisting is premature, we think that the Greater Yellowstone population is still vulnerable, there is still questions about the status and trend of the population it's still an isolated population, and we think there are problems with the state plans as they've been proposed and that they are inadequate for protecting grizzly bears. And part of this I also want to comment on is just the process with the Fish and Wildlife Service and the states and how many moving pieces there are here, and how many discrepancies there are some of which there is an attempt to address here, which I appreciate, but there are many more that remain and so we think that this process is premature in terms of the tri state MOA and the hunting framework. Also Sierra Club is opposed to trophy hunting of grizzly bears, it's been mentioned that this is such a slow reproducing species, and to go immediately from endangered species with protections to a trophy hunt, we completely disagree with. And one thing that I was surprised that wasn't mentioned in terms of the summary of public comment, because I think there must have been some, is that at least there would be moratorium following delisting if that happens by the states, of at least 5 years, but I didn't hear that, but that's something that we think is very important. Again we do oppose trophy hunting overall. I think in terms of the Tri State MOA, there are also other problems in terms of the mortality thresholds being too high, that was mentioned as far as particular with females, and we agree with that, there are also other discrepancies between the proposed rule and the conservation strategy and the Tri State MOA. I'd also like to comment on something that was said earlier, because I'm not sure what information the Commission has access to, and that is in regard to grizzly bears between the Greater Yellowstone population and the Northern continental divide that they are traveling back and forth and that they are in fact interacting. And we have not seen any evidence of that and in fact the interagency grizzly bear study team has explicitly said that there is no evidence of these 2 populations interacting in terms of any kind of genetic exchange, and that is one of the reasons that Sierra Club and many others are really opposed to delisting at this time because the Yellowstone population is still completely isolated, and all of these populations in the lower 48 are isolated, that's why we think that we have not reached full recovery yet. And that gets to the last issue that I'd like to raise, which is something that was said earlier by Mr. McDonald in terms of at this point in time the Fish and Wildlife Service is proposed delisting, they are proposing that a distinct population segment be made for the Yellowstone population and delisted, and that is something that as you may know, there was a recent court ruling last year that said that the Fish and Wildlife Service cannot do that, in terms of designating a distinct population segment at the same time as delisting, and so that is a huge question that is hovering over this entire attempt to delist by the Fish and Wildlife Service and so I just wanted to make special mention of that. Thank you.

Chairman Vermillion: Alright thank you, further public comment there in Bozeman?

Thank you Mr. Chairman, Representative Alan Redfield, I support the MOA, and feel that the bottom number of 600 is too high as were seeing many more bears further out. Just this spring and part of this summer still we have a grizzly sow with 2 yearling cubs never had that this time of year, we see bears in the fall, very seldom year round, which we are seeing now, last year we 5 male grizzlies in the mouth area of Milk Creek, so I think that they are exceeding their habitat so they have to expand more and more and I think that we need to proceed forward.

Chairman Vermillion: Alright thank you, Representative Redfield. Further public comment in Bozeman? Seeing none, I guess we'll go to Missoula.

Hi there, thank you Chairman Vermillion, Commissioners, my name is Kelly Nokes And I'm with WildEarth Guardians based here in Missoula. And I submit these comments on behalf of our 400 Montana members and over 160 supporters nationwide. I'll keep my

comments brief and specifically targeted to the MOA at issue right now, although I will say that I very much agree with many of the points made by Bonnie Rice earlier and Erin Edge. I would just like to request that the Commission not approve the MOA today as it would be entirely premature, the MOA is based on the conservation strategy which is not yet finalized. And as Mr. McDonald noted it's currently undergoing revision and based on discussions at the latest interagency grizzly bear committee meetings of the executive committee and the Yellowstone Ecosystem subcommittee, it's clear that there could be potentially very significant revisions made to that conservation strategy that the public is not aware of just yet and that the Commissioners are not aware of just yet. So I would like to request that the Commissioners ensure their due diligence in making sure that they are fully informed as to the underlying management regime before lending their signature to this very important document. I would like to state that the MOA is going to be an important document moving forward in a potential post-delisting world, I think there is going to be need for agreement amongst the states and this is a good step towards that, but it is too soon to sign off on this document at this time. Thank you.

Chairman Vermillion: Thank you. Mr. Goldman.

Thank you, Derek Goldman with the Endangered Species Coalition. We submitted detailed written comments on the MOA, and I won't repeat that here. Similarly to what Kelly said, we support the concept of the states coordinating together. I wish we'd done this on wolves. But at this time we'd ask you not to approve this yet, we've asked the Fish and Wildlife Service to make some changes in this MOA, and in the conservation strategy. Specifically we think the mortality limits in the table are too high particularly for the middle and top population tiers and in fact we, I'd ask the Commission to go ahead and plug today's grizzly bear numbers into those formulas with those mortality limits and I did this in my written comment, if you want to refer to that, but you'll see that in the first year post-delisting if you hit those mortality limits the population would go all the way down to 612 bears, so we don't think the mortality limits in the MOA are congruent with the state objective of maintaining a stable population. Particularly again those upper two population tier mortality limits. Secondly, we appreciate the small changes that were made in the MOA from the May meeting particularly the change in the 7.6 from less than or equal to less than, however we suggest less than 7.6 is rather nebulous and that the Commission should actually go ahead and say what the mortality limit should be if the population for independent females falls below 674 and in fact we think it should be much less than 7.6%. Thank you very much.

Chairman Vermillion: Thank you, further public comment? Seeing none, any comments from the Commission?

Vice-Chairman Stuker: I have a question. When I looked in the MOA, under 7 the termination and effective dates, it says there's a 180 day written notice to get out of that if we so wish, who makes that decision? Is that the department, is it the Commission, or who?

McDonald: Mr. Chairman I think it would be either one. Again were asking both of you to sign it.

Director Hagener: I think it's both, because we are both signatories the department and the Commission.

Vice-Chairman Stuker: So in order to get out of it then both of us would have to agree? The other comment I would just make is, I wish, and I know we can't change it now, but as we're moving forward on others, the distinct population segment boundaries, I wish they would be moved further out so it encompasses a bigger area, similar to what happened with the wolves as I understand.

McDonald: Yeah Mr. Chairman, Vice-Chairman Stuker, that's really a Fish and Wildlife Service call, so we're kind at their mercy on that one.

Chairman Vermillion: Alright, further comment from the Commission?

Commissioner Wolfe: Yes, Ken I did have one question it was just brought up in the comments from Missoula, and that is the fact that the conservation strategy has not been finalized yet, there is a possibility that the Fish and Wildlife Service could amend that, I would presume that if there were substantial changes in the conservation strategy, which would result in the Memorandum of Agreement not being in align with it, that the 3 states would come back together and do the necessary amendments. Is that a correct assumption?

McDonald: Mr. Chairman, Commissioner Wolfe, yeah that would be the case. And again this MOA is not a requirement of delisting or anything, we felt this was an additional step that we could put in place to demonstrate to the Fish and Wildlife Service and probably ultimately the courts that collectively we're going to be working together so like say there was a mortality limit of 10 that Montana doesn't take at all, and Wyoming takes 10 and Idaho takes 10, and we blow past what are limits are. It's really to demonstrate and then the other point that came up why we added that specific point on the 600, if we go below 600 we would stop discretionary mortalities because the solicitors, the federal solicitors were looking specifically for that as one of the additional regulatory mechanisms that we've agreed to, so that does help us hopefully in the defense of the delisting.

Commissioner Wolfe: And just a follow up comment, I know there's been a number of comments both written as well as public comments today that refer more to the delisting rule than actually what Montana FWP would be doing but I think that it's incumbent upon us as the Commission and the department with whatever action that we're taking now, to ensure that our action is in alignment with and consistent with the delisting rule that is published in the federal register and the amendments to the recovery plan. So again I know that there is concerns out there amongst folks regarding that next level up that's being dealt with at the federal level but I think our role is to ensure that what we do is consistent with those federal guidelines and I think that's what we're doing.

McDonald: Mr. Chairman, Commissioner Wolfe, yeah I agree that's our intention as well. If there was significant changes that happened at the federal level, the 3 states would be coming back and incorporate those changes into our state regulatory documents.

Director Hagener: Mr. Chairman, I might add one other comment here, the Fish and Wildlife Service also submitted all these documents out to a group for a peer review, and the peer reviews came back and I don't know that we circulated those to you, but the peer reviews by and large said the science was good, they had some minor issues here and there, but those peer reviews, there were 7 I think? (Ken "5") 5 that they sent that to, came out largely that they said they thought the strategy that was in place, the framework and good science behind them. And we can submit all of those to you if you'd like to see those.

Chairman Vermillion: Alright, further comment from the Commission? Okay, well seeing none, all those in favor signify by saying aye.
Motion passed.

(See copy of power-point presentation in the July 13, 2016 Commission file folder)

14. Greater Yellowstone Ecosystem Grizzly Bear Hunting Regulation Structure – Final

Vore: The next item is the Greater Yellowstone Ecosystem Grizzly Bear Hunting Regulation Structure, and I do have a few slides here to share with the Commission on this point. First off and it's been mentioned before but based on the number of comments we got I think it's important to stress that we are not posing a grizzly bear hunting season at this time and I almost feel like repeating that again because that was there was so many comments to that. We are not proposing a grizzly bear hunting season at this time. What we are proposing is the structure, or the framework, of what a season would look like, if and when we do have a grizzly bear hunting season. This is something that was required by the Fish and Wildlife Service, as Ken mentioned, is required by the service as a guarantee that the grizzly bear population in Montana would be looked after and cared for. That we wouldn't go back to a situation where we'd need to be considering relisting the bear again. And it is important to stress that the proposed season structure is very conservative and it would be highly regulated. It's conservative on a number twice, thrice, four times over. First off I would point out that the Chao 2 estimate for the DMA, that's the demographic monitoring area, it underestimates bears by about 40%, and this is from information from the interagency grizzly bear study team itself, there are several ways to estimate populations. But the Chao 2 population estimator is a good one for tracking trend, it's not so good at getting to the real number that's on the landscape so that we know that this Chao 2 estimator underestimates bears, consequently any harvest regime based on that is a very, very conservative harvest regime. And the mortality limits that Ken spoke to are based on that Chao 2 estimator. I'll also point out that many bears inside of the DPS, and all these letters and numbers it gets confusing, I know but the DPS is the population segment, the distinct population segment, and this blue line that Ken referred to earlier, that blue line is the distinct population segment, the black line here is the DMA, that's the demographic monitoring area, we have a number of bears that are outside of that DMA, and remember the mortality limits apply to only the DMA, so only within this area, any outside of that are mortalities that don't apply within that DMA. So bears in our season structure proposal, bears taken outside of the DMA would still be applied to the quota, to Montana's quota, even though they don't count against that DMA, so again, this is another conservative way of approaching harvest regime. We're looking at 7 grizzly bear management units to distribute that harvest on the landscape and avoid any multiple harvests in any one unit. Each unit will have its own harvest quota that is closed when that unit is reached. We are, as of right now anyway, we would be proposing harvest only in 5 of those units, not including this one to the furthest east, and this one to the furthest west. And those would, the quotas therein would be determined, and Ken went through, I'm not going to spend time going through what Ken went through, about how those are determined, what the mortality limits are, and all those kinds of things, but those are based on the population as you know. Other season structure elements that are important to consider here is that to protect females and young of all ages we propose to not harvest any bear that was with another bear, or bears. This of course could mean that any two adult bears that otherwise would be legal to harvest, would not be legal to harvest, this protects females and it protects young primarily. The season dates are designed to protect females, and we know based on years of research down there that females, especially those with young, emerge from dens later in the spring, and they go into their dens later, er... earlier in the fall, then do the males. And so the proposed season dates for early spring are very early, March 15th through April 20th, and this is based on research that's been done down there, and the fall dates again, November 10 to December 15th, that's designed to minimize take of females. Illegal to take a bear in its den. Limited quota of licenses, these licenses would be issued by a drawing, and that number of licenses issued would be equal to Montana's harvest allocation, now how this is ends up being conservative, is that we know that everybody that gets a license is unlikely to get to harvest a bear. I'm not going to hazard a guess as to what how many there might be because we don't have any experience in that, but it is unlikely that 100% of the people that draw a license would harvest a bear, especially if we have areas that can close early, that can close a season with female harvest, etc etc, so it's unlikely that even though we issue that number of licenses, that that number of bears would be taken. There is a mandatory hunt orientation course, for licensed hunters, this is to address issues about how long to look at a bear as was mentioned earlier by someone here, that you know often times cubs don't accompany the female 24/7 or every minute of the day, so things would be covered just like we do currently for black bears, we recommend that people watch a bear for at least a half an hour before they harvest that bear. So that this again is to get at being conservative and to avoid harvesting female bears. Seven year wait for hunters that draw a license, so if a hunter draws a license, even if they don't go hunting, even if the hunting season closes down, they are not allowed to apply for and draw another license for 7 years. Twelve hour reporting period, so this is, about as quick as we can reasonably require somebody to report a harvest, that we can track what's going on with harvest, we can track what's going on with the quota. Once in a lifetime for a hunter that harvests a bear, so if you harvest a bear, you can never apply for another one, at least in Montana. Season will close in 24 hours on reaching either the female or the male quota, so all of these things all add up to a very conservative harvest regime. Of the comments, we had 384 public comments, most of them through the survey monkey, most of the opposition and again this is hard to, I spoke in the cover letter about the confusion, there was a lot of people confused about this is not an issue of delisting, that is, was a conversation for the US Fish and Wildlife Service, this is not an issue about whether or not to have a season or any of that, this is about the season structure. There was a lot of confusion

about that. Most opposition comments were in general opposition to hunting and delisting. They wanted no hunting areas around the park, was a common theme, and hunting moratoriums as was mentioned earlier, was also a common theme. And as I said, a lot of confusion on what's being proposed and what hunting is. And again this is not about the delisting, this is about the season structure. Support included general support for hunting and delisting, as a positive next step in grizzly bear conservation, and conflict management both. That's very short, I know, most of this was covered in May, we are proposing no change to the season structure that was presented to the Commission in May, so with that I would stand for any questions.

Chairman Vermillion: Questions from the Commission? Motion?

Vice-Chairman Stuker: *Mr. Chairman, I propose that the Fish and Wildlife Commission adopt the proposed grizzly bear hunting regulation structure as presented by FWP.*

Commissioner Wolfe: *Second.*

Chairman Vermillion: Alright, and so this is exactly same as the tentative?

Vore: That's correct.

Chairman Vermillion: So all the public comment is now in, so we won't open public comment here today on this particular issue. There's no more questions from the Commission, any comments from the Commission? I would only, kind of since we're kind of, you know it's very important one of the things that the department mentioned earlier in this conversation today is that the before there is any hunting season in Montana, there will be another check-in with the Commission, and there will be another opportunity for significant public comment that I'm sure that will generate. You know I think, as we've heard today and as probably everybody has seen over the course of the public comment, there is a, like with a lot of the wildlife we seem to manage in this state, there is a trade off, I mean there is a lot of places where bears could be, but there's not nearly as many places yet where bears are socially acceptable or socially tolerant and as department and as the people who actively support the conservation grizzly bears and its return and its delisting, I think it incumbent upon all of us to find ways to help landowners, to help Montanans who are suddenly seeing bears in places where they haven't seen them in the past, or are encountering conflict with bears, to find ways to make that conflict resolution easier, to avoid it in the first place if at all possible, you know if you look at the tradeoff you see that there's you know tradeoff between biologically suitable habitat and places where bears are socially acceptable, and I would hazardly guess that it's going to be the second piece, and it's going to be most challenging part for this department and for the bear itself to have a longer term success in its conservation and it's you know remaining on the landscape, you know I can think back when I was younger, when I lived in Tom Miner Basin for three years, probably from 1989 through 1992, guiding elk hunters and fishing and what have you, we never even carried bear spray, and we never saw a bear in 3 years where I spent hours and hours and hours on the landscape, days on the landscape, I mean we moved through the woods as quietly as possible and just never saw a bear, and last year in October I took my kids out to the (Bee bar) in September or early October, in the afternoon, and there were probably 50 or 60 cars there watching these bears, and the day we were there, there were 13 bears eating caraway root out in the pasture, 150-200 yards from the road, and cows, you know livestock, 600 yards from the bears paying them absolutely no attention, and some folks were there later in the week, and they saw 21 bears, and you couldn't even do that in Yellowstone Park, I think the only place you could probably do that in the world, is Brooks Falls or some of those falls in Alaska where you see huge concentrations of salmon, so when you see that sort of thing on the landscape, you know it strikes me that the bears are, their numbers are up, the bears are I think largely finding themselves in places now, they're starting to push out into areas where they may encounter more and more conflict, and I think it's going to be a really incumbent upon the department and those of us in Montana who want to see more bears and see a brighter future for bears in figuring out how that conflict can be mitigated or managed and hopefully eventually eliminated. So I think that's really critical and I think the department deserves a lot of commendation for the work it's done on this proposal, it's very conservative, I think part of what Montana's shown over time is that we do know how to manage these four legged critters, we work really well with landowners, we work really well with stakeholders, and that we are not going to be unreasonable or aggressive in how we manage these animals, because the last thing any of us want, is to return to these bears, having these bears be returned to the endangered species list, and finally I think it's a great way to delist a species going through the regulatory process, going through the public comment process, and I would urge everybody that's involved, that even if you oppose the delisting, to think and remember that if we can't go the traditional process as it relates to delisting the species, the next step usually congressionally delisting, and I think one of the reasons you see the department working so hard with the other states on the memorandum of agreement is precisely to provide or prevent what happened with wolves, where it took us 8 or 9 years to get these species off the list and finally it was up to congress in the senate in particular to get those rules of the list, so I think this is much better way to go, and part of that social contract with the endangered species list, you know once federal management has gotten grizzly bears back to, or any endangered species, back to a point where they're no longer endangered, that we return that management back to the states where it belongs, and this is a great opportunity for this state, and for the federal government frankly to show that the system does work, the process does work, and I hope that's seen that way, I think eventually it will be by most folks involved.

Vice-Chairman Stuker: I agree mostly with what Dan said, and I think the conflict resolutions as Ms. Baucus talked earlier, those types of kinds of things we're going to have to watch and work with, the department is going to have to do a better job with their PR also, as was mentioned from up in the Valier area, the other thing is Dan did throw out two words that I absolutely hate because I cannot get a definition, socially acceptable, to who? That I never see in any of these management plans, they use the words socially acceptable a lot, but is it to the people in the area that have to live with them, is it the people in D.C. or New York or Missoula or Bozeman? Of course when we look at these plans, with the outer line I talked about, and the bears continue to move out, we may be seeing them in the middle

of Bozeman and Missoula and places like that, and that is going to be a concern, but we need to have the same concern for those individuals in sparsely populated areas as we do for those in more populated areas. Thank you. But I do agree with your plan.

Chairman Vermillion: Thank you Vice-Chairman Stuker. Any further comment from the Commission? Seeing none, all those in favor signify by saying Aye. *Motion passes.*

15. 2016 Mule Deer Quotas Outside Biennial Quota Ranges – Final

John Vore, Game Management Bureau Chief, stated the final proposal is unchanged from the tentative proposal (see minutes from the June 9, 2016 Commission meeting). Formal public comment ran through June 24; 40 comments were received; 32 evenly split of 16 each in support vs. opposed; other comments varied from too few deer to too many, not enough deer on public land, support for FWP being able to quickly respond to situations, and FWP is only concerned about money.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission approve the Region 7 007-03 mule deer B-license increase from 4,500 to 7,500 and increase the upper quota range from 5,500 to 11,000 as recommended by FWP.

Action on Motion: Motion Passed.

16. Nongame Check-off Workplan – Final

Ken McDonald, Wildlife Administrator stated the final proposal is unchanged from the tentative proposal (see minutes from the June 9, 2016 Commission meeting). Two public comments were received with both supporting the proposal.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish & Wildlife Commission approve the proposed Nongame Tax Check-Off work for Fiscal Year 2017.

Action on Motion: Motion Passed.

17. 2016 Upland Game Bird Quotas and Limits – Final

John Vore, Game Management Bureau Chief, presented a power-point presentation (see copy of power-point in the July 13, 2016 Commission file). The proposed changes are:

- Crossbows – FWP proposed that crossbows be considered a legal means of taking mountain grouse and fall turkey.
- Sage Grouse – Adaptive Harvest Management (AHM) for sage grouse assesses populations and bag limits. The Management Plan and Conservation Strategies for sage grouse recommends a conservative two-bird bag limit if average lek counts are below the long-term average (LTA). Montana's Commission-approved sage grouse AHM plan provides for closing and opening hunting seasons in all or portions of the state depending on the average number of male birds attending the 88 AHM leks. AHM guidelines call for season closures if average counts are less than 45% below the (LTA) for three consecutive years and for reopening the season if the average count is above that 45% below LTA number for three consecutive years *or* if the count is above the LTA for one year. Because of a heightened awareness of sage grouse and potential human-caused habitat impacts the Commission adopted a conservative two-bird bag limit in 2007, a year of above-average lek counts. That bag limit has continued through 2015. In 2014 the Commission closed the hunting season in portions Hunting Management Zones 1 and 2 and all of Zone 3 with the understanding that if lek counts met the above criteria FWP would propose reopening those areas.

By 2016 average lek counts have rebounded significantly since recent lows in 2014 and are now above the LTA in the state as a whole and in each of the individual hunting management zones, thus meeting the criteria for reopening. Lek counts in 2016 averaged 33.2 males/lek, 17% above the LTA. Public comment ended June 18; 12 comments were received; 3 favored and 1 opposed the use of crossbows; 1 opposed hunting sage grouse; 1 wanted a sage-grouse opening date that would allow hunting pheasants; 6 comments spoke to season dates, bag limits, and subjects not related to upland game birds.

Action: Vice-Chairman Stuker moved and Commissioner Wolf seconded the motion to approve as final the use of crossbows for mountain grouse and fall turkey, the 2016 sage grouse season, and other upland game bird bag and possession limits and quotas as presented by FWP.

Vice-Chairman Stuker and Vore discussed the two-bird bag limits and season lengths.

Chairman Vermillion asked for public comment.

Chairman Vermillion stated this is a good news story; research shows that hunting impacts is minimal; a lot of credit goes to Governor Bullock and his staff, including Director Hagener; pleasure to reopen sage grouse hunting.

Director Hagener asked for bag limit and season date clarification.

Vore stated the bag limit will remain at two, possession limit twice the bag limit and season closure ends September 30.

Action on Motion: Motion Passed.

18. 2016 HB 454 Hunting Access Agreements – Final

John Vore, Game Management Bureau Chief, stated the final proposal is unchanged from the tentative proposal (see minutes from the June 9, 2016 Commission meeting). Public comment period ran through June 17; 22 comments were received, 11 in support and 1 opposed landowner bull tags; 1 opposed all hunting; 3 commented on trapping and/or grizzly bears; 6 comments were unrelated subjects.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the proposed John Swanz Ranch and Robert Lee Ranch hunting access agreements as presented by FWP.

Action on Motion: Motion Passed.

19. Veebaray Upland Game Bird Enhancement Program Grazing System (R7) – Final

Ken McDonald, Wildlife Administrator explained FWP proposes to enter into a 21-year Upland Game Bird Enhancement Program (UGBEP) agreement with Veebaray Company Ranches (the landowners) located near Enid, MT. The project would develop stock water sources and other improvements to implement three, 3-pasture summer rest rotation grazing systems on 12,145 acres of the Veebaray Ranch. Total estimated project cost would be \$369,130 with costs being split between the UGBEP (\$179,565), the landowners (\$179,565), and American Bird Conservancy (\$10,000). The intent of this agreement is to develop a partnership between FWP and a private landowner to improve native habitats for the benefit of wildlife, primarily upland game birds, and to simultaneously provide public upland game bird hunting opportunities. Veebaray Company would like to implement rest-rotational grazing to better distribute cattle and enhance rangeland health. This property supports extensive woody draws and associated shrub-grassland habitats, but historic grazing management limited the productivity of these habitats for wildlife. Establishment of this system would provide rest and deferred grazing treatments, directly enhancing nesting, brood, and wintering habitat for upland game birds while improving the productivity and extent of perennial grasses, forbs, and brushy cover. Wildlife and livestock would both benefit from improvement in the overall health and carrying capacity of the range. This proposed project aligns with priorities identified in Region 7's UGBEP Strategic Plan, including the regional goal to "Develop and maintain grazing management projects to improve and/or maintain productive nesting and brood rearing cover; enhance or provide critical winter habitat; enhance public recreational opportunities." Sharp-tailed grouse, pheasants, partridge, and wild turkeys are expected to benefit from this proposal. The agreement will specify a minimum of 200 public hunter days annually over the life of the agreement. Comments from the UGBEP Council were supportive; the majority felt this was a good expenditure of program funds and the Veebaray Ranch would provide outstanding potential for upland game bird hunting. Public comment was solicited June 10 through June 24; 17 comments were received; 13 in support; 3 comments were not relevant to the proposal; 1 commenter had questions about the level of public hunting access specified in the proposal.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission approve proceeding with the Veebaray Upland Game Bird Enhancement Program grazing system as proposed.

Vice-Chairman Stuker asked if there are any stipulations on number of individual.

McDonald stated landlord would have a minimum of 200 public hunter days per year and will possibly be managed through block management.

Vice-Chairman asked if the landowner would be eligible for block management payments also.

McDonald explained he would be eligible for a partial block management payment.

Chairman Vermillion, McDonald and Brad Schmitz, Region 7 Supervisor discussed financial details of the agreement.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

20. North Shore Wildlife Management Area Farming Lease (R1) – Final

Ken McDonald, Wildlife Administrator explained FWP is proposing a 5-year agricultural lease of 359 acres of the 429-acre North Shore WMA. The WMA is on the north shore of Flathead Lake adjacent to a U.S. Fish and Wildlife Service Waterfowl Production Area. During winter and spring migration, waterfowl flock to the fields to forage on food plots and waste grain. The property has a long history of crop production, and for several years has been leased to multiple growers in exchange for property services and leave crops to support wildlife. With existing leases expiring in September, 2016, FWP seeks to unify property management by developing a single-grower, five-year agricultural lease to continue this successful management approach. As proposed, the lessee would cultivate plant, control weeds and retain a portion (up to 85 percent) of the grain crop harvest, leaving stubble and the remaining crop standing for wildlife during winter and spring migration, primarily to benefit waterfowl and upland game birds. FWP has leased these fields for several years, and the public has been involved and supportive throughout that process. Public comment closed on June 19; 9 comments were received; 6 in support of the preferred alternative; 3 comments expressed concern the 5-year lease duration was too long and would unduly restrict management. A portion of the acreage was purchased with Access Montana money for a state park; the agreement will need to be approved by the Parks and Recreational Board, also.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve the 5-year agricultural lease for the North Shore WMA as proposed.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

21. Shoulder Season Performance Criteria – Informational

John Vore, Game Management Bureau Chief gave an informational presentation explaining how to obtain shoulder season information on the FWP website. (see copy of power-point presentation in the July 13 Commission file). 2016 will mark the first year of shoulder seasons in Montana. A shoulder season is a firearms season that occurs outside the 5-week general firearms season. The seasons focus on antlerless elk harvest on private land and are not intended to replace or reduce harvest during the existing general archery and 5-week general firearms season. In order for shoulder season to be effective, everyone must work together – FWP, landowners and sportsmen. Shoulder seasons will take place in 43 HD and, depending on the district, hunters will be able to use their general elk license or elk B License. FWP will have a shoulder season information web page up in July that will be previewed with the Commission. The page will be user-friendly and easy to navigate. It will include general information, history, guidelines, fundamental objectives and performance criteria, information for hunters, information for landowners, a place for the 2016-17 shoulder season performance as far as realized harvest against necessary harvest for those HD with shoulder seasons, and an evaluation of the 2015 pilot project. The pilot project shoulder season in five Region 4 HD. The results highlight two things: 1) shoulder seasons can be successful at harvesting elk, and 2) harvest during shoulder seasons can only be accomplished if landowners cooperate. In HDs 445, 446, 449 and 452 where there was good landowner participation there was very good harvest of bull and antlerless elk during the archery and general seasons and 611 antlerless elk taken during the shoulder season. Antlerless harvest during the shoulder season increased the archery and general season harvest by 72%. In addition to a good bull harvest, the total all-seasons-combined harvest of cow elk was about twice what it had been in any of the previous five years. In HD 410, where there was less landowner participation, there were only 31 cows taken during the late shoulder season compared to 444 during the archery and general season. The Department is in the process of hiring a hunt coordinator

Montana 2015 Shoulder Season "Pilot Project" Performance Criteria Evaluation

		Harvest Criteria - Harvest needed and harvest realized.							
		Archery and General Seasons ^a				All Seasons Combined ^b			
		Adult Cows		Adult Bulls		Adult Cows		Bulls, Cows & Calves	
Hunting District(s)		Needed	Realized	Needed	Realized	Needed	Realized	Needed	Realized
410		182	444	121	281	357	475	595	776
445/455		232	194	155	159	455	295	758	492
446		134	341	89	256	263	649	438	1002
449/452		131	191	87	206	256	308	427	534

^aHarvest during the archery and general seasons must be ≥51% of recruitment for both bulls and cows

^bHarvest during all seasons combined (archery, general and shoulder seasons) must be a combined harvest of bulls, cows and calves ≥100% of recruitment of all elk.

This summer and fall FWP will do a public outreach campaign to get the word out to landowners and sportsmen about the new shoulder seasons for 2016. This will include newspaper, radio, TV, and social media as well as letters to all landowners with 160 acres or more (80 acres in R1) in places where shoulder seasons will occur.

22. Public Comment – For Issues Not On This Agenda

Update from Sporting Interests Involved with Lewistown area BLM RMP Process

Scott Laird, Theodore Roosevelt Conservation Partnership (TRCP) explained for the first time in 25 years, the Bureau of Land Management (BLM) Lewistown Field Office is in the process of preparing a resource management plan (RMP) to guide management of over 600,000 surface acres of BLM managed lands in central Montana. The purpose of the RMP is to establish comprehensive management direction for all resources and uses. The TRCP, along with many wildlife professionals, hunters, anglers, outdoor recreationists, and business owners are calling for a new planning tool to protect intact and undeveloped high value habitat for fish and wildlife. This new tool is called Backcountry Conservation Areas (BCA). The Backcountry Conservation Area is an administrative tool to be used at the land use planning level to create an administrative unit containing generally intact, undeveloped lands that provide important habitats for fish and wildlife, and also provide high-quality wildlife-dependent recreation opportunities. The interrelated nature of the important habitat and high-quality dispersed recreation opportunities, and actively managed for both values, makes BCAs a unique land use tool for the BLM. Contained in this package are a few additional documents providing more details, and a map of the proposed BCA lands. The full Proposal that was submitted to the BLM under the signature of the TRCP, MW, Trout Unlimited, Traditional Bowhunters of Montana, Backcountry Hunters and Anglers and the Montana Sportsmen Alliance is available at your request. The TRCP continues to gather support for the inclusion of BCAs in the upcoming Lewistown BLM RMP. TRCP respectfully requests that the Commission review and consider this matter, and if appropriate, provide a written letter of support to the Lewistown BLM Field Office.

Vice-Chairman Stuker stated the plan may obtain more habitats or access to the federal lands, but lose more on private land unless you work with the landowners; need to be careful and work with all stakeholders.

Vice-Chairman Stuker and Laird discussed political and legal issues with the plan.

Vice-Chairman Stuker stated the Commission needs to look at all sides before a letter can be written.

Commissioner Wolfe asked what stage the BLM Lewistown resource management plan is in.

Laird stated the draft plan will be released in August or September; nothing will be finalized for another year; BCA will be in the draft plan as an alternative.

Chairman Vermillion asked for other public comment.

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

The meeting adjourned at 3:27 p.m.



Dan Vermillion, Chairman



M. Jeff Hagener, Director