



Steve Bullock, Governor

Dan Vermillion, Chairman
PO Box 668
Livingston, MT 59047
406-222-0624
District 2

Richard Stuker
1155 Boldy Road
Chinook, MT 59523
406-357-3495
District 3

Tim Aldrich
3340 Rodeo Road
Missoula, MT 59803
406-542-3144
District 1

Logan Brower
P.O. Box 325
Scobey, MT 59263
406-230-2188
District 4

Shane Colton
335 Clark
Billings, MT 59101
406-670-2374
District 5

Martha Williams, Director
MT Fish, Wildlife & Parks
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701
406-444-3186
(Fax)406-444-4952

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**Montana Fish,
Wildlife & Parks**

Montana Fish & Wildlife Commission

MINUTES

Montana Fish and Wildlife Commission Meeting

Montana WILD – 2668 Broadwater - Helena, MT

April 14, 2017

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman,
Logan Brower and Greg Tollefson

Fish, Wildlife & Parks Staff Present: Martha Williams, Director, and FWP Staff.

Guests: April 14, 2017 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes from the February 10, 2017, February 15, 2017 and March 22, 2017 Commission Meetings
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Cromwell Channel on Flathead Lake Administrative Rule (R1) - Final
7. Madison River No-wake Administrative Rule (R3) - Final
8. Duck Creek Bay on Fort Peck Reservoir No-wake Administrative Rule (R6) - Final
9. Bay of Park Grove at the Fort Peck Dredge Cuts No-wake Administrative Rule (R6) – Final
10. Lease Agreement at Silos Canyon Ferry Reservoir (R4) – Final
11. Lease Agreement at Galata Tiber Reservoir (R4) – Final
12. Musselshell River Fishing Access Site Lease (R5) – Endorsement
13. Teton River Instream Flow Water Right Lease (R4) – Endorsement
14. Captain Clark Fishing Access Site Road Acquisition (R5) - Endorsement
15. Cabinet Gorge Reservoir Bridge Construction Closure (R1) – Final
16. Skyles Lake Land Transfer Project (R1) – Final
17. Glendive Chamber of Commerce and Agriculture Paddlefish Grant Committee (R7) – Final
18. Grizzly Bear Hunting Regulations Date Correction – Final
19. 2017 Mountain Lion Quotas – Proposed
20. 2017/2018 Wolf Hunting Seasons Quotas and HD Boundaries and SB 200 Quotas- Proposed
21. 2017 Migratory Bird (Waterfowl, Sandhill Cranes, Mourning Doves and Snipe) – Final
22. 2017 CSKT Waterfowl and Upland Game Bird Hunting Regulations – Endorsement
23. Continuation of Middle Madison Valley Trumpeter Swan Reintroduction – Endorsement
24. 2017 Elk and Deer Permits Outside Biennial Quota Ranges – Final
25. The Nature Conservancy Recreation Management Area Access Biennial Rule (R2) – Final
26. Grant Marsh Wildlife Management Area Addition (R5) – Final
27. Grazing Lease Renewal on Vandalia Wildlife Management Area (R6) – Final
28. Farming Leases on Elk Island Wildlife Management Area (R7) – Final
29. Blackfoot-Clearwater Wildlife Management Area Conifer Expansion Treatment (R2) - Endorsement
30. Keogh Conservation Easement Purchase of Additional Rights (R3) – Endorsement
31. Brucellosis Audit - Informational

1. Call to Order and Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:34 a.m. and led the Pledge of Allegiance.

2. Approval of Minutes from the February 10, 2017, February 15, 2017 and March 22, 2017 Commission Meetings.

Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion to postpone approval of the minutes until the next meeting. Motion passed.

3. Approval of Commission Expenses

Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion to approve the March 2017 Commission expenses. Motion passed.

4. Commission Reports

Chairman Vermillion welcomed Logan Brower and Greg Tollefson to the Commission and congratulated Director Williams on her appointment.

Vice-Chairman Stuker stated a wolf was killing livestock in his area; concerned with the FWS MOA; need sideboards for persons involved within the MOA; could cause confusion amongst staff and citizens. Attended the Walleye Unlimited state meeting; good meeting; several questions on Quiet Waters and walleye limit for Holter Dam.

Commissioners Brower and Tollefson introduced and gave background information on themselves.

Chairman Vermillion recognized former Commissioner Steve Dougherty who was in audience. Bob Ream, who was the former Chairman of the Commission passed away; he was passionate about Montana's conservation and wildlife; his legacy will be with Montanans for years; trying to think of a way to commemorate his life and memorialize his contributions. Several meetings and discussions are starting on PDK outbreak; trying to come up with a more specific plan on how to deal with the situation this year and for years to come. Met with landowners in Manhattan who allow public access but had issues with elk after the season is over; working with staff on a proposal and some sort of shoulder season this fall. Snow pack south of the interstate seems good; problematic on the Smith, Shields and North Fork of the Musselshell. Quiet Waters has been rescheduled for Friday, May 12, to accommodate Commissioner Tollefson.

5. Director's Report

Martha Williams welcomed back Vice-Chairman Stuker and welcomed Brower and Tollefson to the Commission. Saddened with Bob Ream's passing; was a mentor to many people; need to recognize him somehow. Gave an update on legislative issues/bills.

Eileen Ryce, Fisheries Administrator, explained and gave lengthy update on the aquatic invasive species situation in Tiber Reservoir and Canyon Ferry.

Chairman Vermillion and Ryce discussed AIS decontamination stations and the PDK issue/plan on the Yellowstone River.

Phil Kilbreath, Enforcement Boating Law Administrator and Recreation Program Manager welcomed the new Commissioners and explained the Department's petition and rule-making process.

6. Cromwell Channel on Flathead Lake Administrative Rule (R1) – Final

Phil Kilbreath, Enforcement Boating Law Administrator and Recreation Program Manager explained Wayne Hebert submitted a petition requesting an amendment to ARM 12.11.2205 for a no-wake restriction in the Cromwell Channel located on Flathead Lake. The proposal restricts the Cromwell Channel to no-wake motorized boating at its narrowest point approximately 800 feet in length. The petition states the regulation is necessary to address safety concerns, shoreline erosion and property damage, non-motorized user conflicts, and ferry and wildlife crossing conflicts. Letters of support from adjacent landowners were submitted with the petition, including a letter from the Shoreline Board Chairman of the Confederated Salish and Kootenai (CSKT) Tribe. The public comment period for this proposal ran for 29 days and ended on February 17; a public hearing was held at the FWP Region 1 meeting room on February 13; 2 members of the public attended and gave comment. Ten comments were received; two comments were in favor, and 8 were opposed; of the two comments in favor, one was from the petitioner and included 13 letters in support that were originally submitted with the petition. The Department recommends the Commission adopt the administrative rule limiting the Cromwell Channel to a no-wake zone at its narrowest section approximately 800 feet in length or as buoyed. Buoys would be placed at the expense of the petitioners and maintained by the petitioners. This short no-wake zone lies within the exterior boundaries of the Flathead Indian Reservation. FWP deferred to the CSKT professional staff on this rule; CSKT staff has reviewed and supports this proposed rule.

Chairman Vermillion asked if the buoys would be maintained by the petitioners for perpetuity.

Kilbreath stated yes, until the rule was changed by the Commission or legislature in the future.

Action: Commissioner Tollefson moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission adopt the administrative rule limiting the Cromwell Channel to a no-wake zone at its narrowest section.

Chairman Vermillion asked for public comment.

Wayne Hebert, petitioner, thanked the Commission for their decision; surprised, has no knowledge and concerned about liability issues for himself and his family with him being the one maintaining the buoys; will he have guidance from FWP or CSKT?

Lee Anderson, Region 1 Warden Captain stated the public has maintained buoys in the past; buoys are not considered a navigational hazard; it would be costly if the Department were put into the position for purchasing buoys for every no-wake zone and the wardens would be spending significant amount of time maintaining the buoys instead of enforcing regulations; placing buoys on this restriction is important when you have a no-wake zone that is not marked.

Chairman Vermillion asked if there are no buoys present, will the no-wake zone still stay in effect?

Anderson stated that is correct, but the restriction is more effective when the notification of the no-wake zone is visible.

Hebert stated he would like guidance from the Region.

Chairman Vermillion asked Anderson to work with the petitioner.

Chairman Vermillion asked for public comment.

Jim Vashro, Flathead Wildlife, concerned about the precedent this no-wake ruling would set, would show the 200 foot no-wake zone does not work to protect shoreline erosion or nonmotorized boaters around the lake; Flathead Lake is susceptible to shore line erosion; lake level management is based on trying to avoid natural erosion, the petition did not measure how much erosion was due to boat wakes versus natural erosion.

Action on Motion: Motion passed.

7. Madison River No-wake Administrative Rule (R3) – Final

Phil Kilbreath, Enforcement Boating Law Administrator and Recreation Program Manager, explained Jonathan and Marianne Klein submitted a petition for a no-wake restriction on a 1.3-mile section of the Madison River between The North Ennis Lake Bridge and the Madison Dam. The proposal restricts the Madison River to no-wake motorized boating from the North Ennis Lake Bridge at the northeast end of Ennis Lake to the Madison Dam. Petitioners feel this regulation is necessary to address social desires for all varieties of water-based recreation users and to address safety concerns through the narrow canyon. FWP's public comment period for this proposal ran for 29 days and ended on February 17; a public hearing was held at the FWP Region 3 meeting room on February 15; 13 members of the public signed in and gave comment, 7 in opposition, and 6 in support; 108 written comments were received, 64 in opposition, 44 in support, and 2 that did not state an opinion for or against or were not relative to the language. If the Commission doesn't adopt the rule, the area will remain as it currently is; if the Commission adopts the rule as proposed, the Madison River will be limited to a no-wake zone from the North Ennis Lake Bridge to 600 feet above the Madison Dam. Several commenters who were in opposition to the proposed rule commented they would support an alternative no-wake zone on either side of the North Ennis Lake Bridge as they believed this area is dangerous and has safety concerns. This stretch of water could be restricted to no-wake during certain times of the day. The Department takes a neutral stance on this petition and recognizes that greater than wake speed boating in this channel could potentially increase the chances of a boating accident. However, considering public comments, this restriction could reduce opportunity for water based recreation. Several alternatives were suggested during public comment that could address some of these issues and serve as a compromise; further evaluation or study of this area would be appropriate before the Department makes a recommendation. The Department will be satisfied with whatever action the Commission takes on this proposal.

Action: Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission adopt the administrative rule limiting the Madison River to a no-wake zone from the North Ennis Lake Bridge to 600 feet above the Madison Dam.

Commissioner Tollefson stated since there are other alternatives that could be considered and other opportunities may not be exhausted yet it may be too premature to take action.

Adam Pankratz, Region 3 Warden Captain, stated a variety of public comments were received; a lot of misinformation; conversations and suggestions with staff and the public took place; the Department did not have time to consider or study the suggestions.

Vice-Chairman Stuker stated he agrees with Commissioner Tollefson; opposes motion; would like the Department to go out and research the suggestions and come back to the Commission at a later date with a recommendation.

Chairman Vermillion asked for public comment.

James Wilkins, East Helena, opposes motion; agrees with no-wake zone around the bridge; unaware of any accidents in this area.

Pankratz stated there was one boating accident in 2008; a boat pulling a water skier was making a turn-a-round near the dam, turned too wide and the water skier hit the rocks and died on impact.

Chairman Vermillion stated he strongly supports this rule; no-wake does not mean no access; very tight and rocky on both sides; willing to look at a compromise moving forward.

Action on Motion: Motion failed. 1-3

Aye – Vermillion

Nay – Stuker, Brower, Tollefson

Action: Vice-Chairman Stuker moved and Commissioner Brower seconded the motion that the Fish and Wildlife Commission remand this situation back to the Department and ask them to come back to the Commission with a compromise, due to the safety issues around the bridge in that immediate area.

Action on Motion: Motion Passed. 3-1

Aye – Stuker, Brower, Tollefson

Nay - Vermillion

8. Duck Creek Bay on Fort Peck Reservoir No-wake Administrative Rule (R6) – Final

Phil Kilbreath, Enforcement Boating Law Administrator and Recreation Program Manager explained in 2016, a petition was received for a no-wake restriction in Duck Creek Bay located on Fort Peck Reservoir. The proposal restricts Duck Creek Bay to no-wake motorized boating starting near the mouth of the bay. The petition references concern for safety and property damage, as the area has a boat ramp and camping area and is becoming increasingly more popular. FWP's public comment period for this proposal ran for 29 days and ended on February 17. A public hearing was also held at the Fort Peck Hatchery meeting room on February 16, at which 14 members of the public attended. A total of 4 comments were received regarding this proposed rule change, 2 comments were in favor, 1 was opposed and the fourth did not state an opinion for or against. The Commission can adopt or not adopt the rule. If the Commission doesn't adopt the rule, the area will remain as it currently is without a no-wake zone. If the Commission adopts the rule as proposed, the Duck Creek Bay will be limited to a no-wake zone as marked by buoys. The Department recommends the Commission adopt the rule as proposed. The rationale for the Department's position is this part of Ft. Peck Lake has seen a substantial increase in motorized boating use in recent years. For the interests of public health, public safety, and public welfare, the Department recommends the Commission adopt the rule as proposed, limiting Duck Creek Bay to a no-wake zone as buoyed.

Action: Commissioner Brower moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission adopt the administrative rule as proposed limiting Duck Creek Bay to a no-wake zone as buoyed.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

9. Bay of Park Grove at the Fort Peck Dredge Cuts No-wake Administrative Rule (R6) – Final

Phil Kilbreath, Enforcement Boating Law Administrator and Recreation Program Manager explained a petition was received in 2016 for a no-wake restriction in the Bay of Park Grove located at the Fort Peck Dredge Cuts. After further discussion with the petitioner, his proposal is to restrict the Bay of Park Grove to no-wake motorized boating 75 feet out from the shoreline. The petition references safety concerns, disruption of both animal activity and non-motorized user activity, and shoreline damage. Public comment period ran for 29 days ending February 17; a public hearing was held at the Fort Peck Hatchery meeting room on February 16, 14 members of the public attended; a total of 18 comments were received; 15 comments against, 2 comments (the original petitioner and his spouse) were in favor, and one comment was neutral; many of the comments against the no-wake zone cited safety concerns if water-skiers had to start skiing 75 feet away from their dock on where more boat traffic occurs; most comments did not see safety issues as a concern and have not observed the activities or disturbances referenced in the petition and several of these same individuals have cabins with docks in this bay. The Department recommends the Commission not adopt the rule as the Department has never received or documented any complaints or incidents of the boating activity described in this petition.

Action: Commissioner Brower moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission not adopt the administrative rule limiting the Bay of Park Grove to a no-wake zone 75 feet out from the shoreline.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed. 3-1

Aye - Stuker, Brower, Tollefson

Nay - Vermillion

10. Lease Agreement at Silos Canyon Ferry Reservoir (R4) – Final

Eileen Ryce, Fisheries Administrator, explained state officials are responding to the first detection of aquatic invasive mussels in Montana after larvae were discovered in water samples collected in the summer of 2016 in Tiber and Canyon Ferry reservoirs. The Mussel Response team has identified locations for setting up Inspection and Decontamination Sites around Tiber and Canyon Ferry. The Bureau of Reclamation (BOR) has issued FWP permits at four sites, three at Canyon Ferry and one at Tiber. Two private sites have been identified,

one at Silos and one at Galata. The Silos site is a graveled 7.46-acre lot on Silos Road about ¼ mile west of Canyon Ferry reservoir. The lease has been negotiated for \$24,000 annually, for a 1 year term, renewable in 1-5 year terms. The funds (House Bill 3) will come from the Aquatic Invasive Species (AIS) budget. Upon receiving the Commission's endorsement on February 10, 2017, FWP prepared an EA and it was released for public comment on March 24; no public comment was received.

Action: Vice-Chairman Stuker moved and Commissioner Tollefson seconded the motion that the Fish and Wildlife Commission approve FWP to lease property at the Silos for setting up a Mussel Inspection and Decontamination site at Canyon Ferry.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

11. Lease Agreement at Galata Tiber Reservoir (R4) – Final

Eileen Ryce, Fisheries Administrator, explained state officials are responding to the first detection of aquatic invasive mussels in Montana after larvae were discovered in water samples collected in the summer of 2016 in Tiber and Canyon Ferry reservoirs. The Mussel Response team has identified locations for setting up Inspection and Decontamination Sites around Tiber and Canyon Ferry. The BOR has issued FWP permits at four sites, three at Canyon Ferry and one at Tiber. Two private sites have been identified, one at Silos and one at Galata. The Galata site is a 1.69-acre area at the intersection of Highway 2 and Galata Road about 8 miles north of Tiber Reservoir. The lease has been negotiated for \$12,000 annually, for a 1 year term, renewable in 1-5 year terms. The funds (House Bill 3) will come from the AIS budget. Upon receiving the Commission's endorsement on February 10, 2017, FWP prepared an EA and it was released for public comment on March 20; no public comments were received. There are an additional decontamination stations on site that do not require a lease.

Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion that the Fish and Wildlife Commission approve FWP to lease property at Galata for setting up a Mussel Inspection and Decontamination site at Tiber Reservoir.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

Chairman Vermillion thanked staff for all their hard and difficult work; wants the public to understand how much the Department and state government is working on addressing this issue; the problem is much larger than the government can control.

12. Musselshell River Fishing Access Site Lease (R5) – Endorsement

Eileen Ryce, Fisheries Administrator, explained this property is west of and adjacent to Highway 87 immediately north of the bridge over the Musselshell River and is approximately 10 acres. Musselshell County approached FWP offering a low-cost lease for development of this site as a Fishing Access Site (FAS). Musselshell County is purchasing this area through a grant program to create a green zone. The county plans on creating a trail system from the proposed FAS site to an existing trail system in the city of Roundup and the County Fairgrounds. This is a small portion of a larger County-led program to reduce potential flood damage near Roundup. There has been no formal public involvement specifically on leasing this parcel. The larger project has had significant local public input. Musselshell County Commissioners proposed this site as part of a large grant opportunity, which has many cost share partners and FEMA approval. This plan incorporated the potential FAS, riparian green space, and potential urban pond as part of larger project. Community residents contacted by the local county Commissioners and their disaster and emergency coordinator were in favor of the lease by the Department. Upon gaining the Commission's endorsement to proceed with developing a lease agreement and lease, the Department would conduct an environmental review and solicit public comments. The Commission's endorsement would enable the Department to pursue the lease and lease agreement of this parcel in partnership with Musselshell County. This site would provide much needed river access for anglers and recreational floaters. Currently, it is 70 miles in the upstream direction to the nearest FAS at Harlowton. Downstream, it is 3 miles to the Musselshell County Fairground which provides public access. The next public access area is Asparagus Point, a BLM managed area 14 miles downstream. There are no other formal FAS downstream. A smallmouth bass and channel catfish fishery currently exists in this reach. Endorsing the acceptance of this potential lease from Musselshell County could be very important in providing recreational opportunity for anglers and floaters, and economic benefits for businesses in Roundup. FWP recommends the Commission endorse the Department's request to pursue leasing this parcel through a cooperative effort with Musselshell County.

Action: Commissioner Tollefson moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse FWP's request to pursue Musselshell County's offer to lease a parcel of land along the Musselshell River near Roundup, MT for a new fishing access site.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

Chairman Vermillion thanked Musselshell County for working with the Department to find additional access for their residents.

13. Teton River Instream Flow Water Right Lease (R4) – Endorsement

Eileen Ryce, Fisheries Administrator, explained the lower Teton River historically supported a diverse fisheries community of 28 warmwater species, including sauger, blue sucker and shovelnose sturgeon. Since the mid-1980s dewatering of the lower Teton River has increased with a corresponding loss of species diversity in the river. USGS streamflow data for Teton River at its mouth shows that the river was dry for the entire month of August in 10 of the last 19 years and the entire month of September in 9 of the last 19 years. Recently and for the first time, the District Court appointed Water Commissioners to distribute water from the entire Teton River and its tributaries. A water user on the lower Teton River has expressed interest in leasing waters to FWP to benefit the fishery. This water lease coupled with the distribution of water by Commissioners would help to lessen and possibly prevent the complete dewatering of the Teton River at its mouth. To change the water rights to instream flow, FWP must make application to DNRC. This application would be noticed to the public, and potentially affected parties would have the opportunity to object to the changes to instream flow. In addition, DNRC would conduct an environmental review of the proposed change to instream flow. FWP recommends that the Commission direct FWP to negotiate a water-right lease agreement to restore and protect instream flow levels.

Action: Commissioner Tollefson moved and Commissioner Brower seconded the motion that FWP staff negotiate a water-right lease agreement for irrigation water rights from the Teton River to restore and protect instream flow water levels, subject to final approval by the Fish and Wildlife Commission.

Chairman Vermillion asked how old the water right was.

Steven Begley, FWP Water Conservation Specialist, explained the water right user distribution.

Vice-Chairman Stuker and Begley discussed cubic water per second (cfs) within the agreement.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

14. Captain Clark Fishing Access Site Road Acquisition (R5) – Endorsement

Eileen Ryce, Fisheries Administrator, explained the Captain Clark FAS is located on the Yellowstone River approximately 40 miles east of Billings. This 148-acre FAS was acquired in 1965. It has a concrete boat ramp, an accessible fishing pier and allows for overnight camping. This is a popular site, with use estimated to be around 13,000 visitors annually. The access road is approximately a mile long. The last .3 miles of the road borders a backwater slough that became an active channel several years ago, when a gravel bar began forming in the river at the mouth of the slough. During periods of high river flows the gravel bar is positioned to direct disproportionate amounts of water down the slough causing excessive erosion of the river bank adjacent to the access road. The erosion has reached the point where it is now beginning to cut into the FAS access road. The road provides the only land access to this site and can't be relocated without encroaching on adjacent private land. The adjacent landowner has been contacted by FWP and is agreeable to discussing the sale of a small parcel of land that would allow FWP to move this short section of the access road further away from the river and is unsafe to use. The exact amount of land needed hasn't been determined yet, but is estimated at 1-2 acres. There has been no public involvement to date on acquiring this parcel. Upon gaining the Commission's endorsement to proceed with this proposed acquisition, the Department will work out terms of an agreement with the adjacent landowner and then conduct an environmental review and solicit public comments. The Commission's endorsement would enable the Department to pursue the acquisition of this parcel through fee title or easement. Doing so would allow this small section of the access road to be moved away from the river providing guaranteed public access into the foreseeable future. FWP recommends that Commission endorse the Department's request to pursue negotiations with the adjacent landowner

Action: Vice-Chairman Stuker moved and Commissioner Tollefson seconded the motion that the Fish and Wildlife Commission endorse FWP's request to pursue negotiations with the adjacent landowner to the Captain Clark FAS.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

15. Cabinet Gorge Reservoir Bridge Construction Closure (R1) – Final

Eileen Ryce, Fisheries Administrator, explained this item was brought to the Commission for endorsement in 2016. The Montana Department of Transportation (MDT) along with their contractor, Dick Anderson Construction, is replacing the existing Heron Road bridge across Cabinet Gorge Reservoir on the Clark Fork river. Due to required construction means and methods, along with safety concerns, the Department is requesting a 72-hour closure of the waters approximately 1,500 feet upstream and downstream from the work site. During this 72-hour closure period, an approximately 320-foot-long barge will be blocking the majority of the navigable waterway. The work taking place during this time will create substantial hazards for waterway users, and any wakes or water disturbances will increase those potential hazards. The Contractor will be responsible for posting closure signs on both banks and will also post notifications of the closure at the Sanders County Heron boat ramp, Big Eddy boat ramp and the Bull River boat ramp. This notification will also be posted with the local newspaper and the local radio station, and be issued two to four weeks prior to the closure. FWP recommends that the Commission authorize the proposed closure rule.

Action: Commissioner Tollefson moved and Commissioner Brower seconded the motion that the Fish and Wildlife Commission authorize FWP to temporarily close a portion of the Cabinet Gorge Reservoir during the construction season in 2017.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

16. Skyles Lake Land Transfer Project (R1) – Final

Eileen Ryce, Fisheries Administrator, stated this project was endorsed by the Commission at the February 2017 meeting. Skyles Lake FAS is a two-acre site on Skyles Lake five miles north of Whitefish on Montana Highway 93 in Flathead County. MDT is planning a reconstruction project for Highway 93 including realignment and widening. This project will encroach upon Skyles Lake FAS and will require FWP to convey .06 acres of property to MDT to accommodate the widening and re-alignment. MDT would compensate FWP at fair market value for the property. MDT would also improve the approach to the FAS access road. FWP recommends that the Commission approve the Department to convey .06 acres of property at Skyles Lake FAS to MDT to accommodate reconstruction and improvement of Highway 93. The property is not essential to the operation of the FAS and public access would be improved because of the improved highway approach and access road.

Action: Commissioner Tollefson moved and Commissioner Brower seconded the motion that the Fish and Wildlife Commission authorize the Department to dispose .06 acres of property at Skyles Lake FAS to accommodate the widening and re-alignment of US Highway 93.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

17. Glendive Chamber of Commerce and Agriculture Paddlefish Grant Committee (R7) –Final

Eileen Ryce, Fisheries Administrator, explained Montana statute allows anglers to donate eggs from legally taken paddlefish from the Yellowstone River (Glendive to North Dakota state line) to a Montana nonprofit corporation to process, market and sale as caviar. In 1990, the Commission selected the Glendive Chamber of Commerce as the nonprofit corporation, and the Department has renewed the Chamber's permit since. The revenue generated from the Paddlefish Roe Donation Program is divided between the Chamber (70%) and FWP (30%). The Chamber's portion funds the paddlefish grant program, which finances historical, cultural and recreational projects. The Department's portion benefits paddlefish management and research. Statute requires the Commission to annually appoint an advisory committee, called the Paddlefish Grant Committee (PGC), to solicit and review grant applications and fund projects. By statute, the PGC must consist of one member of the nonprofit organization, two area local government representatives, and two representatives of area. The committee is also required to notify the Commission of its actions. The Department recommends the Commission appoint the following individuals to the 2017 Paddlefish Grant Committee: Mike Roe-Chamber of Commerce and Agriculture; Kevin Dorwart-City of Glendive; Tim Mort-West Glendive Fire Department; Kevin McGovern and James Thielman-citizens of Glendive.

Action: Vice-Chairman Stuker moved and Commissioner Tollefson seconded the motion that the Fish and Wildlife Commission approve the advisory committee members recommended by the Glendive Chamber of Commerce.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

John Vore, Game Management Bureau Chief explained the process and status of the Greater Yellowstone Ecosystem (GYE), and Department's involvement.

Eileen Ryce, Fisheries Administrator, gave a brief update of the White Bear FAS; the FAS will be closed June1 – September this year; two land transfer options are being considered: Chestnut Valley, 8.3-acre parcel on the Missouri River and an 11.56 parcel near Devils Kitchen. Several people are reluctant for a straight trade and are more inclined to a land purchase agreement.

18. Grizzly Bear Hunting Regulations Date Correction – Final

John Vore, Game Management Bureau Chief, explained in July 2016, to meet requirements of a proposed federal delisting rule for grizzly bears in the Greater Yellowstone Ecosystem (GYE), the Commission adopted a grizzly bear hunting season structure. The season structure regulation was developed using a regulation template that includes effective dates. However, because the grizzly bear season framework cannot go into effect at least until GYE grizzly bears are federally delisted, effective dates were never intended to be included. FWP is proposing to correct the mistaken inclusion of specific dates in the approved season structure by changing dates to "to be determined." No other changes to the season structure are being proposed. FWP recommends the Commission approve the GYE Grizzly Bear Hunting Season Framework with specific dates changed to "To Be Determined" recognizing that hunting cannot occur at least until this population is delisted and no longer under the protection of the Endangered Species Act and another Commission action considers whether to implement a hunting season and quotas.

Action: Vice-Chairman Stuker moved and Commissioner Tollefson seconded the motion that the Fish and Wildlife Commission approve and adopt the GYE Grizzly Bear Hunting Season Framework as proposed by the Department with the effective dates "To Be Determined."

Nick Gevok, Montana Wildlife Federation (MWF), good change and hopefully will help the public understand the delisting more clearly.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

19. 2017 Mountain Lion Quotas – Proposed

John Vore, Game Management Bureau Chief, explained hunting districts (HD) listed below have proposed changes in Regions 3 and 4 from the 2016 mountain lion quotas. All other quotas/subquotas not listed are proposed to be unchanged from 2016 levels. Region 3 management uses total quotas with a female subquota; Region 4 management has separate quotas for males and females. Proposed Mountain Lion Quotas are below:

Hunting District(s)	Current Quota	Proposed Quota
312, 393	7 total with 2 female subquota	9 total with 4 female subquota
320, 333	6 total with 2 female subquota	4 total with 1 female subquota
331	7 total with 3 female subquota	5 total with 2 female subquota
410, 417, 419, 471	3 males & 8 females	5 males & 8 females
405, 447, 471	3 males & 2 females	4 males & 3 females
422, 423, 424, 425, 442	11 males & 4 females	8 males & 5 females

Area landowners, sportsmen and FWP wardens are generally supportive of these proposals and have specifically called for a lion quota increase in the Missouri Breaks. All proposals have been vetted with some public in each area. Formal public comment will be taken at this meeting and continue through 5 p.m., May 14. Any final action will take place at the Commission meeting in June. Proposals may be adopted as proposed, with adjustment, or no change from 2016 as per staff justifications, public comment and Commission discussion. FWP recommends approval of proposed quota adjustments with no changes in other hunting districts. Rationale includes mountain lion population management accommodating human tolerance, safety, prey populations and hunter opportunity.

Action: Vice-Chairman Stuker moved and Commissioner Tollefson seconded the motion that the Fish and Wildlife Commission approve for public comment the proposed 2017 lion quotas/subquotas as presented by FWP.

Vice-Chairman Stuker asked about the mountain lion plan and if it is taken into consideration in the proposal.

Vore explained the draft plan is in the process of being finalized within the Department soon; once the final draft is completed, the Department will bring it forward to the Commission for endorsement to proceed with the EA. The proposed regulations changes do not come from the plan.

Chairman Vermillion and Vore discussed HDs 410, 417, 419, 471 male/female quotas.

Chairman Vermillion asked for public comment.

Grover Hendrick, Boulder, questions the female quota increase in the Bridgers; compounds the problem.

Rob Bullis, Helena Hunter and Anglers (HHA), asked the Department to release non-hunter harvest information and male versus female harvest in HD 422 and 423.

Chairman Vermillion asked if the number of mountain lion hunters is decreasing, increasing or staying the same.

Vore stated he believes it is staying the same.

Hendrick stated in the last 10 years, hound hunters have increased by 10-15% statewide.

Bullis stated the Department (licensing) could answer this question.

Action on Motion: Motion passed.

20. 2017/2018 Wolf Hunting Seasons Quotas and HD Boundaries and SB 200 Quotas-Proposed

John Vore, Game Management Bureau Chief, explained regulated hunting and trapping of wolves was endorsed by the Governor's Wolf Advisory Council in 2000 and is included in Montana's wolf conservation and management plan. Wolf seasons have evolved over the years from a conservative hunting-only quota of 75 wolves in 2009, to including trapping in 2012, to the current season with no quota except

near the national parks and sportspersons may take up to five wolves. Montana's wolf management is a success story that has maintained a healthy, viable and connected population while allowing harvest and reducing conflicts. Other than regular calendar rotation, for 2017-18, FWP is proposing no change to the 2016-17 season.

Senate Bill 200 was legislation passed in 2013 and allows landowners or their agents to take wolves on their private property that are a potential threat to human safety, livestock or domestic dogs. The Commission annually approves a quota for SB 200 take, which last year was up to 100 in separate Commission-approved intervals of 25 in a calendar year. Typically, few wolves are taken under SB 200. It has varied from 6 to 12 wolves since SB 200 became effective as MCA 87-1-901 in July 2014. Landowners and others always could kill wolves in defense of life and property, and those numbers are also presented for comparative reasons, but require no Commission action.

Wolf take by landowners under Senate Bill 200 (MCA 87-1-901) and Defense of Property statutes.

Calendar Year	SB 200 Take	Defense of Property Take
2014	6	7
2015	12	4
2016	9	4
2017 to 3/21/17	1	0

As information to the Commission, the Department will be moving presentations of wolf hunting seasons, quotas, HD boundaries and SB 200 quotas to the regular biennial season setting cycle of December proposals and February final actions in odd years beginning this December. Formal public comment will be taken through 5 p.m., May 20. Any final adoption will take place at the Commission meeting in June. The proposals may be approved as proposed, with adjustment, with additions, with deletions or no change from 2016-17 per staff justifications, public comment and/or Commission direction. This status quo proposal is aligned with known biology, management history and experience, livestock depredation trends and the Montana Gray Wolf Management Plan.

Action: Vice-Chairman Stuker moved and Commissioner Brower seconded the motion that the Fish and Wildlife Commission approve for public comment the proposed 2017-2018 wolf season and SB 200 quotas as presented by FWP.

Chairman Vermillion asked for public comment.

Marc Cooke, Wolves of the Rockies (WoR), would like the season to be dialed back a little bit and a 24-hour trap checking; WMU 101, 121, 210, 290, 250, 310, 390 and 400 areas have been hit hard and starting to decline, need to reevaluate; would like season to close when the trapping season closes; would like the individual quota change from 5 – 1. Allowing the Rocky Mountain Elk Foundation to help finance the Foundation for Wildlife Management in Idaho and to execute wolf killing as their agenda is unacceptable. Allowing an organization to operate unchecked is not an option WOR will stand by; all appropriate action will be taken for an anti-wolf agenda to function. Both consumptive and nonconsumptive communities are working hard to find common ground. Wolves are the perfect machine to stop chronic wasting disease. Appreciates the Commission and Department keeping the quota in WMU 313 at 2; sadly, last year it went over, hopefully it won't happen again.

Chairman Vermillion stated the Department and Commission were very involved with the situation in WMU 313; it should be taken care off and not happen again.

Chairman Vermillion and Becky Dockter, Chief Legal Counsel discussed allowances for bounty provisions.

Shana Drimal, Greater Yellowstone Coalition (GYC), supports maintaining current harvest quota in WMA 313 and 316; time for Montana to consider managing for a stable wolf population; consider integrating measures to the seasonal proposal.

Erin Edge, Defenders of Wildlife (DoW), the minimum count has declined in recent years; time for Montana to manage a stable wolf populations rather than allowing further decreases; SB 200 quotas are too high; Montana can be a progressive leader in science-based wolf conservation.

Gary Wolf, Missoula, thanked the Department for keeping the quota the same in WMU 313/316. Have three years of data showing the range has been 6 to 12 years per year taken under the authority of SB 200; reasonable to reduce the quota to 50, still a conservative quota. Wolves can be an effective and natural way to control chronic wasting disease.

Action on Motion: Motion passed.

21. 2017 Migratory Bird (Waterfowl, Sandhill Cranes, Mourning Doves and Snipe) – Final

John Vore, Game Management Bureau Chief, explained migratory bird hunting regulations pertain to cranes, snipe, doves, ducks, geese, swans, and coots. Montana participates in both the Central and Pacific Flyways and adheres to the federal frameworks established by the U. S. Fish and Wildlife Service (FWS) in cooperation with the flyway councils. The proposals below are the same as those proposed in February with two exceptions: 1) based on public comment received by Jim Hansen, FWP Central Flyway Coordinator, FWP proposes increasing the Carbon County sandhill crane permits from 15 to 20 and, 2) based on public comment, FWP withdraws its proposal to shorten the closed period in Central Flyway Zone 2 and continue as per the 2016 regulations. Maintaining the longer closed period in Zone

2 also means that we cannot offer the longer 16-day “bonus teal” opportunity originally proposed in February. The bonus teal opportunity would be 9 days as per 2016. For the 2017-18 migratory bird regulations, FWP final proposals are:

- Expanding sandhill crane hunting opportunities in the Rocky Mountain Population by adding 7 days to sandhill crane seasons to equal the federal framework maximum of 30 days.
- Reduce the daily pintail bag limit would from 2 to 1 in both flyways in accordance with the federal framework.
- Increase the Carbon County 599-00 sandhill crane permits from 15 to 20.

All other elements of the 2017-18 season are proposed to remain unchanged except for calendar rotation. Public comment was taken until March 15; 19 comments were received; 10 comments were opposed to the shortening of the central flyway Zone 2 closure; other comments spoke to wanting a split season in central flyway Zone 1, an increase in the hen mallard bag limit, increasing the dark goose bag limit in the Pacific Flyway and earlier dove and crane seasons. An earlier dove season is not allowed by the federal framework.

Action: Vice-Chairman Stuker moved and Commissioner Tollefson seconded the motion that the Fish and Wildlife Commission adopt the 2017-18 Migratory Bird Hunting Regulations as presented by FWP, and all other portions of the previous 2016-17 migratory bird season regulations not affected by Commission action today.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

22. 2017 CSKT Waterfowl and Upland Game Bird Hunting Regulations – Endorsement

John Vore, Game Management Bureau Chief, explained the Confederated Salish and Kootenai Tribes (CSKT) and the State of Montana have entered into a cooperative management agreement on the Flathead Reservation that provides for presentation and approval of Tribal pheasant, gray partridge and waterfowl season frameworks to the Commission. FWP is included in the development of Tribal waterfowl regulations, which are set within federal frameworks in the Pacific Flyway. Tribal recommendations are first presented to the Flathead Reservation Fish and Wildlife Board, which votes on tentative proposals and opens them to the general public for review and comment. The board then meets for final adoption. Adopted final proposals are then presented to the Confederated Salish and Kootenai Tribal Council. The Commission endorsement is subject to final Tribal Council approval. The Confederated Salish and Kootenai Tribal process includes public comment. The significant differences between these Tribal regulations and current or proposed FWP regulations are:

- Tribal shooting hours are sunrise to sunset for pheasant and gray partridge for the entire season. Waterfowl shooting hours are sunrise to sunset September 30 - January 1. During January 2 - January 18 shooting hours are one-half hour before sunrise to sunset, the same as FWP's.
- No hunting with falcons on the Flathead Indian Reservation:
- A requirement that only non-toxic shot be used for all game birds on the Flathead Indian Reservation.

Action: Commissioner Tollefson moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse the 2017-18 Flathead Indian Reservation pheasant, gray partridge and waterfowl hunting regulations as presented and subject to final Tribal Council approval.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

23. Continuation of Middle Madison Valley Trumpeter Swan Reintroduction – Endorsement

John Vore, Game Management Bureau Chief, explained reintroduction of captive-raised trumpeter swans into suitable nesting areas is a proven management tool in Montana and neighboring states. FWP's program for trumpeter swan restoration was covered in a Commission-approved 2011 EA that was in effect for five years and is now expired. FWP has been releasing trumpeter swans since 2012, and proposes to continue restoration efforts for another five years, 2017-2021. FWP would like Commission endorsement to initiate an EA process to assess impacts of releases of a small number of trumpeters in the middle Madison Valley to re-establish breeding in areas where extensive habitat restoration has been ongoing since 2005. Swans for release would be obtained from the Wyoming Wetland Society facility in Jackson, Wyoming, which is the same facility that has provided swans for release in the Flathead/Mission and Blackfoot Valleys of Montana. Primary funding for the program would be raised by partner contributions from conservation agencies and organizations, as well as private individuals/foundations.

Trumpeter Swans

- Historically nested in western Montana Valleys but were extirpated during European settlement. Trumpeter swans for reintroduction into Idaho, Montana, and Wyoming are made available through a cooperative program with the Pacific Flyway Council, the U.S. Fish and Wildlife Service and the Wyoming Wetland Society.
- Wyoming Wetland Society trumpeters have been used for releases in the Green River watershed of Wyoming and the Flathead, Mission and Blackfoot Valleys of Montana. In all cases, wild nesting flocks have results after approximately five to seven

consecutive years of releasing captive-raised swans. Releases in the Blackfoot began in 2005 and resulted in two wild nesting pairs in 2011 and seven pairs successfully fledged broods in 2016.

- The middle Madison Valley between Ennis and Quake Lakes has been the site of significant habitat restoration for almost 15 years with funding from FWP, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, NorthWestern Energy, and others. Collectively, these efforts have restored and enhanced over 1,000 acres of wetlands that were drained in the early 1950s. Restoration of breeding trumpeters to this area is the goal of this proposal.
- Montana FWP is one of three state conservation agencies that are committed to implementing the Trumpeter Swan Implementation Plan developed by the Pacific Flyway Council. Its goal is the slow growth in the number of trumpeter swans breeding in SE Idaho, western MT, and NW Wyoming. The Madison flock's restoration would contribute to that overall goal.

Action: Commissioner Brower moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse FWP to proceed with an EA evaluating the continuation of trumpeter swan reintroductions in the Madison Valley as presented by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

24. 2017 Elk and Deer Permits Outside Biennial Quota Ranges – Final

John Vore, Game Management Bureau Chief, explained HDs listed below have proposed changes from the 2016 elk either-sex permit levels that are outside the biennial range. The only proposal today is to increase the quota of the 447-20 Either Sex elk permits from 75 to 100 and increase the biennial range for those permits from 50-75 to 50-150. The objective of the proposed increase is to facilitate increased bull elk hunting opportunity and harvest. Public comment will be taken at the meeting.

Action: Vice-Chairman Stuker moved and Commissioner Tollefson seconded the motion that the Fish and Wildlife Commission approve the proposed 2017 quota change and biennial quota range change for the 447-20 either sex elk permit as presented by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

25. The Nature Conservancy Recreation Management Area Access Biennial Rule (R2) – Final

Ken McDonald, Wildlife Administrator, explained this proposal would extend for two years, the Nature Conservancy Recreation Management Area biennial rule previously established by the Commission in August 2015. This rule represents no change from the previous biennial rule. During the winter of 2015 FWP met with The Nature Conservancy (TNC) to discuss ideas for a possible land recreation management plan for their 163,883 acres in Missoula and Powell counties including their Clearwater – Blackfoot Project acquisition of 117,152 acres purchased from former Plum Creek Timber Company in January 2015. The proposed renewal of this biennial rule will provide continued year-round recreational access for public use. Public notice of the rules and a public comment ended March 15; one comment was received that appeared to misunderstand the proposal. These rules would apply only to TNC lands. Managed public access will reduce resource damage, prevent vehicular damage to soils and vegetation, and will avoid excess disturbance to native wildlife including threatened and endangered species. Without these rules, TNC may close these lands to public access. FWP recommends the Commission adopt the biennial rule as final. This rule will reduce the resource damage, prevent vehicular damage to soils and vegetation, and will avoid excess disturbance to native wildlife including threatened and endangered species.

Action: Commissioner Tollefson moved and Commissioner Brower seconded the motion that the Fish and Wildlife Commission adopt/renew the proposed biennial recreational use rules for The Nature Conservancy's Recreation Management Area Lands.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

26. Grant Marsh Wildlife Management Area Addition (R5) – Final

Ken McDonald, Wildlife Administrator, explained FWP proposes to purchase by fee title approximately 425 acres in Bighorn County. The project received Commission endorsement in April 2016. The original endorsement was for approximately 392 acres, but an addition from the same seller increased the total to approximately 425 acres. The primary purpose of this acquisition is to conserve one of the largest blocks of intact riparian habitat remaining in the Bighorn River Valley while broadening the conservation footprint of the existing Grant Marsh Wildlife Management Area (WMA). A productive complement of wildlife habitat including mature cottonwood galleries and native shrub thickets exist on the property, as well as nearly two miles of river frontage. The addition of this property would expand public hunting opportunity and facilitate fishing, birdwatching, boating and other outdoor recreational activities in perpetuity. The appraised value of the proposed acquisition is \$1,572,000. Approximately 25% of the funding for this project would be derived from the 2013 Habitat Montana spending authorization, which allows for fee title and other types of acquisition. Pittman-Robertson dollars and other partner contributions would contribute toward the remaining 75% of this proposed purchase. FWP released a Draft EA for public comment from January 24 to February 24, and included public hearings in Billings and Hardin; 70 comments were received; 65 were in support of the acquisition, two were neutral and three were opposed. The three opposing comments identified questions, issues or concerns that are addressed in the DN

and Final EA. FWP recommends the Commission approve the purchase of the proposed Grant Marsh WMA Addition to protect, enhance, and preserve high value wildlife habitats and provide public access for a variety of outdoor recreational activities in perpetuity.

Action: *Vice-Chairman Stuker moved and Commissioner Brower seconded the motion that the Fish and Wildlife Commission approve the purchase of the Grant Marsh Wildlife Management Area addition as proposed.*

Chairman Vermillion, Vice-Chairman Stuker and McDonald discussed past and current Habitat Montana funds, land restrictions and legislation moratoriums.

Chairman Vermillion asked for public comment.

Nick Gevok, MWF, great project; will open up a lot of public access; supports motion.

Action on Motion: *Motion passed.*

Ken McDonald, Wildlife Administrator, stated the Commission needs to approve any type of project that involves the disposition of property.

27. Grazing Lease Renewal on Vandalia Wildlife Management Area (R6) – Final

Ken McDonald, Wildlife Administrator, explained the Vandalia WMA is a 310-acre property along the Milk River, 2.5 miles southeast of Hinsdale in Valley County. The property is owned by the BOR, but managed by FWP to benefit wildlife and provide recreational opportunities. The WMA consists of riparian, native mixed-grass prairie, and wetland habitats. The WMA, along with an adjacent 900 acres of private rangeland, has been grazed under a 3-pasture rest-rotation system for the past 23 years. The proposed maximum stocking rate is 185 Animal Unit Months and the grazing period is from May 15 to September 15. The purpose of the grazing system is to improve grazing management across a larger area, beyond the WMA, to provide improved spring green-up conditions for deer, and to leave undisturbed cover for the benefit of nesting, hiding, forage, and other habitat values. The comment period for the draft EA period was February 15 through March 14. The draft EA was made available to the public for comment; BOR submitted the only public comment on the EA, in which minor errors to the legal description were noted. The proposed alternative is to renew the grazing lease for seven years until September 15, 2023. Grazing would continue under the proposed stocking rate and rest-rotation grazing system. Under the proposed action, FWP would monitor the grazing system to ensure the grazing schedule is followed and that the grazing system meets intended purposes. There were no significant negative impacts of the proposed action identified during the drafting of the EA. The rest-rotation grazing system provides a mosaic of vegetation heights and structures needed by the variety of wildlife species found on the WMA. If the grazing lease is not renewed, there would be no grazing on the Vandalia WMA in 2017.

Action: *Commissioner Brower moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission approve the renewal of the Vandalia WMA grazing lease as proposed.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion passed.*

28. Farming Leases on Elk Island Wildlife Management Area (R7) – Final

Ken McDonald, Wildlife Administrator, explained Elk Island WMA was purchased by Montana FWP to maintain a woodland/cropland complex to benefit a diversity of wildlife while maximizing hunting opportunities, primarily for white-tailed deer and pheasants. The proposed action is to renew two share-crop agreements on 170 acres of the WMA. The lessees will cultivate and retain a portion of the hay/grain crop harvest, leaving the remaining crop standing for wildlife use during winter months. The benefit and purpose of the leases are to provide winter habitat and forage, primarily for wintering pheasants, deer, and turkeys. Standing crops also benefit migrating waterfowl and a variety of other wildlife species. The area is open to public hunting during all Commission-approved seasons, and provides opportunity for deer, upland game bird, and waterfowl hunting. The EA for the project was released on January 30, with comments accepted through February 20; three comments were received; two were in favor; one seemed to be opposed to the proposed leases, but also included many comments outside the scope of this EA. FWP issued its DN on February 21, in support of the agricultural leases, contingent on Commission approval.

Action: *Vice-Chairman Stuker moved and Commissioner Tollefson seconded the motion that the Fish and Wildlife Commission approve the agricultural leases on Elk Island WMA as proposed.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion passed.*

29. Blackfoot-Clearwater Wildlife Management Area Conifer Expansion Treatment (R2) - Endorsement

Ken McDonald, Wildlife Administrator, explained the Blackfoot-Clearwater WMA (BCWMA) serves as critical winter range for a herd of approximately 1,000 elk. The unique intermountain rough-fescue grassland and mixed conifer forest ecotone on BCWMA provides ideal

winter conditions for elk and deer. Due to fire suppression over the past 100 years, conifers - mainly ponderosa pine and Douglas-fir have slowly expanded onto the rough-fescue grasslands and into isolated aspen stands. This conifer expansion is resulting in the loss of important grassland and aspen vegetation across the BCWMA. To address this resource concern, FWP proposes to remove all ponderosa pine and Douglas-fir on the grasslands and within aspen stands throughout the approximately 100-acre project area. This proposal would provide direct wildlife habitat benefits, consistent with statutory direction for the FWP forestry program. Upon endorsement by the Commission, FWP would conduct an EA in compliance with MEPA that would include a full 30-day public comment period and may also include a public field tour of the project area contingent on public interest. FWP recommends the Commission endorse the proposed action, allowing FWP to complete further analysis and receive public input on this proposal. The intent of this proposal is to retain and restore habitats that are of high priority on the BCWMA.

Action: Commissioner Tollefson moved and Commissioner Brower seconded the motion that the Fish and Wildlife Commission endorse the conifer expansion treatment on the Blackfoot-Clearwater WMA as proposed, allowing FWP to proceed with additional planning, analysis, and public involvement.

Chairman Vermillion asked for public comment.

Rod Bullis, HHA, supports the proposal; has concerns about this site becoming an area for invasive species.

Chairman Vermillion asked how will the Department minimize the spread of invasive species in this area.

Scott Eggeman, Region 2 Biologist stated this work will likely be done during winter conditions which minimizes any soil disturbances.

Action on Motion: Motion passed.

30. Keogh Conservation Easement Purchase of Additional Rights (R3) – Endorsement

Ken McDonald, Wildlife Administrator, explained the FWP purchased a 7,106-acre conservation easement (CE) in 1996 in the Whitetail Valley, north of Whitehall, Montana from the Keogh Family. The CE allowed the land to be divided and sold into 160-acre or larger parcels as long as the land remained in agricultural use and subject to terms of the CE. The agricultural subdivision language found in the Keogh CE was commonly used in 1990's and early 2000's era CE but was discontinued in more recent agreements. The language has proven problematic over the years on earlier CE by placing additional strains on staff capacity, increased susceptibility of stewardship violations, and complicating resource management and public access objectives. The Keogh CE could legally be subdivided into forty-four 160-acre parcels. FWP proposes amending the Keogh CE to eliminate the right to subdivide the property. To date, the ranch remains whole and no subdivision has taken place. FWP is considering compensating the landowner for the loss of the subdivision right. Small-lot residential subdivision is occurring along the southern boundary of the CE. Pressure from these adjacent landowners to buy horse pastures and other small grazing parcels is growing. The Keogh CE comprises native shrub grassland habitats, intersected by Whitetail Creek and associated riparian habitat. The property includes breeding mountain plovers and supports the western most known prairie dog colony in Montana. It provides winter range for elk, mule deer and antelope. The ranch is enrolled in Block Management and provides hunting access for an average of 400 hunters annually. In addition, the ranch allows public fishing access to their reservoir. The conservation values and recreation opportunities would be negatively impacted if the property was subdivided into small parcels. FWP recommends the Commission endorse this proposal. Removing the right to subdivide the land will protect FWP's investment in this property by helping to maintain the integrity of the conserved habitats and associated recreational opportunities.

Action: Commissioner Tollefson moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission endorse this proposed amendment to the Keogh Conservation Easement, allowing the Department to conduct further analysis and public review.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

31. Brucellosis Audit – Informational

Quentin Kujala, Wildlife Management Section Chief, explained brucellosis is a disease of concern for livestock interests and is present in elk and bison in parts of FWP regions 3 and 5. This area in southwest Montana is within the Designated Surveillance Area (DSA) as defined by the Montana Department of Livestock (DoL). Both FWP and DoL are involved with brucellosis, each agency acting within its statutory authority. Bison management by both FWP and DoL is guided by the Interagency Bison Management Plan and its associated adaptive process. Brucellosis in elk is addressed by annual work plans adopted by the Fish and Wildlife Commission. With respect to brucellosis, management of bison and elk focuses on separation from cattle at critical times of the year when the risk of brucellosis transmission is greatest. In 2016 the Legislative Audit Division conducted a performance audit of both FWP and DoL. Specific to FWP the audit was to determine the role of the Department in responding to the presence of brucellosis in wildlife, and if the resulting responsibilities are carried out according to a defined, documented process. Ultimately the audit directed one recommendation to FWP as stated below.

We recommend the Department of Fish, Wildlife, & Parks seek legislation and adopt administrative rules that:

- *Clearly define the responsibilities of the Department for providing brucellosis mitigation assistance to landowners and the eligibility criteria landowners must meet to receive assistance.*
- *Define and implement specific program policies that provide guidance on consistently carrying out and documenting brucellosis response actions.*

With respect to this one audit recommendation the Department partially concurred. While FWP believes existing products and process already provide considerable guidance relative to landowner eligibility and consistent implementation and reporting, there is value in additional clarification; the additional clarity can be established through a combination of administrative rule making and the existing annual review process and Commission rule. Such clarifications would first appear after the next annual review by the Commission in fall 2017. The audit and FWP's response were presented to the Legislative Audit committee on February 16, 2017.

Chairman Vermillion and Kujala discussed the legislative audit, legislative committee action and the Commission's authority to create criteria to address who is eligible for emergency response actions.

23. Public Comment – For Issues Not On This Agenda

Rod Bullis, HHA, need something substantial to honor of Bob Ream; HHA is willing to help and hopefully others.

Chairman Vermillion stated he spoke with Bob Ream's family and they were going to discuss it amongst themselves and get back with him.

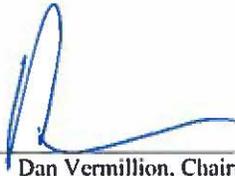
Brian McCullough, Helena, concerned with public access on private lands and sportsman groups regarding House Bill 243.

Nick Gevok, MWF, gave an update on current legislative bills.

Vice-Chairman Stuker, McDonald and Gevok discussed the Block Management daily payment.

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

The meeting adjourned 1:37 p.m.



Dan Vermillion, Chairman



Martha Williams, Director