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Look for the Montana
Fish & Wildlife Commission
web page at
fwp.mt.gov

Location: FWP Headquarters
Helena Headquarters
1420 East 6th Avenue
Helena, Montana
Date: June 19, 2019
Time: 8:30 a.m.

Agenda Items:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes of Past Commission Meetings
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Office Report
6. Land Acquisition for Region 6 Headquarters
7. Repeal of Administrative Rule 12.6.301 Pertaining to Tagging of Carcasses of Animals - Proposed
8. Adoption of Administrative Rule Pertaining to Two-Way Communication while Hunting – Proposed
9. Adoption of Administrative Rule Pertaining to Animal Kill Site Verification – Proposed
10. Savage FAS Acquisition, R7, Endorsement
11. Thompson River FAS Acquisition, Endorsement
12. FAS Forest Management Projects, R1-R2, Endorsement
13. Wild River Conservation Easement, R1, Endorsement
14. Lake Mary Ronan Emergency Fishing Regulation, R1, Final
15. Trapping Advisory Committee Recommendations, update only
16. 2019 Trapping Regulations and Quotas, proposed
17. 2019 Lion Quotas, final
18. 2019 Fall Upland Game Bird Quotas and Limits, final
19. Close HD 283 to the Regional 002-00 Elk B License, final
20. 2019 Sheep quotas outside of the biennial quota ranges, final
21. 2019 Deer/Elk/Antelope quotas outside the biennial quota ranges, final
22. 2019 HB 454-43 Access Agreements– Informational
23. Nongame Check-off Workplan – proposed
24. The Nature Conservancy Biennial Rule Regulating Use on The Nature Conservancy Recreation Management Area Lands R2, final
25. Biennial Rule Regulating Use on Stimson Lumber Company Recreation Management Area, proposed
26. Partial Assignment of Conservation Easement on Gravely Ranch R2, final
27. Partial Assignment of Conservation Easement on Warm Spring Creek property R2, final
28. Robb-Ledford WMA Aspen Enhancement Project R3, final
29. Mount Haggin WMA, final
30. Public Comment for Items not on the Agenda
31. Adjournment

1. **Call to Order and Pledge of Allegiance**

2. **Approval of Minutes of Past Commission Meetings**

Chairman Colton asked for a motion to approve the minutes for February.

Motion: Vice Chairman Stuker moved, and Commissioner Brower seconded to approve the February 2019 minutes.

Motion passes 5-0.

3. **Approval of Commission Expenses**

Chairman Colton asked for a motion for expenses.

Motion: Vice Chairman Stuker moved, and Commissioner Brower seconded to approved expenses.

Motion passes 5-0.

Vice Chairman Stuker asked who reviews the budget to say that these are legitimate expenses?

Director Williams advised that the Accounting Division does.

Vice Chairman Stuker asked because they just approved this without knowing how the budget expenses are processed. He just wanted to make sure that there was some oversight. Not that he questions anything, but it was just a question on his part.

Director Williams advised that the Accounting Division looks at it and they are really careful about matching receipts received in a timely manner. It's not just accounting, but we do look at this very carefully.

4. **Commission Reports**

Commissioner Byorth stated since the April meeting he has spent some time on a couple of primary issues. The first being the northern range and elk populations in Paradise Valley. He spent the day with a local rancher and range experts talking about their concerns about the effects of the wildlife on the northern range. He spoke with Howard Burt the wildlife manager in Region 3 and the biologist for that region. He learned a lot about it. It is a complex issue. He spent the day with the ranch manager discussing all the elk issues and public access. He knows that this is a complex issue. He still has a lot to learn. The other issue is the Madison River which is no surprise to you. The Madison River Negotiated Rulemaking Committee we learned about yesterday at the work session. We spoke to many outfitters, anglers, and citizens. The consensus among these folks were that it was time to address this issue. There are a few steps that we can take and the consensus that we can take. (what consensus?) The crowding issues at boat ramps is probably theeasiest thing to do. He thinks this is something we can work on .
The most complex issue, which is something that we shouldn't rush, but look at capping the commercial use. He thinks that he would hate to lose the momentum. He hopes the Department can take the time to talk with a lot of the good thinkers and start moving that forward. Trying to get this through our October fishing regulation deadline is going to be impossible. He would like to see this delivered within the next year or so. Finally, there might be some regulations that could address some of the issues. He hopes the staff has the range to be creative and thoughtful. Perhaps if there is a step or two we could take, it would be a good time now to address this. Thank you.

Commissioner Brower stated he wanted to apologize for not being at the work session yesterday. He did try to listen in between dropped calls. He would like to congratulate fellow commission members on being appointed. Congratulations to Chairman Colton.

It is pretty dry in Northeastern Montana. He has spent plenty of time watering the garden and Vice Chairman Stuker would probably agree that precipitation would be welcome. He wanted to give a shout out to Mike Backes and his crew in Region 7 for the paddlefish season. Sounds like it was a good success.

He attended a regional meeting in Region 6 about the expansion of the Region 6 headquarters office. He thinks that this is important for the area. Another one that was interesting came fromwildlife reporting. He has heard it from different people in the northeastern area is that the mule deer population is 50 percent or so above normal. There are a lot of mule deer does in the area. He has taken numerous calls about trapping. He thinks that will be an interesting discussion today. He is looking forward to that. Thank you.

Commissioner Aldrich stated May 2 was the last meeting of the Madison River Committee. He completed and submitted his report on that. He had a good discussion about that yesterday. On May 4, he had a chance to meet with a group of people from Sanders County about the Trout Creek-Noxon area. They discussed elk, deer, and carnivores in the area raising heck with animals. There was a meeting in Trout Creek that he attended, another in Kalispell, and then this one in the Bitterroot Valley. He attended the meeting and it happened to be one of those days when the temperature in Hamilton was about 75 degrees. The weather was nice,

so he didn't feel the meetings were well attended. Ted Lyon who wrote a book called "The Real Wolf" was there and did a presentation on it. There was someone from north Idaho that supported some of the bills that were in our Legislature relative to raising money for trappers to successfully trap wolves. The meeting was poorly attended unlike the one in Trout Creek and Kalispell.

He attended a meeting in Region 1 on May 29 and met with the regional supervisor James Williams. He was there when they got the call about CWD that was found in Libby. That was an eye opener. It took a little heat off of the CAC meeting. We had a little stir that occurred at the following meeting. They talked about getting things ready and going. It was not good news, but it was handled quickly. They had a good response plan.

There were two topics at the CAC meeting that he thought were outstanding. He wanted to congratulate Region 1. Erik Wenum who is the bear specialist, went through a nice program with a lot of good video and film showing the different types of human bear activities that are causing all kinds of problems. Some of the videos are totally disturbing. Tim Manley the grizzly bear specialist gave a presentation on the same topics and was amazing to see grizzly bears up on people's balconies. They are getting into barbeques and even their houses. He also showed a video of a grizzly getting into a chicken coup. It showed how they wired it up so that it was electrified, and the bear got in due to the owner forgetting to turn on the electricity.

That night they set a trap and caught the grizzly that was causing all the trouble up there. Tim Manley came in and asked if we wanted to see a grizzly bear. He was in the culvert trap and that was an experience. Also, a few days later the news said the bear had been euthanized. That shows the part we all have to play in helping with bear conflicts and to help move that from where it is. That was a good meeting in a lot of different respects. He thinks we have lost too many bears to these kinds of situations. He was surprised how many people had an interest in lead bullets. This came from several young people that had seen a presentation on it.

On May 30, he went to a Region 2 CAC meeting and Ron Jendro was there. He gave an update on the Legislative session and had a good discussion with the CAC. He also talked about the fishing regulations and that they were starting the scoping. A lot you were here for the meeting in April. There was a topic about Spotted Dog WMA. There was a good discussion with the CAC, Randy Arnold, and Mike Thompson asking, "what can we do better?". He thought that was a really great response. Part of that is leading into a situation where could they get better information or more engagement from the public on some things. The scoping for our 2020 and 2021 hunting seasons would start in August. That is a tough time to get people together, Thank you.

Vice Chairman Stuker congratulated Chairman Colton on being elected chairman and thought that was a good choice. He was going to report on drought in Chinook, but they just received an inch or two of rain depending on the area that you are in. It was sorely needed because we had an inch of precipitation since April in total. Things were burning up.

Since our last meeting he attended a MOGA meeting for Regions 4 and 5 in Harlowton with Barb Beck. Gary Bertellotti was also there. They gave updates on the elk situations. They talked about Legislation and getting more input on season settings as we move forward. He thought it was a good meeting and has not been to one of those since he started the Commission.

In April he attended the Region 6 elk study working group meeting in Malta. It was interesting, and they did an update on the numbers and some of the elk numbers have dropped in some of the districts. But the one thing that they did spend a lot of time on was a proposal to cut the number of hunting districts in half. He does not remember the total number of 13 or 14. They want to cut that down to five or six. He receives complaints from hunters and landowners about districts being too big up there. If you manage for antelope on the west end for example, then the east end is usually different. He thinks that they need to proceed with caution when looking at the hunting districts. Some of the elk hunters that were there and the archery hunters, had concerns about the south-central part being combined to make bigger districts. They wondered how that may or may not work.

He attended two of the three working group meetings about the upper Missouri River Reservoir. He missed the first one. He has made this statement before. The Department needs to do a better job of getting notices out regarding when the meetings are. He heard about the meeting three or four days before it was going to happen. He already had commitments that he could not get out of. The final meetings were very positive and the staff did an excellent job. The committee members although diverse, came together and we got a consensus out of it. We will see what happens as we move forward.

He hesitates to bring this up but, it is needed. John Vore sent some elk numbers dealing with the 43 districts we had shoulder seasons in. when he looked at the numbers, we had the discussion back in February 2019 to continue the shoulder seasons for another year because we did not think that we would have the information available to make an informed decision. He is not sure that they have all the information that is still needed. About eight of those districts are at or below objectives. Two of the districts are within a couple of points and the other within 10 percent of the objective levels. He thinks that the Commission and the Department need to take a serious look at whether some of the districts should have a shoulder season this fall even though we approved it due to not having the information. That is something that we told the public when we put the shoulder seasons in place four years ago. If they got to objective, we would eliminate the shoulder seasons. He thinks we need to take a serious look at that. He visited with Chairman Colton yesterday because we are going to be getting in a time crunch very soon.

He received a number of calls and letters from people who have applied for elk tags and permits. It seems like our computer system had some glitches. Some of the letters stated that when they called in they were told is that they were in the second draw they would have a better chance of getting what they wanted. So, they waited for the second draw. When they tried to apply for licenses there was nothing on line for that. When they called in and asked about it they were told the computers had a glitch and issued too many tags during the draw before and had none left. They were rather upset. So were some of the landowners that had long time customers coming in and the economic impact that they think it will have in those areas. He has also heard from those who have not drawn tags that have in the past. He thinks that is because of the success of our programs for the last few years. If the number of applicants were down, you would basically apply and get the permit. The numbers have escalated, and those individuals are not getting the tags. This is good for the Department, but they are upset about that. Some of the out of state landowners are also upset. He has received calls about some of the items that are on the agenda today. Thank you.

Chairman Colton thanked everyone for the congratulations on his appointment. He also congratulated Commissioner Brower and Commissioner Byorth on their confirmations. Especially because of everything they went through to get appointed. He feels privileged to be the chairman. He feels any of the Commissioners would have been qualified. When he first started the Commission, he was 35 years old. The Commission was led by Chairman Dougherty back then. He, in many ways, set the standard for how things should be done. Then Shane Colton at 45 years old led the Commission. Here again at 50 as chairman again. He has had a lot of good examples of how the Commission should be ran. Vermillion, he feels set a really good standard. Chairman Colton stated that he will try not to let anyone down.

Since April, he was not able to attend the meeting in Harlowton. He regrets that. His other life required him to be away. He wanted to thank the Department for the efficiency and the information presented in yesterday's work session. Don Skaar, Eileen Ryce, and staff have been dealing with the Madison as well as receiving many phone calls. The trappers have been calling and we have been talking to them.

We continue to struggle with the Bighorn River. This is one of the few opportunities he has to talk about it in a large forum. He hopes that he can be indulged again. Some of the fish counts are below a 1,000 fish per mile. This is a river that has had 8,000-9,000 fish per mile. June 19, the river was running at 13,900 with the Yellowstone at flood stage. The Department of Reclamation simply will not do their job. He does not know where that leaves us. If you catch four fish a day it is a good day on the Bighorn. The lodges and other business in that area are in big trouble. The landowners there are losing equipment, river frontage, and agricultural producing land. We are doing everything we can and the alliance in fighting for this resource. Hopefully we can apply some pressure at some point.

He wants to thank Mike Backes for a successful paddlefish season. That's a tricky thing to do as water levels direct harvest. He kept us updated and called us on the phone. We made the decision to close it on Saturday and under the quota which was better than being over the quota. He hopes that we can get an ALS system for the Beer Jug as theirs burned down. They did reopen and claim to be the paddlefish bar of the world. He is obviously fond of these guys.

There were some calls on CWD and some nationally in the Washington Post. There were some discussion of the transferability to humans. That is something that is out there on the horizon. He forwarded that to the other Commissioners. He has also had random discussions about grizzly bears. Quentin Kujala mentioned that even though they are delisted they are still not in anyone's control. He shares the idea with Commissioner Aldrich that these bears get vilified for human behaviors and the bears are just being bears. If we ever want to hunt bears and put the sportsman in the equation, then the unneeded loses need to be curbed. Same thing with the wolves, let Montana lead to do something with the grizzly bears. We are not going to take steps that are going to compromise populations. We are not going to follow the approach that Wyoming insists upon when an animal is delisted.

There have been discussions about shoulder seasons. He appreciates what Vice Chairman Stuker has brought up. We have moved to objective in some areas. The new numbers in some of our areas are that they are getting where they need to be. The discussion needs to move forward. He is also hopeful that we can make the situation with the licensing system, the recent draws, and the whole mess does not occur again. Mr. Whitney, you and your crew do an amazing job, but we need our new system in place. Is there anything the Commission can do to help facilitate that and move it along. We would commit to. Thank you.

5. Director's Office Report

Director Williams stated she wanted to revamp how she does the Director's report. There are often a lot of exciting events and other things that go on that you don't get to hear about. She would like to highlight some of the staff's accomplishments. Our game warden in Havre, Andy Matakis just received the 2018 Shikar-Safari Wildlife Officer of the Year Award. Warden Matakis will now go into the national awards as well as officer of the year at the WAFWA awards. It is exciting and well deserved. She would also like to recognize Kaedy Gangstad from out Legal Unit. She just received the Professional of the Year Award. Ms. Gangstad has received a plaque. She has had the pleasure of working with her a lot of the time including yesterday working on the petition for walleye.
In addition to that we have two new promotions, the wildlife manager in Great Falls who replaced Graham Taylor, Corey Lucker in Region 4. We also have a new fish manger in Region 4 and that is Jason Rhoten. That is exciting.

Gary Bertellotti reported that the Sun River wildlife area has significant damage due to all the flooding this spring. They also had a banner opening day for the sheds. That is the benefits of a really strong communications division. She is sure that you all see the Twitter, Facebook, and Instagram feeds. She doesn't get a chance to follow them all. It was fun to see the opening. It was an example of demonstrating all that we do. People may not realize it.

In Region 2, Randy Arnold mentioned that Julie Golla hosted a tour of the recently implemented cooperative grazing project on Spotted Dog. That was a follow up in demonstrating our promises to take people out to tour that area.

One point on grizzly bears, she did notice that was an opinion piece that was in the Billing Gazette about our plans to move forward and the Governor's appointment of a grizzly bear advisory council. She thinks that there was concern expressed in that opinion that Montana goes alone in this. In response to Chairman Colton's comment, she thinks that it is an opportunity for Montana to lead out. There is no intent of creating that council to usurp federal law recognizing that grizzly bears are delisted. We are trying to do the best we can, so they are delisted. She wanted to set the record straight. Thank you.

6. Land Acquisition for Region 6 Headquarters

Background: *FWP proposes to purchase an estimated 0.73-acre lot adjacent to its existing Region 6 Headquarters in Glasgow. The purpose of this property is to secure space for a visitor parking lot that can accommodate vehicles towing boats, trailers, or campers and would provide FWP staff a safe place to conduct boat inspections for aquatic invasive species (AIS). Currently there is no parking area at the Headquarters that allows for vehicles pulling a trailer to pull through without backing up. Since many of our customers are pulling trailers this requires them to either back out of the small visitor parking lot, park on the shoulder of Highway 2 in front of the office, or park across the street in a gas station parking lot, each of which can be a safety hazard. Expanding visitor parking into this area would also open up more space on the existing Headquarters lot to construct a better functioning shop area, a conference room suitable for public meetings and improve office space. FWP's Lands Unit has negotiated a price of $85,000, based on local market data, with the landowner for the purchase of this property.*

Public Involvement Process & Results: *A draft environmental assessment (EA) was released for public comment for 30 days from April 24, 2019 to May 24, 2019. The EA was posted on FWP's website and comments could be sent to the Regional Office via mail or email. Two public legal notices were published in the Glasgow Courier and Helena Independent. A cover letter for the EA with project and comment information was also sent to the adjacent landowner, the Glasgow Mayor and City Council, Valley County Commissioners, the Valley County Planner, local legislators and other interested parties. To date one comment has been received and it was in support of the project.*

Alternatives and Analysis: *Since the current lot the Region 6 Headquarters sits on is too small to construct a pull-through visitors parking lot, the only alternative is no action. Visitors pulling a trailer would not have a place to safely park on FWP property and future options to construct a larger shop facility, a conference room for public meetings and improved office space would be very limited.*

Agency Recommendation & Rational: *FWP recommends the Commission approve this proposal. Purchasing this lot would fulfill the need for additional visitor parking and accommodate customers pulling a trailer. Expanding visitor parking in this area would also allow room on the existing Headquarters lot to construct a better functioning shop, a conference room for public meetings and improve office space.*

Mark Sullivan, Region 6, stated that this is a project that he has been working on and it is an honor to be presenting it to all of you. Fish, Wildlife, and Parks proposes to purchase a 0.73-acre lot adjacent to its existing Region 6 Headquarters in Glasgow. The purpose of this property is to secure space for a visitor parking lot that can accommodate vehicles towing boats, trailers, or campers and would provide FWP staff a safe place to conduct boat inspections for aquatic invasive species (AIS). Currently there is no parking area at the Headquarters that allows for vehicles pulling a trailer to pull through without backing up. Since many of our customers are pulling trailers this requires them to either back out of the small visitor parking lot, park on the shoulder of Highway 2 in front of the office, or park across the street in a gas station parking lot, each of which can be a safety hazard. Expanding visitor parking into this area would also open up more space on the existing Headquarters lot to construct a better functioning shop area, a conference room suitable for public meetings, and improve office space. FWP's Lands Unit has negotiated a price of $85,000, based on local market data, with the landowner for the purchase of this property.

A draft EA was prepared and released for comment for 30 days from April 24, 2019 to May 24, 2019. Two legal notices were published in the Glasgow Carrier and the Helena Independent Record. The copy of the cover letter for the EA with public comment information was sent to the adjacent landowner, the Glasgow Mayor, City Counsel, Valley County Commission, and planners as well as local Legislators and interested parties. One comment was received in support of the project. Based on that, a decision notice was released May 31, 2019 recommending purchase of this property pending Commission approval.

Right now, we are seeking Commission approval to purchase this lot.

Motion: Commissioner Brower moved, and Vice Chairman Stuker seconded the Fish and Wildlife Commission approve the purchase of the 0.73-acre lot adjacent to the existing Region 6 Headquarters in Glasgow.

Commission comment.

Vice Chairman Stuker stated he thinks this is a very needed and worthwhile expansion. He has been going to region 6 headquarters since 2002 when he was on a State Parks search committee. He was amazed at some of the places that they met and the amount of space that they had. He thinks that if they can acquire this now not only for the AIS but for future expansion, we definitely need to do it.

Commissioner Brower stated that he agreed with Vice Chairman Stuker. When AIS checks have to be done on the highway, that is not safe. He thinks that this is an important expansion. He is in support of it.

Motion passes 5-0.

7. Repeal of Administrative Rule 12.6.301 Pertaining to Tagging of Carcasses of Animals -Proposed

Background: *The commission is proposing to repeal the rule as the penalty language of the rule is outdated and unnecessary. In addition, the requirement that tags on animals must be visible is not entirely clear as tags are often not immediately visible due to the tape used to affix the tags and the position of the animal. Further, the rule will not be applicable when the use of electronic tagging begins.*

Public Involvement Process & Results: *The public has not had the opportunity to review or comment on this proposal. Upon the Commission's approval to propose repeal of the rule, FWP would conduct the appropriate public review and comment process.*

Alternatives and Analysis: *The commission could choose not to propose the repeal which would result in the rule language staying the same. The commission can move forward with proposing the repeal.*

Agency Recommendation & Rationale: *The department recommends the commission propose the repeal of the rule.*

Ron Howell, Region 6 Warden Captain, Glasgow, stated the first item that he would like to talk about today is to repeal the Administrative Rule 12.6.301 tagging carcasses of game animals. Currently in statute, MCA 84. Mr. Howell, stated he also serves on the regulation review work group. He also serves on the legal subcommittee of that work group. Out of that subcommittee we have identified three proposals that they feel need clarification.

The first item that he would like to talk about today is to repeal the Administrative Rule 12.6.301 tagging carcasses of game animals. Currently in statute, MCA 84.6.11 speaks to the tagging of game animals. What that statute says is that the tag be validated and attached to a game animal. Nowhere in the statute does it say that the tag has to be visible. The Administrative Rule 12.6.301 is the only place that says a tag has to be visible. It is a very old arm rule. For some reason the penalty section of that arm rule was inserted and has since been repealed. Essentially there is not a penalty for section I of that arm rule currently. What is important to enforcement is that the person has the correct tag for the animal they are hunting. When they harvest an animal that tag is validated and attached to the animal.

We do not feel that this arm rule is important to us when we are on the ground. You have all probably seen where a tag is validated and attached to an animal covered in duct tape or electrical tape. The tag is not visible in that situation anyway. The only thing important to us is that the tag is validated and on the animal. We don't feel that this arm rule is needed anymore and ask that the Commission repeal the rule.

Motion: Vice Chairman Stuker moved and Commissioner Brower seconded that the Fish and Wildlife Commission propose to repeal administrative rule 12.6.301 pertaining to tagging of carcasses of game animals.

Commission Comment.

Commissioner Aldrich stated tagging the animal before you leave or move it. He thinks that is part of the overall scheme.

Warden Howell advised yes that there is a separate statute that does say that it be validated before leaving the kill site or before the animal is moved from the kill site.

Commissioner Aldrich stated there are a couple of places we'll have to look to know the rules.

Motion passes 5-0.

8. Adoption of Administrative Rule Pertaining to Two-Way Communication while Hunting – Proposed

Background: *In order to promote ethical hunting and fair chase, the commission has previously adopted prohibitions on the use of two-way electronic communication while hunting in their annual hunting regulations. The prohibition on two-way electronic communication is not something that is likely to change on a frequent basis and therefore does not need to be reconsidered and re-adopted every year in the hunting regulations, but rather, would be more appropriately adopted in administrative rule. The proposed language also clarifies when and how this rule applies to hunters.*

Public Involvement Process & Results: *The public has not had the opportunity to review or comment on this recommendation. Upon the commission's approval to propose the adoption of the administrative rule, FWP would conduct the appropriate public review and comment process, which would include a public hearing.*

Alternatives and Analysis: *If the Commission chooses not to propose the administrative rule, the Commission annual rule would remain in effect as is. The Commission can choose to propose the recommended administrative rule language making the rule clearer for both the public and FWP staff.*

Agency Recommendation & Rationale: *The department recommends the Commission propose the recommended administrative rule language to provide clarity to the public about the rule's requirements.*

Ron Howell, Region 6 Warden Captain, Glasgow, stated the current language says that two-way communication may not be used to hunt game animals. For Enforcement on the ground the word hunt is very broad. What is defined in statute? What does hunt mean? It is after an animal is shot and hasn't been tagged yet, is that individual still in the act of hunting? At that point could the hunter call his friend and tell them they just shot a deer, meet them to help field dress the animal, and pack it out. The wardens view on this is that they are still in the act of hunting at that time because the animal has not been tagged or taken into possession.

There has been some confusion on behalf of Enforcement when this rule applies. We come before you today with a proposal for a new rule for cleanup of the language. The part that he would like to focus on is section 2A of the new rule. Basically, the other language is the same as it has always been. We feel that by clarifying the language it will help the sportsmen and Enforcement on the ground when to apply the two-way communication rule. The new language will say the use of two-way communication is prohibited while in the act of hunting game animals or wolves in order to aid in the taking of or locating live animals.

If a hunter has shot an animal and they are contacting a friend to come and help them, that would be completely okay for that to happen. That goes on to say that two-way electronic communication for the use of safety or other legitimate purposes is exempt. For safety reasons or to say, "let's go have lunch", those are all fine to do. We did change some language yesterday to address Chairman Colton's concern. It was a little bit confusing using the language "upon when" to "beginning when the dogs are physically released on tracks or scent trails which would also apply to bobcats and lions".

Motion: Vice Chairman Stuker moved, and Commissioner Brower seconded that the Fish and Wildlife Commission propose to adopt the administrative rule pertaining to two-way communication while hunting.

Commission comment.

No Commission comment.

Chairman Colton advised that he would take public comment on two-way communication as well as the tagging.

Public Comment.

Helena Region

Nick Gevock, Conservation Director, Montana Wildlife Federation, stated he learned a lot in the regulations review and that the staff has done great work on this. He hopes that this is the beginning of a lot of cleanup that he is going to see. Specific to the issue of tagging, back in his reporter days he did a piece on game wardens and was told the most common violation was tagging violations. He thinks this is a good change as is the two-way communication. We strongly support this. Thank you.
Motion passes 5-0.

Warden Howell advised there will be meetings in the future for public comment.

9. Adoption of Administrative Rule Pertaining to Animal Kill Site Verification – Proposed

Background: *As a condition of hunting and trapping in Montana, the commission has previously adopted kill site verification requirements in their annual hunting regulations to allow department enforcement the ability to visit the site to verify that an animal was legally harvested. Kill site verification is not something that is likely to change on a frequent basis and therefore does not need to be reconsidered and re-adopted every year in the hunting regulations, but rather, would be more appropriately adopted in administrative rule. The proposed language also clarifies when and how this rule applies to hunters.*

Public Involvement Process & Results: *The public has not had the opportunity to review or comment on this recommendation. Upon the commission's approval to propose the adoption of the administrative rule, FWP would conduct the appropriate public review and comment process, which would include a public hearing.*

Alternatives and Analysis: *If the Commission chooses not to propose the administrative rule, the Commission annual rule would remain in effect as is. The Commission can choose to propose the recommended administrative rule language making the rule clearer for both the public and FWP staff.*

Agency Recommendation & Rationale: *The department recommends the Commission propose the recommended administrative rule language in order to provide clarity to the public about the rule's requirements.*

Ron Howell, Region 6 Warden Captain, Glasgow, stated the previous language and the current language says, as a condition of hunting in Montana if requested to do so by an FWP warden, you are required to return to the kill site. This has also been misconstrued by Enforcement and what the language actually means. The new rule that we are proposing would say that at the request of an FWP warden, it is required to return to the kill site of any game animal, game bird, wolf, or furbearer that has been hunted or trapped.

For years we have wondered if kill site verification has pertained to trappers and we were not sure. We think that this language would clean up that misconception by Enforcement. Also, with regards to kill site verification, kill site location and that putting it in an Arm Rule would be a better place to put this, so it is set in stone. We don't think that this will change much over the years and hasn't changed over the years. We don't feel that it is something that you should have to vote on, each and every year when they are brought before you.

Motion: Commissioner Colton moved, and Commissioner Aldrich seconded that the Fish and Wildlife Commission propose to adopt the administrative rule pertaining to kill site verification.

Commission Comment.

No Commission comment.

Public comment.

Helena Region

Mary Ellen Schnur, Townsend, stated she came to the Commission two years ago and suggested that this rule to be inclusive to work both ways at the request of the hunter or trapper. A game warden must accompany the person to the kill site within 10 days.

Tim McKenrick, Montana Trappers Association, had a question about the paper that he read about is the rule that the Commission is looking at. According to the background as a condition of hunting and trapping in Montana has previously adopted kill site verification requirements. At the end it says " the proposed language clarifies how and when the rule applies to hunters. If this is the same one that he just heard talked about the wording is not quite the same as what you were describing applies to hunters. It does not apply to trappers. He would like to hear a little clarification on what the exact rule says.

Warden Howell explained that what the new rule says is and this is the actual language that would be adopted. He would be happy to visit with Mr. McKenrick after the meeting.

Motion passes 5-0.

10. Savage FAS Acquisition, R7, Endorsement

Background: *This proposed project would enhance the department's efforts to increase public recreational access to the Yellowstone River in Region 7. The proposed site is approximately 17-river miles downstream from Intake FAS and 3-river miles upstream from Elk Island FAS/WMA. It would provide an alternative river access point that is easily accessible through the town of Savage. With ever-changing river channels and the challenges of maintaining an operational boat ramp at Elk Island FAS, this*

site would provide an alternative river access. Although this site does not border Elk Island WMA, the acquisition of this property could aid in future expansion of Elk Island WMA. The cost of the proposed property is currently unknown.

Public Involvement Process & Results: *There has been no public involvement on this proposed action to date. If endorsed by the commission the department will begin its due diligence process that will include conducting an environmental assessment and public scoping.*

Alternatives and Analysis: *Potential alternatives will be identified and analyzed during the environmental review process.*

Agency Recommendation & Rationale: *FWP recommends that the commission endorse efforts by the Department to pursue a fishing access site on the Yellowstone River at Savage.*

Eileen Ryce, Fisheries Administrator, stated this is an endorsement from Region 7. This is on the Yellowstone River. That is 17-river miles downstream from Intake FAS and 3-river miles upstream from Elk Island FAS. This is easily accessible through the town of Savage. With ever changing river channels and the challenges of maintaining an operational boat ramp at Elk Island. This site would provide an alternative river access site. The cost of the property is currently unknown. If endorsed by the Commission, the Department will begin its due diligence assessment that will include conducting environmental assessment and public scoping.

Motion: Commissioner Brower moved, and Commissioner Aldrich seconded that the Commission authorize the Department to pursue negotiations with the landowner for the acquisition of a Fishing Access Site near Savage.

Commission comment.

Vice Chairman Stuker stated that it was his understanding that something like this was greatly needed down there. He greatly supports this.

Public comment.

Helena Region

Nick Gevock, Conservation Director, Montana Wildlife Federation, stated this is one of those key areas where there is a very healthy gap between fishing access sites. These are often needed near a town like that. He agrees with Vice Chairman Stuker. He supports this. Thank you.

Motion passes 5-0.

11. Thompson River FAS Acquisition, Endorsement

Background: *The Thompson River is the lower Clark Fork River's most important trout stream, averaging over 8,000 angler days annually. The mainstem fishery primarily consists of rainbow and brown trout, but many of the river's tributaries provide excellent spawning and rearing habitat for native fish. The lower seven miles of the Thompson River possess the coldest water and provide the best habitat for native fish. During summer months, the lower Thompson River serves as a thermal refuge during high summer temperatures.*

Forty acres are available for purchase on the lower Thompson River which includes ¼ mile of the river on both banks. The property is in proximity to the Mount Silcox WMA and is adjacent to National Forest land. It provides habitat for many wildlife species including bighorn sheep. The property also provides habitat for native salmonids such as bull trout, westslope cutthroat trout and mountain whitefish. Most of the funding for this project will be obtained from the Avista Clark Fork Settlement Agreement and the NorthWestern Energy Adaptive Mitigation Fund. These funding sources have a specific goal of native trout restoration, particularly bull trout. Wildlife funds from FWP's Habitat Montana fund were also used with a goal of conserving important wildlife habitat. The Westslope Chapter of Trout Unlimited also committed money with a goal of native trout conservation and public access. The property will be held and managed as an undeveloped, walk-in FAS with wildlife benefits in mind. The site would be a day-use only site with no camping allowed.

Public Involvement Process & Results: *The proposed project is generally supported by local angling groups, the Westslope Chapter of Trout Unlimited, and NorthWestern Energy and Avista mitigation programs. If the commission endorses moving forward with this project, FWP would initiate a due diligence process that includes an EA and public comment period.*

Alternatives and Analysis: *The commission could choose to endorse this proposal for FWP to initiate the due diligence process to acquire and develop the property as a FAS. Conversely, the commission could choose to not endorse this proposal and FWP would*

not pursue development of a FAS. This could limit angler access to the area and increase risk of development not conducive to fish and wildlife management.

Agency Recommendation & Rationale: *FWP recommends the commission endorse this proposed project due to the importance of the river for native fish species, recreational fishing, and important terrestrial habitat for wildlife such as bighorn sheep.*

Eileen Ryce, Fisheries Administrator, stated this is another endorsement for Region 1. There is 40-acres of land available for purchase on the Thompson River. This includes a quarter mile of river. The land is adjacent to Forest Service Property close to the Mount Silcox WMA. This area provides habitat for many wildlife species as well as native salmonids. The proposal would establish an undeveloped walk in fishing access site with wildlife benefits in mind.

Funding for the project would come from the Avista Clark Fork Settlement Agreement, Northwestern Energy, Adaptive Mitigation Fund, Habitat Montana, and the Westslope Chapter of Trout Unlimited. There is general support by local angling groups, Westslope Chapter of Trout Unlimited, Northwestern Energy, and the Avista Mitigation Programs.

If the Commission endorses moving forward with this project, FWP would issue a due diligence process that includes an EA and public comment. FWP recommends that the Commission endorse this project due to the importance of the river for native fish species, recreational fishing, and important wildlife habitat.

Motion: Commissioner Aldrich moved, and Vice Chairman Stuker seconded that the Commission endorse FWP's proposal to pursue the purchase of 40 acres on the lower Thompson River to create a walk-in Fishing Access Site.

Commission comment.

No comment.

Public comment.

Helena Region

Clayton Elliott, Montana Trout Unlimited and the Westslope Chapter, stated they are offering a firm endorsement for this proposal. Particularly the benefits to the native fish conservation and public access. Thank you.

Nick Gevock, Conservation Director, Montana Wildlife Federation, stated he echoes Clayton Elliott's comments. As pointed out here, this has great benefits for fish and wildlife. We endorse this. Thank you.

Commissioner Aldrich stated that he wanted to give a thank you to everyone that made this happen. This is a great project.

Motion passes 5-0.

12. FAS Forest Management Projects, R1-R2, Endorsement

Background: *FWP operates and manages 338 Fishing Access Sites to provide public access to water bodies for angling and other recreation where appropriate. In addition to developed recreational facilities such as parking areas, boat launches, latrines, campsites and picnic facilities, these sites often include large areas of undeveloped land which is often forested. Left un-managed, these forest stands can become susceptible to insects, disease, and increased wildfire fire risk in the wildland-urban interface (WUI). Dead and dying trees can pose a threat to public safety in and around developed recreation areas.*

FAS Managers in Regions 1 and 2 have worked with FWP's Forester to identify six sites in need of forest management projects. The sites include Woods Bay and Horseshoe Lake near Bigfork in R1; and K. Ross Toole, Johnsrud Park, Corrick's River Bend, and River Junction on the Blackfoot River in R2. While each site is unique, the overall purpose of these proposed projects would be to enhance overall forest health, increase wildfire resiliency, and remove hazard trees near developed recreation areas.

Public Involvement Process & Results: *FWP is seeking commission endorsement to move forward with analysis and planning of the proposed projects. Minimal public involvement has occurred up to this point. If endorsed, FWP staff will initiate Environmental Analysis documents and solicit public comment. FWP would then bring the proposed projects back to the commission for final approval.*

Alternatives and Analysis: *Two alternatives would be analyzed and considered in the EAs: 1) Preferred Alternative: implement proposed forest management projects at FASs to promote overall forest health, improve wildfire resiliency in the WUI and mitigate public safety concerns from hazard trees. 2) No Action Alternative: FWP would not implement the proposed forest management*

project and forest stands would continue to suffer from insects and disease, increased wildfire risk and public safety concerns from hazard trees.

Agency Recommendation & Rationale: *FWP recommends the commission endorse the department's proposal which would allow FWP to develop an environmental analysis and public involvement of forest management projects at two FASs in R1 and four FASs in R2.*

Eileen Ryce, Fisheries Administrator, stated this is for several fishing access sites in Regions 1 and 2. The fishing access site managers worked very closely with the department forester to develop six sites in need of forest management. The sites include Wood Bay and Horseshoe Lake in Region1. This would also include K. Ross Toole, Johnsrud Park, Corrick's River Bend, and River Junction on the Blackfoot River in Region 2.

The overall purpose of the projects would be to enhance the overall forest health, increase forest fire resiliency, and remove hazardous trees near the developed recreation areas. The Department is seeking Commission endorsement to move forward with analysis of the project and then bring the projects to the Commission for final approval. The Department recommends the Commission approve the proposal which will allow development of an environmental analysis and public involvement of forest management projects of the two fishing access sites in Region 1, and 2.

Motion: Commissioner Aldrich moved, and Commissioner Brower seconded the Commission endorse this proposal for further analysis and public comment of these forest management projects in Region 1 and Region 2.

Commission comment.

No comment.

Public comment.

Helena Region

Clayton Elliott, Montana Trout Unlimited, stated that they wanted to stand in support of this. This is a critical component in managing these resources. It's good for fish. It's good for timber. This proposal opens the opportunity for the public to be involved. This is a good step forward. Thank you.

Motion passes 5-0.

13. Wild River Conservation Easement, R1, Endorsement

Background: *FWP is working with The Vital Ground Foundation (VG) to conserve landscape connectivity along the Kootenai River just north of Troy, MT. One endangered and three threatened species listed under the Endangered Species Act occupy and/or move through this proposed project area: the endangered white sturgeon and the threatened grizzly bear, Canada lynx, and bull trout. This property offers the opportunity to restore habitat complexity in a side channel that would benefit these native fish species using funding from the Bonneville Power Administration wildlife mitigation program, and this conservation easement would secure that future investment. The project is also part of an area identified by grizzly bear scientists as the best linkage between the Purcell and Cabinet Mountains in the Cabinet-Yaak recovery area. FWP conserved a large portion of this linkage in 2012 with our Kootenai Valleys conservation easement. Vital ground is working to conserve the remaining gaps in this area. This project would continue our collaborative effort by helping VG conserve approximately 42.6 acres of riparian and upland habitat. They would continue to own and manage the land, and FWP will hold a no-development conservation easement which will ensure the property is managed to benefit fish and wildlife habitat in perpetuity. Public access to the property will be allowed for fishing and bird watching opportunities. Hunting access would not be required under the terms of the conservation easement due to the property's small size and its proximity to Highway 2 and established residences. Purchase of the conservation easement would be funded by a U.S. Fish and Wildlife Service Recovery Land Acquisition Grant in the amount of $396,000 with VG providing the needed non-federal matching funds.*

Public Involvement Process & Results: *No public involvement has yet occurred. If endorsed, FWP would draft and distribute an EA to provide the public an opportunity to comment on this proposal.*

Alternatives and Analysis: *If FWP does not acquire a conservation easement on these lands, we would miss an opportunity to collaborate with Vital Ground on conserving this important area and would not use the money that the FWS granted to FWP for this project. FWP would also lose out on an opportunity to work on this property to enhance side-channel habitat on the Kootenai River. Vital Ground would lose out on funding they could use to continue their conservation work in this area.*

Agency Recommendation & Rationale: *FWP recommends the commission endorse this proposed project to allow the department to continue to work with Vital Ground on this proposal to conserve valuable fish and wildlife habitat as well as a site that will provide walk-in fishing and bird watching opportunities for the public.*

Eileen Ryce, Fisheries Administrator, stated FWP is working with The Vital Ground Foundation (VG) to conserve landscape connectivity along the Kootenai River. This particular project involves 42.6 acres of riparian and upland habitat. The Vital Ground Foundation would own the land and the Department would hold a no development conservation easement. Public access would be allowed for fishing and wildlife viewing. The easement would be purchased using a U.S. Fish and Wildlife Service Recovery Land Acquisition Grant. The Vital Ground Foundation will provide the nonfederal grant match.

If endorsed, the Department would draft and distribute an environmental assessment to provide the public an opportunity to comment on the proposal. The Department recommend the Commission approve this proposal to allow the Department to continue to work with Vital Ground Foundation to conserve valuable fish and wildlife habitat. This will allow fishing access and wildlife viewing opportunities.

Motion: Commissioner Aldrich moved, and Commissioner Brower seconded that the Commission endorse FWP's proposal to negotiate a conservation easement for the Wild River Conservation Project.

Chairman Colton clarified that FWP was only going to hold the easement.

Ms. Ryce answered that was correct.

Commission comment.

Commissioner Byorth stated it is next to a subdivision. Has that been fully developed or those lots still open?

Ms. Ryce stated that with your permission there is staff in Region 1 available for questions. They could answer that better than she could.

Chris Tempel, Habitat Conservation Biologist, Region 1, stated there are two homes in the area. The rest has not been developed. That is why Vital Ground is working here. It has been a plotted subdivision. Not only are they working on this, they are working on the purchase of the pink phases as well. The two remaining homes that are there are all that is going to be there.

Public comment.

Helena Region

Clayton Elliott, Montana Trout Unlimited, stated they support this important project. It is a critical opportunity to acquire direct benefits for native fish conservation for two species, native trout and westslope. Thank you.

Nick Gevock, Conservation Director, Montana Wildlife Federation, stated they stand in strong support of this. As you know the river bottom environments are attractive for housing developments. This is important for grizzly bears as well. It doesn't seem like a big parcel but would offer more opportunity for grizzly bear movement. Thank you.

Motion passes 5-0.

14. Lake Mary Ronan Emergency Fishing Regulation, R1, Final

Background: *Northern pike were first identified in Lake Mary Ronan in 2014. In 2016 a second northern pike was captured during FWP monitoring surveys. Micro-chemical analysis of that fish determined that it was transported from another waterbody and unlawfully introduced into the lake. Further analysis of a northern pike captured by an angler in 2018 determined that pike are now successfully reproducing in the lake. Two additional pike were captured during FWP monitoring in 2019. Analysis has not been completed to determine the origin of these fish. The population density of northern pike is currently unknown, but the lake contains habitats conducive for northern pike and the department believes there is a high risk of population expansion in the lake. The lake contains popular kokanee, largemouth bass, rainbow trout and yellow perch fisheries that would be negatively impacted by a sustaining northern pike population. Lake Mary Ronan is also the only certified source for kokanee salmon eggs to maintain kokanee fisheries statewide. To gain additional information on the northern pike population, the department is proposing mandatory catch, kill, and report regulations for northern pike in Lake Mary Ronan. Similar regulations have been implemented for unauthorized introduction of walleye in Swan Lake and brown trout in the Kootenai River below Libby Dam. Data collected from fish captured by anglers would be used to further determine the source of the fish (reproduced in the lake or continued unauthorized introduction) and population size and viability. Edible portions of the fish may be returned to the angler upon request.*

Rules associated with unauthorized placement of fish provides guidance on FWP response to discovery of unauthorized introductions and instituting mandatory catch and kill is one of the identified management actions (ARM 12.7.1503).

Public Involvement Process & Results: *This proposal is in response to the unauthorized placement of northern pike in Lake Mary Ronan. No public process for this proposal occurred prior to the commission meeting. Reproduction in the lake was just discovered in spring 2019, precluding proposed changes at an earlier commission meeting and accommodating full public process.*

Alternatives and Analysis: *With no action the department will lack data needed for determining appropriate management actions. The proposed regulation is expected to allow the department to collect additional data to determine population status.*

Agency Recommendation & Rationale: *FWP recommends approving mandatory kill, report, and turn in regulations for northern pike in Lake Mary Ronan. The proposed regulation falls under Unauthorized Placement of Fish Administrative Rule (ARM 12.7.1501-1505) and uses anglers as a tool to manage unauthorized species through harvest and provides FWP the means to collect additional population data.*

Eileen Ryce, Fisheries Administrator, stated that northern pike was first reported in Ronan in 2014. It has been determined that the norther pike were unlawfully introduced. The spring of this year it had been determined that they are reproducing in Lake Mary Ronan. The population density is unknown, however, Lake Mary Ronan has suitable habitat for pike and a high potential for population expansion.

In addition, for being a popular fishery for large mouth bass, trout, cutthroat, and yellow perch, it is the only certified source of kokanee salmon eggs which are used to sustain kokanee populations statewide. This is similar to the unlawful introduction of walleye in Swan Lake and the introduction of brown trout in the Kootenai below Libby dam. We are proposing a mandatory catch kill and report regulation for northern pike in Lake Mary Ronan.

Data collected from fish caught by anglers would be used to further determine the source of the fish, population size, and viability. Edible portions of the fish may be returned to the angler upon request. The proposed regulation falls under unauthorized placement of fish administrative rule and uses anglers as a tool to manage unauthorized species to harvest. This provides the Department a means to collect additional population data.

The Department recommends approving mandatory kill, report, and turn in regulations for northern pike in Lake Mary Ronan.

Motion: Commissioner Aldrich moved, and Commissioner Brower seconded to approve a mandatory kill, report, and turn in fishing regulation for northern pike as recommended by FWP for Lake Mary Ronan.

Commission comment.

Commissioner Aldrich stated this is one of his old favorite lakes growing up catching kokanee. Someone brought in yellow perch and now we have many other species.

Public comment.

Helena Region

Clayton Elliott, Montana Trout Unlimited, stated combatting these types of circumstances with better data and better understanding on how we can develop strategies. He supports this action. Thank you.

Motion passes 5-0.

Chairman Colton stopped the meeting to put it into a recess in order to resume the work session that was started yesterday.

Work session begins:

15. Trapping Advisory Committee Recommendations, update only

John Vore, Game Management Bureau Chief, Wildlife Division, thanked the Commission for the opportunity to present today on the 2018 Trapping Advisory Committee. As you are aware this committee was put together to address some of the issues around trapping. Some of the issues are controversial surrounding trapping. How did we get here? It was a long and winding road.

In 2016 the Commission asked the Department to look at all sides of the issue and were looking for recommendations on trap check times and to come back to the Commission with recommendations. In 2017 we assembled a Trapping Advisory Committee. You

now have the recommendations including the charter. The charter in part reads that a citizen committee comprised of a spectrum of opinions on trapping that will provide recommendations to FWP that will ensure in part viability of trapped species, the humane treatment of animals, and minimize social conflict.

Social conflict has been something that accompanies trapping, which seems to be forever. It is important to know that the committee will not consider whether there will be trapping in Montana. Trapping in Montana is guaranteed in the constitution in the hunting heritage provision of that. It is protected, and we want to see trapping continue. We want to see it continue in such a way that is least controversial. There are some members in attendance. We originally had 73 applicants for the committee. Out of the 73 we chose 13. We presented those to Director Williams and she made the final decision on the choice. Of the original 13, two had to drop out for different reasons. The members are Jim Buell from Gildford, Shelley Gilkey from Deer Lodge, Pat Hayes from Burney, Shani Henry from Helena, Lance Hughes from Hobson, Matt Lumley from Emigrant, Dave Pauli from Billings, Tom Radandt from Libby, Kate Stone from Stevensville, Zach Strong from Bozeman, and Stephen Vantassel from Lewistown.

The members facilitated the meetings. FWP was not a member. FWP was there to supply information in a supportive role. They were professionally facilitated by Virginia Tribe who did a great job for us. We had five meetings. The first one was in Helena in July of 2018. We went around the state and held one in Butte in August, one in Miles City the following October, one in Great Falls in late January/early February. The last meeting was in Helena in April.

We had a good distribution of people across the state. We looked for people that were across the state geographically and represented the spectrum of opinions on trapping. When they met the committee decided on some guiding principles which was guided by our facilitator. These were principles that they were going to adhere to during these meetings and the things they wanted to address. There was the universal desire to reduce conflict. It was recognized that trapping contributes financially to wildlife management. The regulations should guide by concern for viability of fur and animal harvest, enforcement, and humaneness. Trappers should try to minimize nontarget capture and limit animal injury. Injury is limited to trapper expertise and the time an animal spends in the trap. Communication can reduce conflict. Issues are better addressed with a multi-faceted approach such as education, regulation, enforcement, and consequence, etcetera.

An education program helps. An education program was something that they all agreed to. It helps with enforcement. It helps to negate nontarget capture. It enhances reporting. It teaches when and where trapping can occur. It teaches best management practices. There are also trap free zones and pet free zones. These are legitimate tools to help reduce conflict using simple consistent terminology, this is critical.

He will talk about the recommendation now. There are 14 recommendations coming from the trapping advisory committee. These are not in any ranking order. One is not more important than the other. One thing that was universally agreed upon was a mandatory trapper education program with criteria for mandatory attendance was important. All recognized how important that is. There were some outlines to the trapper education guidelines as far as who should be allowed to attend. There was a little bit about the program design and the program content. He wanted to point out that in 2017 FWP had a program ready to go. It was one the commission voted on. After it was voted on, it was found out that the Commission did not have the authority to do that. it would have to be up to the Legislature. It now rests with the Legislature. The committee is universal in its approval of a mandatory trapper education program.

Another recommendation was to design a more accurate and precise reporting system. This would be reporting harvested animals we currently have a system we call the MRRE Data Base. It has things like martens, swift fox, otters, and bobcats that are mandatory to report. There are other animals that do not require mandatory reporting such as beaver, muskrat is another. They thought that we need to implement a more accurate and precise reporting system for animals that are harvested and ones that are not targeted and trapped unintentionally.

Another recommendation is that the regulations should be consistent, practical, clearly presented, and understandable. The trapping regulations compared to many others are short and sweet. As you know we do have an internal trapping regulations group that has been working on these regulations. Legal and Enforcement have been going through the enforcement portions of the regulations, all 10 sets of our regulations. There was a recommendation to change the language about nontargeted species. He wanted to point out that this is one of the proposals that will be presented here today for trapping and furbearer regulations. So, we are proposing that the language be changed to any animal captured that cannot be lawfully trapped including domestic animals must be reported to FWP within 24 hours. Any such animal that is uninjured must be released before leaving the trap site. If unable to safely release the animal, then a call must be made to FWP. The exception being any animal that is injured or dead must be promptly with little or no delay, be reported to FWP to determine disposition and collection of the animals. This is one of the recommendations that we are moving forward with.

Mr. Vore wanted to clarify the "firewall" and the difference between damage control and other kinds of trapping. The Commission has the authority over furbearers and species that are not being trapped for the protection of wildlife. This is a question that came up repeatedly. We tried to make it very clear. Becky Dockter, Chief Legal Counsel, drafted a memo specific to this. You each have a copy of that memo. It says that if a person is trapping predators and predators as defined by the Department of Livestock is

coyotes, foxes, and any other individual animal that is causing depredation. For example, if a bear is coming in and killing sheep or a mountain lion, the authority for trapping any of those lie with the Department of Livestock and lies outside the prevue of the Department and the Commission. We need to be very clear in that people who are trapping to protect livestock are under the jurisdiction of the Department of Livestock. We need to make that clear and well understood.

During several of the meetings the committee had, that was clarified. This came up for folks particularly in eastern Montana. Landowners that either trap themselves or hire someone to trap, coyotes especially to protect sheep for example. They can do that anywhere and none of the rules and regulations apply or anything that the Commission passes applies to them. One of the recommendations was to provide trappers with a list of dispatch options for different situations. A gunshot to the head is humane and legal. There were other options that were discussed. Another recommendation was that an animal suspected of rabies be killed without damaging the brain, so it can be tested.

There is a recommendation designed exclusively to reduce conflict, which is to use setbacks, trap free zones, season settings, etcetera, in reducing social conflict related to trapping. He wanted to point out, in Missoula that there is a dog owners guide for outdoor recreation. It was thought to maybe have other things like that available for folks in other areas. Also, there was a recommendation about how much time a warden can spend on enforcement duties. This had to do with a previous Legislature making it a rule that Enforcement had to spend 30 percent of their time on PR duties. It was thought it was better to have wardens out doing enforcement duties. So, there was a recommendation to have that.

There was a recommendation to change the tagging of bobcat, swift fox, and otter pelt from within 10 days of capture to 10 days of the calendar season closure. This is also one that we are carrying forward. We will be entertaining this particular item when we get to the trapping and furbearer regulations. That is what is proposed for 2019. It was recommended to have a minimum pan tension for bobcat and coyote ground sets on public land to reduce nontarget captures and list it in the regulations.

There were a couple of recommendations regarding wolves. One was to explore opportunities to expand wolf trapping and the other was to encourage trappers to not use drags for wolves. There were three primary areas where there was no agreement among the committee members; wolf snaring, trapping of mountain lions, and the issue of trap checks. If we look at those independently, wolf snaring is legal in Idaho and Wyoming. It is an effective way to harvest wolves. In 2012 when we had our first wolf trapping season, FWP did not propose the use of snares because of the capture and the potential death of nontargets, especially dogs. He would point out, there are snares that are not killing snares that could be used in this type of situation.

They talked about the trapping of mountain lions and the possibility of trapping them. At this point, it is in statute that a trapping license is to trap furbearing animals. Mountain lions are not a furbearing animal. Mountain lions are classified as a game animal. It is not allowed under current statute. This would take a change in statute to do that. Mandatory trap checks had quite a bit of discussion around that. This is the most controversial issue we face as far as trapping is concerned. To facilitate that discussion, we came up with guiding principles. Traps should be checked regularly and checking regularly could reduce animal capture trauma. Education is important in reducing social conflict. There were some facts that were necessary to get on the table that everyone agreed on. The first was little wanton waste in the last several years and not many citations on wanton waste of fur. The second is that Montana is diverse geographically and weather wise as well as diverse recreationally. As far as nontrapping recreation, there a lot more people in western Montana that are out cross-country skiing and hiking than there are in eastern Montana as an example.

Montana is one of three states with no general mandatory trap check. There are 36 states that have a 24-hour or daily check. Montana has a 48-hour check for wolves and bobcats in the lynx protection zones. The Association of Fish and Wildlife Agencies urges a daily trap check. If you look at our sister states immediately adjoining us, except North Dakota, have a 72-hour trap check . North Dakota does not have a trap check. In 2019, the Montana House Fish ,Wildlife and Parks Committee tabled a 24-hour trap check bill. There are no reports of a leashed dog caught in a trap. Although data there is warranted. This goes back to one of the earlier recommendations that we need to collect better data. There might be some circumstance that might prevent a trapper from checking the traps. A weather system might move in that could prevent a trapper from checking the traps. All kinds of different things could happen that might prevent checking traps.

There was then a conversation around what are the desired outcomes related to trap checks. They wanted to come to an agreement on trap checks. If not, forward the discussion of diverse perspectives through the Department in an effort to inform their decisions. There were some things called fair standards and objective criteria to look at and evaluate discussion on trap checks. Those are mandatory 48-hour trap checks for wolves and bobcats in protection zones. Why not other species? Research standards and best practices are well established referring to the AFWA best practices for trapping. AFWA went through a long series of research for the best management practices for the equipment that is used for the different species. They came up with best management practices for species and what equipment to use. All the research was done with a 24-hour trap check time to come up with the best research standards and the best management practices.

Other states similar to Montana implement, regulate, and enforce trap checks. The surrounding sister states, except for North Dakota and they do not have one, is 72-hours. Alaska also does not have one. All the other states have mandatory trap checks. If you look at our western states, they range from up to 24-hour or daily up to 96-hours. Our surrounding states are 72-hours. What are the

possible unintended consequences with a mandatory trap check? One was to reduce trapping engagement. There are fewer people out trapping because of another regulation on the books. There could be reduced economic value due to the engagement of the people out trapping.

There was no real progress for people out protecting trapping because there is a mandatory check time. Increased trapping theft and more illegal trapping events. The increased potential threat is when a trapper goes to check the traps and they leave tracks that indicate there is a trap there. We do have situations where traps are stolen or vandalized. There could be more hostility from trappers towards enforcement if there were a mandatory trap check. The increased eyes in the woods would helpdecrease trap abandonment, reduce predator control and increase livestock loss. Not sure what they are trying to say?

The thought here being if there was a mandatory trap check that landowners might not want someone out there every day checking traps because of roads and gates and increased use on the landscape. Increased chances for more ruts in the roads or gates being left open. There could more trap efficiency if traps were checked more regularly. There could be possible loss of access to millions of acres of private lands due to a new regulation if a landowner chose to shut down access or any type of public recreation. Loss of game animals to more predators is a possibility. There could be limits to trapping wolves.

If there were no mandatory trap checks that continues to be a talking point with the public. This Commission is well aware that for the last several years when we talk about trapping regulations that trap check time has come up repeatedly. It continues to be a controversial issue. The unintended consequences if we don't have mandatory trap checks would be more suffering of target and nontarget animals. There could be a potential loss of quality fur. Dog injuries could increase and reduced eyes in the field. Perhaps increased abandoned traps. There could be greater exposure to legal challenges under the endangered species act. There could be an increase in losses of nontargets.

After all that was considered, the committee brainstormed about suggested alternatives that are related to trap checks. Some of the suggested alternatives were not to change from current recommended time of 48-hours trap check. Select a daily interval for trap checks such as a daily one or a 48 to 96-hour check or something along those lines. Perhaps a weekly trap check. Wyoming's trap check for snares is weekly but, it is 72 hours for a foothold trap. You could vary it by a specific type of trap, species or the type of area. You could have a different check time for a ground foot hold set versus a kill set. It could also vary by area. It could be private land versus public land.

It was brought up to investigate and support cost effective electronic trap checking including drones. There are people already using cameras to check traps. Maybe you could use a drone. That could be explored as an opportunity. Explore the concept of trapping districts and we currently do have trapping districts that could be smaller on the landscape to address local issues. Each of the committee members gave the mediator his or her individual thoughts about this. So, the following bullet points on your sheet are the thoughts from the committee members. They are varied.

One thought was that having a very well-run education program was the key. Education not regulation. Education was a key issue among all the committee members. Maybe use an internet based voluntary education into regulations. It is an idea that came up. One member wanted to have a daily 24-hour trap check for retraining and killing traps. Seasons, quotas, bag limits, and those type of restrictions, why not have that mandatory for checking traps? Some trap check intervals should be established. Fish, Wildlife and Parks could develop a hybrid trap check. For example, on public land for only non-lethal sets, etcetera. A member thought that we could create a trap check rule that establishes equal value for wolves, eagles, owls, wolverines, and other critical species. If a 48-hour works for furbearers, then why couldn't a 48-hour trap check work across the board. Another thought was that our current wording was adequate for checking traps and avoid the word mandatory and use the word required. Reiterate that recommendations don't apply to predator control and be clear about the rules and penalties. Another member thought regarding nontarget captures and having regulations that have specificity of the traps used, the juxta position of the traps and baits to incorporate "the know your target and beyond language to avoid trapping nontarget species". For example, if a population of eagles is present or if domestic animals are in the area then the trap should be set to avoid. There was a suggestion to focus on certain areas of conflict on public lands and set regulation for private lands to inform the user what they can and cannot do in hunting regulations. Set up GIS layers on mobile platforms to inform the user what they can and cannot do. This also comes up in hunting regulations.

There was a suggestion to come up with a pamphlet to address wanton waste including lack of cases and why the 24-hour trap check is a good thing to be kept in place. The virtues of a trapper education program either voluntary or mandatory and have the Department use the pamphlet for the anti-trapping comments that they received. Mr. Vore apologized for all the wordiness, but the document is wordy. He wanted to present briefly what the document is.

We have the 14 recommendations. We have the three areas that have no consensus or agreement on them. Where do we go from here? The recommendations that were provided to the Department and we can consider those. In fact, we will be getting those pretty soon. The areas such as wolf snaring and trapping of mountain lions trap check times there was no consensus. There was not an agreement on those. He would ask the Commission where they would like the Department to go with the recommendations. He asks the Commission for guidance going forward. Thank you.

Chairman Colton thanked Mr. Vore for the presentation. He thanked everyone that participated on the advisory committee. That is a lot to digest in a short time. They are also going to be dealing with the proposals that came out of the advisory committee. He wanted to caution that this is not the time for an action item. We are in recess in our meeting. The meeting was adjourned, and we are considering this just as if it were yesterday. we are now in a work session. He would like to start this process as we did yesterday at the work session and encourage the Commission to ask questions of the staff in relation to this presentation.

Commissioner Byorth ask Mr. Vore if changing the trapping regulations for tagging bobcat, otter, and swift fox to ten days within the end of the season and the purpose of that regulation so that he has a better understanding of it.

Mr. Vore explained that right now a person has to bring the swift fox, otter, and bobcat in within 10 days of capture to have it tagged. This would be 10 days after the calendar close of the season similarly to what it is now to a marten where people can bring it in after the season. It gets to be kind of a hassle for some of the trappers to get them in. It was discussed at the meetings with enforcement and making that change would make it much better for all. Instead of having to bring it in within a set time you harvest the animal it would be after the calendar close of the season which varies.

Commissioner Byorth asked if that changes the Department's ability to enforce quotas on any of the species?

Mr. Vore explained that no because they are reported by phone. Those species are reported by phone and they go against the quota as well as other species. After that, they have time to get the pelt tagged and surrender the jaw and that type of thing.

Vice Chairman Stuker stated that he had a question on something they were probably going to vote on later. But what he is questioning at this time is the roads and trails. There are setbacks on those. In the proposed regulation there would be no setbacks on areas for snowmobiles and those types of roads. He has a concern about that because if it is across from a snowmobile or cross-country ski trail and people are out with their dogs, what is the rationale for not having the setbacks on those types of trails?

Mr. Vore explained that it was discussed at length. The previous language spoke to open roads. Open roads was open to determination or different types of definitions depending on who was doing it. What we have done is drop the word open and made it any road or trail that is designated by number. It could be a number that is on the map or a number that is posted in the field. Those would require the setbacks. If there is one that is closed to motorized use but would be open to snowmobiles that would not require the setbacks. That is kind of a balance there because we hear from trappers that these are good places to set traps. You do run into the fact that is where skiers go as well. It is a proposal out for public comment. Working with our enforcement staff plus the legal staff to simplify the proposal wording, as we did, it makes it easier to enforce and simple to understand.

Commissioner Brower stated that he did not know if Mr. Vore could speak about this but, education is his background and that is what he does for a living. He can't think of a better way to promote ethical trapping than a trapper's education program. It seems like it is supported on all sides. He wanted to know if there was a reason for the tie up in the Legislation and why that was not addressed. When he first got on the Commission that was one of the sticking points that he was in support of. The second time around it was the opposite apparently that he was in support of opposition. It was not looked at positively by some Senators. I don't understand the disconnect of where we go and if there is anything that we can do.

Mr. Vore stated that he was not one of the liaisons and did not have anything to do with that. He can speak to the bill that was brought by Representative Smith that proposed a 24-hour trap check along with mandatory education. He thinks that was one of the things that was not favored. Another bill did not see the light and can't speak to what happened there. He was not one of the Legislative liaisons. He read very carefully what the Legislature did and did not do.

Director Williams wanted to add that she is really disappointed that it didn't go through. It is fair to say that it got mired in politics. She would also say that everyone in this room was part of that failure to go through. It became a challenge in politics and who carried what bill. What was included in those bills and the bottom line is that the need for education to come out on its own. It was mired in politics as well as other issues. She is going to say this as politely as she can but also putting the accountability on every one of us for the reason that it did not go through. There were different proposals from Legislators and levels of complexity of what was included and what wasn't, ultimately it did not pass requirements on its own.

Vice Chairman Stuker stated that he had a question about regarding the 24-hour reporting of incidental catch. Since we don't have a mandatory trap check, he is guessing that 24-hours from whenever a trapper would check the trap then is when they would have to report.

Mr. Vore replied that is correct.

Commissioner Aldrich stated he had a question that is pretty specific and he will hold until the next session to have it answered.

Chairman Colton stated this could be brought up when they are taking an action item. He is wondering of the Department has any understanding of how many roads and trails that would fall into the definition of closed where there would be no required setback.

Mr. Vore stated that he does not have a feel for that. One would have to survey each of the roads and this would apply only to public lands. Then there is the Forest Service road inventory and Commissioner Aldrich knows about that. In the BLM and any state road inventory would have to be queried in some fashion to determine that.

Chairman Colton wanted to make sure that he is clear that there were 14 agreed upon recommendations came out. Is that correct? The Department is mulling some of those others over and moved forward with the three specific proposals that went to the committee. It then went from committee to the Department. Then you came forward to ask that we vote on these. The other 14 agreed upon are still being determined when or if those will move forward. Then there are the others where there was not consensus that are just hanging out there. The Department is not considering them. You have just been provided a presentation on this.

This is just a work session and we are not required to take public comment. Because this was information developed by an actual acting committee and have some of them here. He is going to entertain comment. He askes that it be limited to two minutes if possible maybe extend it to three. He is not going to put a limit on it unless it gets long and then he will. If it evolves somehow into frustration between the different groups, he will simply stop it. Again, comment is not required as this is not an action item. If there is nothing further for Mr. Vore, from the Commission, then he would encourage folks to come forward and the advisory committee. This is our opportunity to learn and gain some understanding. We then will have to decide at some point if they want to provide the Department with some direction. Is this agreeable to the body here?

Commissioner Aldrich stated that was fine, but he had one more question. He said that he just finished working on an important matter with the Madison River and there were a lot of feelings and opinions that were held very strongly. He attended the last two days of the trapper meetings and it appeared to him with visiting with Ms. Tribe that there were hardened feelings and how difficult that it became. He is asking Mr. Vore and some of the panel members how they got past some of the hardened thoughts. There are so many matters that are so important to so many. There is a big responsibility in managing the public trust for all Montanans. There really are some gripping moments to talk about that. He is anxious to hear about that. How did we move through some of those things?

Mr. Vore stated that he didn't know whether to thank you for that question or not. That is a tough one. If he knew the answer to that he and others could get through very tough questions like trap check times, and the Madison River. There is certainly a spectrum of opinions and feelings, and values are held very dearly. Sometimes it is hard for people to see where other people are coming from and to reach consensus and to reach compromise. He doesn't think there is not a better way that he knows of to sit down face to face and get to know one another. Even if you can't come to an agreement, it doesn't mean that something doesn't need to be done about it. These are tough issues. Some of the committee members can speak to this if they choose to. He is sure that everyone would be happy to hear what they have to say. He wanted to thank the Commission for letting folks come up and speak. Those who are in attendance came here with that in mind. We thank you for that opportunity.

Chairman Colton advised he would now open this up for comment.

Dave Pauli, Billings, Trapper Advisory member, stated that he was either energetic enough or foolish enough to be on the 1999 trapper's advisory committee and the current one. He wanted to thank the Department for this dialogue. It was a really good dialogue. He wanted to say two things one of which he hopes that we don't wait another 20 years to review. The review needs to be on a three to five-year basis as public attitudes change. Secondly, the skunk in the room if you will, is that the issue is never going to be solved. There is managing for different species and the whole predator issue really confuses things. Eventually we will be managing for public/private lands and urban rural lands. That would solve a lot of the problems he sees. He mentioned that he works for the Humane Society. The problems that he sees from peoples are urban interface and social conflict in urban areas. That won't be addressed until the situation can be managed for private land or urban. Thank you.

Tim McKenrick, Montana Trapper's Association, stated he had a couple of comments. He attended all but, one of the trapper advisory meetings. They are long drawn out meetings. We watched a group of people come together and try their best to come to conclusions or agreements. As far as some of those are concerned he would recommend that the Commission read the charter. The charter was the first thing that was supposed to be adhered to and followed. The charter simply stated that it was to have recommendations brought forward. What came forward were recommendations and wish lists. Everybody has a wish list. That is where conflict comes in. The wish list has been thrown at you guys. If the recommendations were given as the charter said that would have saved time and aggravation for everybody.

He wanted to clarify one of the recommendations that was brought up was the drags for wolves. That is not classified as a recommendation. It did not come out that way. In the entire discussion on wolves, if the season was extended to a longer season date then there was going to be conflicts with trapping and possibly catching bears. Bears get out of traps more frequently. They are held by an earth anchor tree chained trap versus a trap that is on a drag. If you have a bear in a trap that is on a drag and then there is a severe problem on your hands and that's where that came from. That did not come up as a recommendation. There are guys that are in the eastern part of the state near Yellowstone where there is not a tree anywhere around. There is nothing to hook

a chain to. Drags are a necessity for trapping wolves. It is one of those things that was not brought forth as a complete recommendation, it was brought forth as a partial out of something that was a suggestion. Thank you.

Bob Shepherd, Ovando, Trapper Education Board Member, MTA, he is speaking for Matt Lumley who could not make it here today. He had a couple of conversations with him about this as he could not make it here today. He will discuss the points that Mr. Lumley wanted heard. The original agreement between the trappers and FWP to address mandatory trap check through education. We started working towards that, but it went out the door once the TAC was founded. There has been no interface or interaction between MTA and FWP on any kind of trapper education program. It just stalled out.

There were seven law enforcement officers that attended the TAC meetings and they all unanimously saw no need for the mandatory trap check time that would be an unenforceable regulation due to manpower. If a trap check is allowed, it was not by consensus of the TAC. Things not brought forth by consensus should be looked at again. Wolf issues would be one of the things. The majority of Montana voters voted to leave trapping alone in the statewide ballot initiative. There are now 500 landowners on a petition that have two million acres that are opposed to trap check times. They signed a petition regarding pulling their lands from public access. He thinks that this would be a public statement. How much money was spent on this? Could the money of been spent on something better? Thank you.

Michael McKenrick, Tim McKenrick's son, stated in his eyes there are 14 recommendations and only three of them were agreed upon. He asked Mr. Vore for a copy of the document of recommendations. Thank you.

KC York, Trap Free Montana, stated she attended all the TAC meetings except the first one. The three major points at the beginning that Mr. Vore shared were to address population viability. That requires depth of data such as population studies and mandatory reporting of all trapped species. The other one was humane treatment. The number one objection of people who generally do not support the trapping is the animal cruelty. This is where a 24-hour daily trap checks came in. All the findings indicate the longer the animals are trapped the greater the damage. Your own wildlife biologists check traps every 24-hours. Sometimes every 12-hours or constantly.

The mandatory trapper education can provide more humane ways that we heard about or more humane dispatch methods. All this ties into the last statement to minimize social conflict. If the public knows that trapping is scientifically driven, that we have population studies, and that we have perimeters, for example, beavers that are being trapped and how many are on the landscape. The educational aspects of this species provide and the ability to reduce the non-target catches and enhance more humane measures. This is going to reduce social conflict.

A couple of points that came up was that trappers thought a 24-hour trap check was not feasible. Even before the language was finalized it was changed to a daily trap check. There was also an exception that is if they couldn't do it, then appoint another licensed trapper for a period of a week to manage their traps. She wanted to thank Director Williams for her synopsis of the mandatory trapper education program. It is very unfortunate that it didn't go through. We were one of the leading forces behind it and excited to bring forth something that we all agreed upon. In the final moments we tried to reduce it to the bare bones. We had it initially what the Commissioner had approved in 2017. There was a lot of push back and they didn't want us involved. They didn't want the non-consumptive user as part of the advisory committee for mandatory education. We put it down to the very bare bones and tried to get the Legislators to amend it to that. Unfortunately, they didn't. That would have put the power into the Commissioners. That would have let you go forward with the design of the program. Thank you.

Zack Strong, NRDC, Bozeman, stated he was a member of the trapper advisory committee. He was grateful for the opportunity. He wanted to thank the Department for convening the committee and the facilitator who did a really nice job. He also wanted to thank the other committee members and the public who made long trips across the state to attend the meetings and contribute. He thought it was a challenging and time-consuming process. He thought it was all worthwhile and appreciated all who were involved who made it happen.

While he was encouraged by a number of things that our committee was able to agree on, he was disappointed that they were not able to reach consensus on the trap check issue. As Mr. Vore mentioned, Montana remain one of three states that does not have a general trap check requirement. Thirty-six other states have a mandatory trap check requirement. The Association of Wildlife Agencies as well as the American Veterinary Association and other wildlife or animal officials have all recommended that traps should be checked at least once a day. This is because as Ms. York mentioned, checking traps regularly can help reduce the suffering of the animal as well as reducing injury and mortality to nontarget species. Adopting a 24-hour trap check would really be in the best interest of Montana's wildlife. He urges the Department and the Commission to continue to consider the issue. Thank you.

Shani Henry, Trapper Advisory Committee, stated that she wanted to reiterate what Mr. Strong said. She wanted to thank everyone for convening the TAC. There was a lot of time, effort, money, and it was hugely valuable. She wanted to comment on a couple of different things. She stated that she is a small animal veterinarian. The populations that she wanted to represent were pet owners and people that recreate on public lands with their pets. She also wanted to represent target species and nontarget species. The clinic

that she works with is also tasked with treating wildlife that has been caught in traps. There is a huge gambit that affects this. She entered representing a lot of that.

Like Mr. Strong mentioned, every veterinary professional group in the country is very much in favor of a 24-hour trap check to minimize cruelty, long standing damage to targeted species, and to minimize suffering for the species. She personally advocated for having delineations or dispatch methods. She thinks that is a big missed opportunity. She thinks that needs to be part of education. Making sure people know how to dispatch target species humanely and safely. Also, how to safely handle nontarget species in way that they can get them to veterinary help or humanely dispatch them. There is multiple issues on that she personally is invested in.

One of the frustrating things about serving on a committee like this is that there is so much that we have done and explored that can't be represented on the floor as a list of recommendations. She appreciates what Director Williams said about education. That was one of her biggest disappointments about this. She would love to talk about some of the things that played into that. Unanimously trappers, non-trappers, and everybody was on board with that. Politics definitely got in the way. Pride got in the way. There were a lot of people who said they were for education but did not move forward effectively in a collaborative spirit to make the goal happen.

We were kind of shot in the foot by entities. It is very complicated and gets very political. She thinks that was our biggest failure. She implores the Commission and the Department moving forward into the next Legislative session to have our ducks in a row for that. It is critical. If there is one thing that everyone spoke at the committee meetings was the need for education. That education program can help mitigate so many concerns that are brought up by the public and the trappers. She wants to implore a collaborative spirit with the next legislative session. It is really disappointing that we lost this opportunity during this session. Please know that was of critical importance to everyone on this committee.

We came up with a list of 14 recommendations. The areas that we failed to reach mutual agreement on are more important she believes as much as the ones that they did. Please don't lose sight of that. Please know those areas are so important. Education, trap check, and this is what you convened this committee for. She doesn't want the failure to come up with joint recommendation to be viewed as a failure. It was emphatically explored and there are a large range of opinions on that. Please consider that heavily. On the wish list was our failure to come up with a group consensus to say these are some of the ideas that we have. We wanted to put this on your plate and say work with this. See what you can with this. Don't diminish the effort that went into complying with compiling that list. Thank you.

Tom Radandt, Trapping Advisory Committee, Libby, stated he was disappointed that Ms. Henry did not get to finish her comment. She is very passionate about this as well. His profession is a wildlife biologist. He always tries to make his decisions based on data. That is how he would approach it. The committee that we sat on was a very diverse group. When you have many different interests, you are not going to come to a consensus, but he learned specific details about the interests that people represent. There was concern about incidental capture of raptors. Let's look at the data. In Montana we have one incidental capture in 77,000 trap nights. That is very small. It doesn't mean that it won't happen, but it's pretty small. How can we reduce the social conflict? First, he would need to understand what the issue is. If it is raptors, then we solve that with equipment.

That is the benefit of the committee and the trappers to understand other people's perspectives. The social conflict that he sees with the whole issue of the trap check is trappers see it as giving up something. They are giving up their opportunities. Nobody else is giving up anything. He understands there are other perspectives out there. He did ask Mr. Vore to clarify the issue of coyotes and predators. This was because the general public doesn't understand what FWP can manage and what the Department of Livestock manages. Trappers are lumped into the same group. If you were to try to address the issue of incidental take, looking at some of the reports that Dr. Inman has put together, most incidental takes happen in coyote traps. The Commissions ability to regulate coyote trapping is limited. Are we addressing a problem that we really can't solve? Thank you.

Region 4 Comment

Jim Buell, Trapper Advisory Committee, Great Falls, stated from Mr. Vore's presentation, the trap check is the bone of contention and it always will be. He would like to address a couple of items. One of the reasons for having a mandatory trap check in Montana is that Montana is so unacceptable as we are one of three states that do not have a trap check. What they failed to bring into consideration is that the other 47 states do not compare to Montana geographically, weather wise and so forth. That is an unfair rationalization that Montana needs a trap check because all the other states have one. The American Federation of Wildlife Association under researching BMPs, they use 24-hour trap check to get their data. Why did they do this? The states say that we are capturing animals and looking at them to get their data. They needed to be consistent with the trap checks. They couldn't very well impose upon the states a 24-hour trap check. That was the least amount that they could impose.

Moving on to the reason the trapping advisory committee was subjected to, why Montana needs a mandatory trap checks. It was for humane lessoning of the animals suffering. The true reason came out from the non-consumptive user that they were willing to

enact a trap check time and have it not be implemented for five years. They are going to let the animal suffer in order to gain the mandatory trap times.

The second proposal that was put forward was to have mandatory trap check time on public ground only and no mandatory check times on private lands. His advice is if there are advisory committees in the future, for trapping, archery, hunting or whatever, let the folks that are sitting on the committees have an opportunity to find out what the committee is about as well as the desired outcome of the committee and not have an agenda of killing or halting the subject of the advisory committee. Thank you.

Region 1 Comment

Scott Smith, Montana Fur Harvesters, stated the question that you need to ask is, what approach will result in the most progress for humane treatment of trapped animals. Regulations forced on trappers by those wanting to see trapping come to an end or a strong education program led by peers who are respected and focused on ethical trapping decisions and equipment. The debate over the two approaches, regulation or education has gone on sometime in Montana. In 1999 TAC did not recommend a trap check and in 2019 did not recommend a trap check time. Your own enforcement personnel have repeatedly said that it would be nearly impossible to enforce a trap check. None of the regions even supported a mandatory trap check time.

In 1999 TAC did recommend mandatory education. In 2019 they unanimously supported a mandatory trapper education program. Many FWP personnel including wildlife managers from all seven regions have suggested that a stronger trapper education would be more efficient than a solution to trap check time. In 2019 there were 27 mentions of trapper education in the TAC report. If we teach people how to make good ethical decisions, they would be able to apply it in many different situations. We appreciate the Commission passing mandatory trapper education in 2017. We ask the commission to support this in any way they can for trapper education programs rather than change the current trapping regulation rules. The Commission passed mandatory trapper education last year. It was walked back because the Legislature determined it should be approved by Legislature and not the FW Commission.

Similarly, in 2019 the Legislature considered a daily trap check bill that did not pass. How is this situation any different from the trap check time being able to be considered by the Commission? Thank you.

Tom Fieber, Montana Free Harvesters, stated in northwest Montana they have been meeting with the trapper groups. We came up with some solutions and requests through the local regional offices. One of things that they are pushing for is a mandatory trapper education. They do support the TAC recommendation on this. He thinks that they could generate enough support from the trapping community to push that through. Thank you.

Region 2 Comments

Clare Beelman, Footloose Montana, stated her responsibility in the group is to go around the state and educate the general public about how to release their animals from traps. She also gets fielded the common question about regulations. What are the regulations? What traps are legal? What should I expect when I go out to public lands trail and road systems? She thinks continued discussion is necessary and education is critical. She applauds the efforts of the TAC. She doesn't hear anyone talking about the education of the public and about the issues of trapping. How can the public be involved and how this activity is regulated on public lands? One of her biggest disappointments from the TAC is the requirement of signage where trapping occurs. Many other states require signage at trailheads, etcetera, where trapping is. When the public is recreating on public lands they have no idea where traps are. This is because they are not signed or told traps are there.

This would be one of the best ways to avoid conflict and concern over trapping because it is perceived as a hidden issue that people have to worry about. She recommends that the idea of signing on public trailheads and roads where trapping is in the general area should be considered. Thank you.

John Wilson, Montana Trappers Association, stated that he is a hunter, trapper, and fisherman. He is a member of the Montana Trappers Association and the Sportsmen for Fish and Wildlife. He appreciates the chance to speak. He was on the committee in 2016-2017. We spent countless hours discussing what we needed and that was education. There was a lot of support for trapper education. More education and less regulation. He opposes a trap check. It is not the way to go for Montana. With the geography, the weather, and the way that it is handled, having a 48-hour trap check would be great. We already check our traps every 24-hours if we are doing a special trapping in different areas. He would also like to respond to Ms. Beelman about signage. Signage is required on state land trapping. We already have that out there. Thank you.

Anja Heister, Footloose Montana, stated she wanted to support what Ms. Beelman just said about signage. The most frequently asked question that she gets is about the public wondering if their dog is safe and where they are not safe. We don't know. We can't tell you because there is no signage. She asks that you please consider that making signage of areas mandatory so that the public knows where the traps are. The public including herself, perceive trapping not only as animal cruelty but also as a hidden issue. It's hidden from our sight and knowledge. We don't know what to do. Thank you.

Region 3 Comments

Nancy Austly, Bozeman, stated she has been involved in the last year's meeting with trappers working on a set of ten recommendations we took to the Commission some years ago, only one of those was adopted. She wanted to thank everyone that participated on the advisory committee. She is impressed with the 14 recommendations. She is disappointed there are only three proposals, this sounds like a missed opportunity. For example, to increase enforcement by wardens could easily resolve the issues of social conflict. She is also in favor of 24-hour trap checks because it is humane. She is in favor of education and doesn't think it should be seen as a substitute for or alternative against regulation. She thinks that regulation has its place. She would like to see the Commission tighten some of the restrictions as she is concerned that the information that the decisions are based on regarding population may not be reliable. Thank you.

Region 5 Comments

John Hughes, Billings, stated that he hopes that you follow Mr. Shepard and Mr. Buell's comments. He agrees with them. He has two other things for you. One was on the pan tension. He never saw anything saying what the pan tension was going to be. He recommends that is looked over before a decision is made. The other thing was the trails and the setbacks. He sat on the first advisory committee 20 years ago. They formed the original setbacks. How they worded that was 'maintained roads'. Somehow that got lost in the process of getting it added to the regulations. The original intent was using the word "maintained". Thank you.

Chairman Colton advised that this was the end of the public commenting. He remembers 2017 and the TAC. Who sent the letter about if the Commission had authority to create mandatory trapper education? He doesn't remember who. He thanked everyone and adjourned the work session. The Commission meeting will start again at 1:00 p.m.

16. 2019 Trapping Regulations and Quotas, proposed

Background: *FWP is proposing nine items for the Furbearer and Trapping and Wolf trapping regulations as outlined below. These are jointly proposed and supported by FWP wildlife, enforcement and legal staff.*

- *Change language for setbacks on public land roads and trails to: "**Roads and Trails** – Ground sets including snares require a 50-foot setback from the edge of roads and hiking trails that are designated by administrative signs or numbers. **Exception**: Roads closed year-round to motor vehicle and OHV use are not subject to these setbacks, for instance, Kelly-humped roads that are inaccessible to motor vehicle and OHV use but are lawfully accessible by snowmobile." [Note: snares would not be mentioned in the wolf regulations because they are not legal for wolves, and the setback for wolves would be 150 feet].*
  To be consistent and better avoid conflict, the 50-foot setback would also apply to ground sets using 7X7- inch and larger body-gripping traps along county roads with no defined right of way. The current setback is 30 feet from the center of the road.
- *Change pelt-tagging requirement for fisher, otter, bobcat and swift fox from within 10 days of harvest to within 10 days of the calendar close of season.*
- *Require furbearer and wolf trappers to report all non-target captures. Define "non-target capture" as: "The capture of any animal that cannot be lawfully trapped, including domestic animals, must be reported to FWP within 24 hours. Any such animal that is uninjured must be released prior to the trapper leaving the trap site. If unable to safely release the animal, call FWP. **Exception**: Any such animal that is injured or dead must promptly (with little or no delay) be reported to FWP to determine disposition and/or collection of the animal."*
  Animals that may be lawfully trapped are furbearers or wolves for which the season is open, and an individual possession limit has not been reached, nongame wildlife and predators. A trapper may NOT trap any game animal, game bird or migratory bird.
- *Remove the word "incidental" from the regulations and replace with the more accurate "excess take" defined as the take of a legally harvestable species after the season is closed or an individual's possession limit has been met.*
- *Formally adopt the current language for ground set, water set and relaxing snares.*
- *Clarify the definition of a center swivel to be: "A swivel located on the underside of the trap as near the center of the base plate as reasonably possible. The swivel can be attached directly to the base plate at the center, attached to a D-ring centered on the base plate, or can be included in the chain at a point no more than five normal chain links from a centered D-ring or base plate attachment point at the center."*
- *Lower fisher quota in the Cabinet Fisher Management Unit from one to zero.*
- *Create a personal marten quota in Region 1 of 10 per trapper.*
- *Lower bobcat quota in Region 2 from 200 to 150*

Public Involvement Process & Results: *If adopted for public comment by the commission, comment will be accepted at this meeting and until 5p.m., July 14, 2019. The 11-member citizen's Trapping Advisory Committee recommended the pelt tagging change and supports simplifying and clarifying regulations.*

Alternative and Analysis: *No change would perpetuate confusing and sometimes inaccurate language and not make changes based on FWP staff input and that from the Trapping Advisory Committee.*

Agency Recommendation and Rationale: *FWP recommends the commission adopt for public comment FWP's Furbearers and Trapping and Wolf trapping proposals as outlined above.*

John Vore, Game Management Bureau Chief, Wildlife Division, stated that public comment on this will be taken today and end on July 14, 2019 at 5:00p.m. There are nine items on the agenda for consideration today. He will go through each one of them. The first one was discussed during the work session discusses setbacks on roads and trails on public lands. So, the proposed language is setbacks on public land roads and trails to:

- "Roads and Trails – Ground sets including snares require a 50-foot setback from the edge of roads and hiking trails that are designated by administrative signs or numbers. Exception: Roads closed year-round to motor vehicle and OHV use are not subject to these setbacks, for instance, Kelly-humped roads that are inaccessible to motor vehicle and OHV use but are lawfully accessible by snowmobile." [Note: snares would not be mentioned in the wolf regulations because they are not legal for wolves, and the setback for wolves would be 150 feet]. To be consistent and better avoid conflict, the 50-foot setback would also apply to ground sets using 7X7- inch and larger body-gripping traps along county roads with no defined right of way. The current setback is 30 feet from the center of the road.
- Change pelt-tagging requirement for fisher, otter, bobcat and swift fox from within 10 days of harvest to within 10 days of the calendar close of season. As you recall this was one of the recommendations of the TAC.
- Require furbearer and wolf trappers to report all non-target captures. Define "non-target capture" as: "The capture of any animal that cannot be lawfully trapped, including domestic animals, must be reported to FWP within 24 hours. Any such animal that is uninjured must be released prior to the trapper leaving the trap site. If unable to safely release the animal, call FWP. Exception: Any such animal that is injured or dead must promptly (with little or no delay) be reported to FWP to determine disposition and/or collection of the animal."
- Remove the word "incidental" from the regulations and replace with the more accurate "excess take" defined as the take of a legally harvestable species after the season is closed or an individual's possession limit has been met.
- We would like to formally adopt the current language for ground set, water set and relaxing snares. That language has been in the regulations for years and has never been specifically addressed by Commission action. We would like to see this adopted and put into the regulations.
- Clarify the definition of a center swivel to be: "A swivel located on the underside of the trap as near the center of the base plate as reasonably possible. The swivel can be attached directly to the base plate at the center, attached to a D-ring centered on the base plate, or can be included in the chain at a point no more than five normal chain links from a centered D-ring or base plate attachment point at the center." This is very similar to the current wording with the exception of six words.
- Lower fisher quota in the Cabinet Fisher Management Unit from one to zero. This pertains mostly to Region 1. It is taking it from one opportunity to zero.
- Create a personal marten quota in Region 1 of 10 per trapper.
- Lower bobcat quota in Region 2 from 200 to 150

Motion: Commissioner Brower moved and Vice Chairman Stuker seconded the commission adopt for public comment FWP's Furbearers and Trapping and Wolf trapping proposals as presented by the department. Except for regular calendar rotation, all other aspects of the Furbearer and Trapping and Wolf regulations are to remain unchanged unless addressed in other proposals.

Chairman Colton stated there are a long list of items encapsulated in this motion. It makes sense to get some feel for the questioning from the Commission before we send it out.

Commissioner Brower stated on the reporting on the tagging regarding the 10 days, do you think that will confuse people about not reporting? He knows the motion says that everything remains unchanged but just making sure that you still have to report. In addition to that maybe he is not as smart as he thinks he is but when he reads within 10 days, the calendar close date maybe after the close date could be clearer. Why would you want to report in 10 days? Maybe you got something the day before the close date.

Mr. Vore stated the language as in the regulation review committee and the Legal division went through the language and thought perhaps that language was the simplest. But your suggestion is one that we will take under consideration. As far as confusing trappers, he doesn't think there would be confusion as the regulations also say that they have to be reported to MRRE or reported to the hotline within a certain hour limit for each species and we get to put that on our quota tracking device. When they actually come to get the pelt with the tag in it, we have it checked in within 10 days of the calendar close of season. He doesn't anticipate any confusion.

Director Williams asked if it could be explained about the reason for the switch from within 10 days of harvest to within 10 days of the calendar close that came out of trapper advisory committee.

Mr. Vore stated that did come out of the trapper advisory committee. That was one of the things that was discussed at length at a couple of the meetings along with enforcement staff that was there. It does get to be kind of a hassle for trappers within 10 days of actually harvesting the animal, getting it to FWP, and getting it tagged. They could wait to the end of the season and take it all in and get it tagged. Mr. Hayes who was on the TAC was the one who really championed this as he lives a long ways from any place where it could be tagged. He and a warden would have to make repeated trips to get things tagged within 10 days of capture.

Chairman Colton asked if Enforcement is comfortable with that as this will be adequately tracked and catalogued to match up with the presentation for tagging. One of the advantages of the 10-day window is if there are any discrepancies it will get dealt with sooner instead of the end of the season when we are at our limitations.

Mr. Vore stated that Enforcement is comfortable with this. They agreed with the TAC that this would be a good thing to do. They did not have any problem with it.

Commissioner Aldrich stated that he was looking at the roads and trails and other things closed down to other vehicles and OHV as things not being subject to setbacks such as a Kelly-humped road. He thinks the public still uses those roads. There is a strong interest especially among the wolf trappers to be able to use some of the routes that are well used by the wolves. He wouldn't be sure if we would surprise the public a little bit on those if we have trapping in some of those areas that are Kelly-humped and so forth. When he was younger, he used to cross country ski in the Bozeman area and was always traveling on a lot of unmarked roads and trails without a map and not having to dealing with over three feet of snow. He worries about the public and sharing the public lands appropriately. If we are going to have trapping in those places, then there needs to be some coordination, so we don't collectively get ourselves into trouble.

Mr. Vore stated he appreciated the comment. It is a different way to word it. The previous wording required setbacks along the edge of open roads. Open roads was always open for interpretation. This way it kind of codifies it. A road that is Kelly-humped and blocked is definitely not an open road. This is something that we hear from many trappers that they do like to trap along those types of roads. This is trying to reach a balance there rather than saying any road that has an administrative sign or number including those that are closed. It was our attempt to codify it and describe it rather that having the word 'open' in there.

Commissioner Aldrich stated he suspects that they will get comments and they will consider the comments. There are the motorcycle looking snow cats that will go anyplace. A few Kelly-humps will not stop them. It is a public safety issue for him. He wants to see how the public views this.

Vice Chairman Stuker stated that he concurred with Commissioner Aldrich. He has a problem when it talks about signs and numbers. There are a lot of roads in his area and although there is not a lot of people that go up there with their dogs or things like that. There are no numbers, names, or signs to indicate anything. The roads go across public and private lands and he is sure there are some of the same issues in other areas. To say that they have to have an administrative sign or number makes me worry about the safety of others as it does Commissioner Aldrich.

Mr. Vore stated that was a concern too and was discussed at length. A sign or number could be a number that is on a map too. Any of the BLM or Forest Service maps that have numbers listed on the roads would require a setback on public land.

Vice Chairman Stuker stated that he would refer back to his own accounting as there are many roads that are not on the maps that are not numbered but are known to the public. In the eastern counties at least, there are a lot of unmarked roads. This is about safety. He is not sure he can support this. He can support this going out for public comment and see what the comments are. If he had to vote today, then he would vote in opposition.

Commissioner Aldrich stated he would add one more comment. He has many old maps and there are road numbers on those maps that wouldn't even look like a road today. He doesn't think that maps are being kept up like they once were. Someone could look at a map and see an old road number and think that it is still a road or trail.

Chairman Colton stated he is struggling with reconciling the definitions. We have a road that is closed and is accessible by snowmobile still qualify as a trail. You have a road that is closed year-round to motor vehicles. It could still be categorized as a trail. He doesn't know how we would sort out the distinction. If it is a Kelly-humped road and closed to motor vehicle use and has occasional snowmobile use, then a lot of people might consider that a trail. Public trails still require a 50-foot setback. Ms. Dockter?

Commission Brower stated that if it is closed to motor vehicles then a snow machine is a motor vehicle.

Commission Aldrich stated that from an administrative standpoint, the Forest Service has some very specific statutes and rules in which they administer. If they need to close a road they will do it according to the rules and statutes. If it looks like a road, feels like a road, smells like a road, it must be a road to people out there. There may be some cooperation needed as far as other management agencies too. They have specific rules in which they go by and have them partner in this whole thing.

Director Williams stated that is does seem like don't change it now but wait for it to go out for public comment. This would certainly be an opportunity to clarify this and how this applies to roads, adopted roads and not just trails. Did the TAC investigate the various definitions of trails?

Mr. Vore stated that they did not get that far into the weeds with that.

Chairman Colton stated that he has some anxieties about that. How is someone going to know whether this is an abandoned road. There could be no set back and not view that as a trail just because a snow mobile is allowed on it. It could be a snow mobile trail instead of a snow mobile code. He is not trying to over complicate it. He wants everything to be precise for everyone's understanding and for enforcement.

Vice Chairman Stuker stated that it was his understanding that if it does go out for public comment we still have the option to change it at the final.

Chairman Colton stated that we can when the definition comes back. We are engaged enough we can watch for the comments. We talked about roads and trails and there are a variety of items in here. Are there questions for Mr. Vore or the Commission?

Director Williams asked about the bobcat. She thinks Neil Anderson was there and what is the biological reason for going from 200 to 150 in Region 2? It is nice to have that publicly stated.

Mr. Vore stated that the justifications for this is all online. The objective of the proposed change is to reduce harvest to below the observed recruitment rate which will allow bobcat numbers to respond. They have looked at the biological data. The data shows that we should go to the 150 instead of the 200 to allow the bobcat numbers to come back.

Public comment.

Helena Region

Bob Shepherd, Ovando, stated that the first part of this is from Dan Helterline who is a District 1 Director for the MTA. This regards the fisher. He felt that the biologist Jessy Coltrane at the District 1 meeting passively coerced the trappers to vote in lowering the quota. The biologist came to the meeting with the predefined conclusion. As far as he knows, the data on fishers have been from harvest reports. Nobody in the area has been targeting fishers. The biologist was basing her information on fear of a lawsuit and a negative perception of trapping. As far as the martins, he talked to other people. Instead of putting up a quota of 10 per trapper, how about a regional quota of a suitable number. This brings into question how to manage it. It could be a call-in type of thing similar to the bobcat. Is this going to cause more cost problems?

He wanted to add that the bobcat quota should be lowered in Region 2 from 200 to 150. That was discussed at the meeting and was unanimous with the trappers from the biological data that came. We have lowered it before and the bobcats responded. If you look back a few years you will see change. This is an attempt to hopefully manage the resource. Thank you.

Tom Radandt, Trapper Advisory Committee, Libby, stated the road closure definition was an issue that he was interested in. He had a discussion with Commissioner Aldrich about this. He wanted Director Williams to know that he did try to find a definition about an open road. He also talked to Ms. Dockter about that. There were a lot of definitions on an open road. He proposed a definition to TAC that was not moved forward. What this is really trying to get at, at least for Region 1 is to trap wolves. The typical technique is to drive a snow machine up a Forest Service road and go around the gate or over the Kelly-hump and lay down a trail. The wolves will travel that trail. They take the path of least resistance.

He doesn't know anyone that has developed a technique that can get a wolf off a packed snow machine trail. He also thinks from a population standpoint that he supports the fisher quota from one to zero. He hopes that the Department will maintain some monitoring for fishers. In the future hopefully, the population will improve and we will have a fisher quota again. Thank you.

KC York, Trap Free Montana, stated that the 10-day turning in of the pelts, a warden in Region 2 said they would get about five bobcats turned in a day until the region reached the quota then the turn in rate would be nine or ten. She was just wondering if this may affect quotas, staying within quotas, and as she monitors them it jumps around. Why is that? What they call in and what they turn in differs. If trappers can't get those animals turned in, that makes her think within the current regulations that they must be trapping a lot of animals. She thinks that it is counterproductive if you are going to be reducing the numbers or the bobcat quota in Region 2, not to be consistent and wait for the season to close.

We totally support reducing the quotas there. Region 2 for quite awhile has gone over quota 2011-2015. They then went over about 45 and then jumped from 180 to 200 quota. The same thing with fisher. We had an infamous Forest Service manager that in conversation once said that it was not like we were getting overrun by furbearers. She thinks we should be more conservative. As far as the setbacks, excluding them from roads that are closed to vehicles and still open to public use had a bill that came up in the

Legislature which resurfaced. Wildlife in Montana is commonly managed for safety purposes. The same thing with the setbacks that come in to protect the public. This sets a dangerous precedence. These roads are coveted by cross country skiers and their children as well as pets. The hikers too. These are the roads that you want to go on. Trappers had no problem trapping wolves this season as far as numbers. They have harvested more wolves this year than ever before.

To be able to set traps including conibears, snares and massive leg hold traps hidden in secretive spots right on the roads that are coveted by the public. It is a potential lawsuit waiting to happen. She urges to scratch that. Chairman Brown put forth the language that FWP wanted. It sets a very dangerous precedent. Thank you.

Region 1 Comment

Dylan Tabish, Information and Education Program Manager, FWP, stated Scott Smith, Montana Fur Harvesters Association, Big Fork, has asked him to read his comments as he had to leave for another meeting. Regarding the bobcat in Region 2, trapper observation in the field concur with the data that the Department has presented. We support reducing the bobcat quota in Region 2 from 200 to 150 for the coming season. As far as the martin in Region 1, trappers have reported seeing fewer martins in Region 1. We suspect that fires may have influenced the populations. Trappers in Region 1 support the reduced martin take until populations recover. As far as fisher in Region 1, the trappers voted with their meeting with FWP to put the Cabinet Unit fisher quotas at zero. That support was contingent on a den box program to improve fisher habitat populations.

The den box opportunity and the zero quota was brought up by FWP for the first time at the meeting. It was them that voted on it at the meeting. We plan to stick to that with our support for that change but want more specifics on August furbearer final where to put den boxes, who will pay for materials, and how we can get the population to respond to reinstate the fisher quota. We would also request that these types of topics not be made on the spot in the future, some interested persons were not present. There was not an opportunity to listen, give input, and digest unintended consequences and alternatives.

As far as wolf special management areas in response to the report the Governor, the Montana Wolf Management Advisory council set forth the guiding principles used to devise the Montana wolf conservation and management plan. The need to conduct research and understand the dynamics of the ungulates and carnivores was specifically stated as was the integrated approach to ungulate management to maintain traditional hunting heritage. We believe there are certain areas in Montana where populations would benefit from liberal seasons on large predators. We are not asking for the elimination of large predators. We are simply asking to explore the impacts of a more aggressive management approach that could increase deer and elk numbers.

This suggestion is in line with 2019 trapper advisory recommendation to explore opportunities to establish expanded wolf trapping where warranted. We ask that the Commission direct the Department to investigate large predator effects on deer and elk in areas where people are seeing fewer and fewer. This is necessary to follow through with Montana's wolf management plan. We suggest that this could be accomplished by initiating a research project that includes establishing special wolf management areas where set backs are reduced, individual bag limits are increased, and wolf trapping is extended four weeks to occur from December 1 to March 15. That concludes the comments from Scott Smith. Thank you.

Tom Fieber, Montana Fur Trappers, the previous comments pretty much reflect the opinions of our organization. We support Jessy Coltrane and Neal Anderson in Region 1. We work with them through a lot of issues throughout the season. We have had a lot of meetings between trappers and FWP. We have a good working relationship with them and what they promote. We support almost all the recommendations. We will possibly get more comment through the public comment period. As far as organization, we do support most of what is going on. Thank you.

Region 2 Comment

Clare Beelman, Missoula, stated she would like to applaud the effort to provide clarity and consistency in the regulations. She has read the regulations with a fine-tooth comb over the past several years. Not being a trapper, she has found many consistencies of difficulty of the way things are being defined. She knows that Director Williams has set forth the task of trying to increase clarity and consistency. Ms. Beelman advised that her comment about the 50-foot setback that is being proposed applied to ground sets including snares. It does not apply to water sets. The public thinks of any trap that is on the ground as a ground set. Currently, water sets, traps that are in water. When trails follow creeks and other water features as they generally do, a set back is something that you wouldn't be thinking about in that trail or road. Currently water sets will have no setbacks in place. When trails and roads follow water features as they do in western Montana. A set back is something that needs to be thought about when on a trail or road. Right now, water sets have no set back as they do right now. She wants to bring that to the Commission's attention. This is a clarity and consistency issue. Traps that are in the water are in the ground and have no setbacks.

She would also like to comment about the nontarget captures. In terms of increasing clarity, it is important as the proposed regulation would read that nontarget captures must be reported to FWP within 24 hours. This is regarding 24 hours of what? The current regulations state according to the 2018 regulations, say those kinds of nontarget captures need to be reported in the time period of identifying the capture. She would suggest that the Commission look at changing the verbiage of the nontarget captures.

Animals should be reported to FWP within 24 hours of identifying a capture. There is no meaningful time period of when that clock starts. The nontarget captures in terms of the Director's goal for consistency in regulations the nontarget reporting requirements only apply to furbearer and wolf trappers. Recreational predator and game trappers are not going to be required to report nontarget captures. It is her guess that these types of recreational trappers are the most common in the state. On public lands they will not be required to report any nontarget captures.

It does not make sense that you require a setback for the nongame predator and nongame wildlife traps. You require a setback now for those traps and then aren't going to require reporting of nontarget captures. One of the stated goals of increasing the mandatory reporting nontarget captures is to understand the numbers of nontarget animals that are being captured. You are missing an entire swath of trapping that is happening year round by people who are on public lands recreationally trapping predators and nongame wildlife. She urges the Commission to include the consistency of having this reporting for that kind of trapping as well. Thank you.

Region 4 Comments

Jim Buell, stated that he had two observations. In bullet point one it says change language. This is more than a language change. In the second paragraph it say to be consistent and better avoid conflict. The 50-foot setback will also apply to ground sets. The current setback is 30 feet from the center of the road. This bullet point is not only changing language but changing a present regulation. It is increasing the setback from 30 feet to 50 feet. If you want to be consistent, then change the wolf setback to 50 feet also. Make them all 50 feet. His second observation was on bullet point three. The third line down the sentence reads that any such animal that is uninjured must be released prior to the trapper leaving the trap site. If unable to safely remove the animal call FWP. There is territory out there were a cellphone does not work. If a trapper leaves that site to get to a spot that has service, he may be in violation of the regulation. Perhaps that sentence could read where possible if any such animal if uninjured must be released prior to the trapper leaving the site. Thank you.

Region 5 Comments

John Hughes, Rancher, Roundup, stated he sat on the first advisory committee 20 years ago. We were the originator of the setback. We worded the trail thing as maintained roads. Our intention was for a maintained road to be something that was maintained by the county or some other entity as in graded or improved. He hopes that helps. The distance for setbacks was pioneered 20 years ago and that was important. Bigger than it is now. It seems like the 30 feet got us to this point. The instance has dropped drastically. Personally, he does not see a difference between 30 and 50 feet. He thinks they need to go back to what Mr. Vore said earlier. As humans, we take something simple and make it very complicated. If it is not broken don't fix it. Thank you.

Commission Comments

Vice Chairman Stuker asked Mr. Vore that if by doing this at the last 10 days of the season, is there a possibility of going way over the quota more than we do now?

Mr. Vore stated that this question is a segway into something that he wanted to mention. The reporting time is different from the pelt check time. He does have the 2018 trapping regulations. He is looking under bobcat and it says that trappers are personally responsible for reporting their bobcat harvest in 24 hours by calling the statewide FWP reporting number. Those get reported. They would have 10 days until the close of the season to have the pelts examined and tagged. But the harvest has been reported within 24 hours.

Vice Chairman Stuker thanked Mr. Vore.

Chairman Colton stated that there was some discussion about the trails and the roads. He sees that there is a parenthetical that even on the closed roads is there still 150-foot setback for wolves? What is that?

Mr. Vore stated that the only difference would be the same language except for snares would not be mentioned in the wolf regulations because the snares are not currently legal for taking wolves. The setback, instead of being 50 feet would be 150 feet. The same exception for roads closed year-round would apply to wolves.

Chairman Colton stated that would be zero. No setbacks required.
Mr. Vore stated that would be correct.

Chairman Colton stated that sets could not be put on the road then.

Mr. Vore stated that for roads and trails in the trapping regulations says ground sets including snares, requires 50 foot set back from along the edges of open roads and hiking trails identified by administrative signs and numbers. The open roads part was the difficult part.

Chairman Colton asked where sets would be allowed on the closed roads.

Mr. Vore stated there would not be a requirement on closed roads.

Chairman Colton stated that a trap could be set in the middle of a closed road.

Mr. Vore stated yes.

Commission Aldrich's stated that it is important to get this out for public comment. We have the latitude to do that. This is something that there seems to be a lot of concern about. In doing this you assume that you can put all the pieces back together in couple of months and put in the improvements that people indicate.

Vice Chairman Stuker stated that on the road issue, he agrees with what was said about that is where the wolves run down. If this were to pass, is there a possibility to require signage that states by the person trapping in the area that there may be traps or snares on or near the roads and trails.

Mr. Vore stated that he believed so and that it might need to be a Commission action. He asked Chief Counsel if he was correct.

Becky Dockter, Chief Legal Counsel, stated that the authority for the Commission is to set forth hunting, trapping, and fishing rules for the Department. Management is usually a Department authority. She sees the sign placement on certain public lands is an issue that the Department would have to take up. There is some authority for the Commission to do some recreational rules for lands and waters which include a number of different matters. This could also include public health and safety. She would have to look specifically for the issue and see if it could fall under that authority. She will get back to the Commission on that.

Commissioner Aldrich stated that depending on whose land you are on would depend on who had the signage responsibility such as BLM or DNRC, or Forest Service lands.

Chairman Colton stated that he sees that, and he has anxieties about that. He understands what is being attempted and he supports trying to streamline it to provide opportunity. A packed track not only attracts wolves, it can also attract cross country skiers. They see a snowmobile trail, they will go there rather than busting through the snow. He doesn't want to be critical in any way but, he is really struggling to understand the language. He is worried that is has some dramatic inconsistencies and interpretations that could be challenging for everyone.

We don't have any understanding of how many miles of these roads or trails that are going to be impacted. We don't have any idea of the recreational use. He does not see any way of giving direction to either the recreationists or the trappers so that it is clear. We are in a tough spot. When we send this out, maybe some modification will come to the Department based on comment. It is a tricky task to be sitting here and rewriting regulations at a Commission table whether we are doing it now or in August. He is struggling with this.

Commissioner Aldrich agreed with Chairman Colton. Is this a correctable thing after public input? Is it a changeable thing and have the latitude to do a number of things? Sending this out knowing that we hear the concerns at this table as well as from others. Trying to remove it at this time without a motion from others to remove the setback portion of it would again put us in another scheduling problem of getting things tied together at the right time. This is a quandary that he is in as well. He doesn't have the answer, but it needs to come from some people at this table.

Mike Thompson, Region 2 Wildlife Manager, stated he just wanted to relate what helps him if it helps the Commission. What we have before us for open road and setback description that he heard the Commission outline was a very complicated thing to describe or modify. We have deliberated in involved conversations on how to quantify that and how to specify it or describe it. Then how would we disperse it to the public to be able to share the land out there. With regulation complications, it is an onerous task. What has given them comfort through his lens is that with quite a few years in wolf trapping experience with traps on the ground there is fear, uncertainty, and concern for all parties. What they have been prescribing in the past is working. People by chance, by assimilation, and getting used to things have found places to stay away from. What he thinks that they are talking about is a convergence for a change that could clarify what is currently working. He thinks that there is less risk here in a practical sense. People have learned where to stay away and trappers have learned to focus. What we have is codifying something that is working. There is virtually no change with the tweaking of the wording to clarify what is currently working. He thinks there is less risk here in a practical sense as far as sets on the ground. We have a lot of cross-country skiers in Region 2. We meet all the trappers in the wolf trapping situations and have been able to manage that. We don't take credit for it, but it has worked out. Someone once said that we should take comfort in something that is currently working. Our controversies are a lot quieter.

Chairman Colton asked regarding this, where have the trappers been setting the traps in relation to the closed roads?

Mr. Thompson advised that where there are closed roads, the traps will set on the road. It would depend on whether they have any recreational traffic. The trappers are tracking animals and are capable of detecting human activity. Trappers and people do not want to bump into each other. It's a matter of judgement. The law tells you what your minimum requirement is. This is what we talk about in FWP trapping communities. It is also what we talk about in wolf trapping education. There are things that the law allows but would be a fool to do. You have to use your head.

Chairman Colton stated that aren't we creating a new category and arguably an increase of new roads that fit the definition of closed? The codifying definition of this decision.

Mr. Thompson stated if he may reply, he would think the answer is no. it is the way we have been doing it all along. The wording is not clear in the regulations as to how it has always been done.

Chairman Colton stated that he does not know how create this definition without creating a whole new category of roads that could fall into a closed exception. It defies all common sense.

Vice Chairman Stuker Advised that he is not a lawyer, but he agrees with Chairman Colton.

Mr. Vore stated that previously it read open roads. Open roads was open to interpretation. This defines what an open road is. If it is closed year-round to a motor vehicle or OHV use (and a snow mobile is not identified as a motor vehicle as Commissioner Brower had commented on earlier), this would identify what a closed road is.

Chairman Colton stated that in the definition of creating open roads as being those with a designation by administrative sign or number. We don't have any understanding of the usage of roads and characterization that may not have a sign or a number.

Mr. Vore stated that he didn't know if he was muddying up the waters or not. The current rule has been in place also uses that same language of administrative signs or number.

Commissioner Byorth asked for clarification on the proposed language as any road or trail with an administrative number or sign requires a setback. There may be closed roads with or without a sign.

Mr. Vore stated no. That if it were closed year-round to motor vehicles that has an administrative sign or number then the setbacks do not apply. That is really how it is supposed to be now when we say open roads. We are trying to define what is a closed road.

Pat Byorth stated that a hiking trail closed to motor vehicles would not have a setback according to regulation.

Mr. Vore stated that a hiking trail is different by Forest Service standards or BLM. A hiking trail that is marked or numbered requires a setback. The exception is the roads closed year-round. That is the only exception. For example, if it is a hiking trail like the one on the Forest Service map, trail XYZ goes up to the lake, that is a hiking trail.

Commissioner Aldrich stated that the use of the words 'for instance' to be used as an example?

Mr. Vore stated yes.

Ms. Dockter stated that she was going to read what the regulations say. Regarding roads and trails, ground sets including snares require a 50-foot setback on the edge of opens road and hiking trails. They are separate and not included in the open or closed it just says hiking trails that are designated by administrative signs or numbers. It does still include the administrative signs and numbers in the current definition. The only thing that is changing is the open roads and the example. That is what is also in there.

Commissioner Aldrich stated he thinks the example could be further defined. He does not like wordsmithing. He doesn't like interpreting what other people wrote. He has written things and have been accountable for what he had written and what it meant to other people.

Vice Chairman Stuker stated that when we talk about the roads are closed to motor vehicles and he knows hiking in Boulder, there are roads there that are closed. They are not designated as hiking trails, but there are a lot of people hiking on them. That is where his concern comes is the safety for them. When he is out there, he doesn't hike that much but there are other people that do. If they see a clearing or an easy place to hike whether it is a road or designated trail, they will take it. That is where the concern comes in.

Director Williams asked if time was of the essence for this. Is there a reason for the proposal to go out now verses the next commission meeting?

Mr. Vore stated yes. This is because the regulations get printed after the August meeting.

Mr. Chairman stated he would like to wrap this up. Vice Chairman Stuker makes a great point. There are some closed roads in a lot of places where people go. They have become trails. They have narrowed down and grown over. Maybe some of them are open to snow mobiles. He doesn't know that the public knows. We are going to have one user group saying they didn't know it was a closed road and thought it was a trail requiring a setback. Likewise, the trappers are going to be in a jam and then to apologize for trapping someone's dog or five-year-old child. He understands what Mr. Thompson is saying. In practice for his region it has not been a problem. This is just a clarification that makes sense to those user groups. He doesn't know if it would make sense to the user groups in Region 5. Also, in specific portions of Region 5.
The best that we can hope for as a Commission is that there is comment brought forth that helps us define this particular part of the regulation proposals and that we are nimble enough in August to make the appropriate adjustments. We now need to vote or amend the motion.

Motion passes 5-0.

17. 2019 Lion Quotas, final

Background: *Lion management units (LMUs), often made up of more than one hunting district, listed in the table below have proposed changes from the 2018 mountain lion quotas in Region 5. All other quotas/subquotas not listed are proposed to be unchanged from 2018 levels.*
As stated in the 2019 Montana Mountain Lion Monitoring & Management Strategy, "FWP will conserve mountain lions as a functional and valued part of Montana's wildlife ecosystems" and "FWP will responsibly manage mountain lions as a public trust resource and consistent with state law." In their respective areas, the proposals address issues and concerns such as harvest opportunity; lion populations; predation, primarily on mule deer and bighorn sheep; livestock depredations; and human-lion encounters in subdivisions and campgrounds. More detailed information was offered in the justification for each proposal in the April commission packet.

Proposed Montana 2019 Mountain Lion Quota Changes

LMU	*Current Quota*	*Proposed Quota*
HD 560	*7 total with 3 female subquota*	*8 total with 4 female subquota*
HDs 530/590	*10 any legal lion*	*15 any legal lion*

Public Involvement Process & Results: *Area landowners, sportsmen and FWP wardens are supportive of these proposals. All proposals were vetted with the public in each area, and we have received no comments in opposition from landowners, sportsmen, outfitters, trappers or city officials. Public comment was taken through 5 p.m., May 21. We received 31 comments, which varied from full support to opposition of any lion hunting. All comments are included in the commission packet.*

Alternatives and Analysis: *Proposals may be adopted as proposed, with adjustment or no change from 2018 as per staff justifications, public comment and commission discussion.*

Agency Recommendation & Rationale: *FWP recommends approval of proposed quota adjustments with no changes in other LMUs. Rationale includes maintaining sustainable and connected mountain lion populations and management accommodating human tolerance, safety, prey populations and hunter opportunity.*

John Vore, Game Management Bureau Chief, Wildlife Division, stated there is no change to the proposal that was presented two months ago. The proposal is for hunting district 560 to go from the current total of seven total to a quota of three female sub quota to an eight quota with a four female sub quota. In hunting district 530 and 590 to go from a 10 any legal lion to a 15 any legal lion. This was out for public comment. Through May 21st. We received 31 comments which varied widely from full support to other speaking in support of full harvest and support of no lion hunting. All the comment are available for you to look over. Are there any questions?

Commission comment.

No Commission comment.

Motion: Commissioner Brower moved, and Vice Chairman Stuker seconded to approve the proposed 2019 lion quota/subquota changes as presented by FWP, and that all other aspects of the lion regulations and quotas previously approved by the commission are to remain unchanged.

Motion passes 5-0.

18. 2019 Fall Upland Game Bird Quotas and Limits, final

Background: *Upland game bird season dates for 2019 were approved in February 2018. Other than normal calendar date rotation, no changes to the 2018 adopted quotas and limits are proposed.*
Analysis of sage-grouse lek counts is not finished yet but talks with area biologists and others indicate numbers are down from last year. This would be the third year of declining numbers, but not unexpected. As has been mentioned to the commission during the past two years when discussing upland game bird seasons, sage-grouse populations naturally cycle up and down and we have been expecting a downturn. Our nearly 40 years of data show a cycle of six to 10 years. The most recent high count was in 2016, and the one previous to that was in 2006. Barring severe weather or disease, this cycling is natural and expected and unrelated to carefully regulated hunting.
An analysis of the effects of sage-grouse hunting on populations was given in the July 2016 justification for reopening the season in part of the state. That analysis showed that hunting had a very minimal impact on Montana's grouse. Among 1,370 radio-collared sage-grouse, mostly females, in Montana as part of seven different studies scattered across northcentral, central and southeast Montana only nine were taken by hunters. That is about one of every 150 adult birds, or 0.7%, of the fall population, and does not account for young-of-the-year birds added to the population since spring. This is well below the (Average??) anywhere from 11% to 25% sustainable harvest rates found in the literature.
In addition to the natural cycle, this year's count was likely influenced by the drought of last summer and fall followed by a long and snowy winter. However, conditions so far this spring, with good soil moisture for insect and forb production during hatching and early brood rearing, should be good for early sage-grouse chick survival.

Public Involvement Process & Results: *If approved, public comment will be taken at this meeting.*

Alternatives and Analysis: *This proposal is based upon field observations and regional input and is consistent with statewide upland game bird management.*

Agency Recommendation & Rationale: *FWP recommends adopting the 2019 upland game bird bag and possession limits as unchanged from 2018.*

John Vore, Game Management Bureau Chief, Wildlife Division, stated he had some things to pass out to the Commission concerning sage grouse and lek counts. The information shows the lek counts but we are still missing information from a few of those. We are below the long-term annual average but still above the 45 percent below average that is the cutoff point at which if we were below that for three consecutive years, then it would be time for the Commission to take action to end sage grouse season.

As of this year the current information shows that we are above that. We do not see the necessity for closing sage grouse season. If that was being entertained by anybody. It seems that it is a low point for sure and in the cover sheet it mentions the information shared with the Commission in 2016 as far as sage grouse populations. Sage grouse populations cycle naturally and varies every six to 10 years. Looking at your graph we do have highs and lows. The current low that we are in right now is not as low as numbers we have had in the past. It is in the natural range of variation. We also think that hunting has minimal or even measure the impact on sage grouse populations from hunting. He recited the 2016 information from the cover sheet that of the 1,073 birds which were radio collared over the course of the last couple of decades in at least seven different research projects that we have done in various places. Only nine of those were harvested by hunters. The information that we have available to us shows that hunting has minimal impact on the sage grouse populations. He just wanted to bring you up to date on the sage grouse. This sometimes is something that people are concerned about. Other than that, we are proposing no changes to the 2018 Upland Bird Season type and calendar rotation.

Chairman Colton stated that there are no changes. Is there a motion?

Motion: Commissioner Aldrich moved and, Commissioner Brower seconded that the Fish & Wildlife Commission approve the proposed 2019 upland game bird bag and possession limits as proposed by FWP and that all other elements except for regular calendar rotation remain unchanged from 2018.

Motion passes 5-0.

19. Close HD 283 to the Regional 002-00 Elk B License, final

Background: *Season structure for elk is normally adopted biennially between proposals in December of odd-numbered years and final adoptions the following February. Occasionally, situations arise prompting season structure changes outside of this cycle, and sometimes, as in this case, even after the regulations have been printed.*

FWP proposes to close HD 283 to use of the regional antlerless elk over-the-counter 002-00 B license. This is to address a large decrease in the number of observed elk in the North Hills/Evaro herd unit. The population objective is 300 with a range of 240 -

360 and the latest flights found 146. The objective is to reduce harvest of antlerless elk and bring the population back within objective. We are concerned that harvest with the current B license structure would drive this small population sharply downward and diminish its value to Missoula residents. FWP would conduct a large public awareness outreach to let hunters know of the change.

Public Involvement Process & Results: *This proposal was vetted with Hellgate Hunters & Anglers and individually with several sportsmen who were supportive. It was presented to the North Hills Elk Working Group on May 29, 2019. Spring survey and proposal information has been shared with all North Hills landowners.*

Alternatives and Analysis: *No alternatives were considered.*

Agency Recommendation & Rationale: *FWP recommends that the commission close HD 283 to use of the regional antlerless elk over-the-counter 002-00 B license.*

John Vore, Game Management Bureau Chief, Wildlife Division, stated FWP proposes to close HD 283 to use of the regional antlerless elk over-the-counter 002-00 B license. This is an exception to our usual course of business. We usually adopt season types and season structures biannually proposed in December and then the following February. There are occasions that do arise as this one where we need to make some kind of change outside of that cycle.

You may be aware that hunting district 283 and portions of it north of Missoula the recent counts of elk were way down. There was an article in the Missoulian about that. Our biologist there actually flew over the area twice. She wanted to make sure that she was seeing what she was seeing. This proposal is to address a large decrease of the number of elk in the North Hills Evro herd unit. The population objective was 300 with a range of 240-360. The last flight found a 146. This would eliminate hunting district 203 from being open to the regional elk B license. This has been vetted with the Hellgate Hunters and Anglers, landowners, and various others who are in support of it.

Motion: Commissioner Aldrich moved, and Commissioner Brower seconded that the commission close HD 283 to use of the regional antlerless elk over-the-counter 002-00 B license as proposed by FWP, and that all other aspects of the 2019 deer, elk and antelope regulations remain unchanged except if dealt with in another proposal.

Commission comment.

Commissioner Aldrich mentioned that this bunch of elk has been watched closely over the last few years. They have moved around a bit. Some of them have moved across highway 93 and Mill Creek as well as other places like that. Liz Bradley has done a great job as far as he is concerned. Taking two flights to check on the elk is easily defined in count. The elk weren't there.

Motion passes 5-0.

20. 2019 Sheep quotas outside of the biennial quota ranges, final

Background: *The commission previously adopted quota ranges for moose, bighorn sheep and mountain goat for each hunting district within which FWP can make changes that do not need commission approval, but changes outside the adopted ranges do need commission approval. FWP is proposing one such change for sheep and none for moose and goats. Detailed information on the proposal is found in the proposal justification in the commission packet.*

- *FWP proposes to reduce the number of bighorn either-sex licenses in HD 441 from 3 to 1 and change the biennial quota range from 2 – 7 to 1 – 7. Beginning in the summer of 2010, losses to disease in conjunction with loss due to predation, weather and accidents began to occur in adjacent populations to the south. Information strongly indicates disease related mortality has occurred in the southern half of HD 441. Very few if any sheep have been observed during surveys or incidentally in the southern half of the district in the past two years. Sheep observed during a complete fall 2018 survey found 51% of long-term average. The most recent fall surveys in 2013 and 2015 were 58% of long-term average. This spring, a winter range survey was conducted for the first time, partly in response to low observed numbers in the traditional fall survey, and 60 sheep were observed. Based on observations and hunter reports however, overall numbers of rams appear to be struggling. Only one ram was harvested in each of the last two seasons.*

Public Involvement Process & Results: *This proposal was discussed with area game wardens who both support it. A limited number of sportsmen have been contacted who have either supported it or remained neutral.*

Alternatives and Analysis: *No alternatives were considered.*

Agency Recommendation & Rationale: *FWP recommends that the commission adopt the proposed changes to the 441-20 bighorn sheep either-sex licenses.*
John Vore, Game Management Bureau Chief, Wildlife Division, stated the Commission adopts biannual quota range within which Fish, Wildlife and Parks can make changes without Commission approval. However, anything outside the adopted ranges does need Commission approval.

FWP proposes to reduce the number of bighorn either-sex licenses in HD 441 from 3 to 1 and change the biennial quota range from 2 –7 to 1 –7. This is because the number of sheep that has been observed in there has gone down for some years there. The biologist there has suggested that we change this. In recent years there had been less success with the current three licenses that are awarded. There is concern that people have waited years and years to draw one of these licenses. If one of these were drawn, the person, would not have an opportunity to harvest one. We want to make sure that people that do want to draw at least have decent opportunity to get one. This was vetted through all the area people and wardens. They were in support of it.

Motion: Commissioner Brower moved, and Vice Chairman Stuker seconded that the Commission adopt the changes to the 441-20 bighorn sheep either-sex licenses as proposed by FWP, and that all other aspects of the 2018 moose, sheep and goat regulations remain unchanged except for regular calendar rotation.

Chairman Colton stated that when we do the sheep licensing, outside the range. This is a final and we never really put out a tentative. We have a standing fall back that comment ends that day of the Commission meeting or something like that. If there is anyone here that wants to comment on this adjustment, he thinks that would be appropriate.

Public comment.

No public comment.

Motion passes 5-0.

21. 2019 Deer/Elk/Antelope quotas outside the biennial quota ranges, final

Background: *The commission previously adopted quota ranges for deer, elk and antelope for each hunting district within which FWP can make changes that do not need Commission approval, but changes outside the adopted ranges do need commission approval. FWP is proposing one such change for elk and two for antelope as described below and none for deer. Detailed information on the proposals is found in the proposal justification in the commission packet.*

- *Reduce elk 283-02 antlerless B licenses from 5 to 1 and change the biennial quota range from 5 – 150 to 1 – 150. This addresses a large decrease in observed elk in the North Hills/Evaro herd unit and is proposed along with a separate companion proposal to eliminate HD 283 from antlerless harvest using the regional 002-00 B license. The population objective is 300 with a range of 240 - 360 observed elk. The latest flight found 146.*
- *Reduce second opportunity antelope 360-30 doe/fawn B licenses from 150 to 25. There is no adopted biennial range for these types of B licenses, hence the need for commission approval. Objectives are to reduce doe/fawn pronghorn harvest to stabilize or increase the herd. 1993 through 2019 data suggest that counts between 1,500 and 1,750 strike a hunter opportunity vs. game damage balance. The two most recent counts were the lowest counts since 2003 with the 2019 being 1,540.*
- *Reduce antelope 512-20 either-sex licenses from 75 to 50 and change the biennial quota range from 75-200 to 50-200. The primary objective is to reduce hunting mortality to allow the population to increase back towards objective level of 500-600 total. The long-term average is 390 antelope and the 2018 count were 264.*

Public Involvement Process & Results: *The elk proposal was vetted with Hellgate Hunters & Anglers and individually with several sportsmen who were supportive. It was presented to the North Hills Elk Working Group on May 29, 2019. Spring survey and proposal information has been shared with all North Hills landowners.*
The antelope 360-30 proposal was vetted with two landowners and the flight report discussing the need to reduce B licenses was emailed to more than 150 landowners, sportsmen, and interested parties.
The antelope 512-20 proposal was vetted with Local FWP enforcement personnel support it. No landowners or sportsmen's groups have been consulted and no comments have been received in support or opposition to this proposal.

Alternatives and Analysis: *No alternatives were considered.*

Agency Recommendation & Rationale: *FWP recommends that the commission adopt the proposed changes to the 283-02 antlerless elk B licenses and 360-30 antelope doe/fawn B licenses.*

John Vore, Game Management Bureau Chief, Wildlife Division, stated there are three proposed changes. The first is to Reduce elk 283-02 antlerless B licenses from 5 to 1 and change the biennial quota range from 5-150 to 1-150. This is to address the large decrease in elk that we have observed in hunting district 283 that we spoke about earlier. This is being proposed to eliminate HD

283 from antlerless harvest using the regional 002-00 B license. The population objective is 300 with a range of 240 - 360 observed elk. The latest flight found 146. Again, this is a companion proposal to the item we addressed earlier.

Reduce second opportunity antelope 360-30 doe/fawn B licenses from 150 to 25. There is no adopted biennial range for these types of B licenses, hence the need for commission approval. If you draw an antelope license or either sex license, in some hunting districts we may be able to offer an opportunity for a second one. The counts have been down for a while. The counts between 1993 and 2019 seem to be to reduce doe/fawn pronghorn harvest to stabilize or increase the herd. 1993 through 2019 data suggest that counts between 1,500 and 1,750 strike a hunter opportunity verses game damage balance. The two most recent counts were the lowest counts since 2003 with the 2019 being 1,540.

The last one here is to reduce antelope 512-20 either-sex licenses from 75 to 50 and change the biennial quota range from 75-200 to 50-200. The primary objective is to reduce hunting mortality to allow the population to increase back towards objective level of 500-600 total. The long-term average is 390 antelope and the 2018 count were 264. This is to try to get the population to come back a little stronger.

As he mentioned with the previous elk proposal hunting district 283, this has also been vetted through the Montana Back Country Hunters and Anglers and other people that were in support of it.

Commissioner Brower stated that he did not see hunting district 512 on the cover sheet as it is included in the motion.

Mr. Vore stated that the cover sheet has three bullet points to it. The third bullet point was to reduce 512-20.

Commissioner Brower advised that he did not see it on his copy.

Commissioner Brower advised that there is supporting information included that addresses it.

Motion: Commissioner Aldrich moved and Vice Chairman Stuker seconded that the Commission reduce the number of elk 283-02 antlerless B licenses from 5 to 1 and change the biennial quota range from 5-150 to 1-150, reduce the 360-30 antelope doe/fawn B licenses from 150 to 25, as proposed by FWP, and that all other aspects of the 2019 deer, elk and antelope regulations remain unchanged except if dealt with in another proposal.

Commissioner Aldrich wondered if these should be three separate motions and the one is missing.

Chairman Colton thought so.

Commissioner Aldrich and Vice Chairman Stuker withdrew the motion.

Amended Motion: Commissioner Brower moved and Commissioner Aldrich seconded that the Commission reduce the number of elk 283-02 antlerless B licenses from 5 to 1 and change the biennial quota range from 5-150 to 1-150, reduce the 360-30 antelope doe/fawn B licenses from 150 to 25, and reduce antelope 512-20 either-sex licenses from 75 to 50 and change the biennial quota range from 75-200 to 50-200 as proposed by FWP, and that all other aspects of the 2019 deer, elk and antelope regulations remain unchanged except if dealt with in another proposal.

Commission Comment.

Vice Chairman Stuker wanted to address the third bullet item. He doesn't know if that was a justification and how available that was to the public as this is a final. It was probably correct when we approved it a couple of months ago or is this the first time we are seeing this? This is the first time, as Chairman Colton mention earlier that he thought this should go out for public comment here. So, legally since it was not included before are we okay?

Becky Dockter, Chief Legal Counsel, stated on the agenda which indicates to the public what they should show up to and comment on. It did not specifically line out those regulations. It gives out a broad agenda item. In addition, it was a proposal that was presumably done correctly last time. Although that is something that should be checked on. Even if that is the case, it can be cured by public comment here today. Your comment about doing public comment here today would be the best-case scenario.

Vice Chairman Stuker concurred with the proposals.

Public comment.

Chairman Colton stated that this is one of our more unique situations where we are operating on our quotas that have long been approved. Then when we move out there we base it on counts. He wanted to commend the Department. As you know when they

make changes they reach out to the interested landowners and different sporting groups. Seeing no other public comment in the regions, we will vote.

Motion passes 5-0.

22. 2019 HB 454-43 Access Agreements– Informational

Background: *Under the provisions of 87-2-513 MCA, FWP received the authority to issue either-sex or antlerless elk permits to landowners for management purposes. House Bill 43 in the 2019 Legislature changed the statute so that these agreements no longer require commission approval, which was a previous requirement, and that landowners may get a free elk license in addition to their permit if they choose. The permit is only valid on their property. If they choose a free license, it also is only valid on their property, but an elk license purchased separately is not subject to that restriction. Additionally, HB 43 specified that the public hunters granted access for hunting be selected from successful applicants for those permits. In the past, FWP issued permits to unsuccessful applicants. The access opportunity will be offered to randomly selected permit holders. Under the new procedure, FWP will draft agreements and put them out for public comment. After the public comment period, FWP will make recommendations to the FWP director for final decision.*

Under these contractual agreements, the landowner must offer free public elk hunting, meet the various conditions of the statute, and enter a public elk hunting access agreement with FWP. The contract defines the areas open to public elk hunting, the number of elk hunting days that will be allowed on the property, and other factors that FWP and the landowner consider necessary for the proper management of elk on the landowner's property.

There are two agreements being considered for 2019: The John Swanz Ranch and the Robert Lee Ranch. Both agreements specify one 411-20 either-sex permit for the respective owner or a family member or an authorized full-time employee. Landowner permits are valid only on their enrolled properties. The Swanz agreement was first used in 2002 and the Lee agreement in 2015. Each has been reapplied annually since those dates based upon continued positive post-hunt evaluations.

In turn, for each of the properties, FWP will notify four public 411-20 permit holders of the access opportunity. Public hunters are offered the opportunity to hunt on the enrolled property but may also hunt anywhere else the permit is valid. If any of the public hunters declines the opportunity it will be offered to the next randomly selected permit holder.

Public Involvement Process & Results: *Both agreements have received public review in previous years. To date, these reviews have generated relatively few public comments. Additionally, the post-hunt evaluations have sought feedback from all identified hunters and the landowner. These evaluations confirm that agreement terms and reasonable expectations are generally being met. This meeting opens the FWP public comment period for these agreements, and comment will be taken until 5 p.m. on July 14, 2019.*

John Vore, Game Management Bureau Chief, Wildlife Division, stated that under the provisions of 87-2-513 MCA, FWP received the authority to issue to issue either-sex or antlerless elk permits to landowners for management purposes. House Bill 43 in the 2019 Legislature changed the statute so that these agreements no longer require commission approval, which was a previous requirement, and that landowners may get a free elk license in addition to their permit if they choose. Although this is informational only, this will start to go out for comment from the Department today. This is to let the Commission know that this is now the process that we are now using per statute.

There are two agreements being considered for 2019: The John Swanz Ranch and the Robert Lee Ranch. These are long standing agreements that we have had for a number of years which is proposed again for the upcoming year. This meeting opens the FWP comment period for agreements and comment will be taken until 5:00 p.m. July 14, 2019. This is just information to let the Commission and the public know of the statute change that no longer needs Commission approval for these types of agreements.

Chairman Colton asked to remind how we would identify the public 411-425 permit holders. Is that a separate selection?

Mr. Vore advised that was something that he overlooked. Previously we sent information to those who were unsuccessful in drawing the permit. The Legislature changed that to be sending randomly selected invitations to persons that have the permits. If that person chose to hunt, then they can get the permission to do that. If they were to decline the permit, it would go to the next randomly selected person.

Chairman Colton stated they need to harvest that animal on that particular land. Can they use it elsewhere or just on that private land?

Mr. Vore stated that in this case because they have the permit for the hunting district that the four public hunters can hunt anywhere. They are also given an opportunity to hunt there. The landowners that also receive the permits are restricted to hunt on their own enrolled property.

Vice Chairman Stuker stated that there was a change before that. If someone was unsuccessful in the drawing and now it is someone who is successful who gets additional land to hunt on. Is this correct?

Mr. Vore stated that is correct. Legislature changed that.

Vice Chairman Stuker stated the other question that he has is why the Department went in and lobbied to have authority taken away from the Commission to approve the 454s.

Mr. Vore stated he did not know. He is not sure who did that.

Vice Chairman Stuker stated someone had to go in and lobby to get that changed. Mr. McDonald just raised his hand.

Ken McDonald, Wildlife Division Administrator, stated that was the recommended bill that came out of PLPW. The sponsor took it to Legislative services. We did not realize it until after the bill passed.

Vice Chairman Stuker asked if Mr. McDonald realized that he sits on the PLPW council? That portion did not come from the council. The rest of the language did. Taking the authority away from the Commission did not in any shape or form come from the PLPW. He is not sure who it came from, but it did not come from them.

Director Williams stated that it came from Representative Loge who carried it.

Vice Chairman Stuker stated that he knew that Representative Loge carried it. He will visit with him about this. This was never discussed in the PLPW that is why he wondered if it came from any lobbying of the Department.

Mr. McDonald advised that maybe it was because Representative Loge gives it to the bill drafters and then somehow got drafted in as a word tweaking thing that no one recognized as changing the intent. It was not a Department led effort.

Vice Chairman Stuker thanked him for the information and will find out what happened.

Commissioner Aldrich stated that he thought that (….?) everything that was part of that committee.

Vice Chairman Stuker stated that he is part of that committee and that was never part of what they talked about for the bill. It was thoroughly discussed, vetted, and approved by the PLPW. That portion was never brought up once within that committee.

Director Williams stated if she recalls correctly there were certain portions of the bill that were the direct result of the PLPW recommendations. After the conclusion of the PLPW, before the session, Representative Loge. What we can do for follow-up is see what our testimony said. She will forward that to you. We did not lobby for this.

Vice Chairman Stuker stated if you say you did not then he believes it. He does want to know how it happened. He may not be on the Commission that much longer but as long as he is here he will try to defend the rights of the Commission and their duties. If something erodes that, he will question it and try to find out why.

Chairman Colton stated that he appreciates it and that is valid. He has anxieties and knows that Director Williams will do a good job with this and negotiating the agreements. But it seems that this is well suited for the Commissioners, but we are all in different spots. Director Williams is here in Helena and it puts the burden back on the regions to identify the opportunities. In the past, they worked on getting some traction and an outline of an agreement. He has been part of these for some time. It also brings up another point. Can you share with the Commission the reason behind switching from the unsuccessful to directing it to those who have drawn the permit?

Vice Chairman Stuker stated the concern by some of the individuals out there, there was the biologists came up with a number of permits or licenses for a certain area and by increasing the number of the 454s, if they should be a 120 taken out there and maybe we never have. The possibility is there for another 10 tags. That is another 50 animals that are taken on top. He remembers Director Hagener about four years ago said that we should try to look at not penalizing the individuals that get in the draw and change it so they were successful and they have this additional land they can hunt on and not change the quota numbers.

Was there any more information about the four that get the permits and how successfully they were utilizing it? He always liked that portion of it as it increased the opportunity. He understands that and was nervous about the quotas. He talked to the biologists and we are not to anxious about that as in most cases they have the agreements. We have plenty of elk in these places. We put into place these limited rifle bull tags because it is a trophy area.

Vice Chairman Stuker stated that the Elkhorns had been brought up may times about how that would affect things if two or three land owners wanted to come in and have another act that the Commission does not have the authority for if we deemed it was going to interfere. The Director will now have that responsibility.

23. Nongame Check-off Workplan – proposed

Background: *Under the provisions of 87-5-122, MCA, "the FWP Commission shall review and annually approve the nongame wildlife program's projects recommended by the Department for funding from the nongame wildlife account. The commission shall provide for public comment during the review and approval process." While final 2018 tax year donations are unknown at this time, the average received by FWP from the 2004-2017 tax years was $30,000-$40,000/year. FWP is proposing some combination of the following work in FY20 dependent on the final allocation:*

$10,000	*Non-federal match for State Wildlife Grants to support the statewide avian conservation coordinator.*
$5,000	*Inventory, monitoring, and conservation work on Montana Species of Concern and species in need of inventory as determined through a formal ranking process.*
$10,000	*Match to federal dollars for disease control of sylvatic plague in the interest of prairie dog and black-footed ferret conservation.*
$5,000	*Match to federal dollars for incentivizing private land conservation projects.*
$5,000	*Wildlife viewing and outreach projects that encourage more Montanans to appreciate Montana wildlife.*
$5,000	*Competitive graduate student stipend for nongame research.*

Public Involvement & Results: *Public comment will be solicited upon tentative commission approval.*

Alternatives and Analysis: *The recommended work addresses several components of FWP's overall nongame management program (including threatened and endangered species management), as identified in the State Wildlife Action Plan. Tax check-off funding is used as non-federal match for federal State Wildlife Grants and other federal grant awards to address high-priority habitat, survey and inventory, and species conservation needs. Alternatives could include allocating more or less among these categories or identifying new categories.*

Agency Recommendation & Rationale: *FWP recommends the commission endorse the proposed work for funding with nongame tax check-off funds.*

Lauri Hanauska-Brown, Nongame Wildlife Manager, stated she manages all the species that you cannot hunt in Montana. There are a lot of species. Before you is the budget for the Nongame Check-Off Workplan. The funds come from taxpayers that come from the annual state tax filing. This is a relatively small pit of money to bother you with. The state statute requires the Commission to approve the expenditures.

The nongame program is pretty diverse in its work. There is species monitoring and habitat management. We do research as well. A small portion of all this is supported by the money that you see on your cover sheet. Typically, it is about 40,000 to 50,000 dollars annually. For those of you who are new, she brought a report that they put together in 2018 that shows program achievements from 2017 and 2016. The work items proposed are for 2020 fiscal year.

It includes contributions to maintain our statewide bird conservation coordinator. This is a position that has oversight of statewide bird management, monitoring research, and Allison Begley who provides a lot of coordination with organizations and entities that work on bird conservation. The other funding for this position comes from the State Wildlife Fund. As many of you know is a federal funding source. It does require a nonfederal match, so we use these funds from the nongame check off to do that.

The next item listed is a contribution to the work already mentioned. It is generally inventory monitoring and conservation work for species of concern which are usually nongame species. Again, that money is generally used to match federal funds. We are leveraging the nongame check off funds as match.

The next two items are relatively new and has been used to for prairie dog conservation previously. The idea behind the $15,000 is assist with symbiotic plague that kills the prairie dog populations and as an incentive for landowners to keep them on their

properties. This is a small part of a much bigger discussion going on across the range of the black footed ferret. That is the idea of incentivizing landowners to maintain their prairie dogs to prepare for reintroducing black footed ferrets down the road.

This is a new program as black footed ferrets have been Black footed ferrets have been recovered and reintroduced on either federal or tribal lands. The recovery goals for the species have not been met. The idea is to spread this work across private lands in the western states. It really requires very little from private landowners and simply let them maintain their operation of cattle grazing. This would let the prairie dogs be and let them feed some ferrets.

The next item has been approved for the past three years for $5,000 to improve wildlife viewing and outreach. That money in the past had been used to build wildlife viewing platforms and secure public access site in Region 1. That was just finished this past year. That was built to provide access to the sandhill cranes during the migration period and really good viewing opportunity for folks in Kalispell.

Finally, the competitive student stipend used to support research for nongame species management and conservation. This is really to encourage more nongame research by the universities in Montana. It has also in the past gone to support habitat projects or research studies as well as songbird grazing projects and other things. We recommend that the Commission approve the proposed work to be funded by the checkoff fund as listed on the cover sheet for fiscal year 2020.

Motion: Commissioner Byorth moved, and Vice Chairman Stuker seconded that the Commission tentatively approve the proposed Nongame Tax Check-Off Workplan for Fiscal Year 2020.

Commission comment.

No Commission comment.

Public comment.

No Public Comment.

Motion passes 5-0.

24. The Nature Conservancy Biennial Rule Regulating Use on The Nature Conservancy Recreation Management Area Lands R2, final

Background: *This proposal would extend for two years The Nature Conservancy (TNC) Recreation Management Area (RMA) biennial rule previously established by the Fish and Wildlife Commission in August 2015 (and renewed 2017). During the winter of 2014-15, FWP met with TNC's Montana office to discuss ideas for a possible land recreation management plan for TNC's 163,883 acres in Missoula and Powell counties, including TNC's Clearwater-Blackfoot Project acquisition of 117,152 acres purchased from Plum Creek Timber Company in January 2015. The proposed renewal of this biennial rule would provide continued year-round recreational access for free public use to TNC's land in FWP's Region 2.*

Public Involvement Process & Results: *The Fish & Wildlife Commission endorsed the tentative RMA biennial-rule renewal for public comment at its February 13, 2019, meeting. The proposed biennial rule and a cover letter outlining the review process were posted on FWP's website for 30 days, from April 11 through May 10, 2019, and Region 2 issued a statewide news release. Comments could be made directly on the proposal's webpage or submitted to R2 via mail or email. FWP sent 52 emails of its availability to interested individuals, groups, and agencies, and mailed two printed copies. FWP received five comments during the public comment period. The commenters included five people (two commented together and were counted as one comment) and one group, the Anaconda Sportsman's Club (ASC). Commenters included three from Seeley Lake, and one each from Anaconda, Bozeman, and Missoula. Four comments (including ASC) supported the biennial rule renewal, and one comment (Seeley Lake) did not indicate specific support or opposition.*

Alternatives and Analysis: *Renewing this RMA biennial rule would allow FWP to continue to help manage public access on these private lands, enabling TNC to keep these lands open for public recreation while reducing resource damage, preventing vehicular damage to soils and vegetation, and avoiding excess disturbance to native wildlife (including threatened and endangered species and Montana species of concern). Without these rules, TNC may close its lands to public access.*

Agency Recommendation & Rationale: *FWP recommends the commission approve this proposed rule. The rule would allow FWP to work in partnership with TNC to provide a significant amount of managed public recreation access to high-quality private lands in west-central Montana.*

Ken McDonald, Wildlife Division Administrator, stated the proposal would extend for two years The Nature Conservancy (TNC) Recreation Management Area (RMA) biennial rule previously established by the Fish and Wildlife Commission in August 2015 (and renewed 2017). During the winter of 2014-15, FWP met with TNC's Montana office to discuss ideas for a possible land recreation management plan for TNC's 163,883 acres in Missoula and Powell counties, including TNC's Clearwater-Blackfoot Project acquisition of 117,152 acres purchased from Plum Creek Timber Company in January 2015. The proposed renewal of this biennial rule would provide continued year-round recreational access for free public use to TNC's land in FWP's Region 2.

What this rule does is help FWP manage access and enforce rules on the nature conservancy lands throughout the year. Without the rules, enforcement and enforcement of the rules could close the conservancy lands. This went out for a public comment period and the Commission endorsed it. After the 30-day comment period we received five comments. Four of the comments were in favor of it and one did not take a position. There were some comment advocating we don't allow roads to be closed on the subject property that was made clear in the decision notice. That was not the point of the agreement and is outside of the authority of fish rule and the Department. It is up to the landowner. We appreciate the Nature Conservancy keeping their lands open to hunting and other year-round recreational access. It is a nice service for the people of Montana. We ask that you continue to support this. Thank you.

Motion: Commissioner Aldrich moved, and Vice Chairman Stuker seconded that the Fish & Wildlife Commission approve the renewal of the Recreation Management Area Biennial Rule for The Nature Conservancy's lands in Missoula and Powell counties in FWP's Region 2.

Commission comment.

Commissioner Aldrich stated this was another great project and partner that serves the pleasures of a whole lot of people in our state.

Motion passes 5-0.

25. Biennial Rule Regulating Use on Stimson Lumber Company Recreation Management Area, proposed

Background: *This proposal would establish through Montana Fish & Wildlife Commission Rule a Recreation Management Area comprised of 100,801 acres of Stimson Lumber Company lands in Lincoln and Sanders counties. The Recreation Management Area rules would provide for managed public access throughout the year. Stimson Lumber Company lands in FWP Region 1 are currently enrolled in the Block Management Program, which provides free public access during the fall big game hunting seasons. The Recreation Management Biennial Rule would provide free year-round recreational access for public use. Biennial rules for public recreation need to be adopted to prevent vehicular damage to soils and vegetation, and to avoid excessive disturbance to native wildlife including threatened and endangered species.*

Public Involvement Process & Results: *Public notice of the rules and a public comment period will begin if the commission approves the proposed rules.*

Alternatives and Analysis: *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, Stimson Lumber Company could limit public use on these lands.*

Agency Recommendation & Rationale: *FWP recommends the commission propose the rule for public comment.*

Ken McDonald, Wildlife Division Administrator, stated this is another similar proposal like the one before. If approved would go out for public comment. The proposed rule would establish a recreation management to manage public access on about 100,000-acres of Stimson Lumber Company land in Sanders and Lincoln counties. The rules would allow for free year-round public recreation management throughout the year. In your packets there is an explanation of what the rules are.

This rule would then allow the Department to enforce and help manage the access of the Stimson Lumber Company lands. With your approval we will take this out for public comment and would come back to you for final approval.

Motion: Vice Chairman Stuker moved, and Commissioner Brower seconded that the Fish & Wildlife Commission propose biennial rules regarding public use within the Stimson Lumber Company Recreation Management Area lands.

Commission comment.

Commissioner Aldrich stated this is another great partner and another great opportunity. We need to capitalize on these things.

Chairman Colton wanted to know if there was anyone that wanted to comment on this project?

Public comment.

Nick Gevock, Conservation Director, Montana Wildlife Federation, stated that this is another good project and appreciative of landowners who open their land. Stimson has been a wonderful partner for all kinds of conservation projects. We stand in support of this. Thank you.

No further public comment.

Vice Chairman Stuker stated that he agrees with Mr. Gevock. It is partners like this that will generate additional opportunities with other individuals.

Motion passes 5-0.

26. Partial Assignment of Conservation Easement on Gravely Ranch R2, final

***Background**: Five Valleys Land Trust (FVLT), the Department of Justice Natural Resource Damage Program (NRDP), and the Graveley family are working to place a conservation easement (CE) on 5,167 acres of Graveley Ranch land in the foothills of the Garnet Mountains near Garrison in Powell County (see separate Figure). The Graveleys have agreed to grant the CE to FVLT and would then use the funds from the sale of the Graveley Ranch CE to purchase an adjacent 3,110-acre property (Warm Springs Creek) on which they would also grant a CE to FVLT. The two CEs would result in an overall conservation footprint of 8,277 acres and would include public hunting access in perpetuity. FVLT proposes to assign management of the public hunting-access component of the CEs to FWP in perpetuity; FWP would be responsible for managing that access and verifying that the landowner offers opportunity for at least 400 hunter-days annually, shared between the two CEs. Funding for the Graveley Ranch CE would come from NRDP and FVLT. No FWP funds would be involved; therefore, the proposed action is for FWP to accept management of the right of public hunting access on the Graveley Ranch CE in perpetuity.*

***Public Involvement Process & Results**: A draft environmental assessment (EA) was available for a 30-day comment period and posted on FWP's website; a statewide news release was distributed; and legal notices were published twice each in five local, regional, and statewide newspapers. FWP mailed copies (and/or emailed notices) of the EA to all adjacent landowners and other interested individuals, groups, and agencies. FWP held a public hearing in Drummond that 11 members of the public attended. FWP received input from a total of 13 commenters (including emailed and public hearing comments), representing nine people, three groups (Anaconda Sportsman's Club, Montana Chapter of Backcountry Hunters & Anglers, Montana Wildlife Federation), and one company (Teck American). Summarizing all comments: 10 (including the three groups) support the public hunting-access proposal, one adjacent landowner opposes it, and two did not specify support or opposition (one had access questions, and the company had questions about potential impacts to roads, other landowners, etc.).*

Alternatives and Analysis:
No-Action Alternative: FWP would not accept assignment of the public hunting-access rights from FVLT's proposed CE on the Graveley Ranch. This would be expected to result in a failed CE project—the CE would not be purchased or finalized due to lack of a public hunting-access component desired by NRDP, an essential funding partner. In that event, the opportunity to secure perpetual public hunting access could be lost.

***Agency Recommendation & Rationale**: FWP recommends accepting assignment from FVLT of the public hunting-access portion of the Graveley Ranch CE. The project would secure public hunting access to private lands in perpetuity and is largely supported in the local area and by area sportsperson groups.*

Ken McDonald, Wildlife Division Administrator, stated he wanted to point out that this agenda item and the next agenda item are closely linked. It is basically one project when it was endorsed and went out for public comment. We are bringing the final in as two separate projects. Everything except for the acreage will apply to the next one as well, which is Warm Springs.

The first part of this project which is the Graveley Ranch partial assignment conservation easement. This involves a purchase of a conservation easement on the 5,167-acre Graveley Ranch near Garrison in Powell County. The actual conservation easement will be purchased by Five Valleys Land Trust using funding by the Natural Resource Damage Program plus some input from Five Valleys Land Trust. The NRD money was for restoration and protection of the upper Clark Fork as a result of a settlement from ARCO for historic damages.

The second part of the project which is the next agenda item is for Five Valleys to secure an easement on the 3,110-acre Warm Springs Ranch using funding from NDR plus involvement from Five Valleys Land Trust and the Conservation Fund. The Graveley's will sell a conservation easement on their ranch. They will take the proceeds to purchase the Warm Springs Ranch and put a conservation easement on that. This is a total footprint of 8,277 acres with the easement being held by Five Valleys Land

Trust. A component of both of the easements is a requirement for public hunting access in perpetuity. This is where the Department comes in. The Five Valleys Land Trust will hold the easement as proposed to assign management of the public access component of that to FWP. If approved FWP would be responsible for managing that access and verification that the landowner offers the opportunity for at least 400 hunter days between the properties. FWP is also obligated to implement, review, and update a public access plan of the properties at least every five years. Initially it will be an annual review and update. There is no cost to FWP for the access easement. The intent is for FWP to manage this through block management. There will be administrative costs that will manageable and minimal.

The project proposals went out for public comment. There were 13 comments. Ten were in support, two did specify a position and had concerns about road management as well as impacts to adjoining properties. There was one opposition from the neighboring properties. There was support for the easement but concern over the impact that could have on the adjacent properties. Based on the support of the comments and the value of the project to the public, the decision was made to proceed. We are asking for your final approval for the Graveley portion of the project.

Motion: Commissioner Brower moved, and Commissioner Aldrich seconded the Fish & Wildlife Commission approve FWP's proposal to accept delegation of the public hunting-access rights from FVLT's proposed Graveley Ranch conservation easement. There is no cost to FWP for this access easement. It is assigned by Five Valleys Land Trust to the Department.

Commission Comment.

Commissioner Aldrich stated he had been driving by that property for a long time. It is a beautiful piece of property with a variety of wildlife uses. This is another great project and another family contributing to the joys of the future.

Director Williams stated she wanted to add that this is a really exciting project and demonstrates creative thinking of generous landowners and partners that work really well together. It helps everyone including public access. If we could do more projects like this that would be great. Thanks for pulling this very difficult transaction together.

Commissioner Aldrich stated that Five Valleys Land Trust is at it again. They have been with us for a very long time. They are another great partner. He has a lot of friends that live and work around that place. Some are here today he believes.

Mr. McDonald forgot to mention that one of the things that help make this work is insistence from the Natural Resource Damage Program that access is a component of the projects that they help support. He would like to give kudos to them for this and the Five Valleys Land Trust as well as the Conservation Fund for being involved in these projects.

Chairman Colton stated that he was glad that was brought up. Things like this cannot be understated. If we look back at the folks that first pressed to have these funds set aside as the result of the damage that occurred, the focus on using this to give it all back to all of us so that we have the access for the opportunity. Things go around with our partners, the Commission, the Department, and all the folks that like to recreate particularly hunt and fish. We owe everyone a great debt of gratitude.

Motion passes 5-0.

27. Partial Assignment of Conservation Easement on Warm Spring Creek property R2, final

***Background**: Five Valleys Land Trust (FVLT), the Department of Justice Natural Resource Damage Program (NRDP), The Conservation Fund (TCF), and the Graveley family are working to place a conservation easement (CE) on the 3,100-acre Warm Springs Creek property in the foothills of the Garnet Mountains near Garrison in Powell County (see separate Figure). Please note: When this proposal was presented to the Fish & Wildlife Commission for endorsement (February 13, 2019, meeting), this Warm Springs Creek property was called NCP Bayou II. The Graveley family would use funds from the sale to FVLT of a CE on 5,167 acres of their Graveley Ranch property to purchase the adjacent Warm Springs Creek property from TCF. Graveleys would then grant a CE on the Warm Springs Creek property to FVLT. The two CEs would result in an overall conservation footprint of 8,277 acres and would include public hunting access in perpetuity. FVLT proposes to assign management of the public hunting-access component of the CEs to FWP in perpetuity; FWP would be responsible for managing that access and verifying the landowner offers opportunity for at least 400 hunter-days annually, shared between the two CEs. Funding for the Warm Springs Creek CE would come from NRDP, TCF, and FVLT. No FWP funds would be involved; therefore, the proposed action is for FWP to accept management of the right of public hunting access on the Graveley Ranch CE in perpetuity.*

***Public Involvement Process & Results**: A draft environmental assessment (EA) was available for a 30-day comment period and posted on FWP's website; a statewide news release was distributed; and legal notices were published twice each in five local, regional, and statewide newspapers. FWP mailed copies (and/or emailed notices) of the EA to all adjacent landowners and other interested individuals, groups, and agencies. FWP held a public hearing in Drummond that 11 members of the public attended. FWP received input from a total of 13 commenters (including emailed and public hearing comments), representing nine people,*

three groups (Anaconda Sportsman's Club, Montana Chapter of Backcountry Hunters & Anglers, Montana Wildlife Federation), and one company (Teck American). Summarizing all comments: 10 (including the three groups) support the public hunting-access proposal, one adjacent landowner opposes it, and two did not specify support or opposition (one had access questions, and the company had questions about potential impacts to roads, other landowners, etc.).

Alternatives and Analysis: *No-Action Alternative: FWP would not accept assignment of the public hunting-access rights from FVLT's proposed CE on the Warm Springs Creek property. This would be expected to result in a failed CE project—the CE would not be purchased or finalized due to lack of a public hunting-access component desired by NRDP, an essential funding partner. In that event, the opportunity to secure perpetual public hunting access could be lost.*

Agency Recommendation & Rationale: *FWP recommends accepting assignment from FVLT of the public hunting-access portion of the Warm Springs Creek CE. The project would secure public hunting access to private lands in perpetuity and is largely supported in the local area and by area sportsperson groups.*

Ken McDonald, Wildlife Division Administrator, stated this is the companion to the easement that we just did. This is the second part of the project that was just described. It would involve assignment of 3,110-acre easement of the Warm Springs Ranch. All other aspects are the same as described for the Graveley Ranch. We ask that you finalize this one as well.

Motion: Commissioner Brower moved, and Commissioner Aldrich seconded the Fish & Wildlife Commission approve FWP's proposal to accept delegation of the public hunting-access rights from FVLT's proposed Warm Springs Creek conservation easement.

Commission comment.

No Commission comment.

Motion passes 5-0.

28. Robb-Ledford WMA Aspen Enhancement Project R3, final

Background: *Montana Fish, Wildlife & Parks proposes to conduct aspen habitat restoration treatments on 40 acres of forest on the Robb-Ledford Wildlife Management Area, Madison County. The treatments would involve commercial removal of conifer trees (both merchantable and sub-merchantable) through a combination of mechanized and nonmechanized methods. The objectives of the proposed treatments are to:*

- *maintain remaining intact aspen-dominated forest;*
- *restore productivity to decadent portions of aspen-dominated forest; and*
- *expand remaining intact aspen-dominated forest.*

The proposed action would remove Douglas fir less than 24 inches diameter at breast height (DBH) and all Rocky Mountain juniper throughout and within 100 feet of a formerly aspen-dominated stand. Tree removal would be completed using ground-based logging systems and mechanized methods. Trees designated for cutting that are greater than eight inches DBH would be harvested and sold to forest product manufacturing facilities. Trees designated for cutting that are less than eight inches DBH would be felled or masticated. Remaining materials would be lopped and scattered or piled and burned. Live and dead conifers with signs of wildlife nesting activity would be retained as standing snags for wildlife. Roadside landings and slash piles would be reseeded after burning. Broadcast burning in areas where piling slash is not practical due to the volume of material may be considered in cooperation with Montana DNRC or BLM fire management specialists. Broadcast burning may also be necessary to stimulate suckering in aspen stands. This project is intended to benefit wintering moose, fawn-rearing habitat and late-fall browse resources for mule deer, winter browse for elk, ruffed-grouse habitat, surface water flowing from existing springs, and general wildlife species diversity.

Public Involvement Process & Results: *FWP completed an Environmental Assessment (EA) for the proposed project, which was released for a 30-day public comment period on April 12, 2019. The public was notified that this EA was available for review and comment as follows:*

- *distribution via the FWP Region 3 interested persons list;*
- *one notice each in the Madisonian and Dillon Tribune newspapers*
- *public notice on the FWP web site: http://fwp.mt.gov.*

Copies of the draft EA were available for public review at FWP Region 3 Headquarters. No comments were received on this proposal.

Alternatives and Analysis: *Two alternatives were evaluated:*

1. *FWP would proceed as proposed.*
2. *FWP would not implement the proposed project on the WMA. A lack of treatment would allow the aspen habitats to continue to decline in productivity with continued Douglas fir succession.*

Agency Recommendation & Rationale: *FWP recommends the commission approve this project to use commercial tree removal to enhance 40 acres of aspen-dominated forest on the Robb-Ledford WMA to maintain and improve wildlife habitat.*

Ken McDonald, Wildlife Division Administrator, stated that they are seeking permission to conduct aspen habitat restoration treatments on 40 acres of forest on the Robb-Ledford Wildlife Management Area, Madison County. The proposed action would remove Douglas fir less than 24 inches diameter at breast height (DBH) and all Rocky Mountain juniper throughout and within 100 feet of a formerly aspen-dominated stand. Trees designated for cutting that are greater than eight inches DBH would be harvested and sold to forest product manufacturing facilities. This would constitute as real material and would need Commission approval. Trees designated for cutting that are less than eight inches DBH would be felled or masticated. Remaining materials would be lopped and scattered or piled and burned.

The project did go out for review and received no comments. Based on the value of the project and the lack of opposition we recommend final approval.

Motion: Commissioner Byorth moved, and Commissioner Brower seconded the commission approve the Robb-Ledford WMA aspen enhancement project as proposed by the Department.

Commission comment.

No comment.

Motion passes 5-0.

29. Mount Haggin WMA, final

Background: *FWP proposes to purchase in fee title a 160-acre parcel of private land adjacent to Mt. Haggin WMA for the appraised value of $464,000. The property is owned by the Edna Schmeller Living Trust. Upon purchase, the property would be managed as part of Mt. Haggin WMA for its wildlife, fisheries and recreational values. It would not be incorporated into any existing grazing leases on the WMA. Motorized travel would be restricted to snow machine use December 2-May 15, consistent with management on the adjacent portion of the WMA.*

The proposed acquisition is bordered by Mt. Haggin WMA on its western and southern boundaries. It contributes to the ecological function of the WMA and surrounding Beaverhead-Deerlodge National Forest. It is part of the migration pathway for mule deer and elk, connecting winter range on the west side of the Continental Divide to calving/fawning areas and summer range east of the divide. Mid-seral lodgepole forests on the property provide calving/fawning areas and elk security in the fall. Wet meadows, aspen and willow stands provide year-round habitat for moose, beaver, black bear, ruffed grouse, short-tailed weasel and numerous other small mammals, neotropical birds, amphibians and reptiles. The property provides summer habitat for sandhill cranes, several species of songbirds, and foraging raptors. Oregon Creek which runs along the western portion of the property provides suitable habitat for brook trout. The proposed acquisition by FWP would ensure that Mt. Haggin WMA and this parcel would continue to serve the needs of wildlife, support native fish restoration and provide additional public access for hunting, angling, trapping, wildlife-watching and other recreational opportunities.

Public Involvement Process & Results: *FWP completed an Environmental Assessment (EA) for the proposed action, which was released for public comment for 30 days (March 27-April 26, 2019). Legal notices were printed in the Butte Montana Standard, the Anaconda Leader, and Helena Independent Record. A news release was distributed to a standard list of media outlets interested in FWP Region 3 news. Copies of the EA or notification of its availability were emailed to neighboring landowners, interested parties, Region 3 headquarters and Butte Area Resource Office, and on the FWP website. Seventeen comments were received; all were in support of the proposed action. Comments are summarized in the Decision Notice to proceed, signed on 6 May 2019.*

Alternatives and Analysis: *Two alternatives were analyzed: FWP purchase this 160-acre parcel in fee-title, or not purchase it. If FWP were to pass on this opportunity, it is highly likely that the property would be developed for private recreational use, compromising both its conservation values and public recreational opportunities.*

Agency Recommendation & Rationale: *FWP recommends the Commission approve this acquisition. Purchasing this property would ensure that Mt. Haggin WMA and this parcel would continue to serve the needs of wildlife and provide additional public access for hunting, fishing, and other recreation.*

Ken McDonald, Wildlife Division Administrator, stated the proposed acquisition is bordered by Mt. Haggin WMA on its western and southern boundaries. It will connect a key area where there is other recreation. The property to be managed is part of the WMA and there is no intention to have it included in any of the existing grazing systems. It will be managed as the greater part of the WMA. The cost of $464,000 is the appraised value. It would be financed through Habitat Montana funds. This will contribute to the wildlife values of the variety of game and nongame.

This did go out for a 30-day comment period and an EA. We received 17 comments. All were in support. We ask for the Commission's approval to continue with the acquisition.

Motion: Vice Chairman Stuker moved, and Commissioner Brower seconded that the commission give final approval for acquiring this addition to Mt. Haggin WMA.

Commission comment.

Chairman Colton asked when this would go to the Land Board?

Mr. McDonald stated that would be in July.

Motion passes 5-0.

30. Public Comment for Items not on the Agenda

Greg Tollofson, Acting Director, Five Valleys Land Trust, stated earlier he was going to urge the commission to support the Gravely Hunting Access. He wanted to thank the Department for the work and the cooperative efforts achieved over the years. Especially Mr. Arnold and his staff. This is a wonderful 8,000-acre achievement and folks can continue to ranch on that land with hunting access for perpetuity. Thank you very much.

Chairman Colton thanked Five Valleys Trust and all the work that they put into this.

Brian McCullough, Helena, stated that he had some observations regarding cow elk hunting in Montana. He spent some time with the staff in licensing. He found it interesting that general elk licenses since 2010, have been pretty level. Resident cow elk tags from 2010 have gone from 18,000 to 2018 at 29,000. That is a 50 percent increase. The general public interest in harvesting is strong and growing. For nonresidents, the numbers were a bit more dramatic. The nonresident in 2010 was about 900 and 2018 up to 2,700. He wanted to highlight to the Commission that growth for this is occurring.

He wanted to let the Commission know that some credit is due for the expanded opportunity for elk hunting in Montana. In 2019 there will be over 50 districts that will have elk shoulder seasons in them. There will be a lot of ground and a lot of opportunity that he thinks the Department should put out there. There should be a public statement about this and what is the amount of acres involved in the elk shoulder seasons. What are the amount of hunting days. He sees this in the papers. He never sees what the shoulder seasons are providing. The landowners should benefit from this as well. Over population isn't going to get solved overnight.

He asks that when the Commission is reviewing this that looking at changing the performance measures to be looking at the elk being over objective in a district and if they are, then continue the hunt. Simple as that. This is the only cow management tool that has a performance measure that proven to help deal with the problem. He recommends opening the shoulder seasons to include Forest Service lands. In terms of trying to bring elk population, he did get a cow on private land and one on forest land. There were many opportunities lost because he could not hunt on the adjacent Forest Service lands. This would have helped your statistics. Thank you.

Scott Vollmer, fishing outfitter, Bozeman, stated that he was also in the Madison River NRC. He apologizes for not being able to attend yesterday. he had an appointment that he could not get out of. He wanted to thank everyone for forming the committee and being able to serve on the committee. Like the rest of the committee members he is disappointed that they could not send you a consensus decision. He feels that there were some great things that came out of the committee. The biggest one was education. A lot of information got out there to let people know how that river works including himself. Commissioner Byorth spoke about moving forward at the beginning of the meeting today.

There are some ideas out there. One in particular, with fishing access sites can have immediate helpful benefits. It would be beneficial for the river as well as a PR boost for the Department. What we talked about as a MOGA member, we talked about it in an FAS Ambassadors Program that it does not need the Department approval. He feels the endorsement of the program will have a lot of meaning. Thank you.

Jim Brown, Attorney, Helena, stated that he is here today to represent the Upper Missouri Chapter of Walleyes Unlimited. He gave handouts. He is here today to build a public record about a rule making petition that was submitted by the Upper Missouri Chapter of Walleyes Unlimited. This would be his only opportunity to make remarks. On April 22, 2019 Upper Missouri Chapter of Walleyes Unlimited submitted a petition to the Commission pursuant to the authority of rulemaking of Montana Annotated 23-4-15. As this Commission is aware, the Chapter submitted a petition to the Commission to start the formal procedure for formal rulemaking, to seek public input, and participation regarding whether walleye were placed on the eastside of the divide should be designated as a native species.

Contrary to what was represented by FWP counsel at the last Commission meeting. He is disappointed that this was not taken up so informally by the Commission without public notice. The petition does not require the Commission to adopt a rule designating the species as native. Rather the petition requires the Commission to use the rulemaking authority to put this out for public comment and participation on the question of native status. This would allow the public to present scientific documents and comments to address the native status question.

He has another copy of the petition and the attachments for the Commission. He requests that they be entered into the public meeting records today. He would like to remind the Commission that under MCA 315, the Commission has 60 days from the date of the submission to act on the petition to either deny the petition in writing or proceed with the rulemaking proceedings. The 60-day time period per his calculations will expire on the 21st of June. As indicated to the Commission in his letter on June 6 that he hopes they received, but it sounds like maybe you did. Disappointingly the Commission has not taken the petition out for discussion at this meeting. He would also like a copy of the June 6 letter to be entered into the public record.

He is sure that everyone is well aware of the Chapter's position on ignoring or failing to act on the petition is not a lawful action for the Commission. Contrary to the representations of the Department the Commission clearly has the authority to act on the petition and that is set forth in the letter. The Commission is an agency as the term agency is clearly defined by Montana law. As a state agency the Commission must act on the petition even if you deny the petition. That is well within your rights. Not to act on it he believes is not a lawful action. Clearly the Commission had the power to set statutory policies for the preservation, conservation, and protection of the fish located in Montana. He would direct you to part of the code that is your responsibilities and duties as Commissioners. This would mainly be MCA 87-1-301.

It is the Chapter's position that the Commission is violating the obligation to act one way or the other on the petition. I am informed second hand that the Department believes that even the Natural Heritage Program has the authority to determine what is or is not a native species. If the assertion is true and it is the Department's or the Commission's position. He would ask you to think about what was the purpose of and the legal authority for the Commission to task the Department during its December meeting with conducting additional research on the question of walleye native status earlier this year. Was that an exercise in futility or a paper making exercise? What was the consequence of that? Was there a legal implication of that? Think about that. Further, what was Montana statutory and regulatory authority for the Natural Heritage Program to designate a species native or nonnative that is binding on this Commission and the Department. If you know that, he would certainly be interested and his clients would too.

The Commissions and Departments assertion are curious given the Commission and Departments authority to manage fish in Montana. It is right there in statute. This time he will offer into the record of this meeting that the Chapter attach scientific studies to the petition that discuss native walleye by status but to distinguish the studies and other scientific evidence considered by the Department February 28, 2009 presentation. He recommends the staff on the excellent work that they do. This is not a criticism or critique by any means. It is the Chapter's position that the Commissions failure to address the Chapter's petition is denying the public the full right to participate in the decision making of the Commission and its fish management plans and strategies. He appreciated the opportunity to speak with you today. Again, he is submitting all this for public record. Thank you.

KC York, Trap Free Montana, stated she wanted to thank everyone for being accommodating. She knows this is running late and appreciated being given the extra time. She is going to try reading this so that it is expedient. Mandatory trapper education did not include a trap check. Not a 24-hour trap check or a trap check at all. The language would have been a death sentence. As evidence to the response to the original trap check bill that was held before that. We have a couple of other requests. Mandatory reporting of all trapped species including the nongame species. Only six species require reporting and tagging out of roughly 20 species that can be legally be trapped. FWP says only 43 percent of trappers return the voluntary survey. Species on the survey need to be separated and we need to know which type of weasels or skunks especially the skunk species that are of a concern.

It is inconceivable that trapping is highly regulated. It is scientifically irresponsible that beaver can be trapped unlimited, unreported, for five and a half months out of the year for recreational purposes. They need to have a quota to start with. We need more areas closed off to the trapping of beaver in order for them to serve their vital purpose. They are good for water retention, wetlands, fire

breaks, and so on. She also urges the closure of swift fox trapping. In order to support their conservation, strategical and objectives we need this. The reports are only two or three trappers making the quota of ten. Their pelt value is about the same as their weight. It is a dollar a pound. They weigh seven pounds which would be seven dollars. The reintroduction population suffered a devastating decline of 30 percent a few years back.

A severe winter was part of the blame. We just had one heck of a winter with severe snow. There were 37,000 head of cattle reported dead because of the winter. Swift fox need more help to reach extensive and expensive conservation goals. They are worth more alive to many, than dead to a few trappers that like the notoriety of trapping a swift fox. She is told that is what is driving them instead of the seven dollars. This could help with research or reintroduction and the science. In light of the severe winters, a province of Canada has them also. They have 24-hour trap checks or daily trap checks. What she a has been told by the wardens is that a trap check would not be enforced or to be enforced because they have so many other tasks that is hindering spending time out in the field. Wardens in Montana each need to cover an area the size of Delaware. This should not be discounted. Law abiding trappers follow the law and be less concerned about being caught. How are 48-hour bobcat checks for sets as well as designated lynx protection zones and wolf areas that are being monitored and enforced?

Lastly, in the wolf trapping regs there already is an exception for trap setbacks that are not required on roads that are closed to highway or vehicle use and snowmobiles still open to the public. It was pretty confusing if you look at the 2018 regulations. She thinks it sets a very dangerous precedence. There were areas in the Bitterroot that were for snowmobiles and skiing. There was a whole big thing about trapping and snares. It is a public safety issue. Thank you.

Nick Gevock, Conservation Director, Montana Wildlife Federation, stated he thinks the Robb Ledford project is excellent. He has the pleasure of serving on the Beaverhead -Deer Lodge National Forest working group. There was an environmental assessment to do an aspen regeneration project. There was a forest-wide EA to efficiently do these. We are actually going to take a tour of some of the work that they are doing. This is in Commissioner Byorth's district and we hope that he can join us that day. He wanted to commend the Department for the tremendous work put into the hunting regulations review. He learned a lot today and didn't realize that the rules that are in effect today are already seeing progress. There is a bill to have the hunting application process moved to April 1. We are seeing moves towards that and some changes along with the arm rules that are simpler and easier to understand. He fully understands that Mr. Vore's exercise up there was hypothetical. We will see differences in the need for hunting districts in the eastern part of the state where there is a more homogenous landscape to western Montana. In the six districts, you have to manage each one with the most conservative standards. Again, he realizes that was just an exercise. He would like to commend the Department and continue to be engaged. Thank you.

31. Adjournment

Chairman Colton stated that there was some discussion about the location of the August meeting. It was the plan to have it in Missoula. He wanted to know if that was still the plan of the Commission to do that.

Vice Chairman Stuker stated that he would like to see it in Missoula.

Chairman Colton stated that they can confirm Missoula on August 15.

Commission Brower advised he may not make it as it is the first day of school for him as he is a teacher. It is a teacher work day not an actual day of school.

Chairman Colton asked of there was anything else that the Commission needed to bring up.

Motion: Chairman Colton moved, and Commissioner Brower seconded to adjourn the meeting.

Motion passes 5-0.

Meeting adjourned at 3:30 PM.

Shane Colton, Chairman

Martha Williams, Director