



Montana Fish, Wildlife & Parks

**R-3 Citizens Advisory Council
FWP Commission Room
Helena, MT
November 9, 2006**

CAC Attendees: Leroy Mehring, Ed Peretti, Al Harmata, Michael Leach, Amy McNamara, Joe Cohenour, Sandy Sallee, Ted Coffman, Cyndi Andrus, Sam Samson, Rick Arnold

Staff Present: Pat Flowers, Mel Frost, Kurt Alt, Gayle Joslin, Tom Carlsen, Craig Marr, Bruce Rich, Sam Sheppard, Jerry Walker, Mike Korn, Jim Kropp, Larry Peterman, Kari Janikula, Chris Smith

Legislators: Representative Jill Cohenour

Greetings, Introductions, and CAC Roundtable

Pat Flowers: Pat introduced Joan Buhl, a former FWP employee. She will take the minutes of the CAC meetings as well as taking care of logistics for the meetings. FWP staff were introduced. Mike Korn, supervisor of HARO, is now working for the Enforcement Division at the Helena Headquarters. Craig Marr, HARO park manager, is acting HARO supervisor.

County commissioners and legislators (incumbents and candidates) were invited to meeting.

Review of agenda. Agenda reflects topics CAC members requested. CAC caucus period when members can talk amongst themselves. Initiative on poaching will be added to the agenda if time allows. Add bison hunt update to agenda.

Roundtable:

Sam Samson – letter from Tom Barnes. Discuss during the caucus.

Michael Leach talk about the resolutions CAC has worked on.

Cyndy Andrus – tourism industry is starting strategic 5-year planning process. Encourage FWP to continue to be a partner in goals and strategies. Meeting in Bozeman on 11/13. Ray Heagney will attend Bozeman session. FWP will have representation at other sessions.

Rick Arnold – other regional CAC information we have received has been good to read and to find out what is going on. Local Madison-Gallatin Trout Unlimited is putting a work plan together for next spring and summer. If you have any ideas for projects, would like to discuss this.

Ted Coffman – Will Chris talk about bridge access? Draft bill has been passed on to MACO. Jim Hart (retired school teacher) will replace me on Madison County commission in January. Lewis Stahl from Harrison was also elected to the commission. Madison County commissioners serve four-year terms.

Sandy Sallee – Question: Are the Nez Perce and Salish-Kootenai asserting their ancestral tribal rights to hunt bison?

Response: Pat, Mel, and Sam: They do have treaty rights to harvest bison. Nez Perce harvested 6 bison last year. Salish Kootenai will be coming to do the same this year. Sam Sheppard, Jeff Hagener and Bob Lane are working with the tribes. A precedent exists for them to hunt east of the divide. FWP doesn't have authority or jurisdiction over tribal hunters. The tribes do have to follow their tribal regulations. They have also indicated an interest in hunting elk. FWP is hoping there will be a limited number and they will hunt after our season. Their harvest has nothing to do with our quotas; however, FWP will adjust seasons and quotas if harvest of bison or other species is significant. We will send a press release outlining the tribes' rights to hunt.

Sam Samson – has a letter from constituent to strengthen educational aspect of bison hunt so everyone knows what's going on and so we can build proponents of the hunt.

Pat & Mel: Update on Bison Hunt: Originally 100 permits proposed, ended up 140 being split between north side and west side for defined periods - 95 on west side, 45 on north side. Mandatory FWP orientation is required for each hunter before they can purchase their license. Subjects covered include history of bison and management, hunting and conservation, natural history, shot placement, field dressing and retrieval, protestors and media in the field. Five out the eight tribes are using their permits this year. The cost of this hunt is huge for FWP—time, press, orientations, and coordination have consumed most of Mel's time the last 2 months. We are looking to change this so it won't be such a burden. FWP welcomes any thoughts/suggestions. FWP is planning on initiating an environmental review with Royal Teton Ranch to allow bison to migrate into the Taylor Fork area west of the park and north of the Royal Teton Ranch south of Yankee Jim. More hunting opportunity is going to depend on more habitat that bison can occupy in winter.

Joe Cohenour – Is department working on plan for delisting the grizzly bears?

Response: Pat – A final delisting decision is expected in late spring or early summer. A conservation strategy is in place for Yellowstone ecosystem. Plan for northwestern Montana in final stages.

Leroy Mehring: If a sheep is killed on the highway, what should we do? Response: Call FWP office.

Update on Region Three personnel vacancies: Rick Schmauch took Chad Murphy's place as the warden in Whitehall. Warden vacancy in Townsend. Fisheries biologist in Bozeman has been filled by Mike Vaughn from Billings FWP. Mike will start in January. Carol Endicot has been hired to work with Yellowstone cutthroat project. Shane Brozovich replaced Jim DeBoer in Sheridan. Ryan Gosse is new warden in Ennis.

2007 Schedule: Quarterly meetings.

Butte – January 25

Bozeman – April 26

Gardiner – August 9

Boulder – December 5

Topics for January: Bison hunt update, legislative update, poaching presentation by Jim Kropp

Member terms: 2, 3 and 4 year terms. Rotate one-third of the membership each year. Rick, Amy, Joe, Cindy, Michael, Leroy: 4-year terms; Bob, Ed, Sam, Ted, Craig: 3-year terms; Al, Sandy, Tom, Meg, Marina: 2-year terms. Pat will check into what other regions are doing when terms are up.

FWP Subdivision Review Process & Challenges:

Kurt Alt, Regional Wildlife Manager:

- Subdivision issue particularly significant in Gallatin, Madison, Park, Lewis & Clark, south end of Broadwater and Jefferson Counties
- Expectations are we are going to respond one way or another to each proposal. Priority is given to subdivisions on winter range or riparian areas that could have significant impacts on habitat.
- Developers want us to do the fish and wildlife background process, we don't get paid to provide that level of activity or information, nor do we have the time. Our role is to respond to the county in a way that we see FWP issues or concerns, i.e. fences, setbacks, etc. Biological significance is our concern.
- If county planners understand our concerns, we meet with developers up front before a substantial amount of work is done allowing us to influence decisions.
- Safety issue in hunting becomes a problem with subdivisions. Meeting with developers up front, we can avoid these issues.
- FWP can only influence the planning board. We present our best information and try to influence them. There's no cookie cutter approach. We have to engage the developer and the county. Issues have to be addressed more proactively. We need to deal with subdivision in an effective way, not bureaucratic.
- Workload. It depends on significance of development and impacts on how much time we will spend on a proposed development.
- Gallatin County has seventeen different zoning planning districts. This has been very effective.
- Black and grizzly bears are a concern in proposed developments.

Bruce Rich, Regional Fisheries Manager:

- Fisheries looks for water and water quality, ground and surface water, direct and indirect. Learning these are connected to each other and need to treat them as such.
- Stream crossings and ponds are great concern especially in Gallatin County.
- Fisheries does not always receive enough information upfront to make comments.

Challenges:

- Staff need to be engineers, hydrologists and fish biologists
- Coordinate comments with wildlife (timing)
- Vague applications
- Meet deadlines, prioritize
- Environmental reviews (they want FWP to do this)
- Efficiency and effectiveness
- Do things upfront
- Workload – be able to do an adequate job
- 310 and 124 applications astronomical for Gallatin fisheries biologist

Question: How can groups like CAC go back and influence communities?

Urban Wildlife: Gayle Joslin, Wildlife Biologist.

- Urban wildlife is connected to subdivisions as well and is a very emotional issue.
- Legislature passed a bill in 2003 called “Restrictions on Wildlife”. This action was prompted because people were experiencing situations with wildlife damage. A big concern is with deer. Deer have adapted to human development. Concerns over safety and health issues with too many deer has led to a conflict with state agencies and the public—the question of “who’s responsible”.
- FWP developed an “Urban Wildlife Working Group” to identify issues and develop plans in communities. The objectives are to develop working relationships and empower people to help themselves and to reduce legislative mandates and reduce liability of the entities (state or city) when there are conflicts (safety and health).
- There is a state statute on feeding wildlife. Helena was the first city to prohibit the feeding of deer. Missoula has also passed a similar ordinance. State document has been an umbrella for cities taking on plans.
- Gayle serves as a member of the Urban Wildlife Task Force for City of Helena where a customized plan is being developed for Helena that can also be used in other communities (issues attached).

CAC Caucus

Question on I-154.

Pat: I-154 went down because a judge ruled that signature collection was done illegally. Think about what this discussion would be like if there was no chance to influence developments at all. How are we going to be prepared if I-154 appears again in 2 years?

Chris Smith presented a general overview of the department’s budget (see attached).

- FWP’s budget is set for two fiscal years.
- Two major components of budget: operating budget (day-to-day expenditures) and capital budget. General license account funds majority of day-to-day operations. Federal funds make up a significant amount of FWP’s budget.
- There are 67 different funding sources within the agency.

- General license account: We're expending more than we're bringing in. Presently, there are monies in a reserve account. The department has been directed to move toward a structurally balanced budget—balance revenue expenditures with revenues. No fee increases will be proposed until 2011.

Chris Smith -2007 Legislative Proposals

1. Make the Future Fisheries Program Permanent. Remove the sunset of July 1, 2009 from the Future Fisheries Improvement Program (MCA §§ 87-1-272 and 273) and the integrated Bull Trout and Cutthroat Trout Enhancement Program (MCA § 87-1-283). Continue Resource Indemnity Trust funding of \$500,000 which will otherwise also terminate July 1, 2009 (MCA § 15-38-202). If the programs are allowed to sunset, the department will lose the FTE established to implement the program and the dedicated revenue sources.

2. Remove the Sunset on Prairie Dog Management. HB 492 passed by the 2001 Legislative Session allowed FWP to classify prairie dogs (white-tailed and black-tailed) as a species in need of management consistent with a management plan approved by FWP, the Department of Agriculture and the Department of Natural Resources and Conservation. Because prairie dogs are now a species in need of management, Montana is able to protect, manage and control prairie dogs pursuant to Montana's prairie dog conservation plan. HB 492 sunsets on October 1, 2007. This proposal would remove the sunset allowing Montana to continue active, balanced management of both prairie dog species (black-tailed and white-tailed).

3. Remove the Sunset from the Instream Leasing Authority and Allow the Transfer of Water to Instream Flow. The authority for FWP's successful water leasing program sunsets on June 20, 2009. This bill would remove the sunset and make the authority permanent. The bill would also allow FWP (and perhaps other government entities) to transfer consumptive rights to instream flow. Water right owners can change the use of their water to any other beneficial use provided other users are not adversely affected. The proposed change would allow FWP to change the use of a consumptive right owned by FWP, such as irrigation, to instream flows for fish and wildlife. For example, FWP needs this authority to accept water rights from ARCO for instream protection in the Upper Clark Fork River. This is a possible opportunity for FWP as part of the restoration of the Upper Clark Fork River. Leasing the water rights from ARCO for a maximum of 20 years now allowed by the leasing statute will not work here.

4. Expand the Super-tag to include antelope, bison and lion. The Private Lands/Public Wildlife Council (PL/PW) recommended the super-tag lottery be expanded to include antelope, bison and lion to generate additional funds for FWP's Block Management Program. One license for each species, valid in any hunting district with an open season for that species would be issued by lottery, as is currently authorized for deer, elk, moose, sheep and goat.

5. Revise Boating Under the Influence Laws. This proposal would strengthen the boating under the influence (BUI) law by clarifying the standards for alcohol concentration and testing. The present BUI law is difficult to enforce and does not meet the recommendations by the National Transportation Safety Board.

6. Require Trapper Safety and Education Course. Require successful completion of a trapper safety and education course as a pre-requisite to purchasing a trapper's license. The recreational aspects of trapping are similar in many respects to big game hunting in that the safe use of equipment, appropriate harvest practices and ethical behavior are a public expectation for a safe environment. Increasing conflicts between resident trappers and a growing number of recreating publics has highlighted the need for the state to require a reasonable level of knowledge by trappers to obtain a state license to harvest furbearers in Montana.

7. Revise FWP's Outdated Publication Requirement for Hunting and Fishing Regulations. In some circumstance the archaic publication requirements for FWP's hunting, fishing, trapping and land use rules are confusing and sometimes difficult or impossible to comply with. These rules are adopted annually or biennially as an exception to the Montana Administrative Procedures Act. The rules are not valid unless they are published as required by statute. MCA § 87-1-202. This proposal would cure these defects and modernize the publication requirements.

8. Increase Commission Authority to Set Reduced License Prices for Game Management Purposes. Authorize the commission to set reduced prices for licenses for species other than deer, elk and antelope for game management purposes. The commission already has the authority to authorize additional deer, elk and antelope management licenses at reduced prices. For example, this would allow the department to sell bighorn sheep ewe licenses and cow bison licenses at reduced rates for the purposes of reducing herd numbers. Hunting is not an effective tool for desired herd reductions when the license prices are high and there is a need to reduce the number of females.

9. Repeal the Outdated Montana Conservation Corps Statutes. In 1989, the Montana Conservation Corps (MCC) was statutorily put under direction of the parks division within MCA § 23-1-301 through 23-1-314. In approximately 1993, MCC was reorganized to work as a non-profit and removed from direct state government oversight. The statute was never changed or repealed. This law needs to be repealed or revised to reflect the current structure and purpose of the Montana Conservation Corps.

Leroy Mehring: What is happening with the bridge access issue?

Response: Chris Smith - Department is working on draft clarifying individual's rights to access a stream from a public bridge under the Montana Stream Access Law. "Unofficial Draft" prepared by the department is attached.

Commercial Use on FWP WMA lands – Chris Smith

Before any use would be approved, department needs to define what kind of uses are appropriate. FWP would develop a plan for each site and solicit public input and

participation. Consumptive uses would be taken out totally. Existing commercial uses would not be grandfathered in. All would be subject to MEPA. Decisions would need Director's approval. Site will be prioritized (past use). FWP Commission will make decision on 12/14.

CAC Caucus

- CAC could make recommendations/suggestions/ideas for legislation.
- Trapper & Education Course – concerns about it, listed ongoing education that is already underway.
- Put review of meeting minutes on agenda.
- Rick Arnold: \$50,000,000 funds that are coming through the governor for acquisitions. Discuss how we might want to spend that. CAC could make recommendations on what we would like to see purchased (next meeting).
- Follow-up on resolutions.
- Tom Barnes letter will be talked about at next meeting.
- Sun Ranch – we are negotiating with Sun Ranch for a conservation easement. Long ways to go. Forest Service will request Land and Water Conservation money. This is a tremendous bonus for the Madison and the region. Call Pat if you have questions, there are a lot of rumors out there right now.

Meeting adjourned.