



# **Montana Fish, Wildlife & Parks**

## **Region 3 Citizens' Advisory Committee Butte, MT January 25, 2007**

**CAC Attendees:** Tom Barnes, Ted Coffman, Joe Cohenour, Al Harmata, Rick Arnold, Bob Gibson, Amy McNamara, Sandy Sallee, Michael Leach, Ed Peretti, Sam Samson, Craig Sharpe, Meg Smith

**Staff Present:** Pat Flowers, Mel Frost, Joan Buhl, Sam Sheppard, Jerry Walker, Coy Cline, Mike Korn, Jim Kropp, Vanna Boccadori

**Guests:** J. Darrell Johnson, Dillon; Art? (Forest Service), Butte

### **Greetings, Introductions and CAC Roundtable:**

Pat: Review of agenda. The following topics were added to the agenda.

- Bison hunt and the Tribes
- Land sale in Paradise Valley
- Bison hunt violation at West Yellowstone
- Sun Ranch conservation easement
- Review topics for rest of year
- Nature Conservancy
- Data relative to damage hunts and the A-7 tags
- CAC resolutions on commercial use

**Review of November minutes.** Correction: Last page - \$50 million should be \$15 million available for acquisitions. Cohenour moved to adopt minutes, Gibson seconded. Minutes were adopted with correction.

### **Public Comments:**

Art with the Forest Service—USFS no longer has a resident biologist in Butte area.

### **Update on Sun Ranch - Pat**

- Another meeting was held with the ranch. Easement is still moving forward. There are no specific terms on easement or price at this time.

- This will be a combined effort with Habitat Montana and USFS funding. FWP is committed to \$4.5 million and \$4.5 million from the federal government total. Estimated worth is \$15 million.
- This is the #1 LWCF proposal for 2008. Very optimistic things will come together.
- Easement should provide substantial opportunities for public hunting.
- Habitat is a significant point of this easement.
- There will be some limited development on the ranch. The owner wants to keep the ranch multi-use. His intent is to retain livestock. FWP will work with the ranch on these developments.
- Question: How will the management be determined? Flowers: FWP would retain authority on managing the wildlife and will probably be in charge of managing the easement. Forest Service would be pursuing access into Moose Cr., etc.

**DNRC Land Sale in Paradise Valley** (Wineglass area): Wade Dockin is the gentleman purchasing the property. He owns the property next to this state section. This is a parcel of state land that's land-locked (land banking rights). Land is appraised like it does have access. DNRC needs to show what they're going to get, not just what they're giving up.

**Michael read a letter from Bear Creek Council statement (attached):** Bear Creek Council is in favor of the bison hunt but had some concerns.

Comments by CAC members made in regard to the letter:

**Sandy:** Outfitters are not licensed to guide buffalo hunters. Buffalo hunting is not on their operation plans. They can pack the animals out, but not guide hunters. This has not been an issue according to the Board of Outfitters. Outfitters do have to be authorized on the forest.

**Pat:** Fair chase aspect – bison are not standing around this year. When bison are approached, they are starting to bolt. FWP will continually strive to improve the bison hunt.

**Sheppard:** Wardens are in the field daily monitoring the bison hunt. We can't do anymore than we're doing now.

**Amy:** Clarification – Greater Yellowstone Coalition supports FWP in the job they are doing of managing the bison hunt.

**Women's Voices for the Earth – 2007 Legislation (SB LC316)** – Montana mercury safety protection act (contaminated fish with mercury) trying to reduce mercury in products. Would CAC be interested in endorsing?

Pat: We need to know details of products they're thinking about. Pat will discuss role of CAC later in the meeting. Michael will send out copies of this letter to CAC members.

**Nature Conservancy – Tom Barnes:** There was an article in Range regarding the Nature Conservancy. Nature Conservancy buys land and states the land won't be developed, but sells it off to individuals. Concern this may not be good for future generations. Tax base in counties is impacted by this. It puts more government control on property.

Bob Gibson suggested having Ron Marcoux do an informational presentation to give a balanced viewpoint.

Pat said another individual that we could contact for a presentation would be Glenn Marx.

**Damage hunts compared to A-7's:** At this time, FWP doesn't know whether we harvested more animals or whether landowners were satisfied.

**Legislative Session Update (attached) – Flowers:**

Legislative updates are done twice weekly. Go to FWP's website: fwp.mt.gov, then go to Hot Topics. You can also contact Pat or Mel for information.

**HB38:** FWP is sponsoring this bill. These tags are undersubscribed. This would give FWP more flexibility to promote these tags.

**HB 71:** Trapper education course. FWP is supporting. Question as to whether you have to choose to validate as a trapper or hunter – as far as Tom knows, there's nothing that makes you choose.

**HB171:** Allows a first time hunter 16 years of age or older to be deferred from Hunter Education for one season. Rationale: there's older aged teenage hunters who don't want to sit through hunter ed with 12 year olds. It's a concept to recruit older youth hunters. FWP is looking at adult classes. Presently, anyone born after 1985 has to have hunter ed. FWP has not taken a stand on this yet.

**HB 193:** Language change. They can already shoot from a vehicle. Harmata: Why can't FWP have a panel of disabled individuals review the disabled applications? Is it a liability and discrimination issue?

**HB 226** - Prohibits the fraud of replacement licenses. Passed the House.

**HB 232:** Allows nonresidents 62 or over to purchase a conservation license to fish and hunt birds.

**HB 264** - Allows anglers fishing from a boat to use two rods statewide. This is now permitted in two eastern regions. Limits would remain the same.

**HB 343** - Appropriate dollars from the state general fund to fund state participation in lawsuit against federal government challenging the failure to remove wolves for the ES list. Sallee: Has FWP petitioned the USFWS to delist wolves from the endangered species list. Pat will follow-up.

**HB 364 – Reimbursement** of livestock losses from wolves. Meg: Why would ranchers want to pay for something they didn't want to begin with. Pat will let Meg know FWP's position.

**HB 376** - Revises stream access provisions by prohibiting campfires within sight of any occupied dwelling or within 500 yards of any occupied dwelling without landowner permission.

**HB 389** – Requires FWP to ensure that public lands and public roads remain open to public access during the big game hunting season. Requires FWP Commission to consider landowner tolerance when deciding whether to restrict elk hunting in a district. FWP does consider landowner tolerance when restricting elk hunting in a district. FWP has not authority to ensure public land and public roads remain open.

**HB 398** – only one license (moose, goat, sheep) per lifetime instead of every 7 years. This would apply only if the hunter harvested the animal.

**SB 13** – Postponed. There is a rancher on the Commission. Willie Dahl meets these qualifications. This bill is probably dead.

**SB 14** – It’s a state law right now. Puts burden of proof on landowner like it is now.

**Pat:** CAC, as a group, can take a position on legislation, but must request and get the approval of the Governor’s office before doing so. Advisory committees are a product of the Executive Branch of state government. Pat handed out Guidance for Members Appointed to Advisory Councils with the Executive Branch of Montana State Government. CAC members need to familiarize themselves with these guidelines. Individuals can express their own personal views at any time.

“**Enough is Enough**”; Jim Kropp gave a poaching awareness presentation. Poaching is a growing problem in Montana, one that occurs statewide and year-round. Poachers are taking opportunities for law-abiding citizens to see and legally harvest animals. Jim encouraged members of this group to weigh in on this with their legislators and to support SB 115, SB 205, and HB 226.

**Update on Stream Access Bill** (see attached latest draft)– Craig Sharpe: Draft was five pages, now 8 pages with amendments. Trying to resolve issues with landowners and county commissioners, that’s why there are so many amendments. County support is needed. The legislators want clarification. We are expecting that the vote will be very close. This bill does not expand public access and it does not infringe on landowners’ rights. The width of right-of-ways will still be up to the counties.

**Butte Area Wildlife Update - Vanna Boccadori**, Butte wildlife biologist.

Vanna gave an overview of her area of responsibility and highlighted projects that are ongoing or upcoming.

- Sheep numbers are down. Recent flights showed 29 sheep last year and 11 this year. Not sure what’s going on. We’re handing out sheep observation cards at local sport shops trying to get more eyes and ears to spot sheep and report their observations.
- Sheep will be taken from the Ruby Mountains for transplant to the Highlands this year.
- Wolves moving into the area – a lot of reports from the public. First documented wolf kill on Mt. Haggin – an elk was killed.
- Mt. Haggin moose study. Putting 6 GPS collars on cow moose this year and 4 next year. This project will study moose distribution and winter recreation, and how moose use the game range. Kite boarding, skiing and snowmobiling presently take place on Mt. Haggin.
- Mt. Haggin habitat improvement and landscape management. Superfund dollars from ARCO are available that we could tap into to fund projects if they fall into the superfund area.

**Meg Smith:** What are we doing with weeds?

**Vanna:** Chemical and biological management are being used to control weeds. Spray days are a good tool. There has to be a cooperative effort in weed control.

## **CAC Caucus**

**Pat:** We have a new FWP commissioner in southwest Montana. He is Dan Vermillion of Livingston.

**Pat:** FWP is trying to acquire a fisheries biologist position and a half-time technician to cover the Big Hole. Presently, Dick Oswald has all the Ruby, Centennial, and Big Hole. This is an important proposal with a decent chance of going through.

## **Update on Bison**

**Mel:**

- Nearing the end of third time period. Currently 10 bison have been harvested on the west side and 14 harvested on the north side. Nez Perce have harvested 6 bison.
- We're getting quite a few complaints from hunters complaining that there is no opportunity and too high cost. Also getting complaints that Buffalo Field Campaign is hazing bison to keep them inside Yellowstone. There's been conflict with residents in a private subdivision at West where bison have been staying for some time. Hunters are claiming that the subdivision folks are harassing them, vice versa. West Yellowstone typically has much deeper snow by this time. Migration has not happened this year, bison are still on summer range within Yellowstone.
- A bison hunter at West shot a buffalo on private land where he did not have permission. Hunter was cited with hunting without landowner permission, will appear in court, and his bison was confiscated.

**Sheppard:**

- FWP investigated an incidence of wasting of bison by the Nez Perce. We issued a report to the Tribe in Idaho. The state has very little authority over tribal treaty hunts. The tribal council and enforcement does have control.
- No documentation has been received from the Nez Perce that rights have been established to hunt elk. We're looking into the treaty rights for other species. We have a big concern about hunting bighorn sheep.

**Bob:** Negotiate with tribes to allow them to take bison before or after the Montana hunt.

**Sheppard:** There are no bison out in October. Tribes view this as inequitable.

- Salish-Kootenai has submitted their documentation and state their intent to hunt next year. Salish-Kootenai Tribe doesn't have any limits on the number of elk or deer they can shoot. They can't shoot sheep. This will affect our bison hunt and permit levels next year.
- Each tribe has it's own set of rules. Non-enrolled members of the Salish-Kootenai cannot come on the hunt. We're checking membership cards, and working on getting tribal enforcement rights for our wardens.

**Topics for remainder of year:**

- How do we want to deal with resolutions? Commercial use rules are now in place. We will send them out with the minutes. Commercial use plans will be developed for WMAs.

**Michael:** How could we up the price on the commercial use permits?

**Pat:** We would have to institute new rule making process through the Commission. It's not likely that this would happen at this time, maybe five years from now we can revisit.

**Topics for next meeting:**

- Meg Smith has made the offer to have the April meeting at her ranch instead of Bozeman looking at challenges of integrating wildlife and ranching operations.
- Next meeting will be April 25. Mel will contact members not present to see if this date will work for them.
- Legislative summary
- **Bob Gibson:** Suggested having the region propose topics that this group could help with. This could be an opportunity as a group to come up with a recommendation. Would like the region to give the group some options. Group is open to ideas and topics we could discuss that we could make an impact on—wildlife, fish, and parks issues that we would work on and help FWP solve. Send us this list out before the April meeting.

**Pat:** We will provide a list of topics before the April meeting, but we do not want to take over the meetings. We expect CAC members to let us know if we do.

- Talk on Nature Conservancy, RMEF, Prairie Foundation – Ron Marcoux/Glenn Marx?
- **Rick:** Discussion on \$15 million acquisition dollars that is going to be on the table for FAS.
- Wolves

**Public Comment:**

J. Darrell Johnson – Appreciated the opportunity to attend the meeting. Thought information presented was very informative.

Meeting adjourned.