

Meeting Notes

MEETING DATE: Tuesday, September 27, 2006.
LOCATION: FWP Region 2 Headquarters, Missoula
TIME: 7:00 p.m. to 10:00 p.m.

IN ATTENDANCE

Council Members- Tim Aldrich, Louie Bouma, Ed Greef, Edward Hebbe III John Manley, Chris Marchion, Jim Olson, Bud Pile, Jack Reneau, Ray Rugg, Stephanie Strickland, Jaala Wickman

Staff- Mack Long, Lee Bastian, Vivaca Crowser, Jeff Darrah, Pat Saffel, Ginny Schmautz, Dianne Schmautz, Mike Thompson

Guests-

The meeting convened at

Opening Remarks:

Mack opened the meeting by welcoming members, guests and staff at 7:00. The purpose of this meeting is to prepare for the Legislative Open House to be held on October 3, 2006 at the Holiday Inn Parkside in Missoula.

Meeting:

The three main components of the Legislative Open House will be:

1. Presentation of legislation FWP would like to propose by Jeff Hagener.
2. Presentation of legislation the CAC would like to propose.
3. Legislators will introduce themselves and speak about their interests.
4. Floor open for discussion.

The CAC are constituents from around the region. You are a voice the legislators can use.

Vivaca went over the format of the open house and distributed two handouts. One contained information presented in July with a few modifications and including budget information that may be legislation. The second sheet contained a list of all legislative candidates. This is an opportunity for the legislators to meet the CAC members and an opportunity to see the FWP proposals.

Twelve legislators have sent an RSVP. CAC members will call candidates in their area and invite them to the open house.

C
I
T
I
S
B
O
R
D
O
F
C
O
N
S
U
L
T
A
T
I
O
N
S
C
O
N
S
U
L
T
A
N
T
S
C
O
N
S
U
L
T
A
N
T
S

Rick Ripley from HD17 will be added to the list. Jeff Hagener and Larry Peterman from Helena will be attending the open house. Jeff will summarize the FWP sponsored legislation.

Bison information-

24 out of 140 available permits were drawn in Region 2 . There were 7,123 applicants. Four or five non-residents drew permits. The requirement of a mandatory orientation is still in place. This year hunters will be assigned a district and one of four available time periods.

Legislative Issues-

#1 Make the Future Fisheries Program Permanent. Remove the sunset provisions for (1) The Future Fisheries Improvement Program, (2) Bull Trout and Cutthroat Trout Enhancement Program, (3) Resource Indemnity Trust Funding. If these programs sunset, the department will lose the FTE established to implement the program and the dedicated revenue sources. Future Fisheries grants to private citizens are disbursed by a citizen panel in order to focus on the preservation and restoration of riparian habitat, irrigation fish screening, in-stream flows and fencing.

#2 Remove the Sunset On Prairie Dog Management. Prairie Dogs were on the list as a candidate for ESA listing. They cause landowners problems. A law passed in 2000 allowed them to be listed as a species in need of management. This legal framework allowed management to the point that they were not listed as an ESA species. The law sunsets in 2007 and this bill would remove the sunset and make it permanent.

#3 Remove the In-stream Leasing Authority Sunset. Will allow the lease of irrigation water rights for in-stream flow. It will help augment a Clark Fork River fishery after the clean up. The trout fishery in the upper Clark Fork River is at 1/6 of what it should be due to heavy metals. The water right acquisition will help mitigate the problem. The purchase of the Ueland property and the attendant water right will help as well.

Comment: Ag people in the upper Clark Fork River area are concerned that the proposed acquisition of ARCO water rights is the reason for this legislation. We will need this legislation to be able to accept the ARCO water rights. It provides the authority to use it for an in-stream benefit.

Comment: We need to make it more sellable to the Ag community by showing the benefit to the Ag community. An example would be Painted Rocks ditch rider control.

Discussion: Water rights in general and various terms.

#4 Private Land Public Wildlife Council. This advisory council was established in the early 1990s and may have recommendations for improving the block management program. They may request the addition of antelope, mountain lion and bison to the super tag.

#5 Make Illegal Outfitting a Felony. MOGA (Montana Outfitters and Guides Association) will carry to the legislature. Penalties for outfitting without a license are not severe enough and they undercut the legally licensed outfitters. The Board of Outfitters can do nothing. The offender must be ticketed by FWP and go through the court system. There are many repeat offenders who count the fines as a cost of doing business.

Comment: The take by illegal outfitters is monstrous. We need to make the point to the legislators that we need more enforcement to protect the resources.

#6 Revise Funding of the Fort Peck Hatchery Operations. Congress provided Federal funds to build the hatchery but provided no maintenance dollars which amount to \$500,000 annually and are not covered sufficiently by the warm water fish stamp. Various funding options are currently under investigation.

Comment: This was an economic development project promoted by Glasgow in an effort to bring fisherman dollars into the local economy. There is no funding for operations.

Comment: If it does not make biological sense then we should not do it. The fishermen have been left with the cost.

Comment: Only warm water fish can be raised at this facility even though there is a larger demand for trout and a lack of hatchery space. The hatchery at Jocko floods and gets whirling disease. The department is looking to sell it and needs another facility.

Comment: Now that we have it, what do we do with it? Miles City produces bass. That operation could be moved to the new Ft. Peck facility.

Question: Can you improve the demand for warm water fish? Answer: We do not sell very many warm water fish stamps in Region 2. If you are a youth or disabled, you get the stamp for free.

Discussion: On receiving general fund dollars and its effect on FWP control of its own resources.

#7 - Boating under the influence. This will clarify standards and processes that have been on the books for several years but are hard to enforce because the existing law is vague.

#8 - Require Trapper Education and Safety Course. Ed Hebbe III provided a synopsis of Montana trapping. The Montana Trappers Association began in 1978 and is still a 100% volunteer organization. They require that a trapping Ed instructor be a trapper as there are not many people who know how to properly skin a bob cat, beaver or other such species. They also must be able to safely demonstrate the setting of a variety of traps. Annually they run a youth trapper camp and people come from all over the country to attend. 180 people came from MN, VA, PA, MO, LA, WA, OR, ID and WY to attend the three day camp. People come from other states to see how we run things and then go back to their own states to run their own.

Comment: At the last legislature the Trapper Advisory Committee wanted mandatory trap checks but that is not feasible. The law says you can not waste fur and that

covers it. You have to be careful about what other restrictions you add.

Comment: If trapper education becomes mandatory then people who held a prior tapping license should be grand fathered in and sign an affidavit like they did for bow ed. Hunter ED and Trapper ED are two entirely different types of instruction and if Trapper ED becomes mandatory they should have separate and different instructors with different qualification requirements for each.

Announcement and Invitation: There will be a fur handling clinic on January 7 starting at 9 AM at Spark & Arc Welding (Ed Hebbe's place). 604 Mitchell Street, Deer Lodge, MT 59722. 846-2304. Usually 20 to 30 people attend. Ed Hebbe passed out a brochure on the trapper camp.

#9 Minors In Possession (MIP). This was carried last session and failed. Our parks and FAS are overrun in the summer with MIP. It is our sites that they go into and tear up. We should be able to handle it right then but we have to contact the county and wait for them to handle it. They are chasing families out of our sites with rude, noisy and obnoxious behavior. Anecdotal information from a CAC member - At Brown's Lake the families handled the problem and ran off the rowdies.

Discussion: What can FWP enforce? General feeling of CAC was that FWP should be able to enforce all statutes on their own ground. Presently FWP Enforcement puts in a call to the Sheriff's Office for assistance. The SO writes tickets for DUI, vandalism, MIP, and domestic problems.

Comment: We need to hammer what the wardens cover so that the legislators understand what you are up against.

Request: Louie Bouma requested cost figures on the vandalism.

Common Examples: Someone cut down a big linden tree at Frenchtown Pond. A person with marijuana swam the river to get away. Another with 2 warrants swam the river but was apprehended when they swam back.

Question: Will you prosecute from start to finish? Answer: Yes

Comment: I have seen intoxicated minors chasing bison herds on snowmobiles in Yellowstone and at Cook City.

Comment: Snowmobiles are motorized vehicles, they should be ticketed for DUI.

Comment: DUI and speed cause more fatalities. It is foolish to not let FWP enforce DUI laws. The Sheriff can't be out where the wardens go.

#11 Direct all Restitution Fines for Law Enforcement. FWP Criminal Investigators .

These investigators focus on major criminal cases. These investigators are located in Region 1, 3 & 5. Region 2 really needs one as well because we are generating so many major cases. We were looking for funding from trophy restitution to be directed back at Enforcement to fund the position. We were denied with the reason that it would encourage FWP to write more tickets.

Question: How has the general fund benefited? Answer: On trophy animals only, the first \$60,000 goes to the FWP Hunter Ed program. Above \$60,000 goes into the general fund. Approximately \$400,000 went to the general fund.

Comment: Even at that it is very hard to justify the addition of FTEs.

Question: Where does the other fine money go? Answer: Half goes to the County and half goes to the general fund.

Decision: The CAC may carry this if it is removed from the department list.

#12 Increase the Commission's Authority to Set Reduced License Prices for Game Management Purposes. An example would be to give the Commission the authority to reduce the license price for an ewe.

#13 Conversion of Snowmobile Violation From Civil to Criminal. FWP does not have a process to handle civil violations. This legislation would make such violations misdemeanors. FWP cannot cite the offender for violations because they are not criminal. This legislation was dropped.

#14 Repeal the Outdated Montana Conservation Corps (MCC) Statutes. In 1989 the MCC was put under parks. In 1993 it became a non-profit and removed from direct state government oversight. The statutes were never repealed.

Governor's Acquisition Item Not On The List Of Proposed Legislation. The Governor is sponsoring legislation for an acquisition program for parks and FAS. This is a very important piece of legislation. The next few years are critical for acquisition of access sites. The last couple of years the source of acquisition funding has been lost. State fishing license dollars for acquisition has been about \$600,000 per biennium. One Region 1 acquisition was \$450,000. We need to list 6 to 8 sites that would be good acquisitions.

Comment: Granted the agency needs to acquire sites while it is still able to do so put the other side of the issue is where is the funding coming from to manage and maintain these sites?

Question: Are there requests in the budget for more personnel to handle these sites?

Answer: Charlie Sperry is putting together a package for FTE for river recreation planning.

Budgetary Discussion-

Mack provided a description of how department funding is regulated. It will be 2013 before FWP could receive funding if a license increase would be approved in 2011. We continue to work with legislators to understand that a license fee increase brings in a large amount of money in the beginning but decreases over time. The last years before the next increase are actually in deficit and are using funds generated earlier.

General Discussion -

Chris Marchion: Montana Wildlife Federation is sponsoring a harboring bill. It will be in legislation this session. It will give the department tools to handle situation. The enforcement and penalty details are being worked out.

Comment: At the season setting meetings landowners are commenting on the need for the department to deal with other landowners that harbor ungulates that later come onto their property and cause damage.

Request by CAC Member: Would the CAC as a whole go for once in a life time tags on moose, sheep and goats? Could we bring it up to the legislators?

Question: why would FWP not support such legislation? Why would FWP not propose such a thing? Montana is the last state in the western United State to not have such a law. Answer: It has never actually been proposed. It won't change the odds but will make it more fair.

Comment: Montana has an old law still on the books for a once in a life time tag on grizzly bears. Does that mean if you took one before when they were still legal that you would be grand fathered in if they reinstitute a grizzly bear season?

Question: If we still have such a law on the books for grizzly bears, can we say ok then bison should be a once in a life time too? How do we get that proposed?

Comment: DNA already documents that the NCDE already has more individual grizzly bears than the Yellowstone. There are around 550 know bears.

Discussion: Grizzly bear politics.

Mack provided a synopsis of the meeting and encouraged the CAC to contact their legislators and to attend the Legislative Open House.

NEXT MEETING SCHEDULED FOR WEDNESDAY, DECEMBER 13.