

Region 5 Citizen Advisory Council Meeting

05/12/2009 5:30 PM to 9:30 PM Fish, Wildlife & Parks 2300 Lake Elmo Drive Billings, MT 59105

Meeting called by: Gary Hammond

Type of meeting: Citizen Advisory Council Meeting

Facilitator: Bob Gibson

Note Taker: Dianne Stiff

Attendees: Daniel Aadland, David Charles, Daniel Dutton, Doug Haacke, Shawn Todd,

Robert Willems, Dale Vermillion, Greg Keller, Gary Hammond, Harold Guse, Matt Ladd, Dianne Stiff, Jeremiah Wood, Earl Radonski, Ray Mule', Bob Gibson, Ron

Aasheim, Eileen Ryce, Brad Schmitz

Absent: Doug Dreeszen, Mike Whittington, Jed Evjene, Doug Habermann

Guests: Lee Gustafson; John Gibson; Kurt Kephart

Agenda topics

5:30-6:00 p.m.Welcome, Dinner & ConversationGary Hammond6:00- 9:30p.m.Aquatic Nuisance PresentationEileen Ryce2009 Legislative Session ResultsRon Aasheim

New Bridge Access Law Discussion

Issues of Concern

CAC Members

Aquatic Nuisances Presentation

Eileen Ryce

Discussion: Eileen K.N. Ryce, Montana ANS Coordinator

Montana Aquatic Nuisance Species (ANS) Program: Prevention and Monitoring

- ANS Management Plan since 2002 our poster child in Montana has been whirling disease. FWP's program covers everything from the riparian zone down (plants, animals, pests or pathogens)
- Statewide coordinated effort since Feb 2004
- Primary funding source: ANS Task Force/US FWS
- Program Priorities: regional land statewide coordination, education, control and prevent spread, monitor and detect, rapid response

Fish Health and Import Statutes: Requires permits for importation include health certificates; provides for inspection, quarantine and disinfection of fish culture facilities.

Leech Rule: This rule was written in direct response to zebra mussels in the east. The majority of leeches that come into Montana come from eastern states, so we have regulation of leech importation and development of approved leech dealers.

Importation, Introduction and Transplantation of Wildlife Statutes: Authority to regulate importation, introduction and transplantation of wildlife species, including aquatics.

County Weed Act and Noxious Weeds List: Currently we are dealing with Eurasian Watermilfoil – located in the lower Clark Fork.

New Legislation 2009 = Montana Aquatic Invasive Species Act

- Sets up an invasive species account
- Allows for cooperative agreements for detection and control
- Gives us rulemaking authority
- It designates invasive species "Management Areas"
- Possession and transfer prohibited
- Penalties: misdemeanors and felonies

Priority Aquatic Invasive Species: zebra/quagga mussels, aquatic weeds, new Zealand mud snails, VHS virus, whirling disease, asian carp, illegal fish introductions

Prioritized Prevention and Monitoring:

- Angler/boat surveys: movement data, cleaning habits
- Waterbody size and use
- Pressure surveys
- Calcium levels

Identified Areas of Movement: Flathead on the west and Fort Peck on the east are the two bodies of water that are most likely to receive traffic from out of state visitors. Canyon Ferry in the middle of the state ties those two bodies of water together as it gets a lot of visitors from Flathead and Fort Peck so if something was introduced into either of those two bodies of water it would be quickly introduced into Canyon Ferry. Canyon Ferry is the headwaters to the Missouri and would be quickly spread out into the entire state. The other body of water that ties everything together is Tiber Reservoir. It gets a lot of visitors from Canyon Ferry and Fort Peck.

Over land transport is our largest vectors for moving the invasives around.

Some of the high pressure lakes include Flathead, Canyon Ferry, Fort Peck, Holter, Hauser, Georgetown and Lake Koocanusa use these to gain and prioritize where the most use is going to be. Again this identifies the

highest risk bodies of water. When you add the highest pressure rivers there is a lot of use throughout the entire state. The upper Missouri and upper Yellowstone get a lot of use but not on the lower sections of these rivers. If something were introduced on the upper parts of these rivers, it would fairly quickly be spread throughout the state.

ANS Sampling Locations – We are hitting those high priority areas, which are primarily in western Montana, but we have done some work in eastern Montana. The lower Yellowstone and eastern part of the state have been identified for future work to fill in a lot of the gaps. A lot of what we can do is based upon our resources available. Up until this year, Eileen's program has been entirely soft money funded. There are more funds available this year and will be able to get out to more locations.

The two invasive mussels are the Zebra mussel and Quagga mussel. They are about ½ to ¾ of an inch long, a bivalve meaning they have two shells very similar to a clam and are striped. They also have little hairs on them in order to attach to things. If you see anything like these, give FWP a call.

The zebra and quagga are native to Eastern Europe and Black Sea area. They are on the Federal Injurious Wildlife Species, which basically prohibits interstate transport. They are also prohibited in Montana.

Zebra and Quagga Mussel Impacts -

- Huge biofoulers sticking to everything. They can grow several feet thick unlike our native mussels that burrow in the mud primarily. The zebra and quagga like to grow on top of each other. They need one hard surface to get attached to and then they all attach to each other. Even in a primarily soft sediment body of water like Fort Peck for instance, if there is one rocky outcrop, these mussels can come in attach to it and then make their own substraight by attaching to each other.
- They clog up pipes, cause havoc to irrigation, power plants, water treatment facilities or anything that moves water.
- In terms of fisheries impact, it is a bottom up impact. They're known as plankton feeders or filter feeders and filter out all the primary production in the water, so there is less food available for the juvenile fish and forage fish. When there is less food available for the small fish, there is less food available for the predatory fish, so it is an indirect impact to fish like walleye and pike. Also in some places what is being seen are fish like walleye eating these mussels, and when ingested the sharp shells ripping their insides open causing them to bleed to death.
- They will out complete the native bivalves and will attached to the top of those mussels smothering them to death.
- For distribution there is a massive area that is positive in the east and mid-western part of the USA and is moving closer to Montana. Currently they are in Utah, Colorado, South Dakota and getting closer all the time. One of the problems is that a lot of the states have just gotten on board over the last year or two and are just finding populations.
- What are we doing? We are actively sampling looking for any adults that have settled out. To find them within the water, plankton nets are used, and multiple water samples are taken too.
- They cost millions to control. Chemicals, mechanical removal, dewatering are the most popular way of controlling them. There are some other things like bio-control being looked at, a product of bacteria that is showing some progress, but introducing any biologic on top of another invasive it always incredibly risky. The short of the story is that the longer we can prevent something from getting introduced, the higher the likelihood is that by the time we find it there may be some tool available to help us to control it.

Asian Carp –

- Potential for the lower Yellowstone as they are moved around as a nontarget and bait fish.
- It is illegal to import bait into Montana without authorization, but we have intercepted several illegal

bait shipments coming in from South Dakota.

Silver Carp –

- Most concerned about this fish. They are plankton feeders and very similar to the mussels. They suck all the goodness out of the water and the biomass they get to is incredible.
- They will take over rivers completely.

Bighead Carp -

• Real similar to the Silver.

Black Carp -

• Not found in many places in the USA yet. It basically eats mollusks, snails, and mussels. It's something we are watching for but it's not really close yet.

Grass Carp -

- This is of more concern. Montana is one of the few states that prohibit grass carp outright, but it is a commonly used fish for aquatic weed control and we do get requests annually to import this fish.
- It is on our prohibited list. Under no situation do we allow it to come in.
- This fish would denude a body water completely of any aquatic vegetation and all you would be left with is a green soup of algae.

Silver Carp –

• These can get up to 100 lbs. These are the ones that jump.

VHS Virus -

- We are incredibly scared about this one. We would see massive fish kills, and it will cross all barriers of fish.
- Currently it is restricted to the Great Lake basin and the Mississippi basin right now.
- It's so deadly and is something we are taking seriously and testing for. We have an active surveillance program and are testing all high priority waters for this.
- It causes the fish to bleed to death internally, and its spread by body fluids, and fish to fish contact.
- It can survive in water, by being attached to other hosts like leeches, crayfish, and being attached to boats. As long as it doesn't dry out completely it can survive. It can also survive up to five multiple freezing and thawing events.
- It started off as a marine pathogen and then was spread in the Great Lakes by the ballast water from the large ships and then converted into a fresh water pathogen.

Prevention Strategies -

- Includes both public and agency awareness.
- Prevent introductions directly operate check stations, importation evaluations, river basin monitoring, hatchery inspections, border interceptions, and boat ramp interceptions.
- Inspect Clean Dry: clean your boat by removing the weeds and mud, wash with hot water, high pressure is great and allow it to dry as long as possible.

Questions -

Dale Vermillion – Didymo – no felt soles are now allowed in New Zealand. There is didymo in the East Boulder and are we doing anything about that? I have a small pond that is ½ acre and now it is solid milfoil. How did it get there and what do I do about it?

Eileen – Your milfoil is probably not milfoil but another native aquatic plant. Send in a zip lock bagged

sample and Eileen will identify it. It probably got there through waterfowl as birds move that stuff easily. There are a lot of options in controlling weeds, so will talk about that separately. Didymo has been referred to as wet toilet paper or a moss/algae that can cover the streambed. Didymo is native to the state of Montana and is not an introduced species. What we are seeing with changing water flow whether due to drought or changes in water practices, is that it's showing up. The Boulder River is one location and it's also in the Kootenai River. Both of these are probably a water flow issue. What keeps it in check is it grows on top of the rocks and then during times of high flow the water disturbs the rocks, then interrupting the growth of the didymo. There is not a nuisance population in the state except for a couple of locations. Since Eileen's programs only cover nonnative species, didymo is not addressed. As it's everywhere the prevention of spread does not apply to didymo as it's more of a water management issue.

Felt soled waders are a huge concern as they are difficult to clean. It's been proven they can move around whirling disease spores as well and Trout Unlimited has undertaken a huge movement to get all state agencies to ban felt sole waders. We have been talking to some of the boot manufacturers and right now there just isn't a cost effective alternative in Montana. Currently rubber sole waders are better because they are easier to use, but they don't quite provide the same grip as a felt sole wader yet. Some of the manufacturers are coming up with good alternatives. To clean felt soled waders use hot water, stout scrubbing brush, a high pressure sprayer and the simple practice of getting the mud off of your boots.

Doug Haake – What is the contact information on the cleaning units?

Eileen – The unit FWP uses is made by a company out of Monarch, MT, called Greenfield Industries. The only other big manufacturer is out of Salt Lake City, UT, Hydro Engineering.

Action items: Report anything new or unusual to FWP.	Person responsible: Eileen Ryce	Deadline: Ongoing
2009 Legislative Session Results	Ron Aasheim	

Discussion: Handed out summary of 2009 legislation.

Highlights of some bills that passed:

HB 499 – established an upland game board advisory council. That group will help us establish a strategic plan for upland game birds. This will be a 12 member advisory committee and we encourage any or all who are interested to apply. This advisory committee will have at least 8 two-day meetings in the next 18 months and then before the next legislative session a report will be prepared explaining what the future recommendations will be for that program.

SB 164 - the "Good Neighbor Policy" will change some things with the operations and maintenance of our Department's lands. It establishes the requirement that for every acquisition we participate in an additional 20% would go to operations and maintenance except for Habitat Montana money. Habitat MT money is what we've used to acquire most of our wildlife management areas.

SB 404 - Shooting Preserves now have a new acreage limit of 1,920 acres. In addition, they used to have to be 10 miles apart, but now there is no distance restriction anymore. There is a caveat in the legislation that says the FWP Commission has the authority to deny requests if they would impact public hunting.

SB 425 - Ft. Peck Fish Hatchery- it allows up to 750,000 coldwater fish (trout) a year to be produced at this hatchery. It eliminates the warmwater stamp in 2012, and it adds federal funding and general license dollars to operate this hatchery.

HB 218 - Prohibits artificial light, it used to be worded spot lighting, when hunting.

HB 223 - If there is criminal mischief on a piece of property (vandalism on our sites) – people who are convicted, the judge has to impose a 2-year prohibition on hunting and fishing. On criminal trespass on FWP lands like wildlife management areas with regards to horn hunting, again the judge can impose a 2-year restriction on hunting and fishing privileges.

SB 202 – Prohibitions on feeding of wildlife – they strengthened that so now if you are purposely attracting

you can be cited. This would be a misdemeanor. This applies to ungulates, bears and lions.

HB 74 – The Commission now has the authority for archery only mountain lion, wolf and bear.

HB 137 - Block management operators, both resident and nonresident, under certain conditions can receive a free combination license. Those can now be transferred to full time employees. The cost of that license no longer comes out of their payment.

HB 221 – Youth hunting - if in fact you turn 12 before January 15 you can hunt beginning August 15.

HB 585 – There are now 500 nonresident elk and 500 deer/elk combination licenses available to nonresidents who have family members in Montana who would sponsor them. The funds from these licenses are earmarked for public hunting access for inaccessible public lands.

SB 184 - Bear/lion hunters now that don't purchase their licenses by the April 15 or August 31 deadlines can purchase their license after the deadline but will need to wait 5 days after purchase to hunt.

SB 185 – The new nonresident college student combination big game licenses – if you have a son or daughter that moves out of state and they completed their high school degree here and then became a nonresident because of financial purposes, they can hunt in Montana as a resident. They would have to have parents here and meet some qualifications as far as being a full-time student (12 semester credits).

Highlights of bills that did not pass:

HB 62 – Mandatory trapper safety and education – was the third session in a row that's failed.

HB 217 – FWP wardens and park rangers – we'd asked for the ability to enforce laws related to minors in possession on public property.

HB 314 – The harboring legislation that addressed landowners that were knowingly concentrating wildlife and preventing access to disburse those.

SB 217 - Reimbursing livestock producers who are required to test for brucellosis in Montana.

SB 435 – Prevented any net gain of public ownership by the state of property so if you bought 1,000 acres you would have to divest yourself of 1,000 acres.

Action items: Questions	Person responsible: Bob Gibson		Deadline: None
New Bridge Access Law Discussion		Bob Gibson	

Discussion:

Ron Aasheim – HB 190 – Codifies the publics right to access rivers and streams at county bridges and allows landowners to connect fences to county bridge abutments, provided they do not restrict access. Requires FWP to pay for any improvements in fences to facilitate access.

- If there is a disagreement FWP and the landowner by statute are required to work together for up to 60 days.
- If there is no agreement FWP has the authority to provide options that the landowner would accept for 30 days.
- If there is no exceptions' accepting of those options, FWP would then determine what was the reasonable way to provide access and pay for the structure or the modification, in cooperation with other groups.
- Basically the public has the right to access, the landowner has the right to fence for livestock retention purposes and there is a mitigation process if there is disagreement, and the state pays for the expense associated.

Bob Gibson – Two questions that come up on this -1) This addresses specifically county roads – Do we have any feel how that would apply to state highways? 2) This applies to private land – Do we have any feel for whether the state is interested in pursuing bridge access on Tribal lands?

Gary Hammond – Helena FWP is going to work with MDOT to see how we address that on state highway bridges.

Ron Aasheim – During the session FWP attorney's at that time had approved this language that the state highway

bridges can be used unless there are state regulations restricting use i.e., safety concerns. The statute refers specifically to county but according to our attorney's it would include state.

Gary Hammond - St. Xavier bridge is one where part of that has tribal attributes, and we think there might be state ownership on one corner. There may be an opportunity with that state component, which we'll be looking into.

Gary Hammond – Handed out a non public access sites at risk list to the group for their reference. Information has already been circulated among Public Land/Water Access Association (PLWA) members for feedback. As lists are developed, Gary asked that folks please get those into to us (FWP). In addition, Gary asked that folks circulate this at risk list to their groups and take a look at identifying which are good or bad. He specifically asked for those areas that would be easier to begin with, as Lee Gustfason coined the phrase, "low hanging fruit". Our goal is to get some "low hanging fruit" done quickly and then immediately publicized.

Harold Guse – Point of clarification - fencing across a stream or river is legal. HB 190 does not address that.

Lee Gustfason – PLWA worked out a checklist for the essential information needed for identifying bridges. Copies were distributed, plus this is on the PLWA website.

Kurt Kephart - Littering needs to be addressed with more public access. A public campaign on littering to raise awareness is needed.

Doug Haacke - Suggested areas:

East Rosebud River –A bridge 6 miles southwest of Roscoe towards East Rosebud Lake that sits right on the corner of a section of state land – heavily used for fishing and swimming. This bridge is wired up on all four corners, but would be a minimal amount of work to go in on any of the four corners. This is located in Carbon County.

Spring Creek bridge on the Stillwater River – parking at the community hall and upstream of Absarokee – easy access on all three corners other than downstream left. Exclusively anglers use this.

"Beware of Dog" or "Alan" Bridge on the West Rosebud River – this isn't far from Emerald and West Rosebud lakes and it's the first bridge you cross coming back out of the forest. Some of the road is Forest Service road and not county. On the Lazy EL there is a wide spot in the road and it's good parking.

Omichi Bridge (new bridge on the Rosebud River) – have a pass through there and it's fine, but have the no parking signs on all four corners. It's located just before Olie's Corner after leaving Absarokee. It's a county road, but even though the county built the bridge, the Crow Chief Meadow's Subdivision paid for a financial portion of the cost and that may be why it's less accessible.

The first bridge crossing in the state of Montana coming downstream on the Clarks Fork of the Yellowstone River. This crosses a steel bridge and there is a lot of wire. Okay parking for four vehicles, good gradient down to the river and great fishing.

Lee Gustfason – Suggested area:

There are two bridges across West Fork of the Stillwater. This is about a mile upstream from confluence of the Stillwater, and all four corners of both bridges are wired up, so there are eight corners involved there. Fishing pretty good. If you go up the river a little ways there is a state section where you can get to the river. Then on up the Keel's have put a lot of orange paint and flags right on the river. This would be easy to have two access points right on those two bridges and you'd open up a mile of the river going down to the Stillwater. The location is about ½ mile north of Nye on the Stillwater road. Terry Eckwortzel is the landowner.

Lee Gustfason – the members of PLWA are very interested in the Boulder River.

Action items: Prioritize & Tour Identified Top Areas/Provide	Person responsible:	Deadline:
Immediate Improvements for Access	Gary Hammond	ASAP

Issues of Concern CAC Members

Discussion:

David Charles – A lot of people happy with what the Department has been doing getting additional access points and wishing there was more money to do more. Heard comments from some people wishing that there were block management areas for other turkey opportunities here otherwise the normal hunter hopes for longer seasons and better weather this year. People involved with the legislation were happy that with the bills that did not pass.

Dan Aadland– People who were really anxious for a wolf/grizzly/bison tag. In Stillwater county the conservation district has more 310 violations than we used to that affect fisheries. These are cases where proper permitting is not acquired before disturbing creeks and streambeds. Jeremiah Wood, fisheries biologist, has been wonderful to work with and is a great acquisition for us going out on the 310 permit inspections.

Greg Keller – People in my area mainly fishing access and numbers of elk running around the country because right now we have several hundred running around on our property picking at the green grass.

Shawn Todd – Done with turkey season and had some first time hunters. Deer and elk are thick in his the Bull Mountains too.

Doug Haacke – Gary Hammond was recognized by Montana Wildlife Federation as one of their top conservationists.

Bob Willems – Relatively quiet in his area. There was the tiger muskie taken at Deadman's Basin and were wolf problems west of Two Dot. I'm really pleased to sit in a meeting where you have people that are digging in and doing the things that they are passionate about. My compliments to our committee members.

Dan Dutton – Talked to Bob Gibson about putting something out in the media as a reminder about whether they need a special permit in areas to hunt a mule deer buck for example. In conjunction with that I think HB 221 that allows the kids to hunt the entire season before they turn 12 and should put a plug in for that too. People in my area are wondering the status of purchase of that access south of Bridger. Is it going anywhere? (Gary Hammond – We made a recommendation to the FWP Commission that we would like to see that proceed and that was the decision notice issued on May 1, 2009, and goes to our Commission for consideration as a final on June 25, 2009, and then to the state land board on July 20, 2009.)

Three months = August 11, 2009 – Burning topics = Wolves; revisit bridge access; Littering campaign; anything that comes up in the meantime let Bob know.

Action items: News Releases	Person responsible: Bob Gibson		Deadline: Before Drawing Deadline		
Wrap Up & Schedule Next Meeting	Bob Gibson				
Discussion: Next CAC Meeting = September 15, 2009 Topics = Wolves; Revisit Bridge Access; Littering Campaign; Anything that comes up in the meantime let Bob know.					
Action items: Organize Meeting & Distribute Agenda	Person responsible Bob Gibson	ble:	Deadline: Sept. 4, 2009		