

CITIZENS ADVISORY COUNCIL
Region 7 - Miles City
Meeting Notes
November 4, 2009

CAC ATTENDANCE: Scott Studiner, Warren Broeder, Julie Jordan, Jim Schaefer, Art Hayes III, Rob Reukauf, Greg Mohr, Fulton Castleberry, Bob Hagedorn, and Chris Pileski.

ABSENT CAC MEMBERS: Todd Steadman, Mary Zeiss-Stange

FWP STAFF ATTENDANCE: Brad Schmitz, Dwayne Andrews, Mike Moore, John Ensign, Matt Abrahamse, John Little, Ginger Omland, and Vic Riggs

Helena FWP Staff: Janet Hess-Herbert, Chris Smith, and Sue Daly

Chris Smith, Special Projects, FWP Helena – Present & Future Funding for FWP

How is FWP funded today:

Two basic divisions in FWP:

1. ***Fish and Wildlife Division*** has the general license account and earmarked license dollars for such things as Habitat Montana, Block Management, FAS program. Two major federal aid funds are Pittman/Robertson and Wallop Breaux. Pittman/Robertson is the 11% excise tax on firearms, ammunition, etc. and Wallop Breaux is a tax on fishing tackle, boats, etc. These are excise taxes collected at the wholesale level, accumulated by the USFWS and then apportioned out to the states on a formula based on the size of the state, population, number of licenses sold, etc. For every one dollar of general license money that is committed to a given project that is eligible for this federal aid, we can use up to three of these dollars.

When Congress established both programs, they required all license money collected in the state had to be used solely for Fish and Wildlife program administration to be eligible to use federal funds. That is why our license dollars are very well protected.

Jim S. asked if Chris expected the federal funds to continue and if they were permanent?

Chris said these two funds have been in place for a long time and are very stable.

2. **State Parks Division** funding sources are the voluntary light vehicle registration fee; parks' earned revenue derived from such fees as camping, sale of firewood, and other goods or services that the parks provide to park visitors; coal trust revenue; bed tax; motorboat fuel tax.

What is the Outlook:

Fish and Wildlife

General license account is stable.

Earmarked accounts are stable.

P/R & W/B are up and down

In general, funding for F & W side anticipates no real big changes in the long term.

Parks

Voluntary vehicle registration fees – flat or decreasing

Earned revenue has increased.

Coal Trust revenue – down

Bed tax – stable

Motorboat Fuel tax – flat

In general, funding for parks is slowly trending downward.

On both F & W and Parks side, expenditures now exceed the revenue. Currently, FWP programs are being sustained with savings. The Parks savings will be depleted by 2013 unless some changes are made. Fish and Wildlife programs have more time and options, but increasing demands.

Rob R. questioned about all the dollars being spent for land acquisitions and asked if that money was obtained from different accounts or if it all came out of the same account. Chris said it all comes out of the total pot of money and that most of those acquisitions are coming from earmarked funding sources. Rob thought that FWP is adding expenses to this system when they don't have the finances to support what they have to which Chris agreed that FWP cannot continue to spend more money than what is brought in.

What is FWP doing About the Future:

1. Short term steps include controlling expenses such as restructuring our vehicle fleet; leveraging funds by using additional federal funds and joining with other agencies; and living within our means through FY13.
2. Long term steps include re-evaluating programs to see what is important and what, if any, new things should be considered and how it would be funded.

How can the CAC get Involved:

1. Share ideas on what's important about FWP programs.

2. Share ideas about how FWP can be more efficient with available dollars.
3. Share ideas about new funding alternatives.

One of the issues that has risen with several of the other advisory committees is that there is much more added responsibility today with Fish & Wildlife and no extra funding sources.

Mike M. thought most customers are willing to pay a license fee increase to support fish and wildlife programs.

Chris said that in preparing for the 2005 legislative session, which was when the last resident fee increase was introduced, surveys were taken and that was what they had found also. People were willing to support an increase if they knew the dollars were going into managing fish and wildlife habitat, etc.

Sue Daly said any fee change has to be approved by the legislature and said it is important that CAC members communicate with their legislators.

Warren B. asked about legislation regarding eliminating the guaranteed outfitter tags and increasing the price of nonresident combo licenses.

Chris said there is a citizens initiative drafted that, if passed, would eliminate the variable priced outfitter sponsored guaranteed big game combination license and increase the price of all nonresident licenses to make up for that loss in revenue.

The difference between the price of the outfitter sponsored and the regular nonresident license issued through the drawing is the main source of funding for the Block Management Program. Chris said if the variable priced licenses were eliminated, the funding source for the Block Management program would go away. So the initiative, instead of simply doing away with the funding source, is to say that all of the nonresident licenses would be increased in price rather than having a certain amount that would be more expensive but guaranteed to outfitter clients. All nonresident licenses would be issued through the drawing and the price would increase.

Rob asked about the outfitters that book these hunts in advance – would this throw them to wolves? There seems to be a war going on between FWP and the outfitters for some reason. This particular initiative would just about throw them to the wolves. Rob wondered why FWP was in support of which Chris added they are neutral. Sue explained that what FWP is doing is trying to interpret the initiative as to how it would impact FWP. They have not taken a position because the agency is prohibited by law from taking a position.

Scott asked what year they got guaranteed tags and Chris said 1996.

Warren B. asked if the initiative passed, would it be beneficial or destructive to FWP?

Chris said as it is structured, it is intended to be either neutral or beneficial in terms of the amount of money that is available for block management. It may have a significant impact on the outfitting community.

Jim S. asked if it would or would not increase the number of clients available to each outfitter?

Chris P. asked if the net client use goes away under this initiative?

Sue said nothing is changed because their clients still need to go through draw.

Brad asked if that was the way it was before variable priced licensing and Chris said yes.

Art asked if there was a guarantee that they would sell these licenses if the price were raised?

Sue said that was one of the things they pondered is if and when the increase would get too high that the customer would not pay it.

Jim S. said that in his travels to different shows, the consensus of the public is that the price was not too high.

Scott said he supports the fee increase. He asked Chris if the governor was giving FWP directions?

Chris said the direction from the governor is that FWP would not be proposing any fee increases. Legislatively, it could happen.

Scott asked if Chris foresees that? Chris replied they may comment on what the impact would be, but may or may not be authorized to speak in support of that.

Bob H. asked if outfitting was the only private industry that is guaranteed a client base?

Jim S. asked what had happened with FWP commercial permits for things like shooting photography, etc. on FWP lands for an additional source of funding? Chris said commercial use rules and permits were established assessing a fee.

Scott asked if FWP considered a new license for species that we don't currently charge for, like predators?

Chris said they have no authority over predators. Wolf licenses have brought in good revenue.

Warren asked if the thought has ever come as far as putting a sunset on, for example, a nonresident bird license?

Chris said they checked into it and they offer short-term licenses like fishing. What they discovered was that very few nonresidents hunted for more than a week.

Fulton thought, in the parks area, there doesn't need to be new parks added but instead to take care of the ones they have.

Chris said they did adopt a statute that says anytime FWP buys property, they have to set aside the equivalent of 20% of the price paid for that piece of property into a management fund that is used for maintenance of the state property.

Scott S. asked do you have the authority to sell property that is not getting used to full extent?

Chris answered yes they do. It needs to be approved by the Commission and then by the land board.

Dwayne said he would forward any ideas to Chris that CAC members may come up with.

Vic Riggs – Fisheries Manager -Bridge Access Projects in Region 7

2009 Legislature clarified how access at bridge crossings could be accomplished. In certain places around the state, there is a lot of demand and controversy surrounding access at bridges. The Director, when this bill was passed, asked the different regions to prioritize some bridge access crossing projects.

In Region 7, we do not have a lot of streams. We, essentially, have the Tongue River, Yellowstone River, and the Powder River. On the Yellowstone River, we have a fishing access site at every bridge crossing except for one. We have focused on the Tongue River since it is the more popular one. There are six bridges between Miles City and the Tongue River Reservoir. Vic and crew have assessed the river miles between each. There are only two public access sites on Tongue River: Tongue River Dam and 12 Mile Dam.

Scott asked if he had considered starting in areas where there are cooperative neighbors. Vic said, in reality, some will be easier to do than others. At this stage, they have not approached the adjoining landowners.

Art asked about the spots where the right of way goes into the river.

The problem is folks can access the river at those places but there is no place to pull off. There is nothing keeping folks from accessing the river at these bridge crossings. The idea of this process is to insure that access is reasonable and not stepping on anyone's toes.

Scott asked if there was a schedule set to implement this?

Vic answered that this winter, they would like to visit with folks along the bridge access route.

Brad said he would like to see, before next summer is over, all of the six or seven sites to have gates and issues worked out with landowners.

Dwayne said he had a call from an outfitter regarding the legality of individuals using bridges to access the Tongue River for floating.

Scott said that is his concern also that there will be a lot of pressure.

Vic said there is more interest with floating the Tongue river than what has been in the past.

Dwayne said the advantage of it being low-key now is that you have a much better opportunity to work with the county road departments and landowners than we will 10 years from now.

Brad added they do not know what kind of response they may get from landowners.

Scott said they should focus on the areas they can get to quickly and get them in.

Janet Hess-Herbert – Data Services Section **Crucial Area and Connectivity Assessment**

Crucial Areas and Connectivity F & W Comprehensive Strategy

What is it?

Part of Janet's job is running the GIS (Geographic Information System) Program for the state and is responsible for centralizing much of the fish and wildlife data that is collected. Janet covered the FWP mission statement. The agency has always been very focused on hunting and fishing only for many years. What they are doing is broadening that mission over the years. There are non-game biologists now and in nearly every region, biologists that are trained in looking at species that are non-hunting and non-fishing.

This final product is a web-based tool to provide initial review to project developers, conservation interests, land managers, general public or any audience that may be looking at a piece of ground for its value from a fish and wildlife perspective. They hope it will integrate needs of fish and wildlife sooner in any development process that may surface.

Drivers

CFWCS (Comprehensive Fish & Wildlife Conservation Strategy) implementation;
Consistent & growing demand for spatial information;
Western Governors Initiative – directed at regional scale identification of crucial habitat and important wildlife fish corridors in the face of significant land use changes in the west;
Process began in January 2008.

CFWCS Implementation

Landscape level assessment of species of greatest concern
MTDSS Scope
Initially conceived to meet FWP needs
Also developed to provide information for planning
MT DSS Overview

Best available knowledge

Aquatic and terrestrial Crucial Areas
Development Values
FWP recommendations
Process started January 2008
Internal and external scoping completed 09 –2008
Data collection – ongoing

Process

Put info in data layers
Goal to move information out so that someone can look at before planning a project.

Approach – Aquatic

Sport fish
Species of Concern
Native assemblages

Approach – Terrestrial

Game Species
Species of Concern
Species of Habitat

Approach – Habitat

Landscape
Riparian
Wetland

Jim S. asked the difference between riparian and wetland to which Janet answered riparian is streamside and wetland is a standing body of water.

Scott said Janet has basically created a broad scale tool to help you start into a process and then, on a site specific location, you break down your scales to the actual size.

Next Steps

Launch Internally

Complete the crucial areas assessment

Train FWP staff

External Process of working with partner agencies

Update partners

Work groups

Launch service

Incorporate Connectivity Assessment

Update CFWCS

Bob asked how small of an area would this be broken down into and will it be available to the public?

Janet said the challenge will be whether to take a predefined package and roll into one unit or take small separate sections.

Scott said he thought the understanding would be to help the public get educated early in the project and Janet said it is a starting point.

Jim S. asked at what point is the impact not going to be that great in return for the economic benefits?

Janet said they see it as a proactive economical benefit that you will be able to understand early on in the process.

Chris said from FWP perspective, it is not their role to make the decision as it is in the better public interest to allow a project and the economic development that is associated with it or to deny and protect the fish and wildlife values. Those are political and public policy decisions and they are hoping this tool helps inform those decisions.

Rob asked if Janet has worked with federal land management agencies on these areas?

Janet said they have their data but that will be one of the next phases. Brad said Windy Davis is working with BLM on some of this.

John Ensign/Brad Schmitz – Tentative Regulations

John handed out copies of the Mule Deer Population Ecology and Chronic Wasting Disease Study in SE Montana. The reason for this study is because CWD is prevalent on Wyoming and South Dakota borders of Montana and John Carnes initiated a study to get

a baseline of what deer populations are doing in the SE corner of Montana. We have not had CWD in the state yet. The concern is not if it is going to come in but when.

John handed out “Public Comment Themes – Biennial Season Setting Scoping, October 8, 2009.” Every two years, FWP develops new season structures if needed. A scoping period was held from August 3 to September 4 where the public could go to FWP website and make comments on changes they would like to see. In addition to that, each region, during this period, held a scoping session where the public could come in and talk to FWP and visit about their concerns.

The Wildlife Section accumulated all public comments and looked at things that are occurring in the region and developed a series of tentative proposals. John then submitted those to Helena. Helena staff will review those and then send them on to the FWP commission. From there the commission will decide, on December 10th, what tentative proposals will go forth for public comment. The public comment period will begin approximately December 14th and run through January 22nd. In January, there will be a series of meetings in the region to go through those tentative proposals that the Commission has adopted. Once that is completed, we will meet again with the Commission in February to finalize those proposals.

John gave a brief review of a couple of the proposals being contemplated: Nonresident hunters may be able to apply, at the same time they apply for big game license, for special permits. Then 10% of the last year’s quota of permits would be set aside for nonresidents.

Jim S asked if they want to apply for a permit would they first have to apply for a license? They can’t take one or the other?

John explained the process using elk as an example. If a person gets the license and not the permit, he does not have to take the elk license.

Jim S. said another comment he has heard is that nonresident hunters need more time to plan and cannot do that if they don’t know if they have drawn until July. John said part of the reason why the drawing is not held until then is that spring surveys are not completed and counts are needed.

Scott S. felt FWP needs to get their game surveys completed and stick with deadlines.

John said when the public comment period arises to be sure and get their comments in. Brad added that when we get the tentatives, we will send them to the CAC members.

Chris Smith said they have been trying to figure out, for the last several years, how to change the drawing dates (for resident and nonresident hunters) to give them the most time to plan.

John said another proposal is to expand party drawings for elk archery, nonresident combination licenses, and other limited permits. Currently, you can only do that with antelope.

In the public comments, there was a real strong push for Saturday openers instead of Sunday.

There is going to be a proposal to take antlerless elk permits and turn those into licenses to try to get more harvest. John said it is probably more applicable out west than it would be in our districts here. Our feeling on that is that it would actually reduce the overall harvest in this area.

Dwayne asked how it was different than the A-9/ B-12 licenses to which John responded that was what it was but it would change those permits into A-9/B12's.

Another proposal applies to the 23 elk archery districts outside of the breaks where basically bulls are on permits now. There is a proposal to bundle all of these 23 districts into one permit and reduce permit levels from 3400 down to 2900 which would allow resident archers that have these permits to move between those 23 districts.

Art said he would be concerned that it would filter a lot more people onto the public land. Brad said they discussed that concern with the other managers as well. The only way to know is to try it and see but at the same time, they had concerns we would lose some support in that structure and it would fall apart. Art said there were more complaints of the pressure on the forest this year.

Scott asked about the decrease in funding for FWP if the permit numbers dropped from 3400 to 2900.

As far as regional changes, they are not proposing any season structure changes but are adjusting quota changes. They are looking at increasing black bear from two to four in the fall; leaving the either sex permit level at 175; increasing antlerless permits (forest) from 150 to 200; reducing quota from 820 to 600 on archery permits in the breaks; and increasing antlerless permit level from 600 to 750.

OPEN DISCUSSION AND PUBLIC COMMENT PERIOD

Chuck Laakso - Muzzleloader Season

Chuck, a private citizen and hunter, would like to propose that FWP have a muzzleloader deer season which, this year, could have run between the end of archery to the beginning of rifle and to use similar regulations to what Idaho has which is basically a primitive type of muzzleloader such as flint or cap locks. What he suggested was to buy an A tag and get a muzzleloader stamp which would allow you to hunt this one week muzzleloader season.

Greg M. asked if Chuck was talking about one tag. Chuck said he proposed buying an A tag and then purchasing a muzzleloader stamp. When you shoot the deer, whatever you shoot for the year, you would use the A tag.

Greg M. asked if it would limit you to just to the muzzleloader? If you don't get one in the muzzleloader season, can you then go ahead and use the A tag in the regular season?

Brad said it would be similar to the archery license now. You would buy the muzzleloader stamp and hunt during the muzzleloader week. If successful, you would be done. If not, there would be the other opportunities also.

Chuck felt there were a lot of people that like to hunt with muzzleloaders but you are at a big disadvantage during the rifle season.

John Hughes – Operates J&M Fur

John represents the Montana Trapper's Association and came to discuss the I-160 ballot initiative that will prohibit trapping on public lands. John read the mission statement of the Montana Trapper's Association. He stated that his purpose was to provide information and answer any questions anyone had regarding the initiative.

Rob R. said it sounds like you have formed a new group here instead of Montana Trappers Association. John H. replied that in order to oppose a ballot initiative and get funding, you have to form these committees. This is an option to the MT Trapper's Assoc.

Jim S. asked if it was considered a PAC? John H said they are in the process of hiring a PAC, a group out of Oregon that has fought these anti-trapping bills in a lot of different states.

Jim S. How does the association respond to various charges?

John H. said it was all spawned from a group in the western part of the state to protect pet owners. There were some dogs caught in traps and one was killed. There are instances where dogs are caught.

Jim S. asked if his group supports stiffer fines for public that abuse the trapping privileges to which John H. replied it is not their job to regulate the trappers but to educate them.

John H. feels this is just the beginning. If trapping is taken away on public lands, it will be just a matter of time before hunting, grazing cattle, etc. are affected also.

Art thinks the largest issue is that management of this is not being handled by the wildlife managers.

Dwayne asked how can the initiative have any impact with trapping on federal land?

John H. said as far as they are concerned, when it says public land, it means all federal or state lands. He thinks this will change the way things are done on BLM land with more regulations as to access.

John H. said he thought a drawback of the bill is that it throws all the management of the wildlife on the department if it passes and he is not sure they are ready for that.

Jim S. asked what the deadline is to get signatures and John E. said he thought June.

John Mercer – Sidney – VP of MT Shooting Sports Assoc.

John came to voice his concerns about the Upland Game Bird Enhancement Program. He feels the program is mismanaged both on the ground and funding wise. He commented on large sums of money being invested in upland game bird habitat with no result. He commented that part of the rule is that the operator who is receiving funds is supposed to pay 25% of the cost. Under an investigation, some of the violations that were found were 25% didn't have a contract termination date; 70% didn't list the project; 80% landowner cost share is not showing; and most of the farmers involved didn't know they had to pay 25%.

A legislative audit was done in March of 09 and if anyone would like a copy of a summary of the issues and what will be in discussion at the next legislative session, John would be more than happy to distribute that to you.

Jim S. asked who is responsible for administering these programs?

John M said it is his understanding it is FWP. It is coming from hunter license dollars.

Jim S. asked if his objection was more of the program or do you think the program would have more merit if it were properly administered? John said the program has merit. It is not being managed.

Rob R. said years ago that it used to be a 15 or 20-year contract. Is Helena supposed to monitor these areas?

John Ensign said they are monitored by both Helena and regional staff.

John M. said dollars are being spent but not according to program's guidelines.

Chris S. said they can provide copies of the biennial reports and all three or four of the audit reports where the program has been audited multiple times over 20 years. These are not new issues and, as always, multiple perspectives.

Dwayne reminded the CAC members that their terms will expire and they need to fill out a new application if they are interested in reapplying for a position on the Region 7 CAC.

NEXT MEETING WILL BE FEBRUARY 10th, 2010