

# Region 3 Citizens' Advisory Committee Montana Fish, Wildlife & Parks December 2, 2009

**CAC Attendees**: LeRoy Mehring, Joe Cohenour, Sam Samson, Dave Gibson, Rick Arnold, Rick Grady, Tom Henderson, Cyndy Andrus, Tom Milesnick, Ken Sinay, Michael Leach.

Not in attendance: Amy McNamara, Robin Cunningham, Gene Budeski, Ross Lingle

FWP Staff: Pat Flowers, Mel Frost, Sam Sheppard, Jerry Walker, and Molly Wainwright

**Guests**: Patty Silversmith

## Greetings, introductions, roundtable, and public comment – Pat Flowers

**LeyRoy Mehring** – Big horn sheep herd in the Greenhorns. Meeting this Saturday in Alder. Will the herd be removed?

**Joe Cohenour** - public meeting tomorrow about HD310 district. More elk sign in Porcupine especially since the reintroduction of wolves. Three to four resident elk herds and maybe a few migratory herds moving through. Increased wolf activity, and pack activity. Joe is now on Private Lands-Public Wildlife Council. If anybody has comments please contact Joe by phone or e-mail. They are meeting next week.

**Sam Samson** – Wildlife friendly fences, concerned for elk herds, would like to see statewide land managers cooperation. Would like to get fence standards addressed, put fences down in off-season. Will also raise at Elkhorn Working Group meeting.

**Rick Arnold** – Trout Unlimited working on Mitchell Slough issues over by the Bitterroot. Fishing access is resolved, but there is a duck hunting issue now. Paradise Valley – TU chapter identifying creeks and streams that get depleted during irrigation season, two main areas are Mill Creek and Big Creek. Rip Rap – concerns with loopholes used by landowners on Yellowstone River. Water rights and wells.

**Tom Milesnick** – concerned with elk numbers and harvest compared to objectives in HD 393 and 312. Concerned about white-tailed deer numbers in the Gallatin Valley, population keeps increasing. Safety problem on roads and homeowner tolerance, weapons restricted areas expansion. Town population is increasing.

**Tom Henderson** – tracking rattlesnakes with chips and follows them to den sites, are there any studies on this? Moose poachings near Cardwell, what is being done? Sam Sheppard clarified that the poachings are still under investigation, but his best guess is "thrill killing". Fishing in creeks, lawsuit from ranchers - subdivisions drilling wells depleting water from the creeks/water table – suggests common wells, also the possibility that the amount of brush on the edges of the

creeks is sucking additional water from the creeks. Depleting numbers of cow elk in herds by allowing pre-adolescent/adolescent to hunt them.

**Rick Grady** – Wardens did an outstanding job with block management and elk management on their ranch and with the public taking large numbers of elk in the first two weeks. Wolves will start to affect more livestock soon. PLPW needs to keep talking to out-of-state landowners. Fencing again is an issue.

**Pat Flowers** – FWP is in the process of reviewing issue of big horn sheep in the Greenhorns and domestic sheep trailing across the Robb Ledford WMA. Per agreement made prior to big horn sheep introduction in Greenhorns, as sheep move out of the Greenhorns and near to or in contact with domestic sheep, FWP relocates or removes big horns. FWP is evaluating commercial use on FWP-owned lands in accord with new commercial use plan. Sheep trialing is a commercial use and EA will evaluate.

**Public comments:** None

# **FWP Updates:**

**Pat - Wolf season** – Quota 75, harvested 72. WMU 1 – 38 wolves, quota was 41. WMU 2 – 21 wolves, quota 22. WMU 3 – quota was 12, 13 harvested. In WMU 3, 9 wolves were taken backcountry north of Yellowstone. To address concern of taking too many backcountry wolves and not enough in the front country that may have more conflicts with livestock, one solution may be a sub-quota for a backcountry area with the remainder harvest in front country areas. Tom Henderson– what are the impacts of this season? Have there been fewer dogs and livestock killed?

Pat – localized responses

Tom Milesnick – data from the hunters? Were they actually looking for them or did they just run into them?

Pat – majority were incidental, the hunters were not targeting them.

Rick Grady – have seen elk being chased by wolves. Keep the wolf season at least in his area (Canyon Creek). Elk have been changing their habits, being pushed down into the open because they can see.

Ken – keep an open mind and it may be appropriate to consider a different management process. Permits on pack territories or landscapes, also species response.

Pat – the hunt may need some fine-tuning and we are open to changes.

Mel – check station numbers: provided only check station data (weekends during general season), fuller analysis is gathered from hunter harvest surveys. Six stations in region 3, 12, 356 hunters checked through in this season—8.6% of hunters checked game. In 2009, checked more mule deer and elk, less white-tailed deer, than in 2008. Lower harvest and hunter numbers than five-year average.

**Pat – Bison conservation plan:** put out 3 different requests for proposals to take the bison. Turner Ranch submitted proposal, which has proper enclosures and land appropriate for the number of bison. In payment, Turner proposed to keep a percentage of the offspring. FWP received proposals from Fort Belknap Tribe. Recommendation from committee, award 14 to Guernsey State Park in Wyoming. Concern – is FWP allowing privatization of wildlife by Turner taking offspring?

LeRoy – original intent was to release bison on WMA to allow public hunting. Giving them to Turner will not allow this.

Tom Milesnick – Bison leaving Corwin Springs need to be under quarantine for five more years. This is why they couldn't be released onto a WMA. Feedgrounds and Elk Refuge in Wyoming are full of brucellosis?

Mel – soft release also has another five years of the bison being monitored and tested.

Tom Henderson - are Turners bison brucellosis free? Will the rancher have to fence out the bison if they border a release area?

Pat – FWP would have to fence the WMA. Any bison herd that is created would have to be brucellosis free and would be treated like any other wild animal herd. The issue of the feedgrounds in Wyoming needs to be addressed.

Joe – Turner's bison are heavily managed, just like livestock.

Michael – Fencing in the corridor. Bison is the elephant of North America. Yellowstone bison are one of the last genetically pure population in lower-48, very important from a genetic standpoint.

# **Ken Sinay – American media and hunting attitudes:** Circulated marketing materials from hunting guide.

"Hunting Porno"

Appropriate ethics in print

Some types of trophy hunting are appropriate

Poaching of trophy game

Create something like Respect Your Rivers for wildlife

Need to introduce ethics to hunters who do not respect those ethics

Joe – Sex and violence sells, not so much ethics, its more morals. PLPW web page

Mel – New Hunter/Landowner interactive web course with different sections, ex. Ethics. Future potential for landowners to tap list of hunters who've passed for hunting opportunities. Mel will send web address, which is expected to be live in next week or so.

Sam – taught kids a love for the outdoors, they could identify directly with the wildlife. Promote kids' education, which would make a difference into the other generations.

Tim Henderson – opinion on hunting success photos. How far we have come to not be able to publish photos of legally taken animals.

Tom Milesnick – leaving hides and bones in ditch. Subsequent costs, coyote kills, raptor kills, car damage and wrecks. Work on a message there.

Ken – take carcass back to where you got it. Dispose of it properly. Slob behavior. Old carcass becomes an image for other public land users.

Michael – same thing happens with fish, its not just restricted to hunting. Lack of respect for fish species that have not been publicized like trout. Ex. Whitefish. Lack of respect for all resources. Sam – maybe more education in schools, live animals are very educational.

## **Rick Arnold – Riprap on MT rivers:** what is legal, what is not?

Biggest area of riprap is on the Yellowstone

Preventing lost property

Need a 310 permit to do, comes through conservation district

Also permitted by county

Car bodies are the original riprap

Creates dangerous situations, whirlpools, that can suck a boat down

Affects downstream habitat and property

Do the landowners have a right to protect their property that they bought?

How involved does FWP get? Do you have concerns about riprap as an agency? How are permits managed?

Rick Grady– personal property right to protect their property, long-term maintenance is up to the landowner, protecting agricultural ground

Tom Henderson – Iron Rock Bridge, riprap there because of bridge ensuring erosion will not take out the bridge. Silt movement is reduced, good for fishing.

Tom Milesnick – Army Corp has jurisdiction on the Yellowstone. First thing is to determine if it is a navigable stream then a 310 permit for an individual, 124 is for a government agency, second is a 404 permit from the Army Corp. on the Yellowstone.

Pat – we could invite Scott Opitz for the next meeting to clarify what the process is to rip rap. Rick Arnold– afraid that this specific landowner will now be setting precedence for the rest of the Yellowstone. Dug trench back from river stream and filled it with rocks to provide preventative maintenance.

Jerry handed out Stream Permitting guidelines booklet

Sam Sheppard – when riprap is established on one side the other bank the river will be eroded. Sam Samson – riprap changes and damages the downstream river. This issue comes back to ethics. The natural landscape and wildlife were there first.

Michael – when permitting the site, does anyone check the downstream landowners?

Rick Grady - the landowner has a right to protect his property, but yes the downstream affects are assessed

Ken Sinay – house was built on a floodplain island. Ron Spoon had recommended against it. Conservation district still decided to grant the permit. Can a federal agency stop giving out bad permits?

Pat – riprap issue has been a concern for quite some time. Would like to hear from Scott Opitz on riprap, permitting process, and history of this issue on the Yellowstone. We will invite him to the next meeting.

Suggestion was made to invite Laura Ziemer from Trout Unlimited as well for her expertise on this topic as well as well and ground water.

**2010 wildlife season setting – Pat Flowers** (proposed hunting season changes for 2010-2011 were handed out as well as a list of public meetings being held in Region 3)

Cyndy – where did the changes that are recommended come from?

Pat – result of FWP discussions amongst wildlife and enforcement staff and month-long public scoping period in the summer– asked for the public opinion.

#### Some highlighted proposals:

**Statewide for Deer and Elk** – change – season opener from Sunday to Saturday, would still end on Sunday after Thanksgiving

**Statewide Deer** – create a statewide youth weekend before hunting season starts. Coincides with P.I.R. (teacher in-service) days

Implement a four-year waiting period for those limited entry either sex, antlered bull or browtined bull elk permits with drawing odds 10% or less

Sam Samson– landowner preference?

Pat – landowners would not be exempt from this rule.

**Elk** – Hunting District 310 – tentatively proposed to change unlimited bull permits to a limited number (between 5-450). Elk numbers are in a sharp decline in the last 10 years, it could be migration, high concentration of wolves – higher predation of elk. Possibility of closing the area entirely. Meeting tomorrow night 6:30 p.m. here to address this. More needs to go into this decision than straight biology.

**Antelope** – Statewide change – move opening day to Saturday to coincide with pheasant opener.

**Antelope** - Adjust existing antelope permitting process to allow an individual to apply for two different permits instead of selling it separately.

**Moose** – changes reflect concerns of this region. Most changes are from either-sex to bull-only.

Joe Cohenour – is that because of wolves?

Pat – we don't know, we have had many moose come in with bacteria and infections

**Big Horn sheep** – re-open HD 302 which has been closed since 1997, 2 permits

Standardizing opening day

**Black bear** – standardizing opener to simplify

David Gibson – What is the lion id test?

Jerry – male/female id

Sam Samson – lion archery is that new?

Pat – yes that is already established. Contact Kurt Alt or Pat with further questions.

**Wolves** – proposal addresses the backcountry areas, the 20% quota that was mentioned earlier.

Rick Arnold – concerned riprap - Heart K ranch, close to the Hwy 89 bridge

LeRoy – why are we going to non-toxic shot for all game bird hunting on all WMA?

Pat – not sure, we will follow up

Ken Sinay – freezout, waterfall feeding in the same areas as the game birds, reduce the amount of lead ingested.

#### Legislative update:

Passed out legislative summary and highlighted a few:

**HB 74** – authorized archery-only for mountain lion and bear

**HB** 37 – allows big game combo licenses to go to block management participants without reducing their compensation, it can be designated.

Sam Samson – what is a combo?

Sam Sheppard – elk, deer, upland bird

HB 190 – stream access

**HB 203** – requires FWP to get landowner permission to transplant animals. Have to post general area where the animals are moved.

Sam Sheppard – we do not put animals onto private land without contacting landowners.

**HB 221** – allows minors (11 yr olds who have taken hunters ed) who have not reached the age of 12 by the end of the season to hunt the entire preceding fall season. Ex: when last day of hunting season is their birthday they can hunt the season.

**HB 223** – authorizes FWP to take licenses, hunting and fishing rights if vandalism has occurred.

Ex: Daily Lake

Tom Henderson – lenient judges?

Sam Sheppard – department can notify the judge that the license will be revoked if it is a mandatory revocation. Bond schedule is also used.

Sam Samson – why is revocation of licenses a penalty? They don't care anyway.

Sam Sheppard – its easier for FWP to catch.

**HB** 314 – died – Harboring Bill – when one landowner doesn't allow hunting during season and then kicks them out after. Very controversial bill.

**HB** 383 – free hunting licenses to youths with life threatening illnesses and non-residents discounted.

**HB 585** – 500 licenses were created to allow non-resident immediate family members to come back and hunt for the full price. Improves the odds of non-resident family members drawing tags. Does not have to be a former resident.

**SB 164** – good neighbor policy – noxious weed management plan on all lands that are acquired. 20% of the price of the land has to be set aside for weed management.

Tom Henderson – is this open for bids? Does that restrict FWP from buying more land?

Jerry Walker – in some areas, FWP also works with counties to manage weeds.

Pat – yes, but if we can't afford to manage it we shouldn't be buying it.

**SB 185** – non-resident student licenses available for college students who are going to school full-time.

LeRoy – daughter took hunter ed., is in Texas in college, she still come back and get licenses here? Resident licenses?

Pat - ves

Tom Milesnick – need to educate where high water mark is for out-of-state college students. Sam Sheppard – agree.

Pat – look through entire legislation lists and call if you have questions.

Tom Milesnick – initiative to outlaw trapping on all public lands, how do they view public lands? Under high water mark?

Joe Cohenour – non-navigable is owned by the person adjacent. Initiative doesn't apply to federal lands, only to state lands.

# **CAC Respect the Rivers Campaign – Cyndy Andrus**

Mel and I had Respect Your Rivers table at fly fishing film premier, fishing equivalent to Warren Miller ski films

Wasn't a huge success, but we were able to talk to quite a few people.

Going to be taking part in Great Rockies Sport Show Sports show in late January—will have a booth with Granny Trout (Jan. 29-31) at the Gallatin County Fairgrounds.

Money saved for spring media campaign to get the word out early in the fishing season.

LeRoy – Skyline wants to donate—Mel will provide address, make checks payable to FWP with a memo to indicate it is for RYR, and send to office address "Attn. Mel"

Newspaper article was passed out

Is spreading through YouTube.

Simms will do something.

We need money!

Molly Wainwright, FWP River Rec Manager, will take shirts and bumper stickers to upcoming Parks division meeting.

# Dates for 2010 meetings:

March 3

June 2

September 22

December 8

All meetings will be from 1-7p.m. at the here at the FWP Regional Office in Bozeman

Pat: Terms of six members are expiring: Cyndy Andrus, Rick Arnold, Joe Cohenour, Michael Leach, Amy McNamara, and LeRoy Mehring. We thank you for your four years of service and efforts. It is much appreciated.

**New member selection process:** The deadline to apply is Dec. 31, 2009. We've received between 40-80 applications each time in past three years. Outgoing members can reapply by filing out a new application.

Sam Samson – Wyoming is going to start regulating antler hunting.

Pat – Can Jerry see if Molly Wainwright can come to the next meeting on March 3, 2010? Tom Henderson – Water wells and sewage for these new subdivisions. Very concerned about the sewage.

Rick Arnold – Laura Ziemer is the attorney for TU in Bozeman. Will follow up with her to come on March 3.

# Public Comment: none

Meeting adjourned.