



Montana Fish, Wildlife & Parks

Region 3 Citizens' Advisory Committee Region 3 Headquarters March 3, 2010

CAC Attendees: Ross Lingle, Joe Cohenour, LeRoy Mehring, Tom Milesnick, Tom Henderson, Rick Arnold, David Gibson, Ken Sinay, Robin Cunningham, Sam Samson, Gene Budeski, Cyndy Andrus, Bill Mealer

CAC Absent: Rick Grady, Mike Myer, Barb Cestero

FWP Staff Present: Pat Flowers, Mel Frost, Jerry Walker, Bruce Rich, Kurt Alt, Molly Wainwright, Sam Sheppard, Cheryl Morris, Scott Optiz, Justin Gibson, Mike Vaughn, Joan Buhl, Janet Hess-Herbert

Guests: Laura Ziemer, Richard Lessner

Greetings, introductions, roundtable and public comment

Pat Flowers – The terms of six CAC members expired in December 2009. Thirty applications were received to fill these vacancies. Cyndy Andrus, Rick Arnold, Joe Cohenour, and LeRoy Mehring were reappointed. Three new members were appointed: Dr. Bill Mealer, Barb Cestero, and Mike Meyer. Orientation for the newly appointed members will be on June 2 at 12 p.m. one hour prior to our regular meeting.

Round Table

Tom Henderson – 1) Penalties for violations, i.e., landowner in northeastern Montana; 2) wild horses (cost to feed them, less feed for wildlife); 3) water well exemptions, problems with sewage/septic tanks; 4) impact on wildlife and aquatic species from the Mountain States Transmission Intertie project.

Ross Lingle – Management of Madison Valley elk game damage hunts—how hunter names were drawn, outcome of the hunts. Truck traffic on Highway 287 and Norris to Four Corners.

LeRoy Mehring – FWP was unable to pay for a moose flight for Butte wildlife biologist Vanna Boccadori. Anaconda and Skyline Sportsmen's groups paid for this moose survey flight. Skyline has contributed about \$35,000 over the years from the moose license auction for moose studies. Where was the money spent and why are moose dying?

Kurt Alt - Eight moose districts have been closed in Region 3 and quotas in other have been cut significantly. Moose auction money has not been allocated this year. FWP is developing a moose research project. Money will be used to synthesize statewide moose

data. This is a line item and must be approved by the legislature and put in the Governor's budget. Some money was used for a parasite study on heads from harvested and dead moose. The department is not dismissing wolf predation. Money was also used for flight surveys in Regions 1 and 3.

Ken Sinay – Mineral blocks are out for sheep down by the Big Sky Conoco. Who put these out? [Pat: Julie Cunningham is aware of them and will remove them.]

Gallatin WMA - lack of signage and the signs that are there aren't visible. Would like signs by the gate. Willing to make a donation. Antler hunting on WMAs. Watchable Wildlife – is there a plan to move forward with that concept (raised by Ken several meetings ago)? [Pat will follow-up with Julie Cunningham and have her contact Ken.]

Rick Arnold – Contact Ophir School, Big Sky Institute, and the Big Sky Chamber of Commerce to get them involved.

Joe Cohenour – Private Lands/Public Wildlife Council member. PLPW has identified three areas to look at: 1) landowner incentives to allow people on their property; 2) management of concentrated wildlife; and 3) access funding. Would like CAC members' input.

Tom Milesnick – over-abundance of whitetail deer. Problem of non-reduction of whitetails in the weapons restriction area. Results of brucellosis data gathered on elk in 2009-2010 vs. 2008-09.

Rick Arnold – Wants CAC to revise list of priorities and reprioritize. What is the process for replacing Bruce Rich (Bruce was promoted to fisheries chief in Helena). Update and revise fisheries plan in Region 3 (Yellowstone and westslope cutthroat trout).

Cyndy Andrus – recently appointed as a Bozeman city commissioner; Commission liaison for water quality board. Water conservation – think there will be overlap between new job and CAC.

Sam Samson – Reiterate what Tom H. brought up regarding violation penalties.

LeRoy Mehring – Big Hole & Beaverhead River rules – Skyline doesn't want any changes in the river rules. Format of Butte meeting was confusing. [Jerry Walker – meetings were open houses, wanted people to ask questions, encourage input and comments. There is no proposal— this is a management plan process.]

Robin Cunningham – What's going on with Beaverhead and Big Hole rules? Outfitters and guides would like some changes. Citizens' Day – FOAM and non-resident members don't want to take those away. There are some mechanical and technical/legal issues that need to be addressed in the rules. Madison River Recreation Permit – what happens to the dollars collected?

Gene Budeski – violation penalties in NE Montana. Need permits on the Yellowstone River – similar to Beaverhead and Big Hole so residents can enjoy river too.

Rip-Rap on Montana Rivers (PowerPoint presentation)

Scott Opitz, Fisheries Biologist, Livingston

Scott discussed the Natural Streambed and Land Preservation Act – 1975 (310 permit) the Stream Protection Act – 1965 (124 permit), and the Clean Water Act (404 permit) outlining FWP's responsibilities and role in administration of these laws. Several projects on the Yellowstone River and the use of rip rap were discussed. FWP recommends using rip rap only when necessary – generally discouraged as a form of bank protection. Problems with rip rap include channelization, scour failure, too steep slope, water gets

behind rip rap, river moves away from or downstream from the rip rap, solve one problem while creating another, aesthetics. Use alternative stabilization and setbacks as solutions.

Exempt Wells - A Changing Landscape (PowerPoint presentation)

Laura Ziemer, Director Montana Water Project of Trout Unlimited

Ranchers across three Montana river basins have filed DNRC petition to protect their water rights from exempt wells.

- Exempt wells in subdivisions don't go through review
- Exempt wells could have impact on stream flows
- Level the playing field
- Legislate exempt wells or have DNRC regulate wells (treat these collective wells like permit wells)
- Protect senior water rights—keep them intact
- Provide workable mechanisms for mitigation water
- Provide solutions for new growth
- Septic tanks – don't have to be recorded anywhere—it doesn't have to stay on your lot and could impact a potential water well
- Water policy interim committee will look at mixing zone, septic, wells. Goal is to prevent litigation and dry rivers. Learn from lessons in other states (exempt well impacts). Basin studies to determine impacts on river flows from individual wells and development
- Follow-up – contact legislators and weigh-in

Penalties and fines on enforcement violations in NE Montana (handout on statutes) – Sam Sheppard

Non-residents were fined \$14,000 and paid \$6,000 in restitution. Landowner was fined \$170, which was at the discretion of the judge. Maximum penalty could have been \$2,000. Loss of hunting privileges was sole discretion of judge.

[CAC member comment: Wardens need to write more tickets.]

Wardens need to use discretion; they have to maintain credibility with the court. Non-residents will get hit with harsher penalties than local residents. The court decides. Judges ask for recommendations on penalties. There is a mandatory loss of privileges on some violations.

Wild Horses – Spanish Q Ranch in Madison Valley wants to bring in wild horses. Fee per horse is \$2.20/horse/day to have them on the property. FWP commented on the fencing and barriers it could create for wildlife. FWP asked BLM to reconsider the number of horses that would be brought in. BLM authorized use and did reduce numbers and fencing design was addressed. Project is on hold right now because some of the land was leased and the landowners did not want horses on their land.

LeRoy – Skyline Sportsmen Association filed an appeal.

Bill Mealer – work with BLM to control these horses. Some of these horses have been dumped on public land. Recent laws do not allow for killing horses.

FWP Crucial Areas Assessment and Mapping Service (PowerPoint presentation)

Janet Hess-Herbert, FWP Data Services Section Supervisor

In January 2008, FWP committed to conduct an assessment of fish, wildlife and recreational values in an effort to identify crucial areas and fish and wildlife corridors. The assessment is part of a larger conservation effort that recognizes the importance of landscape scale management of species and habitats by fish and wildlife agencies with tools that better enable FWP staff, industry, and partners to take a proactive approach. Information is available on FWP's website at fwp.mt.gov.

Madison River Special Recreation Permit (PowerPoint presentation)

Molly Wainwright, FWP River Recreation Manager

Molly reviewed the 2008 annual report. The recreation permit is needed on the Madison River from the forest boundary below Quake Lake to the Missouri Headwaters. In 2008, there were 187 permitted commercial users. Out of the 187 commercial users, 182 were angling-based and five were non-angling based. In 2009, there were 182 permitted commercial users with seven permits to organized groups. Revenue generated in 2008 was \$87,989. Projected revenue for 2009 is \$80,806. Revenue collected from the permits goes back to the Madison River management program for staffing, management of the program, maintenance and site improvements at fishing access sites. Site improvement projects included a boat launch at Windy Point, improvements at Storey Ditch, Ennis, Burnt Tree, Reynolds Pass, Palisades and Damsel Fly.

Ken – Is there going to be a management plan produced for the Madison including uses other than angling (MSU, scenic floats). A trail system from Cobblestone downstream to hook up with the Milwaukee FAS. Need boat trailer parking and car parking at Milwaukee FAS. [Per Jerry Walker after the meeting: There are no plans for management planning in the Madison River corridor at this time. A trail system between Cobblestone and Milwaukee would have to cross many parcels of private property. I am not aware of any efforts underway to develop a trail system along the lower Madison River corridor. I am sympathetic to the need for additional parking at Milwaukee. We just don't have a lot to work with in terms of space. We will look at parallel parking on the entrance road as a possibility, but funding in the FAS program is chronically low.]

Mel will email Molly's presentation to CAC members.

Future CAC Topics

- ◆ Wolf Management
 - impacts on big game
 - moose/elk mortality factors
 - accurate wolf counts
- ◆ Initiatives 160 & 161
 - landowner incentives for access
 - educate people on initiatives
- ◆ Develop consensus on issues. Formulate a written plan on issues. Make a statement. Publish mission statements.
- ◆ Respect Your Rivers (where to go next, how to keep it alive, funding)
- ◆ Update on pine bark beetle implications for fish and wildlife

- ◆ Develop policy position on exempt wells. Communicate with other CACs, other regions and come up with a statement. *Rick willing to sit down with Laura and draft a position statement.*
- ◆ Communication between other regions and other CACs. Organize a video caucus among all CACs
- ◆ Elk brucellosis status in Montana and Wyoming
 - develop policy position on Wyoming feeding grounds
- ◆ Legislative issues
 - Sen. Barrett's bill – manage other brucellosis infected wildlife like bison
 - wolf legislation of some kind
- ◆ Revisit bison management
 - how bison are different from other wildlife
 - Ted Turner management of “wild herd”
 - Arnold Dood evaluating viability of having wild bison in other parts of the state—state bison management plan
- ◆ Landowner incentive programs, opening up access (look at other states)
- ◆ Madison Valley elk issues, wolves, river
- ◆ Recruitment of young people in the outdoors. How do we foster greater participation in fishing and hunting?
- ◆ Future FWP funding sources
- ◆ Evaluate programs/incentives that were created for youth hunting/fishing opportunities (did numbers increase or decrease)
 - hunter recruitment studies (Safari Club)
- ◆ What are returns we give youth for opportunity
 - other states doing analysis on hunter recruitment
- ◆ How do we promote hunting in schools
 - clubs, extra-curricular activities
- ◆ Ethical and unethical hunting and fishing in schools
 - Thomas Baumeister and Alan Charles on hunter ethics program on FWP website
- ◆ Managing wildlife in HD 309 weapons restriction area

Mel will compile matrix and send to CAC for ranking. FWP will summarize results.

Mountain States Transmission Intertie (MSTI) – Powerline will be constructed on I-15 corridor to Butte. Power is going out of state—there is no benefit to the State of Montana, only to the producers. FWP will comment on the draft EIS and the highest profile issues such as sage grouse leks.

Game Damage Roster in the Madison

There were 1,200 people on the roster this year—more than needed. FWP tried to use the roster during the general season. It didn't work and hunters weren't happy. It will be revisited next year. Landowners were committed to getting hunters on the ground—there just wasn't much game there this year. FWP and landowners also need to reach agreement the target population. There are no damage hunts after February 15 (because of the social issues related to pregnant cows). FWP developed and Madison landowners printed and distributed an ethics poster this past hunting season.

White-tailed Deer in Gallatin Valley Weapons Restriction Area

Tom Milesnick – have kids shoot doe deer. Kids are happy to shoot a doe. Develop a program where senior hunters take kids out, maybe give the senior hunters some benefit. Provide training/orientation program for hunting deer with shotguns in weapons restriction areas like HD 309. Many hunters are not familiar with the use of shotguns on big game.

Brucellosis infection rates – information is not complete at this time.

Bruce Rich's replacement – We will fill the position by June 1. Pat is inclined to open externally as well as internally.

Matt Jaeger is the new fisheries biologist in Dillon replacing Dick Oswald who retired.

Tom Henderson – CAC meeting on June 2 won't work, would like to reschedule meeting sometime after June 5. Election Day is June 8, so we'll look for a day that will work after that. ***Mel will contact CAC members about rescheduling the meeting.***

Respect Your Rivers Campaign

- Cyndy, David G., and Mel worked at the Great Rockies Sports Show in late January to raise awareness of RYR campaign and sell t-shirts. Cyndy and Mel will attend the FOAM meeting this coming Saturday to sell more t-shirts.
- PSAs for spring. Presently, there is \$1,900 in the account, not enough to run PSAs for any length of time. We need to raise more money. Need ideas about how we can raise more money. Contact Cyndy.
- Get PSAs out this spring
- Rick will make the pitch at the State TU Council meeting
- Rick will continue to try to get in touch with someone from Patagonia
- Robin will contact big companies/donors
- Need to reconnect with Region 2 for similar work on the Blackfoot and Clark Fork Rivers. We need to get other regions involved.

Respect Your Rivers Campaign will be put on each R3 CAC agenda, preferably earlier in each meeting.

No public comment.

Meeting adjourned.