

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT
APRIL 8, 2010

Commission Members Present: Bob Ream, Chairman; Dan Vermillion, Vice-Chairman; Willie Doll; Shane Colton.

Fish, Wildlife & Parks Staff Present: Joe Maurier, Director, and FWP Staff.

Guests: See April 8, 2010 Commission file folder for names of who signed in.

A work session was held immediately following the Commission meeting to discuss the new FWP audio/visual system, the bonus point system, a waiting period for hunting elk, and state park issues.

Topics of Discussion:

- 1. Call to Order - Pledge of Allegiance**
- 2. Approval of Minutes of March 10, 2010 and March 23, 2010**
- 3. Approval of Commission Expenses through March 2010**
- 4. Commission Reports**
- 5. Director's Report**
- 6. Beaverhead and Big Hole Rules Evaluation - Proposed**
- 7. Eight Mile Ford Acquisition – Final**
- 8. Commercial Fishing Regulations on Canyon Ferry Lake and Lake Helena - Final**
- 9. Glendive Chamber of Commerce & Agriculture Paddlefish Advisory Committee – Final**
- 10. 2010 Mountain Lion Quotas – Proposed**
- 11. 2010 Grazing & Sharecrop Leases - Final**
- 12. Murray Douglas Conservation Easement - Endorsement**
- 13. 2011 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Proposed**
- 14. Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. Opening - Pledge of Allegiance. Chairman Ream called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. Approval of the Commission Meeting Minutes of March 10, 2010 and March 23, 2010. *Action: Vermillion moved and Doll seconded the motion to approve the March 10, 2010 minutes. Action: Doll moved and Vermillion seconded the motion to approve the March 23, 2010 minutes.*

3. Approval of the March 2010 Commission Expense Report. *Action: Colton moved and Vermillion seconded the motion to approve the expense report as presented. Motion carried.*

4. Commission Reports.

Ream attended an informative workshop hosted by the FWP Wildlife Division. He also attended the TIPMONT meeting where twenty recipients were selected to receive monetary awards for reporting game violations.

Vermillion reported that there are still concerns relative to snow pack and water/drought issues in his district.

5. Director's Report.

Maurier recently met with the new regional forester, Leslie Weldon, to discuss forest issues. He also met with the Farm Services administrator regarding Farm Bureau programs. Their new program, the Open Field Initiative, will provide \$50 million to those states that currently have access programs. Montana's portion is estimated to be \$17 million.

Senator Tester was allotted one million dollars to divide among ten states for wolf depredation issues. Montana's share will be \$140,000, with the stipulation that half of that money go toward preventative measures. Director Maurier will be traveling to Washington DC on April 15 to attend the White House Conference on America's Great Outdoors.

Director Maurier noted that Dave Pavlicek of Great Falls, the president of Russell County Sportsmen and a respected board member of the Montana Wildlife Federation, died in a vehicle accident near Raynesford. Pavlicek was committed to preserving hunting and fishing opportunities.

Colton requested that a resolution of appreciation be provided to the family of Dave Pavlicek.

6. Beaverhead River and Big Hole River Rules Evaluation – Proposed. Chas VanGenderen, FWP Parks Division Administrator, explained that when the Commission approved the Beaverhead/Big Hole Recreation rules in 2005, a stipulation was included to re-evaluate the rules after five years. It is now time for that re-evaluation.

Charlie Sperry, FWP River Recreation Specialist, stated that FWP conducted two public meetings to discuss the rules – one in Butte and one in Dillon. The Department received 133 individual comments of varied opinions, and two petitions with 375 signatures that expressed support for retaining the current rules.

FWP has identified four recommended changes. The first one addresses the issue of licensed fishing outfitters who have no access to the upper Jefferson River unless they use a Big Hole or Beaverhead access site. FWP recommends inserting a definition for "Beaverhead River" that refers to the river from its headwaters to Jessen Park in Twin Bridges to provide outfitters commercial float access to the Upper Jefferson River. A second recommendation is to change the word "lapsed" to "expired" when an outfitter is no longer authorized to operate on the Beaverhead and/or Big Hole. This would be consistent with the original intent of the rule, and with the Board of Outfitter's definitions. A third recommendation is to change "Mudd Creek Bridge fishing access site" to "Mudd Creek Bridge BLM fishing access site" for accuracy. The fourth recommendation is to insert language that states the Commission shall review the rules every five years in order to provide periodic assessment of their effectiveness.

Action: Vermillion moved and Colton seconded the motion to adopt the proposed rule amendments and to direct the Department to proceed with rulemaking consistent with the Montana Administrative Procedures Act.

Chairman Ream asked for public comment.

Tony Schoonen, Skyline Sportsmen, said there is no access from the lower bridge to the Jefferson.

Sperry replied that the recommended definition for the Big Hole River rules makes it clear that it includes the portion of the Big Hole River from the headwaters to the confluence of the Jefferson River. There has never been a specific definition, but this has always been the case. The goal is to gain access to what is not presently available. Access on both rivers is not necessary.

Steve Luebeck, Trout Unlimited, said an overwhelming percentage of people support the current rules. He questioned changing anything. It is redundant to force five year reviews – FWP receives feedback all season long. He said the Commission can review the rules at any time. He urged the Commission not to include the five-year review in the rules. His organization has no problem with allowing outfitters to launch on the lower Beaverhead.

Bob DesJardins asked the Commission to leave the rules alone because eighty percent of the people like the rules as they stand. None of these changes benefit the general public – just the outfitters. Outfitters have already been allocated hours, so in addition to increasing the number of outfitters, over-crowding will become an issue.

Robin Cunningham, FOAM, supports the rule changes. Many folks spent a lot of time developing these rules. A standard review is pertinent because changes continue to come down the pike. He urged the Commission to adopt the rule changes as recommended by FWP.

Mary Ellen Schnurr, MOGA, said the five-year review is necessary. Things change within the resources, economy, etc. She asked how non-residents are advised of the thirty-day comment period.

Sperry stated that five non-residents have already commented on the proposed changes, all in support. The comment period will be advertised on the FWP website, fishing outfitters will be notified, and notification will be provided to folks on a mailing list maintained by the Department.

Vermillion stated that there is broad based support for these rules, and the proposed changes will make them more efficient. FWP is responsive to constituents, both resident and non-resident. As the rivers become busier, there will be a point at which the rules will need to be reviewed.

Action on Motion: Motion carried.

7. Eight Mile Ford Acquisition – Final. Chas VanGenderen, FWP Parks Division Administrator, explained that FWP acquired this 26-acre fishing access site on the Madison River in 1957, but when the boat ramp was constructed in the 1970s, it was inadvertently constructed on private property. FWP was unaware of the situation until Granger Ranch, the landowners, brought it to the Department's attention. Several options were discussed before an agreement was reached for FWP to pursue acquisition of the land on which the encroachment was made, as well as a small parcel of adjoining wetland, for a total of 3.85 acres. An appraisal determined the value at \$40,950. Three comments were received in response to the EA, all in support of the acquisition.

Action: Vermillion moved and Colton seconded the motion to authorize the Department to purchase approximately 3.8 acres from Granger Ranches for the amount of \$40,950, as an addition to the Eight Mile Ford Fishing Access Site.

Chairman Ream asked for public comment. There was none.

Action on Motion: Motion carried.

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Dave Risley, FWP Fish and Wildlife Division Administrator, provided a brief overview of his recent trip to the North American in Milwaukee. The controversial lead ammunition issue was discussed at length. Hunter attitude was another topic that was discussed, as was the bison initiative where there were several suggestions on what Montana should do. The Open Fields Initiative is an enhancement of the Block Management Program. The USDA received funding for wolf compensation. It was a busy and informative conference.

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8. Commercial Fishing Regulations on Canyon Ferry Lake and Lake Helena – Final. The Commission is authorized statutorily to approve fishing regulations for one commercial fishing operation on each body of water each year. Regulations are designed to minimize conflicts with recreationists. Bruce Rich, FWP Fisheries Division Bureau Chief, said that the Department received one application for the harvest of carp, via seining, on these two bodies of water. One comment was received, and was in support.

Action: Vermillion moved and Doll seconded the motion to approve the regulations for a commercial fishing operation on Canyon Ferry Reservoir and Lake Helena for 2010. Motion carried.

9. Glendive Chamber of Commerce & Agriculture Paddlefish Advisory Committee – Final. Bruce Rich, FWP Fisheries Division Bureau Chief, explained that this is the annual request for approval of the selection of the non-profit organization to collect and sell paddlefish roe, which presently is the Glendive Chamber of Commerce & Agriculture. A committee solicits proposals for historical, cultural, recreational, and fish and wildlife projects to fund from the sale of paddlefish roe proceeds. The only change from last year is that Mike Roe will replace Mike Carlson as the member representing the Glendive Chamber of Commerce & Agriculture.

The 2010 Paddlefish Roe Committee recommendations are:

- Mike Roe—Glendive Area Chamber of Commerce and Agriculture
- Kevin Dorwart—City of Glendive Director of Operations
- Tim Mort—West Glendive Fire Department Chief and Dawson County fire warden
- Kevin McGovern—Reynolds Warehouse Grocery meat cutter in Glendive
- James Thielman—Thielman Oil Productions Services, Inc. in Glendive

Action: Colton moved and Vermillion seconded the motion to approve the Paddlefish Roe Program Advisory Committee as recommended by the Glendive Chamber of Commerce and Agriculture, and to direct the Department to enter into an MOU with the Chamber for the 2010 paddlefish season. Motion carried.

10. 2010 Mountain Lion Quotas – Proposed.

Quentin Kujala, FWP Wildlife Management Section Chief, presented the proposed changes to the existing regulations.

Mountain Lion - Region 1

HD 121(West Clark Fk) – increase limited licenses from 24 to 31; maintain female subquota at 7

Mountain Lion - Region 2

HD 200/201 (St. Regis/Ninemile) – increase limited licenses from 15 to 20; increase female subquota from 2 to 4

HD 202/203 (Superior/Grave Ck) – increase limited licenses from 22 to 30; increase female subquota from 2 to 5

HD 204/260/261 (Sapphire/Bitterroot) – increase limited licenses from 10 to 15; increase female subquota from 0 to 2

HD 210 (John Long Rnage) – increase limited licenses from 2 to 4; increase female subquota from 0 to 2

HD 211/216 (Rock Ck) – increase limited licenses from 2 to 10; increase female subquota from 0 to 4

HD 212/215 (North Flint/Deer Lodge) – increase limited licenses from 2 to 4; increase female subquota from 0 to 1

HD 213/214 (South Flint/Georgetown)–increase limited licenses from 1 to 2; increase female subquota from 0 to 1

HD 240 (West Bitterroot) – increase limited licenses from 10 to 15; increase female subquota from 1 to 2

HD 250 (West Fk Bitterroot) – increase limited licenses from 10 to 15; increase female subquota from 1 to 2

HD 270 (East Fk Bitterroot) – increase limited licenses from 10 to 15; increase female subquota from 1 to 2

HD 280/281/284/293 (Upper Blackfoot/Lincoln) – increase limited licenses from 6 to 12; increase female subquota from 1 to 3

HD 283/285 (Lower Blackfoot/Monture)– increase limited licenses from 8 to 15; increase female subquota from 2 to 5

HD 290/291/292/298 (Garnet/Ovando)– increase limited licenses from 8 to 15; increase female subquota from 1 to 5

Mountain Lion - Region 3

HD 319/341 (Fleecer/High Rye)– increase quota from 2 to 3; maintain female subquota at 1

HD 331 (Pioneer) – increase quota from 2 to 3 legal male

HD 340 (Highlands) – increase quota from 2 legal male to 3 any legal lion; increase female subquota from 0 to 1

Mountain Lion - Region 4

HD 413/432 (Northwest Little Belt/Otter Ck) – increase female quota from 3 to 4; increase male quota from 4 to 6

HD 416/446/449/452/454 (Little Belt/Castle Mtns) – increase female quota from 4 to 6; increase male quota from 5 to 6

HD 418/420/448 (Judith Basin) – increase female quota from 3 to 4; increase male quota from 3 to 4

Mountain Lion - Region 5

HD 520 (Beartooth Face) – decrease quota from 8 to 5; decrease female subquota from 4 to 2

HD 540 (South Little Belt)– increase quota from 4 to 5; increase female subquota from 2 to 3

HD 560 (Boulder River) – decrease quota from 10 to 7; decrease female subquota from 5 to 3

Mountain Lion – Region 7

No proposed changes.

Action: Colton moved and Vermillion seconded the motion to adopt the proposed 2010 Mountain Lion quotas/subquotas in Regions 1,2,3,4,5 and 7 as presented by FWP.

Chairman Ream asked for public comment on Region 1 Lion quotas. There was none

Chairman Ream asked for public comment on Region 2 Lion quotas.

Sanford Shrout said the lion population is in a decline in the Blackfoot, and there was a large harvest. Doubling the permit levels will wipe out the mountain lion population. A 30-cat quota will damage the population. Wolves are thick in that area, and they are causing predation problems. Thirty hunters in one district will create a race as well as conflicts.

Tim Ravndal said he is concerned about lion management. Doubling the impact of hunters and reducing management by increasing permits on female population is dangerous. It will impact populations and there will be conflicts.

Jim Weatherly, Montana Wilde Sheep Foundation, said there is an abundance of lions in his area, and they are taking sheep. Keep the lion population down until sheep come back.

Jim Bailey, Gallatin Wildlife Association, said sheep are vulnerable to disease and predators. Look at both sides of the equation.

Chairman Ream asked for public comment on Region 3 Lion quotas.

Scott Cargill, MOGA, is against increasing female quotas but is in favor of an increase in quota. He never supports female harvest.

Sanford Shrout, said there is a decrease in population in HDs 320/333, so decrease the quota in that area.

Allen Schallenberger said there are lion problems in the Madison County area. Lions are seen in towns and in subdivisions. They need to be removed immediately. He supports the quota of four lions.

Mary Ellen Schnurr, MOGA, said to look at the prey base as well as at the predators. Where deer populations are down, the lion quotas should be increased.

Tim Ravndal said to be careful of female subquotas. Don't set management of one species at the expense of another.

Chairman Ream asked for public comment on Region 4, Region 5, and Region 7 Lion quotas. There was none.

Action on Motion: Motion carried.

Mountain Lion - Region 6

Region 6 except HD 680/690 – Alternative 1: 3 any legal lion (2008 quota), Alternative 2: 4 any legal lion; female subquota 1 (2009 quota)

Action: Doll moved and Vermillion seconded the motion to adopt Region 6 regulations as recommended with the exception that HD680/690 (Bear Paws and Breaks) have 4 legal lions and no female subquotas.

Chairman Ream asked for public comment.

Mary Ellen Schnurr asked for clarification as to whether the motion means “males only” or “any legal lion”, because “any legal lion” could include females.

Doll replied that it means “any legal lion”.

Tim Vosburgh, Rocky Boy Reservation, expressed concern about the decline in lions in the Little Rockies. He said in addition to natural deaths, they were “hammered” by hunting and incidental harvest. There are lions there, but not many. They want to limit female lion take. Ft Belknap Reservation is also in favor of eliminating female lion take on their reservation. He stated that the tribes should be involved in the quota setting process. There are hardly any lions in the Bear Paws. “Since carnage of the winter, the tribe has been made aware of the scarcity of cats”.

Action on Motion: Motion carried.

11. 2010 Grazing & Sharecrop Leases – Final.

Ken McDonald, FWP Wildlife Division Bureau Chief, presented the grazing leases.

Haymaker WMA

A grazing plan was developed in 1982 to make Haymaker WMA more attractive to wintering elk. The WMA was split into two pastures, with water sources developed in both pastures, and a rest-rotation system was instituted. The current cattle grazing period begins April 20 and ends June 1. Cattle are allowed to graze one pasture each year. FWP is requesting renewal of the lease for the 2010-2013 grazing season. No comments were received in response to the draft Environmental Assessment, which was completed in February.

Action: Colton moved and Vermillion seconded the motion to approve the grazing lease for 2010 through 2013 on the Haymaker WMA.

Chairman Ream asked for public comment.

Mary Ellen Schnurr said she supports the grazing lease.

Action on Motion: Motion carried.

Fleecer WMA

FWP proposes to maintain a rest-rotation grazing program on Fleecer Wildlife Management Area for a 3-year term, from April 2010 through October 2012. The grazing program consists of a spring grazing agreement and a separate fall grazing agreement with Smith 6 Bar S Livestock and Russel Dupuis. The grazing program is comprised of 3,700 acres owned by FWP, and 875 acres that FWP leases from DNRC. Additionally, 1,920 acres owned by Smith 6 Bar S Livestock, and 640 acres that Smith 6 Bar S Livestock leases from DNRC would be incorporated, for a total of 7,135 acres. The grazing schedule for the spring lease is mid-April through late May, and the fall schedule is October 1 through October 15.

Action: Vermillion moved and Colton seconded the motion to approve the Fleecer WMA Grazing Lease Renewal as described in the Final EA.

Chairman Ream asked for public comment.

Jim Bailey, Gallatin Wildlife Association, stated nesting cover will be lost during the early grazing season.

Jay Bodner, Montana Stockgrowers Association, said this agreement has been in place for 30 years and has been successful. The objectives have been met. This agreement should be commended and should be a model for others. They support it.

Tim Ravndal urged renewal of the leases.

Action on Motion: Motion carried.

Robb Ledford

FWP purchased the Robb/Ledford WMA in 1988 from the Rocky Mountain Elk Foundation, who had purchased the property from the Ledford Grazing Association. Due to growth of larkspur in the upper pasture, which is lethal to cattle, the lower pastures have been overgrazed. A 3-year renewal of the grazing lease has been proposed with modified use. Grazing will be allowed from June 22 through October 15. Stock must be off the lower pasture no later than July 6, and off the upper pasture by October 15. FWP will install a riparian fence, establish water gaps, and address the larkspur issue. An extensive comment period was provided, and three open meetings were held in Butte, Sheridan and Bozeman. Based on comments received, FWP recommends the lease.

Action: Vermillion moved and Colton seconded the motion to adopt a three year grazing lease on Robb/Ledford WMA with the Ledford Grazing Association, using the alternative identified as alternative "A: modified.

Chairman Ream asked for public comment.

Mike Racine stated that the Robb Ledford WMA lease has been controversial its inception. When FWP got involved with RMEF, there was nearly a fifty/fifty split on whether or not it should be purchased by the Department. Lower pastures are at a 6,000-foot elevation, and upper pastures are from 6,800 to 8,000 feet in elevation. It is north faced. Elk numbers can vary dramatically over winter. FWP made the commitment that traditional livestock use would be maintained on the wildlife management area. More than 10,000 acres of Robb Ledford is DNRC leased land, which is controversial as well.

Jim Bailey, Gallatin Wildlife Association, said it is an expensive endeavor, and they have many concerns. Public money must be used properly.

Les Gilman stated that he has a 2,000-acre cattle ranch in the Ruby Valley, and he is part of the Ledford Creek Grazing Association. Stewardship of land is important to them. They have never denied access for hunting and fishing. The Ledford Grazing Association does not run rough shod, they work closely with FWP. He is not a wealthy landowner – he and his wife, and their son and his wife, all have full-time outside jobs just to keep the ranch. They pay market rates to graze on Rob Ledford just like everyone else. They desire to continue the legacy as part of the management of the WMA to prevent a destiny of the ranches being turned into trophy homes.

Jay Bodner, MSGA, said he attended the meeting in Bozeman and he felt Kurt Alt did a great job with it. This lease provides incentives to build relationships between private landowners and FWP. They support the lease.

Tim Ravndal said he supports this lease. Maintaining historical use of land is important.

Action on Motion: Motion carried.

12. Murray Douglas Conservation Easement – Endorsement. Ken McDonald, FWP Wildlife Division Bureau Chief, explained that this proposed 9,564-acre easement is part of the Blackfoot Community Project. It involves several ownerships, including the Nature Conservancy, BLM, the Meyer Ranch, and the Manley Ranch. FWP received \$2.9 million from the Forest Legacy Program, administered by the US Forest Service, to fund this acquisition. No other FWP funds will be required to purchase the easements. Timber management will be addressed in the terms of the easement, and an appraisal will be conducted upon Commission approval. This project concept has consistently received overwhelming public support.

Action: Vermillion moved and Doll seconded the motion endorse FWP's efforts to purchase conservation easements on 9,594 acres of important wildlife habitat in the Helmville Valley."

Chairman Ream asked for public comment.

Jim Bailey asked for details.

McDonald explained to him that this is an endorsement, details will be worked out during negotiations.

Action on Motion: Motion carried.

13. 2011 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Proposed. Sue Daly, FWP Finance Division Administrator, explained that this is the annual request for approval of the process and criteria for selecting conservation organizations to conduct the various big game hunting license auctions/lotteries. There are no recommended changes to what has been done in prior years. FWP would like the Commission to consider drafting an administrative rule for this process as opposed to the annual rule. Under an administrative rule, the Department could still solicit interested organizations, but the Commission would retain authority to choose which organization gets which license.

Action: Colton moved and Vermillion seconded the motion to adopt the tentative 2011 auction/lottery rules for the moose, sheep, goat, mule deer and elk licenses as proposed by the Department and to direct the Department to pursue an ARM process for this rule.

Jim Weatherly, Montana Wild Sheep Foundation, is in support of the ARM rule. They come before the Commission annually on this matter, and an administrative rule would be simpler for everyone. The MWSF brings in a significant amount of money.

Action on Motion: Motion carried.

14. Open Microphone – Public Opportunity to Address Additional FWP Issues.

Jim Bailey, Gallatin Wildlife Association, said he feels they have exhausted efforts "to bring sanity to the issue of private grazing on public wildlife management areas". He provided a handout that he read from expressing displeasure with the Department, and requested that FWP conduct a comprehensive review of livestock grazing and livestock uses on wildlife management areas and on vegetation management, and requested removing a sentence from the Robb Ledford agreement.

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*Action: Vermillion moved and Colton seconded to adjourn the meeting and go into executive session to discuss Department litigation. Motion carried.*

Meeting adjourned at 11:57 a.m.

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**Bob Ream, Chairman**

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**Joe Maurier, Director**