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**MINUTES (DRAFT)**  
**Montana Fish, Wildlife & Parks UGBEPAC Meeting**  
**Teleconference**

**February 15 , 2011 (Meeting 10)**

**Advisory Council members present:** Mike Begley, Terry Comstock, Jay Gore, Gordon Haugen, Bill Howell, Joe Perry (Acting Chair), Craig Roberts, and Dale Tribby.

**Other staff:** Ashley Beyer, Diane Boyd, Julie French, Drew Henry, Debbie Hohler, Quentin Kujala, and Rick Northrup.

**Tuesday, February 15.**

1. **Opening.** Joe Perry called the meeting to order at 1:00 pm.
  - A. January 11– 12, 2011, minutes were reviewed with the following changes to be incorporated into the final version:
    - On page 3, in the newly revised contract section: Minutes will be changed to reflect that, “If the Project Area lands are reduced to acreage less than 100 acres...” (not 160 acres as previously noted).
    - On page 2: Food plot cost share section is amended to read: “Council recommended that the UGBHEP revisit cost-share contributions. Joe recommended \$200/acre, of which \$150 (75%) will be cost-shared by the UGBHEP.”

Dale Tribby moved to approve the minutes as amended; Gordon Haugen seconded. *Motion carried.*

- B. Pete Husby, NRCS State Biologist, was contacted by Joe Perry and asked to serve in a technical support capacity on the Council. Pete has accepted the Council’s invitation and will join the next meeting.
- C. Representative Bill McChesney, Miles City, has been appointed by the director to serve on the Council. Rep. McChesney is a democrat serving in the House of Representatives. The director gave the Council a voice with this decision, and the Council is pleased with the appointment.

**2. Pheasant releases: Resetting the clock in R4.**

Diane Boyd and Graham Taylor made a request for the Council to review R4's draft memo that addresses proposed authorization to release pheasants for another 5 consecutive years based on published reports on weather conditions in 2009 and 2010. The latest draft memo identifies all of Region 4, which meets extreme weather criteria identified in ARM 12.9.602(1)(q).

- Craig pointed out that Fergus County is excluded from pheasant releases funded by the UGBEP, as identified in ARM.
- Diane will revise this latest memo and clarify that only contracts affected in 2009 and 2010 will have the "clock reset" with the exception of Fergus County, which is exempt from participating in the UGBEP pheasant release program.
- Council supported this memo.

**3. HB 261: "An Act Creating A 3-Day Nonresident Upland Game Bird License."**

This bill passed out of the House and is going to the Senate. Prior to this meeting, several Council members expressed concern over this bill and its potential impacts to the hunting community as well as potential negative economic impacts. The fiscal note states that there is an expected increase of 3,500 licenses sold besides the 1,699 already sold. Through conversations with Julie, Mike Jensen expressed his doubts over the claims of the fiscal note.

The bill has been amended in committee, so the proposed 3-day nonresident license dollars are now divided up exactly how the current nonresident UGB licenses are divided: UGBEP, hunter access, and general license funds. Julie feels that this amended bill is OK, but asked the Council to pay attention to this bill in case money is taken away or added to the UGBEP fund. Future hunting seasons will help determine if license revenue was taken away from the \$110 NR license fees.

Joe expressed concern that this bill would encourage people to stay 3 days instead of longer, effectively impacting local economies. Joe feels the nonresident UGB license is already "dirt-cheap." Terry pointed out that it's \$100 for 3 days for nonresidents to hunt UGB in Idaho.

Craig asked what the department's position was on this bill. FWP did not oppose this bill. Joe pointed out that Dave Risley, Art Noonan, Bob Lane, and

Joe Maurier are the only ones who may testify at the legislature. Quentin added that time will tell whether the assumptions in the fiscal note are accurate.

Julie pointed out that there may be a point where the Council needs to look at how license money is distributed amongst the various funds (e.g., UGBEP, Block Management, general license funds). Julie added that Block Management receives 50% of UGB license dollars, but Block Management is a very important aspect of the UGBEP. The Council will likely need to discuss funding aspects in the future.

Joe and Julie encouraged the individual members of the Council to contact their senators to give their viewpoint on this bill. There are also bills out there that address the functioning of WMAs, which could affect habitat management, acquisition, or easement purchases. These bills could affect the UGBEP implementation. Quentin pointed out that FWP's web site list updates on the status of bills on a daily basis.

Quentin updated the Council that he visited with Bob Lane on the Council's role with legislation. The Council may frame up testimony that would provide input into the legislative process. Council is encouraged to work with the director's office in the development and presentation of any testimony.

Joe asked the Council if the Council should take a stand against HB 261 – this will need to be unanimous. The Council members present at the teleconference unanimously opposed HB 261 (note: Council members absent from this teleconference were Senator Shockley, Mike Jensen, and Bernie Hart).

Joe asked for Julie's input on the best way to go about handling Council's opposition to HB 261 – if it's unanimous. Debbie will send out an email regarding this subject to determine if the Council unanimously opposes HB 261. Julie suggested that Joe Perry, as Chair, come to Helena to testify against this bill if the Council unanimously opposes this bill. Joe has agreed to do this. Julie will visit with Senator Shockley, and Debbie will try and reach Bernie Hart.

**In summary, the Council in attendance of this teleconference oppose HB 261 for the following reasons:**

- **A lack of confidence in the fiscal note's projections that may lead to a program revenue loss.**

- **Concerns that a 3-day nonresident license would encourage people to stay 3 days instead of a longer time, effectively impacting local economies and program revenues.**
- **The current \$110 nonresident license fee is very inexpensive.**

#### **4. Russian olive update.**

Gordon Haugen updated the Council on the status of his work with Russian olives (RO). Gordon has visited with many people – including Pete Husby with the NRCS and Dave Burch, State Weed Coordinator (444-3140), Department of Agriculture (DoA). Russian olive is a Category III plant, which means it cannot be sold or planted, but it does not have to be removed if it's already there.

Gordon asked staff at the DoA if they would reconsider planting or establishing RO in those areas away from riparian areas. The staff said they could reconsider if there is a petition to do so. Gordon is willing to draft a petition and will run it by Council mid-spring. Jay asked Gordon if he would get a copy of the original petition from the DoA. Quentin offered to visit with Joe Weigand, FWP Weed Coordinator, to see how he can assist with the Council's inquiry. It also should be noted that Montana Native Plant Society and Montana Audubon supported listing RO as a Category III plant. Jay recommended that Gordon and he should visit with these groups. This subject will be on the agenda at the next Council meeting.

#### **5. UGBHEP Contract.**

Drew pointed out that there needs to be clarification on page 3, under the "protection of Habitat Sites" section (4a). Drew recommended adding "Unless otherwise specified in contract" at the start of the sentence to help avoid confusion. Council agreed; contract will be updated.

Drew also asked if the 25% damages was a defensible measure, versus 10, 15, or 20 percent. Joe responded that he wanted to ensure a return was made to FWP to account for staff time and other fixed costs that are not captured in the contract. In addition, contracts that are breached in the latter part of the term often contain enhancements that have finally reached a greater benefit to upland game birds.

Dale offered some additional thoughts on the contract. In the past, he felt measures needed to be upgraded in the contract to address noncompliance issues. After reading this latest version of this contract, Dale felt that there are

too many restrictions in place that may preclude people applying for this program. Joe responded that this current contract helps to address everyone's concern – more or less a compromise. Joe also had experience with NRCS and FSA contracts – they are “crazy.” From a producer's standpoint, Joe does not feel the contract is a “negative,” but if it is, the Council will look to the UGB Biologists to let FWP and the Council know if problems ensue from this contract. There is room to modify if need be.

Dale offered additional comments:

- On page 3 (4a), Dale recommends the last sentence be struck. Council agrees.
- On page 3 (paragraph #5), the contract should have language regarding hunter-day fluctuations so that the cooperator isn't penalized if the hunter-numbers are low some years. Council recommended leaving the statement as is because hunter-day fluctuations are addressed in this paragraph.
- On page 6 (d): In the event the Project Area is reduced to less than 100 acres in size.... ” Dale felt the 100 acres would prevent work on good, quality projects that are less than 100 acres. Council discussion followed.

The ARM states the project acres must be a minimum of 100 acres – the acreage serves as the basis for the contract. However, some members of the Council feel that the ARM may be too restrictive and may prevent opportunities for quality projects on acreage smaller than what ARM requires.

The Council recognized that more discussion is needed on this topic but also recognized the need to stay on track to endorse the work they've completed, given the timeframe at hand. With regard to the ARM and the 100-acre minimum requirement, the Council made note to consider: (1) those projects deemed valuable that are less than 100 acres and (2) the quality of access acres in relation to project costs. Juxtaposition of these smaller acreage projects to areas open to access was a consideration but also warrants further discussion. Julie recommended that the Council make their recommendations defensible. The Council will revisit this topic at the next meeting and will seek the biologists' input.

Motion to approve the UGBHEP contract as amended with the understanding that the 100-acre minimum project acres required in ARM will be discussed at the next Council meeting. Gordon moved, Dale seconded. *Motion carried.*

**6. Proposed timeline for the Strategic Plan.**

- February – late March: FWP will work on finalizing the document with Council's recommendations, keeping the Council apprised on the document's status. Once the date is determined when document will be submitted to the director, a representative or representatives of the Council will deliver the document to the director. The director will review the document containing Council's recommendation. Any modifications from the director will be incorporated into the strategic plan prior to submission to the FWP Commission.
- April 14: The strategic plan will be submitted to the FWP Commission, requesting initial adoption.
- May: Public comment period begins. There could be lots of possibilities as to how to have public meetings. For example, there could be one night in all 7 regional headquarters with a connection made through an electronic video conference. Council members may attend in their respective regions. Julie commented that video conferencing may not make people feel like they were being heard. Important to put press release out to all newspapers – including smaller newspapers – identifying the web site link to access the plan. In the local papers, Council names and hometowns will be listed. Press releases will identify where the plan can be accessed, when and where meetings will be held, and identify venues for the public to submit comments.
- June 20: Next Council meeting in Helena.
- July 14: Once public comment is incorporated into the plan, the plan will be submitted to the FWP Commission.

**7. Final review of document and transmittal letter.**

The transmittal letter looks good and is "good to go." The Council gave final comments and corrects to FWP to incorporate into the document. Craig had additional corrections with regard to punctuation, etc., and will send his corrections to Debbie to be incorporated into the final document.

The Council asked Debbie to contact R6 on their proposed insertion in R6's regional plan. At the end of both sections "Sharp-tailed Grouse" and "Ring-

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necked Pheasants”, the Council recommended adding, “Preserving Russian olive stands at strategic upland locations is important for maintaining effective winter habitat for sharp-tailed grouse (ring-necked pheasants).” Debbie will visit with R6 to make sure they are comfortable with these insertions. The Council will respect Pat Gunderson’s and Region 6’s response.

**Motion to endorse the final plan with corrections made.  
Gordon Haugen motioned and Jay Gore seconded. *Motion carried.***

**8. Joe Perry adjourned the meeting at 3:30 pm.**

Next Council Meeting: June 20, 2011 in Helena (more details to follow)

To date: Agenda items to address:

- Continued discussions on the UGBEP Strategic Plan
- Update on Gordon’s work on Russian olive
- Continued discussion on Project Area size (100 acres) and ARM.