

# **CAC Meeting**

## **Region 5 Citizen Advisory Council Meeting**

**January 5, 2012  
5:30 PM to 9:00 PM  
Fish, Wildlife & Parks  
2300 Lake Elmo Drive  
Billings, MT 59105**

**Meeting called by: Gary Hammond**

**Type of meeting: CAC Council Meeting**

**Location: Region 5 Headquarters**

**Facilitator: Bob Gibson**

**Attendees: Mike Whittington, Doug Dreeszen, Daniel Aadland, Doug Haacke, Daniel Dutton, Gregory Keller, Gary Hammond, Bob Gibson, Randy Arnold, Ken Frazer, Ray Mule', Dianne Stiff**

**Absent: Doug Habermann, Dale Vermillion (e-mailed comments)**

### **Topics**

5:30-6:30 p.m.	Welcome, Dinner & Conversation	Gary Hammond
6:30-7:00 p.m.	Issues of Concern	CAC Members
7:00-8:00 p.m.	Tentative Hunting Seasons and Regulations	Ray Mule'
8:00-9:00 p.m.	FWP Perspectives on ExxonMobil's Oil Spill	Bob Gibson & Gary Hammond
9:00-9:15 p.m.	Administrative Housekeeping and Adjourn	Bob Gibson

Welcome, Dinner & Conversation

Bob Gibson

## Discussion:

- **Mike Whittington** – He has gotten comments from hunters that are observing a real decline in mule deer populations over the last two years. This is based on hunter experience as far as what they are seeing and not seeing. Access in the Big Snowies – just wanted an update on work being pursued on the south side. (Harold Guse – it has been determined that the road going into Swimming Woman is public, but the floods washed it out. The county plans to repair the road.) Update on the status and plans on the state park at the Yellowstone WMA. (Gary Hammond – we do not know the status.) Hasn't been seeing any mule deer on the WMA. An update on the status the fishing access sites following the flooding. (Bob Gibson – the only closure we have is Grant Marsh on the Bighorn River, so all other sites are open.) Update on the Clarks Fork FAS development plans? (Ken Frazer – there is a temporary parking lot right off the highway. The plan is to build a road down from the parking lot across the wetland, and try to create more wetland area with a water control structure and then maybe flood more of the valley for waterfowl. There will then be a boat ramp built on the river with discussion of possibly two primitive camp sites. That is to begin this next year. Holmgren FAS will have a boat ramp and latrine installed this summer. The railroad crossing and road are complete.)
- **Doug Haacke** – He had two hunters complain about the quotas on lions. Seemed to think they were getting their harvest up north, and the problem is down south between here and Colstrip.
- **Greg Keller** - Wondering about elk and deer hunting seasons and quotas in hunting districts 520 and 575. Would like to see it open for cows in 520 like it is in 575. Mule deer? (Ray Mule' - proposing to go to buck only on mule deer in 575 with B tags on a drawing.)
- **Dan Aadland** – As the conservation district supervisor, it was busy this summer with emergency 310 permits. We didn't find any abuses. In addition to mule deer south of Absarokee, we feel there is a drop in the whitetails also. Nonresident license fees were higher with I161. (Dianne Stiff – SB 136, native nonresident licenses, did pass the last legislative session and goes into effect beginning March 1, 2012.) He had a rancher ask about getting wire to protect his hay stacks. He thinks we are going to see a pattern of elk showing up after the hunting season. (Harold Guse - have the landowner get in contact either with Shawn Stewart or Paul Luepke to get game damage assistance. Need to allow public hunting to get game damage assistance.)
- **Doug Dreeszen** – Nothing appears to be solved with the elk archery working group. There is a lot of talk about the airborne hunting law being reworked at the next legislative session.
- **Dan Dutton** – We expanded to 488 acres in block management. We had 138 hunter days which is up about 15 to 20 over past years. We had a decline in chucker hunters, but an increase in duck and goose hunters. We noticed 3 or 4 dead bucks located on the river bottom, which wasn't as much as it was 5 or 6 years ago when we counted about 13. Since we've changed the type of crops we are raising to corn on our side of the river and further south, mule deer do not get into our crops. All summer long only one mule deer doe was seen and no fawns. He's noticed the mule deer decline beginning at least 3 or 4 years ago. We used to have 200 mule deer in the alfalfa field every night, now there's none at all. Every morning the whitetail head into the hills, although they always used to stay on the river. Shared pictures of the mule deer and whitetail bucks that were taken off his place during the hunting season. There is a change with demographics on the deer. Haven't seen an increase of coyotes. (Ray Mule' – Probably what is happening there are habitat changes that may favor whitetail or mule deer. That is when you begin to see mule deer decline and whitetail numbers increase. When you get more agricultural areas as opposed to native prairie, generally that favors whitetails over mule deer.)
- **Dale Vermillion** - We had the first bull elk ever on our place this fall but unfortunately it was shot from the road and left. Poaching is always a problem but seemed especially tragic with that beautiful animal. We didn't have much EHD in the whitetail, but a lot of whitetail fawn mortality from June to July. We found 12-14 dead fawns when we cut our 30 acre hay field, and unclear as to why they died. Several other fields had dead fawns too, just not as many. Game warden, Derek Fagone was contacted. Again this summer after the rivers dropped, there were problems with jet skis roaring up the river and nearly hitting his wife when they came around a corner. She was fishing from a small one man raft which sits

very low in the water and is hard to see. Nothing happened but it was close. This happened last year too. Once again the air boat was on the river which is even less maneuverable, noisier. The Pelican FAS is now inaccessible due to a huge build up of rocks and gravel above and for 50 yards below it which the flood piled up. Only way now to get your drift boat into the water is to drive out into the river on the rocks or downstream from the Otter Creek FAS in Big Timber. Several outfitters said that while the numbers of elk in hunting district 560 was okay, they felt that the "maturity" of the elk is much less than in the past. And finally, we have a shooting preserve license. Before we got the license and started releasing birds, we had moderate numbers of pheasants and killed 6 - 8 each fall. However, after the first year of releases, we have not killed any wild birds although we did see a hen this year. Suspect that the problem is the farm raised birds are so dumb that it brings in a lot of predators that get the wild birds as well. Just an observation.

Action items: Clarification on airborne hunting.

Person responsible: Gary Hammond

Deadline: None

### Tentative Hunting Seasons and Regulations

Ray Mule'

#### Discussion:

**Summary of Research:** The results from a 2011 resident mule deer hunter preference survey conducted by Fish, Wildlife and Parks (FWP). Encouraged CAC members to take this home to read through and share with others within their communities.

#### **Region 5 public meetings on the 2012-2013 hunting season proposals:**

January 10, 2012	Red Lodge, Middle School Cafeteria	7:00-9:00 PM
January 11, 2012	Big Timber, High School Cafeteria	7:00-9:00 PM
January 12, 2012	Harlowton, Kiwanis Youth Center	7:00-9:00 PM
January 16, 2012	Columbus, High School Cafeteria	7:00-9:00 PM
January 17, 2012	Billings, Holiday Inn	7:00-9:00 PM
January 18, 2012	Roundup, High School Room 5A	7:00-9:00 PM

Individuals are encouraged to use the **electronic form** located on the FWP website when submitting their written comments. Mailed written comments to Helena are also accepted.

#### **Process:**

- Every two years we do major season structure changes. This is done for all the species except furbearers and wolves. Furbearer seasons are on another two year cycle, and wolves are done annually. The actual quotas that we set are finalized later in the year and completed annually after population surveys are done.
- These season structure changes are for 2012 and 2013. They were approved by the Commission at their December 8-9, 2011, meeting. The seasons will be finalized at their February 16, 2012, meeting.

**Proposals:** Can be found in the handout and on the FWP website ([fwp.mt.gov](http://fwp.mt.gov)). If there are no proposed changes, then that regulation stays the same. The purpose of the meetings is to present the proposed changes and collect public comment on those changes.

**Roles in the Process:** The Montana Legislature creates the laws in which FWP and the Commission operate. FWP does not set seasons. We recommend the seasons as a state executive branch agency. The Commission actually sets the hunting seasons. The Commission is composed of private citizens that are appointed by the governor. All the department can do just like anyone from the public, is make a recommendation to the commission.

#### **Timeline for the Season Setting Process:**

August-September – public input scoping process.

September-November – formulation of Department proposals.

December – Commission proposes seasons.

January – Formal public comment on the proposals.

Late Jan – FWP will consider those comments, look at those proposed seasons and see if the department wants to recommend doing something different than originally proposed; the Commission will directly take public comment also, and they may propose changes from what was originally put in.

February – Commission finalizes seasons.

Public comments – Will take through 5:00 p.m., Monday, January 23, 2012. Best way to comment is electronically through the website.

### **Statewide Proposals:**

- Hunting Season Dates – no changes from existing dates except those mandated by the calendar except for the mountain grouse. Will remain a Saturday opener for general deer/elk season and antelope season.

### **Statewide Deer:**

- The youth deer hunt item was assigned a 2011 sunset by the FWP Commission. The Commission is reproposing this season for the next two year. Proposed to be repeated again on the Montana Education Association training days in the fall. In 2012 the dates would be the two days before the opening of the general deer/elk season and would not overlap archery season; then in 2013 however, the projected MEA dates would overlap with the last Thursday and Friday of the archery season. So then in 2013 archery hunters would be required to wear orange on these two days of archery season.

### **Statewide Elk:**

- Proposal that any successful applicant for a limited bull elk permit that's valid during the general rifle season would be ineligible to apply for an antlerless elk B license valid in that same hunting district.
- Proposal to remove general license antlerless elk valid for individuals holding a Permit to Hunt From a Vehicle (PTHFV) unless that general license antlerless elk is also valid for general public not holding PTHFV.

### **Statewide Mountain Lion:**

- Allow unsuccessful special lion license applicants to purchase a general lion license valid only during fall season without dogs.

### **Upland Game Birds:**

- Change the mountain grouse season from ending on December 15 to ending on January 1, similar to other upland game bird seasons.

### **Migratory Game Birds:**

- Sandhill Cranes – opening new limited permit hunt area in Broadwater County; include Golden Valley County with the season located in Wheatland, Meagher and a portion of Sweet Grass County.
- Canada Geese – increase the dark goose daily bag limit in the central flyway from 4 to 5 birds which is the maximum allowed under federal framework; white geese – increase the central flyway from 6 to 20 – maximum allowed under federal framework, and increase the white geese limit in the pacific flyway from 6 to 10.

### **Game Damage Licenses:**

- No changes from our current levels.

### **Region 5 Proposals:**

Mule Deer –

Hunting Districts (HDs) 500, 570 and 575 proposing to implement antlered buck only on the general license. Only HDs 502, 580 and 590 will remain either-sex on the general license.

Elk –

Create another antlerless elk B license valid in HDs 500 and 570 with a quota range of 25-50 with the elk numbers increasing in these areas. We'll initially propose 25 licenses.

**Region 5 Quota Range Changes:**

Reduce the lower end of doe/fawn antelope quota ranges from 25 to 5 for all HDs; basically we'll eliminate the doe/fawn all together. Reduce lower end of antelope either sex quota range in HD 570 from 750 to 500. Reduce lower end of mule deer 570 from 50 to 25.

**Elk Archery:**

- Option 1 (Elk Archery Working Group Recommendation) – Maintains the current status quo (2011 season structure) of existing either sex archery permits in and out of the Breaks that are valid on all land ownerships within HDs, bundles of HDs, or portions of HDs. Added to this is another set of either-sex archery permits to these same groups of districts. These would be available through the drawing as a first and only choice. They would be valid only on private land outside of block management areas. The person that holds one of these could not hunt an antlered bull elk in any other hunting district during any other season that year. The permits would be available in unlimited numbers for 2012 and 2013. The number of these permits ultimately is to be set to accommodate the number of outfitted nonresident archery elk hunters in each of these areas that were there in 2007. These permits would be proposed to remain in place in any district if the elk population objective was met or maintained or if an annual harvest prescription was met with a consideration of achieving a population objective in not more than 6 years. If there is no clear and consistent reaching or maintaining of the population objective or annual harvest prescription during the two year interval, these permits would be proposed to be removed until a subsequent two year evaluation revealed the population objective or annual prescription was clearly and consistently reached. There would be an assessment of these circumstances every two years within the biennial season setting process. Any such assessment would result in a proposal for change or status quo during the next biennial season setting process. Any Commission action on that proposal would be made at that time. The recommendation maintains the existing working group through at least one 2-year cycle. This group would meet twice annually. In addition to evaluating elk population status, the group would attempt to assess harvestable elk on the different permits, elk distribution on public and private land during the hunting season, effectiveness relative to fundamental objectives, public access levels and outfitted acres.
- Option 2 – This is option 1 with two more things added. Antlerless elk only on private land will be proposed if population or harvest objectives were not met. Mandatory reporting of harvest for individuals holding a private land only permit.
- Option 3 - Current status quo (2011 season structure) to include 2011 bundles, permit ranges and formulas used to determine annual permit numbers.
- Option 4 – The status quo (2011 season structure) but with potential to adjust HD bundles, permit numbers, ranges or formulas.
- Option 5 – Return to the 2007 season structure (unlimited either sex elk archery permits in Breaks, no elk archery permits outside Breaks).

Action items: Public Comments	Person responsible: Ray Mule'	Deadline: 01/23/12
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FWP Perspectives on ExxonMobil's Oil Spill Bob Gibson/Gary Hammond

Discussion:  
On July 1, 2011, the Silvertip Pipeline Crossing near Laurel in the Yellowstone River broke. Still not sure what broke the pipe. The pipe was sent off to an independent lab to conduct an analysis on exactly what it was that broke the pipeline. The common assumption is that about 1000 barrels of oil (crude oil) went out of that pipe. Immediately after the break, hundreds of people showed up in Billings to clean up the oil spill. Within 36 hours of spill, the response group took over two floors of the Crown Plaza Hotel and begun work on organizing the response to this oil spill. Within about 48 hours, a

group called the International Bird Rescue, a nonprofit out of San Francisco came to work on rescuing wildlife. They were contracted by Exxon. We closed the Duck Creek Fishing Access Site, so Exxon could securely and safely handle their clean up business on that stretch of the Yellowstone River. At one time there were approximately 1,150 people in Billings working on this oil spill cleanup. The Department of Environmental Quality (DEQ) is the lead agency on this clean up. Out of 1000 barrels spilled, maybe 100 barrels of oil were actually cleaned up. So where is the rest of it? The pipeline broke at high water during a major flood. The river was running 65,000 cfs at the time. The first thing that happened is that some of the high end compounds in the crude oil evaporated right away. The rest it went down the river. The oil found its way into the back waters, sloughs, around the timber, etc. As the water passed through debris and vegetation, that filtered out the oil, which then settled onto the landscape. Some of the oil adhered to the sand, then sank to the bottom and deposited further down the river. Among the places where the silt settled out was where the water slowed down. One of the ways to slow down water is run it into a pile of debris. We've confirmed that under the wooded debris piles where the sand is located, there is oil. Exxon would not let people on those debris piles due to safety reasons. Helicopters dropped small excavators and bobcats onto some of the islands to take apart some of the debris piles. One pile they had to burn as it was over running water. As the water receded, they were able to take large equipment out to check for oil in the debris piles. The whole process was broken down into three segments. The first segment was Laurel to Duck Creek FAS; the second then down to East Bridge at Lockwood and then the third was everything else on down to the mouth of the Bighorn River. Acres that were surveyed totaled 16,251. We had a number of FWP employees who participated on the shoreline cleanup assessment and treatment (SCAT) teams. These teams were composed of a state, federal and Exxon contractor. They walked every inch of the islands, shores or any place where there could be oil, looked for it, recorded it and decided what to do about it. The SCAT teams set priorities and processes for the cleanup teams. With regard to the bathtub rings on trees, willows, etc., they decided to leave them in place as it would cause more harm in getting there to remove it than it's doing sitting there. Micro organisms in the soil that eat oil turn hydrocarbons into carbohydrates which causes natural attenuation, so these rings eventually go away. Animals cleaned: Birds – 4 (4 released); reptiles - 11 (11 released); amphibians 113 - (112 released); fish and mammals – 0. Several deceased wildlife were identified. On the fish collections there were no noticeable oil in the fillets, but there was some oil in some of the fatty organs, and just in long nosed suckers. Didn't find oil in rainbow trout or in the bass that were sample. A lot of questions remain unanswered including concern with suckers eating off the bottom, what or how they're eating, and do trout get rid of oil quicker? Fishermen were reporting that they weren't seeing any turtles. Biologists set turtle traps and caught three turtles compared to the dozens that were caught in an earlier study. All had lesions on their shells. As a result of MSU graduate students conducting studies in past years on the effects of riprapping in rivers, there is a good baseline of information showing abundance, diversity and relative health of fish from Columbus to Billings. MSU was asked to go on back out the river to conduct fish sampling, and found that some of the fish had obvious lesions. The closer they got to Laurel, the fish had an increase of severe lesions. Then the further down river it was less to no lesions at all. That raised the red flag, is this oil related? There are scientists from the Fish Health Lab in Bozeman that are associated with the University and Fish and Wildlife Service that are doing some specific tests and studies to come up with answers. Now we are waiting for spring runoff to move silt, gravel, and debris piles. Are we going to see oil from debris piles and silt? What is that going to do? This year we'll be continue looking at the effects on the fish and wildlife and the long term effects on the river.

Action items: Informational	Person responsible: Bob Gibson/Gary Hammond	Deadline: Ongoing
Administrative Housekeeping &Adjourn		Bob Gibson
Next Meeting: Sometime in April, 2012	Person responsible: Bob Gibson	Deadline: Notify CAC Members by end of March, 2012