



# Montana Fish, Wildlife & Parks

Wildlife Division  
PO Box 200701  
Helena MT 59620-0701  
August 9, 2013

Dear Interested Person:

Montana Fish, Wildlife & Parks is requesting public comment on proposed 2013 Late Season Migratory Bird Regulations and a proposed 2014 Work Plan for Elk Management Guidelines in Areas with Brucellosis. Additional information is below including deadlines for public comment. Note there are different comment period deadlines for each of these two proposals.

In addition to these proposed items, Montana Fish, Wildlife & Parks will initiate a public scoping window for the 2014 – 2015 Biennial Hunting Season Setting. This scoping window will run from August 9 through September 6 and will include one open house in each administrative region. Biennial season setting will take place at the December and February Fish and Wildlife Commission meetings with additional public comment in January 2014. Additional information is below.

## **2013 Late Season Migratory Bird Regulations – Proposed**

Specific proposed changes are listed in gray shading below. All other late season migratory bird regulation elements are proposed to be unchanged from 2012. For reference, the 2012 regulations may be viewed on the FWP website.

### **Central Flyway**

- Youth Waterfowl Season: Sept. 21-22 (2 days – limits below apply)
- Duck, Coot and Tundra Swan (500 permits only) Season: Sept. 28–Jan. 2 (97 days)
  - Ducks: Daily bag limit shall be 6 ducks or mergansers, possession limit 3 times daily limit. Daily bag limit shall not include more than 5 mallards no more than 2 of which may be hens, 3 scaup, 2 redheads, 2 hooded mergansers, 3 wood ducks, 2 pintails, and 2 canvasbacks.
  - Coots: 15 daily, possession limit 3 times the daily limit
- Goose Season: Sept. 28 – Jan. 5 AND Jan. 10-14 (105 days); Closed Jan. 6-9.
  - Geese: Dark - 5 daily, possession limit 3 times the daily limit  
White -20 daily, possession limit 3 times the daily limit
- Falconry: Ducks and coots: Sept. 21 – Jan. 5; Geese: Sept. 28 – Jan. 5 AND Jan. 10-14 (105 days); Closed Jan. 6-9.

### **Pacific Flyway**

- Youth Waterfowl Season: Sept. 21-22 (2 days – limits below apply)
- Ducks and coots (excluding scaup): Sept. 28 – Jan. 5 AND Jan. 10-14 (105 days); Closed Jan. 6-9;  
Scaup: Sept. 28-Dec. 22
  - Ducks: Daily bag limit shall be 7 ducks or mergansers, possession limit 3 times the daily limit. Daily bag limit shall not include more than 3 scaup, 2 hen mallards, 2 pintails, 2 redheads, and 2 canvasbacks.
- Coots: 25 daily and in possession
- Goose season: Sept. 28 – Jan. 5 AND Jan. 10-14 (105 days); Closed Jan. 6-9

- Geese: Dark - 4 daily, possession limit 3 times the daily limit  
White - 20 daily, possession limit 3 times the daily limit
- Swan (500 permits only) Season: Oct. 12–Dec. 1
- Falconry dates: Sept. 28 – Jan. 5 AND Jan. 10-14 (105 days); Closed Jan. 6-9

## **2014 Work Plan for Elk Management Guidelines in Areas with Brucellosis - Proposed**

### **Background**

In January 2013, the Fish, Wildlife & Parks Commission endorsed elk management recommendations from a citizen working group for application in areas with brucellosis (Designated Surveillance Area as described by the Montana Department of Livestock). The commission also endorsed a 2013 work plan in February 2013 and scheduled a review of efforts and review for Aug. 8. The 2013 work plan included hazing, fencing and dispersal hunts as management actions available for implementation. Examples of all three were applied in 2013. While recommendations included the incorporation of local working groups, that component has not been successfully identified in all areas despite FWP efforts to do so.

A 2014 work plan was presented for public review and commission approval on Aug. 8. The proposed plan has been assembled by FWP with input from the statewide working group that met in Bozeman on July 11 to review efforts to date. That meeting was open to the public and included a public comment period. The plan offers several clarifications based upon 2013 experiences and expands upon the 2013 work efforts to include a renewed emphasis on local working groups and education/outreach. Specific management actions would be available for implementation only after public review and comment and a final adoption in October 2013. Any work plans developed by local working groups may be proposed in addition or as a replacement to this proposed plan (listed below).

### **ELK MANAGEMENT IN AREAS WITH BRUCELLOSIS 2014 PROPOSED WORK PLAN**

This is a proposed 2014 annual work plan that has been generally assembled by FWP with input from the Elk Management Guidelines in Areas with Brucellosis Working Group. To date, local working groups have not been identified in all areas. Given ongoing efforts to identify local working groups that may develop and submit area specific work plans for public review and FW Commission adoption, this work plan is proposed as a “default” work plan for implementation in 2014 by FWP until/unless other specific work plans replace it. Actions may be applied in any sequence and/or in combination. Although some actions (dispersal hunts, fencing, hazing, etc.) are available for implementation if adopted as Final in October 2013, other potential management actions would require additional Commission process prior to implementation (biennial season setting, lease approval, etc.).

Potential management actions identified here may be implemented no later than December 31, 2014. Other management actions that may be identified prior to December 31, 2014 but not enumerated here may require additional Commission process. The next annual summary of management efforts and results and any 2015 work plan(s) adoption are tentatively scheduled for Commission review in August 2014. Any additional replacement work plans from local working groups may be proposed for public review and Commission adoption at the time they are assembled.

### **2014 WORK PLAN MANAGEMENT ACTIONS AVAILABLE FOR APPLICATION WITHIN THE DESIGNATED SURVEILLANCE AREA**

- Unknown number of local elk hazing efforts during risk period (January 15 - June 15) throughout the Designated Surveillance Area (DSA). Enhance description of potential and actual commingling before and after hazing to improve annual assessment of effectiveness.

- Unknown number of small scale fencing efforts (stackyards, feed lines) throughout the DSA. These efforts shall mimic the existing game damage process whereby FWP is responsible for materials and the landowner is responsible for installation and routine maintenance. Public access circumstances (see last bullet below) may influence consideration of temporary vs. permanent fencing materials. Enhance description of potential and actual commingling before and after fencing to improve annual assessment of effectiveness.
- Unknown number of small scale dispersal hunts throughout the DSA during the risk period. Each dispersal hunt may not harvest more than 10 elk and would be individually described (dates, area, number of hunters, etc.) by FWP regional staff working directly with the landowner(s) involved. Dispersal hunts will be used to adjust elk distribution and not for population control. Hunters will be selected using mechanisms comparable to those used for game damage hunts. Multiple hunts (each up to 10 harvested elk) could be applied in the same area/same time but each would require specific approval. Antlered and/or antlerless elk may be made available for take depending upon circumstances that include herd composition, population status and risk to other elk and cattle from reproductive tissues in gut piles. Dispersal hunts will be accomplished as early as possible in the risk season and no dispersal hunts will be initiated after May 1 and all dispersal hunts will conclude not later than May 15. Both the FWP Regional Supervisor and local area FWP Commissioner may modify and both must approve dispersal hunt proposals, including the sex/age of animals harvested for the purpose of dispersal. Hunt area identification will be based on commingling risk of re-distributed elk on other properties. Gut piles will be managed to minimize the potential for disease transmission to cattle and elk. Enhance description of potential and actual commingling before and after dispersal hunts to improve annual assessment of effectiveness.
- Unknown number of kill permits during the risk period in circumstances that do not lend themselves to dispersal hunts. Kill permit descriptions and authorization will mimic dispersal hunts with no lethal removal after May 15. Enhance description of potential and actual commingling before and after kill permits to improve annual assessment of effectiveness.
- FWP staff will continue efforts to coordinate with local working groups to assemble more area specific comprehensive annual or multi-year work plans. This will include an initial presentation by FWP to ensure common understanding of the recommendations and brucellosis transmission dynamics. Options for assembling working groups include existing working groups, conservation or watershed groups and facilitators. Given issue complexity, divergent perspectives, time and interest required, and apparent tolerance (by some) for agency implementation in 2013, it is still unclear in some areas what working group(s) will assume this task despite FWP efforts in 2013 to communicate with local working groups. That said, it is clear some advocates and the statewide working group look for the working group component to be enhanced in 2014.
- Explore potential habitat management adjustments on WMAs and other lands and hunting season recommendations designed to foster adjusted elk distribution. A working group setting would be fitting for both topics but that does not preclude recommendations that may be proposed independent of a working group. The biennial season setting process for the 2014 – 2105 hunting seasons begins in December 2013.
- Work with Montana Department of Livestock and USDA APHIS to assess and coordinate the need, opportunity and capacity for continued targeted elk surveillance captures beyond 2015.

- Continue to explore and implement effective communication, education and outreach with the FW Commission, general public and landowners. While FWP will continue to coordinate local working groups open to all interested parties, those efforts should not be confused with necessary conversations between landowners and FWP about the literal implementation details of approved management actions that include hazing, fencing, and dispersal hunts. These smaller and very site specific conversations are essential to identify logistics that may include fence material definitions and open/closed areas for a dispersal hunt on a specific ranch.
- Continue to evaluate public hunting access in the implementation of management efforts. Recognize that restricted or no access may contribute to elk distributions and concentrations that potentially enhance the risk of transmission. In these circumstances any comprehensive management response to reduce commingling and transmission risk includes efforts to increase public hunting access. This scenario may be best addressed with local working groups. Where access has been limited or restricted in the past, assistance from FWP may be based upon the confirmation of landowner tolerance or interest for access in the future. This recognizes that there may be specific circumstances where hunting access is logistically impractical for reasons that might include proximity to home sites, no elk present during the hunting season, small acreage, etc.

### **COMMENT AND SCOPING PERIOD DEADLINES AND FINAL ADOPTION MEETINGS**

**The public comment period on the proposed 2013 Late Season Migratory Bird Regulations will extend through 5:00 PM, Monday, August 26.** Final adoption on this item will be made at the August 29, 2013 Commission meeting.

**The public comment period on the proposed 2014 Work Plan for Elk Management Guidelines in Areas with Brucellosis will extend through 5:00 PM, Monday, September 9.** Final adoption on this item will be made at the October 10, 2013 Commission meeting.

**The public scoping period for the 2014 – 2015 Biennial Hunting Season Setting will extend through 5:00 PM, Friday, September 6.** Biennial season setting will take place at the December and February Commission meetings with additional public comment in January 2014.

### **TO MAKE COMMENT**

For further clarification, you may call the Wildlife Bureau office at 406-444-2612. To submit comments electronically, this letter with the imbedded links below can be found under “Opportunity for Public Comment” on the Hunting home page at the fwp.mt.gov website. Written comments can be sent to: FWP – Wildlife Division, Attn: Public Comment, POB 200701, Helena MT 59620-0701. Note there are different comment period deadlines for each of these two proposals and for scoping.

#### **2013 Late Season Migratory Bird Regulations – Proposed**

*The deadline for public comment on this item is 5 p.m., Monday, August 26.*

<http://fwp.mt.gov/hunting/publicComments/2013proposedLateSeasonMigBirdRegs.html>

#### **2014 Work Plan for Elk Management Guidelines in Areas with Brucellosis – Proposed**

*The deadline for public comment on this item is 5 p.m., Monday, September 9.*

<http://fwp.mt.gov/hunting/publicComments/2014ElkMgmtGuidelinesAreasWithBrucellosis.html>

#### **2014 – 2015 Biennial Hunting Season Setting – Scoping**

*The deadline for public comment on this item is 5 p.m., Friday, September 6.*

[http://fwp.mt.gov/hunting/publicComments/2014\\_15biennialHuntingSeasonsScoping.html](http://fwp.mt.gov/hunting/publicComments/2014_15biennialHuntingSeasonsScoping.html)