

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**FWP Headquarters - Helena, MT**  
**November 8, 2012**

Commission Members Present: Bob Ream Chairman, Dan Vermillion Vice-Chairman, Ron Moody, Shane Colton

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

Guests: See November 8, 2012 Commission file folder for sign-in sheet.

**Topics of Discussion:**

1. Call to Order - Pledge of Allegiance
2. Approval of Minutes of October 11, 2012 Commission Meeting
3. Approval of Commission Expenses
4. 2013 Commission Meeting Schedule Final
5. Commission Reports
6. Director's Report
7. Park Fee Rules – Tentative
8. Echo Lake No Wake Zone During High Water – Tentative
9. Designate Causeway Bay on Echo Lake as a No Wake Zone - Tentative
10. Prohibit Method to Increase or Enhance a Boat's Wake on Echo Lake – Tentative
11. Boating Regulations Changes for Harpers Lake, Lake Alva and Lake Marshall – Proposed
12. Aspen Trails FAS Acquisition (Donation) – Endorsement
13. Hay Coulee (Big Horn River) FAS Acquisition (Donation) – Endorsement
14. Fishing Regulation Changes within Red Rock Lakes National Wildlife Refuge – Update
15. Statewide Fisheries Management Plan – Update
16. Wolf Trapping Pan Tension Requirement – Final
17. Dome Mountain WMA Addition – Final
18. Helena Urban Deer Management – Proposed
19. Elk Management Guidelines in Areas with Brucellosis Working Group Recommendation – Proposed
20. Open Microphone – Public Opportunity to Address FWP Issues Not on Agenda

**1. Call to Order - Pledge of Allegiance.**

Chairman Ream called the meeting to order at 8:36 a.m. and led the Pledge of Allegiance.

**2. Approval of the Commission Meeting Minutes of October 11, 2012.**

*Action: Commissioner Vermillion and Commissioner Colton seconded the motion to approve the October 11, 2012 minutes. Motion carried.*

**3. Approval of Commission Expenses**

*Action: Commissioner Colton moved and Commissioner Vermillion seconded the motion to approve the Commission expenses. Motion carried.*

**4. 2013 Commission Meeting Schedule Final**

*Action: Commissioner Vermillion moved and Commissioner Moody seconded the motion to approve the 2013 Commission Meeting Schedule. Motion carried*

## **5. Commission Reports.**

Commissioner Moody reported he attended the CM Russell National Wildlife Refuge Community Working Group meeting on October 30. Members are from 7 counties, ranging from local residents of the local live stock industry, local economics and local officials as well as representatives from the American Prairie Reserve, National Wildlife Administration, and World Wildlife Fund. Garfield County Conservation District made a proposal to the Refuge Management to create a

72,000 acre experimental grazing allotment on the Haxby Point area on the south side of the Refuge. This project intends to show good grazing practices are compatible with federal land management. Worth investing some time into, it may be of value.

Commissioner Colton reported Yellowstone County held discussion forums and supported a lot of sportsman issues throughout the entire election. The candidates nor supporting FWP and its issues lost. All have worked hard to bring sound solutions to the table to treat wildlife with respect, manage land appropriately and maintain access.

Commissioner Vermillion echoed Commissioner Colton comments on the dialogue that occurred during the election and the different visions of how to manage wildlife. This Commission and Department had a lot of difficult issues in the last eight years. Went to the brucellosis trial in Livingston and watched the closing arguments. The attorneys did a very good job representing the State and FWP, hard to tell the outcome. It has been a good elk hunting season for the region, haven't received many complaints on wolves roaming the landscape.

Chairman Ream agreed with Commissioner Colton and Vermillion concerning politics and added the Commission has treated all parties with interests in FWP with respect. Went to Missoula on Thursday for a meeting with the Department of Washington Fish and Game, talked about how FWP handles wolf management. Washington had one problem wolf pack and removed the entire pack; they were criticized on the way they handled the situation. On Friday, went on a tour up to Blackfoot and talked with landowners that are having problems with wolves and how they are dealing with it in a coordinating manner and looking at various techniques on live stock management. Reminded the staff to have a update on wolf management and the Bitterroot study at the next meeting.

## **6. Director's Report**

Director Joe Maurier had no report, been enjoying Montana's outdoors.

## **7. Park Fee Rules – Tentative**

Roger Semler, Chief of Operations of Montana State Parks, explained the Montana State Parks Biennial Fee Rule establishes fees and associated rules for the state park system. The Rule identifies fees for entrance to state parks (nonresidents), camping, facility rental, guided tours, special uses at State parks and provides direction to staff for managing visitor use. The Commission last increased resident camping fees in 2002 and nonresident camping fees in 2010 and authorized camping reservation fees in 2010. The Parks Division will conduct a 30-day comment period and has prepared a draft fee rule for consideration by the Commission, including the following highlights:

- There are no proposed fee increases.
- Peak season and reservation program season are extended to include the third Friday of May though the third Sunday of September, when potable water and a higher level of staffing and service are provided.
- There is a proposed \$3 per night reduction in off season resident camping fees, as a means of acknowledging a lower level of staffing, service and amenities, particularly potable water during the off season (third Monday of September through the third Thursday of May).
- Backcountry camping is redefined with a reduced fee (from \$7 per camping unit to \$4 per camping unit).
- Check-in and check-out times for campsites, cabins, yurts and teepees have been specified more clearly.
- Campsite capacity definitions are established for single, double, quad, and group campsites.
- Fees for large-group campsites are more clearly specified based on maximum pre-determined campsite capacity (camping units and/or 8 person increments).
- Food storage rules are established with standards for allowable food storage techniques, providing additional food storage. These rules may be implemented only at parks with a history of or high probability of human/bear conflicts. Mainly affects Northwest Montana; several incidents in Flathead Lake and Glacier Park area.
- Livestock use rules are established with standards for certified weed seed free feed. Livestock would be prohibited in designated campsites unless secured in a stock trailer or other areas authorized by the park manager; designated livestock corrals or pasture areas may be established.

***Action: Commissioner Colton moved and Commissioner Vermillion seconded the Commission approve the tentative Parks Biennial Fee Rule pending public comment.***

Commissioner Vermillion asked about costs if the Department extended the reservation system.

Semler explained there has been extensive discussions on that particular subject at the annual all staff meeting. Main issue is staffing limitations; limited FTE to have on the ground to administer the reservation system gives us cause not to go any earlier. Very labor intensive, difficult to administer.

Commissioner Vermillion asked if the contract was still with the State of Idaho or has the contract been transferred back to the Department.

Semler answered FWP is in contract with Idaho Parks and Recreation through Reserve America and is good through 2013. There is a meeting in a few weeks to discuss whether to continue with Reserve America or look at other options.

Chairman Ream asked where is there back country camping?

Semler answered only Sluice Boxes at this time. Not able to charge fees to residents due to current Park status, but FWP does have the authority to charge non residents. There is strong interest in pursuing back country camping opportunities in the larger landscape parks. Putting language into the rule now, so FWP can build and institute that program.

Chairman Ream explained someone called him a several months ago regarding the Fish Creek Area that still has the cabin of Andrew Garcia who wrote the Tough Trip Through Paradise. Would like the Department to consider adding the cabin to Fish Creek State Park.

Semler noted Ream's comment and explained that FWP is in the process of developing a Management State Plan for Fish Creek State Park.

Chairman Ream asked for public comment.

***Motion carried.***

Dave Risley, Fish and Wildlife Administrator, updated the Commissioners on the tablets. Hoping to start using in February, some issues need to be clarified before use. Reported Pat Gunderson is retiring effective the end of the month and there will be a party on December 1. Commented on Commissioner Moody's discussion relative to the Garfield County's proposal; it sounds reasonable and currently FWP is doing research with grazing treatments and taking a look at impacts, especially with sage grouse. LC's are coming in; have at least 45 which include wolf bills. Talking with Senator Vincent, Representative Washburn and a few others on different drafts; trying to get a good relationship with the Senators and Representatives before legislature starts. Director Maurier appointed Paul Sihler as a special legislative liaison; he has been doing a great job working everyone involved.

Chairman Ream asked for Sihler to update the Commission at the December 20 meeting.

Jessica Snyder, FWP Paralegal, explained there are three individual petitions to change water safety restrictions. Petitioners have timely submitted their petition. By law, the Commission must respond by initiating rule making proceeding or denying petition.

**8. Echo Lake No Wake Zone During High Water – Tentative**

Jim Kropp, Chief of Law Enforcement, explained this petition is to designate Echo Lake as a "no-wake" when water levels reach 32 inches below the deck of the Causeway Bridge, filed by Dorothy Veseth, Sue Hutz, Karen Kolar and Eugene Hutz, was received in a timely fashion. Echo Lake, located about 12 miles southeast of Kalispell, is a closed basin lake primarily fed by ground water with no outlet. Echo Lake has experienced abnormally high water levels in the past two years attributed to high snow fall and record rains. In 2011, an emergency rule was implemented on Echo Lake to primarily address public health issues associated with septic tanks leaching into the lake. While there was property damage as a result of the high water, there was little erosion, insignificant damage to the roads and no health issues manifested. In 2012, no emergency rule was adopted during the high water, as a result, there was significant shoreline erosion, property damage, boater conflicts and road damage due to boat wakes. When Echo Lake was designated "no-wake" in 2011, it shifted usage to Abbot Lake and Peterson Lake, which are small lakes attached to Echo Lake and resulting in issues of congestion, safety, shoreline erosion, property damage and user conflict with landowners emerged. No formal public involvement, but FWP Region1 has received multiple comments on both sides of the issue.

Lee Anderson, FWP Warden Captain, explained an emergency rule was adopted in 2011 due to the high water getting into the septic tanks, drain fields etc. and leaching into the lake, creating a public health hazard. In 2012, the water was still high, but a emergency rule was not needed because the health concerns did not manifest.

***Action: Commissioner Vermillion moved and Commissioner Colton seconded the Commission initiate rulemaking as requested in the petition and include Abbott Lake and Peterson Lake which are directly attached to Echo Lake.***

Anderson explained the petitioner's original petition reads 32 inches below the deck of the Causeway Bridge motorized boats may only travel at "no-wake speeds; the petitioner's would like the language substituted as 32 inches below the lowest point of the Causeway road motorized boats may only travel at "no-wake" speeds. If you did use the bridge deck as the bench mark, it would be 5 feet from the bridge deck instead of 32 inches.

Commissioner Vermillion asked if the Department was comfortable with the new standard set forth in the amended Echo Lake proposal: 32 inches from the lowest point of the road.

Anderson answered yes.

Chairman Ream asked if it was enforceable.

Anderson said it is enforceable. The bridge does have a survey pin on it, and have used it as a bench mark to measure water levels for a number of years. Possibly put a tape measure water gauge on the bridge that the public could see if it was near flood stage.

Eugene Hutz, petitioner, year-round resident since 1999, in 2012 saw very dramatic severe and wide spread erosion occur; the water level was approximately 18 to 22 inches lower, however, the boating activity was high. In 2011 the water level was higher, but because of the no wake restriction there was very little erosion on the lake. Seeing four to six feet of erosion in some areas and the trees are starting to fall into the water and further exasperating the erosion. Large wakes were pushing into the houses.

Chairman Ream noted two pages of petitioners.

Hutz said yes, generated signatures at a fast rate. Explained he is pro-boating but at flood stage, boating is not acceptable.

Chairman Ream asked Anderson about comments on this issue.

Anderson replied he has comments from both sides. Feels it will be fairly heated.

Chairman Ream asked for public comment.

***Motion carried.***

## **9. Designate Causeway Bay on Echo Lake as a No Wake Zone – Tentative**

Jim Kropp, Chief of Law Enforcement, explained the petition to designate Causeway Bay on Echo Lake as a "no-wake" zone, filed by Dorothy Veseth, Sue Hutz, Karen Kolar and Eugene Hutz, was received in a timely fashion. Echo Lake, located about 12 miles southeast of Kalispell, is a closed basin lake primarily fed by ground water with no outlet. Causeway Bay is located on the northeast corner of the lake. The entrance to Causeway Bay was exempted from the 200-foot no-wake rule in 2009 by the FWP Commission to allow boats to travel directly in and out of the bay without having to reduce to no-wake speeds through the narrow entrance to the bay. There are both motorized and non-motorized boaters recreating in the bay and given the small size of the bay, wave action does contribute to shoreline erosion. There are conflicts among motorized boaters, non-motorized users, property owners and anglers. The recent high water levels in the lake resulted in significant damage to the Causeway Road on the north end of the bay.

***Action: Commissioner Colton moved and Commissioner Vermillion seconded the Commission initiate rulemaking to Designate Causeway Bay as a no wake zone.***

Hutz commented Causeway Road crosses Echo Lake and is the connector for emergency services for residents that live across the lake. The level of boating has caused erosion on the road. It is a small bay and the road is vital.

***Motion carried.***

**10. Prohibit Method to Increase or Enhance a Boat's Wake on Echo Lake – Tentative**

Jim Kropp, Chief of Law Enforcement, explained this petition to prohibit methods to increase or enhance a boat's wake on Echo Lake, filed by Dorothy Veseth, Sue Hutz, Karen Kolar and Eugene Hutz was received in a timely fashion. Echo Lake, located about 12 miles southeast of Kalispell, is a closed basin lake primarily fed by ground water with no outlet and has a very diverse group of users ranging from non-motorized vessels, anglers, and motorized boaters. Boat usage on Echo Lake has increased wake size for wake boarding and surfing activities over the past several years. The vessels are traveling at a very low rate of speed, but throw an abnormally large wake which results in increased wave action and in turn causes more shoreline damage.

***Action: Commissioner Colton moved and Commissioner Moody seconded the Commission initiate rulemaking as written to address the issue of increasing or enhancing a boat's wake.***

Commissioner Moody asked why would you want a larger wake?

Anderson explained you can surf behind the boat without being towed; wake boarders want bigger waves.

Commissioner Vermillion asked if boats would still be capable of being used on the lake with restrictions.

Anderson said that was the intent of the petitioners.

Chairman Ream stated to make sure that is clarified in the rules.

Commissioner Colton stated to be ready for animosity.

Commissioner Vermillion stated people can be creative.

Anderson said discussion has been done at the Regional level there is potential for people to be creative. Recommend defining the activity instead of the boat.

Chairman Ream pointed out Echo Lake is a small lake and Flathead Lake is only a few miles away. There are other alternatives for people to go.

Commissioner Colton stated with all the new technology in the water ways, not only on Echo Lake but statewide, it is best to get ahead of the problem now.

Chairman Ream clarified it is the responsibility of the Commission to protect the land.

Hutz explained the sport is becoming more popular and making bigger waves. Need to get a hold of the activity or the erosion will just continue to occur. The width of the bay is only 1,012 feet.

Chairman Ream thanked Hutz for the reference and the list of citations.

Kropp explained FWP belongs to National Association of Boating Law Administrators, and Ron Jendro is Montana's Boating Law Administrator. Participate in discussion across the United States pertaining to these issues, and FWP is consistent with other boating communities.

Commissioner Colton said at the AFWA meeting one of the major sponsors were the large boat manufactures. They have been our advocates and now that relationship is going to be strained.

***Motion carried.***

# **11. Boating Regulations Changes for Harpers Lake, Lake Alva and Lake Marshall – Proposed**

Jim Kropp, Chief of Law Enforcement explained the Department is asking the Commission to propose amendments to boating rules for three lakes in the Clearwater River drainage northeast of Missoula. There are a number of lakes in the drainage that provide a diversity of boating opportunities and some are highly accessible, surrounded primarily by private land with multiple access points, and are popular for motorized watercraft recreation. Others are surrounded entirely by public land and are more popular for quieter and slower forms of boating.

- No-wake rule for Alva Lake is currently subject to a rule that requires watercraft pulling water skiers to travel in a counterclockwise direction (ARM 12.11.3901). Lake Alva has no private in-holdings with docks and boats, but it does have a public boat ramp. Current boating use is a mix of motorized and non-motorized watercraft. People have expressed concern that motorboat use is increasing degrading the recreation experience for those seeking a quieter, slower-paced experience. There is also a concern about potential impacts on nesting loons. Anticipates that a no-wake rule for Alva Lake would initially result in a large increase in reported violations due to the nature of a no wake regulation and because of sensitivity to the loon issue; anticipates that people will report boats slightly exceeding or complying with a no-wake rule; and expect a response from enforcement staff. Implementation of these rule amendments, particularly a no-wake rule for Alva Lake, may require funding for a water safety officer to respond and investigate reported violations. Retaining the current boating rules for Alva Lake could lead to more public complaints about faster-moving and noisier motorized watercraft.
- Harpers Lake is 15 acres and is currently closed to any motor-propelled watercraft (ARM 12.11.3940). A change to allow use of electric motors would maintain the quiet, low-speed nature of boating use on the lake but make it easier for anglers to gain access to trout throughout the lake. Not allowing electric motors on Harpers Lake would fail to meet the interests of the public seeking a more efficient but quiet means of accessing the lake.
- Restrict boating to non-motorized or electric motor use on Lake Marshall (new rule). The lake is within the newly established Marshall Creek Wildlife Management Area. This rule is consistent with the management objectives for the WMA and current use of the lake. The lack of watercraft restrictions for Lake Marshall would conflict with the management objectives for the WMA.

***Action: Commissioner Colton moved and Commissioner Vermillion seconded the Commission propose administrative rule amendments for Lake Alva and Harpers Lake, and new rules for Lake Marshall.***

Commissioner Vermillion commended the Department for listening to the people who have concerns.

Chairman Ream asked if there have been any comments on other lakes in the Clearwater area, specifically Placid Lake.

Region 2 employee responded the majority of the comments were on Lake Alva.

Chairman Ream asked for public comment.

***Motion carried.***

# **12. Aspen Trails FAS Acquisition (Donation) – Endorsement**

Bruce Rich, Fisheries Bureau Chief, explained the Prickly Pear Land Trust (PPLT) is in the process of establishing a conservation easement on a 266-acre parcel of farmland that is currently owned by a bank. The parcel is adjacent to Prickly Pear Creek, near Helena, and PPLT wishes to donate a 35 acre portion of the parcel to FWP for the purpose of providing fishing access to the creek. The remainder of the parcel (231 acres) would go to an independent (private) buyer. The 35 acre parcel consists primarily of riparian habitat along Prickly Pear Creek and includes approximately 0.3 mile of a small spring creek that merges with Prickly Pear Creek near the middle of the parcel. Prickly Pear Creek has a high quality seasonal fishery and a resident fishery that has benefitted from recent improvements in flow regimes. The spring creek on the property has high restoration potential. Currently there are no formal public access sites on Prickly Pear Creek and access must be gained either at county road bridges, on DNRC land or through permission from private landowners. There are several outbuildings and a house on the property that would be removed prior to FWP accepting the donation; PPLT has already completed an environmental audit of the property and did not discover any environmental hazards. One of the outbuildings is an ice house that might have some local historic significance and is in good condition to retain on the property. To date, FWP has not conducted any public involvement to acquiring this parcel via donation. The PPLT has contacted most of the adjacent landowners about establishing the conservation easement and received wide spread support. If the Commission endorses further investigation into this acquisition, the Department will prepare an Environmental Assessment, solicit public comment, and incorporate comments into a final decision notice and recommendation to the Commission.

***Action: Commissioner Vermillion moved and Commissioner Moody seconded the Commission endorse the Department working with the Prickly Pear Land Trust on the details of the potential donation of property on Prickly Pear Creek located within the Helena valley.***

Commissioner Vermillion explained this is a great educational opportunity for students.

Chairman Ream thanked Andy Bauer for his hard work on this acquisition.

Andy Bauer, Executive Director for Prickly Pear Land Trust, explained this new type of land trust acquisition has more recreational opportunities and will protect agricultural land and wildlife. Thanked Vermillion for his educational comments.

Chairman Ream asked for public comment.

***Motion carried.***

**13. Hay Coulee (Big Horn River) FAS Acquisition (Donation) – Endorsement**

Bruce Rich, Fisheries Bureau Chief, explained a private agricultural operator is considering a land donation of 70 or more acres along the Bighorn River to FWP. The property is located on the west side of the river at the mouth of Hay Coulee, approximately 13 river miles below the Bighorn Afterbay. Establishing a public fishing access site on the west side of the Bighorn River has been a FWP priority for years. Unlike the characteristically steep topography along the river's west shore, the Hay Coulee property steps gradually down to the river. Hay Coulee has not been grazed for many years, and the vegetation is in excellent condition. The river section between the Afterbay and the Bighorn Fishing Access Site (located on the east side of the river approximately a mile above Hay Coulee) provides 190,278 angler days annually, the highest angler pressure in the region and third highest in the state. FWP biologists estimate there are up to 3,500 trout per mile in this section of the Bighorn River. Ownership of the Hay Coulee site could potentially spread out the fishing pressure on this outstanding trout fishery by providing access in an area that has not historically had public access which would also provide good angler access for wade fishing. The remoteness of the site would also provide quality upland game bird hunting and other recreational activities by the public on the upland portion of the property. There has been no public involvement prior to this proposal. If the Commission chooses to endorse this proposal, the Department will proceed with MEPA, a public notification and 30 day public comment period.

***Action: Commissioner Colton moved and Commissioner Vermillion seconded the Commission endorse further efforts by FWP staff to evaluate the possibility of accepting a donation of the Hay Coulee property on the Bighorn River as an FAS.***

Commissioner Colton stated Region 5 is all over this and hope it happens.

Commissioner Moody reminded the Department to post a sign of who donated the land if acquired.

Chairman Ream asked if there were any comments in Region 5.

Gary Hammond, Region 5 Regional Supervisor, reported the only comment he has received was from Big Horn Alliance supporting the acquisition.

Commissioner Colton echoed Commissioner Moody's comment on the interpretive signage.

***Motion carried.***

**14. Fishing Regulation Changes Within Red Rock Lakes National Wildlife Refuge – Update**

Bruce Rich, Fisheries Bureau Chief, reported at the October meeting the Commission adopted a tentative fishing regulation package for 2013 at which time the Department asked to defer fishing regulations on the Red Rock Lakes for more investigation. At this time, the Region is working with the US Fish and Wildlife Service and the final proposal will be at the December meeting.

**15. Statewide Fisheries Management Plan – Update**

Bruce Rich, Fisheries Bureau Chief, explained the plan is in the final stages. Received 84 comments and extended the comment period 2 weeks, due to comments requesting the extension. Final Plan will be submitted at the December 20 meeting.

#### **16. Wolf Trapping Pan Tension Requirement – Final**

George Pauley, Wildlife Management Section Chief, explained the trapping season framework includes a variety of restrictions, some of which were intended to minimize the take of non-target species. The Commission adopted a requirement that Montana trappers would be required to complete a wolf trapping education course which included material detailing various measures to minimize capture of non-target species. The measures include a recommendation to set wolf trap pan tensions to a minimum of eight pounds. This is a particularly effective approach that would minimize non-target captures, particularly of smaller carnivores including lynx, marten, and fisher. FWP proposes requiring trappers to set wolf trap pan tensions to a minimum of eight pounds. FWP proposes adopting this restriction only within a specific area that includes federally identified lynx habitat. The public comment period ended Monday, November 5, and received 243 comments which revealed both support and opposition to the proposed regulation

Commissioner Vermillion asked if trappers would have to buy a new trap for the eight pound tension and did the Department instruct eight pounds for tension in the education class.

Pauley explained any trap could be set for eight pounds; in the educational classes it was recommended to set tension at eight pounds and advised it would likely become a regulation; can contact most by e-mail to update them on the regulation.

***Action: Commissioner Colton moved and Commissioner Moody seconded to adopt the proposed pan tension requirement of for the 2012-2013 wolf trapping season, as proposed by the Department.***

Commissioner Vermillion asked if the Department was adopting the regulation standard as recommended by the US Fish and Wildlife Service.

Pauley responded that is correct.

Chairman Ream asked for public comment.

Amy Netter, trapper, attended wolf trapping class this year and found it very educational. Very surprised how easy it is to adjust a trap; supports regulation.

Kirk Knutsen, Montana Trappers Association, in favor of trap pan tension but not regulation, recommendation only. Impossible to be precise and would be an enforcement issue.

Mark Cooke, Wolves of the Rockies, applauded the Montana Trappers Association for their comment, normally don't see eye to eye. Encourage the Commission to require 10 pound regulation.

Scott Blackman, Montana Trappers Association, don't need pan tension as a regulation just as suggestion, enforcement will be a nightmare for enforcement and trappers.

***Motion carried.***

#### **17. Dome Mountain WMA Addition – Final**

Ken McDonald, Wildlife Bureau Chief, explained the Dome Mountain WMA addition project would add a small (23.76 - 31.53 acres) but critical piece of land to the current WMA. The acreage is an estimate at this point based on information that came up during the comment period indicating the county records are incorrect, and the actual acreage of the parcel closer to 23.76 acres, not 31.53. The recommendation is to go forward with the purchase, as the precise acreage is less important than the value of the piece for habitat conservation, and it is still priced well below market. FWP will address the county record error after the purchase. The parcel is located on a plateau ("Hepburn Mesa") that is heavily used by wintering elk and the adjacent parcels below the plateau are subdivided and developed. By acquiring this parcel, the WMA will avoid being extended to encompass the western boundary of the plateau, subdivision and development on the plateau that is most heavily used by elk. The habitat is relatively undisturbed, and provides good winter forage for elk and occasional mule deer. and other shrub and grassland species. Public access will be extended to this land, providing



additional hunting and other recreational opportunities during the portion of the year that the WMA is open (May 15 – December 1). The adjacent lands to the south of the parcel and WMA are owned by Dome Mountain Ranch, which has no plans to develop its lands and is highly tolerant of winter elk use of their property. An EA was issued with a public comment period scheduled from September 21 - October 22. Generally there was support for the proposal. Going rate is around \$10,000 an acre, which is an 89-90% discount. The \$28,000 would come from the Habitat of Montana grant.

***Action: Commissioner Vermillion moved and Commissioner Moody seconded the Commission give final approval for FWP to complete the purchase of the Dome Mountain WMA addition.***

Vermillion thanked the Cinnabar Foundation for the donation.

***Motion carried.***

**18. Helena Urban Deer Management – Proposed**

George Pauley, Wildlife Management Section Chief, explained in 2003, the Montana Legislature authorized cities to create plans to control wildlife to address public health and safety within city limits. The City of Helena subsequently developed an Urban Deer Management Plan seeking to remove 350 deer to achieve an objective of 25 deer per square mile. The plan requires annual FWP Commission approval of deer removals. To date, 530 deer have been removed, including 105 this year. FWP does not contribute staff or resources to actual removal efforts. Survey data are collected and analyzed annually in October. Subsequently, the City, in cooperation with the local FWP biologist, establishes a level of take, which is presented to the Commission as a proposal in November and finalized in December. FWP proposes that take be authorized through December 31, 2013, with a no-take period extending from April 1 through November 30, 2013. The population survey data are collected but not yet analyzed. The City of Helena conducted extensive public involvement in developing its plan and the previous urban deer EA; FWP provided separate 30-day public comment period and support has been split throughout these earlier processes. Public comment on this proposal will run thru 5 p.m. Monday, December 17, with final action at the December 20 Commission meeting.

***Action: Commissioner Colton moved and Commissioner Moody seconded the Commission adopt the proposed 2012-13 take of urban deer by the City of Helena as presented by City staff and FWP.***

Chairman Ream asked if the objective of 25 is enough.

Mark Lerum, City of Helena Assistant Police Chief, stated a discussion was done within the districts and they have decided to maintain 25 deer per square mile at this point.

Chairman Ream commended the county/city for the work they have done.

Chairman Ream asked for public comment

***Motion carried.***

**19. Elk Management Guidelines in Areas With Brucellosis Working Group Recommendation – Proposed  
Commissioner Vermillion attended per telephone conference**

Quentin Kujala, Wildlife Management Section Chief, explained in 2011 the FWP Commission endorsed a citizen working group concept to explore elk management guidelines in areas with brucellosis. After an informational meeting that included research and management presentations from Montana, Idaho, Wyoming and Yellowstone National Park, the group crafted an issue statement, objectives and alternative actions over six meetings between January and June 2012. The alternative predicted by the working group to best address objectives generally identifies efforts to adjust elk distribution. Potential actions include hunting season and habitat adjustments. The working group suggests that new, or existing, local groups represent a critical element in helping FWP identify and implement specific management actions. Depending on the specific action, additional Commission approval may be required prior to local implementation. Public comment will run through 5 p.m., Dec. 20. FWP will also solicit review and input from others working with brucellosis in the GYA. Final Commission adoption would take place at the January Commission meeting.

Kujala gave a short presentation on Elk Management Guidelines in Areas with Brucellosis (see power point for details).

Mike Mitchell, working group member, gave a presentation on Structured Decision Making Developing Elk Management Guidelines in Areas with Brucellosis (see power point for details).

Dr. Martin Zaluski, Department of Livestock Veterinarian, gave a lengthy discussion on the Montana Brucellosis Program.

Raymond Marxer, working group member, explained the group learned more about brucellosis than what they expected. Harboring is a tough issue not only in wildlife but for private owners also. Habitat WMA that were specifically set up for wintering grounds, are not there. Best and most important information they have received in years, was received from Neal Anderson from FWP. The working group is an exceptional group of people, honored to work with them.

Rick Gibson, working group member, encourages the Commission to extend the February deadline and continue into early spring. Supports Neal Anderson and FWP's work with the brucellosis issue. Worried about the cattle industry and brucellosis.

Rick Douglass, working group member, stated brucellosis is a multi state problem. The committee does not want to disband, research needs to go on.

Joe Cohenour, working group member, stated brucellosis is an extremely important issue; keep the committee going.

Ed Bukoskey, working group member, stated when happened 9/11 it put a stop to all brucellosis vaccines. The cattle raising communities need to work with the University system to bring back the vaccine. Habitat improvements needed in the WMAs, not too many deer or elk. Enjoyed being a part of the working group.

Mark Albrecht, working group member, stated when elk density regulations changed, the regulations on cow hunting changed; should try keeping the elk off the private land and putting them on the public land.

Chairman Ream asked if local working groups are already developing.

Kujala responded everyone is waiting for an adoption before anything further happens.

Chairman Ream stated he is a strong believer and encourages development of local working groups

Kujala stated with the adoption and direction from the Commission, they will begin developing local groups.

Commissioner Moody recommends the working group, Department of Livestock and FWP speak with legislators. Also, recommends the local working group speak to the local residents and private land owners about the brucellosis problem.

Chairman Ream asked for public comment

Ed Fryer, Castle Mountain Ranch, voiced his concerns with elk distributions.

Jay Bodner, Montana Stockgrowers Association, commend the Department and Commission for putting the working group together. Brucellosis is a very difficult problem and the members put in a lot of hours. Would like the members to keep working together.

Blake Henning, Rocky Mountain Elk Foundation, thanked the working group. Recommends the working group stay together to continue and monitor this sensitive issue. The Foundation could help financially or any other way.

Jim Bailey, Gallatin Wildlife Association, commented on the recommendation to manage our WMAs and reduce contact with wildlife and livestock is not consequential to the discussion. The different type of diseases is what is important.

Glen Hockett, Gallatin Wildlife Association, stated he is overwhelmed with the topic. The association is interested in being good neighbors and working with local livestock owners on elk distribution.. Very concerned about the working group members being appointed; they are exclusive. Concerned about the proposed actions, goals and potential cost.

***Action: Chairman Ream moved and Commissioner Moody seconded the Commission adopt the proposed issue statement, fundamental objectives and action alternative from the Elk Management Guidelines in Areas with Brucellosis Working Group***

Commissioner Moody recommend the Department report back periodically to the Commission.

Chairman Ream would like the Board of Livestock and the Commission to discuss brucellosis.

*Motion carried.*

**20. Open Microphone – Public Opportunity to Address FWP Issues Not on Agenda**

Kirk Knutson, Montana Trappers Association, stated the silver fox population is growing and will talk to Mark Sullivan about increasing the population.

**The meeting adjourned at 3:24 p.m.**

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Bob Ream, Chairman

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Mike Volesky, Acting Director