

MINUTES

FWP Headquarters – 1420 East 6th Avenue-Helena, MT

June 14, 2018

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman, Tim Aldrich, Logan Brower and Shane Colton

Fish, Wildlife & Parks Staff Present: Dustin Temple, Deputy Director and FWP Staff.

Guests: June 14, 2018 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. *Call to Order and Pledge of Allegiance*
2. *Approval of Minutes of Past Commission Meetings*
3. *Approval of Commission Expenses*
4. *Commission Reports*
5. *Director's Reports*
6. *Special Presentation*
7. *Moose/Sheep/Goat/Bison Quotas Outside Range*
8. *Furbearer Seasons And 2018 Quotas*
9. *Swift Fox Conservation Strategy*
10. *2018 HB 454 Hunting Access Agreements*
11. *2018 Upland Game Bird Limits*
12. *Lion Quotas*
13. *Nongame Check-off Workplan*
14. *Fish Creek WMA Addition*
15. *Kootenai Forestlands Conservation Easement*
16. *Calf Creek WMA addition*
17. *Canyon Creek WMA additions*
18. *Ash Coulee Conservation Easement*
19. *Lisk Creek Headwaters Conservation Easement*
20. *Dome Mountain Inholding Conservation Easement transfer*
21. *Threemile WMA Forest Habitat Restoration*
22. *Madison River Recreation Plan Process*
23. *Fishing Regulation Change for Red Rock Lakes National Wildlife Refuge*
24. *Blacktail Meadows Fishing Access Site Easement*
25. *Boehm Property FAS*
26. *Bear Creek/Pine Creek Water Rights Acquisition*
27. *Big Creek Instream Flow Water Right Lease Renewal*
28. *Mulherin Creek Instream Flow Water Right Lease Renewal*

1. Call to Order – Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:33 am and led the Pledge of Allegiance.

2. Approval of Minutes of the December 21, 2017, February 15 and March 12, 2018 Commission Meetings

Chairman Colton stated that in the February minutes In District 11 in the Shoulder Seasons, the motion should read such that it reflects what is the intent of the motion. The regulation clearly delineates what the intended motion was. The motion listed in the minutes is inaccurate and should read to reflect the actual changes proposed as it relates to splitting the shoulder seasons in that district along the boundary of Red Hill Road. He checked the regulations and they in fact read accurately. The motion in the minutes was listed as inaccurate.

Motion: Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion to approve minutes as amended.

Motion Passes 5-0

3. Approval of Commission Expenses

Chairman Vermillion stated that it looks like the Commission is under budget and the year is 90 percent done.

Motion: Commissioner Colton moved and Commissioner Stuker seconded the motion to approve the Commission expenses.

Motion passed. 5-0

4. Commission Reports

Commissioner Brower started by apologizing for not being able to attend the meeting in person. His summer has not slowed down and is busier than ever. He would like to congratulate and thank Region 7 on the paddlefish season. He knows that it is a lot of work to stay abreast of all the fish numbers and survey the catches as well as communicate results to the Commission, the Department, and the public.

Commissioner Colton wanted to also congratulate Region 7. They always do a good job and manage the resource in a very effective way. He added that in his region the topic of conversation was the releases out of the dam regarding the flow of the Big Horn River. He went in a special meeting to approve a letter from the Commission to the Bureau of Reclamation asking for some immediate relief on releases. In the letter, it said that if immediate action isn't taken, then we fear that high releases through the fishing season is damaging the agricultural partners along the river as well as some of the infrastructure that FWP has there. It would affect our fishing access sites and some of the parking areas. All of what we suggested could happen has happened and more. The Army Corp of Engineers in fact had to ask the Bureau of Reclamation to pull back on releases at very critical times.

We were also worried about downstream on the Yellowstone River and sure enough, our worries and predications held true. It is a very unfortunate situation. Right now, the fishing is decent. That won't last. It's high water and difficult water to fish. We will probably see people avoid the river because of this. The economic impact will be as dire as we predicted. Where do we go from here? It's hard to believe that the targets and projections can be missed by so much, for so many years with no consequences. He appreciates the Commissions continued support on this. The local Billings community of anglers and agricultural producers have come together to try to work together to get action. Commissioner Colton wanted to thank the Commission from the people of Billings for the support on this.

Commissioner Aldrich stated that he had another busy month. April 20th he and the regional supervisor, Randy Arnold, and John Vore had an opportunity to meet with a group of graduate students from the University of Montana. The primary topic was season setting. It evolved into a much broader discussion and in the end, we thought we should do this more often. It was good to see who we could be working with in the future with our wildlife management. On April 23, there was an interesting meeting in Hamilton. The MPG Ranch which is a very large ranch that is doing a lot of their own research. They had a presentation on mountain lion activity that they have been tracking in their area. It was very interesting. It provided results and perhaps helpful for those who are managing and enjoying that species. Kelly Prophet and Ben Humanez talked about studying mountain lion abundance. Commissioner Aldrich added that he can remember sitting at a kitchen table with Grover Hedrick and a few others discussing lions and along with the elk study in the Bitterroot. They were programming a 30 percent reduction in the lion population. Lions were responsible for a lot of the mortality by predators.

Commissioner Aldrich advised that he attended a Region 1 citizens advisory group about the state of the wildlife in Region 1. Each of the field biologists and Neil Anderson, the program manager, talked about all the species, where they are and the methodology used to make sure that they are on track with numbers. They were also looking at where they want to be as far as the management actions. They looked at whitetail deer, mule deer, goats, elk, big horn sheep, wolves, black bear, and moose. He stated that he likes the CAC group and the fact they are very candid about who they are, what they do, and what they believe. It was a nice evening where good information was provided. Hopefully, this will provide more fodder for additional discussion and being better informed.

On May 10th, Commissioner Aldrich had an opportunity to visit with the Flathead Wildlife Incorporated about how the Commission makes decisions. The structure of their decision making and what their priorities are. They guided him through a few examples. Overall it was a good evening. He was glad to see involvement like that as this is what we really need.

On the 22nd of May, Commissioner Aldrich and the Region 2 citizen's advisory met. It was basically a parks and recreation evening. He advised that he followed the legislative action in 2017 and watched Director Williams offer ideas of what she would like to do that were relative to bring Parks back into the mainstream of Fish, Wildlife and Parks. This is ongoing and on track. he gives them credit for that.

Commissioner Aldrich stated that he went to a Citizens Advisory meeting in Kalispell and that too was a parks and recreation meeting. They talked about fishing access sites and funding. He thought the meeting was very worthwhile.

Commissioner Aldrich advised that Missoula has a sports organization called the Hellgate Hunters and Anglers. He was one of the originators of that group. They have a state of the elk meeting every year with FWP. There are 4 watershed biologists the upper Clark Fork, the lower Clark Fork, the Blackfoot, and the Bitterroot. They made presentations on what they saw this spring and spring counts. They had trouble with the weather and didn't have aircraft and pilots. It was a stimulator to get people asking questions and getting them interested so that we can move forward with a better-informed public.

He advised that he attended a meeting on June 6th regarding the north fork of the Blackfoot Fish Restoration Program. The north fork of the Blackfoot river has falls that are about 10 miles from the road. Above that, there are rainbow trout and cutthroat trout. Some of the cutthroat trout are the Yellowstone cutthroat trout. They are considering turning that area into a native cutthroat fishery. This was a starting point. They talked about how they would begin the process and getting rid of the species that they don't want so they can start out fresh.

Commissioner Aldrich stated that he attended a TipMont meeting in Helena. It was an excellent meeting and they looked at some proposals for dealing with the people who have done a good job using the TipMont program that helps put law enforcement in effect and helps the judiciary do what is needed.

There has been a big concern about tending to the sheep. There is big disappointment that we are not able to re-establish a herd of bighorn sheep and people are wondering why. He feels that Mr. Vore is probably busy answering many of those questions. It is a topic on people's minds.

Commissioner Aldrich advised that he received a phone call from a resident of the Swan Valley that was upset that the newspaper reported a grizzly that was shot a few weeks after it actually happened. It was an incident that occurred a couple of miles from this person's home. He referred the person to Neal Anderson and other appropriate FWP personnel to help with concerns.

A topic that the commissioner wrestled with was the trapping information about what is happening with trapping. He talked about incident reports and when something happens that isn't the norm. He knows that some of the trapping groups would like to access the reports. He visited with Dr. Inman and he doesn't have a good system for that yet. It was agreed that if they were going to use the information for access, that maybe they should develop something and have it formatted for management purposes and other reasons. This could be an opportunity to look at this and decide if we should be managing differently.

Vice Chairman Stuker stated that he attended a meeting in Chester about the Tiber boat ramps. It was a good meeting with good discussions. A couple of concerns were the hook-ups that the Department were putting in for staff. They are long ways from some of the marinas. They are wondering why the hook-ups couldn't be a little closer. In the future years if mussels are no longer found, the hook-ups could be used for something else. Another concern was the pick-up trucks running around and gassing up 15-20 miles away when there is a gas pump at the arena. This is a problem for our credit card is what he is being told. A lot of wasted gas and wasted miles.

Vice Chairman Stuker advised that he went to a bear meeting in Loma. He thought it was a good meeting. He was very impressed with the Region 4 bear specialist that was hosting the meeting. The biologist was hopeful that the Rocky Mountain Front could be de-listed. They are proposing to move that line closer to the North Dakota border. This would help manage the bears as they move out across the flats.

Vice Chairman Stuker stated that he was invited to speak at the State Grazing Association Meetings in Lewistown about what our activities are. A question that came up at the meeting (and he did leave the question for legal). The question arose as APR has been up and met with Region 6 staff to see about reversing a couple of conservation easements that sit on their property. What they would like to do is move the fences. They have also proposed a hotel on this property. His concern being a rancher, is that both fences were put in for conservation. We have a good example on the Turner Ranch. They removed all the fences and after a few years, realized the damage that was being done. The Turner Ranch put the fences back up. The fences were put in for conservation purposes and Vice Chairman Stuker has a problem with them being taken out. His question for legal is, what is the process? Do the Commission have to approve the purchase of this easement. They also had to approve the modifications or how are they modified if at all and where it goes back. That is the question that a lot of individuals were asking at the grazing meeting. He was wondering who it all had to go through. The land board? Us?

Chairman Vermilion asked Vice Chairman Stuker if he knew what easement that was? He was wondering if it was donated not purchased.

Vice Chairman Stuker answered that he didn't know. He could say that it's the Cowell property in Philips County and also, the Page property in Valley county. Before our time on the commission, the Page property easement took place a long time ago. He is not Sure about the Cowell. He advised that he has been hearing concerns about that for quite a while. Again, he would like to know the process and has this ever happened before?

Vice Chairman Stuker advised that he has been getting calls from the Dutton area because grizzly bears have moved in there. A concern is that some the residents there are afraid to let the kids out of the house. In Fort Benton, there was a bear awareness meeting at 7 p.m. If they are having one in Loma and now one in Fort Benton, then they must feel that the Grizzlies are moving out amongst that flat. It must be happening rapidly if they are having meeting that close together. The two communities aren't that far apart.

Vice Chairman Stuker was also on the PLPW Committee that met last week. There was a good discussion and a couple things that we are looking at are (1) to move 454 back to legislation to ask about the permit and licenses for individuals that do go in the 454 (2) Once in a lifetime moose, sheep, goat, and bear. If you have harvested one, then the limit has been met. If the license has not been filled, then you would be able to apply for another license. This will be in discussion at the next PLPW meeting going forward. He advised that he has been getting calls and letters about the mountain lion quota. Thank you.

Chairman Vermillion stated that in his region 3, he has been getting feedback on the agenda items that we have today. He will save his comment for later. There is concern about the status of the three grizzly bear cubs and Dustin will tell us more about that. The mother grizzly was killed a few weeks ago, and they are now at Montana Wild. There is concern about the timeline as far as how long they can host the bears before we can figure out what to do with them.

Chairman Vermillion advised that he has received a lot of calls about the Madison River. There is also an exciting state parks project that we are going to be talking about today. An acquisition by the Department by donation. In the Livingston area, the people are really excited about it. Everyone is stunned by where we are at in the water situation in Park County. He thinks that fishing wasn't expected until August on the Yellowstone. Right now, it looks like fishing can start in a couple of weeks. Most of the incredible snow pack that we had is somewhere else. This raises some questions as you look down the road. It is hard to imagine a winter where we have a lot more snow around Livingston and Yellowstone Park. Some dynamic has changed.

The implications on how the water has changed should be a point of focus. It's good to see that the Department is working on a couple of water leases in Park County. He also feels that the Bighorn River situation, the Department, the Commission, the Governor and the access groups raised that alarm early. Despite marshalling the public support from people who are in positions that deal with this sort of thing. It also seems that we get a deaf ear from the Department of Reclamation. It's a tricky dynamic. There is hopefully a way to change their point of view and they understand the impact of their decisions on the water flow of the Bighorn. Thank you.

5. *Director's Report*

Deputy Director Dustin Temple stated that he was standing in for Director Williams as she was away for family graduations. He went on to say that White Nose Syndrome was detected in bats in the eastern Wyoming and eastern South Dakota. If it is currently not present in Montana, we are expecting it to show up next year. All the samples taken this year have been negative. There are two sites that we have not gotten results for yet. This disease has resulted in a significant number of bats the eastern and midwestern states since it was first found in 2006. There are 15 species of bats that provide a significant amount of benefit to the timber and agricultural industry. There is a number of ESEA petitions to address the species impacted by this, including a few of the Montana bat species. The Department does have a surveillance and a response plan in place. This was created by agency partners and the recreational caber communities.

Deputy Director Temple stated that the grizzly bear cubs who lost their mother are doing well at Montana Wild. We are working on trying to find a place for them. Department policy allows us to hold on them for 4 weeks. We do not have the ability to rehabilitate them and the concern of them being habituated to humans as a source of food would be a concern. We are working hard to place the cubs and have no leads so far. Thank you.

6. *Enforcement Special Presentation*

Phil Kilbreath, Warden Sergeant and State Boating Law Administrator, Enforcement Division, Greeted the Commission and audience. He introduced Liz Lodman and advised that Liz was the Boating Education Coordinator for Montana. Mr. Kilbreath's job as the State Boating Law Administrator is to oversee the statewide recreational boating and safety programs, but mostly focuses on enforcement. Liz was responsible for overseeing the educational part of that. She has been doing that since 1989. To put that into perspective, she was doing boating when I was 7 years old. Liz has had a long and amazing career in public service in Fish, Wildlife and Parks until she moved to AIS much to their betterment. She has been in a half time position for that and half time position with the Department. Of that only one third was devoted to boating education. She has gotten a tremendous amount of work done with that one third of an FTE. It's truly impressive and don't have time to go through it all.

Just a general overview, Liz has taught numerous boating education classes for youth as well as adults. She started the State's loaner life jacket program. If you go to launch at a site and you don't have a life jacket, you can borrow one. She has maintained these for years. She

made arrangements to get free life jackets to enforcement to hand out to people when they are short. She has kept up with all the national standards and added them into our program. Liz has worked incredibly well with the Coast Guard Auxiliary and helped Game Wardens across the state. Liz has had a very impressive career. thankfully she is not leaving and is working in Fisheries with AIS which is a very fitting move for her considering the amazing job she has done for boating.

There are a couple of presentations today. We have people in the audience that are from the Coast Guard Auxiliary. We have Jonathan Wells, the Commander for the Auxiliary in Montana, Dave Clegg also of the Auxiliary, Mark Kovack, Public Information Officer, and Carl Hutchinson. He invited Carl to say a few things about Liz. A quick background on Carl, he has a long history in public service. He served in the Air Force as an officer and worked for the Federal Aviation Administration. He has been with the Auxiliary for 11 years.

Carl Hutchinson, Coast Guard Auxiliary, stated that when he came to the Auxiliary 11 years ago, he would often ask his mentors questions about boating safety programs and who to talk to. The answer was always Liz Lodman, she knows all about that. He found that to be true. She was knowledgeable and fun to work with. It's been a delight to work with Liz all these years. I have no antidotes to share about Liz as she has always been a steady presence. Everything always worked out smoothly with Liz.

We have a letter that was signed by Jonathan, the Division Commander that is responsible for all the activities for our Auxiliary and Montana. The last paragraph of the letter is what is important to share. It says that although that Liz is an employee of Fish, Wildlife and Parks, we consider her to be a part of the Coast Guard family for her unwavering support of the recreation boating safety of the Montana Coast Guard Auxiliary. In short, we believe that Liz is an inspiration to us all. It's hard to say anything more complete than that. She may not wear the same uniform that we do but, she is part of the Auxiliary as far as we concerned.

Liz, I have this letter for you and a certificate. This is a United States Coast Guard Certificate of Appreciation given to Liz Lodman for outstanding cooperation and assistance furthering the purposes and principles of the United States Coast Guard Auxiliary. It is signed by Kathleen Goodman, who is the Commodore of the Coast Guard Auxiliary, District 13. Thank you, Liz, for your service to us. We know you will always be around if we still have a question. We would like to give you a coin that is the Coast Guard tradition. It's a challenge coin. If you are ever in a Coast Guard bar somewhere, it's important that you carry that. If you are ever asked to show the coin and you can't, then you must buy for the whole bar.

Liz Lodman thanked everyone for the letter, certificate, and coin. She appreciates everything. Thank you.

Phil Kilbreath, Warden Sergeant, added that they have had an amazing working relationship with the Auxiliary. When I go to conferences and talk to other states, I feel like our relationship with the Coast Guard really sets the bar for other states. He contributes all that to Liz and her efforts with the Auxiliary. In our boating safety program, we interact a lot with the Coast Guard and the Coast Guard Auxiliary. The Coast Guard has a funding program that helps fund us through a federal grant. This funds all our purchasing of equipment, training, and the education programming. He works very closely with the 13th District, which covers the northwest territory.

Each area has a Recreation Boating Specialist with the Coast Guard and ours is Dan Shipman. Dan has served 23 years in the regular Coast Guard. He retired as a Master-Chief Petty Officer. He has been our RBS specialist for the last 15 years.

Dan Shipman, Recreation Boating Specialist, Coast Guard, greeted the Commission and stated that he wanted to recognize Liz for her outstanding contributions to Coast Guard missions throughout the last 29 years. He stated that he has never had as great of pleasure than working with someone so energetic as Liz. She has been so giving of her time to help promote Coast Guard missions. She is a jewel and FWP is very lucky to keep her in the AIS program. On behalf of Rear Admiral Troop, who could not be here today, we would like to present Liz with a small token of appreciation. This is the second highest award the Coast Guard can give for public service. It represents very well Liz's efforts. Mr. Kilbreath can you join me to read this to Liz? This is the Meritorious Public Service Award.

Phil Kilbreath, Warden Sergeant read as follows: The 13th District takes great pleasure in presenting the United States Coast Guard's Meritorious Public Service Award to Miss Liz Lodman, Boating Education Coordinator for the Montana Fish, Wildlife, and Parks, for her 29 years of outstanding initiative and dedication to public service from 1989 to 2017. Founding the Boating Education Program in 1989 she crafted, implemented, and managed the State's Recreational Boating Public Education and Outreach Program since its inception. She has worked diligently to enhance the safety and services to the boaters of Montana. As a program of one, she accomplished a tremendous amount of work, not only managing boating safety program responsibilities but, simultaneously managing 2 other large scale outdoor recreational education programs. She developed, implemented, and managed statewide boater safety courses meeting legislative and national course curriculum standards.

On a limited budget, she developed a loaner life jacket program. She leveraged partnerships with thrift stores to repurpose serviceable donated life jackets. She worked with law enforcement jurisdictions throughout the state, to supply them with life jackets. In turn they provided the life jackets to boaters found without the required life jackets. Liz was nationally recognized for her efforts in developing printed media materials addressing life jacket wear, cold water immersion, and personal watercraft operation. She was also instrumental in paddle craft safety training where she volunteered considerable personal time as instructor for paddling sport courses. These courses brought critical skills and safety training to an emerging sport that was rapidly growing into a national pastime that we enjoy today.

As a primary representative of a partner agency, Liz provided unwavering support to statewide Coast Guard Auxiliary efforts by funding exhibit space, providing outreach materials at regional outdoor sports trade shows. She also directly supported Auxiliary boating safety

classes and boating safety outreach efforts. Ms. Lodman's actions have tremendously supported the Coast Guard Recreational Boating Safety Program goals and are highly commended and in keeping with the highest traditions of public service.

Liz Lodman stated that the last time she was in front of the Commission was to get a children's boating program implemented and that was a long time ago. It's been at least 20 years since we put that program in place. She wanted everyone to know that she appreciated this acknowledgement so much. She loves the partnership that she has had with the Coast Guard Auxiliary. You do such great work and she wishes more people were aware that. Thank you all and Phil, it was a pleasure to work with you all. Again, thank you.

7. Moose, Sheep and Goat Quotas Outside Biennial Quota Ranges

The Commission previously adopted quota ranges for moose, bighorn sheep and mountain goat for each hunting district within which FWP can make changes that do not need Commission approval, but changes outside the adopted ranges do need Commission approval. FWP is proposing one such change for moose and none for sheep and goats. Detailed information on the proposal is found in the proposal justification in the commission packet.

FWP proposes to increase the moose 334-50 antlered-bull licenses in the Red Rock-Odell area from 5 to 6 and to change the adopted quota range from 1-5 to 1-10. The objective is to provide additional moose harvest opportunity that survey data indicates is sustainable and increase future harvest management flexibility. Since a low of about 20 in the mid-1960s, the observed wintering population has shown periodic fluctuation but a general long-term positive trend to an all-time high of 161 wintering moose in 2017. There was a noticeable drop in recruitment starting about the time the population consistently exceeded 100 observed wintering moose in the mid-1990s, about 10 years prior to wolf establishment and 20 years prior to grizzly bear establishment in the area, suggesting some other limiting factor such as competition, forest succession, or other.

Feedback was solicited through the Sheridan area wildlife biologist's interested persons email list of approximately 120 hunters, non-hunters, FWP enforcement staff, sportsmen's and NGO group representatives, landowners, county commissioners, and state representatives on April 2, 2018, and through the Centennial Valley Association's April newsletter. No comment had been received by May 5. The proposal was also directly vetted with the Red Rocks National Wildlife Refuge Manager, Bill West, who supported the recommendation. He agrees that the increased harvest of antlered bull moose is sustainable but would like to see incremental increases in harvest opportunity so that possible hunter-crowding on the refuge can be monitored and proactively managed. No alternatives were considered. FWP recommends that the commission adopt the proposed changes to the 334-50 moose licenses.

John Vore, Game Management Bureau Chief, Wildlife Division, greeted the Commission. He suggested that the Commission adopt a biennial quota range. The Department can act within, but if we want to have permits or licensing outside that range then we must ask the Commission for permission. We have one for moose in the Red Rock-Odell area. That is hunting district 334-50. This is for antlered bull licensing. We are proposing to change the quota number from 5 to 6. Also, to change the adopted quota range that is 1-5 to 1-10. Feedback was solicited on this by the Sheridan area wildlife biologist. He has an interested persons list of about 120 people that includes a wide variety of backgrounds and the Centennial Valley Association's April newsletter. We had no comments as of May 5. He also vetted this. The Red Rocks National Wildlife Refuge manager, Bill West also supported this recommendation.

Proposed Motion: Chairman Vermillion moved and Vice Chairman Stuker seconded that the commission adopt the changes to the 334-50 moose licenses as proposed by FWP, and that all other aspects of the 2017 moose, sheep and goat regulations remain unchanged except for regular calendar rotation.

Chairman Vermillion asked about the last sentence of the bullet point background where it says there is a noticeable drop in recruitment about the time that the population consistently exceeded 100 wintering moose in the mid-1990s. This is 10 years prior to the wolf establishment and 20 years prior to the grizzly bear establishment in the area suggesting some other limiting factors. One of the things that he's heard consistently is a perception is that the decline in moose population in Montana are due to wolf predation. It appears to be some statistics out there that was underway before the wolves showed up.

Mr. Vore added that in some cases as is the situation in the Red Rocks area, there are indications from other parts of the state because of an ongoing moose study. There are three study areas. There are moose dying for no attributable reason that can be found. There are multiple reasons that moose die and not only by predation.

Chairman Vermillion stated that is not that predation is not a factor is that it seems to get all the focus. He has been getting a lot of phone calls regarding petitioning the Commission to reverse its decision to allow a one ram harvest in the Green horns. After visiting with a few people, decided to drop that petition. He feels that one thing that would be helpful as we always talk about bighorn sheep in the fall. If we could put on the November agenda for a work session that will deal with the state of the big horn sheep in Montana. It's such an iconic species and we have really struggled in trying to return them to their previous glory. He thinks that everyone would like to see more bighorn sheep. How do we get there? He would like to make a request for a presentation so that the information can begin to accumulate for a meeting with the Commission in November.

Vice Chairman Stuker stated that he did not remember a November meeting.

Chairman Vermillion stated that there may be one.

Vice Chairman Stuker stated that he would be okay with a meeting in November.

Chairman Vermillion stated that there may be one November and December.

Mr. Vore added that the Department has been active in dealing with several sportsman groups in other states as well as stakeholders and the woolgrowers association, etc. We have given talks around the state. We are interested in this and are working closely with the Wild Sheep Foundation. He feels that this is a good segway into addressing Commissioner Aldrich's comment on the Tendoy sheep. We have been looking for "clean sheep". These are sheep that do not carry mycoplasma. We have had discussions with Idaho. Ideally it would be best if we could take Idaho's herd immediately adjacent to the Tendoy as the north Beaverhead herd. We talked with them and ideally it would be nice if we could take some of their sheep and move them over a small distance to the Tendoy. This is similar to what was done in the Madison. We moved from Earth Quake Lake North of Wolf Creek.

The first time we visited with Idaho, they did not have enough sheep to share. They are on board with the plan. We are going to visit with them again. Another prospect was the Wild Sheep and Goat Symposium in Whitefish a few weeks ago. Mr. Vore visited with Wyoming's Doug McQuarter and Tim Wooley. They have some clean sheep in the Devil's Canyon area which on the West side of the Big Horn range. We are limited as far as the other sheep in Montana. There are some in Region 6 that are slated to go to Region 1 regarding an ongoing augmentation. It is a matter of looking for clean sheep. We don't want to be introducing a bug or a strain of a bug. There are different strains of mycoplasma. We need to be very careful about the introduction of new sheep. We don't want to compromise Idaho's sheep or our sheep.

Chairman Vermillion asked that when the Department proposed to the Commission to do an aggressive approach to restore sheep to the Tendoy. It was everyone's intention that we would have sheep ready to go once we successfully completed the exculpation. The exculpation took longer than we anticipated and he is concerned that we do not have sheep available. When we went through his process, we were assured that the sheep would be available.

Mr. Vore answered that at the time they did not have the testing and knowledge that we currently have. The testing for Mycoplasma Ovipneumoniae is new. It has just recently come onto the landscape. We have been learning more about where in Montana we have it. Dr. Barrett at MSU is doing the research and it's telling us more about where it is showing up. So, in time we have learned where we have "dirty sheep" versus "clean sheep" (diseased vs. disease free).

Chairman Vermillion asked how many disease-free sheep are available for transplant in Montana.

Mr. Vore answered that there is a limited number out of hunting district 622. There was concern that the sheep might not be the right kind of sheep for the Tendoy area as they are not migratory. They do not live in a mountain environment like the Tendoy sheep. There is also concern about getting the right behavioral sheep. We have learned for example, that when we took Wild Horse Island sheep and took them to the Tendoy, they just hung out in one place. They didn't know what to do. Not only do you need to be concerned about disease free sheep but, also need to have some idea about the behavior of the sheep.

Chairman Vermillion stated that he had read a concern was that big horns coming over from the Idaho side tend to spend some time exposed to domestic sheep. Even if we were to put in clean sheep, there could be disease coming over the top from Idaho.

John Vore, Game Management Bureau Chief, Wildlife Division, stated that it mostly in the south part of the Beaverhead range. There is some mycoplasma in the Beaverhead herd. A concern for us, is that we do have diseased sheep and if you introduce a new strain, it would then act like a totally different bug. There is a lot work going on with mycoplasma in sheep right now. It has been an evolving and developing field. It is very risky to be mixing and matching things like that. We are learning so much about this. There is a risk even if we put in disease-free sheep. They could potentially be exposed to infected sheep. It would be best if we could take some Idaho sheep. We will visit with Idaho about that. We could take 20-30 sheep for a couple of years and move them over like we did in the Madison. That would be the ideal situation.

Vice Chairman Stuker wanted to know about the moose dying and not knowing why. Were there tests on any of the carcasses to see what is out there?

Mr. Vore replied that when they have a carcass, they had observed that not only in Montana, but across the range of moose. In Minnesota for example, their moose population has plummeted and almost extinct. They have a similar situation there. Moose are dying and they have a healthy carcass. To his knowledge, there is no explanation for it. He hasn't studied it deeply yet but, our veterinarian or disease ecologist could address that further.

Commissioner Colton stated that he appreciates the comments from Chairman Vermillion and the focus on the plan and the desire to focus on where we are headed on the re-introductions that we want to do. He would be available for a work session in November. It's very important.

Motion Passes 5-0

8. 2018/2019 Furbearer & Trapping Seasons and 2018 Quotas

Furbearer season structure and quotas are defined by the F&W Commission. Proposed changes for 2018/2019 are addressed below. All other season elements and quotas are proposed as unchanged from 2017/2018.

- *Region 3: Decrease bobcat quota from 250 to 150.*

Region 3 is proposing this change because both the juvenile: adult ratio and the number of bobcats caught per day are declining, likely indicating a declining population. Also, trappers are reporting concerns about fewer bobcats and observing fewer rabbits, the bobcats' main prey. A detailed justification for the above proposed change is in the commission packet.

FWP is proposing to clarify the definition of a center swivel on the underside of a ground-set foothold trap to be swivel within 5 chain links from the trap and the chain/swivel connected to the underside of the trap as close to the center as trap design reasonably allows.

FWP is also proposing to clarify the language about trapping within 1000' of occupied dwellings. Below is the current language with the proposed new sentence highlighted.

Occupied Dwellings – Ground sets, including all snares, are prohibited within 1000 feet of an occupied dwelling without written notification of the occupant(s). **This requirement does not apply to live cage traps or mouse and rat traps.**

FWP is also asking the Commission to approve for public comment the draft swift fox conservation strategy. This document promotes swift fox conservation and management by formulating a statewide strategy that facilitates coordinated and effective efforts on the part of interested organizations. This includes development and use of the best available science and promotion of efficient allocation of resources based on common priorities.

FWP will also update the Commission on a multi-state wolverine project and the fisher survey to take place this winter.

Public Involvement Process & Results: Regional FWP staff attends annual district meetings of the Montana Trappers Association each spring. The public comment period for any proposal approved for public comment will run through 5 p.m., Sunday, July 15, with any final adoptions at the August 9 commission meeting.

Alternative and Analysis: Proposals provide sound furbearer management to include trapping with consideration of comments and concerns from other user groups. The intent is to reasonably share the landscape, associated resources and opportunities to the extent possible.

Agency Recommendation and Rationale: Recommend maintaining 2017 structure and quotas except for the proposed changes above. This is consistent with existing information and represents reasonable and appropriate consideration of user groups and the continued presence of contemporary data in furbearer management that include trapping.

John Vore, Game Management Bureau Chief, Wildlife Division, stated that the 2018/2019 Furbearer & Trapping Seasons and 2018 Quotas. This is what is proposed. The furbearer season structure and quotas are defined by the Commission. The proposed changes are addressed in the handout. We have a few changes that we would like to talk about and the only quota change would be in Region 3. They would like to decrease the bobcat quota from 250 to 150. This is based on the juvenile-adult ratio and the number of bobcats caught per day are declining. Trappers are reporting concerns that they are observing fewer bobcats and fewer rabbits which are the main prey for bobcats. We are also proposing to clarify the definition of a center swivel on the underside of a ground set foot hold trap. The swivel would need to be five chain links from the trap and the chain swivel connected to the underside of the trap and as close to the center of the trap as reasonably allows. Instead of having the swivel attached to the trap it could be within five Chan links. This means that the trappers could bed the trap when they out trapping.

We would also like to clarify the language about trapping 1000 feet of an occupied dwelling. The language proposed is on the handout and if you look at the highlighted portion there is an added sentence. Currently, in our regulations it says:

Occupied Dwellings – Ground sets, including all snares, are prohibited within 1000 feet of an occupied dwelling without written notification of the occupant(s). **This requirement does not apply to live cage traps or mouse and rat traps.**

Simply because if someone where trapping mice within their home, you wouldn't have to notify the neighbors. The other is the live cage trap. People often use those to trap wood rats, skunks, marmots, racoons, and those types of animals.

The next item on the cover sheet is draft swift fox conservation strategy. That is the next item on the Commission agenda and will skip over that for now. He wanted to point out that in the proposed motion that if the Commission opts to go that way, to strike the portion that says to approve the swift fox conservation strategy. It should be separated from the rest of the motion.

Proposed Motion: Commissioner Colton moved and Vice Chairman Stuker seconded to approve for public comment the proposed 2018/2019 furbearer season structure, regulation and quota changes as proposed by the department.

Vice Chairman Stuker asked if all aspects of the 2017 changes were to be included in the motion?

Mr. Vore answered yes.

Chairman Vermillion asked if Commissioner Colton would like to amend the motion.

Commissioner Colton answered yes. He would like to amend the 2017 changes into the motion.

Chairman Vermillion stated that there is a revised motion on the floor.

Commissioner Aldrich asked about the beavers. He has been contacted by a few people about this. There are concerns about the ecological services they provide and the very liberal nature of the trapping. The absence of quotas in the seasons. There has been a lot of interest including climate change and maybe some advantages that we may not have taken into consideration. At some point, there is a need to have a discussion. In Kalispell, we talked about ideas about what was going on and scientists telling them what was really going on. There needs to be something to comfort people so they know we are looking at these things.

Mr. Vore added that beaver is a species that has come to the forefront recently. It certainly is an able ecosystem engineer. We can visit a lot of good benefits of beaver on the landscape. It is also a species that can be troublesome when it gets into culverts and blocks roads. Beaver are widely distributed and he is not worried about the population of beaver. They are everywhere a beaver can be on the landscape. Our management of beaver? We still have beaver everywhere. If it's suitable habitat, then beaver will probably be there. There is a place in Region 3 that we have an EA out for public review to reintroduce beaver.

There was a recent graduate project that was completed at MSU that indicated beavers were good at finding places to thrive. It also highlighted the danger of Tularemia. Some of the beaver are subject to this disease and it can wipe out colonies. Because of the high number of beavers we do have, if it is a suitable habitat they will probably be there. If we are talking about a watershed system or water holding system, then that is more than just beaver management. We have discouraged people in thinking that you need to move beaver and that is the last thing you need to do. The first thing is find out why beaver aren't in an area in the first place. If it is suitable habitat can it support beavers. We are working on a policy for moving animals around the landscape.

Commissioner Aldrich stated that the concern is with an unlimited number, we are virtually removing all the beaver to the point that there aren't any. They are easy to relocate. There is concern about how we are dealing with that overall.

Commissioner Brower stated that he had a few calls about the trapper education course. Is that still going to be delayed or are we waiting to see of that is going to the Legislature? Can you update us on the status of that?

Mr. Vore advised that was delayed. As far as legislative action there was some question as far as authority and commission concerns. As far as hunter and bowhunter education where legislation was done, we are looking toward legislation for the trapper education.

Chairman Vermillion opened public comment.

Region 2, Missoula

Greg Munther, Montana Back County Hunters and Anglers, stated that he would like to comment on the beaver trapping as proposed. The proposed season is an unlimited harvest for five and a half months in western Montana and nine solid months unregulated and unrestricted trapping in eastern Montana. The exceptions include a few specific ranges and the WMAs across the state that have a limited quota harvest. This means that any beaver that establishes a colony can easily be trapped. An ethical trapper might leave half of the beaver and take half of the beaver. There is no incentive to do that. The next trapper may come along and take the remaining beaver. In contrast to what he had heard the Department say, we have thousands of miles of unoccupied beaver habitat.

For 40 years, he has been the Fisheries biologist and lived in western Montana. He was responsible for transplanting 70 beaver into drainages in the early 1980s. Mr. Munther had also developed a slide program that was given yesterday at the Clark Fork Coalition, Trout Unlimited, and the National Wildlife Federation. He explained the rationale why beaver is so important to our ecosystem. They are more important today than they were 30 years ago. Unfortunately, nothing has changed in 30 years. We have unregulated trapping of beaver.

We have more access than ever. There are roads to most of the drainages that means any trapper can easily trap out of a drainage. He added that he trapped as a kid. They were the easiest animal to trap. When you lose a beaver population as his program documents, it makes the streams vulnerable to down cutting. The bank storage of water is greatly diminished. The overland flow store sediment and the moderating of mud flow is greatly diminished. The affect is not only on watershed health but fishery habitat. There is documentation on the bull trout that are in the beaver ponds. There are many wildlife habitats that benefit from beavers. Other furbearers benefit from having a healthy beaver population such as the mink, otter, muskrats and they all occupy beaver habitat.

Mr. Munther stated that his presentation documented the importance of beaver. Ironically the beaver that were in the upper Nine Mile in direct response to the closure that he was able to convince FWP to do in Nine Mile Creek 30 years ago. The regulations for Nine Mile creek are still the same as 30 years ago. This is the only reason that there is any beaver up there. They are repopulating there and there was an article about it in the Missoulian.

It's time for a major change. He looked at the website page of furbearers and it says that fur trapping is highly regulated and biological sustainable. The webpage also says that Fish, Wildlife and Parks and the Citizen Commission continually refines furbearer trapping regulations to assure sustainability, selectivity and ethical harvest. It's time for the Commission and the Department to walk the talk. It's easy to put this in writing. It's a whole other program to take responsibility. So, as a result, he is recommending after working with

beaver for 40 years, He requests that the Commission not approve the 2019 trapping regulations that are proposed. Even if there is no “quick fix “, not trapping beaver for one year is not going to hurt the ecosystem, watershed values, fish or wildlife habitat. Instead he would like to recommend that the Department develop beaver trapping regulations that ensures that all beaver habitat be reoccupied, particularly on public lands, BLM forests and national forests. The beaver management strategy stated on WMAs and implemented includes a limited harvest and usually assigns a trapping responsibility to a single beaver trapper by drawing. The same thing was in place decades ago in Colorado. There are many beaver in Colorado virtually in every drainage is filled with beaver. That can be implemented in Montana easily.

Greg thinks we could expand the same models that are used in the WMAs, could be used across the state in public lands. He really thinks that the Department needs a different approach to this on private lands as well. Routinely, and he is getting his information from the inside that wardens’ issue field permits without any question and education from private land owners about mitigate the presence of beaver with respect to their concerns. He thinks it’s time for the Department to grow up to respect beaver management and the watershed benefits to fish and wildlife habitats. He requests that the Commission take action now. We put up with this for decades without any action. He feels that the Commission is capable and knowledgeable about the effects of beaver. It’s time for the Department and Commission to take a whole other approach. Thank you.

Casey York, Trap Free Montana, stated that her organization has been advocating for beaver for a long time. If she is redundant, she apologizes. Having no quota on beaver and being able to trap 5-9 months out of the year with no reporting necessary. It’s a misnomer to say that trapping is highly regulated. With the draughts and the fires, we strongly advocate beaver should be tagged and must have a quota. They need to be closed off in the high elevations. Beaver are going for \$15.00 a pelt in Montana. Other places are reporting \$10.00. A trapper can live trap and relocate a beaver and get \$50.00. That is what we need. We should be relocating the beaver into the higher areas and let them do what they were designed to do. Close those areas off for 10-15 years and assess those benefits for habitat restoration.

She also wanted to comment on the reduction of bobcat quota. She supports that for Region 3. According to the reports Region 3 has gone over the bobcat quota five of the last eight years. If we don’t have data, how can we say that something is science based. How can we say it’s highly regulated? Looking at the numbers, she is confused. When she looks at the harvest reports versus the quotas, Region 3 is off the last three years 2014-2016 season by 182 bobcats. That is from FWP reports. That is what is on the quota status online. What you all have in front of you now for Region 3 is what it closed at and the FWP harvest reports. She does not understand that. She looked at all the regions. From the season of 2014 through the season 2016 there is a difference of 943 bobcats. What happened to those bobcats?

Even this season, Region 3 reported earlier that it closed on January 16 at 253 beaver. That is what is online. Now it is 248. It’s short five. What happened to those five? Same thing with season one. The bobcat data was off and this wasn’t the first time. This season alone, season one, two, and three were off by 10 bobcats. Where are they? What happened? Where are the numbers coming from? How do we go from 265 to 261? Were they resurrected? She is confused by this. She would like to know what is going on. This is everyone’s wildlife. The problem with going over quotas is when they don’t have to pull their traps immediately. This happened with the fisher. Another fisher was trapped and killed. We can’t afford to be losing these species. FWP was to manage by population not individuals. The individuals make up those populations. When we have animals that are already in low and rare numbers such as fishers and kit fox, every single one of those matters. Thank you.

Region 4, Great Falls

Jim Buell, President, Montana Trappers Association, stated that he is here today representing the 900 plus members of the Association. The Association agrees with the proposals put forth by the Department on trapping. Thank you.

Region 3, Helena

Nick Gevoc, Conservation Director, Montana Wildlife Federation, stated that he wanted to reiterate some of Greg Munther’s comments. There has been a lot of discussion lately about the extensive science about the importance of beavers to wildlife and habitat. We are to saying shut down all beaver trapping. We just think that this is something the Department needs to look at. We are not saying to develop a state beaver management plan either but maybe a healthy discussion of what we are doing with beavers. They do have a lot of benefits like water retention especially in southwest Montana. He hopes that they can start a discussion and be progressive as Montana always is on fish, wildlife and habitat issues. Thank you.

Grover Hedrick, Boulder, Montana, agrees with cutting the bobcat quotas back. There has been big drop in the number of cat tracks he has found. The same with the rabbit populations. He feels that this is a good move. Thank you.

Marc Cook, Wolves of the Rockies, stated that he would like the Commission to see this through the lenses of wolves. Going over quotas, he has noticed that bobcats it seems virtually every year, closing areas every year, and there is a bleed over of additional animals killed. His thoughts are that if they can’t control it with bobcats, how are they going to control it with wolves. He thinks that the closure time should be shorter, maybe 48 hours that the trappers are allowed to pull their traps. Right now, it is in excess and he thinks it should be a shorter period.

Mr. Cook wanted to comment on the Trapper Advisory Committee. He gave a handout to the Commission. In October, the Department took comments for the Trapper Advisory Committee. He wanted emphasize that they weren't chosen. This isn't spilt milk and he isn't crying. What he wanted to say is this, there is a million eighty thousand people in Montana. There are approximately 6000 trappers in Montana. That is less than one percent of the population on Montana. The Trapping Advisory Committee has a selection of 13 people. Of that selection, nine are trappers. This virtually guarantees that the outcome of the trapping recommendations and comments to you are skewed in the favor of trapping. It clearly does not represent proportionally the people in Montana that trap to the people that don't. That's unjust. That's unfair. He noticed that after he did research one individual on the committee that traps has a violation with Fish, Wildlife and Parks. How is that fair that an individual that has been arrested and fined, is now representing my wellbeing and my thoughts of the things that I want to see on the committee. That is unjust and unfair. He wanted to point out that 62 percent of the members of the committee are trappers and 38 percent are not trappers. How is that fair?

His recommendation is that the Commission and the Department is that this be dissolved and restarted. The selection that is made next time around is fair. He believes that the gatekeepers, the senior leadership at FWP who passed the recommendations of individuals to the Director did so in a way that was malice. They control the outcome of this meeting clearly by selection of individuals on this committee. He feels that this is unjust and unfair. Thank you.

Chairman Vermillion asked John Vore to further explain the Trapper Advisory admission further as far as how the Department determines the selection for the members. He was looking at the violation for 2012. It appears to be someone who got the residency requirements wrong when they bought a license nine years ago. That is not very concerning. He would like a better idea of how members are selected and the criteria.

John Vore, Game Management Bureau Chief, Wildlife Division, explained that they did put out a call for people to apply for the committee. There were 73 applicants. FWP was looking for two things, representation of the geography of Montana and they were looking for people with broad views of trapping. We wanted to capture the breadth of views. In addition to Mr. Buell (who may still be listening), the president of the Trapping Advisory Committee, Zach Strong as well as a few non-trappers. We also have Dave Pauley, President of the National Humane Society who also happens to be a trapper or used to and is president of the Wisconsin Trapping Association. Just because it may indicate that they are a trapper does not mean that they wouldn't hold other views. There were several of us at the Department that went through all the applications looking for the broader views and the willingness to work with others. We wanted people that are solution orientated. We are looking forward to the inaugural meeting of the Trapping Committee that is next month on July 10 and 11. Those are open meetings as well.

Chairman Vermillion asked what kind of work product is the Trapping Committee trying to produce? He advised that the committees that he has been on has had to be collaborative and census based. If you don't get an agreement from the group, then you don't move forward.

Mr. Vore stated that was correct and that there was a similar committee assembled in 1999 under Director Graham. The charge for them was very similar to this Trapping Advisory Committee which is to provide recommendations to the Department that endure the viability of the populations on the landscape. We all want that no doubt about it. We also would like to minimize the conflict, the social conflict, and humane methods for trapping. All those things are the reasons that social conflict comes about. We want to reduce that. Trapping is guaranteed in the Constitution under the Right to Harvest Heritage which was further clarified by the Legislature to say that trapping is part of that. There is a lot of history here. Trapping is controversial and we want to reach balances as we deal with the public throughout the state. The charge of the committee is to provide recommendations to the Department. We want to have a trapping program that meets as best it can, what the public is looking for.

Chairman Vermillion wanted to verify that the decision space for the TAC will be based on their ability to come up with unanimous support for suggestions that they move forward to the Commission.

Mr. Vore replied that it was not unanimous but a consensus. It is unlikely that we will reach unanimity with any subject that comes up.

Zach Strong, NRDC Defense Team, Bozeman, greeted the Commission and to give support of the Departments proposal to reduce the bobcat quota. He would like to emphasize that it is important to close the season as the quota is being approached rather than waiting until the quota is reached to avoid going over the limit. The supporting materials point to similarly to what Ms. York was saying that 15 out of the 24 years' bobcat quota in Region 3 was exceeded in one year by as many as 36 animals. Any steps that we can take to avoid exceeding the quota ensures that the quota is meaningful. Without taking anything away from what Marc Cooke said, I want to thank the Department for its plan to convene the Trapping Committee. He is looking forward to serving on the committee and learning a lot from other members of the committee. He appreciates the Department for indicating in the committee charter that one of the many issues that will be discussed is trap checks. The fact that Montana is one of the last states that does have a general trap check requirement for at least some types of traps. We see that as an area where Montana trapping regulations can be significantly improved. Making trap checks mandatory rather than just recommended and making it a mandatory 24 hour or daily trap check would benefit the target and non-target species. It would reduce suffering and increase the odds of being able to release an animal that was accidentally captured without serious injury. Thank you.

Brook Halston, NRDC Intern, greeted Commission and stated that for the past two years, the NRDC has been advocating for a 24 hour or daily trap check requirement. Numerous reports and scientific studies have indicated that 24 hour or daily trap check inspections would significantly reduce the variety of injuries of captured animals. For example, the National Society of Mammologists, states that most

traps should be checked at least once a day. Restraining traps like foothold and snares should be checked twice daily or more often. Additionally, the Veterinary Medical Association advises that traps should be checked once every 24 hours. In the 2005 Trapper Education Manual, The Association of Fish and Wildlife Agencies urges trappers to make a commitment to check their traps once every day.

The National Trapper Association recognizes the significance of AFWA as one of the largest international organizations representing professional wildlife conservation employees and government agencies. Furthermore, a study published in the Wildlife Society Bulletin in 1999, researchers recommend that wildlife holding devices set on land be checked daily. Doing so reduces injuries to trapped animals. Additionally, a publication prepared by the Nocturnal Wildlife Research Party in 2008, says that increased period of confinement in leg hold traps is associated with larger exertion, struggle and injury. Based on these recommendation, FWP should enact a 24 hour or daily trap check requirement for all traps in Montana. Thank you.

Oliver Wood, NRDC, Summer Legal Intern, greeted the Commission and stated that he is in support of the 24-hour trap check. Over the last two weeks he has been researching other states approach to trapping inspection requirements. His question was how other states conserve and preserve nontarget species while also continuing the trapping tradition. In his research, he discovered that 36 states require a daily or 24-hour trap check. While Montana does have a 48-hour trap inspection requirement, in wolf, lynx, and bobcat protection zones, we don't have that general trap requirement. Like Zach said, we are one of 3 states that does not have a general trap check requirement. He looked at how other states tailor their unique geographic logistical hurdles to tailoring a trap check to their state. We recognize that Montana is large and not so densely populated space in between towns. Trappers must travel vast distances to check traps.

Mr. Wood looked at New Mexico and is similarly populated vast distances between towns and how they have tailored their trap checks. New Mexico decided to allow licensed trappers or their agents to check their traps every other day. There is also a very similar regulation in California. He would encourage thinking about the 24-hour trap checks and tailoring it to Montana creatively and innovatively. How would we create that regulation? Thank you.

Tim McKendrick, Montana Trappers Association, greeted the Commission and stated that he agrees with Mr. Buell on accepting the regulations as put forward. In District 3, he attended the meeting with the biologists as they discussed the reduction of bobcat. The Montana Trappers Association was very much in agreement with them about a time frame that would bounce the bobcats back as quickly as possible. We believe that it is because prey has lowered at this point in time. He has discussed this with some of the houndsmen and they agreed. At the same time, he wanted to show support for reducing the numbers for bobcat. Thank you.

Chairman Vermillion asked for comment from the Commission. He reminded everyone that this is the beginning of the process. It's going to go out for public comment. Despite objections to the Trapper Advisory Committee, he is glad that the Department is doing that. He looks forward to seeing that work product as it comes along.

Commissioner Colton stated that he had a question for Mr. Vore regarding two items that were brought up. The first is that we've had bobcat overruns in the past and made adjustments. He expects overruns and would like comment on that. The second question would be that in his previous years on the Commission, the bobcats were being held back to fudge the numbers on the quotas. He feels that problem has been remedied. But, he would like that addressed as well. He also stated that he is not familiar with what the Department has in place for any type of infrastructure that would allow for us to start monitoring and setting limits on beaver harvest. What is in place for this and what would we have to do if we go down this road of adjusting the unlimited areas?

Mr. Vore stated that the beaver does have the infrastructure in place with our (MRRE) Mandatory Reporting Requirements. Many years ago, we used to tag the beaver and that was stopped as beaver are so common. We thought we didn't have to do that at the time. As far as the bobcat being held back, Enforcement considered that. It is something that can be done but it's not something that is common. As far as the quotas, that gets reported online. When we look at the cat and have the trapper or houndsman identify on the map where the cat came from, it could have come from another region. The reporting that we set into place the closure of a season does not match up. It ends being examined by staff. Sometimes the season is closed before we have the data. In all Regions, we carefully look at what's going on with the cats that are coming in. In Region 1, we would close the season when we were 10-30 shy of the quota depending on the snow conditions, trapping, and houndsmen activities. To meet the quota exactly is hard to do. We try to do our best not to go over the quotas.

Vice Chairman Stuker added that in over a six year period spent a 100,000 in six years on gated pipe, was not enough to totally keep the beavers from blocking the pipe. They were blocking the irrigation three or four times a day. It was hard to find a trapper to help with that. Most of the older trees in the area have been wrapped in woven wire to keep the beavers from cutting them down. If you are not familiar with eastern Montana, we do not have a lot of trees. He feels that in his area there are plenty of beaver and maybe need a few more trappers. He has no concern for the population beaver that is there as there are plenty.

Commissioner Colton stated that Vice Chairman Stuker brings up a good point. It's good to have the beaver discussion and appreciate the folks in Region 2 bringing that up. The Commission considers everyone's interests in this and in particular, some private land holders. It would have to be a very collaborative process if we start putting restrictions on some of the areas where people are actively trying to trap beaver. Vice Chairman Stuker did mention some of situations that can cause harm. He feels that it is a good discussion to have. He doesn't know if the Commission is in a place to make dramatic adjustments through this tentative process.

Chairman Vermillion stated that he agreed with Vice Chairman Stuker and Commissioner Colton. It's very true that Mr. Munther has been raising this issue and is aware of the issue of the positive effects of beaver in drainages. As a kid, beaver were treated like coyotes. The Department regulations may not have evolved as it relates to beaver over time, especially if we had the same regulations set in place as mentioned earlier. He thinks that this is the first time that they have had beavers raised since he has been on the Commission which is 12 years. He feels that the Department can see that this is a topic of conversation that is going increase over time. The Department would be well served to start thinking about beaver management and if there are things we can do to be more responsive. There are plenty of beaver where he lives and seems to be a reasonable balance. When you lose a big tree that you worked hard to grow that it seems troubling when it is damaged by beaver. The benefit of beaver is equally obvious. It's a topic that we will need to spend more time on going forward.

Commissioner Aldrich stated that he agrees with Commissioner Colton. It's hard to walk past what he is hearing without having to make adjustments that need to be made. He thinks he will vote for this. He hopes that this is a wakeup call that we really need to answer. There are people out there that have good information and backgrounds. We should make sure we all have a good description of our management of trapping and there are in fact shared values that we can support.

Vice Chairman Stuker added that is an issue and did not mean to imply that we shouldn't be discussing it. He feels that we should. I know that in talking about having a work session in November, it might be that some of that information be provided for that work session and doing our due diligence as a commission.

Chairman Vermillion asked about the Trapping Advisory Committee that starts on July 11 and when is the timeline for when it will finish its work.

Mr. Vore advised that it would be at the end of the calendar year to have recommendations and before the next Commission meeting in April 2019 to go over trapping information. He advised that he did receive comments the membership of the committee and there is a feeling that things are weighted heavily to one side. So, it seems that maybe we hit a balance as both side of the trapping interests are mad and that necessarily isn't a bad thing.

Motion Passes 5-0

9. Swift Fox Conservation Strategy

Swift fox are a small, cat-sized fox that live on shortgrass prairies from Texas to Alberta. Swift fox were nearly extirpated from their range and were petitioned to be listed as a federally threatened or endangered species in the early 1990s. At that time, the state wildlife agencies of swift fox range states, including Montana, formed the Swift Fox Conservation Team (SFCT). The SFCT initiated basic research on distribution and habitat use of swift fox. The fox was found in several areas, and reintroductions were initiated in several other areas, often in collaboration with Tribes. Swift fox populations increased in Montana due to reintroductions just north of the border in Alberta and on the Fort Peck and Blackfeet Tribal lands. Listing was deemed unnecessary, but the SFCT continues to coordinate and implement conservation of the species. Montana's Swift Fox Conservation Strategy is tiered off the SFCT's goals and objectives. Opportunities to continue improving swift fox distribution and status appear to exist, especially in the northern portion of the species historical range where gaps appear to occur within Montana. This document is intended to promote swift fox conservation and management by formulating a statewide strategy that facilitates coordinated and effective efforts on the part of all interested organizations. The following priorities will help guide FWP and partners in conserving swift fox in Montana and contributing to the eight objectives of the SFCT. This strategy is intended to compliment the SFCT strategy while clearly prioritizing those objectives that Montana can affect. Our priorities include: 1) identify and map swift fox habitat in Montana, 2) conserve swift fox habitat and movement corridors, 3) monitor swift fox distribution and status, and 4) increase distribution of swift fox into suitable, connected habitats.

The public comment period for any proposal endorsed for public comment will run through 5 p.m., Sunday, July 15, with any final endorsement at the August 9 commission meeting. The alternative to implementing this conservation strategy is to have no contemporary strategy. This would result in less clear priorities and more difficult communications and outreach on swift fox conservation. FWP recommends the Commission endorse this proposed strategy to help guide swift fox conservation efforts in Montana.

John Vore, Game Management Bureau Chief, Wildlife Division described the swift fox as a small animal and they live on the short grass prairie from Texas all the way to Alberta Canada. They were nearly extirpated but were brought back. They were almost added to the National Endangered Species List in the 1990s. Canada reintroduced swift fox in their area and some of them started coming into Montana. We have been managing swift fox for several years. We put together a swift fox conservation team. This is a group that not only includes staff from Fish, Wildlife and Parks but people from a variety of different agencies and tribes. If you look at the draft, you will see the people that are involved in the swift fox conservation team. There is representation from the northern Cheyenne Tribe, the Oregon State University, the World Wildlife Fund, the American Prairie Reserve, the Blackfeet Nation, the Fort Peck Tribe, and the Fish and Wildlife service. It is a very diverse group that has been put together to assemble this document. The document is intended to promote swift fox conservation and management by formulating a state-wide strategy that facilitates coordinated and defective efforts on all interested organizations.

The priorities of the conservation strategy are to identify and map swift fox habitat in Montana. To conserve that habitat, the movement corridors, monitor swift fox distribution and status as well as increase distribution of swift fox into suitable and connected habitats. It's

been a great collaboration between FWP and our furbearer coordinator Dr. Bob Inman who has been very involved in this and has brought this to the Commission's attention. He also advised that this is not the trapping portion but the conservation strategy itself.

Proposed Motion: Vice Chairman Stuker moved and Commissioner Colton seconded that the Commission endorse for public comment FWP's Swift Fox Conservation Strategy as presented by the department.

Chairman Vermillion asked for comment.

Vice Chairman Stuker stated that he has swift fox on his ranch. He had someone to come and do a survey on his property to which he has granted access.

Commissioner Aldrich talked about the quota of 10 and that are so few of them. Why do we need to trap them? He read the conservation strategy and that is probably a key part of finding out where they really are. Is this the main reason why, (along with the recreational attributes) this seems like we need a better understanding where they are all located so we can manage them better.

Mr. Vore added that is one of the reasons and that there is a trapping season on swift fox is that we have a very good idea about how many swift foxes are in the State. There has been research done for long time. Like all our trap species they certainly can withstand a harvest. You may recall a few years ago, we did decrease the quota on swift fox due to the hard winter and the difficulty of finding prey. The current quota is a sustainable quota for the population now.

Commissioner Colton wanted to commend the work of the Department on the strategy and Vice Chairman Stuker being supportive as well. He has sat on this Commission with many folks and dealt with the swift fox. There were people that simply did not want them on the landscape that sat on this Commission and I am glad we are not in that place right now.

Chairman Vermillion remember those times as well. To remind everyone this is a proposed action strategy or action and this the beginning for public comment and he encourages all to weigh in.

Public Comment

Region 2-Missoula

Casey York, Trap Free Montana, stated that she would like the Commission to consider a zero quota for swift fox. Swift fox was 30 for years and the average that was being trapped was 11 over the course of multiple years. In 2016, the quota was reduced to 10. This was more reflective of the average that was reported being trapped. The swift fox is not a threat. We are not being overrun by swift fox. They are an iconic species of the grasslands and prairies. They were wiped out years ago by poisonings and trappings. Coyotes help control swift fox. When the Department says that trapping is market driven, I had a hard time finding the market value of a swift fox coming up in the auction reports. She had to search high and low for the value. A swift fox pelt is going for \$7.00. She feels that the swift fox is worth more alive than \$7.00 to a trapper. Thank you.

Region 3- Helena

Colleen Crill, American Prairie Reserve, stated that she is involved with the Swift Fox Conservation Team. She has no comments on the quota. She wanted the Department to know that they did a great job putting the conservation strategy together. She supports the Departments recommendations to endorse the proposed conservation strategy.

Marc Cook stated that he was speaking on behalf of himself. He greeted the Commission. He commends the Department for putting the effort into trying to get more information out on this. What he can't understand is (as he was talking to Mr. McDonald) if there is so few of these animals, why are we still killing them and hunting them. Until we have a better grip on what's going on, maybe there are more of them on the ground. He is confused about the it all and doesn't understand that. Thank you.

Motion Passes 5-0

10. 2018 HB 454 Hunting Access Agreements

Under the provisions of 87-2-513 MCA, FWP received the authority to issue either-sex or antlerless elk permits to landowners for management purposes. The landowner must offer free public elk hunting, meet the various conditions of the statute, and enter a contractual public elk hunting access agreement with FWP. The contract defines the areas open to public elk hunting, the number of elk hunting days that will be allowed on the property, and other factors that FWP and the landowner consider necessary for the proper management of elk on the landowner's property.

There are two proposed agreements: The John Swanz Ranch and the Robert Lee Ranch. The Swanz Agreement specifies two 411-21 either-sex permits for Mr. Swanz and/or family members, while the Robert Lee Ranch agreement specifies one 411-22 either-sex permit for Robert Lee or a family member. In turn, FWP would issue eight additional 411-21 permits for the John Swanz property and four for the Robert Lee property from the already randomized list of unsuccessful applicants for the 411-20 either-sex permit. Successful applicants could only hunt on the deeded property for the specified ranch. The Swanz agreement was first used in 2002 and has been reapplied annually since based upon continued positive post-hunt evaluations. The Lee agreement was first used in 2015. The detailed Access Agreements are included in the commission packet.

Both agreements have received public review in previous years via the Commission's hunting season-setting process. To date, these reviews have generated relatively few public comments. Additionally, the post-hunt evaluations have sought feedback from all identified hunters and the landowner. To date, the evaluations confirm that agreement terms and reasonable expectations are generally being met. Public comment will be taken at this meeting. Failure to approve either or both agreements may result in reduced public elk hunting access in this area. Existing agreement terms have met with positive reviews of these working access opportunities with no adverse resource impact identified. FWP recommends the Commission approve the proposed Swanz and Lee hunting access agreements.

John Vore, Game Management Bureau Chief, Wildlife Division stated that 2018 HB 454 Hunting Access Agreements is the final. For the 454 Access Agreements, the landowner must allow free public elk hunting and meet various conditions of the statute as well as enter a contractual hunting access agreement with Fish, Wildlife and Parks. We have had two for the last couple of years. The ranches are the John Swanz Ranch and Robert Lee Ranch. The Swanz Ranch specifies two of the hunting district 411-21, which are the either sex permits for Mr. Swanz or his family. The Robert Lee Ranch specifies one of the 411-21, which are the either sex permits for Mr. Lee or a family member. These are annually reviewed by the Department and we take comment from the people who are participating in the hunt. In both cases, the Department is satisfied with the agreements and the public as well. Thank you.

Proposed Motion: Vice Chairman Stuker moved and Commission Aldrich and Commissioner Brower seconded that the Fish & Wildlife Commission adopt the proposed John Swanz Ranch and Robert Lee Ranch hunting access agreements as presented by FWP.

Vice Chairman Stuker asked a legal question regarding when the Commission had changed from unsuccessful drawings permits to be given to the ones that were unsuccessful. He thought that had changed to come from the list that had been drawn for several reasons. He could not find anything in the minutes that said that. He remembers that the past director talking about that in a meeting. It came up at the PLPW again the other day. Biologists set a limit on the regions on how many elk we should take. We then approve a 454 and take an additional number of elk over and above what was recommended. They thought if it was moved back into people that drew, it would include just those four or eight that could move onto that property and that hunting district. His question for Legal is the unsuccessful part of the statute or is that a commission policy and can we change it? If we can change it, he would like to see it changed. Reasons are every time we talk about it at the PLPW, the Elkhorn's are brought up which is a trophy area. There is a lot of private property out there. If we as a commission grant 454 permits, that is taking additional trophies out of the area.

Aimee Hawkaluk, Attorney, Legal Division, stated that she would research and confirm that over lunch. She stated that her understanding of the statute is it is within commission authority to change. She would like to check just to be sure.

Vice Chairman Stuker stated that he would like to amend the motion at some time if they have the authority to change that.

Ms. Hawkaluk advised that she would check that right now.

Chairman Vermillion asked if that would mean that the Commission would have to revisit and change the two agreements with the ranches. He would assume that the negotiation process is moving right along as we have had the same agreements in place for a long time. He does not know if the agreement includes the description of first four unsuccessful or last four. How would that work?

John Vore, Game Management Bureau Chief, Wildlife Division stated that going over the agreements that he doesn't think that we would have to renegotiate.

Vice Chairman Stuker stated that he would like to bring up a point moving forward that he thinks that this should be renegotiated anyway. If you look at item E, it talks about 3-5 hunters per day for Swanz and for Lee there is four. He also allows additional other hunters in that includes 3-5. When you move to the other 454, we have 3-5 but we giving eight permits. So, is there three people that never get on? Those are concerns that he has because we can't say 3-5 permits and then give eight permits for the public. Are those included in those that are allowed in without being part of the 454 permit?

Chairman Vermillion stated that it was his understanding that not everyone that gets one of these (the last four out) not all of them always hunt. The statute requires that 20 percent to the landowner 80 percent to the State. If you want two land owner permits, then you can provide opportunity for eight but you can't propel the other eight people to hunt. Some of the hunters show up, some don't, and they sometimes get their elk elsewhere. This might be the reason why you don't see the level of participation that you are looking for.

Vice Chairman Stuker added that it states that only 3-5 hunters can come on per day. He thinks that is approved by the land owners. If there are four individuals that he really likes, then he could allow them on every day and the other four could not access it. That is his concern. He feels it needs to be where all those indivial that get the permits can have access.

Chairman Vermillion added that they could only use it on that ranch, correct?

Vice Chairman Stuker answered that was correct. If the unsuccessful moved into the successful, then they could have access to the ranch and the rest of the hunting district.

Mr. Vore added that he thought that was true.

Commissioner Colton added if you already had the district wide tag, it could be a violation of the agreement if the property owner said that they were only going to let a specific four one the property and exclude the others. If he says that he'll let up to 3-5 per day, then that can be cycled through the eight successful 454 holders.

Mr. Vore advised that was correct. Mr. McDonald just pointed that out as he is looking at the 2018 Robert Lee Ranch agreement, that the first under item A in terms of the access for four hunters in the 411-22 either sex elk permit, item B is additional 3-5 hunters per day possessing the 411-20 or the 411-00 which are different permits.

Ms. Hawkaluk returned to say that she researched the statute and arm briefly and had a short discussion with Quentin Kujala. There is nothing that would prevent the Commission from making that change.

Chairman Vermillion stated that it seems that the PLPW is considering this issue. We have two permits on the table today. It would make sense to put energy into putting something into place that is more structural for next year.

Vice Chairman Stuker stated that the reason is bringing this to light is that the last time the PLPW proposal went in front of the legislative branches, they vetoed it. The one that the PLPW is really pushing. It doesn't deal with this specific action item here. But, he thinks that if we have more controls in place, then it would have a better chance of passing the legislative branches when we move it forward. This is because it is always a concern every time it has been brought up regarding the 454. It is giving additional permits over what the biologists want. It is possible to give some in the trophy areas. That is the reason that some of these proposals are voted down the legislative sessions. He is saying that if we can do this without changing an agreement, which it doesn't. It still allows the four hunters. It would just change how we would pick the four hunters. It would make it easier how we would deal with the legislative sessions. There are a couple of proposals the PLPW may bring forward to the legislative session.

Chairman Vermillion stated that they have a motion on the table that Vice Chairman Stuker made. A way to look at it the four unsuccessful permit holders would get opportunity. It would expand opportunity rather than diminish it. Unless there is serious concern about over harvest in some of these districts, allowing four additional permits for people who otherwise would not get them and others that have permits that they can use district-wise. He would have to think about that more.

Commissioner Colton added that he would caution to be muddling with this now. He thinks that even though we may not be in breach of agreement, that as long as we have had these relationships with Mr. Swanz, we should really get his input. It would be of value. He feels very uncomfortable with the idea that we are going to pull what would be opportunity for 12 hunters without any measure of comment. He understands the comment about the Elkhorn's, but we don't have a bull problem in 411. If anything, it is the opposite, we have too many bulls. He is not comfortable with the idea that we are going to pull up to 12 licenses or permits out of the draw essentially. These are long standing agreements and they are understood by the public. Those are his concerns to the Commission. Thank you.

Commissioner Aldrich stated that his concern reflects Commissioner Colton's. He feels that this is a poor time to make this change. He did contracting for a long time and it's best to deal with these kinds of adjustments at the time that the contract is formed. It wouldn't be a good decision to do after the party thinks that everything is good and ready to go and other people have assurances that they are going to go hunting.

Vice Chairman Stuker stated that he disagrees with the contract language that has been brought up dealing with the two parties. He does agree with what Commissioner Colton said about this being a final. I believe those 12 individuals or others should have an opportunity to speak to the Commission before we make a change. This is a change in what we have been doing. I think we would have to put this out for public comment. This would put the contract off which I don't want to do. He would like to request that at the appropriate time we can deal with this, that it comes back in front of the Commission to have a discussion on whether we wish to put it out for public comment for change from unsuccessful to successful in the 2019 contract year.

Chairman Vermillion advised that was noted. The Commission will need to determine when that might be. Maybe sometime in the fall we could take this up as a tentative discussion so that if the commission puts it out for public comment and we do a final and when does the Department need to know that before re-negotiating the 2019 454 agreements with the Swanz's and the Lee's. Not forgetting everyone else we may sign up this year.

Mr. Vore stated that he would have to visit with Legal and Licensing on these issues. It is certainly something that we could bring forward at any time. These are negotiated early in the year and it is past the negotiating time now. He received these from the respective managers a couple of months ago. The remainder of this year or early next year we could do that.

Chairman Vermillion asked that if they could do that in December.

Mr. Vore replied that Ray Mule, the game manager in Region 5 is here and maybe he could shed some light on that.

Chairman Vermillion advised that before they hear from Ray, that they could do this as a tentative December and February final. That would give plenty of time.

Mr. Vore replied that he thinks so.

Ray Mule, Game Manager Region 5, Wildlife Division greeted Commission. He stated that they generally go out and negotiate with landowners for 454s. If they are repeats, then the negotiations are more simple of a process. It's a matter of asking if they want to participate again, do we need to make any changes, and generally it is a straight forward process. We will do this sometimes in the late winter or early spring. We put these in front of the Commission around April as a tentative and have these done by January or February. We start talking to the landowners and if it is a new prospect, we start talking much earlier because there are more things to work out. If the Commission were to deal with it in the fall, then January And February would fine to make any changes.

Commissioner Colton wanted to clarify. Since we have given direction to the Department to revisit, Commissioner Stuker would you envision we pull it out of the successful applicants that they would still retain their underlying district-wide permit.

Vice Chairman Stuker stated yes, that is how Director Hagener had presented it to us. We are penalizing the successful draws now and I know the success rate is not great on either of the ranches. But we do penalize the successful hunters while the unsuccessful hunters have access to the area.

Commissioner Colton wanted know if the Department under the agreements and regulations would then be allowed to say that the successful applicants now fall into this group. These 12 can have the super tag and they can go on this public land or private land where they have permission on the 454 land. Would we then if so inclined, reissue another 12 that would go to the next list of unsuccessful for the standard 411-21. There would be a swap basically not saying we would do that and would we have the authority?

Vice Chairman Stuker answered that he envisions is where the concerns seem to come and he has been on the PLPW for three terms. They always bring up that the biologists and the regional staff come up with a number that they think should be hunted. We as commissioners in our wisdom add four to eight or whatever. There really is no limit to the amount of 454s that can be issued on a ranch by the Commission as he understands it. That is their concern is that we are pushing what the region and the biologists say aside and are just issuing more tags.

Commissioner Colton ask what the bull quota and either sex tags were for these areas? Is it 200?

Mr. Vore answered yes. It is 200.

Commissioner Colton asked for the harvest statistics for last year? Area 410 is about 75 Bulls now?

Mr. Vore answered that he did not have the statistics right now.

Commissioner Colton was wondering how many bulls were harvested off the 200 permits.

Mr. Vore answered that he did not have those numbers with him. He wanted to answer the Chairman's question that are about 135 in the Elkhorns right now.

Commissioner Colton asked if there was any concern about rates of harvest with the extra 12 permits.

Mr. Mule answered that they just increased that number of permits in those districts. He would have to research that. He recalls that it was increased to about 250. Right now, they don't feel like the additional permits that are given put under the 454 are significantly affecting the population of elk. It can certainly withstand that number. He thinks that if they had many of these agreements then adding 20-50 permits under the agreements they would have to reconsider the impact. Right now, it is not an impact.

Commissioner Colton added that he would welcome that problem.

Chairman Vermillion stated that it might be as simple as adding a provision to the tentative agreement that says if there is a concern from the Department of over harvest then take the last four in instead for the first four out. There are a few ways to do that.

Commissioner Colton stated that he thinks that Vice Chairman Stuker has brought up a good point for some of these other districts. He doesn't want to pull 12 other opportunities. He has drawn that tag before and he killed a cow. It's a one in five shot or one in four shot as it sits now. There is an ability to have some additional tags.

Chairman Vermillion stated that the Department has a better idea of what they are asking. They have time to refine that for November-December meetings. Thank you Vice Chairman Stuker for bringing that up. This is the first time in 12 years we have had a discussion on 454 agreements.

No further comment.

Motion Passes 5-0

11. 2018 Fall Upland Game Bird Quotas and Limits

Upland game bird season dates for 2018 were approved in February 2018. Other than normal calendar date rotation, no changes to the 2017 adopted quotas and limits are proposed. Some sage-grouse lek counts were delayed or biologists were unable to do them because of late winter weather and poor conditions. Data for this year is not all entered and analyzed yet, but discussions with area biologists indicate poorer production than last year in much of Montana. This is not unexpected given the drought of last summer and fall followed by a long and snowy winter. However, conditions so far this spring, with good soil moisture for insect and forb production during hatching and early brood rearing, should be good for early sage-grouse chick survival.

Sage-grouse populations naturally cycle up and down, and we want to make the Commission and public aware that we have been expecting a downturn. Barring severe weather or disease, this cycling is natural and expected and unrelated to carefully regulated hunting. If approved, public comment will be taken at this meeting. This proposal is based upon field observations and regional input and is consistent with statewide upland game bird management. FWP recommends adopting the 2018 upland game bird bag and possession limits as unchanged from 2017.

John Vore, Game Management Bureau Chief, Wildlife Division stated that they are proposing no change to the quotas and limits. We are changing the dates of the season date rotation that might apply. He would like to discuss sage grouse. He gave a handout to the commissioner about the sage grouse lek data. It doesn't come in on time to include anything on the coversheet. It is still not finalized. The winter of 2017-2018 we had a lot of snow. That compromised our ability to get in the field. The snow stayed until February and April. March and April is the time of year when the biologists are out doing the lek counts on sage grouse. Some of the biologists tried to do the counts from a snowmobile. As it got later in the year, it was muddy and they could not get out there. There were some leks that did not get counted. Some of the leks only got counted once or twice instead of the three counts that do happen each year. We had no biologist from the northwest region. So, we did not get any counts in that region.

We need to keep that in mind as we look at the data. Because it was a difficult winter, our lek counts are down. We don't know how to interpret that yet. None of the area counts are below the 45 percent long term average that we would need to change the harvest quotas or possession limits. He wanted to point out that on the graph on the handout, it shows the 2018 counts. We are not sure that shows accurate data. They think the number of males attending leks are down but, to what degree is unknown. He reminded the Commission that he has pointed out in the past that the sage grouse populations naturally go up and down regardless of what we do for hunting seasons. We have been expecting over that last couple of years that we would see a decrease in numbers of grouse. But how much of that is the natural cycle of things such as drought and cold winters? He doesn't think there is any need at his time to change any of the quotas or possession limits for the sage grouse.

Chairman Vermillion stated that to clarify what Mr. Vore was saying, basically the Department believes the numbers even though we are 23.1 above the 15.6 males per lek, that when the numbers go from draft to final the numbers would most likely go up as the Department was not able to get o most of the leks. There is an acknowledgment that drought and bad winters impacted numbers.

Mr. Vore stated that he doesn't think the number will improve as they could not get all the leks counted. There is not a lot of other data coming in.

Chairman Vermillion stated that the counts could be better as there is a sense that there are more birds out there.

Mr. Vore stated that this year, the spring conditions have been good. There was enough moisture and you don't want colder conditions at hatching time or shortly after. Colder weather is hard on the chicks. If there is more moisture, then there are more bugs for the chicks. Things look good for the chick survival right now. We have had some storms and hail in the eastern portion of the state and that can be hard on the sage grouse. We won't know until we get some harvest statistics or the counts for next year.

Proposed Motion: Vice Chairman Stuker moved and Commission Colton seconded that the Fish & Wildlife Commission approve the proposed 2018 upland game bird bag and possession limits as proposed by FWP and that all other elements except for regular calendar rotation remain unchanged from 2017.

No Public Comment

Motion Passes 5-0

Vice Chairman Stuker wanted to comment that he appreciates it when the motions that are proposed to us includes the language as some do not. This can lead to some legal questions. So, moving forward please include the proper language in the proposed motions.

12. 2018 Mountain Lion Quotas

Management Units (LMUs), often made up of more than one hunting district, listed in the table below have proposed changes from the 2017 mountain lion quotas in Regions 3 and 5. In February, the Commission approved increasing the HD 124 lion quota from 5 to 7. All other quotas/sub quotas not listed are proposed to be unchanged from 2017 levels or as previously adopted by the Commission. In their respective areas, the proposals address issues and concerns such as harvest opportunity, lion populations, predation—primarily on mule deer and bighorn sheep, livestock depredations, and human-lion encounters in subdivisions and campgrounds. More detailed information is found in the justification for each proposal in the Commission packet.

Proposed Montana 2018 Mountain Lion Quota Changes

LMU	Current Quota	Proposed Quota
HDs 322/326/330	6 total with 2 female subquota	7 total with 2 female subquota
HDs 323/324/325/327	6 total with 2 female subquota	7 total with 2 female subquota
HD 380	10 total with 4 female subquota	5 total with 2 female subquota
HDs 530/590	8 any lion	10 any lion

Area landowners, sportsmen and FWP wardens are generally supportive of these proposals. All proposals have been vetted with some public input in each area, and we have received no comments in opposition from landowners or sportsmen. Public comment was taken from April 19 to May 21, and we received 19 comments that varied from wanting to increase quotas, to decrease quotas, to comments not related to lion hunting. All comments are in the Commission packet. Proposals may be adopted as proposed, with adjustment, or no change from 2017 as per staff justifications, public comment and Commission discussion. FWP recommends approval of proposed quota adjustments with no changes in other LMUs. Rationale includes mountain lion population management accommodating human tolerance, safety, prey populations and hunter opportunity.

John Vore, Game Management Bureau Chief, Wildlife Division, stated that Fish, Wildlife and Parks proposing changes in four lion management units. They are minor changes. In hunting district 38, we are proposing to cut the total quota from 10 to 5. The changes being made are the LMU 322, 326, and 330 to go from six with two-female sub quota to a total of seven with a two-female sub quota. Hunting districts 323, 324, 325, and 327 will go from six to seven maintaining the two-female sub quota. Hunting district 380 to change from 10 total and four female quotas to five female and a two-female sub quota. The biologist has received comments from houndsmen in hunting district 380 and thinks that this the way to go.

In hunting districts 530 and 590, to go from eight any lion to 10 any lion. This was out for public comment between April 19 and May 21. We reviewed 19 comments and they varied between increasing and decreasing the quotas. Some of the comments did not address either way on the quotas.

Proposed Motion: Commission Colton moved and Commissioner Aldrich seconded to approve for public comment the proposed 2018 lion quota/subquota changes as presented by FWP, and that all other aspects of the lion regulations and quotas previously approved by the Commission are to remain unchanged.

Chairman Vermillion stated that they did receive some comment regarding the female sub quota in Region 2, specifically in hunting districts 202 and 203. We are not consistently filling the quotas for female lions. This year it was only half filled. He has questions about the quotas not being filled. Does that raise any concerns for the Department that we may be over harvesting the females and as you allocate the harvest, moving toward the hybrid system? In 2016 we had 68 percent outfitted harvest. Last year we had 54 percent outfitted harvest. Does that mean that the permit system that we have in place until February 1, that maybe we are not getting much success in December and January? Is the outfitted harvest coming in afterward? Or is that they are hiring state houndsmen (essentially lion outfitters) to help them find a lion?

Mr. Vore stated that he could not address that. He advised asking Mike Thompson, our area wildlife manager.

Grover Hedrick, Boulder, Montana asked questions about the lion population in Region 2, regarding the whole region female lion quota. The kill rate has dropped over 50 percent. They have all winter to hunt and they are killing less cats averaging about 10 percent a year. Last year 33 percent of the female quota in Region 2 did not fill. That is a major problem. They are hunting all winter and still not getting any cats.

The outfitters in hunting district 202 and 203 are concerned that residents weren't hunting enough cats so they give temporary day use to out of area outfitters so they could reach quota. The residents there did not know anything about it. The residents ran into dog boxes everywhere and want to know why. The outfitter quota in 2015-2016 was 68 percent which was outfitter killed. In 2017-2018 it was 54 percent not including the nonresident kill. It is a concern. He visited with an outfitter and the quota didn't fill even after the outfitters hunted up there. He also asked the outfitter if the season is still open why aren't they out hunting and booking cat hunters. He said that it is a business issue. You can't continue to book hunters, not kill cats and stay in business. You will know after two weeks there is nothing left. It is not a gravy train for the outfitters. One outfitter had five guys working for him and they put in 150 miles per day. He estimates that they put in around 2500 miles per cat. There cannot be too many cats out there if you are putting in that kind of time.

The female cat quotas bother him because the kill has dropped 50 percent since 2012. They finished a study on the Bitterroot and there was a 31 percent drop in the population. That is killing five females in hunting district 270 in the last three years. If you look at the number of cats on the Bitterroot study and you take down one third, that is a lot of cats left over. In hunting district 270, there were 48 females. Five a year are killed and the quota is dropped 31 percent. If you figure out the reproduction rate of 48 females, and only shoot five females a year, this doesn't stop a major increase in the population. What happened to the other 70 percent? The cat hunters know that the cats are not there. The quotas need to be cut in half. If it still doesn't fill, cut it in half again.

Chairman Vermillion stated that Mike Thompson could better answer not that as he knows what the questions were.

Mike Thompson, Wildlife Manager, Region 3, stated that he appreciates all the background information. We would take this information as something to consider more specifically and more thoroughly as a lion management strategy. They are at the end of the process and are making progress. Mr. Vore will be talking about that at some point. The information that Mr. Munther touched on regarding the replication of the Bitterroot population estimate for hunting districts 250 and 270. For the mid-point of the estimates, it is 31 percent lower as he testified than it was when we started the program intending to reduce the population by 30 percent. That included a lot of factors, a lot of luck, and the mid-point went down by 31 percent for something that was intended by 30 percent. We don't manage that precisely. The 30 percent remainder that is on the ground, is a population density that is on the high end and high for a lion population. When we sought to apply that kind of harvest in a habitat that is thought to be not very productive as the habitat in lion hunting districts 202, 203, 204. We view this as positive thing.

Lion populations generally change and are managed at a large landscape level. The lion management units are more for a local geographical hunter satisfaction and to address issues with prey. The population moves at a broad eco-region scale. This has been identified and discussed. Mr. Mule knows that Mr. Munther visited with Jay about the eco-region approach to lion management. He would advise that tweaking the quota does not make a lot of difference biologically. Socially, if we wanted to make a move we could. We are getting very close to another public referendum again to look at lion management. It has been his approach to say that we are conserving mountain lions. We have interests in prey management as well. We have been waiting to have the conversation to reset the lion standards for lion management. We have not been proposing changes as we do not see a great need for it.

Vice Chairman Stuker asked Mike Mule about only filling half of the quota the last couple of years. Were the quotas filled the last 5-7 years? If so, have we seen a change in the hunters on the landscape in your area?

Mr. Mule answered that he does not have that information with him and didn't want to guess. What we have been looking at from year to year is what is sustainable or not. We have been looking for trends. He has had conversations with Liz Bradley, the wildlife biologist (and Vickie Edwards before that). They were paying close attention and were not seeing warning signs. Hunting districts 202 and 203 are partially eroded districts. They are typically harder to hunt due to the landscape. That will cause some variability in the harvest that you are going to get. In deep snow conditions like we had this year, there will be variability in the success of people being able to hunt.

Commission Colton requested to change the motion from "move to approve the public comment" It should say "move to approve the 2018 lion quota/sub quota changes".

Revised motion: Commission Colton moved and Commissioner Aldrich seconded to approve the proposed 2018 lion quota/sub quota changes as presented by FWP, and that all other aspects of the lion regulations and quotas previously approved by the Commission are to remain unchanged.

Chairman Vermillion stated that before they vote on this, they would like to hear from Mr. Vore regarding the Department being in a holding pattern until a mountain lion plan comes out to have a more comprehensive discussion of management strategies and objectives as it relates to mountain lions especially in Region 2.

Mr. Vore replied that the mountain lion plan is a mountain lion monitoring strategy that will be going out for public review. What we will do is (within a month) using the best available science that is cutting edge. That will be how we monitor lion populations and determine whether they are staying stable, up or down. The larger question is determining a population objective. That will be a more public involved process. We will determine the population objectives by an eco-region basis. We know that lions operate on a much larger scale than we have tried to manage in the past. We then go out to the public about managing whether we want.

No further comment

Motion Passes 5-0

13. Nongame Check-Off Workplan

Under the provisions of 87-5-122, MCA, "the FWP Commission shall review and annually approve the nongame wildlife program's projects recommended by the Department for funding from the nongame wildlife account. The commission shall provide for public comment during the review and approval process." While final 2017 tax year donations are unknown at this time, the average received by FWP from the 2004-2016 tax years was \$30,000/year. FWP is proposing some combination of the following work in FY19 dependent on the final allocation:

\$ 5,000	<i>Inventory, monitoring and conservation work on Montana Species of Concern and species in need of inventory as determined through a formal ranking process.</i>
\$15,000	<i>Non-federal match for a project to learn more about bat roost sites and winter hibernacula in the face of an impending disease.</i>
\$10,000	<i>Wildlife viewing and outreach projects that encourage more Montanans to appreciate Montana wildlife.</i>
\$ 5,000	<i>Competitive graduate student stipend for nongame research.</i>

Public comment will be solicited upon tentative Commission approval. The recommended work addresses several components of FWP's overall nongame management program (including threatened and endangered species management), as identified in the State Wildlife Action Plan. Tax check-off funding is used as non-federal match for federal State Wildlife Grants and other federal grant awards to address high priority habitat, survey and inventory, and species conservation needs. Alternatives could include allocating more or less among these categories. FWP recommends the Commission endorse the proposed work for funding with nongame tax check-off funds.

John Vore, Game Management Bureau Chief, Wildlife Division stated that the Nongame Check-Off Workplan is the money that the Department receives for the Tax Check off. The Department receives about \$30,000-\$40,000. We propose (and have in the past) to use a combination of the work outlined on the cover sheet. We would like to use some if it for inventory, monitoring, conservation work on species of concern and species that need further inventory. We have determined that through a formal ranking process. We are proposing to use some of the money as a nonfederal match for a project to learn more about the bat roost sites and winter hibernacula in face of the impending disease that Deputy Director Temple talked about earlier. White Nose Syndrome (it's a fungus) it's knocking on our door if it is not here already. It is a concern for us.

We can also use the money for public wildlife viewing. The outreach projects encourage the public appreciate Montana's wildlife. We also do a competitive graduate student stipend. This year we are not doing any funding for anymore viewing projects for the coming year. We are looking to use the funding to support a graduate student that is working on a species conservation related research. We are also looking to use for support of conservation and inventory work on nongame species, particularly where there is nonfederal match is required to complete this type of work. We would also use this money for a nonfederal match for a bat research project that looks specifically at ways to streamline and increase the efficiency of how we detect White Nose Syndrome and we would measure the impact on Montana's bats. This is a big issue that we are worried about.

The fungus has been found in neighboring states very close to us. We expect that if it is not here already that it will be found in the next year or so. This is a concern because of the impact it can have on a bat population and the benefits they bring to us. There are several petitions under ESA for considering some of the species of bats in Montana for an ESA listing. That is the outline of the work regarding the proposal. This is a proposed way to distribute the funds. Thank you.

Proposed Motion: Commissioner Aldrich moved and Chairman Vermillion seconded that the Commission tentatively approve the proposed Nongame Tax Check-Off Workplan for Fiscal Year 2019.

Public comment.

No public comment.

Commission Comments.

Commissioner Aldrich stated that he liked the proposal and see taxpayer's money go in this direction.

No further comment.

Motion Passes 5-0

14. Fish Creek WMA Addition–Koch Inholdings (R2)

FWP proposes to purchase two private inholdings totaling approximately 276 acres of vital wildlife and fish habitat in Fish Creek and to block up FWP ownership and management of the Fish Creek WMA. The appraised value and purchase price of these parcels is \$900,000, which would be paid for with Habitat Montana funds.

Acquiring these inholdings would eliminate the threat of development that would compromise the ecological integrity of the Fish Creek watershed and be a source of management conflicts while providing additional opportunity for public hunting and other recreation. The parcels fill a crucial gap in public ownership that connects wildlife movement across a broader landscape and protects key habitat for bull trout and west slope cutthroat trout. The Fish Creek drainage is a Tier 1 Terrestrial Focal Area for wildlife connectivity and a high priority linkage zone for carnivores (grizzly bear, lynx, wolverine, etc.) between the Northern Continental Divide Ecosystem, Ninemile Divide and the Selway-Bitterroot Wilderness. The subject parcels provide an important migratory corridor for elk and mule deer from the WMA to the higher elevation summer range in the Great Burn Proposed Wilderness, as well as 1.2 miles of Fish Creek, 120 acres of which is identified as a bull trout critical habitat priority area providing a key migratory corridor and rearing area.

FWP released a draft Environmental Assessment (EA) for public review on March 14, 2018, and accepted public comment through April 13, 2018 (30 days). A public hearing was held in Alberton (Mineral County) on March 22. FWP received a total of 82 public comments, with 73 supporting and 3 opposing the proposal, and 6 not (clearly) stating support or opposition. Support included many individuals, in addition to 1 timber company and 11 organizations; opposition was from 3 individuals (1 anonymous). The only viable alternative to this proposal would be to forego this acquisition project. The parcel is developable and a nearby parcel was sold recently, has buildings on

it, and is posted against public access. FWP recommends that the commission approve the purchase of this addition to the Fish Creek WMA. The property has high fish/wildlife habitat and recreation values and is strategic to other lands where FWP retains interest.

Ken McDonald, Wildlife Division Administrator stated that they are seeking final approval for Fish Creek WMA Addition–Koch Inholdings in Region 2. It is an acquisition of two separate parcels totaling 276 acres. They would like to fill in some key inholdings and gaps between the public ownership. The parcels include center parcel that is the highest priority that is about 1.2 miles of Fish Creek. It is a key habitat feature for critical bull trout habitat. The project went out for public comment after the Commission’s endorsement. It went through the MEPA process. We received 82 comments in total. Of those comments 73 were in favor of it, three opposed and six had no position. The three that opposed were primarily not in favor of government owning property. For full disclosure, the county commission didn’t support it. They did recognize that we do pay taxes on those lands but had concerns that lack of development would potentially affect future tax revenue. The funding for this on the cover sheet indicates that it is \$900, 000.00 from habitat Montana. What it will be is \$830,000.00 from Habitat Montana, \$60,000.00 from Northwestern Energy from the Thompson Falls mitigation project as well as \$10,000.00 from Montana Trout Unlimited. We have some partnership in this. If you look at the map that is included with the cover sheet, we have been slowly filling in landholding pieces. The purchase of the pieces of land will fill in some of the final gaps in the WMA. Based on the public comment, support, and the importance of these parcels, we are asking that the Commission give final approval to secure them.

Proposed Motion: Commissioner Aldrich moved and Vice Chairman Stuker seconded the Fish and Wildlife Commission approve the purchase of the Koch Addition to the Fish Creek Wildlife Management Area.

Public comment.

Region 2- Missoula

Greg Munther, Montana Back County Hunters and Anglers, stated that they have submitted formal comments in support of the acquisition. He wanted comment on why it’s so important. The 1.2 miles of Fish Creek is extremely important to bull trout and cutthroat spawning from the Clark Fork River. All stream side areas are ripe for development for subdivisions, ranchettes, horse corrals and other things. This can become impediments to stream conditions. It’s a collision course for trout and subdivisions. This acquisition would prevent that. It is also extremely important habitat for wintering game within the Fish Creek area. As you know subdivisions and wintering big game create a bigger impact. In addition, the 1.2 miles of land of stream provide uninhibited stream access for fishing and hunting. Those three different reasons are why we are supporting the acquisition and hope that it moves forward. Thank you.

Chairman Vermillion asked if there were any other public comment in favor or opposed.

Region 3- Helena

Nick Gevoc, Montana Wildlife Federation, stated that they agree with Mr. Munther. These areas are ripe for development and it’s happening in western Montana. This is clearly an important corridor and Commissioner Aldrich was probably hunting elk there decades ago. This does speak to the importance of Habitat Montana and being able to purchase select parcels. It is amazing how one small parcel can have one big impact on the big landscape. We strongly support this purchase and hope that it will get through the State Land Board. Thank you.

Chairman Vermillion asked for further public comment.

Marc Cooke, Wolves of the Rockies, stated that he wanted to commend Supervisor Randy Arnold and his team for putting this together and pushing it through. He thinks that it is a step forward for that area. It secures this area for public access for the hunting community but, also the wildlife viewing community. I encourage the Commission to support this.

Vickie Edwards, Five Valleys Land Trust, greeted the Commission and stated that they were very fortunate to partner with Fish, Wildlife and Parks on various projects in Fish Creek Area, in the broader area as well as the Holm Project and the Alberton Gorge. With this project, we partnered FWP again as well as the private land owner Randy Koch. Being able to see this project move forward to public ownership and would like to echo what has already been said about the ecological values associated with Fish Creek and the broader landscape.

Purchasing these lands and adding them to the Fish Creek Wildlife Management Area, that acquisition will eliminate the opportunity for habitat fragmentation. It would allow for seamless management by FWP. There are biological and ecological values and the social recreational values. She has worked in the area for many years. Her favorite part was visiting with people and the connection they have with Fish Creek. She always hears stories of how people camped there as kids and now they bring their kids to hunt and fish the area or harvesting a first deer or mountain lion. Acquiring the parcels, there would be an expansion of that recreational opportunity not only for hunters or angler, but for other recreationists as well. This would enhance and protect the public investment that has already been made within the Fish Creek Drainage. Again, we appreciate the opportunity to partner on this project. Five Valleys Land Trust supports the FWP acquiring these lands and adding them to the WMA. We have committed a substantial amount of staff time to work through this project for the last two years. Now it has come to fruition. When Ms. Edwards talks about partnerships she it would also be the land owner Randy Koch because it is voluntary private land conservation. He could sell to anyone. He was very patient working through the

processes to be able to bring this to you today. One of the things that resonated with her in working with him over the course of two years was that Mr. Koch felt that this made sense to give it FWP to be part of the WMA. She hopes that the Commission feels the same way. Thank you.

No further comments.

Chairman Vermillion stated that he has received a lot of public comment in favor of this. He wanted to thank everyone that was involved with this, such as the Five Valleys Land trust, Trout Unlimited for putting in \$10,000.00 of member money on the table to help facilitate the transaction. Special thanks to Mr. Koch. It is impossible to overstate how much patience it sometimes takes to get some of these projects through the public process that we have to go through. Sometimes this process is a little too arduous for some landowners to go through. It takes a landowner with his or her heart in the right place and a commitment to public access, sound fish and wildlife management with a belief in the Department to get the projects done. We would not be able to get some of the projects done without the landowners. He wanted to thank everyone for all the work that was put into this. He is thankful that this Commission, the Department, and the Governor's office in 2009 or 2010 when Fish Creek was approved. At that time, it did not seem like a seamless process then but, you can see how these projects bear fruit over time and improve the quality of life for people in that part of the state. He strongly supports this and thanks everyone involved.

Motion Passes 5-0

15. Kootenai Forestlands Conservation Project (R1)

FWP is working with the Trust for Public Land (TPL) to negotiate a conservation outcome on approximately 22,275 acres of commercial timberland owned by Stimson Lumber Co. checkerboarded around the community of Libby. The project would involve FWP obtaining a conservation easement on these lands, which would allow Stimson to continue forest management while precluding development, protecting incredible wildlife habitat and key landscape connectivity, and providing permanent public access to extraordinary recreation lands. An extensive network of public roads provides easy access to the parcels, making the property highly developable and at increased risk of being converted to non-forest uses, especially given that these are some of the last undeveloped lands in the area. The property provides habitat and supports hunting opportunities for deer, elk, moose, bear, lion, wolf, and forest grouse, as well as providing important habitat for 43 species of greatest conservation need. Though the property is not contiguous, it functions as a much larger block of land given that the majority of parcels are surrounded by U.S. Forest Service (USFS) land. The project would be funded primarily through federal grants from the USFS and potentially the U.S. Fish and Wildlife Service with matching funds provided by a below market sale by Stimson. These timberlands have a long history of public access that would be permanently secured through this project.

FWP, Stimson, and TPL met with the Lincoln County Commissioners on November 8, 2017, to apprise them of this potential project, and we received their unanimous support. A public open house was held at the same time to inform the community of Libby about the preliminary details of the potential conservation easement with all in attendance supportive of the project. If FWP does not pursue acquiring a conservation easement on these lands, Stimson would retain ownership in the near term and the possibility remains that some or all of the parcels could be sold for development or other uses incompatible with fish and wildlife values. It is also possible that the public would lose access to these lands under different ownership. FWP recommends the Commission endorse this proposed project to allow the department to continue to work with TPL and Stimson on this proposal to conserve valuable fish and wildlife habitat and public recreational opportunities.

Ken McDonald, Wildlife Division Administrator, stated that the Department is looking for an endorsement with your approval that would give us the green light to see if a deal can be put together. This is a proposal to work with Stimson Lumber Company on a conservation easement covering about 22,275 acres of commercial forest land in or around the Libby area. The idea would be that the land would come under a conservation easement to protect it from subdivision and other issues while still being maintain as a working forest. The project is multiple parcels and at a minimum that could be divided into at least 139 different pieces by development. By putting the land into an easement, we could then maintain it intact. The land is surrounded and checkerboarded by the Forest Service so it would maintain the contiguous landscape if it is protected under easement. They are working with the Trust Public Land on this. The approach would to try to do this through a forest legacy program. What that is, is a rigorous program for maintaining forest. Because of the timing, we already had to submit to Forest Legacy competition. This is a national competition that all 50 states compete for money for the forest legacy dollars. We were told that this project although not official yet, has ranked number one in the country. The rest of the country sees this as value as well.

With your endorsement, this would go out for due diligence and public comment. We did note in the cover sheet that it has already been discussed with the Lincoln County Commission. The Commission supported it unanimously. Region 1 is available if there are any technical questions.

Proposed Motion: Commissioner Aldrich moved and Commissioner Colton seconded the Commission endorse FWP's proposal to negotiate the Kootenai Forestlands Conservation Easement and complete associated due diligence and analysis.

Public Comment.

Nick Gevoc, Conservation Director, Montana Wildlife Federation, stated the 22,000 acres and looking at the impact on checkerboarded public lands and this is a big deal. If you recall the Haskill Basin District project was a tremendous success. Stimson has been a great

partner in working on these. We strongly support this as you know there are a lot of warehoused land in northwestern Montana with a lot of development potential. Hopefully we can see this through. Thank you.

No further public comment.

Chairman Vermillion stated that he would like to thank the Stimson Lumber Company and everyone else that worked on this project. He can see that when you have the Haskill Basin it creates a momentum that is positive for the overall area. We hope that we continue to be ranked number one on the Forest Legacy Project list. This will help us get where we need to get.

No further comment.

Motion Passes 5-0

16. Calf Creek WMA Addition (R2)

Montana Fish, Wildlife & Parks (FWP) seeks endorsement from the Fish and Wildlife Commission to conduct negotiations and analysis for acquiring approximately 600 acres adjoining the Calf Creek Wildlife Management Area (WMA), in Ravalli County. Acquiring this property would block up the WMA and would also complement adjacent conservation easement land (held by the Bitter Root Land Trust). The proposed addition is an important opportunity to protect big game winter range that is contiguous with the WMA. The property has the potential for being developed, which would directly impact wintering big game habitat on this property as well as impacting adjacent habitat functions on the WMA. The property consists of open, low-elevation, south-facing shrub and grassland slopes as well as forested sections important for big game security cover and winter range, including 50-100 elk. As part of the WMA, this property would provide walk-in access for hunting and recreation in an area of the Bitterroot that offers little access to the National Forest through private land. This property may also provide a second access point to the WMA (to be determined).

Pending the Commission's endorsement to proceed, FWP would work with the landowner and begin an environmental assessment with public participation. The results of the public involvement process would inform FWP's final proposal and recommendation for Commission action at a future Commission meeting. No action is the only viable alternative, which would leave the current ownership pattern in place. FWP recommends the Commission endorse FWP's further exploration and development of a fee-title purchase project that would add about 600 acres to the Calf Creek WMA and block up the WMA with neighboring conserved lands. Because of its winter range function contiguous with the WMA, this would be a natural addition.

Ken McDonald, Wildlife Division Administrator, stated that there are three parcels that they are presenting as a single project. This will block up the existing WMA as well as compliment the adjacent conservation easement held by the Bitterroot Land Trust. The habitat is low open elevation that is south facing grassland. It is a good critical winter range for deer and elk. Again, it complements the existing WMA in the area. We ask that you endorse this in order to proceed with due diligence. He is looking at acquiring it in fee title using a combination of Habitat Montana and PR. Thank you.

Proposed Motion: Commissioner Aldrich moved and Commissioner Colton seconded the Commission endorse FWP's proposal to negotiate this proposed 600-acre addition to the Calf Creek WMA and complete associated due diligence and analysis.

Public comment.

Nick Gevoc, Conservation Director, Montana Wildlife Federation, stated that Ravalli County has seen a lot of development and in Montana we try to protect a lot of winter range. This is a great project. He hopes that it can move forward. Thank you.

No further comment.

Motion Passes 5-0

17. Canyon Creek WMA Cartan & Palmquist Additions (R3)

FWP is seeking Commission endorsement to pursue two additions to the Canyon Creek WMA: 1) the Cartan Addition would add approximately 232 acres of important wildlife habitat to the WMA (59 acres between the Mill Creek Unit and Hwy 279 plus 178 acres about 1.25 miles south of the WMA); and 2) the Palmquist addition would add 4-7 acres between the Mill Creek Unit and the highway. The primary goal of both projects is to ensure the ecological integrity of the WMA while conserving wildlife habitats that extend beyond the bounds of the WMA. Two of the three parcels under consideration would establish a new WMA boundary against the Lincoln Road (Highway 279), avoiding potential development that could otherwise directly impact the WMA's habitat and recreation values. These parcels, like the existing Canyon Creek WMA, would provide hunting opportunity for mule deer and elk, winter range for mule deer and moose, and spring, summer and fall range for all three of these big game species. In addition, the entire suite of carnivores, grizzly and black bear, wolves, Canada lynx, wolverine, bobcat, etc., use the area. Acquisition would further protect a stream corridor, while also providing increased angler access, providing additional fishing opportunity for brook trout and rainbow trout in Canyon Creek.

The properties are located within the focus area of the Montana Fish and Wildlife Conservation Trust (MFWCT), which applies funds gained from the sale of Canyon Ferry cabin-site leases to land conservation, with an emphasis on projects in the upper Missouri River

drainage. MFWCT could be the primary funding source for the projects. Formal public involvement under the Montana Environmental Policy Act would occur following the Commission's endorsement and negotiations with the landowners. The only viable alternative is not acquiring one or more of these parcels, leaving open the potential for possible conflicts on adjacent WMA lands. FWP recommends the commission endorse these proposed additions to Canyon Creek WMA, to conserve valuable fish and wildlife habitat and public recreational opportunities on the subject parcels and on the adjacent WMA.

Ken McDonald, Wildlife Division Administrator, stated that the reason that there are so many endorsements is that they went through a solicitation for projects, reviewing and scoring projects with all the Regions. These are the ones that have made it through the process. We try to make sure that we take part in the opportunities that come open and have a slate in the works to demonstrate the importance of Habitat Montana.

What we have today is Region 3 Canyon Creek Wildlife Management Area. It is two different proposals that involve three different parcels. It was easiest to lump it all together. The first one is the Cartan Addition that consists of two parcels, a 59-acre piece that adjoins the existing WMA and the other is 178 acres a mile south of the existing WMA. This will help block up some of that area.

The other is the Palmquist addition that is small, about seven acres. A triangle piece of land that connects the WMA to the highway. The two that are 59 acres and the seven acres will help ensure that what could be highly developable right the next to the road properties are incorporated into the WMA. This will help the ecological integrity of the area. It is used by a variety of wildlife both game and non-game animals. It is part of the continental divide country where movement of grizzlies and lynx. It's an important area and a good opportunity to block up some good wildlife areas to help improve that management. With your endorsement, we would proceed with the due diligence to see if we can make a deal. Thank you.

Proposed Motion: Commissioner Colton moved and Vice Chairman Stuker as well as Commissioner Brower seconded that the commission endorse FWP's proposal to work on the Cartan and Palmquist additions to Canyon Creek Wildlife Management Area and complete associated due diligence and analysis.

Public comment.

Nick Gevoc, Conservation Director, Montana Wildlife Federation, stated that a chance was lost a couple of years ago, because of the restrictions on Habitat Montana to gain some great property. This just another example of an area that would have a lot of value for wildlife, hunter access and getting into public hands. He strongly supports this. Thank you.

No further comment.

Motion Passes 5-0

18. Ash Coulee Conservation Easement (R6)

FWP proposes to purchase a perpetual conservation easement on 3,400 acres of deeded land northwest of Glasgow. This project was endorsed by the Fish & Wildlife Commission in March of 2015, but due to the extended timeframe of the project and a 1,400-acre reduction in the project, the department is seeking endorsement of the project in its current form. The property, referred to as Ash Coulee, consists of 3,400 acres of native grass and shrublands and is bisected by Ash Coulee. The ranch provides productive riparian, native shrub and mixed grassland habitats, all of which have been identified as state priority habitats. The area includes critical winter range for antelope and mule deer and is part of the Sage Grouse Connectivity Core Area. Ash Coulee lies adjacent to the FWP Vandalia Wildlife Management Area, Bureau of Reclamation property, publicly accessible DNRC land, the FWP Buffalo Coulee Conservation Easement, and two properties enrolled in Block Management, which when combined totals 8,914 contiguous acres of habitat and access conservation efforts. A conservation easement would protect productive blocks of riparian and sagebrush habitats from conversion to other cover types, benefitting wildlife and agriculture while also increasing public hunting and other recreational opportunities.

FWP has publicly scoped the project under its original description and endorsement. FWP received seven total comments, all of which were in support of the project, with one comment stressing the need to ensure adequate hunter days on the property. Upon endorsement from the Commission, FWP would continue appropriate negotiations, analysis, and public review processes. Purchase of the 3,400-acre Ash Coulee Conservation Easement. FWP would develop a rest-rotation grazing system to improve wildlife habitat while also securing permanent public access. FWP would forgo the opportunity to conserve and enhance valuable wildlife habitats with a willing private land partner. There would be no guarantee of public access to the property. To conserve the high resource values and public recreation opportunities on this land, FWP recommends endorsement by the Commission, allowing FWP to proceed with the further development of this opportunity.

Ken McDonald, Wildlife Division Administrator, stated that this will be a re-endorsement of the Ash Coulee Property. Ash Coulee is in Region 6 just north of Glasgow. This was brought to you in 2015 as a 4,800-acre proposal. His staff and the Land staff have been working on this since. There are two parcels, a 1,200-acre piece and a 3,400-acre piece. The 1,200-acre piece we couldn't get it with due diligence. One of the key factors was access. We are re-proposing this as a 3,400 acre as a smaller project. Because of the time that has lapsed he wanted to make sure that the Commission was still okay with this. This is concerning a 3,400-acre easement. It's primarily native grass and shrub land that is bisected by Ash Coulee so that it has repairing habitat as well. It is also critical winter range for antelope, mule deer and a conductivity area for sage grouse. The property is adjacent to the existing Vandalia Wildlife Management Area and connects with some block management areas. On a landscape scale, it is part of a complex that totals about 9,000 acres if we were to

proceed with this. We are hoping with the Commission's endorsement to continue the due diligence and getting a final deal. This would help us with the MEPA process as well, He has someone in Region 6 to answer any questions.

Proposed Motion: Commissioner Brower moved and Commissioner Colton seconded that the Commission endorse this conservation easement project, allowing FWP to continue negotiations and to conduct analysis and associated public review.

Commissioner Colton stated that this was great project.

Nick Gevoc, Conservation Director, Montana Wildlife Federation, stated that this project speaks to the wide range of conservation tools that we have. Conservation easements are important as you know, Eastern Montana has a small percentage of public land and we are thankful for the landowners that are willing to work with the Department. We hope to see this through. Thank you.

Public comment.

No public comment.

Motion Passes 5-0

19. Lisk Creek Headwaters Conservation Easement (R7)

FWP proposes to pursue a conservation easement (CE) on 972 acres of deeded land in Dawson County. Located at the headwaters of the South Fork of Lisk Creek, the proposed CE comprises native shrub grasslands, riparian areas with woody cover, and interspersed small crop fields (5-40 acres). The property provides excellent year-round habitat for upland game birds, white-tailed and mule deer, and has value for a wide variety of nongame species, especially migratory passerines. The property is an adequate size and ideal mix of habitats for upland game birds. The anticipated funding source for the Lisk Creek Headwaters Conservation Easement would be primarily Upland Game Bird Enhancement Program funds. The property has provided around 300 hunter-days of opportunity annually for the last several years—a truly impressive number considering its size, and a testament to the quality of habitat on the parcel.

FWP has not sought any public comment at this time. Upon endorsement from the Commission, FWP would conduct appropriate negotiations, analysis, and public review processes. Pursue the Lisk Creek Headwaters Conservation Easement to conserve an important property for wildlife and provide perpetual public recreational access while keeping the land in private ownership. FWP would forgo the opportunity to conserve and enhance valuable wildlife habitats with a willing private land partner. Wildlife habitats on the property may change through time to be less productive and there would be no guarantee of public access in the future. FWP recommends endorsement by the Commission, allowing FWP to proceed with further development of this conservation opportunity. A conservation easement would help ensure continued management for wildlife habitat productivity and public access.

Ken McDonald, Wildlife Division Administrator, stated that this was another endorsement for Lisk Creek Headwaters Conservation Easement in Region 7. This is a 972-acre easement proposal in Dawson County. This is an interesting one as it is shrub grassland complex interspersed with smaller crop fields 5-40 acres. As they went through the review process, it is not a general Montana habitat project but a great upland bird project. With the interspersed small crop fields and habitat as well as a really good landowner to work with. This is important in conservation and hunting access. We would like to move forward with this as an upland game bird habitat enhancement project. Possibly mix this with some Habitat Montana. It is a good fit for that program and hunter access. With your endorsement, we will work on the due diligence and see where it goes. Thank you.

Proposed Motion: Commissioner Colton move and Commissioner Brower seconded that the Commission endorse FWP's proposal to negotiate the Lisk Creek Headwaters Conservation Easement and complete associated due diligence and analysis.

Public comments.

No public comments.

Motion Passes 5-0

20. Dome Mountain WMA Inholding Conservation Easement Assignment (R3)

The Fish and Wildlife Commission endorsed a proposal in April to purchase a private inholding on Dome Mountain WMA of approximately 161 acres. As described in the April cover sheet, the parcel is encumbered with a conservation easement held by FWP. Conservation easements (CEs) are legal agreements that run with the land in perpetuity. As the potential future owner of this parcel, it is preferable for another entity to eventually take responsibility for administering this CE. Contingent on the purchase of this inholding, FWP intends to assign this CE to another party to continue to administer the CE and to enforce its terms. Tentatively, the Rocky Mountain Elk Foundation (RMEF) has expressed interest in partnering with FWP to accept assignment of this CE and the associated responsibility, which may also involve modifying CE terms. If RMEF chose not to accept this assignment, FWP would seek another partner organization to serve this role. There has been no public involvement pertaining this proposal. Upon endorsement, FWP would conduct due diligence, environmental analysis, and public review processes to help determine the issues and the viability of this proposal. The proposal to transfer the CE on the Dome Mountain inholding to another party is partly contingent on the acquisition of this parcel. If the parcel were not acquired, this action would not be necessary. Purchasing the parcel would prevent further conflicts associated with private inholdings and would help assure the long-term integrity of Dome Mountain WMA. Assigning this CE to another

party is a preferable business practice when owning the same land in fee title. The department recommends endorsement of this proposal. Transferring the CE to another party is the department's preferred approach, if FWP were to purchase the subject inholding.

Ken McDonald, Wildlife Division Administrator, stated that this is an endorsement and would be a little different than in the past. He recalled that back in April, the Commission was presented with a proposal for a 160-acre inholding in the Dome Mountain wildlife management area. That inholding back then, had an easement put on it that was originally negotiated with the Rocky Mountain Elk Foundation. The Elk Foundation then transferred that easement to the Department. The property also had the right of first refusal to purchase the property. The property became available this past year. The Department would like to exercise the right of first refusal and have the Commission endorse it. We were able to exercise that right with the help of the Conservation Fund. The Conservation fund after the Commission endorsed it, we then transferred the right of first refusal to them and they purchased it in order to hold it. This was done so the Department could continue the due diligence. We are now in the process of starting that.

Chairman Vermillion asked when that process would be completed.

Mr. McDonald replied that they would have to do the MEPA process first to determine what the next step would be and when that could be completed.

Chairman Vermillion commented that would be about 4-5 months and reiterated that the property has been successfully acquired.

Mr. McDonald replied that the Conservation Fund is holding it until the Department can get their piece of it done. We will negotiate with them to take it over. One thing is that you cannot hold an easement on land that you own. As part of this project moving forward, we must reassign the easement to a different party so that when we purchase we are not holding the easement to the property. What we are asking you to do today is to endorse seeking a third party to assign the easement to. We would be giving up our interest in that easement to a third party so that we can acquire the title to the property and full ownership of the land. We have discussions with the Elk Foundation and they may be interested in taking it back. They have not decided yet. That is the type of third party that we would like to work with in regard to this.

Chairman Vermillion asked if the Elk Foundation had easements on the rest of the property or if we own it in fee.

Mr. McDonald replied that the Department owns the land in fee. With the Commission's endorsement, today, we would include this as part of the project proposal that will go out for public comment. This will include assigning the easement and purchasing in fee title the property as one total project. Because we are giving up interest in that easement, we need the Commission's authority to do so. We will hopefully come back in the future with a total project that includes both the acquisition and the transfer of the easement.

Proposed Motion: Chairman Vermillion moved and Vice Chairman Stuker seconded that the commission endorse the proposal to assign to another organization the conservation easement for the 161-acre inholding of the Dome Mountain WMA, allowing the department to conduct further evaluation and public review.

Public comment.

Nick Gevoc, Conservation Director, Montana Wildlife Federation, stated that this project speaks to the complexity of the land deals and how long it takes to put them together. We Are thankful to have partners like the Rocky Mountain Elk Foundation. Last August, we were initially talking about a larger purchase in that area. He advised that he had gotten a call from a reporter on that. Hopefully we can get this done. The complexity of this deal speaks to the need for a wide range of programs that can tailor any land deal to the landscape that is being dealt with. Thank you.

Chairman Vermillion stated that he wanted give thanks to the Conservation Fund for stepping in and holding the property while we go through the process. He would like to commend the attorney that put together the original agreement in 1991 or 1992 and managed to get the right of first refusal on this property for the price that was set at that time frame. That was some very good work on the part of that attorney for the Department and the people's behalf. This is a good proposal. There is a lot of hope in the Livingston area that we will eventually get the bigger acquisition that we endorsed last year. This is an important project to help start blocking up the area for the future.

Motion Passes 5-0

21. Threemile WMA Forest Habitat Restoration – Phase 2 (R2)

FWP proposes to implement a second forest management/habitat restoration plan for the Threemile WMA, east of Florence, in Ravalli County. During winter 2016-2017, FWP implemented Phase I of this plan, involving a pilot treatment to thin 372 timbered acres for improved understory forage production for wildlife, conifer expansion in meadows, release of aspen stands, and reduced risk of wildfire/beetle infestation. The current proposal would treat approximately 1,600 acres with similar habitat goals, using commercial and non-commercial understory thinning, and prescribed burning. This project would also include improvements and potential relocation of existing roads and bridges that would improve hunter access and reduce annual road maintenance expenses. FWP plans to build on existing partnerships with the Department of Natural Resources and Conservation and the U.S. Forest Service to accomplish project goals, as well as exercise Good Neighbor Authority to treat two small Bitterroot National Forest parcels located within the WMA.

Upon endorsement by the Commission, FWP would prepare a draft environmental assessment for public review. FWP would incorporate public input into a final environmental assessment and a recommendation for the Commission later this year. No action would allow conifers to continue expanding and increasing in density on the WMA, reducing understory and herbaceous vegetation for wildlife while increasing the susceptibility to a stand replacement fire. FWP could consider a smaller action involving fewer acres, but because of the success of Phase I—a demonstration that was largely viewed as successful by FWP and the public—a larger-scale habitat restoration project would be timely, more efficient, and more effective at accomplishing habitat goals. FWP recommends Commission endorsement of this proposal. The department intends to develop a more detailed proposal and conduct public involvement to continue managing the forest on Threemile WMA. It is worth noting that a small wildfire caused by illegal exploding targets occurred in August 2014 in the section of the WMA that was treated two years later in Phase I. It is important for the management of wildlife habitat that the fire severity be managed, to the extent possible, with a proactive prescription.

Ken McDonald, Wildlife Division Administrator, stated they are seeking an endorsement for the Threemile WMA Forest Habitat Restoration. This is phase two of a 372-acre project of last year that removed trees. This proposal is to be able to treat about 1,600-acres on the wildlife management area using a combination of commercial and non-commercial understory thinning as well as some prescribed burning. The project may include improvements to roads or potential relocation of roads and bridges to help with management access on the WMA. Because there is an interest in property, in this case trees that may be sold, we are seeking approval from the Commission. As a reminder that any revenue that we make off forest management must go back into a forest management account that helps pay for forest management that we have been doing on WMAs and the program. We ask that you endorse the concept and then do an environmental assessment. Offer public comment and then come in ask the Commission for final approval based on the MEPA process and any comment we receive. Thank you.

Proposed Motion: Commissioner Aldrich moved and Commissioner Colton seconded that the Commission endorse this proposed forest habitat restoration project on Threemile WMA, allowing FWP to conduct further analysis and associated public review.

Public comment.

Nick Gevoc, Conservation Director, Montana Wildlife Federation, stated that he took a tour in 2014 with legislature, state representatives, FWP staff and many other organizations of similar treatments that they did at Mount Haggin. It was impressive. The projects obviously have a wildlife focus where the primary purpose on the land is wildlife habitat. He feels that they had good results there. His organization supports this. Thank you.

Motion Passes 5-0

22. Madison River Recreation Plan Process (R3)

Chairman Vermillion stated that the Commission would move the Madison River Plan update to the end of the meeting. They are doing this so that everyone that came to the meeting for this subject, would have time to address concerns and questions.

23. Fishing Regulation Change for Red Rock Lakes National Wildlife Refuge (R3)

Montana FWP, The U.S. Fish & Wildlife Service, and other partners have worked collaboratively to develop an adaptive management plan to understand factors that drive the status of Arctic Grayling in Red Rock Creek in the Centennial Valley. In 2013, harvest limits of hybridized Yellowstone Cutthroat trout were liberalized and active trapping and removal by the U.S. Fish & Wildlife Service occurred to suppress the population to determine the effect that the non-native fish were having on Arctic Grayling. After four years of suppression, it became apparent that the non-native cutthroat hybrids were not the primary driver of Arctic Grayling abundance; therefore, in 2017, FWP changed the harvest regulation to 5 fish of any size, and began to evaluate other factors in the valley that may be influencing the conservation status of Arctic Grayling. The U.S. Fish & Wildlife Service approached FWP and requested to change the harvest regulation for non-native Yellowstone Cutthroat trout to catch-and-release and use of artificial lures only.

The U.S. Fish & Wildlife Service also requested that the angling season for the adjacent Elk Springs Creek be changed to be closed to angling from May 15 to June 15 to prevent trampling of grayling eggs and be consistent with Red Rock Creek. They requested that the angling season for Widgeon and Culver ponds be changed to be closed to angling from November 30 to April 15 to minimize conflicts with migrating and pre-nesting swans. Finally, they requested that the regulations be changed to allow use of artificial lures only on each of these waterbodies. Public comments were accepted from April 23 through May 23. Ten comments were received: 4 in favor of proposed changes, 4 opposed, and 2 that did not specifically support or oppose changes. The Commission could choose to retain the current fishing regulations, adopt Central District standard regulations, or adopt the proposed regulations. The Red Rocks Lakes National Wildlife Refuge requested FWP staff present this proposal to the Commission.

Eileen Ryce, Administrator of Fisheries, greeted the commission and stated that this is a final for a Fishing Regulation Change for Red Rocks. This is a fishing regulation change that was proposed for Red Rock Creek because of a request from the U.S. Fish and Wildlife Service to change the harvest regulation on non-native Yellowstone cutthroat trout to catch and release and use of artificial lures only. The U.S. Fish and Wildlife Service also requested that Elk Spring Creek be closed to angling May 15 to June 15, 2018 to prevent trampling of Grayling eggs and to be consistent with Red Rock Creek. The U.S. Fish and Wildlife Service also requested that angling

season for Widgeon and Culver ponds be closed November 30, 2018 through April 13, 2019 to minimize conflicts with swans. Finally, the U.S. Fish and Wildlife Service requested that regulation be changed to artificial lures only for all the mentioned water bodies.

During the public comment period, they received ten public comments. Four were in favor, four were opposed and two were non-specific. The reasons for opposition was lack of justification limiting public fishing opportunity and the effectiveness of previous regulation changes as well as inconsistencies with other waters. At this time, staff does not expect the proposed regulation change to affect the Red Rock regulation change to influence the arctic grayling populations on the refuge. The staff expects that the Elk Springs Creek regulation will reduce the likelihood of grayling egg trampling and the changes on the two ponds of minimal fishery impact. Therefore, the Department recommends that fishing regulation changes as presented at the request of the U.S. Fish and Wildlife Service.

Proposed Motion: Vice Chairman Stuker moved and Chairman Vermillion seconded that the Fish and Wildlife Commission accept the proposal to 1) change the daily and possession limits for Red Rock Creek to include no harvest of cutthroat trout and use of artificial lures only, 2) close Elk Springs Creek to angling from May 15 to June 15 and allow use of artificial lures only, and 3) close Widgeon and Culver Ponds from November 30 to April 15 and allow use of artificial lures only.

Public comment.

Brian Ohs, Montana Trout Unlimited, stated that he realized that the Commission just made that motion, but it is their belief that the alternative analysis of the Commission choosing to retain current fishing regulations is a good way to go. If you read the background on this, it states that they spent four years on what is being called liberalized harvest of cutthroat and realizing it wasn't affecting the arctic grayling. To now move in the direction of catch and release is not necessary. He thinks that the cutthroat population which the analyses of the region has doubled over the last year or so. He feels that it is alright for anglers to harvest Yellowstone cutthroat trout. He doesn't understand why FWP is moving drastically in the other direction with catch and release. Thank you.

Chairman Vermillion stated that he understands what Mr. Ohs is talking about and thinks the department does not whole heartedly disagree with you. He doesn't want to speak out of line but, the department saw this as an opportunity to be consistent with the U.S. Fish and Wildlife Service and try to keep everyone on the same page. This regulation was going to overly impact angler opportunity. These are hybridized cutthroat and not a species of high concern and grayling are. We are working with the U.S. Fish and Wildlife Service to properly modify to their specific piece.

Motion Passes 5-0

24. Blacktail Meadows Fishing Access Site Proposed Easement (R3)

Eileen Ryce, Administrator for Fisheries- Blacktail Meadows Fishing Access Site (FAS) is located on the outskirts of Dillon, adjacent to the north exit of Interstate-15. The 14 -acre site was donated to the Department in May of 2002 by the Swenson family. It was subsequently developed as a family fishing pond. The 14-acre site is bisected by Swenson Lane which is a paved thoroughfare providing access to local homes and businesses. The fishing pond is located on the north side of the road and Blacktail Creek is on the south side. The fishing pond was created when the gravel pit used for construction of Swenson Lane filled with water. The property is currently bordered by the interstate exchange, the YMCA and a scrap metal recycling yard. The Department evaluated a request to provide a road easement through the south side of the FAS in exchange for fee title to a parcel of adjoining property encompassing both sides of Blacktail Creek. FWP would gain approximately 1.15-acres of land that includes 465 additional lineal ft. of Blacktail Creek frontage. In exchange, FWP would grant a road easement encompassing roughly .26-acre of land.

The draft EA was circulated for public comment from March 23 through April 23, 2018, to 58 interested agencies, groups and persons. The EA was also posted on the Montana Fish, Wildlife & Parks website. A total of 10 comments were received, all in support of the proposed action. The proposed action will provide permanent public access to a privately-owned portion of Blacktail Meadows FAS that has been used by the public since the site was first donated to FWP in 2002. It will also protect this portion of the stream from potential future development. If the Commission chooses not to approve the proposed action, the landowner could block access to the creek and subsequently develop this area for private enterprise. FWP recommends that the Commission approve the proposed action that would provide permanent public access to both sides of Blacktail Creek for fishing as well as protect the property from future development.

Eileen Ryce, Administrator of Fisheries, stated that this is a final proposal for Blacktail Meadows. This site is outside of Dillon. The proposed action is the Department to provide a road easement including about 2.6 acres of land in exchange for fee title to parcel of adjoin property of Blacktail Creek. We would gain around 1.15 acres including 465 linear feet of creek frontage. During the public comment period, 10 comments were received. All in favor of the proposal. The Department recommends that the Commission approve the proposed action which would provide permanent public access of both sides of Blacktail Creek. It would protect the property from further development.

Proposed Motion: Commissioner Colton moved and Vice Chairman Stuker seconded that the Commission approve FWP's request to provide a road easement at Blacktail Meadows FAS in exchange for fee title to approximately 1.15-acres of land encompassing 465 ft. of Blacktail Creek frontage.

Eric Windlin, Dillon Montana stated that the Blacktail Meadows site is a phenomenal site. He thinks that this is a good deal for the community.

Motion Passes 5-0

25. Boehm Property FAS Endorsement (R3)

Eileen Ryce, Administrator for Fisheries- This proposed 9.79-acre donation for an FAS is located on the Yellowstone River at the outskirts of Livingston. The upstream end of the property is located on the outside bend of the river and has been rip rapped at some time in the past to protect the bank from erosion. The river starts turning away from the property at the lower end resulting in a deposition of gravels that culminate in the formation of sandbars. The interior of the property has several structures on it that would have to be removed. Some appear to have been constructed as part of a movie production set. The most prominent feature on the property is a partially constructed hand-hewed log home with an elevated concrete foundation. If the property were accepted by FWP all these structures would have to be removed for public safety reasons.

Due to topographical limitations and river morphology at this location this site would be developed as a day-use-only site for wade angling, carry-in boat access and picnicking. Development would likely only include an access road, a small parking area and potentially a vault latrine, depending on the need and permitting restrictions. Both Carter Bridge FAS, located approximately 3.8 miles upstream and Mayor's Landing FAS approximately 1.7 miles downstream, have excellent boat ramps. There has been no public involvement to date. Alternatives will be analyzed during the environmental review process. FWP recommends the Commission to endorse the Department's request to pursue discussions with the landowner regarding the potential donation and subsequent development of an FAS on this parcel.

Eileen Ryce, Administrator of Fisheries stated that this was an endorsement for the Boehm Fishing Access site in Region 3. The proposal is for a 9.79-acre donation for a fishing access site on the Yellowstone River outside of Livingston. The proposal would be to develop this site as a day use only site for wade angling, carry in boat access, and picnicking. There are structures on this site that will need to be removed for safety reasons. Development would include an access road and small parking area. Later, potentially a vault latrine. The department recommends that the Commission endorse pursuing conversations with the landowner for the potential donation and development of the fishing access site on the property,

Proposed Motion: Chairman Vermillion moved and Commissioner Aldrich seconded to endorse FWP's request to pursue discussions with the landowner regarding the donation of this 9.79-acre parcel of land for future development as an FAS.

Chairman Vermillion stated that the history on this is a project that was presented to him by a phone call from a long-time Livingston resident that has grown up in the area and does not have any living heirs. His only stipulation is that we commemorate his dad as this place was his dad's favorite place to be. He can maintain a life estate while he is still alive. It would then pass to the Department for management at the time of his passing. Chairman Vermillion hopes that the Department has success in the conversations and hope to be included. If there are any issues, please let him know and he would be happy to help.

Chairman Vermillion wanted to specifically thank Mr. Carter Boehm for the donative intent and come up with a proposal that works for him, his family, and the people of Montana. The access that Livingston used to have is pretty much dry most of the year. This would allow some desperately needed access to the town of Livingston.

Motion Passes 5-0

26. Bear Creek / Pine Creek Water Rights Acquisition (R3)

Eileen Ryce, Administrator for Fisheries- On August 10, 2017 the Fish and Wildlife Commission directed FWP staff to research, develop and negotiate the terms of the donation of two mining water rights from Bear and Pine Creeks for the purpose of changing them permanently to instream fishery use. FWP negotiated an agreement to accept the donation from Trout Unlimited (TU) and to permanently change the water rights to instream flow and to provide mitigation for other flow restoration projects in the Yellowstone River basin. Bear Creek is a tributary to the Yellowstone River near Gardiner. Pine Creek is in turn a tributary to Bear Creek. Like other tributaries of the upper Yellowstone River, Bear Creek provides important spawning habitat for Yellowstone cutthroat trout as well as rainbow trout migrating from the Yellowstone River. It also provides rearing habitat for both species. Further, Bear Creek is a source of cool water that helps moderate elevated water temperatures in the Yellowstone River.

As part of the negotiated agreement, FWP would change a portion of the water rights to mitigation to protect and enhance fisheries. TU has reserved the right to request up to 7 ac-ft be used for mitigation of wintertime flow depletion in the Yellowstone River related to a groundwater well that was used to replace Fridley Creek as a water source, providing for instream flow restoration and protection in Fridley Creek. This mitigation water would remain instream in Pine and Bear Creeks, just as it would if changed to instream flow. FWP has legal authority to apply to DNRC to permanently change water rights owned by FWP to instream flow on 12 stream reaches across Montana. FWP prepared and released an environmental assessment for public comment from October 4, 2017 through November 3, 2017. One public comment was received, which was in support of the proposed action.

The No Action Alternative would be for FWP to not accept the water rights and not permanently change them to instream flow. The permanent benefits would be forgone as FWP is the only entity in Montana authorized to permanently change water rights to instream flow. Alternatively, FWP could lease the water rights and temporarily change them to instream flow for a term of up to 10-years.

However, this would not meet TU's objective of a permanent change to instream flow. FWP recommends that the Commission approve the Agreement to accept the water rights and permanently change them to instream flow and mitigation. This project would benefit the fishery in Bear Creek and the Yellowstone River by restoring and protecting streamflow for spawning and rearing as well as serving to help moderate elevated water temperatures in the Yellowstone River.

Eileen Ryce, Administrator of Fisheries, stated that this is a final for the Bear Creek/ Pine Creek water right acquisition. These are tributaries to the Yellowstone River that provide spawning and rearing habitat for rainbow trout and Yellowstone Cutthroat. This water right is a donation from Trout Unlimited who in turn acquired it from the Ken Ross Gold Mining Company. Only one public comment was received that was in support of the proposal. FWP recommends that the Commission approve the agreement to accept the water rights and permanently change them to in stream flow. This will protect and preserve stream flow for spawning and rearing as well as to help moderate the temperatures on the Yellowstone. She wanted to take the opportunity to thank Trout Unlimited for working on this with us.

Proposed Motion: Chairman Vermillion moved and Vice Chairman Stuker seconded to approve the Water Right Transfer Agreement with Trout Unlimited and direct FWP staff to file water right change applications consistent with the terms of the Agreement.

Chairman Vermillion stated that anyone who has spent time fishing in Park county for the last 15-20 years, can see where the water rights leasing opportunities has positive impacts on our fisheries. We now have nice cutthroat populations and it due to the water. Thank you for getting this done and working with the Department as well as the owners of the water rights to working with both parties to get this done.

Motion Passes 5-0

27. Big Creek Instream Flow Water Right Lease Renewal (R3)

Eileen Ryce, Administrator for Fisheries- On February 15, 2018, the Commission directed FWP staff to negotiate water-right lease renewal agreements for irrigation water rights from Big Creek. A lease renewal agreement has been negotiated with Montana Land Reliance. The cost of the lease renewal is \$100 per year for 10 years. FWP has leased water for instream flow in Big Creek, a tributary to the Yellowstone River near Emigrant from several water-right owners since 1999. The lease proposed for renewal had an original term of 20 years. The lease provides a range of flows from 1 to 16 cfs with a 1 cfs minimum that is enforced against junior water rights. The purpose of the leases is to maintain flow in the lower 1¼ mile of Big Creek. The water leased for instream flow was created when the water-right owners converted from flood to sprinkler irrigation supplied by a pipeline instead of ditch. The water-right owners transferred the ownership of the leased portion of the water rights to the Montana Land Reliance, from which FWP has leased the water. Like other upper Yellowstone River tributaries, the focus of this water lease is to protect flow in Big Creek to provide for the successful spawning, incubation, emergence and outmigration to the Yellowstone River of Yellowstone Cutthroat Trout.

Renegotiation of the other lease is in progress. As part of the original change to instream flow in 1999, DNRC provided notice to the public, and potentially affected parties would have the opportunity to object to the change to instream flow. As part of the lease-renewal process, DNRC would notify other water users and allow them to submit evidence that the in-stream-flow lease has adversely affected their water rights. The No Action Alternative would be for FWP to not continue to lease the water rights resulting in significantly lower Yellowstone Cutthroat fry production from Big Creek. Another alternative would be for the water right to temporarily change the water right to instream flow without the involvement of FWP. This alternative would require them to incur the legal and technical cost of pursuing a new change to instream flow. The owners may choose not to pursue a new change to instream flow for the benefit of the public fishery without FWP assistance. FWP recommends that the Commission approve the Water Rights Lease Renewal Agreement with the Montana Land Reliance to continue the protection of instream flow in Big Creek benefiting Yellowstone cutthroat trout.

Eileen Ryce, Administrator of Fisheries, stated that this is a final water rights renewal for Big Creek which is another tributary to the Yellowstone. At the February Commission meeting the staff was directed to negotiate water right lease renewals agreements for irrigation water rights from Big Creek. The lease renewal has been negotiated with Montana Land Alliance at a cost of \$100.00 per year for a period of 10 years. The lease provides a range of flow from one to 16 cfs with a minimum of one cfs that is in force against junior water rights. This in stream water flow right again will help in spawning and rearing Yellowstone cutthroat trout and will aid the Yellowstone flows and temperatures. She recommends that the Commission approve the water rights lease renewal agreement with the Montana Land Alliance.

Proposed Motion: Vice Chairman Stuker moved and Commissioner Aldrich seconded to approve the Big Creek Water Rights Lease Renewal Agreement with the Montana Land Reliance as proposed.

No public comment.

Motion Passes 5-0

28. Mulherin Creek Instream Flow Water Right Lease Renewal (R3)

Eileen Ryce, Administrator for Fisheries- On February 15, 2018, the Commission directed FWP staff to negotiate a water-right lease renewal agreement for irrigation water rights from Mulherin Creek. A lease renewal agreement has been negotiated with the Church Universal and Triumphant. The cost of the lease renewal is \$76,350 for 10 years and is based on the original lease price of \$100,000 for 20 years adjusted for inflation. The agreement provides for 4 additional 10-year renewals of the lease with the price increasing at the rate of inflation but also contingent on the renewal being allowed by law. The lease is for a range of flows from 5 to 27 cfs with a 5 cfs minimum that is superior to any irrigation diversions by the Church. The focus of the lease is to maintain flow in the lower ½ mile of Mulherin Creek below the Church's lowest diversion. The water leased for instream flow was created when the Church switched from flood to sprinkler irrigation at the time the original lease was put into effect.

The Corwin Springs section of the Yellowstone River remains a stronghold for Yellowstone Cutthroat Trout. Mulherin Creek is critical Yellowstone Cutthroat spawning habitat for this section of the Yellowstone River. Yellowstone Cutthroat adults migrate into Mulherin Creek and its tributaries to spawn on the falling limb of the spring hydrograph with fry emerging in late August and emigrating to the Yellowstone River. The water lease ensures adequate flow in Mulherin Creek for the fry to successfully emigrate to the Yellowstone River. As part of the original change to instream flow, DNRC provided notice to the public and potentially affected parties would have the opportunity to object to the change to instream flow. As part of the lease-renewal process, DNRC would notify other water users and allow them to submit evidence that the instream-flow lease has adversely affected their water rights. The No Action Alternative would be for FWP to not continue to lease the water rights resulting in lower Yellowstone cutthroat fry production from Mulherin Creek. Another alternative would be for the Church to temporarily change the water right to instream flow without the involvement of FWP. This alternative would require them to incur the legal and technical cost of pursuing a new change to instream flow, for which they have limited incentive. The Church may choose not to pursue a new change to instream flow for the benefit of the public fishery without FWP assistance. FWP recommends that the Commission approve the Water Rights Lease Renewal Agreement to continue the protection of instream flow in Mulherin Creek benefiting Yellowstone Cutthroat Trout.

Eileen Ryce, Administrator of Fisheries, stated that this is a final water rights renewal for Mulherin Creek which is another tributary to the Yellowstone. At the February Commission meeting the staff was directed to negotiate water right lease renewals agreements for irrigation water rights from Mulherin Creek. An agreement has been negotiated with the Church Universal and Triumphant. The lease is for 5-27 cfs with a minimum of five cfs that is superior to any irrigation diversions by the Church. The cost is about \$70,000.00 for 10 years. Our hope would be to fund that 50% with Future Fisheries. The Future Fisheries Committee met this week and heard our recommendation to fund that. She has not heard the results yet but, they should know soon. This in stream water flow right again will help in spawning and rearing Yellowstone cutthroat trout. If approved, DNRC would notify other water users and allow them to provide comment. She recommends that the Commission approve the water rights lease renewal agreement to protect instream flow in Mulherin Creek.

Proposed Motion: *Commissioner Colton moved and Vice Chairman Stuker seconded to approve the Mulherin Creek Water Rights Lease Renewal Agreement as proposed.*

Commissioner Aldrich asked if the Future Fisheries money is not available then how do we so them?

Eileen Ryce, Administrator of Fisheries, answered that that they are confident that they will get half of the money from the Future Fisheries and will be able to find the other half from other funds. Payment is not required until March so we have some time.

Chairman Vermillion stated that he hopes that the funding comes through.

Motion Passes 5-0

(Original item 22.) Madison River Recreation Plan Process (R3)

Eileen Ryce, Administrator for Fisheries- A proposal for Madison River Recreation Rules was presented to the Commission on April 19, 2018. The Commission voted unanimously not to put the rules out for public comment and instead asked the Fisheries Division to work with interested parties to develop a revised proposal. The Department is now seeking guidance from the Commission on how to structure the process for developing new rules. To assist, the Department is proposing four alternatives, each with different pros and cons. Once a process for developing Madison River Recreation Rules has been selected, additional public involvement will be conducted. Alternatives are listed in order from high to low complexity and long to short timeline for completion.

Alternative A: Use a Negotiated Rulemaking process (MCA 2-5-101 to 110) to revise the River Recreation Rule as presented to the Commission on April 19.

Alternative B: Use the existing Region 3 Citizens Advisory Committee (CAC), or modify it to include non-represented stakeholders, to revise the River Recreation Rule as presented to the Commission on April 19.

Alternative C: Revise the rule as proposed on April 19 using public input presented during the April 19 Commission meeting and received by the Department throughout the public comment period.

Alternative D: No Action Alternative

Alternatives A, B, and C would all involve using and building upon the work previously developed by the 2012 Madison River Recreation CAC, the 2018 Environmental Assessment, and revising the proposed rule from April 19. Agencies are encouraged to use Negotiated

Rulemaking to resolve controversial issues, however, this is probably the most time-consuming and complex of the 4 alternatives. Using the existing Region 3 CAC would have the advantage of a shorter time frame and less complexity, but the potential disadvantage of not having the formalized structure laid out in statute. Alternative C may be the most efficient way to get a revised proposed rule presented to the Commission, however, it may lack public support due to more limited formality, structure, and opportunity for public involvement. It is anticipated that Alternatives A, B and C could be implemented in time for inclusion in the 2020 Fishing Regulation booklet. The No Action Alternative will maintain status quo on the river but would not address the issues of overcrowding that have been identified.

The Department recommends the Commission choose alternative A, B, or C.

Chairman Vermillion stated that this is the last item on the agenda. This is to start a discussion on the process and try to find a way to make sure that everyone understands where the Department, the Commission is on this item and how we are going to engage the public. This will help the Department come up with a proposal that reflects the public interests on how we manage this river. This is the start of that conversation to start working on a good road map so everyone knows what is being planned and has an opportunity to participate.

Eileen Ryce, Administrator of Fisheries, stated that as everyone will remember at the April Commission meeting, the Department proposed a Madison River Recreation Rule which was voted not to go out for public comment. In the April meeting we heard several public comments that was along the lines of our proposal. Not meeting the goals that we had set out, it was pointed out that we needed to be more inclusive and that several others wanted to be involved developing a proposal. So as Chairman Vermillion mentioned, this is point we coming to you looking for how you want the Department to proceed.

The Department has come up with four different alternatives that is purely process. We are not making any recommendation on what the river rules should look like right now. This is how to formulate a new proposal and then come back to the Commission and go through the MAPA process. There are four alternatives and the first would be using the Negotiated Rulemaking. This has been used one other time in the Department for the game farm rules. Alternative B would be to use a modified CAC approach. She advised that she will go through each of these in more detail. The third option would be to take the existing proposal and modify it based on what we heard at the April Commission meeting and bring it back to you as a proposal. The fourth alternative would be a no-action alternative.

Ms. Ryce continued to explain about Negotiated Rulemaking. It is established in statute and recommended that agencies use Negotiated Rulemaking when Rulemaking is controversial. The Department has not used this other than for game farms. She thinks that we have established that this is a controversial rule. We wanted to put it out as an option. Of the four options, it is the most structured. There is a lot set out in statute as to how the process operates.

The start of the process involves a public notice requesting comments on the development of the committee in addition to asking for applications for committee members. In the public notice outlines the need and identifies potential committee members the public then can provide comment on. The Department would have representation on the committee with equal standing to all other members. The Department can also specify a time line which would also be notified in the public notice. The Department would provide a scope of work indicating what a committee's charter would be and in what time line we would like to see this completed. The decision is consensus based.

A proposal would then be made to the Commission. Because it is consensus based, the proposal could be the whole package was agreed on (that is what we are proposing) or certain items were agreed on and other weren't. If the committee was not able to come to any consensus that would kick it back to the Commission again. The one advantage to the Department being a member of the committee is that it would help us be involved in the discussion which may help with developing the proposal as implementable on the ground.

There has been a concern over the time line involved and discussions with Director Williams. She has indicated that we should specify a six month turn around. We would still be able to get a proposal to the Commission in time to have something in place for 2020 season.

Chairman Vermillion commented on the Negotiated Rulemaking. Ms. Ryce mentioned that the Commission and committee give up some control but, the Commission has ownership of the decision. So, the committee through Negotiated Rulemaking would make the suggestions through the proposal to the Commission based on its consensus process. Does the Commission have the ability or authority to amend that proposal? Does it still have to put out for public comment? Is the Negotiated Rulemaking considered to be the public comment?

Eileen Ryce, Administrator of Fisheries, answered that she would refer the questions to FWP legal counsel to answer.

Aimee Hawkaluk, FWP Legal Department, advised that the Negotiated Rulemaking would not do away with any of the rulemaking process. It would be a committee forming the proposal as Eileen outlined. That proposal would be the starting point for MAPA Rulemaking. It would go through the normal MAPA process, public notice, public participation, and the Commission would be able to amend it so long as they were able to normally amend it under the normal MAPA process. She advised that the reason for saying "so long as" is because depending on what we have for public comment, it may need to go out for further public comment based on certain amendments. Basically, the Negotiated Rulemaking piece is just the starting point.

Chairman Vermillion stated that he was interested in one of the things that Eileen said about the Director asking for a six-month window as far as this process taking place and to get these rules into effect by the 2020 season. This essentially starts March 21, 2020. It is June 10 today, so we have about 18-20 months before that date kicks in. I am having a hard time understanding why six months and is this starting in September?

Eileen Ryce, Administrator of Fisheries, advised that they have sketched out a timeline that could be used. If we are given the direction today to move ahead with Negotiated Rulemaking, the first step would be the notice the public to receive notification. That notice will be out for 30 days and would come back to you with a proposal on membership of the committee, proposed scope of work, and proposed timeline. We expect to be able to have that back to you by fall of 2018. Then we would start the Negotiated Rulemaking process during the six-month period and then winter 2018-2019, complete it to present back to the Commission late summer of 2019. She would hope to have in place for the printing of the 2020 regulations which will need to be finalized by October-November of 2019. Does this answer your question Chairman Vermillion?

Chairman Vermillion answered yes.

Ms. Ryce went on to talk about an alternative B. As we are discussing time lines, one of the big differences between alternative A and B is that with B we could potentially use the existing Region 3 CAC and adapt the membership to represent the necessary stakeholders. The challenge with this is we wouldn't be able to define a time. The Department would not be a part of the committee but, would be staffing the committee. We would not be able to set the timelines. This option could be quicker or longer. What we are shooting for is to have a finalized product by October-November of 2019 to put in the fishing regulations for 2020. Apart from that, using the CAC would be similar. It would be committee based not consensus based. As I mentioned, the Department would staff it and not be a member. Another concern we have is that this is similar to the process that we have used already. The Madison CAC was formed and provided a proposal to the Department. The original first proposal from the CAC was not implementable. The Department then took that proposal from the CAC and amended it. We then presented it to the Commission in April and got rejected. A version of this has been tried previously. A benefit is that you all know how the CAC system works. It is very similar to how we have done other river recreation rules.

Chairman Vermillion wanted clarification on the CAC that is being discussed. Was the one that was formed in 2012?

Ms. Ryce stated that this was not the Madison CAC, this would be the existing established Region 3 CAC adding representation to ensure all stakeholders are represented. It would then be up to the CAC to identify membership. This is the big difference between this and Negotiated Rulemaking where we put out a call for membership, take applications, and take membership as we do with other committees. The commission then makes the final decision. This would essentially work as any other CAC in the Regions.

Chairman Vermillion asked if this included an opportunity to create a Madison River specific CAC or do we have to go through the existing network?

Ms. Ryce explained that they could certainly do that. The concept of alternative B is to use a CAC. We can call it the CAC whatever you want.

Commissioner Colton wanted to clarify the proposal that came through the CAC. That CAC was a Madison CAC that was done in 2012 correct?

Ms. Ryce answered that was correct.

Commissioner Colton stated that as it is posted here to use the Region 3 CAC and then leave it up to the CAC to expand the membership to include stakeholders.

Ms. Ryce stated that the Department would provide recommendations but, we wouldn't have any control and neither would the Commission over the actual membership makeup of that committee. We would with Negotiated Rulemaking. With Negotiated Rulemaking and the public notice, we would identify that these are the groups or parties that we would like have recommended. The applications that we want to receive and we would review those and make recommendation to you for final decision making.

Chairman Vermillion asked what if the Commission wanted to set up a separate CAC for the Madison? Walk us through the process identifying who the members would be, how we would define the scope work and the time line.

Aimee Hawkaluk, Attorney, Legal Division stated that it would be like setting up any other CAC. If you wanted to do something like alternative B, but under a different CAC from the Region 3. You would specify that in your motion and we would go from there. Does that help answer the question?

Chairman Vermillion stated that the Commission then has the authority to decide whether to set up a separate CAC for the Madison. There are Administrative Rules he is assuming already exist that would define how we pick or how the Department would pick. Usually it's the Director that selects the members of the CAC. Correct? The Commission usually doesn't have a role to play until the CAC produces a work product that goes through the Department process and then presented to the Commission.

Aimee Hawkaluk, Attorney, Legal Division stated that is correct. That would be subject to the same MAPA Rulemaking requirements as the other options.

Chairman Vermillion stated that of the three options It seems we have a good understanding of option C. It seems like option B setting up a specific CAC for the Madison allows for the Department and the public that is specifically interested in the Madison River the most opportunity to participate in crafting a plan. Is that accurate?

Eileen Ryce, Administrator of Fisheries stated that the big difference between in Negotiated Rulemaking and using a CAC is that in using a CAC, there would be the ability for the CAC to take longer than the recommended time line because they are not restricted by statute.

Chairman Vermillion stated to define the scope of work.

Commissioner Colton stated that he wasn't sure that they could direct the CAC to that degree. He thinks that they could make it clear that we are not going to vote on it.

Aimee Hawkaluk, Attorney, Legal Division, stated that she agrees with Commissioner Colton. When you look at the Negotiated Rulemaking Act, the structure is built into the Negotiated Rulemaking process. It is a facilitated process that can set parameters. Whereas with the CAC it is a little more out of your hands. You could say that if you come back to us after a certain day then we don't intend to put it out. But, in the Negotiated Rulemaking process you can specifically define those things.

Commissioner Colton stated that for further clarification we look at the way option B has been presented, we can use Region 3 CAC to go forth or we can put a call out for new members. If the Commission is headed down that road, we need to have some level of comfort of the existing Region 3 CAC, it's membership, and its attachment to the Madison. Reasonably so, we may be handing out a large amount of authority to that existing CAC or the new CAC that may be making the proposals.

Commissioner Aldrich stated that we appointed the CAC for Region 3. I have never applied here. I have been on one in Region 2. He is not sure that you would get the right mix to do that. He thinks that care is needed to go forth and he wants to make sure that the rules are the rules and what is expected of the CAC as far as the product to give to the Department. It needs to be looked at very closely. If you look at **12.11.430- River Recreation Management Plans and Rules: Citizen Advisory Committee Responsibilities**, there is a section that states specifically what they are supposed to do. He is not sure that happened. Who does what should be noted. There is oversight noted in the rule currently that you don't allow them to come up with things that are not affordable or not possible. Somehow that is where they got off the path. He stated that he has his biases about that. He feels that it needs to start out right to end right. He is not sure that the last process started out right as to what we held the Citizen Advisory crew to do and the role the agency played in making sure it happened correctly.

Eileen Ryce, Administrator of Fisheries stated that she wasn't sure if there was a question there. As for the membership of the Region 3 CAC, she wanted to point out that there is a gap in terms of not having commercial interest on the CAC. The advantage again, of the Negotiated Rulemaking is that you get to identify what entities you want to apply to be a member of the committee. We would then make a recommendation and you would choose from that. We should get through all four alternatives.

Aimee Hawkaluk, Attorney, Legal Division stated that she is hearing a lot of questions coming up about structure that are in place for Negotiated Rulemaking. She stated that as far as the CAC process and you would solicit applications for members on the committee. There is a person representing the Agency. The Agency so includes the Commission. So conceivably, a commissioner could serve on a Negotiated Rulemaking committee. There is a requirement that it be facilitated by an impartial facilitator. Another requirement is that they produce a product or report to come back to the Commission. At the end of the process they can say that these are the areas that consensus was reached or not reached. A lot of those side boards are in place for Negotiated Rulemaking. She did not see as many for the CAC process.

Chairman Vermillion asked if it is a gross generalization to say that the difference between the Negotiated Rulemaking and a Madison specific newly formed CAC that a primary difference is on the Negotiated Rulemaking, the Department and potentially the Commission have a seat at the table as an equal participant with other members whereas on the CAC we would simply be advisors to facilitate the conversation. The other part of the structured Rulemaking is that you have a paid professional facilitator, not that the Department doesn't have the same people in house. From a third party, there would be a paid professional.

Aimee Hawkaluk, Attorney, Legal Division stated that was correct. There would be a paid facilitator. The differences in membership as you identified are also correct.

Eileen Ryce, Administrator of Fisheries stated that alternative C would be the quickest of the first three alternatives. This would be to take what we proposed back in April. We would amend it based on the comments that were received and bring it back to the Commission for review. A big disadvantage of this is it is not committee based. It would be purely based on the comments that were received and heard during the Commission meeting in April. The advantage is that it could be done quicker. This is probably the one that if we wanted to have something in place by the end of this year, would be one of the alternatives that would get it done quickly.

The last alternative is what we are calling the no action alternative. This will maintain things as is. The Department does not recommend this one primarily based on the April Commission meeting. We did hear comments to the effect of a rule is not needed. Everything has indicated that we need to do something. More of the discussion is based around what that something is, how that something is created, and both of which you heard. Last meeting, we were off base on this. We would not recommend alternative D. It would not address any of the problems that we have.

Chairman Vermillion stated that is one of the unique things that did occur in April was that on this issue, he has yet to talk to anybody, whether a commercial interest or non-commercial, birdwatcher or whatever, that they all feel we need to do something. That is really unusual. With the Commission, when we are trying to make these kinds of decisions it's unusual to hear from people to say "Do nothing". He doesn't hear that. He knows that there are a lot of folks that want to weigh in in this. He feels that this is a good starting point. There is a broad-based consensus from what he can tell.

We as a community, whether commercial, recreational, non-consumptive users, property owners, and others that have nothing or everything to do with the river but benefit from its presence in the valley. Something needs to be done. What our charge is today is try to figure out the best way to move forward. We want to give the public the opportunity to have the conversation it needs to come up with a proposal to address the fundamental values that everyone seems to support. We need to come up with something that works for 20 years. He thinks it is better to come up with something that works correctly rather than something quickly. He would like to see a rule that can be relied upon for 20 years that sets a good plan going forward that allows for amendments and people to weigh in on a regular basis. He feels that this is something that shouldn't be rushed. We want to get this right. What is the Department is asking of the Commission today?

Ms. Ryce answered that what they are looking for is your decision on which of the four alternatives you would like us to move forward with. the Commission cover sheet we did a not make a recommendation besides not recommending alternative D. After significant input from legal review within the Fisheries Division and the Region. We now know more about the Negotiated Rulemaking. We are probably leaning more towards that. We agree with Chairman Vermillion that we want to do it correctly. We would rather get it done right rather than quickly. We are committed to have it ready for the 2020 season if we can get it ready under the Negotiated Rulemaking. Her concern in using a CAC that could put us in a position next fall 2019 if the CAC does not have a product ready for 2020 season. I think though apart from the structure that Aimee laid out in statute. Both Negotiated Rulemaking and using the CAC is similar in that they are committee based. As you have all mentioned, much consideration must be given to the proper make up of those committees. Within Negotiated Rulemaking that is very well established in terms for going out for public notice applications and so on.

In terms of what we want from the Commission is to point the Department in the direction that you want us to go. We want to make sure that the next product that we bring to you is going to make it out this room and into public comment.

Chairman Vermillion stated that it strikes him that timeline is another piece of general agreement that we have. We want to do this correctly and not necessarily quickly. There could be problems down the road if not done correctly. Having a reasonable goal of hard implementation in 2020 is consistent with what he is hearing from others. It really comes down to whether we want to form a site-specific CAC that deals with the Madison on its own or engages in structured Rulemaking. The question is that under both, you have the ability to take applications and figure out a good representation on the CAC. This is so everybody's interests are considered. Does the Commission think that it is worthwhile to have a professional third party facilitator with a concrete time line? Or is more comfortable to go with the CAC path that gives more flexibility to the decision making that is set up.

Commissioner Colton stated that it is a difficult question because under any of these scenarios, he feels that they are leaning towards options A or B. We don't know what the future make-up of the Commission is going to be. There may be new members to the Commission as he and Tim have not been reconfirmed. There are three unknowns. He wanted let everyone know that that Commission did not mean to cause any confusion in the April meeting based on their actions on what was going to be done today. The comments that he has been getting are not regarding the process today but, has everything to do with specific items of the plan. That is not what we are here to talk about today. That was not directed by the Commission and we did not send it out in that fashion. In the future, we will make sure to work better with the Department so the public understands what the action item is. He received 30 comments that were about specific items. We are not taking comment on those today. We are deciding on how the process for Rulemaking will go.

Commissioner Aldrich stated that he is more comfortable talking about a recommendation rather than the Commission telling the Department on how to do the job that is theirs from the beginning. His concern is that he is not in favor of subscribing to this. He has been involved with structured decision making before. The key to this whole thing as far as he is concerned is that you must start out recognizing the issues that you are trying to solve. Do we or don't we have a problem. If we don't have a problem then it is easy. There is work that needs to be done to make it what you want. He thinks the guidelines in the rule are terrific. They are right on point as to each step you take as you go down the road. There is a lot of information as far as he concerned.

Commissioner Aldrich also stated that in rulemaking you use the best information available. There isn't always have the option to get the best information possible. Unfortunately, that is where we are right now when we don't have any amenity values we have and they don't last forever. He thinks that intent of the river recreation project is to determine what is important as we go on finding ways to solve the problem. We need to get something done and he doesn't feel that options C or D will suffice. He agrees with the rest of the Commissioners that this must be done right. This river is ripe for having a plan that we can all buy into. He feels that option A or B is better. If the Department feels that option A is better, then he is okay with that.

Vice Chairman Stuker stated that he agrees with a lot of the comments. He is for either option A or B. He is not necessarily in agreement with Commissioner Aldrich regarding that if option A works for the Department then that is the way we should go. He thinks that they should have the alternative that we think will work the best as a commission for what we are trying to accomplish. If that is the CAC specific to the Madison, then that is how we need to go. He advised that he did like parts of both options, more structure and perhaps a moderator. If we could do that, he would go for option B. Again, as was stated earlier, we have to do it right.

The proposal in April did not look that way to him as the right way to go. He wanted to apologies for the misunderstanding that he feels was out there. Vice Chairman Stuker stated that he had received phone calls about not allowing public comment. But we did allow public comment at the meeting and from the regions. This is part of the normal process that we have. He would not vote for some alternative to send out that I think has no chance of success or not something I can vote for at the end. That is why in April, he voted against the proposal. It did not address what really needed to be accomplished and address all the issues of the Madison River. As he stated in April, what we come up with here could very well set the blue print for future rivers and other streams. He advised that he is for option A or B. He could go with either. If we go with one or the other, we should choose one that is better for the individuals that recreate on the

Madison. It would help to come up with a specific suggestion for the Commission to look at, We want something that we could put out to the public. Thank you.

Chairman Vermillion had a question for Legal about when he was on the Madison Valley elk working group and on the Archery Breaks working group, both of those had Ginny Tribe and Dr. Mitchell from U of M as a facilitator for CAC's. They were not structured Negotiated Rulemaking. He asked if the Commission has the authority to say that they would like a CAC or Madison River working group that includes a third-party facilitator. If it does, then that would be a good option.

Aimee Hawkaluk, Attorney, Legal Division, stated that is an option. If the Commission wants to go the route of a facilitated CAC discussion, then that should be something that you provide in your motions. You should specify that as it is not inherently laid out in the process. As you stated previously, it was used this way before and there is potential for it.

Commissioner Colton asked to have a distinction between the selection of the rulemaking committee and the selection of a Madison River rule specific CAC.

Aimee Hawkaluk, Attorney, Legal Division, stated that it is her understanding that a Madison River specific CAC would be the same selection process as for any other CAC. It would be through the Department and the Director. Whereas the Negotiated Rulemaking Process has a publication requirement that goes out about the CAC for the Commission to solicit membership. Membership would then be selected from the applicants. There are criteria in statute that talks about selection of applicants. That being the type of individual who is willing to work together and who is willing to come to consensus in good faith. There would be a need to identify the interests that would be significantly affected by the rule and have the membership reflect that as well. They are both outlined differently but ultimately the Commissions would make the decision for the committee on Negotiated Rulemaking.

Commissioner Colton stated that then Commission would make the decision about the committee. The decision that the Commission should make is do we want to take ownership of this committee or do we want the Director to take ownership. The citizen body in many respects of the committee that we select will be inherited by a different commission. He thinks that the process that engages the public the most, that limits criticism that it wasn't an inclusive process and the fix was in so to speak as to who was going to sit in on the committee. Avoiding those criticisms even though its cumbersome, he feels that option A in the Negotiated Rulemaking is what he would be most comfortable with. He is open to more discussion and would like more direction from the Chairman if he wants to make a motion.

Chairman Vermillion stated that he would like to make a motion. But, before we do I would like to hear what Travis has to say in Region 3.

Travis Horton, Fisheries Manager, Region 3, stated that they had a facilitator for the past 2013 Madison River CAC and it was Ginny Tribe for that process.

Commissioner Brower stated that after listening, it seems as if the Commission is wanting a facilitator in forming a specific CAC. He feels that he would then be more in line with Commissioner Colton. If we are going to bring in all the various entities and individuals together then we should be giving them an opportunity for direction, structure, and support. The Negotiated Rulemaking process is therefore reasonable. That situation seems to fit that region. That is where he is leaning.

Vice Chairman Stuker stated that the comment was that we give up some control. He never really heard what control we are giving up if we go with the facilitated option A.

Aimee Hawkaluk, Attorney, Legal Division, stated that knowing the statute, the control that is being given up is only the control over the initial proposal itself. After that as with any other process, it must go through the rest of the regular Rulemaking process. There is a specific requirement that the committee's proposal is the one that is put out as much as legally possible. From then on, you could amend it as necessary. The other piece to that she would like to clarify is a Negotiated Rulemaking. The Agency ultimately makes the decision and there is a requirement for an agency member, a commissioner to participate in that process.

Vice Chairman Stuker wanted clarification on who actually picks the committee. Is it the commission, the Director, or is it someone in the Department?

Ms. Hawkaluk stated that it is the Commission. It could be as Commission staff we could help facilitate. It is the Commissions choice as to who would make the membership.

Vice Chairman Stuker stated that the Commission would pick a number of people from the applicants.

Ms. Hawkaluk advised that was correct.

Chairman Vermillion wanted to clarify that the statue states "may have" a commissioner and a member of the Department or "must have"?

Ms. Hawkaluk advised it is "shall have" a commissioner and a Department member could be something you could include as well.

Commissioner Colton stated that if the Commission wanted complete control of this then Option C could be the one and for another month we would get the rule. We could make changes to it the way we would like it done. We would vote it through. But, he feels that the Commission would not want to do that. He doesn't think that is a good way to make rules.

Vice Chairman Stuker agreed that control is not the main issue. He just wanted to know what was being given up and to have that stated in the minutes. That was what he was looking for.

Chairman Vermillion stated that the Commission needs to decide on how to move forward. He advised that he is going to continue to recuse himself. He asked the Commission to go ahead and make a motion and passed the gavel to Vice Chairman Stuker.

Vice Chairman Stuker stated that out of the alternatives out there; again, if someone on the Commission would like to make a motion to give some direction that is how we will proceed.

Proposed Motion: Commissioner Colton moved and Commission Brower seconded that the Fish and Wildlife Commission direct staff to follow the process for Alternative A.

Vice Chairman Stuker wanted more clarification on the part that said a commissioner will be on the committee. But, it should be stated in our motion that if we needed someone from the Department, or maybe we could do that later.

Ms. Hawkaluk stated that the Commission did not have to do that now as that would be part of the publication process.

Commissioner Colton stated that he struggles a little between option A and B. As we noted, that Negotiated Rulemaking is not something that we do very often. Although he made the motion, he is not sure that he is committed to A. Right now, he feels that this is the best option even though it will be expensive. It is important to get this right. This is probably the best process. The Beaverhead Big Hole rules were a CAC process and they were good. As we have found, there is criticism and the public process is the best option. That is option A. He is very willing to hear from the public.

Commissioner Aldrich stated that when he first looked at this that he went into the statutes. After all this dialogue, maybe this is what we need. As much as he hates to admit it, it takes more structure to get lined out right. We need to come up with something that is truly representative of what everyone agrees. We want presentation. There are some tough issues that need to be faced here. This might be the tool that will work. He feels that this guideline is the right one at this point.

Vice Chairman Stuker asked Commissioner Brower for any other statements on this.

Commissioner Brower stated that structure and support is good as we take on this issue.

Vice Chairman Stuker stated that they were going to go to public comment. They would only be addressing Option A or Option B. Comment time would be limited to three minutes per person.

Public Comment from Helena.

Brian Ohs, Montana Trout Unlimited, greeted Commission. He stated that the Madison Valley Chapter of Trout Unlimited is tossing this around in the same fashion that you are. He is reluctant to get ahead of them and support A or B. He just wanted to be on the record to say that they are opposed to no action. He thinks that Chairman Vermillion said it well about the importance of moving this forward. It's not going to get better in a year. It's not going to get better in five or ten years. He appreciates that the commission is moving ahead with this proposal on the Madison. Thank you.

Lauren Wittorp, Executive Director, Madison River Foundation, greeted Commission. She would like to comment on Option C and that you want comment on Options A or B. The thought with option C was that we had already done a CAC. We wanted the plan as was so that it could be moved forward to the public. So, with that said we would take option A and hope that we could be part of the process. Thank you.

Mike Bias, Executive Director, Fishing Outfitters of Montana, Greeted the Commission and stated that in April with the initial rejection of the plan, the Madison outfitters and most of them SRP holders got together to develop some ideas about what we can do as commercial users. We would like to go forward and help with this process. What we came up with is we have support from Fish, Wildlife and Parks and the raw data that help develop the initial plan. We have input from commissioners as well. We acquired the Madison River SRP email list so that we can contact the SRP holders. We want to let them know where we are as commercial users and keep them up to date. We are developing a steering committee comprised of commercial users and outfitters. We hope to submit recommendations that will be available by mid-September to the Commission or the Department. We would like to see some commercial use or interest put into the plan. We are also opposed to no action. Regardless of whether you go with option A or B, at a minimum, we would like to see commercial interest on the committee represented. We would love to help in any way we can. Thank you.

Sam Dragovich, Skyline Sportsman Association, stated that their concern was that no one has fished the Madison in a long time. He advised that when he looked at the charts and numbers; the Madison River is not the Madison River anymore. We need to do something. He used to float the river in the 1960s. He drives by there now and shakes his head. We are losing an iconic resource. That resource belongs to the public. We came here today to make sure there was public input. The Department has collected a lot of data on this. He feels that 2020 is too late to put something in place. You took a plan developed by professionals which took ten years to gather data and gave outfitters an opportunity to weigh in to along the way. The suggestion would be to look at option C. Implement that instead of a process of two years. He feels that in two years there won't be anything to fight over. Thank you.

Nick Gevoc, Conservation Director, Montana Wildlife Federation, stated that they support option B. He has been swayed by the conversation here: either way, A or B. This continues to point towards the west fork of the Bitterroot with a lot of diverse interests coming in and everybody giving up something. It was remarkable back in December when you approved that. One of the things that held that process together was having a mediator there. They support B but, A would be fine too. It certainly gives it structure. We are going to have to give something. Something needs to change. Whatever you choose to do, we have members that could serve on the committee from the Ennis area. Thank you.

Tony Schoenen stated that he served on the Beaverhead/Big Hole Rules CAC. He agrees that it is important to have a mediator. Pat Flowers from Region 3 was the mediator at that time. It was comprised of outfitters and interested parties. He was an outfitter for 50 years. The thing that he would like to emphasize is that the public is the one that owns the river. You cannot leave the public out or there will be a similar issue to what happened with the game outfitters. Eventually the public was so upset that they took the initiative that basically gave way to a set aside. Right now, we have an opportunity to do something right for the Madison. He advised that he had fished the Madison for a long time. He will not fish there now. When you have to fish behind 20-30 boats each time, that is not a public river any longer. Option C looked good because it was quick but, not easy. We need something to happen fast. If you wait a couple of years, the problem is going to get worse. Option A would be the legal aspect. From being in court as much as I have, I think that is important that you do this right and involve the public. He is glad that the Commission read his letter. Thank you.

Dave Vlatamoore, Madison Valley Resident, He advised that he cannot endorse option A or B. He would rather that the Commission choose C because it is timely. He feels that time is of the essence right now. Any action that you choose should be very wide spread and not just the commercial aspects, but all users. He lives on the river and he watches it every day. You make all the regulations in the world that you want but, with no law enforcement presence it's a waste of time. Thank you.

Ed Parrish, Cameron Resident, stated that as soon as you released this on April 19; a 67-page recreation plan that I read three times. With the overcrowding of the Madison River, Fish, Wildlife and Parks spent an awful lot of time and effort looking at all aspects of the river. He has been involved for over nine years with how the Madison River can be improved as a fishing experience. He has questions. The first question is that he needs clarification on how many licensed outfitters are permitted and how many boats a day are on the Madison. He was having trouble getting the information.

Vice Chairman Stuker asked if Travis could answer Mr. Parrish's question.

Travis Horton, Fisheries Manager, Region 3, stated that historically there have been about 300 outfitters who have had an SRP. There are currently around 217 and that was also including livery. There are currently 170-180 outfitters on the river as of 2016-2017 data. Lastly, there is no limit on the number of boats for an outfitter.

Mr. Parrish stated that the answer then would be around 217 with no limit. He thought he read in the paperwork that it was 10 boats a day per outfitter.

Vice Chairman Stuker advised that what was part of the proposal.

Mr. Parrish stated that would be around 2000 boats a day from Ennis to Quake Lake. That is unconceivable. The second thing that he wanted to say was that he thought that this was so well done, why can't this draft unchanged since April 19 go out for public comment and forget all the options present today.

Vice Chairman Stuker stated that in the proposal there is over 2000 boats a day could be on the river and that is too many. You said that and I agree. That is one of the reasons that I voted against the proposal on April 19. There will be a chance for public comment moving forward. Option C is not what is on the table right now. We will take what you said into consideration. Thank you.

Mr. Parrish stated that his request was to forget all options and go back to the proposal.

Vice Chairman Stuker stated that was option C.

Keith Shine, Cameron Resident, stated that out of this meeting today that two things seem important. One was the statement from the Commission that whatever process you choose be open and straight forward as possible with the public as much as possible. The other comment was that public comment was allowed at the April meeting. As a member of the guardians of the Madison and a conservationist, He feels the meeting was hijacked by the commercial interests. People like me did not get a chance to speak. Since that ship has sailed, the burden on you as a commission should you choose option A or B is to make sure that the committee does not get overwhelmed by commercial interests. It behooves all of us in saving this river to populate the committee in a way that is equitable determined by use. The commercial use is what overwhelms the river. They have a small part and they should have a very small say. Thank you.

Vice Chairman Stuker agreed that however they form this committee, it has to be represented by all users. It needs to be a fair balance.

Howard Thompson, Member of the Guardians of the Madison and Outfitter, stated that he is not a large outfitter and in the past when he came into this game, you had to be an outfitter if you were going to be an independent. There was no such thing as a licensed guide who had independent qualities. His comment is simply this; being a citizen of Madison County for 35 years and seeing the growth patterns of the Gallatin Valley, the Madison Valley, and all southwest Montana, whatever proposal you come up with you may want to leave some

room to govern all user groups. He thinks that he may not have a popular opinion but, to limit outfitting, might be okay today. He guarantees that the Department and Commission will be redoing this if not sooner. Thank you.

Region 3 comment.

Robin Cunningham, Outfitter, stated that he is very experienced in decision making processes such as the one today. He will try to bring the topic back to either A or B. Commissioner Stuker has outlined the positive aspects of the Negotiated Rulemaking process. It's foreign to many folks but, it is well structured. He has looked to the future replacement inevitably on the Commission and to have a structured process in place. He speaks for only himself regarding option B with the characteristics that it come from the Negotiated Rulemaking Process, certainly a mediator, certainly a consensus decision making process. This would be so people don't think that they can dominate purely by vote. Most of his experience with CACs is mostly situations like option B, not with Negotiated Rulemaking. He thinks that option B could work and gives more involvement from the commission level. That is the decision point that you have in front of you today. Thank you.

Brian McGeehan, Outfitter, Bozeman, stated that most of his business is on the Madison River. He was chatting with Mike Bias, Executive Director of FOAM as well as many other outfitters, that the Madison is very important to their businesses. The consensus of the outfitters that he has visited with is a strong feeling that they would like to participate. They would like to lend recommendations recognizing it is a collaborative process that welcomes all public input. In terms of A or B, he does not have a strong recommendation. Either way, there seems to be an opportunity to participate and express recommendations. He thinks the primary goal for us is to have some specific recommendations. We are also time sensitive. In an ideal world, we would like to see a very fast action plan that is ready for 2019. He agrees that this is a very important river that will set the president for other rivers in the state. Recreation is popular not just with residents of the state but, with people from around the world. The demand for recreation is only going to increase. Trying to get ahead of that and think it through in a careful way is desirable, even if it takes a little longer. Thank you.

Clint Sorensen, Bozeman, stated that he would like the Commission to consider option C as others have said. He has read through the entire assessment. It clearly shows that the Madison River has a crowding problem, especially from May to September. It gets worse every year. If you look at the numbers of fish per mile, The Madison River is as healthy as it's ever been. Unfortunately, is not just about the fish. The fact that 68 percent of FWP survey respondents considered themselves avid anglers have quit fishing the Madison River all together. This is due to the crowding issues and shows the severity of the problem. It makes him sad to hear the older generation say what they said today. The experience of the average river user has declined due to overcrowding. Mostly because of non-residents and outfitters who at times compromise about 79 percent of the people. If there are only so many spots on the river, why do we let most of those spots be taken by non-residents? I am struggling to understand why fishing on the Madison River is anything different than big horn sheep hunting. A limited resource that is in high demand. Big horn sheep hunting a maximum of ten percent of the tags and opportunities are given to non-residents. Why then, have we limited natural resource such as the Madison River, do we allow non-residents to have up to a 100 percent or in this case 79 percent of the spots on the river. Why aren't we limiting the number of non-residents and outfitters? This would be the only fair solution for Montana residents that you represent and should support. He supports limiting the total of non-resident on the Madison River. He also supports reserving sections of the river for resident use only. Limiting residents and outfitters to certain sections that day. This would rotate daily. He believes that these are the only fair options.

No public comment from other Regions.

Harold Johns, President, Skyline Sportsman Club, stated although he is not a fisherman, his experience with the Madison River has to do with our meetings and so forth. He wanted to mention a young man that dates his granddaughter. This young man likes to float the river and fish. He compared floating the Madison to driving down Main Street. Something must be remedied. If you going to let this go until 2020; we know from the last ten years that the number of people on the river has gone up ten percent per year. We are then up 20 percent so what can you do? There are three entities involved here. One is the outfitters, then the non-residents, and the public. If you consider limiting outfitters which is not a popular idea. As an independent businessman, he is sure that they all believe in free enterprise. In terms of limiting non-residents, we cannot limit the public use of that river because they own it. We have the tendency to forget that sometimes. Please consider that and encourage you to get this done. It's going to get worse every year. Thank you.

No further comments.

Vice Chairman Stuker stated that what they have on the floor at this time is a motion for Alternative A. Are there any other comments regarding that?

Commissioner Colton stated that he appreciated what the previous gentleman had said about time being of the essence. He has a lot of respect for Mr. Dragovich and his advocacy. He is concerned about the timing too. We simply cannot move forward with the proposed option C. In order to put something together, we have to approve it by October to get it in place by March of 2019. The Commission was unanimous that the product that came to them in April was not something they were comfortable with to even send out for public comment. He apologizes for that. He still feels that was the right determination. We made that decision in part by a lot of the things that were heard here today. That is 200 boats and permits times 10. This was an exponential growth that we couldn't get our arms around. That was one of the many problems this commission saw. That is why we voted it down. He maintains that the best option is A. It will ensure that this process is completed in time for a vote and go into effect in 2020. It's a committee that will need to work toward consensus. They will submit a report on the item they worked on. Coming to a consensus on the rule also provides information on what they did not come to a consensus on. Anyone outside the consensus group can submit to us as well. It also puts the burden back on the

Commission of reconciling. It seems that would be a better process than trying to get a consensus out as a CAC on something like this. He is going to be consistent in supporting his own motion.

Vice Chairman Stuker advised that he agrees with Commissioner Colton that alternative A is the way to go. He wanted to thank all the individuals that did come today. It's important to have those comments. Going forward, the Commission is dedicated to trying to ensure that we get every stakeholder out there involved and that we get their comments. That is going to be very important once we go through alternative A, the procedure to get a plan and to send it out. We will take that and give it to your acquaintances and have them comment on it. He feels that the other Commissioners agree in reading every comment that comes forward and considering each point. He hopes that when that time comes around, whether you support or oppose, please include any suggestions that may be different. If you think you have something that may improve the plan, please put that in your comment. That will be important to the Commission. Does the Commission have anything to add?

Commissioner Aldrich stated that the river is over used. The recreational experience has drastically changed. It's to the point that people are going away. Something must be done. Alternative A provides perhaps the best chance to look at measures that actually deal with that. This is what is important. Something needs to be done. Alternative A provides the most assurances so that they can get this done.

Vice-Chairman Stuker stated that they would vote on the motion.

Motion passes 4-0

Vice-Chairman Stuker instructed the Department to move forward with alternative A. He advised that even though Chairman Vermillion chose to excuse himself because of concerns with conflict of interest. He advised that if he must oversee the selection then he will discuss that with the Chair. They will then get back to the Department regarding that. He turned the gavel back to Chairman Vermillion. Thank you.

Chairman Vermillion stated that completes our formal agenda.

29. Public Comment for Issues Not on This Agenda

Tony Schoenen stated that he has been working on a fishing access in the Big Hole called the Mallin Access site for almost 16 years. We have a deadlock with the Transportation Department. He advised that he called Jim Yetz and asked who owned the river. That portion of the river is navigable as they floated logs down the river for Gold Ridge Mine. What he is asking the Commission to do is have someone who is qualified that knows about boating and floating in the area. When the Department got involved and said that the access that we proposed (and paid \$10,000.00 for a survey for) isn't safe. That was the Departments recommendation for the site. That it wasn't safe. Can we get someone qualified from the Department with Skyline and trout Unlimited to reassess the site? Thank you.

Kelly Harris, Vice President, Greater Prickly Pear Mountaineers and Mad Dog Association, stated that he is here with the president Tom Casey. He stated that they are newly formed organization. They have previously been in contact and have written letters. They are here to request a removal of the mule deer tag requirement that has been in place for the last 18 years in area 380. We have spoken with Jenny Sicca and Adam, a biologist in that area. We would like feedback from the Commission about time frame and how we can get that on the agenda by the current season. We would like to know how to get this handled in a timely manner. The biologist that we have spoken with show support of this. Again, we would like to know how we can get this on the agenda at one of the meetings and get things sped up. Thank you.

Chairman Vermillion stated that the best person to visit with about this would be Quentin Kujala. Generally, we set up our big game seasons for a two-year period. The most recent one we set for 2018-2019 seasons. The regulation is currently in effect through 2019 unless there is a compelling reason to a mid-biennium visitation. We typically don't unless it rises to emergent circumstances that require action from the Commission in December of 2019. If you want to petition, he recommended reaching out to the folks in Libby as they have done a similar thing. The process they followed worked well. You can contact Tim Aldrich and get numbers for those folks so you can find out how they did it. The realistic answer to your question is December 2019. If you choose to try earlier than that, it will have to be a very compelling biological reason why we would need to look at that before December 2019.

Bill West, Red Rocks National Wildlife Refuge, stated that he would like to thank the Commission for adopting the proposal that they made. He would like to invite everyone down the Centennial Valley to see all the collaborations and the recovery of arctic grayling. Thank you.

Tad Sweet, Idaho, stated that his property is next to Red Rocks. He is not a resident of Montana but has been buying licenses for the last 40 years at a premium price. He thanked the Commission for supporting Red Rocks. He impressed with the whole process altogether and the work that went into it. Thank you.

Katrina McLaughlin, Bozeman, stated that she is here about a big horn sheep petition. Glenn Hawkitt has also spoken to you about this. I wanted to give you an update as she had talked to the Commission and staff earlier about concerns.

Chairman Vermillion reminded everyone that a work session has been set up in November for this very subject.

Ms. McLaughlin stated that they have a current draft of the petition that some of you have seen. They hope to submit that in September 2018 in anticipation of next hunting season. We don't want the conversation to die now until the fall. This issue is not going away. We think the current status-quo for hunting sheep is a violation of the Commissions public trust duties. If we continue to hunt sheep by the current regulations, then it sends a picture to the public and other organizations that everything must be okay. It is not. This is the publics resources and could mean extinction from landscapes. The genetic deterioration we are facing right now is unacceptable. We have been saying these things for a few years now. We appreciate all the time you all put into this but, we think that serious consideration is needed. Thank you.

No additional public comment.

Motion: Commissioner Colton moved and Commissioner Aldrich seconded that the meeting be adjourned.

Motion passed. 5-0

Meeting adjourned at 3:00 PM.

Dan Vermillion, Chairman

Dustin Temple, Deputy Director