

**MINUTES**

**FWP Headquarters – 1420 East 6<sup>th</sup> Avenue-Helena, MT**

**April 18, 2018**

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

Fish, Wildlife & Parks Staff Present: Martha Williams, Director and FWP Staff.

Guests: April 18, 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 the December 21, 2017, February 15 and March 12, 2018 Commission Meetings
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. FY 2020/21 Budget Priorities – Final
7. Missouri River Broadwater Bay No-Wake Zone (R4) – Final
8. Madison River Recreation Plan - Proposed (R3)
9. Fishing Regulation Changes:
  - Mandatory Kill and Reporting for Kootenai River Brown Trout below Libby Dam (R1) – Final
  - Fishing Regulation Change for Red Rocks Lake National Wildlife Refuge (R3) – Proposed
10. River Safety Closure to Replace Bridge at Bonner on the Blackfoot River (R2) – Final
11. Fishing Access Site Acquisition on Beaverhead River at Selway Bridge (R3) – Final
12. Little Muddy Creek Fishing Access Site Easement (R4) – Endorsement
13. Intake Dam Fishing Access Site - Land Management Agreement with Bureau of Reclamation (BOR) and BLM Transfer to FWP (R7) - Endorsement
14. Glendive Chamber of Commerce and Agriculture Paddlefish Grant Committee (R7) - Final
15. Aquatic Invasive Species Watercraft Inspection Site Leases – Final
16. Montana Chronic Wasting Disease Management Plan - Final
17. 2018-19 All Migratory Bird Regulations - Final
18. 2018-19 CSKT Pheasant, Partridge & Waterfowl Hunting Regulations - Endorsement
19. 2018-19 Peregrine Falcon Falconry Take - Final
20. 2018 Mountain Lion Quotas - Proposed
21. FWP Statewide Forest Management Plan - Final
22. Mount Haggin Wildlife Management Area Habitat Project #4 (R3) - Final
23. Aunt Molly Wildlife Management Area Grazing Lease Renewal (R2) - Final
24. Beartooth Wildlife Management Area Grazing Lease Renewal (R4) - Final
25. Birdtail Conservation Easement (R4) - Final and Exchange with Cross Canyon Ranch on Spotted Dog Wildlife Management Area (R1) - Final
26. West Valley Donated Public Access Easement and Proposed Wildlife Viewing Area (R1) - Final
27. Boulder Creek Ranch Access Project (R2) - Endorsement
28. Dry Cottonwood Creek Access Project (R2) - Endorsement
29. Addition to Garrity Mountain Wildlife Management Area (R2) - Endorsement
30. Dome Mountain Wildlife Management Area addition of 160 Acre Inholding (R3) – Endorsement
31. Public Comment for Issues Not on This Agenda

**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 Vermillion advised that the minutes from February's meeting would be approved at the next commission meeting.

*Motion: Vice-Chairman Stuker moved and Commissioner Colton seconded the motion to postpone approval of the minutes until the next Commission meetings. Motion passed. 5-0*

**3. Approval of Commission Expenses**

Chairman Vermillion asked commissioners to approve commission expenses.

*Motion: Vice-Chairman Stuker moved and Commissioner Aldrich seconded the motion to approve the Commission expenses. Motion passed. 5-0*

**4. Commission Reports**

Chairman Vermillion started by asking Commissioner Colton for his region report. (The microphone was not working for a moment) ...a long period of that time, so the news just broke on that and we all knew that except Bureau of Reclamation who oversees knowing these sorts of things that we were going to have record snowpack and record runoff. Hopefully we can work with BOR in some way to develop a management plan that will lessen the impact. In southeastern Montana one of its main economic drivers and one of our greatest fisheries in recreation places is under threat due to federal management practices. We just need to watch that and hope that we can reverse that trend.

Chairman Vermillion thanked Commissioner Colton and then asked Commissioner Brower for his report.

Commissioner Brower began by saying that there hasn't been a much going on in the Scobey area. He wanted to say that his thoughts are with everyone who is fighting water along the highline. There are a lot of people who are dealing with flooding. It's good to have water but can be unfortunate at times. He wanted to remind everyone of a couple of things in the Scobey area. One of the wardens had picked up a swift fox that had been run over on the side of the road about 60 miles away from where they typically are. The fox will be sent off for genetic testing and then survey the area. A day prior to that a mountain lion had attacked and killed a horse just outside of Scobey. They are not sure why it wandered there as there is no mountains or trees. It must have been lost. Nothing else is happening.

Chairman Vermillion thanked Commissioner Brower and then asked Commissioner Aldridge for his report.

Commissioner Aldridge stated that it's been a couple of months since they have closed on the season setting. In February, he met with the Parks Board at Travelers Rest just outside Missoula. He could look at the beautiful park facility there. He met the new Park Director, Beth Schumate and several of the board members. They had excellent discussions about where they are headed and how they are going to get there. The Stevensville Fishing Access was kind of a novel. There was good conversation about that. He advised that he attended 2 of the CAC meetings in District 1. One in Kalispell and one in Missoula. He listened to a presentation By Director Schumate. She talked about the Parks and where they are headed. Region 1 had a presentation by Lee Anderson, Warden Captain talked about the history and the ongoing things that are happening with his group of people. Tim met a Doctoral student at the University of Montana by the name of Charles Henderson. He, John Vore, Tim, and Randy Arnold, Regional Supervisor of Region 2 are going to meet. They will have a conversation with a group of graduate students at the University of Montana wildlife programs on season settings. They have heard a lot about it and interested in learning more about it. Tim watched and listened to the EQC meeting a couple of weeks ago, Director Williams with most of her staff talked to the group. They talked about CWD, funding for AIS, and about a lot of topics that the legislature is interested in. He thought it was a good meeting. Chairman Vermillion was on a panel with Mick Gevoc and Terry Anderson talking about wildlife policy and landowner relationships, which was an interesting discussion.

Commissioner Aldridge advised that he attended the Angler's Forum in Helena. It was well attended and there were good conversations. They discussed the unauthorized introductions of fish. A very serious topic. Tim also attended the annual update meeting of the Missouri River Fisheries. There were some good conversations about the upcoming planning.

Commissioner Aldridge advised that he attended the FWP all staff meeting in Helena and felt that it was an emotional event. He had never met most of the people there. He felt there was a lot of comradery and getting to know each other. It was an opportunity to understand each other's jobs and in the end, saw some good outcomes. The "15 and Forward" is still moving ahead. The new branding was wonderful and the new videos were outstanding. He thought it was a good experience to understand where we are going and where we have been. Tim felt it was much needed and a pleasure to be invited and to participate.

Chairman Vermillion thanked Commissioner Aldridge and asked Commissioner Stuker to give his report.

Commissioner Stuker talked about the hard winter on the highline and the affects of the seasons on ranch stock and wildlife. He advised that there were a lot of dead deer from the cold winter. It has been hard the wild life there. He advised that he has not been out much in the last two and half months as he has been snowed in. he did get many questions through phone conversations and would like Director Williams to respond.

The first question was about the river recreation rules and where we are heading when we had the quiet waters. We said that we were going to move forward and look as a department on how we would move forward. He addressed Director Williams and asked if she would respond.

Director Williams thanked Commissioner Stuker and advised that she is hopeful that this is a good demonstration of where we are going as a department and that we are talking about other than river recreation, we are talking about water-based recreation. We are now pulling into that discussion with all the different divisions with an understanding that it will require more holistic and deliberate approach. It includes Fisheries, Enforcement, Parks and Wildlife as part of that discussion too. There is nothing groundbreaking. We are not moving too quickly and trying to be deliberate. I believe the discussion was to try to understand a baseline of use. They are trying to understand public needs, what funds we have available to address it right now and what we might need into the future. She feels that they're really looking into this with fresh eyes and looking into the water-based recreation and not just river based.

Commission Stuker thanked Director Williams.

Commission Stuker addressed the second question of the Helena Hunters and Anglers. They were asking that we have mandatory reporting on the harvest. That is something that he has been asking for the last 4 years. He thinks that if there were some way to get the mandatory reporting on harvest of elk and deer, it will make our jobs as commissioners a lot easier when we have data that we know is true. Not that the other is not true, it's just harder to get the data. It would help to determine what is working and what is not working and hoping that we can move forward with something along those lines.

He also stated that another item which a big issue is a lack of communication between departments and Tiber Reservoir ramps. We received a lot of calls regarding that. He knows that the Region 4 department is trying to move forward regarding public comments in meetings about getting those ramps reopened. I think they are moving on the right direction and that's how the people felt that made the comments. There will be meeting in Chester and one in Great Falls dealing with these issues. Also, in the public comments advising individuals how we are moving forward and how we are addressing the problem with the mussels. They don't want to close the ramps, but our number one concern is to stop mussels from spreading and contain them.

Commission Stuker advised that the third question was concerns from Game Wardens and land owners about statutes and how would a relative or an employee have to work on the place to qualify based on the individuals' income. There is a case up in Havre that they are trying to figure out and that the individual is trying to skirt the landowner policies and talked to me about the different issues at hand. Possibly the department can put in some recommendations for statutes. Before you had to prove you had elk on your property and according to the warden of you own 640 acres you qualify for the preference. A lot of these people who have the elk on their properties are not getting the preference in the hunting district and people who are far away are getting the preference. That is upsetting. The intent was to help those individuals who were repairing the fences and had crop damage. (Microphone cut out) ...Last thing, appointment for different committees. Commissioners should be appointed for committees and should be showing up for those committees and meetings. (Microphone cut out).

Chairman Vermillion thanked Commissioner Stuker and went on to give his report. He advised that there has been a lot of runoff and water in Region 3. They are still dealing with a lot of snow, about 3 or 4 feet deep. He doesn't know how the runoff will affect the Yellowstone and other rivers. He advised that he had received a lot of phone calls from turkey hunters in Region 3, expressing thanks to the department for moving the tags to over the counter. It is something that a lot of people have been asking for, for a long time. The Department and the Commission approved it. They were all sincerely appreciative. Hopefully the hunting is good as there was group of turkeys where someone may have spilled seed.

Chairman Vermillion stated that the Madison River has been a big issue with the recreational use and how we should go about managing the social issues. At this point our resources and fisheries are in good shape. It's going to be a big discussion, a long discussion and there are people here I am sure may not be here for budget priorities but may be here to comment on the Madison. We will try to hold that conversation as efficiently as possible. He advised that he comment more on that later.

Chairman Vermillion stated that it is Coleen Furthmyre's last day as commission secretary. The Commission wanted to say thanks for the many years she has served in that position. They have sincerely appreciated all she has done.

## **5. Director's Report**

Martha William, Director of Fish, Wildlife and Parks thanked the Chairman and the rest of the commissioners. She wanted to do a quick report from each division.

She began with Fisheries on Aquatic Invasive Species. We are learning from last years' experience which she thinks is a good thing, focus specifically on Tiber Reservoir and as commissioner Stuker noted. She thinks that we listened to concerns and hope that people feel that we responded to them. There will be the two public meetings this week in Chester and Great Falls. I hope that people feel that we have addressed

the need for more boater access and addressing containment. We were able to better address safety concerns with Search and Rescue and the result was good. We don't promise to get everything perfect the first time out of the shoot, but we want to include comment and be able to respond. I hope that this is the case here for Tiber Reservoir. We are looking forward to public comment on that.

Martha stated that on the Parks side, the Parks and Recreation Board still wants to have joint board and commission meetings and I know that there was a question specifically in October, a desire to have a joint meeting and whether the commission meeting could move to Billings for the October meeting. That way we could have a joint board and commission meeting in Billings. So, that is a proposal. That is where the Parks and Recreation Board will be October 16, 2018. It would be moving the commission meeting from Missoula on October 17 to Billings on the 16th.

Martha informed every one of the exciting news, the grand opening for Milltown State Park is scheduled for June 23<sup>rd</sup> and she encouraged all to attend that. It will be an exciting and historical event.

Martha stated that on the Enforcement side, staff continues to balance their Pitman-Robertson obligations with enforcement duties and are working hard on that. For the upcoming fiscal year, Enforcement is working with Parks Aquatic Invasive Species staff to review enforcement efforts and adjust for next year. The wardens and investigators have just finished up several large-scale investigations and some of those may have been in the papers and examples of their good work. We have three new wardens that have just graduated from the law enforcement academy and will be stationed in Regions 1, 4 and 7.

Martha stated that on the Wildlife side, they are expecting a higher than normal amount of winterkill of ungulates due to the severe weather and snow. With the snow finally receding biologists are able to start their spring green-up surveys. That is a later start than usual, but glad to get them out and on the ground. Despite the snow on the ground, upland gamebirds are maintaining their normal schedules. Biologists are reporting some sage grouse dancing on the snow covered leks. With the results of the weather conditions in Montana and Canada, Alberta has decided not to proceed with the sage grouse captures and transplants this year. That was the project where Alberta was going to get forty sage grouse from Montana for restoration efforts. The PLPW met last week and will continue to work on hunter access and landowner relations issues. Thank you to all the members of PLPW, Martha felt like they were able to pick up where they left off and really jumped in. She is really looking forward to helpful products coming out of the PLPW. Staff are busy signing up landowners for the next seasons block management program.

Martha wanted to follow up on the last week's all staff meeting. She noted that it was inspiring and successful and have received positive comments both internally and externally. She wanted to address comments about the timing of the all staff meeting and the need for the brand. As for the timing, Martha wanted to be the one to answer and felt the timing was crucial. She felt that the all staff meeting as an investment in the future of the agency and an investment in our programs going forward. The more that the agency works together, the more we can tell our story positively to people externally, the more support we will have to do good work. Why the need for a brand? I think that it's good business practice. I think that we are seeing this across the country and we are not the only ones doing this. Martha added that everyone assumes that people know what we do and perhaps we don't have to explain it. It's always good to explain what we do and why. The brand is a start to explain why our work matters and to have the support to continue that work.

Thank you, Commissioner Aldrich, for attending the all staff meeting. That is all for now.

## **6. FY 2020/21 Budget Priorities – Final**

*Dustin Temple, Chief of Administration and Technology, Montana Fish Wildlife and Parks, explained the budget planning process for the 2019 Legislative Session has begun. FWP's internal process involves establishing priorities that will drive preparation of proposed budgets. The Commission's role at this time is to review and approve the agency's priorities. Between now and September, the Department will develop proposed budgets based on the approved priorities and submit them to the Governor. These will then be released with the Governor's Executive Budget in November 2018. No formal public process is undertaken directly related to budget and priorities. However, the broad priorities are based on FWP's ongoing dialogue with constituents. The public is also afforded the opportunity to comment on budget proposals through the Commission meeting process.*

*The following information identifies Montana Fish & Wildlife programmatic budget priorities for fiscal years 2020 and 2021. "Budget Priorities" are high-level priorities for which the Department would focus resources during FY20/21. These priorities will be used to drive FY 20/21 budget requests, FY 19 budget allocation, and work by staff in Helena and the field in FY19 through FY21. They are in addition to ongoing important work that the Department conducts on a routine basis as a part of core programs and services. They can be accomplished through redirection of existing funds, a budget request to the legislature for new spending authority or funding or spending from existing funding in the next biennium. Emerging and unanticipated issues or crises such as pipeline spills, train derailments, disease outbreaks or weather events such as flooding could require the Department to shift budget priorities during the biennium.*

Dustin Temple advised the Commission that the 2019 sessions are around the corner and the executive planning for the budget construction biennial is underway and part of our responsibility to present our budget priorities to the Commission and Parks and Recreation board. What these are as we go through budget construction and leading up to budget submission in September. These priorities guide our decisions for the construction of the 2021 biennial, but also for the allocation for 2019. Whether it be for the redirection of the existing budgets or guide any new funding requests that we might have. So, the commissions role here is to look at this and hopefully give your approval to

use these priorities as we go forward with budget construction. The Parks and Recreation Board did approve the division priorities at their meeting at Traveler's Rest. Commissioner Aldridge was there.

Dustin advised that he like to begin with a brief overview of the health of the Department. About 80 percent of the Department's budget comes from the Pitman-Robertson and Dingell-Johnson funding or general licensing account. He will focus he comments on that today. Beginning with the Dingle Johnson we've seen that funding source become relatively flat and declining the last decade. It's up a little bit this year, about 200, 000 dollars to about 8.6 million this year. The Pitman-Robertson, the wildlife side, we continue to see the apportionments climb to 20.6 million in 2017 to 21.1 million in 2018.

As we go through budget construction we are looking for ways to leverage those funds the most efficient ways possible. With regards to the general licensing account, you may recall in 2015 that the Department successfully passed House Bill 140 which was our most recent fee increase. Now two license years in to that revenue change, things look good right now. The account has a healthy balance. Dustin advised that he was listening to this presentation in 2016 and Paul made great pains to go talk about things that might happen. Since that time, we have had CWD and the mussel issue to deal with that are unknowns. We don't know what the financial burdens for those will be or any other unforeseen event. From the Director's perspective, we are a little conservative right now and are looking to make investments in one time only kind of things such as infrastructure, and other things where we can measure the impact of the ending fund balance to the general licensing account. Current projections indicate that in 2021 the general licensing account is around 42 million. We are feeling good about that.

Dustin asked if there were questions.

There were no questions, so Dustin moved on to the rest of the budgets.

Chairman Vermillion added that he was on a licensing board in 2013-2014 that the budget on a 10-year funding cycle starts out is that years 2, 3, 4, and 1, 2, 3 there is a huge surplus, but that money must last over the course of 10 years it may appear that there is a huge budget surplus now but if you over spend now then you end up being in a hole in 2025. Is that correct?

Dustin answered that was correct. Also, in house bill 140 that review cycle went from 10 years to 4. We don't have to forecast that far forward, and we don't have that much runway to adjust either. Essentially the licensing account is designed to break even over a specific amount of time. The revenue that is coming in is higher than anticipated. One of the things we had to answer recently is why that is and that was the economic condition and the sales conditions when HB140 was constructed and that revenue model was conceived. Those things have changed. We weren't selling enough of non-resident licenses and sales were dropping. That trend has reversed hard in the last couple of years. We are seeing more revenue than anticipated. We do not anticipate a need for a funding increase for 2019. One more thing to mention, we do have a funding review advisory council that Commissioner Aldridge sits on. It is a similar effort like the group that constructed HB140 to help the Department best steward these resources. There will be a meeting next week that will be the third meeting. We have been through an exhausting review of the Department's revenue along with our expenditures. We will start to work with that group as far as recommendations to the Director.

Dustin added that he would like to make a couple of general comments. In just about every one of these division you will see that they maintain core functions. That is always a priority for us to continue to safeguard the resources. We have to keep doing the good work that the Department does every day. Just because something is not on this list doesn't mean we are not going to keep doing it. These are emphasis areas in the upcoming biennium that will help us guide our decisions. There a number of issues in each division. Just because something is a fish priority or a wildlife priority doesn't mean that is necessarily just fish or wildlife. There are a lot of different departments that contribute to these programs in being successful. These priorities guide our budget deliberations for all programs contributing to a given program.

Dustin began to talk about the Fisheries program.

#### **Fisheries Program Priorities**

*The Fisheries Program is responsible for the conservation and management of native and recreation fisheries. The Fisheries Program includes six key elements: Fisheries Management, Fisheries Habitat, Water Recreation and Access, Aquatic Education, and Law Enforcement. Fisheries Program budget priorities for FY20/21 are:*

- *Adequately fund the Fisheries Program and its identified priorities in fisheries management, both native and recreation fisheries, and hatchery operations.*
- *Increase resources to implement drought plans and monitor in stream flows adequately.*
- *Seek alternate revenues for FAS operations, maintenance, and personal services from non-paying recreational users.*
- *Provide funding for water recreation management.*
- *Address ongoing major maintenance needs and backlog within the hatchery system.*
- *Address one-time equipment needs and backlog within the fisheries management and hatchery system.*
- *Secure permanent funding authority for AIS program operations, including monitoring and prevention efforts, and increase efforts in aquatic invasive pathogen testing for fish health management.*

Dustin talked about adequately funding the Fisheries program and identified priorities in the program. We have a flat and slowly declining federal funding source over the last couple of years. This has necessitated some hard decisions on the Fisheries Division. We will be looking into the 2019 session to invest more license money to offset those cuts and on a sustainable funding track. We are down to about 60/40 federal to state and must change that percentage even further to get Fisheries the funding it needs going forward. Additionally, there a number of maintenance needs and backlog in the hatchery systems. So, we are looking at potentially making a significant capital investment in our hatcheries programs. It will be a one-time only appropriation where we can address the hatchery system. The hatcheries are only doing emergency maintenance. We have a lot of facilities that are in sore need of attention and we have the resources available to take care of that.

Chairman Vermillion asked if we still had excess capacity. His recollection was that most of our hatcheries were not fully utilized right now. Are we talking about building more hatcheries, raceways and stuff? Or just fixing what we have got?

Dustin answered that is just fixing what we have. We have a very exhausted list of facilities condition inventory for hatcheries and should just be regular maintenance and just has been deferred due to lack of funding. Additionally, the fisheries have significant equipment needs in terms of boats and other equipment. We are looking to make an investment there. The Invasive Species Program, that entire program was a one-time only investment for the 2017 session. We need to work on securing permanent funding for that program.

Chairman Vermillion stated that looking at the fishing priorities, he saw that there is funding for water recreation management and talk about the AIS. A lot of these issues are based on the Yellowstone. It's not just the fisherman that are on the river, and has the department given any thought to how they are going to get additional general fund support for these water recreation management expenses, the AIS expenses and from all the users of the watershed rather than relying so heavily on fishing licenses and federal money?

Dustin explained that was probably the question that the department faces from not just from water recreation, but how do we tap new revenue sources where folks are using the resource or the infrastructure not necessarily contributing through our traditional fee structure. Regarding the general fund, he didn't think that the Department is really looking to the general fund. We are always looking for additional revenue sources to that help distribute the load for the folks that are using and benefiting from the resource.

Chairman Vermillion suggested an AIS sticker that people could put on every boat, kayak or canoe.

Dustin advised that there has been conversation about potential funding sources for AIS has been running the gambit soup to nuts. Its been boat stickers. Its been all kinds of things. One of the issues that we have in regards to the current funding models is that we've seen non-resident, particularly the 2 and 10-day fishing license revenue go down just because the invasive species pass drives that cost way up. One of the things that we are considering is to tweak the revenue model somewhat to lower that cost and offset it through another mechanism.

Commissioner Aldridge added that he likes to give credit to the EQC and some of those people who helped with the HB140 as well as looking at the AIS funding right now and they talked about it at the last meeting to some length.

Dustin began to talk about Wildlife priorities.

#### **Wildlife Program Priorities**

*The Wildlife program is responsible for the conservation and management of Montana's wildlife, including big game, nongame01 wildlife, migratory game birds, upland game, furbearers, and threatened and endangered species. Specific activities include program coordination and planning, monitoring the status of wildlife and habitats, conserving and enhancing wildlife habitat, and providing opportunity for public enjoyment of wildlife through hunting, trapping, and viewing. The Wildlife program includes core elements of education and law enforcement. Wildlife program priorities and focus will be to:*

#### **General**

- *Maintain current level of effort for ongoing core functions such as completing population and harvest surveys using rigorous, effective and modern methods, working with landowners to secure access, making science-based regulation recommendations, maintaining WMA's and enforcing wildlife laws.*
- *Increase current level of effort towards enforcement of wildlife laws and conducting complex interstate wildlife investigations through adequate prioritization and funding.*
- *Work with partners to develop and implement strategies to address and positively influence hunter behavior.*
- *Increase our work with traditional and non-traditional stakeholders to ensure broad-based ownership of management and conservation programs.*
- *Increase wildlife viewing opportunities through partnerships with multiple private, NGO, state and federal entities.*
- *Support national efforts to secure funding for wildlife conservation and management.*

#### **Management**

- *Improve the effectiveness of elk management, including revising the 2005 Elk Management Plan, implementing and evaluating shoulder seasons, and helping hunters to gain access and landowners to manage hunters.*
- *Develop and implement conservation and management plans for special big game species and mesocarnivores, including implementing management, monitoring and conservation methods at a landscape-scale, managing health and disease risks that*

*might affect these species, and working with traditional and non-traditional stakeholders to ensure broad-based ownership of management and conservation programs.*

- *Prevent the listing of wildlife species under the federal Endangered Species Act by inventorying species of concern where information is lacking, conserving priority habitat types and implementing specific conservation efforts for individual species.*
- *Support delisting and assume management of recovered grizzly bear populations in the Greater Yellowstone and Northern Continental Divide ecosystems.*
- *Implement a cohesive management program for bison where roles and responsibilities are clear, enforcement efforts are funded and resources available to implement commitments made through various planning efforts.*
- *Implement outreach efforts to protect human safety and proactively address and minimize wildlife conflicts; respond to wildlife conflicts in a timely and professional manner.*
- *Continue to develop and implement a wildlife health program that addresses diseases that have unacceptable negative impacts on wildlife populations, are transmissible from wildlife to humans, or are transmissible to or from wildlife and domestic livestock or pets. Effectively implement those plans when diseases are detected, with initial focus on chronic wasting disease.*

#### Access

- *Enhance hunter access by understanding landowner needs and developing additional tools, techniques and resources for direct private land access and gaining access across private to public lands and adequately funding law enforcement efforts regarding block management.*

#### Habitat

- *Implement habitat conservation and management programs that are necessary for the conservation of wildlife in perpetuity, including purchasing conservation easements, fee title acquisitions, and conservation leases where appropriate, improving wildlife habitat to promote wildlife conservation, and conducting monitoring and science necessary to ensure habitat management programs are effective. Leverage available funds for these programs by working with partners.*
- *Implement a focused grassland conservation effort that includes habitat prioritization and conservation, and coordination with other appropriate agencies, partners and programs.*
- *Maintain FWP properties to meet intentions of Good Neighbor Act and the need for public access, including weed management, infrastructure management (fences, signs, roads and trails), vegetation management, etc.*

Dustin began to talk about how they would like to maintain the current level of effort we have for core functions. We want to make sure that the functions completing harvest surveys and populations. We want to make sure that the resources we have for the Wildlife division are stable and safe. One of the issues we have is adequate enforcement of wildlife laws and complex investigations. That speaks to the level of PR funding that is currently in the law enforcement division that provides some constraint on just how much law enforcement work can be done there. We want to support national efforts to secure funding for wildlife conservation and management. We are going to keep on working on improving our effectiveness for elk management and working on our elk plan. We want to prevent the listing of our species under the endangered species act. We want to be working on those situations before they become a problem. We are doing a lot of work on grizzly bears and want to support the delisting and assume management and recover grizzly bear populations. We want to implement and continue to develop a wildlife health program that addresses disease. One of the other things that you will hear from us is that we have talked about in the funding advisory review and talked to the director a little bit about having an emergency fund to deal with unexpected events. Wildlife disease would one example and fish health would be another. We have floated that idea a bit and think we have some support for that with some of the folks we have talked to. Hunter access, we want to continue to work on this and understanding land owner needs and developing and additional tools and then of course habitat. We want to keep working on the lands program, on conservation management programs, easements and fees to make sure that we have adequate habitat and access.

#### **Department Management and Multi-Program Budget Priorities**

*In addition to the Fisheries, Wildlife and Parks programs, other divisions and programs provide support to these core programs and/or provide services to the public. These include but are not limited to: Communication and Education, Enforcement, and Administration and Finance. These divisions and programs support: communication and education; compliance with Department rules and regulations; administration of the agency, its personnel and financial resources; licensing of resource users; administration of Department lands; design and construction of Department facilities; and providing other types of support for the Fish, Wildlife and Park programs. The goal for these efforts is to ensure a sound fiscal foundation for the agency and to manage and support FWP programs in the most effective manner. Overall priorities and focus will be to:*

- *Maintain current level of effort for ongoing core functions. Balance the use of P-R money to fund enforcement personal services.*
- *Evaluate and update FWP's Automated Licensing System. Ensure FWP's IT resources can meet the needs of the agency in completing its mission and statutory requirements including license sales, resource management, and data security while also meeting constituents growing demands for access to information. Develop new tools for document and information management that improve effectiveness and promote efficiency.*
- *Address the operations, equipment and training needs of the enforcement division, as well as continued funding for enforcement technology and radio communications.*

- *Ensure FWP accounting standards and internal controls provide appropriate compliance with Montana statute, MOM, GASB, etc.*  
*Ensure FWP office/administrative buildings provide a safe, healthy, and productive work environment for employees. Address FWP headquarters, regional and area office security concerns. Address the need for safety and effective ventilation in shop and other areas where painting, welding, necropsy and other similar activities occur.*
- *Increase collaboration with partners (e.g., communities, agencies) to reduce the impacts of land use change on fish, wildlife, and parks resources.*
- *Work with Statewide Leadership Team and employees across the Department to understand and improve agency culture, leading to a more unified, valued, and effective work force.*
- *Identify and work with core groups (internal and external members) to develop a coalition of FWP supporters – traditional and untraditional – to gain support and funding.*
- *Provide better support and training for middle managers throughout the agency.*
- *Prioritize maintenance and capital needs in FWP administrative buildings.*
- *Build capacity to respond to and manage emergencies and disasters affecting state parks, aquatic and terrestrial habitats and resources.*

Dustin advised that they want to keep core functions going the way that they are. The PR money in Law Enforcement continues to be an issue we need to wrestle with to try to come up with consensus on a proposal within the department on how to best manage it. I don't know if it is realistic to think that we might go back to the 4 percent level that we were prior 2017. I think that the 30 percent level, I don't think anyone is happy with the results. One of the big ones is the departments automated licensing system is pushing 20 years old. That was one thing that Dustin has spent most of his FWP career working on. He called it the digital equivalent to the Winchester Mansion. It's bubblegum and bailing wire keeping it together. He advised that they have an engagement underway to evaluate where that system is and what it might cost to update. There are some equipment and training needs in Law Enforcement division specific to their use of technology as well as their radio program. We have significant maintenance and safety issues in our administrative facilities. We are contemplating a significant capital request to deal with those issues. We are looking to potentially coming up with emergency fund to be under the Directors control to deal with some of those issues. Dustin concluded his report.

The Commission can approve or suggest modifications to the agency's proposed priorities. The Department will make every effort to implement these priorities based on Commission approval, executive direction, and the long-term benefits to the agency.

***Motion: Chairman Vermillion moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission approve the Fish and Wildlife priorities for the 2019 Legislative Session as presented.***

Commissioner Colton stated that he had appreciation for all the wardens and the overall department for managing within that new parameters that have been set for them. That can be challenge and they have handled that with dignity and would have been justified in venting their frustration. They instead went about their business. He commends all the Wardens and staff.

Director Williams added that the Wildlife division have also been helpful in working with enforcement to come up with solutions. Thank you.

Commission Aldrich commented that was one of the questions of how we were going to approach this, and he understand that this can be sensitive politically. He thinks that there is a lot of information available right now that will hopefully turn the tide when we get to the 2019 legislature.

Chairman Vermillion added that he would encourage the department to try to get back to that four percent. From what he had heard last fall, from some of the landowners that they were surprised the wardens they rely on during hunting season were busy doing other things. He feels there would be more public support for going back to the four percent than the legislature may believe. I would encourage you to stick with four percent.

Commission Brower asked about what kind of data is being collected to present to the legislature regarding PR done by the wardens.

Dustin Temple replied that the wardens have painstakingly documented their time for 2 reasons.

- a. So, we can demonstrate to the legislature that we did what we were instructed;
- b. and to prevent running into problems with federal audits.

We have exhaustive information from the Law Enforcement division about exactly what they are doing, exactly why they are doing it, where they did and who did it. So, we will have that information here before the session.

Commission Colton added that the Chairman had touched about how we collect fees at our fishing access sites and about the people who are using it who are not paying. We have struggled with that for over a decade. So, he appreciates that it was articulated right in the budget. It seems that it might make some sense at some point to put a committee together of some nature to address that. We have these wonderful accesses and it's mainly the fisherman and license holders that are paying for them. I think that much like our state parks. I think that there is enthusiasm to pay that cost if we can think of a creative way for people to participate. Thank you for including that but let's not just have that in the document. Let's figure out a way to have a solid proposal.



Dustin Temple stated that there were a number of attempts last session to provide a funding mechanism for FAS specifically. I know there continues to be legislative interest. Eileen have talked about this a little bit yesterday. It is something that is on the departments radar, something as we look at legislative proposals for the future.

Chairman Vermillion asked public comment.

No public comment.

**Action on Motion: Motion passed. 5-0**

#### **7. Missouri River Broadwater Bay No-Wake Zone (R4) – Final**

**Phil Kilbreath, Recreation Program Manager, Enforcement Division,** the Commission proposed language amending establishing a no wake zone near Broadwater Bay on the Missouri River from the western shore from the Warden Bridge on 10th Avenue to the Burlington Northern Railway Bridge No. 119.4 from May 1 to September 30. The original ARM rule which was adopted in 1983 restricting motorized use on this section of the Missouri River from the Warden Bridge to the take-out facility at Odd-Fellows Park as posted. It appears that this ARM rule has never been implemented on Broadwater Bay and there is confusion on what “as posted” means. The proposed amendments remove the obsolete language regarding no motorized use and establish a 200 foot no wake zone on the western shore line between the two bridges to protect private and public property. FWP coordinated with the City of Great Falls and landowners on the shoreline to develop the rule language proposed by the Commission. The public comment period on the rule amendments was from October 30, 2017 to December 8, 2017 and a public hearing was held on December 5, 2017. The Commission received public comments for and against the proposed amendments. Public comment in support of the proposed amendments stated the amendments address a safety issue, the area is multiple use and should be managed as such, erosion is a problem along the banks of the river, and boat technology (wake boats and larger boats) are creating waves that result in property damage and erosion on the west bank. Comments opposed to the amendments stated the amendments will not prevent erosion, will increase congestion in portions of the river, will set a bad precedence, and there isn't a problem and the rules are unnecessary. The Commission may adopt the rule language as proposed, this alternative address property owner concerns expressed to FWP, will provide ample travel area for larger boats and safe zone for nonmotorized water craft; or not adopt the rule language and keep existing language. FWP recommends adopting the rule language as proposed because Broadwater Bay is located within the city limits of Great Falls which has a population of approximately 58,000 people. This area is heavily used during the summer months by all sorts of water based recreators. This use will only increase with the improvements that have been made to the parking lots and boat ramps; The proposed no wake zone includes the intersection of the Sun River and the Missouri River. The proposed no wake zone will allow for safe exit and entrance to these rivers; and the no wake proposal will only be in effect on the west shoreline of Broadwater Bay and water based recreators can continue to use the east side of the river as they always have.

Phil Kilbreath, Enforcement division of FWP Headquarters, Acknowledged commissions and Director. He began to talk about the no wake zone proposal on the Missouri River in Great Falls. Brief background, in 1983 the commission adopted an administrative rule restricting motorized use on a section of the Missouri River from the Warden Bridge to the look out facility at Oddfellows Park as posted.

It appears that this arm rule has not never been implemented on Broadwater Bay. There has been some confusion as to what “As posted” means for boating regulations. So, this proposal is to propose and amend to remove the obsolete language regarding no motorized use and establish a 200 foot no wake zone on the western shoreline between the two bridges to protect private and public property.

FWP coordinated with the city of Great Falls and landowners on the shoreline to develop the rule language prosed by the commission. They had a public involvement process and public comment period on the rule that was from October 30, 2018 to December 8, 2017. A public hearing was held on December 5<sup>th</sup>. The commission received public comment for and against the proposed amendments. Public comment in support of the amendment address a safety issue in the area as multiple use and be managed as such. Erosion is a problem along the banks of the river. Boat technology such as wake boats, larger boats and so on, are creating wales that are causing damage and erosion on the west bank. Comment opposed stated that the amendments would not prevent erosion, will increase congestion in portions of the river and set a bad precedence. They did not feel that there was a problem with the rules are unnecessary.

So, for the alternatives and analysis, is

- a. adopting the rule language as proposed these alternative addresses property owner concerns as expressed to FWP and provide ample travel area for larger boats and a safe zone for non-motorized watercraft or;
- b. not adopting the language and keep the existing rules that are in place.

Pros are that the segment of the current population are quite happy with the rule and the cons to being able to maintain it are that is does not address the wake zone issue in that area. FWP recommends adopting the rule language as proposed. Broadwater bay is located within the city limits of Great Falls which has a population of about 58, 000 people. This area is heavily used in the simmer months by all kinds of water based recreators. This use will only increase with improvements that would be made to the parking lot and boat ramps. Montana continues to see increased usage at all our waterways. The proposed no wake zone includes the intersection of the Sun River and the Missouri River. The proposed no wake zone will allow for safe exit and entrance to these rivers; and the no wake proposal will only be in effect on the west shoreline of Broadwater Bay and water based recreators can continue to use the east side of the river as they always have.

You have in all your materials all the public comments and a map for the proposal. If you have questions I can attempt to address them and Gary Bertelletti regional supervisor from Region 4, Dave Holland and Sergeant Brett Logan from the Enforcement Division of Great Falls.

***Motion: Vice-Chairman Stuker moved and Commissioner Aldrich seconded the Fish and Wildlife Commission adopt the rule language establishing a no wake zone on the Missouri River near Broadwater Bay as proposed.***

Chairman Vermillion asked public comment.

Ed Vonettes from Great Falls greeted Commissioners and stated that he was representing the landowners that would be affected by the no wake rule. He wanted to thank Gary Bertelletti and Warden Dave Holland for representing what we believe is a reasonable and workable solutions to the problems we and other water users have been having in this heavily used area. As we have stated in verbal and written communications, the problems are real. Public safety, property, protection, and erosion have been adversely affected by the emergence of this new technology that has boats producing wakes of five feet and higher. In a waterway that is over 900 feet wide, the 200-foot buffer provided remedy for the problem that would be a minimum effect on the rest of the water recreationists. There are miles of unrestricted waters upstream they can use for activities. We appreciate the clarification of this Arm clarification by the commission and hope that you would agree with the recommendations. Thank you.

***Action on Motion: Motion passed. 5-0***

#### **8. Madison River Recreation Plan - Proposed (R3)**

*Eileen Ryce, Administrator for Fisheries, explained Madison River users have voiced concerns over boat traffic and crowding for many years, leading FWP to begin the process of developing a recreation plan for the Madison River. Region 3 staff organized a Madison River Citizen Advisory Committee (CAC) in 2012 which included members representing fishing outfitters, landowners, anglers and local business owners. Recommendations from the CAC were presented for public review in 2013. In 2016 FWP reinitiated the Madison River process by conducting three public listening sessions, and in 2017 drafted a Madison River management plan environmental assessment and rules with the following recommended actions:*

- *Establish a cap on the number of outfitters at current use levels*
- *Restrict commercial use trips based on the section of river and current levels of use*
- *Designate a day of the week as non-commercial use in rotating sections of the river*
- *Prohibit the use of vessels or float tubes to gain access for angling in the two walk/wade sections of the river*
- *Prohibit commercial use on a portion of the lower Madison River*
- *Prohibit the use of glass containers on the Madison River from the outlet of Quake Lake to the confluence with the Jefferson*

*Between 2008 and 2011 FWP conducted satisfaction surveys and held public scoping meetings to gather information about Madison River user experiences and satisfaction levels. Public comment on the CAC recommendations was gathered in 2013. A mail-in angler survey and a year-long random onsite user survey were conducted in 2016-17. The proposed Madison River management plan EA and the associated rules are based on this information. If the Commission approves proposing administrative rules, the Department will publish the environmental assessment and proposed administrative rules simultaneously and take public comment and conduct public hearings. The MEPA and MAPA processes and timelines will run concurrently to streamline the processes. The Commission has statutory authority to propose and adopt rules governing recreational use of all rivers. Alternative A: do not propose the administrative rules, with the result that recreational use as it exists will continue. Alternative B: Propose the administrative rules and take public comment. After the public comment period, the Commission will have the option of approving, modifying or denying adoption of the rules. The Department recommends the Commission propose the administrative rules which were developed following the river recreation rules process and are socially feasible, legal, affordable, enforceable and reasonable to administer based on the CAC recommendations and public surveys.*

Chairman Vermillion began by stating that This agenda item is probably why we have such a big attendance today.

The Madison River Rules, the Madison River recreation plan that has been put together over the course of many years and several CACs with Region 3. He wanted to make it clear that this is the beginning of the process. This is a process that is going to last several months and will be as inclusive as possible. We want to make sure that we include and get the opportunity to gather as much public comment, input and collaboration from the public as possible.

Chairman Vermillion reminded everyone that he was an outfitter and he has a permit for the Madison River. He advised that the Department has said that he could participate in this decision-making process without violating conflict of interest rules. It is important to him that this Commission and the Department's decision is one that the public can look at and say that there is some credibility behind that decision. That it was wasn't in self interest or Mr. Vermillion was driving the bus to improve his business. I think my high-level use of the Madison 8 or 7 days. It's not very much. It's a small part of my business but, in the abundance of caution and the process has as much credibility as possible, I will recuse myself.

Chairman Vermillion added that this is a conversation that is going to involve many different stakeholders. Obviously, the recreation business in Montana has grown credibly over that last few years, I think over 71,000 jobs and 6 plus billion dollars in revenue to the State every year. It is a big conversation and the Madison is one of those flagship rivers that affects a lot of people and drives a lot of economic

activity in southwestern Montana. The discussion today is about commercial use. I think that all of us recognize that commercial use is one portion of this discussion. The other portion is bigger than the fish and game commission, probably than the Department is that is more of a Montana type discussion. There is incredible growth in towns like Bozeman, and starting to spill over in towns like Livingston, Belgrade, and Manhattan. So, we are going to see a lot more people on the rivers. The commercial use has not grown nearly as quickly at least in my area as non-consumptive other uses on the river. So, it's a bigger question. We are lucky that Montana's Fish Wildlife and Parks have done a great job managing this fishery over the years. This fishery is in good shape. It's not a biology issue yet. It's more of a social issue where it gets tricky.

Chairman Vermillion stated that he wishes the Commission luck as it moves forward in this very difficult decision/discussion. At this time, I am going to recuse myself and hand the gavel over to Vice Chairman Stuker.

Vice Chairman Stuker began by commenting that even though the Department advised that you did not have to recuse yourself that shows a very strong responsibility on your part to make sure there are no questions about conflict of interest, ethics, and values you set as a chairman.

Vice Chairman Stuker invited Fisheries to begin talking about their presentation. After presentation, he will ask for a motion and then set public comment limits at 3 minutes per person. He would like to apologize. They do try to move to Montana Wild when a big attendance is expected.

Eileen Ryce, Administrator for Fisheries, introduced Travis Horton, Region 3 Fisheries manager, to continue.

Travis Horton addressed the Commissioners and Director. He began by explaining the history of the recreation management before going into action items which are in the proposed rule and draft EA. He explained that recreation conflicts go back almost seven decades. In the 1950's, there were issues driving between the float anglers and the bank anglers at that point in time. In your packets you will see that since 2011 FWP initiated a plan in process as dictated by the statewide river recreation rule process.

Travis stated that within the last 8 years FWP has conducted many public meetings and listening sessions. FWP formed a citizen's advisory committee which came up with the recommendations for the department including gathering of more information. Since 2016 we have been gathering more information and more public information on the river in terms of onsite satisfaction and mail in surveys. On page 6 of the EA I think that helps to illustrate how much angler use has increased on the Madison river in recent years. Angler use climbed to just over 50,000 angler days in 1984 to approximately 180,000 days in 2016.

Travis stated that FWP is guided by the statewide river recreation rules to progressively work from least to more restrictive management changes unless there is a reason to advance to more restrictive changes. Changes to address conflicts between wade anglers and float anglers were partially addressed when the two walk-wade sections were established. My understanding is that the intent of that regulation was not met. The intent was that wade anglers did not have to compete with boats.

In addition, in 2016 the Commission approved opening the entire Madison river to year-round angling to provide opportunity for anglers to experience less crowded conditions, especially those who had been misplaced. FWP believes that what has been proposed before you today is a balanced step towards addressing recreation conflicts among all anglers on the Madison river. So now to get into some detail about the Madison river Proposal, on the cover sheet you will see a list of proposed actions. The first being to establish a cap on the number of outfitters at the current use levels. This should help slow the number of outfitters that are using the system. In 2017 we hit a record of 217 active outfitters on the system. Travis indicated that he didn't have all the numbers but thought that this was the highest amount of outfitters in state regarding rivers. Second, is to restrict the commercial use based on the section of river and current use levels. The intent of this was to spread use out. We have sections of the river that upwards of 70 percent commercial use depending on the time and space. The third point is to designate a day of the week as non-commercial use and rotating sections of the river. This rule is to provide a higher quality experience and less crowding for noncommercial anglers. That is one of the main comments from the public concerning this.

Travis stated that the next one is to prohibit the use of a vessel or float tube to gain access to angling in the two walk/wade sections of the river. This rule is to minimize conflicts between wade anglers and boat anglers as mentioned earlier. We propose to prohibit use of the lower portion of the Madison River for commercial use and this rule was directed from some of the recommendations of the Citizen Advisory Committee to maintain the lower 18 miles of unique stretch that it is. We have seen a significant increase in commercial use. In the last few years. He thinks it's about 350 percent. Finally, to minimize the use of glass containers on the Madison River clearly addressing litter and concerns of safety. So as Chairman Vermillion mentioned, we have a long process ahead of us. We are open to meeting with folks and for public hearings that coming up the first part of June. We are willing to go other communities if folks want us to and anticipate having further meetings to discuss this if people want. The department recommends that the Commission propose these administrative rules and put them out for public comment. The map of guidelines for public comment would begin officially on May 11, 2018 for both EA and Draft rules and we will have four public hearings at a minimum.

Commissioner Aldrich commented that he has looked at this proposal quite extensively and talked to a few people who he values their knowledge of what goes on at the Madison River. I am going to offer a change to the motion from what has been recommended by the department. I want to deal specifically what is going on with the Ennis Bridge and the Ennis Lake reach. He understands that there are access issues that need to be explored before we do what is proposed in the rule and EA. He wanted to talk a little bit about the lowest reach. The grey cliff to the confluence. He has spent his life in Montana and he has seen a lot of efforts to take extreme action and the one

that is closest to him was hunting the Northwest Bitterroot country when he was a teenager. When the elk population had problems, a lot of people just wanted to quit hunting elk. The department in typical fashion and the commission said that they didn't want to totally shut something down. If we want to get it back, sometimes it's hard to get it back. He wanted to make sure that we recognize and take the time to do it right. There has been a lot of public engagement and CAC meetings and way beyond that over a long period. This is the first reiteration of the Madison in a long time. It is the busiest and most used fishery in Montana. He thinks that it's important we move forward carefully and this what the motion will sound like and maybe a little clumsy.

He moved that the Fish and Wildlife Commission propose administrative rules on the Madison River with an ad emphasis on the Ennis Bridge to the Ennis Lake wade fishing portion and the Greycliff to the confluence of the Jefferson River piece. He wanted to make sure that the time is taken to do it right and take public comment on the rules and management plan, and environmental assessment. That would be his motion.

Vice-Chairman Stuker asked if there would a second to the motion.

Commissioner Colton asked for clarification if Commissioner Aldrich was wanting the rule making and commenting to go out that includes the language that would prohibit the use the of vessels to gain access for angling in those two walk/wade settings. You want to include that proposal in your motion, but you are trying to emphasize that it's giving you heartburn. Is that a fair assessment?

Commissioner Aldrich answered by saying that he wanted to broaden out the areas that are already contentious. You attorney are better at wording this sort of thing. This is already a contentious subject. He would like to make sure as we go into public engagement that there is some emphasis put on those two pieces. That it is noted in the motion that it is very clear when we get to the decision point, we have asked for appropriate input from the public.

Commissioner Colton asked if Commissioner Aldrich would consider a motion that would exclude that regulation rulemaking going out and then add it back in after comment? Maybe that is something that we could amend the motion as we move forward after we take comment. He advised that he has anxieties about that proposal. He wants it to have scrutiny and is wondering the best way to have that scrutiny. He thinks that perhaps to take part of that and set it off by itself. It's going to get some attention. More importantly it won't gain its own set of legs because it is a part of the proposal.

Commissioner Aldrich advised that he considered that. He wants to make sure that it gets attention and ask for public input.

Vice-Chairman Stuker stated that they have FWP legal that could clarify this question and let Ms. Dockter explain. He went on to say that he thought that Commissioner Aldrich's intent was to make sure that it was a put in now, so the public knew going forward that we may change those sections based on public comment to say we may allow commercial fishing on the lower stretch or the one stretch where there is no floating and it's just wade in. That 5 or 6 miles stretch that I s tough to get into. Is that the intent of why Commissioner Aldrich wanted that included?

Commissioner Aldrich answered yes. The access issue at the bridge to the lake is something he had been made aware of. It's one landowner and a lot of people don't get access. So, it's kind of an exclusion if you don't allow a way to float in there. The river structure is such that it very difficult to wade.

Vice-Chairman Stuker advised that they were out parliamentary procedure.

The FWP Chief Legal Counsel, Becky Dockter stated that Commissioner Colton had mentioned and she wanted to respond to that taking it out separately just point you to the rule notice itself in page 2, that is in your materials, page 2 of that rule notice. If you do not, we should get you copies of it. On page 2 there is new rule 1 for Madison River that does specify the rule separately from the rule on those two sections. So, there is already essentially a call for public comment specifically on those two proposals. Also, if you look for the reasonable necessity statement underneath that rule. The new rule one. It does talk about the fishing regulation prohibiting fishing from a boat or vessel from the outlet of Quake lake to Lions Bridge, from Ennis Bridge to Ennis Lake since 1988. So, that is currently in the fishing regulations. I hear what your saying, you want to make sure that there is public comment taken on it in the event that we change those. I wanted to make it clear those are separately called out and public comment will be taken separately on that rule itself as well. But is a separate rule. Thank you.

Commissioner Aldrich asked Ms. Dockter if they needed to change the original motion to make sure that we can do that or is it wise to have a motion that pays special attention to these items.

Ms. Dockter answered that she understood the motion to be that Commissioner Aldrich wasn't changing it. He was calling attention to it. Perhaps if you want to refer specifically to new rule one in your motion so that it is clearer to what you are calling attention. Otherwise I think your motion is fine.

Commissioner Aldrich stated that he just as soon not add to it if this does the job. He also wanted to answer Commissioner Colton's question. He advised that he had talked to others and thought about it. He just wanted to make sure that it was on the front end. Even though we are going to get that discussion and would be able to amend that motion if we went that way. Unless there is an objection from the rest of the commission, I would like to leave it as it is.

Vice-Chairman Stuker stated that they would move forward.

***Motion: Vice-Chairman Stuker Moved and Commissioner Brower seconded the Fish and Wildlife Commission propose administrative rules on the Madison River and take public comment on the rules and management plan Environmental Assessment.***

Vice-Chairman Stuker reminded everyone that what Commissioner Aldrich and Chairman Vermillion had said earlier this is the start of the process and what we do here could be the blueprint for a lot of other streams moving forward within the state. The Yellowstone River and others are getting very busy. So, we want to try to get this right. Based on comments and information moving forward the commission will or may look at possibly extending some of those if the comments dictate we need to or we could not get it right to start with. What he was talking about is to try to implement this in 2019. We are going to shoot for that and may change that if comments indicate that we have to go back and redraw different issues. With that I would ask if there are any comments or questions from the commission at this time.

Commission Colton thanked Commissioner Aldrich for his motion. He advised that he probably would come back to this and not belabored it too much. This proposal regarding the change to the wade in causes an enormous amount of concern and he reminded the commission that Department makes recommendations, but we set policy. That is the way it is statutorily designed. When the Commission after thought and consideration and we have already put that in, sees something that it has anxiety about. We do have the authority to pull that out and not even send it out for rule making. He didn't think it needed to be pulled out. The chances of me ever voting for that, it's going to take a lot of public comment in support of it for me to think that it's a good idea.

I understand why the department does that. They are being tasked for being consistent. They are tasked with being a little more pragmatic and measured. But, at the end of the day, we are the ones that make the vote and to withstand public comment. No to mention the consequences of our decision. This is not a commission that meets before hand and decides what it's going to do. This is what this process is about. It needs to be independent. We can't be making decisions over breakfast outside of the public's eye. It is an extremely thoughtful commission that is always prepared to answer the public's questions and is familiar with materials. In knowing that, he is comfortable with the motion as it goes forward even though his preference would have been to pull that section out. So, let's go ahead and have the discussions as he believes it will lead to bigger discussions of wade sections and exclusive sections of other rivers throughout Montana.

Commissioner Aldrich agreed and stated that he wanted to get started, He thinks that in the end they will end up with an entirely different motion after we have heard the public input. There are other issues here that other people will touch on that he did not touch on. It is a very public process at this point and need to be just that. Mr. Chairman, I feel that we have the flexibility if need be to modify the motion that we go forward with when we get there. Thank you.

Vice-Chairman Stuker agreed with Commissioner Aldrich. He asked if there were any further questions from the commission.

Commission Brower stated that He would like to stress that this is an invite to the public to take part. Obviously, there are some things that we need to do.

Vice-Chairman Stuker stated that if there are no further questions from the Commission that they would go to public comment. Public comment would be timed at 3 minutes per person and asked to wrap up the comment near the end of the 3-minute warning.

No comments from the regions.

John Way, Chairman of the Board of Outfitters stated that he had to give credit to FWP for developing this plan. He feels that it is off base for people who are on the river day in and day out. For example, if we go for this plan as written with 200 outfitters, 10 boats for each outfitter, that makes it almost a 3000 percent increase in use going forward if you do the math. No one wants 3000 percent increase use on the Madison River. As written, that is what is allowed.

The second part is the rest and rotation that is proposed. This rest and rotation works well on the Big Hole river, because it has 130 miles of floatable water. If you take away a section of water the rest is easily floatable and can accommodate the traffic. The Madison only has 37 miles of floatable water for the whole stretch. He thinks it is a safety issue as there are high wind days and there are only two section of that river where guides can safely take their clients on big wind days. On one of those big wind days, if one of those sections are closed you are going to force guides, the public and inexperienced rowers to the flats. He advised that he didn't want to be in the flats on a big wind day. It's a safety issue to boaters and to the public in general.

The third thing is the wade section that Commissioner Aldrich talked about. I think that the wade section below Ennis will be severely underutilized if you can't use boats. There is one access there. The Madison is a big river. Most people can't wade from that access all the way to the lake. If you close boats down, you're going to severely limit access down in that stretch. It's used a lot by the older people who live in Ennis. They float down, park their boat and fish. I don't think that is an issue moving forward. I think that part should be thrown out of the plan. Thank you for your time. I ask that you not pass the motion on the table and to send this back to Fish, Wildlife and Parks for further revisions before it comes back to you. Thank you.

Mac Minard, Executive Director of Montana Outfitters and Guides Association, greeted the Commissioners and began by stating that he represents hunting and fishing organizations. Non-resident tourism in the State of Montana, Outfitting is number four. That is a mind blower. Do you know what the top three are? Food, fuel, and lodging. People do not come here just to eat, drive, and sleep. It's arguably a

huge economic impact to our non-resident tourism. Number four, so consequently this is going to have a much broader discussion than the details right now.

Mr. Minard thought Mr. Way and this entire room, brings a tremendous amount of expertise on the details of any proposal that may come forward. He wanted to talk on a policy level. He appreciates the comments that they want to take the appropriate amount of time to do this. He feels that everyone agrees that on a ten-year horizon something has got to get done. He understood that Bozeman is growing at 11 percent a year. We don't have to do it tomorrow or even by next year. But, we have to do it right. He would argue that they have 15 years of experience on the Beaverhead and Big Hole to draw from. Those are good experiences, some good, some not so good. We have got a tremendous amount of knowledge of the Madison itself and its unique character and its unique place in the diversity of fishing opportunity that is afforded across that State of Montana. Each of these fisheries provide something special in the fabric of opportunities.

Mr. Minard also wanted to challenge what is considered the norm that has been used in the past of just issuing permits. He advised that he is advocating for the discussion, one of the biggest problems that has been run into is the quick issuance of a permit that then has a financial impact with it. Some people would call it a windfall. I would call it a management problem in a few years down the range when you're trying to make adjustments. We now have a private property right tied into it. The other models that are available, the US Fish and Wildlife Service uses a concession permit. Others use a per se prospect but retaining the authority to ebb and flow the amount of use on that river to accommodate the changing objectives. That is something that is unique to Montana right now but worthy of the discussion. It separates us from the haves and have not model. I hope that we can have that in detail. He stated that he would leave everyone with a thought. The most difficult work in this process is developing a process of what it is we are trying to achieve and do we know when we have met success. I would argue a clear statement of goal, measurable objectives, and then we build around that. Thank you.

Joe DiSchneider, Fishing Guide, greeted the commission and began saying that he is from Ennis and has been guiding for 24 years. He was also part of the Madison River CAC back in 2012. It's time to address and limit commercial use on the Madison. He thinks it is in everybody's best interest to preserve the experience there and ultimately preserve and protect the resource. However, he believes that the model that is currently proposed in this draft is flawed for a couple of reasons and will not work to address the social problems of overcrowding and conflict. Most simply is the math.

This plan allows for extreme growth in commercial use and does not affectively limit commercial use. In 2017, there approximately 200 permitted outfitters operating on the Madison that did 7,419 trips between Lions Bridge and Ennis. That is a 28 mile stretch where most of the float fishing takes place. That is the dates of June 15 and October 1. The peak season had around 7400 trips. The model proposed here limits each outfitter to 10 trips per day within the same reach and the same time frame. As 2,000 trips per day, times the 105 days, that is 210,000 trips. That is the cap that is proposed in this model.

Last summer we had 7,400 trips as John said that is almost a 3000 percent increase that does not limit use. If you were to say that 10 is too many. Let's say that each outfitter gets limited to one trip per day in that reach in that time frame. That is still 200 trips per day and 21,000 trips per season. That's almost a 300 percent increase. The EA states that commercial use has grown 75 percent in a decade as one of the justifications of this plan.

Mr. DeSchneider thinks that the model is inherently flawed and simple math says it all. He would also argue that the division of the river into different reaches for rotations for commercial use is very problematic. It's not very reflective of the way things work there. There are concerns with mother nature and as well as how commercial and noncommercial use works on the river. Some of these reaches are 3 to 4 hour floats. Outfitters work in full day and half day floats. To define those reaches severely limits us and he believes that it also forces more people into less space. He feels that this is not a solution to address the problem and social conflict. It's quite the contrary. In spite of the efforts to create a new and creative solution to the limiting of commercial use, the proposed model will not work and will not achieve those goals. He thinks that capping commercial use at current 2017 levels and perhaps allowing for some growth would be the only avenue here. He thinks the only way to do that is to use historical data on outfitter use. He would respectfully request that the Commission move to reject the plan as it is currently written and not send it to public comment. But, rather return it to the Region 3 department to redraft with the help of some commercial and noncommercial users. Thank you.

Brian McGeehan, Outfitter, Montana Angler, began by stating that he applauds the department for suggesting a measured plan. We feel that is time to cap current commercial levels. He is very concerned that the current plan will not achieve that goal and will exacerbate the current concerns of crowding.

The first concern and as other folks have mentioned, the plan does not allow for controlling commercial use where it is at. By simply capping the number of outfitters, but allowing as many as 21 trips per day, even with conservative estimates. If outfitters use even half of their allocated days, it would allow for a 2,000 to 3,000 percent in increased growth of commercial use. Secondly, he has some great concerns over some of the rotation periods. The floating sections that are the primary use of the Madison River because of its size is very small. So, when you go out 4 days a week, large swatches of that compresses use. It also changes behavior. For example, when the upper portion of the river by Palisades to Macatee Bridge is closed. That leaves an 8-mile section between Lion's Bridge to Palisades. That is too short to do an all-day trip. So, what will happen is that that won't be used and that will compress all the guiding into a very small area in the bottom or the guides that go in there must change their behavior. They must stop the boats, walk the boats in the river which is an existing concern.

Finally, Mr. McGeehan had concerns of limiting public access to large portions of the river. He agrees that there are areas near the Three Dollar Bridge at peak season where there is conflict between wade anglers and boats that come through. However, in the early season, there are very few wading anglers and the only way to access that legally is to use a watercraft. Secondly as noted, areas like the channels from Ennis Bridge down, the bank is lined with willows. It's nearly impossible to get away from the one public access without use of a watercraft. Mr. McGeehan proposed that we should more carefully look at the goal for crowding and should limit the amount of total use and avoid putting silos of use where we force people to start at one place and end at another. This would cause giant plugs of boats going down in unison. The goal should be to try to spread use as much as possible. He proposed that the plan be rejected as currently stated. It should be reworked to meet the objectives that would truly alleviate the crowding which we are in support of. Thank you.

Nick Gevock, Conservation Director, Montana Wildlife Federation, began by stating that there is lot of interest in this from their membership as well. He agrees that floating can provide a lot of public access. We hope that you spike that proposal. Obviously, we support this going out to the public. Clearly, we have already heard from a few outfitters who said that they want to see something to address the issue. What he would encourage the Commission to do, regarding a limit on the West Fork of the Bitterroot and he remembers just a couple of months ago, talking about what a model process that was. It had limits and yet it drew broad support. We were wondering if some type of group could be put together to bring people to agreement to craft something that not everybody loves but brings consensus. Clearly, we need to address this issue. Let's look at the West Fork of the Bitterroot model and bring something together. Thank you.

Robin Cunningham, greeted the Commission. He is a former Outfitter Association Representative, now just an outfitter who has been on the water for a very long time since 1984. He was surprised at the suggestion, right off the bat from the Commissioners and previous speakers to reject the entire plan. Let's revisit it. The more he thought about it he realized there has been zero commercial input in this plan since the CAC in 2013. It's all based on surveys, statistics, sometimes unusual statistics. He thinks of Mark Twain and scenarios like that.

Mr. Cunningham thinks that the latest suggestion that he heard from the previous speakers, that if you choose to reject the plan and develop a group, not necessarily and unfortunately. He doesn't know how you all maneuver this through the river management rules. But, another group that would include more commercial input, to decide what may be the most suitable situation. At the same time, he understands that at least some of the previous speakers were some of the major users on this water. He can understand their concern about losing the ability to maintain businesses at that level. On the other hand, He thinks that it's true that most of the other outfitters out there with this 10-trip situation could be satisfied. He doesn't know how to address that issue. He is hoping the long and short of this is that if you would choose to revisit this that may be a wise idea. Thank you.

Julie Eaton, Guide, greeted the Commission by stating that she started guiding on the Madison in 1994 for 24 years. It may sound or appear at first blush that she is an outfitter of one point of view. But, in hearing part of the meeting before she stood up here, she heard Enforcement talking, she heard about wildlife, about fisheries. She spent both many years with her degree and working in Idaho in Enforcement, in Fisheries, and in Wildlife. She feels like she has a little bit more background in looking at something like this. But she is an outfitter. She is in that higher end regarding the 10 days, she would have to give away 50 percent of her business. Her son who they are very proud of how he is doing. He told her that he wasn't if this going to be a choice for him. Thankfully he does well at university so that will give him some other options.

Ms. Eaton is paragoning some of the things that have been said by other users of the river. That the use of stretches and resting stretch will change behavior. She has already seen change in behavior. Does the Madison need to go on a diet? She believes it does. After 24 years if she said no, then you might be a little suspicious of the information that she is giving. So, what that diet looks like, she doesn't think it's achieved by what she sees in here and the practicality of being on the river day in and day out. Ms. Eaton is not sure how this would work. She has written a lot of details and notes. But I just want you to be sure that at this point it would dramatically change not only how we would do business, but how we treat the environment that we use commercially.

When Ms. Eaton does have time to fish she goes to the Madison. Now that she lives in Bozeman, she doesn't go to the Gallatin or the Yellowstone, she goes to her home river, the Madison. So, she sees it in all those routes. For that reason, and many more that she has listed and don't have time to tell you at this point. She would suggest that at this point, a motion that we send this draft back to Fish, Wildlife and Parks for revision. She would happily share all these pages of information if we able to put a group together that uses the river like she does. Thank you.

Patrick Straub, Outfitter in the Gallatin Gateway Big Sky area. Mr. Straub greeted the Commission. He stated that he wanted to thank the Department and all the staff that has been working a long time to put this plan together and gather all the information that outfitters have been requesting over time. He acknowledges the time and effort put into drafting this plan. He asked that the plan be sent back and more time and effort be put back into it with all the groups that have spoken already.

He feels that as being an outfitter for a very long time, this is his 22nd year, he has seen the Madison change and grow over time and become the fishery that it has become. It provides for the local economies, guides, employees and outfitters that depend on it. He feels confident that as outfitters, whether high or low use or guides aspiring to be outfitters, and to do what so much of us have done already. Be a guide, be an outfitter, grow a business. He thinks that given that opportunity, including the Department creating a new plan, we will make it work.

Mr. Straub feels good that all the outfitters want the same thing, which is a resource that is protected and the ability of upward movement. But, you have to give us that opportunity a lot of us are asking for today. We help gather the information. Now I feel like a lot of us are asking to be part of the process of making this impactful rule that will potentially affect other rivers as well.

an outfitter, Mr. Straub thinks we all want to be part of the process of making it final. Again, He commended everyone's effort and hard work over the years in the field. We appreciate all the work that you have done. Just let us be part of the process. Thank you.

Mike Bias, Director of Fishing Outfitters Association of Montana (FOAM) greeted the Commission and began to talk about FOAM is grateful to Fish, Wildlife and Parks Region 3 staffers for all the work that they put together on this effort. We do agree that action is need to control the increasing use on the Madison River to protect the fishery and fishing experience. We are willing to participate in controls to preserve the Madison fishery and fishing experience. At the same time, commercial client days, if we take 179,000 used days in 2016 and look at the 2200 trip or client days that were generated by the outfitters, less than 13 percent of the angling use in the entire year was commercial. We would like to see the analysis and look at least some portion of the noncommercial use who generated 87 percent of the use on the Madison. We talked about jamming outfitters into a section when we do this alternating days. Imagine what's going to happen 150,000 use days with noncommercial users jammed into one section. We think it's imperative to include or add outfitters to any future committees to consider these recreation management plans so they have input in the outcome. We think there is no urgency to pass this now. Take the time to work on it and process it. We have a series of specific concerns regarding these proposed rules and look forward to the public comment period. We would like to be included on committees in the future to help formulate this plan. Thank you.

Richard Lessner, Former Executive Director of the Madison River Foundation greeted Commissioner and began by saying that he is speaking as a private citizen. He lives in Cameron. He has been fishing the Madison since 1984. He would like to support what Mike Bias just said. Eighty percent or more of the use on the Madison by private noncommercial users. This proposal does not address the overall problem of the level of use and the crowding on the Madison. We are leaving 80 percent of the users unaffected by this. I am not sure that targeting merely the commercial users on the Madison will get the problem we are trying to resolve which is some crowding and some conflicts during a 6-week period during the summer. He thinks that this is aimed at the outfitters and commercial users because we have data available and we can regulate them. Not so much for the public. As Montana and the region continues to grow and more people come to here fish and hunt, the use on the Madison is going to continue to increase no matter what we do with commercial outfitters. We need to look at the broader picture of the use and not just the smaller percentage of the use. Thank you.

Matt Greenmore, Post Region Beaverhead-Bighole Director for Fishing Outfitters Association of Montana (FOAM), He began by stating that he was one of the original CAC members for the Beaverhead and Big Hole. He is currently on the Board of Outfitters, representing outfitters. He would like to commend Travis, Charro and Andrew for the work that they have put forward. I would encourage you all to hear the comments that you have heard asking the Department and the outfitters to work together to come together with a solid plan that everyone can support. Thank you.

No further comment.

No further comment from the regions.

Commissioner Brower asked if this were to be rejected what would the plan be going forward?

Eileen Ryce, Administrator for Fisheries, answered that she was visiting with Becky Dockter on that very question. If you were to kick it back to the department and not take any action on it today, we would then work with Region 3 to set up another work group including the commercial activities that have been representing today. Than at some point come back to you with a new proposal. Obviously, that will take some time, so it would be likely it would not result in something being in place, for at least the fishing regulations until next year. We could certainly do that if that is what you wish.

Director Williams had a question for Becky Dockter, Chief Legal Counsel. As your thinking about options, Director Williams knows in federal rule making there is something called the Notice of Proposed Rule Making. It is a notice that goes out that says we want to do rule making on a certain issue and seeking comment on how we would go about that. Is that something that we have the ability to do under the Montana Administrative Procedures Act?

Becky Dockter, Chief Legal Counsel, replied that she didn't believe that there is a corollary to that. There is negotiated rule making within the Administrative Procedures Act. She doesn't know if this applies to that. But, certainly we can still do that internally despite of the rules as Eileen just mentioned. She will look at that negotiated rule making and see if it fits this type of circumstance. We also have our river recreation rules that guide what we have to do with a CAC process and she did look at that as Eileen mentioned as she was listening to public comment. The river rec rule simply just says if we are going to consider a plan that we need to put together a CAC. That was already done and that is how we came up with this plan. There is nothing in this rule that would lead me to believe that we couldn't also have another CAC. Either consider the one before it for changes or start anew. Becky will look at the negotiated rule making and get back to you. Also, I wanted to let you know that we could do it otherwise even if we don't do it within the rule making process.



Commissioner Aldrich stated that he heard some very large numbers relative to the percent of use that was noncommercial. He was looking for some feedback away from the region and 87 percent is a lot compared to what we are talking about right now and the number we have looked at.

Travis Horton, Region 3 Fisheries Manager, greeted Commission and advised that there is more information on that and that statistic that has been produced by a variety of folks sitting behind us accurate it is about 13 percent overall in an entire year. When you consider the time and space as I have mentioned before at Lion's Bridge which 70 percent of the use in the summer time and in peak season is outfitted use. Much of that use is occurring in a very short period. He would also mention and he would refer to Andrew Pulls. The way the use of the river occurs much of the nonresident use is nonguided and much of it occurs in the walk wade upstream. The resolution of data is not such that we can go and exactly tell you each piece of the river and where people are using it. It is at times the 70 percent of the use in time and space.

Commissioner Aldrich asked about how magnified the use potentially could become with the processes and rules that have put in place. Have you looked at that?

Travis Horton, Region 3 Fisheries Manager answered that they looked at that in terms in potential for growth. Obviously, yes, I think the total number would be 1.4 million potential trips. One thing that we frequently from the outfitting communities is that it is self-regulating to a degree and they have asked us not to put those kinds of levels on it, some of them have. Here is a very direct correlation between outfitted use and total use on that river. The intent again was to not to necessarily change the level of outfitting by those ten days rather than having 20 launches or trips by one outfitter. 98 percent of the use were below those levels. We have been asked many times by outfitters that we don't go to an allocated day system and to let it work itself out. It's a self-regulating system. Back to all the public comment that the Department has received over the last 20 years or more. The top concern from the public is the outfitters use on the river.

Vice Chairman Stuker asked if that answered the question. Further comments from the Commission?

Commissioner Colton added that he was going to encourage his fellow commissioner to not vote on this motion. We are dealing with a CAC recommendation that is almost 5 years old. Nobody that has spoken today is comfortable with the draft rule. We are not comfortable with the draft rule. We are not under any obligation just because someone set something in front of us to say yes this is the product we are going to move forward with. If we do move forward with this product with the understanding that we can make changes, we are still going to be working within the parameters of the draft rule. We can cut and paste and rescind that but, I think the lack of any support here today is telling. I think that the Madison and putting rules in fits and starts since 2012. He thinks that what we do here and if we move forward with this rule making and the parameters that we set will be used some time later for different rivers in Montana. The Beaverhead-Big Hole rule is being added to this could potentially be used in another commission on another river somewhere. I remember when I voted on the Beaverhead-Big Hole I had a very comfortable feeling that the CAC had sorted everything out. It is not a perfect system obviously, but it seemed better vetted than what I am seeing here. He thinks that we give the Department and the Regions a do-over and start anew. That is my recommendation. I am not going to vote on the motion.

Vice Chairman Stuker commented that he agreed with Commissioner Colton on this issue. He thinks that based on the comments that he has heard and he has concerns about not addressing the other 80 percent in regards to overcrowding if we are only looking at 13 percent there is the other 80 percent that also need to look at we look at some of the rules and he does have concerns there so he will agree with Commissioner Colton. He believes that it needs to go back to the Department to come up with a plan that will look at that a little better and come back in front of the Commission at a later date. This is as Commissioner Colton also stated that this is possibly a blue print for another stream down the road. We need to take the time to get it right as we move forward. He doesn't think he can support it either. Any comments from the other commissioners? Then we will go to a vote.

Commissioner Aldrich wanted to add that he heard one of the outfitters say that in passing what are we managing for. That certainly needs some consideration. Numbers will obviously be involved at some point. The target is at this point is nobody talked about the size of fish caught or the number of boats. It's vague what we are managing for. It's not the first time he has said that. If what we are really trying to do is reduce use at some point. I agree that we have to look at all use. 80 percent of it is coming from noncommercial sources. Looking back at past CAC and different methodology for all use. None of those things happen cheaply. It's very expensive to have good information. Data will help us to find good solutions. If we are looking at experience and use being an ingredient in this sociological and biological parts of this, it seems we haven't hit it on the head this time.

Director Williams commented that she wanted to add as the director how the public process ought to work. We have heard loud and clear, no pun intended that we are directed to wade into the social issues on the rivers. This is a product of many years putting this together and bringing it forward. She thought she heard productive public comment on that it's not that we shouldn't do it but we have put a lot of work into it and that it needs more work, more input. She appreciates the recognition of the effort that has gone into it. As a department, we are happy to hear the comments and go back to the drawing board to some degree. She wanted to clarify its building from what we got going forward from there.

Vice Chairman Stuker asked for a vote.

Chairman Vermillion recused himself from voting.

**Action on Motion: Motion opposed. 4-0**

**9. Fishing Regulation Changes:**

**• Mandatory Kill and Reporting for Kootenai River Brown Trout below Libby Dam (R1) – Final**

*Eileen Ryce, Fisheries Administrator, explained the first documented Brown Trout in the Kootenai River upstream of Kootenai Falls was caught by an angler and confirmed by the Fish, Wildlife, and Parks (FWP) staff on 3/1/2018. The Kootenai River below Libby Dam contains a naturally reproducing population of Rainbow Trout, and endangered Bull Trout frequent the area because Kokanee Salmon are entrained through Libby Dam and provide abundant forage. Risks from an expanding Brown Trout population include growth to trophy sizes due to abundant forage, by-catch of Bull Trout from angler species misidentification, and predation of naturally reproduced Rainbow and Bull Trout. The proposed regulation in addition to active removal during FWP fisheries survey work are expected to remove Brown Trout before they become established. Rules associated with the unauthorized placement of fish provides guidance on FWP response to discoveries of unauthorized introductions, and instituting mandatory catch and kill regulations is one of the identified management actions (ARM 12.7.1503). The proposed regulations for Brown Trout in the Kootenai River below Libby Dam are to require kill and report all Brown Trout caught in the Kootenai River below Libby Dam to the Kootenai Falls. This proposal is in response to ARM 12.7.15 Unauthorized Placement of Fish and action plan (ARM 12.7.1501 -1505). No public process for this proposed regulation change occurred prior to the Commission meeting. No changes would be made with the no action alternative; current regulations that make it illegal to remove a Brown Trout less than 28 inches from the Kootenai between Libby Dam and Fisher River would remain in place. Brown Trout may establish and increase. The proposed alternative would allow all Brown Trout caught between Libby Dam and Kootenai Falls would be required killed and reported, allowing FWP to better determine population status. Risk of inadvertent harvest of Bull Trout due to misidentification would increase. The proposed regulation is an appropriate action as required by Unauthorized Placement of Fish (ARM 12.7.1501-1505). It allows anglers to be a part of a solution and management of unauthorized placement of fish.*

Eileen Ryce, Administrator for Fisheries, greeted the Commission and began by stating that Fisheries has 8 more agenda items. The first 2 items are fishing regulation changes both are outside of our regular cycle. But, both do fall in within the requirements for the off-cycle changes. The first is for a mandatory kill and reporting of Kootenai River brown trout below Libby dam. The history on this one is a 12-inch brown trout was caught by an angler in the Kootenai River upstream of Kootenai Falls and was confirmed by the Department in March. No others have been reported by anglers or the Department.

It is suspected that this trout was a result of an illegal introduction into that section of the river or one of the tributaries. The administrative rules for unauthorized introductions allows the Department to institute a mandatory kill and report regulation, in addition to removal during department fishery survey works. We won't be going out purposely but, when we do see brown trout during a regular work, we will remove them. this regulation and the management action is intended to remove any brown trout in the section before they become established.

If brown trout became established, they could impact bull trout populations and the naturally reproducing rainbows in that section. It is feasible that these brown trout if still present could become trophy size due to the abundant kokanee that are abundant there as forage fish. Due to the nature of this regulation, we are coming to you to as a final rather than a proposal to have it in place by the fishing season. Thank you.

***Motion: Commissioner Aldrich moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission approve a mandatory kill, report, and turn in fishing regulation for Brown Trout as recommended by FWP for the Kootenai River from Libby Dam to Kootenai Falls.***

Chairman Vermillion asked for questions from the Commission.

Chairman Vermillion stated that this was the first time that we have dealt with what appears to be an illegal introduction of a trout in a Montana waterway instead of what we usually deal with such as walleye or bass. Is that accurate?

Eileen Ryce, Administrator for Fisheries, answered that she believes that is accurate.

Chairman Vermillion asked we are treating this trout the exact same way we would treat a walleye if would find it in the same place?

Eileen Ryce, Administrator for Fisheries, answered that is in fact the case. This is very like the regulation that you put in place for walleye on Swan Lake where there was a mandatory kill and reporting there. It is essentially the same regulation just a different body of water, different species.

Chairman Vermillion asked is this regulation that we will probably put in place for the Kootenai and the one on Swan Lake as doe that compare to what we are doing on the Noxon reservoir?

Eileen Ryce, Administrator for Fisheries, answered that she would divert that to Region 1. She stated that she would contact the acting fish manager Leo Rosenthal to answer that question.

Leo Rosenthal, Fishery Biologist, Region 1, stated that he is currently the acting regional fishery manger. He stated that the difference between those would be that Swan lake walleye introduction and as well as the Kootenai River brown trout introduction, that these are

recent introductions that we are receiving reports of. The Noxon walleye is an established population for many years. The thought here is that if we could get in on these illegal introductions early before the fish populations are established.

Chairman Vermillion stated that he figured that would be the answer and an answer that he is not happy with. He struggles and he knows that everyone has worked hard. The Noxon reservoir is real challenge for the Department because these species were introduced and established themselves a while back. He thinks for the sake of consistency that we are treating the brown trout as he thinks we should, as invasive species on this stretch of water. He thinks that the Department is doing the right thing here. Its following its rules. He thinks that this highlights the fact that there is an inconsistency there on the west side of the divide.

It has the potential to have spill over affects down into the Columbia River. He feels that more needs to be done there. Chairman Vermillion thinks that this highlights one of his frustrations. He advised that he was not trying to criticize but, because Noxon is so vexing, we are struggling with what to do. We are not doing everything we should do under the rules. He may be wrong, but that is the perception that he has on that.

He wants everyone to know that we are treating brown trout the way that we would treat walleye. He advised that he is anti-illegally introduced species. I think that if we are going to introduce species to watersheds, it should go through the Commission and the Department. It should be done through the Department and not something done with a bucket. There are a lot of species that are introduced that are intruders. We are doing everything we can to turn that around. He commends the Department for doing that in the Kootenai and he thinks that it's important to highlight that we are doing this and it is a brown trout and not a walleye.

Chairman Vermillion asked public comment.

Bob Gilbert, Executive director of Walleyes Unlimited, began by addressing that he does not like the fact that walleye is addressed as invasive species. Now if you're talking about zebra mussels or those sorts of things that come in accidentally or come up our rivers. Unauthorized introductions, and we have went over that term, it's not illegal. The term we use for transplanting fish without authority is unauthorized introduction. You have rules in place that tell you as a Department that tell you how to handle all that. You have step A, step B and step C and as you go through those rules, if that doesn't work you go to the next and so forth. Then you get to a point where you say that they are there and you can't stop them, then they became a managed fish. Then you manage them as a sport fish. Canyon Ferry is an example. So, I don't want to see any fish introduced, brown trout, rainbow trout, etcetera.

According to you, they are all invasive species and they are not. Some of these were transplanted by the Department years ago, a great many of them in fact. We have to be careful with the semantics. He thinks that we need to look at this as a new introduction. He feels the first step is to get rid of them as suggested like they did on Seely-Swan. That works. You can't say that we are going to go to any extent forever, all you do is spend money and it doesn't work. The other side of this, (and he may have missed part of Eileen's testimony) my understanding is that you have to kill a fish and report it to the Department. How are you going to make fishermen do that? Let's have some common sense. You have hundreds of fishermen out there. They like to eat brown trout. They caught it and they are going to take it home and eat it. Maybe that is where it should stop. They should have to take the fish home.

You have the ideals to say that it will encourage them to come back and catch more. That is what you want anyhow. The more you catch the more you get rid of them. But, you are making criminals out those citizens. We went through the same thing on Seely with walleye. People want to eat walleye and would rather eat it than turn it into the department. So, he would urge you to consider that point and not make criminals out of our citizens. The chief Justice of the Supreme Court told him years ago, and asked him as a legislator, what is the best thing that he could do to when helping the citizens of Montana. He advised to quit making criminals out of them. If you can get away from that point where you are making criminals out of people, you might be able to make it a civil penalty.

I would say let them take the fish home and eat them. There is no way that you can enforce it. Your Wardens are already overworked and playing games with stuff through the funding when they can't be out there enforcing the law. So, people are just going to take advantage of it. It's human nature. I ask you please to consider that. Make it workable where you can at least get rid of the fish and people understand what you are doing. Try to make it workable and don't make criminals out of the citizens. Make it workable, make the people understand what you are doing. Let's call them illegal introductions as they should be. They didn't come here on their own. Thank you.

Chairman Vermillion thanked Mr. Gilbert for pointing out the correction in terminology. He meant to say to unauthorized introduced and not invasive species. He appreciated that being pointed out. Asked if there were any more comments.

Nick Gevock, Montana Wildlife Federation, added that they do support this but, I don't think we are trying to make criminals out of people. We are trying to look out for the health of our fisheries. I have to respectfully disagree with Mr. Gilbert at the this point. We are doing this because it is the right thing to do. I know the walleye is a popular sport fish in talking about Noxon because it is relevant. We are talking about affecting a cold-water fishery and that is very different than being out at Fort Peck and such. A lot of people think that we hate walleye because of impact to native fisheries and especially Noxon. I don't think our neighbors in Idaho are especially pleased about the situation either from what I understand. We don't want to establish an incentive for people to do unauthorized introductions. He thinks that is the key. Once the fishery becomes popular, it doesn't make it healthy for the fishery. We would support this as proposed. Thank you.

Chairman Vermillion asked Eileen Ryce to further explain the mandatory kill report.

Eileen Ryce, Administrator for Fisheries, explained that the reason that they are asking for the mandatory kill and report, is like the walleye on Swan Lake. The staff would like to take out the otoliths of those fish which is the small ear bone which can be used to determine where those fish came from. As I mentioned only one has been found. The original 12-inch brown trout that was caught by an angler, no others were found. We are anticipating that they have not yet become established. There is certainly not a fishery created around these fish. The main fishery there is for the rainbow trout. The other thing that the staff would like to do is make sure that people are not misidentifying the native bull trout. For a matter of clarification an invasive fish is a species that is introduced that causes impact or harm. In this case our concern is the impact to the bull trout and the existing rainbow trout fishery. Thank you.

Vice Chairman Stuker asked about the turn in portion of the rule. After they bring it for inspection can they bring it home and eat or do they have to leave it there?

Eileen Ryce, Administrator for Fisheries, explained that after the otolith has been removed then they may have the rest of the fish back for eating. Thank you.

Chairman Vermillion asked for further public comment.

Region 1 advised that they had a public comment

Lucky Saltz, Flathead Valley Chapter of Trout Unlimited, he wanted to say that they support the catch and kill regulation as proposed on the Kootenai River. With the other problems that the Kootenai River has, the last thing we need is another predator population that will threaten our native fish and the bull trout and the rainbow trout fishery. So, we do support the regulation. Thank you.

**Action on Motion: Motion passed. 5-0**

- **Fishing Regulation Change for Red Rocks Lake National Wildlife Refuge (R3) – Proposed**

*Eileen Ryce, Fisheries Administrator, explained FWP, The U.S. Fish and Wildlife Service (FWS), 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 and 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 and 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 and 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 comment will be solicited following Commission endorsement. The Commission could choose to retain the current fishing regulations, adopt Central District standard regulations, or adopt the proposed regulations. FWP staff make this recommendation to the Commission to satisfy a request of our partners, the U.S. Fish and Wildlife Service.*

Eileen Ryce, Administrator for Fisheries, began by introducing the proposal for Red Rock Creek, Elk Springs Creek, Widgeon Pond, and Culver Pond. The purpose of this regulation is to be consistent with the U.S. Fish and Wildlife Service regulations on the Red Rocks National Wildlife Refuge. These regulations are being proposed at the request of the Fish and Wildlife Service. The proposed change for the Red Rock Creek cutthroat trout is from 5 daily in possession to no harvest and no use of artificial lures. Additional changes on Elk Springs Creek are to minimize egg trampling of grayling. Changes on Widgeon Pond, Culver pond are to minimize conflicts with migrating and pre-nesting swans. Additionally, the proposal includes changing to artificial lure only on each of these waters. Again, I would emphasize that we are proposing these things to you on behalf of the U.S. Fish and Wildlife Service. We do not have anyone from the refuge here today but, Travis Horton, Region 3 Manager may be able to answer questions. That is all. We can take questions.

**Motion: Commissioner Bower and Vice-Chairman Stuker seconded the Fish and Wildlife Commission approve for public comment the proposed changes to change the daily and possession limits for Red Rock Creek to include no harvest of cutthroat trout and use of artificial lures only, close Elk Springs Creek to angling from May 15 to June 15 and allow use of artificial lures only, and close Widgeon and Culver Ponds from November 30 to April 15 and allow use of artificial lures only.**

Chairman Vermillion asked for Commission comment. He added this has to do with the article that he read in the paper about the grayling population in Red Rocks decreasing significantly over the last few years.

Travis Horton, Region 3 Fisheries Manager, stated that through the suppression program of the non-native Yellowstone cutthroat trout, even though that population was depressed, the grayling also declined. It points to under ice conditions on the lake being the driving factor. The conclusion largely is that the Yellowstone cut throat trout is not the driving factor. It doesn't mean that that are not an influence in the grayling. I wish the refuge was here to answer your questions. This was at their request. I have no knowledge of their logic and thinking regarding this. Thank you.

Chairman Vermillion asked public comment.

No public comment.

**Action on Motion: Motion passed. 5-0**

#### **10. River Safety Closure to Replace Bridge at Bonner on the Blackfoot River (R2) – Final**

Eileen Ryce, Fisheries Administrator, explained the purpose of this rule is to allow Region 2 staff to close the Blackfoot River to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from Weigh Station Fishing Access Site to the confluence with the Clark Fork River when necessary during reconstruction of the Interstate 90 bridges that span the Blackfoot River. A closure would be necessary when: (a) Montana Department of Transportation (MDT) advises the Department that work may make public occupation and recreation on the river unsafe in the area of the I-90 bridges; and (b) the Department determines that it necessary to close the Blackfoot River. The Department may reopen the Blackfoot River when (a) MDT indicates that conditions are safe; and (b) the Department determines the closure is no longer necessary. The Department may intermittently open and close the Blackfoot River as deemed necessary during the construction period. This rule does not affect any rules that may be adopted to address unforeseen temporary, emergency situations. Construction will occur over two construction seasons, with the east bound bridge being completed in one year and the west-bound bridge in the other year. Public comment on this was solicited from February 20-March 16. One comment was received. The commenter felt like the money should not be spent to re-do the bridges. This comment also expressed concern that the bridges were being replaced only because of floaters. **Alternatives and Analysis:** 1) The biennial closure rule is passed and R2 staff can close the section or portions of the section when MDT recommends closure for safety and logistical purposes; 2) The biennial rule is not passed and Region 2 does not have the ability to close the river and the public could be in harm's way during construction. FWP recommends that the Commission pass this biennial rule, which will be necessary to ensure public safety.

Eileen Ryce, Administrator for Fisheries, began by talking about a final proposal for the Blackfoot River bridge replacement on I-90 at Bonner. Only one comment was received during the public comment period which did not impact the proposal. Region 2 has done extensive public outreach on this including hiring a PR firm to help them spread the information. We stand with our original recommendation of closing the river during the needed period for the bridge replacement. Thank you.

**Motion: Commissioner Aldrich moved and Vice Chairman Stuker seconded the Fish and Wildlife Commission adopt the Department's proposed biennial Blackfoot Closure Rule.**

Chairman Vermillion asked for Commission comment.

Chairman Aldrich added that since there has been a lot of activity in that area there is real hazard recognized around that bridge. We have lost at least one person in there and they have run test there and whatnot. Now we are finally going to see some relief from that. I think that this is right way to go and make sure we are ready to work with the construction company and other authorities to get this right.

Chairman Vermillion asked public comment.

No public comment.

**Action on Motion: Motion passed. 5-0**

#### **11. Fishing Access Site Acquisition on Beaverhead River at Selway Bridge (R3) – Final**

Eileen Ryce, Fisheries Administrator, explained in the fall of 2017 Montana Department of Transportation (MDT) contacted Fish, Wildlife, and Parks (FWP) to inquire about a cooperative project to develop an Fishing Access Site (FAS) on the Beaverhead River within the Dillon city limits. The proposed FAS is located on a small parcel of undeveloped MDT land at the Selway Bridge. The site has long been used by local anglers to access the river. The site currently has a very rough pioneered boat ramp and undeveloped two-track roads throughout the site. In a cooperative effort with MDT and the Beaverhead Trails Coalition, FWP completed the environmental assessment, topo survey and engineering design. Funding to develop the site, except the gravel boat ramp, will be provided by the Beaverhead Trails Coalition (BTC). FWP will be responsible for the gravel boat ramp construction. BTC will use their grant to hire a contractor and oversee construction of the project that will include roads, parking areas for trucks with trailers and single vehicles. Additionally, a trail loop will be developed on the north end of the property. MDT is granting FWP a Recreation Use Permit to manage the property as an FAS at no cost. BTC will have the primary day to day maintenance responsibility and FWP will provide assistance as needed. The environmental assessment was released for public comment on March 5 through April 4. A total of 4 public comments were received, and all were supportive of the preferred alternative and felt that FWP should move forward with acquiring the Recreational Use Permit from MDT. Take no action meaning no Recreational Use Permit would be obtained, and likely the site would remain unmanaged and resource damage would continue to occur from vehicle use. Development of the site as an FAS, with operational assistance from the BTC, will restore vegetative damage, organize parking and provide an area for people to launch boats, wade fish, picnic and enjoy the outdoors. FWP recommends the Commission to approve Alternative B with the Department obtaining a Recreational Use Permit from MDT for development of an FAS and to work with the BTC on a maintenance agreement for day to day management of the site.

Eileen Ryce, Administrator for Fisheries, began by talking about the final proposal for a no cost recreation use permit from MDT to develop an MDT property in Dillon for a fishing access site on the Beaverhead River. FWP will be responsible for the gravel boat ramp construction. The Beaverhead Trails Coalition has obtained funding for development of roads, parking area and a trail loop. The Beaverhead Trails Coalition will have primary day-to-day maintenance responsibilities with assistance provided by the Department as needed. During the public comment period, four comments were received. All in favor. It is our recommendation to move forward with the recreation use permit and development of the fishing access site. Thank you.

***Motion: Commission Brower moved and Commission Aldrich seconded the Fish and Wildlife Commission approve FWP's request to obtain a Recreational Use Permit from Montana Department of Transportation for development of a Fishing Access Site.***

Chairman Vermillion asked for Commission comment.

No comment.

Chairman Vermillion commented that there seems that these opportunities that are low cost access opportunities are priceless. It's great to see the Department seeking these out and expanding fishing access. He did get a some calls in the last few weeks about our fishing access sites on the Ruby River. The level of participation from TU to help us pay for those. Looking at plans long term as things are getting more expensive. There is a lot concern out there about our capacity as a Department to continue to support those accesses.

Director Williams added that she wanted to commend the Montana Department of Transportation for working with us and finding opportunities for us an additional fishing access sites. They have been very helpful and allows us to do this.

Commissioner Aldrich commented that he appreciates the partnerships of the groups that came together to make this happen.

Eileen Ryce, Administrator for Fisheries, stated that MDT has been tremendous to work with. We are working on projects with them right now to identify other opportunities state wide and staff are currently looking through those. Hopefully we will continue to bring more of these opportunities to you in the future to increase our access program.

Chairman Vermillion asked public comment.

No public comment.

***Action on Motion: Motion passed. 5-0***

## **12. Little Muddy Creek Fishing Access Site Easement (R4) – Endorsement**

*Eileen Ryce, Fisheries Administrator, explained Little Muddy Creek FAS is a 22-acre site located on the Missouri River a short way downstream from the community of Cascade. The property is owned by the Department of Natural Resources and Conservation (DNRC) School Trust Division and has been leased as an FAS since 2007. Topographical features as well as a very shallow shoreline limit angling use to wade fishing. Development consists of a small parking area, vault latrine, signage and fencing. DNRC recently appraised the property value of the site at \$55,000 or \$2,500-acre. Rather than continue leasing the site Fish, Wildlife, and Parks (FWP) proposes to purchase a permanent easement from DNRC. The purchase of an easement will provide FWP a perpetual interest in the property that is no longer subject to market fluctuations and annual escalator increases. Public comment will be solicited following Commission endorsement. Alternatives and the subsequent analysis will be conducted by the Department upon approval by the Commission. FWP recommends that the Commission approve the Department to initiate discussions with DNRC regarding obtaining a permanent easement as opposed to a lease on the Little Muddy Creek FAS. It offers the advantage of paying a onetime fee based on current market values and would eliminate continuing to pay future lease fees for an indefinite period based on market fluctuations and continued reappraisals of the property.*

Eileen Ryce, Administrator for Fisheries, addressed the endorsement for an FAS easement on Little Muddy Creek in Region 4. The Little Muddy Creek FAS is a 22-acre site on the Missouri River downstream from Cascade. The site is owned by DNRC. It has been leased as an FAS since 2007. The proposal is for the purchase of an easement rather than continuing to operate under a lease which is subject to market fluctuations and annual escalator increases. A recommendation is for the Commission to approve the Department to initiate discussions with the DNRC regarding the permanent easement. Public comment will be solicited if endorsed by the Commission. An additional note on this, we calculated that the one-time purchase of the easement will end up being more fiscally responsible than the annual lease with the escalating prices. Thank you.

***Motion: Vice Chairman Stuker moved and Commissioner Colton seconded the Fish and Wildlife Commission endorse FWP's request to pursue an easement from the Department of Natural Resources and Conservation in place of a lease on the Little Muddy Creek Fishing Access Site.***

Chairman Vermillion asked for Commission comment.

No comment.

Chairman Vermillion asked public comment.

No public comment

Chairman Vermillion asked if this was the site just down from Cascade. The answer was yes. He added that it was an important access and he was glad that the Department sees this. It is an important access for fisherman and floaters. It's good to see us formalize this relationship and take over the site.

Commissioner Aldrich added that he thinks that Department has been looking at these types of things with DNRC to better manage money and to help with longevity. He thinks it's a great move and looking forward to it in other places.

**Action on Motion: Motion passed. 5-0**

**13. Intake Dam Fishing Access Site - Land Management Agreement with Bureau of Reclamation (BOR) and BLM Transfer to FWP (R7) – Endorsement**

*Eileen Ryce, Fisheries Administrator, Intake Fishing Access Site is singularly managed by Fish, Wildlife, & Parks (FWP) but consists of shared land ownership between the Bureau of Reclamation (BOR), the Bureau of Land Management (BLM), and Fish, Wildlife, and parks (FWP) (see map). The current 50-year land management agreement with the BOR expires in 2019 and the renewal requires Commission approval. FWP has begun discussions with the BOR for the need to develop a new agreement. Initial discussions indicated that the new agreement will likely be a 20 or 30-year term. In addition, FWP has recently become aware that a portion of Intake FAS is owned by BLM. FWP purchased the land within the boundary of the FAS in 1992 (excluding BOR land), subsequently BLM claimed ownership of an adjacent island which challenges a portion of FWP ownership within the FAS. FWP wishes to acquire the BLM property within the boundary of Intake FAS by way of a no-cost title transfer through BLM's Recreation and Public Purposes Act. The no-cost transfer has been discussed and is a mutually supported decision by FWP and BLM. This process may require FWP to enter a temporary agreement until the transfer process is complete. There has been no public involvement. The BLM transfer through the Recreation and Public Purposes Act will require public notice by BLM. FWP recommends that the Commission endorse the Departments proposal to continue discussions with the BOR with the intent to develop a new land management agreement prior to expiration of the current agreement in 2019. Additionally, the Department recommends proceeding with negotiations to acquire the BLM property within the Intake FAS boundary.*

Eileen Ryce, Administrator for Fisheries, stated that the Intake Dam FAS in Region 7 is managed by FWP and consists of land owned by the Bureau of Reclamation, Bureau of Land Management, and FWP. There is a current land management agreement with the Bureau of Reclamation, which expires in 2019. We would like to renew this agreement and Bureau of Reclamation has indicated that they are interested in doing so. For the BLM portion, we have discussed the potential for acquiring the property for a no cost title transfer through the BLM, Recreation and Public Purpose Act. We recommend that the Commission endorse discussions with the Bureau of Reclamation to develop a new land management agreement and to proceed with negotiations to acquire the BLM property. The BLM transfer through the BLM, Recreation and Public Purpose Act will require will require public notice by BLM.

**Motion: Commissioner Colton moved and Commissioner Brower seconded the Fish and Wildlife Commission direct the Department to continue negotiations with the Bureau of Reclamation on a new land management agreement. I also move the Department work with the Bureau of Land Management to acquire the BLM land located within the Intake Dam FAS boundary.**

Chairman Vermillion asked public comment.

Bob Gilbert, Walleyes Unlimited, stated that this is a great example of trying to make things work. Especially with the acquisition part and the access site is owned by three separate entities. It will really solve the problem. He has the privilege of being on the CAC for Region 7. We had a tour and Director Williams was there. We looked at the site. It's a popular site and this just solves the problem. The rest of it is what she said. Thank you.

**Action on Motion: Motion passed. 5-0**

**14. Glendive Chamber of Commerce and Agriculture Paddlefish Grant Committee (R7) – Final**

*Eileen Ryce, Fisheries Administrator explained Montana statute (MCA 87-4-601) allows anglers to donate roe (eggs) from legally taken paddlefish from the Yellowstone River (Glendive to North Dakota state line) to a Montana nonprofit corporation to process, market and sale as caviar. In 1990, the Fish, Wildlife & Parks Commission selected the Glendive Chamber of Commerce & Agriculture as the nonprofit corporation, and the Department has renewed (authorized under ARM 12.7.1006) the Chamber's permit since. The revenue generated from the Paddlefish Roe Donation Program is divided between the Chamber (70%) and FWP (30%) pursuant to MCA 87-4-601 4(a). The Chamber's share funds the paddlefish grant program, which finances historical, cultural and recreational projects. The Department's share benefits paddlefish management and research. Law (MCA 87-4-601) requires the Commission to annually appoint an advisory committee, called the Paddlefish Grant Committee (PGC), to solicit and review grant applications and fund projects. By statute, the PGC must consist of one member of the nonprofit organization, two area local government representatives, and two representatives of area*

anglers (see Chamber's recommendation letter). The PGC is also required to notify the Commission of its actions. The Chamber recommends that the Commission appoint the following individuals to the 2018 Paddlefish Grant Committee:

- Mike Roe—Glendive Area Chamber of Commerce and Agriculture
- Kevin Dorwart—City of Glendive director of operations
- Tim Mort—Dawson County fire warden
- Al Aldinger—retired contractor
- James Thielman—Thielman Oil Productions Services, Inc. in Glendive

Public involvement consists of presenting this recommendation to the Commission in a public forum.

The Commission could revoke the permit if the Chamber has violated the permit conditions or is unable to continue administering the program. The Commission could also ask for a new list of potential grant committee members. Either of these choices would delay implementation of the program in 2018. The Department is prepared to extend the Chamber's permit for 2018. The Department recommends that the Commission approve the advisory committee recommended by the Chamber.

Eileen Ryce, Administrator for Fisheries, stated that she had an annual item that she would like to bring to the Commission. The appointment of the Paddlefish Grant and Committee. This committee is responsible for soliciting and reviewing grant applications for funding with the revenue generated by the Paddlefish Roe Program which is run by the Glendive Chamber of Commerce. The committee must consist of one member from the nonprofit organization to area government representatives and 2 representatives of area anglers. The Chamber recommends that the Commission appoint the following into the Committee, Mike Rowe for the Glendive Chamber of Commerce, Kevin Dorwart for the City of Glendive, Tim Mort from the Dawson County Fire Department, Al Aldinger, and James Thielman to represent local anglers.

**Motion: Commissioner Colton moved and Commissioner Brower seconded the Fish and Wildlife Commission approve the advisory committee members recommended by the Glendive Chamber of Commerce.**

Chairman Vermillion asked public comment.

Chairman Vermillion added that he had chance to spend a weekend in Glendive and he thinks that Montanans can see and experience this fishery. It's special and this sort of collaborative approach between the Department and the community regarding the resource that we all care about. It's unique and he thinks that this is something that this has shown how this resource has been used in a way that it is sustaining. It seems like we will have a good spawn year as the fish seem to do well in high water. He thinks that this is a good program and it really helps the community. There have been occasional problems with-it but, overall a great program. He strongly supports it.

Bob Gilbert, Walleyes Unlimited, greeted Commission and stated that Walleyes Unlimited supports this and he knows these 4 gentlemen personally and they are good community people. They will do good on that board. He recommends that the Commission pass this. Thank you.

Commission Colton added that he wanted to thank the men on the paddlefish board. In a small community like Glendive you are diving up the pie and under a little bit of pressure.

**Action on Motion: Motion passed. 5-0**

## **15. Aquatic Invasive Species Watercraft Inspection Site Leases – Final**

Eileen Ryce, Fisheries Administrator, explained in October 2016, Tiber Reservoir tested positive for invasive mussel larvae and Canyon Ferry Reservoir tested a suspect sample. In response, new laws were put into place to build regional defense against zebra and quagga mussels, requiring inspection for all boats entering the state and all boats crossing the Continental Divide into the Columbia River Basin. The Aquatic Invasive Species (AIS) program has established watercraft inspection stations throughout the state to ensure compliance to the new laws. The proposed Lincoln AIS Inspection Station is located on land owned by the Lincoln Rural Fire District along State Highway 200 approximately 4 miles northeast of Lincoln, in Lewis and Clark County. The objective of the proposed site is to inspect watercraft traveling across the Continental Divide into the Columbia River Basin. The lease has been negotiated for \$150 per month, partial months can be prorated, for a 1-year term, renewable in 1-5 terms. The proposed Nashua AIS Inspection Station is located on private commercial land along US Highway 2 in Nashua, in Valley County. The objective of the proposed site is to establish a seasonal AIS inspection station along US Highway 2 near Fort Peck Reservoir and the Milk River to minimize the introduction and spread of aquatic invasive species. The lease has been negotiated for \$1,200 annually, for a 1-year term, renewable in 1-5 terms. Funding for both sites will come from the base AIS budget. An AIS check station was operated at the Lincoln site in 2017 through a short-term agreement. On February 10, 2017, the Fish & Wildlife Commission provided an endorsement to the Department to secure sites for AIS watercraft inspection sites as needed. On March 2 an environmental assessment for each site, Lincoln and Nashua, were released for public comment. The public comment period commenced on March 17. No public comments were received for either site. Decision notices were published on March 2. Preferred alternative: Lease the Lincoln and Nashua sites for AIS watercraft inspection stations. No Action: Do not lease the Lincoln and Nashua sites for AIS watercraft inspection stations. No action increases the risk of spread of invasive mussels and other invasive species.



Eileen Ryce, Administrator for Fisheries, stated that the last fishery item is for the AIS watercraft inspection sites and leases. In February of 2017, the Commission provided endorsement for Department to secure sites for AIS watercraft inspections as needed. We are now requesting approval to lease a site in Lincoln for \$150.00 a month. Also, one in Nashua for \$1,200.00 a year. These sites will be used to help prevent mussel spread and introduction of invasive species. Thank you.

***Motion: Vice Chairman Stuker moved and Commissioner Brower seconded the Fish and Wildlife Commission approve FWP leasing the Lincoln and Nashua sites for AIS watercraft inspection sites.***

Chairman Vermillion asked for Commission comment.

No comment.

Chairman Vermillion asked public comment.

Bob Gilbert, Walleyes Unlimited, stated that when he was on the computer he got two cover sheets. So did a lot of his members and his email went crazy. It was a coversheet from a year ago, and it talked about the Nashua site and what it was. There was another thing there also recommending all kinds of rule changes within this commission. First, He thinks that it is illegal because there are arm rules. It was a mistake and He wanted to bring that to attention so we know that you are not approving them. One thing is the requirement of drain plugs to left in the boat. Once you drain the boat you have to leave it out. We work long and hard with the Department to say that you pull your drain plug, drain your boat and you can put it back in. A lot of those are on chains and if left unplugged can dangle and get lost somewhere on the road. Other throw it in the back of the boat and forget it. He has long time members who have sunk their boats because they forgot to put the plug back in. He wanted to clarify that this is not part of this motion.

Chairman Vermillion wanted to clarify that this motion was only for leasing of sites for inspections.

Eileen Ryce, Administrator for Fisheries, also wanted to clarify on that. She stated that she visited with Mr. Gilbert this morning. The confusion came from an old EA that was included. That was addressed last year during the incident command period. The rules that Mr. Gilbert was talking about and the concerns of his members have been addressed and are not part of the action that you are looking at today.

***Action on Motion: Motion passed. 5-0***

#### **16. Montana Chronic Wasting Disease Management Plan – Final**

*John Vore, Game Management Bureau Chief, explained Chronic Wasting Disease (CWD) is an always-fatal neurologic disease like mad cow disease that affects deer, elk, moose and caribou. It usually takes 1½ - 2 years from animal infection to death. Given enough time, perhaps decades, to infect a large portion of a herd (≥20%), CWD can cause population declines of ≥30%. There are no known risks to livestock or humans. Montana found its first case in the wild in October 2017. Previous Montana plans spoke to general CWD management, but did not lay out specific actions and who is responsible for those actions. We have developed an action-specific plan for surveillance for CWD, a management response to finding it, and a plan to inform the public about the disease, the risk it poses to Montana's wildlife, and the necessary actions to manage it. These specific actions are covered by Environmental Assessments of 2005 and 2013. On November 7, 2017 FWP presented a draft Montana CWD Management plan to the Commission. That was draft 16 of the document. Based on public comment, and the work of both the internal FWP CWD Action Team and the CWD Citizen Panel, the final draft presented to the Commission is draft 20. It differs from the earlier draft in ways outlined in the Montana CWD Management Plan Update and Information and Information about 2017-2018 Surveillance and Special Hunts found in the Commission packet along with the final draft plan. This detailed plan was developed by FWP's internal CWD Action Team and thoroughly vetted with a CWD Citizen Advisory Panel. This 12-person panel includes at least one person from each FWP region and represents a diversity of backgrounds including conservation organizations like the Mule Deer Foundation, ranchers, livestock animal scientists, veterinarians, sportsmen, and others. They have met for four 2-day meetings to learn about CWD, what other states are doing, and to review and comment on early drafts of the plan. All the meetings have been open to the public with an opportunity to comment. The earlier draft plan was out for public comment from Nov 7 to Dec 8, 2017, and we received 201 comments. Most spoke to wolves and how natural predation can help with CWD management. Others that spoke specifically to the plan were in general support of FWP's management direction. All comments are included in the Commission Packet. Without a specific plan to look for, respond to and inform the public about CWD we will be ill-prepared to manage a disease that can have a substantial impact on Montana's wildlife and economy. FWP recommends the Commission adopt the Montana CWD Management Plan as presented by FWP.*

John Vore, Game Management Bureau Chief, Wildlife Division, greeted the Commission and talked about Montana's Chronic Wasting Disease Management Plan. If you recall the first presentation of this plan was November 7, 2017. Which was the first day that we also found CWD in the state. At that time, previous plans spoke about to general CWD management in the state but did not lay out specific actions to take place. Actions such as surveillance done or reaction to and response to finding CWD. The draft that was presented to the Commission on November 7, was draft 16 of that document which our internal CWD Action Team has been working on for a long time. The CWD Citizens Panel had also been working on this. The Final draft which we have before you today is draft 20. The reason that he mentions this is because it has been around the block a few times. It's been reviewed not only by the action team members, the public, the CWD Citizens Panel and by professional and scientists outside of this state. We have gotten some very good input on the plan, the original draft, and the refinement of that draft. So, the draft that you have before you is draft 20 and we hope the final draft.

Over the comment period we did receive 201 comments. Most of those spoke to wolves and predators and the utility of dealing with CWD. In response to those comments, we have added portions to the current plan and the last draft that speaks to predators. I am now going to turn to the next page, which is a plan update and information that you have in your commission packet. It outlines some of the changes that we have made in the initial draft in response to more knowledge and having gone through CWD management hunts. Unluckily, we found it but, we had a draft plan in place that we initiated in response to finding it in the state. On that day of November 7, a date that will live in infamy, we adjourned this meeting and right next door in Director William's office and started on the plan and started responding to CWD. It worked well. There are some refinements in this final plan. The final plan does have more language about CWD and predators that you will find on page 5 and there is copy of the plan in your commission packet. On page 5 we have added four paragraphs regarding CWD management and effect of predators. We have also added in there as speak to class 2 landfills being a place suitable for disposing of potentially infected CWD parts of animals. There is a table in there about the location of the class 2 landfills.

We have also made a few changes to what the incident command team would be and its roll in a special CWD hunt. The new language on page 20, first paragraph, step two, is our response to a new detection. Our draft plan spoke to our response to a new detection would always be issuing a CWD special hunt. We are sure that we can get enough samples. Once we find CWD in a new place, what we would do is find out what is the prevalence of the disease and the spread of the disease. Since finding CWD in the state we have heard from a lot of hunters that would like to get their animals tested. There are a lot of areas where we are doing surveillance and find CWD. We think that we can get enough samples in general season that we won't have to have a special CWD hunt. We can also wait for a couple of general seasons to take place to get the necessary samples to determine that prevalence. CWD is a slow-moving disease that goes through populations slowly. That gives a time to determine its prevalence and spread of the disease on the landscape using general season. If we do not get the necessary samples size during general season to determine prevalence and spread of the disease, then we will always have an opportunity to go to a special hunt if need be. We would prefer not to however. That does make it easier for our staff and landowners in those areas so they are not dealing with hunters after general season.

I would like to talk about the bullet pints on the plan update and the 5<sup>th</sup> bullet point. We did change the necessary prevalence that we are trying to determine the confidence interval around the prevalence. We can go to a plus or minus 3 percent which will still give a prevalence level or confidence interval that can still give us prevalence and confidence interval for management and give us a substantially lower number of animals to test to determine that. That cuts it almost in half. By substantially lowering the number of animals that we would have to harvest to determine the prevalence. It will make it much easier for staff and landowners. On the seventh one down is a change in the 5 percent threshold idea. The earlier drafts of the plan talked about if we were at or 5 percent below we would be comfortable with that. We may not have to make any changes to the landscape because of that. Our staff, the CWD citizens panel, and professional outside of our state have told us that we are crazy to do that. If you find it in the state address it right away regardless of what the prevalence is. We have made changes that address that if we find it we will take actions to address it. I think that is very important.

On one of the sheets that you have before you, one of the sentences in the plan says that even if prevalence is below 5 percent, Fish Wildlife and Parks will initiate CWD management to keep prevalence low and prevent spread of the disease. A related bullet point in all this is CWD in special buck/bull management hunting districts. We have those hunting districts in the state. District 5-10 is one of those. This is the district that we found CWD. We have already met with staff in the state on April 5 and what next year's hunting season will look like. Increase in B licenses for example. We will bring forth to this Commission in December, a proposal to go to either sex license there rather than the current unlimited license for mule deer. There are some changes that we are considering and we can increase B licenses there but we will need to bring those changes before the Commission.

That is the major changes of the current final draft that you have. Before discussing the results of the some of the hunts, he wanted to mention that the plan itself was a long process. We have been working on this for 2 years with the staff and the CWD Citizens Panel. It's been a rewarding process and he disappointed that we found it. It's been a very rewarding experience working with everyone involved. I want to mention for the record the people on the citizen's panel:

Brett Barney-Wyola  
Ed Buchoski- Rosebud  
Joe Cohenhour-East Helena  
Dr. Richard Douglas- Butte  
Tim Feldner-Helena  
Dr. Tom Geary- Miles City  
Henry Gordon- Chinook  
James Haggerty- Belt  
Chad Klinkenberg-Bozeman  
Dr. Charles Norland- Warden  
Dr. Brent Race- Corvallis  
Dr. Ben Rossetto- Kalispell

They have been very engaged and very rewarding people to work with. Their dedication that they have shown to this process and for an example Jim Hagerty is a rancher from Belt and at our last meeting, Jim got up at 2 a.m. to feed his cattle. He drove to Lewistown for the meeting, and then drove back to Belt to feed his cattle. That is dedication and that shows the dedication that our sportsman and sportswomen have for our resource here in Montana. They all were very dedicated and very engaged. John wanted to mention that Senator Jill Cohenhour

sponsored the piece in your commission folder about prevention and different things that are available for prevention. One is the cents and lures that is now in statue. MCA 87-6, 221, and carcass transport which is now MCA 87-6, 420.

Mr. Vore asked the Commission if it would be better to answer questions first and then go on to talk about the CDW management hunts.

Chairman Vermillion asked about what you are about to talk about and how landowners felt about having hunters on the ground in December and January. Interested in the landowner tolerance.

John Vore, Game Management Bureau Chief, Wildlife Division, answered that they did have the special CWD hunts. In the case of the Bridger hunt, we did issue 1,200 licenses. 600 for mule deer, 600 for whitetail. In the interest of getting those on the ground quickly, it was set up so that a person could get those online and many people did buy those online. They went on sale at 5:00 a.m. and within 8 minutes the licenses were all sold out of the either sex licenses and in a matter of a few hours we had sold out of all 1,200 of them. Everyone had to buy those online. They did not have the physical license on hand. Many people were out hunting before they had the license in hand and that caused a great deal of problems. That was part of the learning curve that we went through.

A letter was sent out to all of them outlining the rules of the hunt. Some of the hunters felt a sense of entitlement and that that they were there as agents of Fish, Wildlife and Parks. Those hunters felt as though they did not need to get permission. We felt that we made it clear in that letter and we did send out a second letter to all the license holders explaining that yes, you do need permission to hunt on private lands. He feels that some of the angst of some of the landowners were swayed. He advised that he spoke to Brett Barney who is the manager of the Sunlight Ranch, who was part of the citizen panel and he advised that early on it was kind of a mess and that many land owners were upset. Once we laid things out for the hunters, it got better. Going forward we will make sure that we get the license mailed to them along with the map and the hunting regulations. When purchasing the license, you were supposed to download the hunting regulations and so forth. Many did not. It was a learning experience for us.

The Chester hunt up in Northern Montana, did not experience problems so much. He thinks that overall, they made considerable effort to contact landowners. When we first found CWD, and it is laid out in the plan that this is what we would do. We sent letters to all the landowners within 20 miles from where the infected animals were found. After we made a final definition of where the hunt will be. A letter was sent to all the landowners who this affected, telling when and where the hunt would be along with maps. We also sent that to the hunters. In Region 5 we held 3 public meetings, one in Bridger, one in Joliet, and one in Red Lodge. In Region 4 we had a public meeting in Chester. We went through considerable effort to get the message out to let people know what was going on and why we needed to do the hunt.

Mr. Vore asked if there were any questions related to the plan.

Commissioner Aldrich asked if there were any landowners that did allow any access to their properties?

Mr. Vore answered that they did expect that to happen in Region 5, especially surrounding the white tail deer. The deer are in an area where there is a bunch of broken up landownership. Many of those were 5-40 acres' land ownerships and they did not want hunting on their land. That is certainly up to the land owners. We did not reach our quota number for white tail deer. We were expecting to have a hard time with that.

John advised that he was going back to page 2 of the management plan update. He wanted to talk about the surveillance. The CWD surveillance and response actions for 2017-2018. Region 5 and part of Region 3 is the area that we were doing surveillance for CWD during the 2017 big game season. We had check stations and staff out to look at hunter harvested animals. During hunting season, we looked at approximately 1,400 samples, including Deer, elk and moose in the priority areas. During the surveillance time frame, we did find 6 CWD positive animals in Region 5. Those were mule deer, 4 buck and a doe. There was one white tail. We did not find any CWD in Region 3. We also had one radio collared animal in Region 3 in Hunting district 401 that tested positive for CWD. Post detection as we mentioned, instituted CWD hunts.

The Department of Livestock and the Montana Department of Health and Human Services, have been working with us on this all along. They have been instrumental in helping put together the plan and reviewing the plan. They have been part of our incident command teams as well as the groups that command the landfills. It's been a broad and collaborative effort and he wanted to acknowledge the Rocky Mountain Elk Foundation and the Mule Deer Foundation for stepping up and giving up money to get the surveillance up and running.

During the Bridger CWD hunt, that was in hunting districts 502, 510 and 520. We had a mule deer quota of 200. We ended up with 214. The white tail quota was also 200 and we ended up with 131. In that area, the total number of positives were 10. If you look at what we call the initial response area where we held the special hunts, in that area the prevalence for the area was 2 percent. Which was good. If you look at hunting district 510 where there was sort of a cluster of positive animals of about 10 percent.

Chairman Vermillion asked if this was the hunting district that bordered Wyoming.

Mr. Vore responded that yes it was. They have identified and I updated you on the CWD. Now we have in our regulations, the transport restrictions zones that you are aware of are now permanent and will be in effect for the following season. Those are on page 11 of last meetings packet. It affects deer, elk, and moose. It outlines the affects CWD on these animals. It also shows where the transport restrictions are and what areas they affect.

Going over the Bridger special hunt that we had all the licenses sold out. There is a prevalence of 10 percent in that hunting district. We met with staff in early April and we prepared to go forward with increasing the number of B licenses. In December, you will receive a proposal from the Department to go from a special unlimited license for mule deer to either sex on a general license opportunity.

Mr. Vore stated that a meeting with Region 4 will take place and there is no report for that yet. We will meet with them later this month. The Sage Creek Special hunt there was about a 157-mule deer to determine prevalence on the landscape. Because of weather people couldn't get around. The harvest produced 113 animals. The only animal that tested positive was the initial one. Right now, the prevalence is quite low at .8 percent. That portion of the state is where we are going to be doing more surveillance in the fall of 2018. This will include part of Region 2 by Philipsburg where there was a CWD positive animals on the game farm in 1999. There is a map in CWD plan showing the areas that will looked at for CWD. We do not have the staff or the monetary resources to survey for CWD all over the state. However, the area mentioned are the areas where we have CWD closest to us. It was no surprise that we found CWD in Region 5. We expect to find more. Even along the high line in Region 6 and portions of Region 4. The next year, in the fall of 2019 when we do surveillance in Region 7, we will expect to find it there. We are in DWD management for the long run. Today we would like you to consider adopting this plan. A plan that we will then go forward with. This is the result of a long period of hard work. A lot of people have reviewed this plan. It was reviewed internally as well as experts from outside of the agency. We have received kudos on the plan. John wanted to thank everyone that was involved with the plan. If that is adopted, we know we are starting CWD management in the state and going forward we know that this is the necessary first step into the future.

Chairman Vermillion stated that he has received many comments on the CWD plan from the public and they feel that this is a good change. That's how the process works and is working. With the CWD Citizens Advisory Committee that is a nice service. It's not easy but it's necessary to have the input. It helps the decisions we make a lot stronger. It's more broadly supported by the community that way. Well done by the Department.

Vice-Chairman Stuker asked when we have the hunts and we try to come up with a percent, or estimate of tags that we will fill (Microphone faded out) issuing 57 of either sex and 127 (Microphone faded out) if we hit the number of bucks quicker than (Microphone faded out) and the tags are turned in (Microphone faded out) would they only get to shoot does. That was a question that was forwarded to me. The biologist told him that only bucks could be shot.

Mr. Vore explained that was the intent. We can stop a certain type of license from being on the landscape. The intent would be to do that.

Chairman Vermillion stated that when Mr. Temple talked about the budget, one of the things that came up was The Department sets its budget, it goes to Legislature and appropriation comes back. Then something like this crops up. I am curious what the dollar amount would be for something like this. How much has Wildlife had to allocate for budget that planned to spend elsewhere? That now has to be spent on CWD management? What would the dollar amount be in Region 5? He was curious to know the impact in that area regarding this disease.

Mr. Vore explained that he did not have that information available at this time but, could get it to the Commission. This year Wildlife had applied for a Pitman Robertson grant to do that. That grant included money for staff to man the check stations and getting the samples taken care of. This year they had a lot of support from our Warden staff because of the PR work that they had to do. I don't know if that will be in the future. We would have to figure out how much time that would be to incorporate the wardens in addition to our wildlife staff. Earlier drafts that we had were estimated at \$200,000-\$300,000 for surveillance and that did not include the response to it. We would have to take and pencil that out a bit. We are going to be in this for the long term. We fully expect to get more CWD next year. They have received notice from Alberta Canada that the CWD has spread further west and south, getting closer to our borders. We will have to deal with special hunts and extra surveillance going forward. There will be proposal sent to the Director's office for the Legislature to attain additional money to deal with CWD.

Commissioner Colton added that Region 5 and special hunts the additional time that they spent sitting in trucks waiting for animals to come in. He wanted to thank the staff for putting in the long hours. It's spreading Alberta so what are they doing to manage it?

Mr. Vore answered that they are doing monitoring up there. He read an email that he gotten today from Alberta regarding the 2017-2018 surveillance they received 6,749 heads and they are testing animals. He is not sure how they are responding. He knows that they were doing special hunts and doesn't know if they are changing management to address it in the province.

Commissioner Colton asked how Wyoming was handling this?

Director Williams added that she had just been invited to a meeting convened of all the states that are dealing with CWD. We are pulling together and talking about each other's plans and how to collectively work on it. She knows that Wyoming is very engaged and trying to pull more people in. They want people to know that this is a big issue. She stated that the other states that have it are working on plans.

Commissioner Colton asked if Wyoming had a surveillance system going?

Director Williams answered that she believed they do.

Mr. Vore added that Wyoming is doing a surveillance and a focused surveillance plan much like ours. They have a special program set aside. They are surveilling suspect animals and those type of things. On their website, there is information on their hunting units and the number of animals and the prevalence of the animals. They do not list the number of samples like we do in most of the hunting units. We are doing focused surveillance in areas where we expect to find it. We have nearly 1,400 samples and just south of us is 61 samples. Wyoming's confidence levels are centered around their prevalence. These estimates are going to be huge.

Commissioner Aldrich stated that hearing from other people that they are very proud of Fish, Wildlife and Parks for the response that they made. It happened quickly, Action was taken quickly and I think the information that was received was appreciated. He thanked the Department for that.

Chairman Vermillion asked public comment.

Patrick Johnson, Helena resident, thanked the Department for the work they have done on CWD. He added that he has hunted exclusively in North Toole County and North Liberty County for the last 40 years. It concerns him that the Chronic Wasting Disease has shown up. Unfortunately, he had already harvested his game last fall when CWD was found. He had 2 questions. He looked at the regulations and the report. It's not clear to me how I get my game tested if I harvest game. There are restrictions on moving game but, it's not clear to me where I would get testing done. I am hoping that will end up on the website or will be better clarified. The second thing is game wasting. I am not as comfortable as the experts seem to be that CWD cannot be spread to people. He advised that he lived in Europe during the MAD Cow Disease epidemic and they are very similar diseases. He thinks it odd that everyone is convinced that it can't be spread to people. He thinks there should be some provisions that if you can't get the game tested and the meat is not wanted for use, then you shouldn't have to have it tested. So, he wanted to know if he was going to be able to get game tested and is there any thought given to not using the meat?

John Vore, Game Management Bureau Chief, Wildlife Division, answered that as far as testing, in the areas that are doing focused surveillance, for example in regions 5 and 3, we tested any animal at our expense. In the areas that we are not doing focused testing, a hunter can still get their animal tested. However, it would be their cost. On our website, there is information on how to get your animal tested. There are directions on how to submit it to the lab. Those opportunities are there.

Chairman Vermillion asked if a press release this fall around September to let people know about the information on the website.

Mr. Vore Answered that the Department will put a press release out immediately after the commission meeting throughout the summer and into the fall. We know that the biggest part of CWD management is public awareness. Getting good accurate information out there is important. There is a lot of misinformation out there right now. It is part of the plan to get the information out there. He wanted to talk about the testing of animals. He stated that if you wanted to get your animal tested and you can, you will be able to dispose of that animal. He also wanted to talk about the probability of CWD being spread to humans. It is a similar disease to Mad Cow. It has crossed the barrier into other species and we know that. We know that many people ate the infected meat and a low percentage of humans were infected. There have been many prion diseases that have been out there for thousands of years. Scrapies is an example of a disease of sheep that has been out there for thousands of years.

We don't know that transfers to humans. There has been a lot of research done on CWD, not only with other primates but with macak monkeys for example. Transgenic mice are a much better model for determining transport to humans. There has been a lot of research and to the extent where they have injected it to the brains of the mice. There was a paper that came out of Canada that caused a lot of furor. That was on a species of macak monkey that said the disease was transported through oral as in they ate it. That has since come under scrutiny by the scientific community. This was presented at symposium in Scotland.

Dr. Brent Race who was on our citizens panel is working at the national institute of health in Hamilton, Montana. Dr. Race's research focuses on CWD and how it is spread. He has used the same type of monkey they were using in Canada. He has not been able to infect the monkey with oral administration or injecting it onto the brain. One reason why the macak monkey is not a good model to see if it transfers to humans is that the way the monkeys age and their brain ages as if it is infected with CWD. Dr. Race took slides from some of his animals and sent them to Canada. He knew that the animals were CWD free and Canada identified them as CWD positive. The work that Dr. Cruise did has come under scrutiny under the scientific community. The work up there has not been peer reviewed nor published. The World Health Organization and the Centers for Disease Control advise not eat an animal that is CWD positive. Always error on the side of caution.

Jill Cohenour, Senator, Helena area, stated that she wanted to thank the Department for jumping on this as quickly as they did. Even though the plan was in draft, they did implement the plan which also gave the ability to make changes during and all through the implementation of it. She also wanted to thank Joe Cohenour as he is part of the reason we are all standing here with a new plan. This created some fresh legislation that got the ball rolling and people thinking. It got motivated toward addressing this issue in our state. We are surrounded by places that have it and we knew that it was a matter of time before the disease was found here. I applaud the Department for putting together the Citizen's Advisory Council that brought together some amazing people with great backgrounds to bear on this issue. Your response as a department has been fantastic and as a commission, working through this issue as well as taking public concerns into consideration making sure the public is educated on this issue. This will help us protect our resources in the State of Montana for future generations. I applaud you and thank you. We should all clap and thank Joe Cohenour.

Nick Gevock, Montana Wildlife Federation, this does show that this agency does listen to the public. He was very impressed by the changes to this plan, it was a really good plan and this made it better. Positive changes that make management more efficient, by not necessarily

having special hunts which are costly. You push for lower prevalence and stay ahead of the disease. The push for management well below 5 percent is an excellent change. We kept saying let's push for eradication but, we all know that is not going to happen.

The move to keep buck/doe ratios low is one that might not be popular but the fact is males have more prevalence of CWD than females. The males generally travel more widely and spread more geographically by males than females. Limited buck draw where detection has been made is a good step. Mentioning predators as a source of helping eliminating spread. It's limited but could be a factor in helping. Proposing to manage preemptively in hunting districts adjacent to CWD positive areas is another good step. It's a proactive measure to try and suppress the disease. A few animals are infected and the environment isn't seeded with the prion. Again, the need not to have special hunts is a good one. The Department has done an excellent job on this. We do have Senator Tester's bill out there that would provide additional funding to state agencies to help manage the disease. The bill has been introduced and we will see what happens as this is an election year. The Department deserves a lot of credit for this, Thank you.

Joe Cohenour, greeted the Commission and stated that what we have here is a lot of work from a lot of people. As one of the volunteers we put in about 600 hours into looking at this plan and editing it. I know that there 4 or 5 of us that really got serious about sharpening our pencils. We went through it line by line and word for word. Our member that was a professor went through it period by period. We all did a good job editing this so, just a couple comments briefly. This is an evolving plan. This is number 20 that you are going to look at. He has no doubt that there will be more positives in the deer population. We will probably be working on plan 21 next year. We must realize that this is growing and it's always going to be here and that is unfortunate.

As a volunteer group, we had Wisconsin and Colorado come in, both states have been positive for many years. Wisconsin to their demise has over a 1,000 game farms. They had established refuges for CWD. We are lucky that in 2000 we got rid of the game farm situations. He thinks there are only about 21 privately owned game farms in the state. Hopefully we can keep the transportation between them and the CWD down to zero. Wisconsin has spent 24 million dollars already. Even if Montana spend a million dollars on the irradiation of it, it is money well spent. One thing we would like to see is aggressive management. When a positive is found, we want it investigated, a sample taken and get the science behind us to help us manage this.

We awn to go one step further and get aggressive about it. I know sometimes that is not publicly acceptable but, on the science side of it we really need to do. We need to continue public outreach and education. With the press releases, we need to continue to educate the public. An example would be the zebra mussels and the plan and education brought to the public about that. Please continue dialogue with Wyoming. He feels that Wyoming needs to build a wall. They are bringing the problem. However, the Saskatchewan has the same problem. They have brought report out about 6 months ago, showing that the problem is spreading to the west and to the south. It's at our border. Alberta did the same thing.

We are surrounded by this. Now we need to do some serious management. He wanted to thank John Vore bringing this all together. Literally the last 2 meetings he was our secretary. He put it on the board and we went through it line by line, the whole plan. A lot of ideas were brought up from a broad spectrum of people. Dr. Emily Almberg and Dr. Jennifer Ramsey for their expertise in CWD and how to manage. A lot of work put in by the public employees. Greg Lemon who is here today, did most of the writing of this to the press and getting the news out. He appreciates the public employees and their hard work. Thank you.

Mac Minard, Director of Montana Outfitters and Guides Association, greet Commission and stated that they endorse the plan as it is written. He wanted to recognize the work that John and DR. Ramsey did as well as Dr. Almberg. We had a about 3 hours of deep diving into the CWD. If you consider the role of the outfitter community, as an ambassador to many nonresidents aren't going to have knowledge of all the press releases. Internally, it was an outstanding effort on the part of the Department staff. He appreciated all the work that was done on the plan. He came back from the SCI where he attended the Western Association of Directors meeting. The most important thing to remember is that we do have a multi-state approach to all this. The borders are not tight and the strategies and behaviors that are occurring on other states will negate the things that we are doing if we don't have that unified approach. I applaud you all for being able to put this into your busy schedules. I believe that this is the next phase and very important. Thank you.

No further public comment.

***Motion: Commissioner Brower moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission adopt the Montana Chronic Wasting Disease Management Plan as presented by FWP.***

***Action on Motion: Motion passed. 5-0***

## **17. 2018-19 All Migratory Bird Regulations – Final**

*John Vore, Game Management Bureau Chief, explained Montana is in both the Central and Pacific Flyways for migratory game birds and follows U. S. Fish and Wildlife Service (USFWS) frameworks. Tentative season dates were proposed as part of the biennial season setting process in December, with final approval in April to meet USFWS deadlines for season selections. Other than normal calendar rotation and the 3 exceptions below, all aspects of the 2017-18 season are to remain in place. The three proposed changes are:*

- *The season for the Rocky Mountain Population (RMP) of Sandhill Cranes (all special drawing permits) to open on Sept. 1 instead of Sept. 9 and be 58 days long.*

- Increase the Broadwater County RMP sandhill crane unit permits from 10 to 20.
- Increase the daily bag limit for pintails from 1 to 2

*Proposed dates for ducks, coots, geese, and swans:*

- Pacific Flyway (PF) - Ducks, coots, and geese: Sept 29 - Jan 6 and Jan 12-16 (closed 5 days, Jan 7-11) (except scaup season closing Dec 23); Swans: Oct 6 - Dec 1
- Central Flyway (CF) - Ducks and coots: Zone 1 - Sept 29 - Jan 3; Zone 2 - Sept 29 - Oct 7 and Oct 20 - Jan 15 (closed for 12 days, Oct 8-19). A bonus teal season Sept 29 - Oct 7 in the CF will allow hunters to take 2 additional blue-winged teal.
- Central Flyway - Geese - Zone 1 - Sept 29 - Jan 6 and Jan 12-16 (closed 5 days, Jan 7-11); Zone 2 - Sept 29 - Oct 7 and Oct 20 - Jan 23 (closed 12 days, Oct 8-19); CF Tundra swans: Sept 29 - Jan 3 (both zones, no split season).
- Other than for pintails as mentioned above, duck, coot, and goose daily and possession limits for both flyways are proposed to be the same as in 2017-18. The special two-day Youth Waterfowl Season will be Sept 22-23 in both flyway parts of the state.

*Proposed season dates for "webless" migratory birds:*

- Mourning doves: Sept 1 - Oct 30
- Common snipe: Sept 1 - Dec 16
- RMP sandhill cranes (all special drawing permits): Sept 1 - Oct 28 (58 days).
- Mid-continent sandhill cranes in CF (over the counter permit): Sept 29 - Nov 25

Public comment on season dates was open from Dec 7 to Jan 24 and we received 7 comments. Some spoke to wanting later opportunities and having duck and goose season dates in the CF align. The longer RMP crane season was not out for public comment as this framework option from the USFWS just recently became available. Complaints are still heard from some hunters about losing 12 days of waterfowl hunting in Oct in the CF Zone 2. FWP recommends that the Commission approve the proposed 2018-19 migratory bird regulations as presented by FWP.

John Vore, Game Management Bureau Chief, Wildlife Division, stated that the Migratory Bird Regulations were presented to the Commission at the December meeting. We waited until now to present this as the federal framework did not come out until March. This is a final decision by the commission. We are not proposing any changes to the 2017 regulations other than those that are highlighted on the cover sheet. The Rocky Mountain population for the Sandhill crane have special drawing permits to open on September 1 instead September 9. That is a 58-day season. We are also proposing to increase the Broadwater county/Rocky Mountain Sandhill crane units from 10 to 20. Also, an increase for pintails in the daily limit of pintails from 1 to 2. All other things remain the same except for calendar rotation. On the cover sheet is the proposed dates for Waterford ducks, geese, coots, and swans. Also for webless migratory birds. Our proposals were out for public comment from the December meeting until January 24. We got 7 comments. Some wanted later opportunities for duck and geese and wanted the central flyways to align with hunting ducks and geese. Others wanted a longer Rocky Mountain Crane season. A complaint that we still hear occasionally is losing the 12 days of the waterfowl hunting in October in the central flyway areas. Other than the 3 changes that I have mentioned. Nothing is proposed to change. All other things to remain the same from the 2017 seasons. Thank you.

***Motion: Commissioner Colter moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission adopt final 2018-19 migratory bird regulations as presented by FWP, and that all other aspects of the 2017-18 season except for normal calendar rotation date changes are adopted.***

Chairman Vermillion asked for comment.

Chairman Vermillion stated that he noticed that they are opening Sandhill crane to September 1. If he remembers correctly isn't there a correlation between when we can open Sandhills and when we can open mourning doves?

Mr. Vore Answered that there is a limit to where we can open migratory bird at all. That would be mourning doves as one of those. September 1 is the earliest that we can open that. We are restricted to how we can move the dates.

No public comment.

***Action on Motion: Motion passed. 5-0***

## **18. 2018-19 CSKT Pheasant, Partridge & Waterfowl Hunting Regulations – Endorsement**

John Vore, Game Management Bureau Chief, explained the Confederated Salish and Kootenai Tribes (CSKT) and the state of Montana have entered into a cooperative management agreement on the Flathead Reservation that provides for presentation and approval of Tribal pheasant, gray partridge and waterfowl season frameworks to the Fish and Wildlife Commission. FWP is included in the development of Tribal waterfowl regulations, which are set within federal frameworks in the Pacific Flyway. Tribal recommendations are first presented to the Flathead Reservation Fish and Wildlife Board, which votes on tentative proposals and opens them to public review and comment.

*The board then meets for final adoption. Adopted final proposals are then presented to the Confederated Salish and Kootenai Tribal Council. The Commission endorsement is subject to final Tribal Council approval. The significant differences between these Tribal regulations and current or proposed FWP regulations are:*

- *Tribal shooting hours are sunrise to sunset for pheasant and gray partridge for the entire season. Waterfowl shooting hours are sunrise to sunset September 30 - January 1. During January 2 - January 18 shooting hours are one-half hour before sunrise to sunset, the same as FWP's.*
- *No hunting with falcons on the Flathead Indian Reservation.*
- *A requirement that only non-toxic shot be used for all game birds on the Flathead Indian Reservation.*

*The Confederated Salish and Kootenai Tribal process includes public comment. FWP recommends endorsement of 2018-19 Flathead Indian Reservation pheasant, gray partridge and waterfowl hunting regulations subject to Tribal Council approval.*

John Vore, Game Management Bureau Chief, Wildlife Division introduced the 2018-19 Confederated Salish-Kootenai Tribe Pheasant, Partridge & Waterfowl Hunting Regulations. Every year the tribe goes through developing their regulations in cooperation with the Fish and Wildlife Commission. We have to endorse those as part of the process. When and if the Commission does endorse those, it goes back to the tribal council for final approval. They have been through much of their process on this. The only difference from what we propose and what happens on the reservation is that the tribal shooting hours are sunrise to sunset for pheasant and gray partridge for the entire season. The waterfowl shooting hours are slightly different. They are sunrise to sunset September 20 through January 1. January 2 until January 18 it is the same as ours, half an hour before sunset and half an hour after sunrise. There is no hunting with falcons on the reservation and requires nontoxic shot for upland game birds as well as waterfowl. The draft regulations for the tribe are included in your packet. Thank you.

***Motion: Commissioner Brower moved and Commissioner Colton seconded the Fish and Wildlife Commission endorse the 2018-19 Flathead Indian Reservation pheasant, gray partridge and waterfowl hunting regulations as presented and subject to final Tribal Council approval.***

Chairman Vermillion asked public comment.

No Public comment.

***Action on Motion: Motion passed. 5-0***

#### **19. 2018-19 Peregrine Falcon Falconry Take – Final**

*John Vore, Game Management Bureau Chief, explained the FWS listed peregrine falcons in 1999 when there were fewer than 30 known occupied territories in Montana. Monitoring since that time has shown steady increases in the number of nesting pairs and the production of young, primarily in western Montana. In 2017 the Montana Peregrine Institute reported a total number of 216 known territories, more than ten times the number of territories confirmed in the mid 1990's. In 2017, 105 of the 136 territories monitored were found to be occupied. The take proposed here is based on the 2012 productivity estimate of 203 young fledged and the agreed take of not more than five percent of annual productivity described in FWP's 2007 Final Environmental Assessment. While productivity overall in 2017 was below average, productivity at nine new territories exceeded a 16-year average (Montana Peregrine Institute, 2017.) In the 2012-13, 2014-15, and 2016-17 bienniums take operated under a 10-bird quota for resident falconers with one permit for non-resident take. Resident take over these bienniums resulted in the take of three, seven, and five peregrines respectively of the 10 allowed per biennium. Non-residents took one peregrine as allowed per biennium in both the 2012-13 and the 2016-17 biennium. FWP received 37 comments with all but two from Montana residents. Thirty-three comments supported the proposed take with 20 specifically supporting the proposal and removal of any quota. Comments in opposition to this proposal were generally in opposition of falconry overall. Based on findings in FWP's 2007 Final Environmental Assessment and the history of peregrine take in Montana FWP proposes that the Commission:*

- *authorize resident take of 10 nestling or fledged peregrines through a quota system during the 2016-17 biennium.*
- *authorize non-resident take of one nestling or fledged peregrine through a 2016-17 permit.*
- *restrict take to June 1-Aug. 31.*
- *limit take to one peregrine per year per falconer.*
- *impose a two-year waiting period for any falconer successful in taking a peregrine.*
- *allow only general or master falconers to take peregrines.*
- *prohibit take from eastern Montana to encourage expansion of the breeding population.*
- *prohibit take from certain nests of high value wildlife viewing opportunity and/or part of on-going agency approved research efforts (current list of closed-to-take nests = 8).*
- *prohibit the sale, barter or exchange of birds from the wild.*

John Vore, Game Management Bureau Chief, Wildlife Division, began with the 2018-19 Peregrine Falcon Falconry Take. Certain Falconers can take if they choose take fledgling or nestling peregrine falcons. This has been limited to 10 falcons per biennium. This is biennial. We do every 2 years. We are proposing no different than the previous biennium for falconers that are either general or master



falconers to be able to take 10 birds during the biennium. Now in the past 3 biennium there have been 7 taken and then the next biennium take was 5 out 10. So, the takes have been very small. It is restricted further that 1 of the 10 taken can be non-resident. A non-resident did take one peregrine from each of the biennium. We did get 37 comments, all but 2 from Montana residents. Most of the comments supported the proposal. There were comment in opposition of falconry. It has the agency recommendations and goes through some of the criteria and the rules for taking falcons. One being that you cannot take falcons from the eastern part of the state. Thank you.

***Motion: Commissioner Aldrich moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission approve FWP's recommendation to authorize the take of up to 10 peregrine falcons for falconry purposes by residents and one peregrine falcon for falconry purposes by nonresidents during the 2018-19 take period.***

Chairman Vermillion asked for comment.

Vice Chairman Stuker noted that he had seen in the Montana Audubon Society Newsletter that it said that 10 could be taken. 10 resident and 1 nonresident when it is 10 total, 9 resident and 1 nonresident.

Mr. Vore answered that 10 total was correct, 9 resident and 1 nonresident.

Commissioner Aldrich asked Mr. Vore if knowledgeable falconers wanted to take more and liberalize. Does the Department have any thoughts on that? A lot of these people have been around a long time and have experience. The falcons are increasing so, what is the Department's view on that?

Mr. Vore answered that because of the way that the take is set up and the agreement that was made, it relies on recent intensive survey that was done. The last survey was in 2012. The take is based on 5 percent of the 2012 survey. Unless the agreement is changed and it can be. Unless the agreement is somehow changed, we are limited to that.

Commissioner Aldrich stated that answer helped and that he wasn't anxious to see more falcons taken out of the wild. He was curious how that worked.

Vice Chairman Stuker added that it was a concern as the quotas have not all been met over the years.

No public comment.

***Action on Motion: Motion passed. 5-0***

## **20. 2018 Mountain Lion Quotas – Proposed**

*John Vore, Game Management Bureau Chief, explained Lion 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/subquotas 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. The proposed Montana 2018 mountain lion quota changes are:*

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

*Area landowners, sportsmen and FWP wardens are generally supportive of these proposals. All proposals have been vetted with some publics in each area, and we have received no comments in opposition landowners or sportsmen. No conflicts with landowners, sportsmen or other members of the public are anticipated. Public comment will be taken at this meeting and continue through 5 p.m., May 21. Final action will take place at the Commission meeting in June. 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 Lion Management Units. Rationale includes mountain lion population management accommodating human tolerance, safety, prey populations and hunter opportunity.*

John Vore, Game Management Bureau Chief, Wildlife Division, began by talking about the 2018 mountain lion quotas. In February, the Commission did adopt and approve increasing mountain lion quotas in hunting district 124 from 5 to 7 lions. We do have the opportunity to change the quotas at this meeting. In the proposal, this will go out for public comment. We are proposing a few changes. There are 4 of them on your coversheet. One is for the Lion Management Unit (LMU) for the hunting districts 322, 326, and 330. That would go from 6

total with 2 female sub quotas to 7 total with a 2-female sub quota. The LMU made up of hunting district 322, 323, 324, 325, and 327 are proposing similarly. Hunting district 380, south of Helena, we are proposing to reduce that from a 10 total with 4 female sub quotas to 5 total with 2 female sub quotas. In hunting districts 530 and 590, we are proposing to 8 any lion to 10 any lion. Many of these proposals have been floated around to the public and have not heard any major opposition. Biologists and wardens are in favor of them. We don't anticipate any conflicts with landowners, sportsman, and other members of the public. Thank you.

***Motion: Commissioner Brower moved and Commissioner Colton seconded the Fish and Wildlife Commission 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 asked for comment.

Chairman Vermillion commented that he was curious about hunting district 380. The quota is being cut in half and there has pressure to increase the harvest.

Mr. Vore added that he would need to speak to someone in Region 3 about that.

No public comment.

***Action on Motion: Motion passed. 5-0***

## **21. FWP Statewide Forest Management Plan – Final**

Jason Park, Forester and Wildlife Biologist, explained FWP prepared a Forest Management Plan (Plan) for forested land administered by its Fisheries, Wildlife, and Parks Divisions. Nearly 200,000 acres of forested lands are distributed among 157 different sites including Fishing Access Sites (FAS), Fisheries Conservation Areas (FCA), Wildlife Management Areas (WMA), Wildlife Habitat Protection Areas (WHPA), and State Parks (SP). This is a programmatic plan designed to provide consistent management direction and guidance for developing property-specific forest management plans, implementing forest management projects, and identifying forest management priorities. The Plan applies to all forested land under fee-title ownership administered by FWP. In § 87-1-622(1), Montana Code Annotated (MCA), the legislature directed the Fish and Wildlife Commission (Commission) and State Parks Board (Board) to adopt forest management plans for lands under their jurisdiction. The Board approved the Plan at its February 2018 meeting. The Plan was developed through a collaborative process led by FWP forester, Jason Parke who worked closely with a team of wildlife biologists and a WMA maintenance supervisor in coordination with the FAS program coordinator and the SP chief of operations. The Plan emphasizes wildlife habitat functions, forest health, fire safety, and human safety for high-use areas. The Plan has undergone review by midlevel managers and field staff across all three divisions and by the Legal Unit.

Public comment on the FWP Draft Forest Management Plan was accepted from August 17, through September 18, 2017. The Plan was available on the FWP website, a press release was issued, and a letter was sent to interested parties. FWP received a total of five comments including three from individuals, one from a sportsmen's group and one from another state agency. Two comments directly supported the Plan and the remaining comments offered suggestions. FWP made minor changes to the draft plan in response to internal and external comments. The only alternative is to not adopt the Plan. In the absence of a Plan, FWP would continue to conduct forestry work but property-specific planning and projects would not benefit from a consistent approach to prioritization, analysis of habitat values, and establishing desired future conditions and associated prescriptions that consider a diversity of concerns at multiple scales of analysis. FWP recommends adopting the Plan. Forest lands under FWP ownership would benefit from a consistent approach to planning, identifying priorities, and managing individual forested properties. The filter approach described in the Plan would help assure forest management decisions are well informed and objective-based.

Jason Park, Forester and Wildlife Biologist, stated that he was presenting the Statewide Forest Management Plan. Recapping the background of the plan, the Legislature mandated that the Fish and Wildlife Commission adopt forest management plans for lands under their jurisdiction in. In § 87-1-622(1), Montana Code Annotated (MCA). The process timeline and where we have been where he has worked with the Internal Review Team, wildlife biologists, the Fishing Access Program manager, WMA Maintenance Supervisor, the Parks Chief of Operations, and Rick Northrup to make sure that I was on track with the plan as he developed it. The draft was completed in August of 2017 and went out for public comment and received 5 public comments. The result of the comments offered support or ideas as well as questions that were addressed about the plan. Just to clarify, we did make one minor change on how we would deal with juniper on certain ecological settings. We did have 4 minor changes to the fishing access sites that were listed in the table in the first chapter based on some internal comments for Region 2.

In February of 2018, this plan is also expected to be adopted by the Parks board at their meeting when it was presented to them. They did approve of the Forest Management Plan. What is the plan and what does it do? It is a strategic plan that will provide a consistent approach for managers to develop forest management plans on our individual properties especially wildlife management areas and fishing access sites with the goal of guiding managers to determine future desired conditions and the prioritizing those. The filter float approach coupled with special management areas that are described in the plan, will help to ensure that forest management is prescribed on these sites. He asked if there were any questions or discussions.

***Motion: Commissioner Colton moved and Commissioner Aldrich seconded the Fish and Wildlife Commission adopt the Forest Management Plan as presented.***

Chairman Vermillion asked public comment.

No public comment.

Chairman Vermillion added that this will be a nice plan to have in place for the next Legislature meeting next year.

Mr. Park replied that he is looking forward to a consistent approach that they haven't had up until now.

Commissioner Aldrich commented that he has followed the issue from the beginning to end until it was passed. Felt the plan was well thought out adjustments to the plan.

***Action on Motion: Motion passed. 5-0***

## **22. Mount Haggin Wildlife Management Area Habitat Project #4 (R3) – Final**

Ken McDonald, Wildlife Administrator, explained FWP is proposing to treat conifer expansion on approximately 1,500 acres of primarily grassland and shrubland habitats on the Mt. Haggin Wildlife Management Area (WMA). The total gross project area is 6,600 acres delineated into six treatment units, ranging in size from 65 to 646 acres. Conifers would be removed from grasslands, sagebrush, aspen, and willow-dominated riparian areas. This would mainly be a non-commercial harvest with a small component of commercial harvest of merchantable timber removed from aspen stands. Treatment in non-commercial areas would include hand-removal methods, with slash being either lopped and scattered or piled and burned. Commercial harvest would include the use of heavy machinery and temporary skid trails. No new roads would be established. Mt. Haggin WMA was purchased in 1976 for its wildlife habitat values. Because of its large intact acreage (almost 60,000 acres) that spans the Continental Divide, it provides summer and winter range to several big game species including mule deer, elk, moose, and antelope. Photo comparisons from the 1970's to 2010's show a large amount of conifer expansion into sagebrush, grasslands, aspen and riparian areas on the WMA. If left unchecked, conifer expansion could impact the big game populations that depend on Mt Haggin WMA for calving/fawning, summer weight gain, and winter survival. This project would also benefit other wildlife species that rely on these habitats including songbirds and small mammals. This proposal would ensure critical habitats remain functional and productive into the next 50 years. FWP completed an Environmental Assessment (EA) for the proposed project, which was released for a 30-day public comment period on November 3, 2017. The public was notified that this EA was available for review by direct mailing to adjacent landowners, Deer Lodge County, Silver Bow County, BLM, Forest Service, and other interested parties, distribution via the FWP Butte Area Wildlife Biologist's email list of interested parties, two public notices each in Montana Standard (Butte) and Anaconda Leader (Anaconda) and public notice on the FWP web page: <http://fwp.mt.gov>. Copies of the draft EA were available for public review at FWP Region 3 Headquarters and at the FWP Butte Area Resource Office. Six comments were received on this proposal. All were in support of the proposed action, with some suggestions to improve the project. Many of these were incorporated into the final decision. Two alternatives were evaluated: FWP would proceed as proposed and FWP would not implement any conifer removal projects on the WMA. A lack of treatment would allow the affected habitats to continue to decline in productivity. FWP recommends the Commission approve this project to remove Douglas fir and lodgepole pine from 1,500 acres of habitat on Mt. Haggin WMA, primarily to maintain and improve wildlife habitat productivity.

Jason Park, Forester and Wildlife Biologist, began by stating that he was going to talk about the Mount Haggin Wildlife Management Area Habitat Project #4. The project proposes to treat approximately 1500 acres. This would primarily be grassland and shrub land habitats in the area near Anaconda. The gross project area consists of about 6600 acres. Within that six treatment areas were identified ranging from 65 to 640 acres that the objective of the project is to remove Conifers from the habitats that are Aspen and Willow dominated areas. This is to enhance the big game winter range and proactivity on those sites. The reason that this item is before the committee is that this involves a small part of commercial harvest potentially. Since we consider timber with commercial value real property that is a main consideration for Commission approval.

The project went out for public comment in November. We received 6 comments and several recommendations were made to improve the projects as well as timing in relation to nesting birds and when they would be nesting. Also, how we might deal with the slash piles on that project. Thank you.

Chairman Vermillion asked comment.

***Motion: Commissioner Brower moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission approve the Mt. Haggin Wildlife Management Area Habitat Project #4 as proposed by the Department.***

Chairman Vermillion added that a few years ago, that he went on a tour there and didn't appreciate the Conifer encroachment until he was shown the traditional winter range for mule deer and big horn sheep. Clearly, Mount Haggin is one of those places. He glad this is being done. He glad that they are moving on this quickly and progressively. He wishes them good luck.

Mr. Park responded by saying that when they developed this project, they compared some 1970's photos to today's and the Conifer expansion is unreal. This plan will hopefully help us get some of that back. We are going to retain some patches to keep habitat diversity. Not entirely a 100 percent bad, Conifer expansion is part of a natural progression in some sites. The change is astounding over time.

Chairman Vermillion asked that once the Conifer are removed and they eventually start to grow back, is that something that the Department just goes in and removes them by hand or would let them grow for 15 years and then do it all over again?

Mr. Park replied that the older the trees get the more expensive it gets to remove them. In the case of this project, we are removing 30 -40-year-old trees that are at least 10 inches in diameter and around 25 feet tall or taller. It takes a tremendous amount of work to remove the older trees. So, we learn from this that we need to remove the trees as soon as we can before the trees get too tall.

Chairman Vermillion asked public comment.

No public comment.

**Action on Motion: Motion passed. 5-0**

### **23. Aunt Molly Wildlife Management Area Grazing Lease Renewal (R2) – Final**

*Ken McDonald, Wildlife Administrator, explained FWP proposes to renew a Grazing Lease Agreement with the Blackfoot River Ranch (BRR, Lessee) that has been successfully implemented since 2006. The current exchange of use grazing lease agreement expires at the end of the grazing season this year. FWP proposes a six-year lease renewal to continue to use cattle grazing on approximately 354 acres of historically cultivated land on FWP's Aunt Molly WMA to enhance spring forage quality on the WMA in exchange for the BRR adhering to a rest-rotation grazing management plan on approximately 640 acres of BRR's nearby private native rangeland. The rest-rotation system provides for plant community health and the rested pasture provides forage for wintering elk as well as cover for a variety of wildlife. The grazing agreement also would include a hunting access provision, highly valued by the public. FWP released a draft Environmental Assessment (EA) and published a legal notice of the proposal and availability of the draft EA to four local and regional newspapers. In addition, FWP mailed 16 copies and emailed approximately 29 notifications of the EA's availability to adjacent landowners, interested individuals, groups and agencies. FWP received no public input during the 21-day comment period for this proposed lease renewal. If the no action alternative were to be selected, the six-year Grazing Lease with BRR would not be renewed. FWP would not obtain benefits such as improved spring forage on the WMA or benefits of rest-rotation grazing strategy on adjacent private land, that also serves as elk winter range. The indirect benefits of cooperatively managing this area with a neighboring landowner also would not be realized. FWP recommends the Commission approve the proposal to enter a six-year grazing lease, involving FWP land (354 acres on Aunt Molly WMA) with the Blackfoot River Ranch (640 acres of private land). The lease arrangement serves multiple wildlife habitat benefits both on the WMA and on neighboring native rangeland, while helping support sustainable ranching and public hunting opportunities.*

Ken McDonald, Wildlife Division Administrator, talked about the Aunt Molly Wildlife Management Area Grazing Lease Renewal. One of the questions that he gets on these kind of issues is why do we have grazing on our wildlife refuges. There are a couple places that this is addressed. There is a commission policy and arm rule that directs us to when we are doing conservation easements and land purchases to consider a number of variables and one of those is maintaining agriculture where it currently exists. We are using grazing management as a habitat enhancement tool and in this case, we are working with adjoining private lands to impact a bigger footprint to manage grazing verses no grazing on one and heavy grazing on another.

This is a 6-year renewal grazing lease with the Blackfoot River Ranch. We have had 2 six year leases previously with them. We have 12 years' experience working with this landowner and the grazing system. It's been flawless and no complaints or issues. This will be an easy one to renew. What we do in an exchange of use agreement is they graze on 354 acres of the wildlife management area and then they incorporate 640 private acres into the grazing system with a 3-pasture rest rotation. All of it is in Elk winter range. The benefit is that the elk have 900 acres of managed grazing habitat that they can utilize. The project went out for environmental assessment. We did not receive comments on it. In terms of the structure of the lease, it is an exchange of use. The landowner maintains the infrastructure and agrees to the grazing system. In return, there is no fee or charge for that. This is also a landowner that provides public access, they are also a good landowner to work with. We think it's a positive for both parties. So, we ask you to renew this for another 6 years. Thank you.

**Motion: Commissioner Colton moved and Commissioner Aldrich seconded the Fish and Wildlife Commission approve the proposed six-year exchange of use grazing lease with the Blackfoot River Ranch on the Aunt Molly Wildlife Management Area.**

Commissioner Aldrich asked why the grizzly population was not mentioned here.

Mr. McDonald replied that Grizzlies are throughout the state now.

Vice Chairman Stuker added that he didn't like the last comment about the bear population but, we must be doing something right because 5 years ago, when we have the meetings on the grazing (microphone cut out) ... there was no way we wanted a cow out there (microphone cut out).

Chairman Vermillion stated that what Stuker was trying to say is that people may not appreciate how all the pieces fit together and how the wildlife moves through the different parcels. It's a system the uses and cooperates with other land owners makes a big difference and it helps them and the wildlife.

Chairman Vermillion asked public comment.

No public comment.

**Action on Motion: Motion passed. 5-0**

#### **24. Beartooth Wildlife Management Area Grazing Lease Renewal (R4) – Final**

Ken McDonald, Wildlife Administrator explained FWP is proposing to implement/renew a six-year grazing lease on a portion of the 36,000-acre Beartooth Wildlife Management Area (BTWMA). The proposed grazing lease would utilize rest-rotation and spot treatment grazing to maintain and enhance wildlife habitat on approximately 9,520 acres of the BTWMA. The proposed lease would also incorporate 26,300 deeded acres of Sieben Live Stock, 2,200 acres BLM, and 320 acres DNRC lands into the grazing system. The total area encompassed by this proposed grazing lease arrangement is about 38,340 acres (60 square miles) of private, state, and federal lands. This proposed exchange of use grazing lease is designed to provide a variety of habitat benefits, including maintain forage attractiveness/palatability of historic brome-grass hay fields on the WMA, provide habitat structure diversity through spot grazing treatments on both the WMA and ranching lands, and a grazing rotation on other portions of the ranch that supports plant community health and includes rest pastures that provide cover and forage for wildlife. This system is expected to provide habitat benefits particularly for elk, mule and white-tailed deer, ruffed and dusky grouse, and a variety of nongame wildlife species. The proposed lease arrangement also includes provisions for continuing to provide public hunting access on the Sieben Live Stock Ranch. Livestock grazing has been used successfully as a habitat enhancement tool in cooperation with the neighboring Sieben Live Stock Company since 1992. The proposed lease renewal was available for public review and comment from February 5 through March 6, 2018. Solicitation of public input resulted in receipt of 12 comments (11 positive, 1 neutral/negative). The responses came from four organized groups (Montana Sportsmen Alliance, Lewis & Clark County Farm Bureau, Helena Hunters & Anglers Association and Western Landowners Alliance), with the remainder from private individuals. No action (no grazing lease) alternative: Forage conditions on these portions of the WMA would deteriorate and overall forage and cover diversity would be reduced. Large numbers of elk would likely use adjacent land forage during the winter and spring time periods, some of which is private lands. Proposed action (renew grazing lease) alternative: Periodic reduction in residual vegetation, which in turn improves forage conditions and provides more diverse cover, particularly for species attracted to lighter cover. Soil and plant disturbance that will benefit seedling establishment of both desirable and possibly undesirable plant species. Provide for better fall and/or spring green-up vegetation for foraging elk, mule deer and other wildlife species, thereby reducing elk usage of adjacent private property during the winter and spring. Promote native plant community health over a large landscape, with associated ecological benefits. FWP recommends approval of the six-year grazing lease with Sieben Live Stock. FWP believes the action will maintain and improve forage and cover conditions for game and many nongame species. The system will continue to be monitored to detect any negative impacts to native vegetation.

Ken McDonald, Wildlife Division Administrator, talked about the Beartooth Wildlife Management Area Grazing Lease Renewal. He advised that this a renewal of a 6-year grazing lease with the Sieben Land and Livestock Company. It's an exchange of use agreement. There is 9,520 acres of the wildlife management area that is incorporated into a rest rotation grazing system that involves 26,300 acres of private land owned by the ranch. Incorporated in that is an additional 2500 acres of BLM and DNRC land. The total project area is about 38, 000 acres or noted in the cover sheet about 60 square miles affected by the rest rotation. It's an exchange of use agreement where our land is incorporated with the Sieben Livestock land into a large rest rotation grazing system that is described in your packet.

We have had multiple years working with these land owners and using the system, it's been successful we think and the Siebens allow public access managed through block management. So, access is involved as well. This also went out for public comment. We received 12 comments. Eleven were in support and 1 was neutral, based on that, the decision was to move forward and recommend that the lease be renewed for 6 years.

**Motion: Vice Chairman Stuker moved and Commissioner Brower seconded the Fish and Wildlife Commission approve the six-year livestock grazing lease arrangement on the Beartooth Wildlife Management Area with Sieben Live Stock as proposed by the Department.**

Chairman Vermillion asked public comment.

No public comment

**Action on Motion: Motion passed. 5-0**

#### **25. Birdtail Conservation Easement (R4) – Final**

Ken McDonald, Wildlife Administrator, explained FWP proposes the Birdtail Conservation Easement (CE) on approximately 3,980 acres owned by the Rumney Cattle Company. The property lies northwest of Cascade on the north edge of the Birdtail Hills, comprising mountain foothill grassland habitat intermixed with riparian and shrubland habitats. The property also encompasses about 1.5 miles of Birdtail Creek and Birdtail and Lionhead Buttes, two prominent geographic features in the area. The CE would conserve important wildlife habitat by preventing subdivision and development or other forms of habitat loss; perpetuating the agricultural lifestyle of the Rumney Cattle

*Company, including a grazing system that meets minimum FWP standards for grazing livestock; and conserving native plant communities. The proposed CE would also guarantee public recreational access to the property. The land would remain in private ownership and on state and county tax rolls. These habitats are essential for maintaining stable big game populations as well as sharp-tailed and forest grouse, furbearer and other native wildlife species. The uplands include important breeding, rearing and wintering wildlife habitat. These habitats also provide valuable hunting and wildlife viewing opportunities. The purchase price of the CE, based on fair market value, is \$2,350,000. Additional Department funding to help with necessary grazing system infrastructure shall not exceed \$41,500. Funding for this project would come from FWP's Habitat Montana Program and Deer and Elk Auction License accounts. In the spring of 2016, FWP Region 4 initiated a public scoping process for this proposed CE. A total of 13 formal comments were received during the scoping process, all in favor of the proposed project. On January 19, 2018, FWP Region 4 released a draft Environmental Assessment (EA) for a 32-day public review/comment period. A total of 35 comments were received from individuals and organizations with 31 in favor, 1 opposed and 3 not specifying. Based upon the draft EA and public comment, a decision notice from FWP Region 4 was released recommending approval of the proposed Birdtail CE. No Action: In the near term, the property would likely continue to be managed and maintained in its current form. However, in the absence of a CE, future land use practices could change, potentially impacting key habitat values, creating wildlife management conflicts, and reducing or eliminating public access opportunities. Proposed Action: The traditional uses of the land would be maintained under the terms of the CE. The terms of the CE do require some of the current land management practices to be modified, such as the implementation of a rest-rotation grazing system and necessary infrastructure for such, and prohibit others, such as destruction of riparian areas or the breaking up of native ground. The proposed CE would serve to maintain future management options for protecting, conserving, and propagating wildlife by perpetually conserving the natural habitats, providing for the continuation of traditional ranching operations, and maintenance or expansion of public recreation on the property. The Department recommends approval of the Birdtail CE. The CE would conserve high value wildlife habitat, perpetuate the agricultural lifestyle of the Rumney Cattle Company, and guarantee public recreational access on the property.*

Ken McDonald, Wildlife Division Administrator talked about Birdtail Conservation Easement. This is an easement on the Birdtail Ranch that is owned by the Rumney family. I want to mention that Bob Rumney who owns the ranch is here today to answer any questions. This is an easement that is on 3,980 acres that is one continuous block west of Cascade and north of the Birdtail Hills. It's an easement that focuses on the protection of important habitat for wildlife with the added benefit of maintain the lands and agriculture production primarily grazing.

The acreage is primarily intermountain foothill grassland habitat which is one of our priority habitats. It is intermixed with shrubs and the mile and a half riparian area. It's a high-quality habitat that benefits deer, elk, mountain grouse, and a number of other wildlife species. As part of our traditional easements, it would include a public access component and no subdivision, no split. This would be contained as a large contiguous piece. The access will be managed through block management. The funding for this would be primarily be Habitat Montana.

The costs will be about 2.35 million dollars and we would also incorporate Deer Auction dollars as well as some Elk Auction dollars. What an auction dollar is, the commission approves each one deer and one elk license and other licenses to be auctioned off. The statute states that has to be for the benefit of the species. So, we have an internal guidance of whatever we get in those auctions. We set aside at least half of it for habitat for those species. The management will include working with the land owner regarding a managed grazing system to make sure we maintain those habitats.

The project first went out for scoping. We had 13 scoping comments. They all were in support of the project. Then an environmental assessment and put it out for public comment. There were 35 comments and 31 in support and one not supportive of the state being involved in lands including easements. There were 3 that were neutral and took no positions or comments on the project itself. Based on that, the decision was to go forward with the easement. We are recommending that the Commission provide final approval on this. We will be happy to answer any questions and Mr. Rumney the landowner is also here to answer any questions.

No comment from the Commission

***Motion Vice Chairman Stuker moved and Commissioner Brower seconded the Fish and Wildlife Commission approve completion of the Birdtail Conservation Easement with the Rumney Cattle Company, as proposed by the Department.***

Mr. McDonald wanted to add that one of the comments from a nearby landowner, who also has an easement with us, her comment struck me as it pointed out the benefits of these easements. She added that there is a national benefit, a state benefit, a community benefit, and the individual benefit of the landowner to exercise ownership rights to do easements. He felt it was a well-spoken comment.

Chairman Vermillion asked if that comment was going to the Land Board.

Mr. McDonald answered that if we follow the current protocol it would.

Chairman Vermillion wanted to thank the Rumney family. These are the sort of projects that being on this commission and working for the Department that make this rewarding. This is one of those things where everyone benefits. Thanks to the Rumneys and the Department for coming to the Commission and working with us to finalize this. It will create opportunities for everyone for a long time. Thank you.

Chairman Vermillion asked public comment.

Nick Gevock, Conservation Director for the Montana Wildlife Federation, began by stating that his members think that this is a great property, a great habitat and that it's nice to speak to a body of individuals who appreciates the value of these easements. We are thankful to have land owners like the Rumneys who partner with FWP to do this. We strongly support this.

No comments from the regions.

**Action on Motion: Motion passed. 5-0**

**26. Land Exchange with Cross Canyon Ranch on Spotted Dog Wildlife Management Area (R1) – Final**

Ken McDonald, Wildlife Administrator, explained FWP proposes to exchange lands between FWP and the adjacent Cross Canyon Ranch (CCR). All exchange parcels are in T9N, R8W, in Powell County. The exchange would involve approximately 460 acres of land within Spotted Dog Wildlife Management Area (SDWMA, located NE of Deer Lodge), for approximately 438 acres held by CCR. The exchange would consolidate each entity's holdings and facilitate management of both the ranch and the WMA. Of special importance to FWP is the opportunity to enhance public access between the eastern and western portions of the WMA, which currently is hindered by checkerboard boundaries. While the number of acres is not equal, the overall value of the lands being exchanged is comparable. All parcels considered for exchange are classified as dry grazing land, which is valued at approximately \$600/acre in this area. At this valuation, the parcels FWP would be exchanging to CCR would be worth \$275,736 and the worth of the parcels FWP would be receiving is \$263,004, a difference of \$12,732. As the savings in fencing from the proposed exchange is estimated to be \$86,250, FWP would realize an overall financial gain of \$73,518 from the proposed action, in addition to the other benefits. FWP has updated (2018) its management plan for SDWMA and the plan is available from FWP upon request. FWP scoped the public for issues prior to preparing the EA, from September 7, to October 6, 2016. Issues raised during the scoping process were incorporated in further negotiations between FWP and CCR prior to arriving at a final negotiated land exchange proposal, and were reflected in the draft EA that was provided for public review and comment. FWP mailed 64 copies of the EA, and emailed approximately 120 notifications of the EA's availability, to adjacent landowners and interested individuals, groups and agencies. The EA was available for public review on FWP's website from January 16 to February 14, 2018. A public hearing was held in Deer Lodge on February 7 at the Deer Lodge Community Center, where 10 members of the public attended. Overall, a total of 10 commenters supported the land exchange, 3 commenters opposed the land exchange, and 2 commenters did not indicate support or opposition. No action is the only viable alternative, which would leave the current ownership pattern in place. This would increase fencing costs for the Department and would result in a greater likelihood of chronic trespass livestock issues on the WMA. No action would also eliminate the option in this area for legal public access to both the east and west sides of the WMA. FWP recommends completing the proposed land exchange. This proposal has benefitted from the input of an informed public and the private landowner has been accommodating in defining an exchange that benefits the WMA and the private landowner as well as the public through reduced costs and improved access across the WMA.

Ken McDonald, Wildlife Division Administrator, talked about the Spotted Dog Land Exchange. It is a land exchange with Cross Canyon Ranch in the Spotted Dog Wildlife Management Area. This would also be a final. This is a land exchange with inholdings was endorsed by the Commission several years ago. There had been a lot of work going on in a number of fronts and this is one that come to fruition. The owner is Mick McGraw is also here and would be able to answer questions.

This is a project that has been in the works for a long time. We went out for scoping and got some feedback. As a result, we are coming to you with this project. It would involve exchange of 460 acres of wildlife management area for 438 acres currently owned by Cross Canyon Ranch. The purpose of this easement for us is to consolidate boundaries and remove weird boundaries.

For us, the added benefit is one portion of it that connects what was otherwise a checkerboard piece of land. It connects the eastside verses the west side and provides a clean access to cross one side to the other without the question of corner crossings. That is an added benefit. It will also help to reduce conflicts and straightens up the boundaries. There is an odd shaped piece on the northeast corner of the map. that purpose is to move the road off the ridge. There have been issues with people driving along the ridge that see the elk on the private land and then we have conflict. It is an ingenious solution to have an out of site out of mind and reduce conflicts.

Based on the values of 600 an acre to both owner's parcels so the difference is about \$12,700 in favor of Cross Canyon. For us we will get a savings of about \$86,000 in fencing. There really is a gain and we feel it is a win, win solution. This went out for public comment. Region 2 did an extensive effort with notifying landowners and other interested parties. They also did a public meeting in Deer Lodge with 10 people in attendance. This went out for an environmental assessment. Overall, we received 15 comments compared to the hundreds of comments from the scoping. The people didn't think it was a good deal so we went back and reworked it. He thinks that we have a good deal now. Out of the 15 comments there were 10 in support, 3 opposed, and 2 that took no position. The opposed was mainly about not thinking this was a good deal for us. There was no substantiated reason why we wouldn't go on with this project. The recommendation is to move forward with this exchange. A lot of work has gone into it by our lands people, habitat people and Region 2 with Mick McGraw who is the owner of the ranch.

**Motion: Commissioner Aldrich moved and Commissioner Colton seconded the Fish and Wildlife Commission approve the land exchange with Cross Canyon Ranch to consolidate holdings within and next to the Spotted Dog Wildlife Management Area as proposed by the Department.**

Chairman Vermillion asked public comment.

Nick Gevock, Conservation Director for the Montana Wildlife Federation, stated the this is just a small land deal in a relative sense. It can make a big difference and benefit everyone. He feels it is a good project. His organization supports it. Thank you.

**Action on Motion: Motion passed. 5-0**

**27. West Valley Donated Public Access Easement and Proposed Wildlife Viewing Area (R1) – Final**

Ken McDonald, Wildlife Administrator, explained FWP proposes to accept a ¼-acre public access easement to serve as a wildlife viewing area. The West Valley Public Access Easement which overlooks a 45-acre pothole wetland, is part of a Flathead Land Trust (FLT) project to conserve 328 acres of important habitat northwest of Kalispell. Public access is a requirement for part of the funding that FLT is using to purchase their conservation easement. By accepting the donated public access easement, FWP would help support this conservation project and obtain a suitable site to develop into a wildlife viewing area. This pothole wetland and the surrounding agricultural lands are heavily used by migratory waterfowl, shorebirds, raptors, and sandhill cranes. Over 400 sandhill cranes have been seen at one time, making this the largest staging area in northwest Montana. A developed viewing area would provide a designated location for wildlife watching, photography, and outdoor education for local schools. The easement would be donated by Grosswiler Dairy Inc. Development of a wildlife viewing area on the easement would be funded with partner contributions from FLT, Montana's Outdoor Legacy Fund, Montana Fish and Wildlife Conservation Trust, FWP, Flathead Audubon, Ducks Unlimited, Flathead Pheasants Forever, one private foundation, and 55 members of the community. The West Valley Donated Public Access Easement and Proposed Wildlife Viewing Area Draft Environmental Assessment (EA) was released for a 14-day public comment period on February 27, 2018. FWP posted a public notice on its webpage and the Region One Facebook page. A news release was distributed to a standard list of media outlets. The draft EA was available at the Region 1 office and Helena Headquarters. Public notices were published in the Daily Inter Lake and the Flathead Beacon and notices of the EA were distributed to neighboring landowners. FWP received 15 responses to the draft EA that were positive in nature and supported the proposed action. Many of the responses acknowledged the level of community involvement and assistance in reaching fundraising goals. One suggestion to mitigate wildlife disturbance and another comment with concerns over the potential increase in traffic and impacts to adjacent neighbors and residents beyond the access easement were addressed in the decision notice. FWP analyzed 1) the Proposed Action and 2) No Action – not accepting the donated public access easement and not creating a wildlife viewing area. Under the No Action, this opportunity to provide a safe wildlife viewing area would be lost and the Flathead Land Trust's 328-acre conservation easement may not be completed. FWP recommends the Commission approve FWP's acceptance of the West Valley Donated Public Access Easement. Completion of this project would provide wildlife viewing opportunities and allow FWP to foster interest in the resources we manage while conserving agricultural values.

Ken McDonald, Wildlife Division Administrator, stated that this is regarding Region 1. This is a final action on a donated public access easement called the West Valley Public Access Easement. This is a different type of project than our normal easements. This is a quarter of an acre easement that would be provided to the Department to manage as a wildlife viewing area. This is a project that the Flathead Land Trust has worked on to put an overall conservation easement on a 320-acre piece in the Flathead Valley just outside of Kalispell. One of their funding sources has a requirement for some public access. They approached us about managing access for wildlife viewing. The viewing would overlook a 45-acre prairie pothole wetland that gets extensive use by all kinds of waterfowl. Water birds, and significant use by Sandhill cranes.

It is a nice piece of property and a good way to expand our horizons beyond just hunting and fishing. We can look at wildlife viewing and a broader constituent to appreciate conservation and wildlife. If you approve the easement, then we would work on developing some funding to build a parking lot and a viewing area. We would manage that as a wildlife viewing site. We hope you will support it. It went out for public comment through the MEPA process. There were 15 comments. All were positive. We think it would be a good project for us and the Department.

**Motion: Commissioner Aldrich moved and Commissioner Brower seconded the Fish and Wildlife Commission approve FWP's acceptance of the West Valley Donated Public Access Easement from Grosswiler Dairy Inc. as proposed by the Department.**

Chairman Vermillion asked public comment.

No public comment.

Chairman Vermillion wanted to thank the Grosswiler Dairy Corporation for the land donation.

**Action on Motion: Motion passed. 5-0**

**28. Boulder Creek Ranch Access Project (R2) – Endorsement**

Ken McDonald, Wildlife Administrator, explained Five Valleys Land Trust and the Buxbaum family have worked together over the past year to develop and fund a conservation easement for their 1,193-acre ranch in the Flint Range near Maxville. The Buxbaums have agreed to grant a conservation easement that includes perpetual public hunting access for a minimum of 50 hunter days annually. Five Valleys Land Trust proposes to assign the management of public hunting access to Montana Fish, Wildlife & Parks. FWP Region 2 would like to pursue management of public hunting access on this property in perpetuity. Since this is a new proposal before the Commission, no public comment or involvement has been solicited to date. Requisite public involvement through a draft Environmental Assessment will be sought, pending approval to proceed. Proposed Action: FWP proposes to work with Five Valleys Land Trust and the Buxbaum family to secure



*a conservation outcome for the subject property, including the management of perpetual public hunting access assigned to FWP. No-Action Alternative: FWP would forgo the opportunity to pursue this access opportunity. FWP recommends that it be allowed to pursue and evaluate this opportunity to receive the assignment of the recreational public access to this property.*

Ken McDonald, Wildlife Division Administrator, stated that have a few more easements to consider today and when Dustin talked about agency priorities, was working on public access and including different formats of access other than just block management. This kind of fits within that priority. He wanted to discuss the Boulder Creek Ranch Access Project in Region 2. It's a project where the Natural Resource Damage Program and the Five Valleys Land Trust are working together to put an easement on the 1,193-acre ranch. It is owned by the Buxbaum family. Five Valleys would hold that easement. There is an interest held by the parties involved to provide a public access proponent. The proposal is to transfer management of access from that easement to Fish, Wildlife and Parks. It would be 50 hunter days that would be managed by FWP on the property and perpetuity. We are seeking your endorsement and that would go through the public review process and we would come back to you with the final some time down the road. We have people here from the DNRD program and the land trust for questions.

***Motion: Commissioner Aldrich moved and Commissioner Colton seconded the Fish and Wildlife Commission endorse FWP's proposal to pursue and evaluate this opportunity to secure public hunting access rights as part of the proposed Buxbaum Boulder Creek Ranch conservation easement.***

Chairman Vermillion stated that this is the first time he has seen a private land trust accepting a donated easement and assigning the public hunting rights to the Department to manage.

Mr. McDonald added that there have been a few in the past that are a similar concept, like everyone working together on certain parts to make a great project.

Chairman Vermillion asked public comment.

Pelah Hoyt, Land Director, Five Valleys Land Trust, stated that in addition to adding some great wildlife habitat protection and public access. What she wanted to speak to was the context in which this project is taking place. It's located in the Flint Creek Valley and there are good things happening there. There are landowners, business owners, and nonprofits all working together to conserve land, as well as do important mine reclamation work. They are also trying to invigorate the economy. There is some good momentum here. We see it as a very worthy place for FWP investment and your investment will help grow that momentum. The second part is that there are a lot of special places in Montana. We have a huge task ahead of us to look after the fish and wildlife resources that have been entrusted to us to make sure that they are there for future generations. She feels that the breadth of the agenda today speaks to how big that task is. It really is more of a bigger task that any one entity could take on. So, that is why it is so important that we take on these partnerships. Especially when they can be done in smart and efficient ways. This project really exemplifies that partnership with FWP, Five Valleys Land Trust, and the state NRD Program. There is a significant contribution from Federal Farm Bill funding, as well as landowner contributions. This is just a great example of the partnerships that I think we need to take on in order to meet this task. We hope that FWP will accept this invitation to work with us on this partnership.

Nick Gevock, Conservation Director, Montana Wildlife Federation stated that he would like to add to Ms. Hoyt's comments. It's great to see multiple partners come together on this and get some NRD dollars. We need more public access. This is a good project. Thank you.

***Action on Motion: Motion passed. 5-0***

## **29. Dry Cottonwood Creek Access Project (R2) – Endorsement**

*Ken McDonald, Wildlife Administrator, explained the Natural Resource Damage Program (NRDP) and the Clark Fork Coalition (CFC) are pursuing the development and funding of a conservation easement on the 2,363-acre Dry Cottonwood Creek Ranch and the 1,051-acre Deer Lodge River Ranch properties along the Clark Fork River west of the Boulder Range at Galen. The conservation easement on these two properties would include both perpetual public hunting access for a minimum of 800 hunter days annually and year-round recreational public access to the Clark Fork River Corridor. NRDP proposes to assign the management of public hunting access for this easement to Montana Fish, Wildlife & Parks. FWP Region 2 would like to pursue management of recreational public access on the Dry Cottonwood Creek and Deer Lodge River Ranch properties in perpetuity. Since this is a new proposal before the Commission, no public comment or involvement has been solicited to date. Requisite public involvement through a draft Environmental Assessment will be sought, pending approval to proceed. Proposed Action: FWP proposes to work with the NRDP and CFC to secure a conservation outcome for the subject properties, including perpetual public hunting access and year-round recreational public access to the Clark Fork River Corridor. No-Action Alternative: FWP would forgo the opportunity to pursue this access opportunity. FWP recommends that it be allowed to pursue and evaluate this opportunity to receive the assignment of the recreational public access to these properties.*

Ken McDonald, Wildlife Division Administrator stated that this project is like that one you just heard. It is also an assignment of hunting access from a conservation easement. In this case, there is 2 ranches involved. There is 2,263 Dry Cottonwood Ranch and 1,051 Deer Lodge River Ranch along the Clark Fork River by Galen. The easement is being done through land trusts like Clark Fork Coalition and the Resource Damage Program. With the assignment of hunting access rights, given to FWP to manage in perpetuity. This project the access would be minimum of 800 hunter days on about 3400 acres.

The easement being negotiated would include recreational access all year round the Clark Fork River. It's a good project for conservation for recreational and hunting access. In this case, what would happen would be they would consummate the easement and assign the management of the hunter days to FWP. This would be managed through our regional access management program. We are asking for an endorsement and then go through a public review process. If all goes well, we would be back for a final review down the road.

***Motion: Commissioner Colton moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission endorse FWP's proposal to pursue and evaluate this opportunity to secure public hunting and recreational access rights as part of the proposed Dry Cottonwood Creek Ranch and Deer Lodge River Ranch conservation easement.***

Chairman Vermillion asked public comment.

Nick Gevock, Conservation Director, Montana Wildlife Federation stated that he would like to disclose that this is with their past president Cathy Hadley. It doesn't make it less worthy of a project. This is in the upper Clark Fork area where there is a lot of elk so we need to put some people on the ground. This is another good project. Thank you.

No further public comment.

Chairman Vermillion commented that this another good example of everyone working together to come up with a great project for the hunters of western Montana. There is more momentum for whatever reason, there seems to be more in western Montana than eastern Montana. Hopefully that will change soon.

Mr. McDonald added that we recognize the Resource Damage Program, they are the ones that are insisting that access be component of what they are funding.

Chairman Vermillion wanted to be reminded who the RDP was.

Mr. McDonald replied that Greg Mullan would come up and explain who they are.

Director Williams stated that she wanted to thank everyone for being creative in putting together these projects and we've been involved with them and they really heard our concerns. Thank you.

Greg Mullan, The Natural Resource Damage Program, greeted the Commission and stated that he has been with them for a few decades. What the Resource Damage Program is that we are the folks that receive monies through a lawsuit with ARCO, which is covers natural resource damages over the Clark Fork River Basin from Butte to Missoula. The major injuries were aquatic, terrestrial, and groundwater. Those monies that we acquired over the decades from the lawsuit can be used for a variety of things. It's really an exciting law that is part of Super Fund Natural Resource Law.

This allows not only to spend the money but to restore what was damaged such as silver creek or the Clark Fork River. It also allows us to spend money on lost services. In Butte, we spent about 75 million dollars on enhancing and replacing their drinking water system because of the groundwater injury. On Fisheries, we are working on enhancing quite a few of the tributaries from Butte to Missoula. We are helping to enhance fish habitat. In Wildlife, there are habitats around the state that are injured. We can use the money to replace lost services that would have been there if the lands hadn't been injured. We are really excited about these 2 ranches because there will be 5 miles of Clark Fork River that will be available for recreation along I-90. That is a quick synopsis of what we do. Thank you.

***Action on Motion: Motion passed. 5-0***

### **30. Addition to Garrity Mountain Wildlife Management Area (R2) – Endorsement**

*Ken McDonald, Wildlife Division Administrator, explained this project represents a unique opportunity for Fish, Wildlife and Parks (FWP) to purchase a private inholding totaling approximately 134 acres of important wildlife and fish habitat along Warm Springs Creek and to block up FWP ownership and management of the Garrity Mountain Wildlife Management Area (WMA). The property fills in a gap in public ownership, connecting a portion of the WMA to a public road and connecting a bighorn sheep migration corridor between Blue Eyed Nellie WMA and the Garrity Mountain WMA. Project partners have approached the owners, YT Timber, and their agent and they have agreed to sell these parcels to FWP to ensure public access is protected and the existing habitat is not further fractured. FWP Region 2 would implement a public involvement process under MEPA and subsequently make a recommendation to the Commission, pending the outcomes of environmental analysis and due diligence. No action is the only viable alternative to this proposal, which would leave these private inholdings available for subdivision and development, as is planned for the remainder of the larger YT Timber parcel. FWP recommends endorsement of this proposal, allowing the Department to further pursue and evaluate this proposal and to offer opportunities for public review and comment.*

Ken McDonald, Wildlife Division Administrator, we are needing permission to purchase and receive a private inholding that totals 134 acres of important Fish and Wildlife habitat in the Garrity Mountain Wildlife Management Area. The property fills a gap in Public ownership and connects a portion of the WMA and a road that goes across it to the Blue-Eyed Nellie Management Area. It's important to big horned sheep migration corridor. Because of its location, the road is highly developable. This is a project that will help maintain the

incredibility of the existing wildlife management areas in this place. The project itself, is estimated around \$400,000. The project would be funded from a grant from the Fish and Wildlife of Montana Conservation Trust (Canyon Ferry Trust), and the Natural Resource Damage Program. This will be very little cost to the Department to fill in this important piece of the wildlife management area. We did receive a lot of emails asking to support this. It's already on the radar of groups like that National Chief Foundation, and the Anaconda and local sportsman clubs. They were all very supportive of it. If you endorse it, we will go out and do an environmental assessment and public comment. If all goes well, we would come back with final approval.

***Motion: Commissioner Brower moved and Commissioner Colton seconded the Fish and Wildlife Commission endorse this addition to the Garrity Mountain Wildlife Management Area, allowing the Department to conduct further analysis and associated public review.***

Chairman Vermillion asked public comment.

Brian Solan, Executive Director of Montana Wild Sheep Foundation greeted the commission and added that he would appreciate support on the project. He advised that he wrote the grant for this to the Fish and Wildlife Conservation Trust. It's been 3 years since that and we did file an extension for that grant and there is a timeline at the end of that grant. For many that know the area, it's a good connecting piece. It ties in a couple of Garrity Mountain and Blue-Eyed Nellie pieces to maintain connectivity. We appreciate that support.

Chairman Vermillion asked what the timeline was on the grant.

Mr. Solan replied that a 2-year extension was given and that is due to expire very quickly and the department would of the information of when.

Nick Gevock, Conservation Director, Montana Wildlife Federation stated that he was asked by the Anaconda Sportsman club to speak on their behalf on this.

***Action on Motion: Motion passed. 5-0***

### **31. Dome Mountain Wildlife Management Area addition of 160 Acre Inholding (R3) – Endorsement**

*Ken McDonald, Wildlife Administrator, explained FWP proposes to acquire a private inholding of 161 acres near the divide between Paradise Valley and the Gardiner Basin, surrounded by the Dome Mountain Wildlife Management Area (DMWMA) and Custer-Gallatin National Forest. The parcel was retained as an inholding that also includes a yearlong travel easement through the DMWMA to the parcel, both negotiated as terms when the property was sold to establish the DMWMA. There are conservation easement restrictions on the parcel, held by FWP. However, frequent travel through the DMWMA to access the inholding and activity on the inholding have resulted in significant disturbance to wintering wildlife, and there have been regular conflicts between inholding residents and public hunters and recreationalists on the surrounding public lands. A purchase option and right of first refusal was assigned from Rocky Mountain Elk Foundation to FWP in 1990, allowing the Department to purchase the inholding at 32% of today's appraised value. The parcel lies within important bull elk winter range and is adjacent to an important migratory corridor for elk. The DMWMA serves as critical winter habitat for over 3,000 elk and provides high value habitat for many other wildlife species. The future of this inholding and the associated travel easement has the potential to directly impact habitat integrity and recreational values of DMWMA. Acquiring this land as an addition to the DMWMA would ensure protection of the Department's existing landholding interests. Upon Commission endorsement, FWP Region 3 would complete an environmental assessment and public review process along with other required due diligence. Upon completion of these steps, FWP would report the results and make a recommendation to the Commission. The only alternative would be no action, which would result in the sale of this property to a new owner and the loss of FWP's right of first refusal at 32% of market value. Continued private ownership with the associated travel easement through the DMWMA would result in continued disturbance and conflicts on the DMWMA. FWP recommends endorsement of this acquisition proposal. The current owners are pursuing sale of the property, and if FWP does not exercise the right of first refusal the property would be sold to new private owners and the opportunity to acquire the inholding would be lost.*

Ken McDonald, Wildlife Division Administrator stated that this is an endorsement for an acquisition of an inholding for Dome Mountain Wildlife Management Area. This is just a 160-acre piece. It is not the big Dome Mountain Project that we spoke about a while ago. When the Dome Mountain Management Area was Acquired, the 160-acre inholding was withheld. There was an easement on it but, not transferred. The Rocky Mountain Elk Foundation purchased it and then we acquired it from the Elk Foundation. It included a right of first refusal. If the property went up for sale, we would have the right of first refusal. It also included some language about what the cost of that would be. It was based on at the time that the diminution of the easement was 68 percent. The right of first refusal lets have an opportunity to purchase the property at thirty-two percent of the fair market value. The 32 percent is around \$411, 000 now. This is based on the most recent appraisal.

A reason why this is a priority for the department. Is that the easement included access across the WMA to this parcel. This WMA is one that we manage for winter range. Typically, this is closed in the winter. This parcel has the road in the middle of it going to the management area. We would like to have this piece so that we can have control and maintaining the integrity of the WMA. The owners passed away and the heirs want to sell it. We want exercise the right of first refusal. The first step is to get your endorsement. Step 2 is that we really have to hurry on this because we only have 30 days. We are working with some outside partners to see if we can secure this so we don't lose our right of first refusal. We are looking for your endorsement on this and will go through the proper processes going forward.

***Motion: Chairman Vermillion moved and Commissioner Colton seconded the Fish and Wildlife Commission endorse this addition to Dome Mountain Wildlife Management Area, allowing the Department to communicate intent to move forward on the right of first refusal and conduct further evaluation and public review.***

Vice Chairman Stuker asked if this was a public or private road through the WMA. Part of the easement terms is that they have year-round access through the WMA to that parcel.

Mr. McDonald responded that it was a private road. Part of the easement terms is that they have year-round access through the WMA to that parcel.

Chairman Vermillion asked public comment.

Nick Gevock, Conservation Director, Montana Wildlife Federation stated that this parcel is important and I hope that we can get this through the land board. Maybe the Commission could reach out to some of the land board members to talk about the value of this. It's nice to block up some of our Wildlife management areas. Thank you.

Glen Hawkitt, Gallatin Wildlife Association, stated that the association strongly supports this. Thank you.

Chairman Vermillion added that he would like to thank Darlene Edge from the Lands Division. He stated that when he found out about it, the Department was already working on it and that was great to see. He understands that sometime government can be accused of not being nimble in tight times, but, he is glad that the Department has gotten all the pieces of the puzzle together for this project. If you look at it on the map you will see how valuable this is as far as all the linkage between the forest service, WMA and that road. Whoever negotiated it, did a good job with the first refusal. Chairman Vermillion added that he would help as much as can with this project.

***Action on Motion: Motion passed. 5-0***

### **32. Public Comment for Issues Not on This Agenda**

Glen Hawkitt, Gallatin Wildlife Association, stated that the association is a small group of hunters' anglers, and other outdoor activists. We recently have spent all of time working on restoring big horn habitat. Particularly in southwest Montana. We spend a lot of time using legal resources in this effort. We have been working with big horn advocates across the west. Big horn sheep are in trouble. Things that matter are population size and certainly the separation of domestic sheep and goats. These things are controversial and have been in the Billings Gazette and other places if you have not seen that. He wanted to talk about the Green Horn herd decision to start hunting. They do not support that. He thinks this is a sign of a bigger problem. He forewarned the commission that this was going to take a while to talk about the concerns.

Mr. Hawkitt went on to say that he is worried about the integrity of Fish, Wildlife and Parks as well as the credibility of the Commission. He hopes that everyone will pay attention and challenge his group. He stated that he has been visiting with a lot of people and we all believe that the big horn sheep are in a bigger danger than we admit. This is a hard issue to address. There is a lot of politics involved.

He thinks that big horn management in Montana for certain, is based on a fallacy that 125 sheep forms a minimal viable population. He asked if anyone in the room could show him that was a viable number. Not only is it used as an MVP but, an objective. We shoot start shooting ewes if we get to 125. It's ridiculously low and off by an order of magnitude. That should scare you as it should apply to 1,000 big horn sheep. There is no place in Montana that he is aware of that has a herd of a thousand sheep in connected populations. Last meeting the Commission approved a hunt of the Green Horn herd. That herd numbered 59, 46, and 42 in 2015, 2016, and 2017. Those were the observed counts. Forty-two is the most recent observed count. He thinks that FWP had a good biologist who made a bad recommendation based on faulty criteria within this plan.

The 2010 Big Horn Sheep Conservation Strategy page 222 prescriptive harvest management about the Green Horn herd. It covers some of the issues that he is talking about today. In the Prescriptive Harvest Management, there are 4 criteria that Dean the biologist (He highly respects him) used to make a recommendation to the Commission to hunt a herd of 42 observed animals. The 4 criteria are:

1. The population is at least 75 observable sheep for the last 3 years. (These are for the last 3 years. Clearly, we did not make that one.)
2. There are at least 30 rams for 100 ewes. (In his mind this is misleading as we do not have 100 ewes out there. We certainly do not have 3 rams out there either. But, we meet that ratio. So, if you have 10 ewes and 3 rams you could meet that ratio.)
3. More than 30 percent of the rams are three quarters curl. (I think we met that one.)
4. There are at least 30 lambs per 100 ewes. (We don't have 100 ewes so we don't have 30 lambs but, we met the criteria.)

Only 3 of the 4 criteria needed to be met. So, the first one clearly wasn't met. Dean came forward with a proposal because we have not observed 75 big horns in the last 3 years. The problem with this criterion is there could be 10 ewes, 3 rams (one in full curl), 3 lambs and propose hunting on a herd of 16. Mr. Hawkitt hopes that the Commission will take a hard look at this harvest prescription because it cannot be valid. If nothing else, just meeting 3 out of 4 can be compared to having 3 good tires and 1 flat so let's go on a road trip. It's not going to work very well. At a minimum, we should meet all 4 of these. He would argue that 75 observable sheep are still too low. He loves to hunt.

It bothers him to be here to talk about not hunting. His group would like to see more opportunity for hunting big horn. This is a big mistake in his opinion based on the criteria. This is a symptom of a larger problem.

The reason we have big horn sheep in the Green Horns is there was an MOU. It wasn't a very good deal as he feels that the MOU was to be signed if there was to be Big horn sheep in the Green Horn landscape. The biologist at the time said that the initial transplants of 2003 and 2004 in the Green Horns removal of big horn sheep as per agreements made with the adjacent domestic sheep producers, have precluded these big horns from expanding numerically. That's the MOU. That is the problem with going into these kinds of MOU's that say that we will limit the herd to the Green Horns and just limit to some small number that really is not viable. He challenges the Commission to show where 125 is viable. The original objective for that herd was 200. Because of all the removals and sheep leaving the area, the biologist at the time suggested that perhaps an attainable objective would be 125 big horn sheep. Even if that is a viable population, we are on the edge of the cliff. If you drop that to 100 then it is a quick jump to extinction. He argues what is ordering the magnitude below what we are talking about?

Mr. Hawkitt advised that he wanted to shift focus to pages 57 and 58 of the Big Horn Sheep Conservation Strategy. He wanted to read the part on genetics. Isolated populations with small size will experience rapid loss of genetic variation and inbreeding (mating of relatives). The rate of loss in genetic variation, is determined by the effective population size, not the population census. Most estimates of effective population suggest that it is 10-50 percent of the census. Given a breeding structure where few males dominate reproduction, the effective population may be only 10 percent. In a herd of 42, you have an effective population of 4-8 big horn sheep and we just authorized a hunt. This goes on to say that populations of 50-200 adults and the effective population would only be 10-20 sheep. This would result in rapid loss of genetic variation and inbreeding. That would be in a herd of 50-200 adult sheep. We have a herd of 42 that was just proposed to hunt. Any big horn sheep population that been small less than 50-100 breeding adults, isolated for more than 2 or 3 generations (a generation is 5 years) could be considered a candidate for genetic rescue.

The Green Horn big horn herd has been out there since 2003-2004. That is about 15 years. They are likely inbred and suffering from genetic issues that hopefully Dr. Jim Bailey from Bozeman will weigh in on. That comes from our own plan. He feels that we are ignoring this very important information. Maybe we should be thinking about genetic rescue instead of harvest at this point in time which mean bringing in some ewes. He realizes that are some risks with that. We are talking about ridiculously low numbers in his own opinion and maybe any geneticist that you may talk to. This is not limited to the Green Horn herd. Dr. Bob Garrot from MSU recently said that 70 percent of our herd are below 100. That seems to be a red flag to him. He feels that the sheep are in an extinction vortex. This needs the departments attention and the Commission's attention. We are here to help if we can.

On the Beaverhead-Deer Lodge is where we spend a lot of our time trying to restore a lot of the habitat there. We are using a lot of resources, legal included. They have identified 11 big horn sheep herds (Information not part of the Big Horn Sheep Plan). Of the 11, none of them are over 200. The herds of 50-200 adults are more than likely inbred. Three of the 11 has a population of over 125. That means that 70-80 percent do not have that population. This does not talk about the herds that are gone. The Centennials, The Gravely, The Tobacco Roots, a Beaverhead, The Blackmail, and many of these are all gone. We really need to work together to get these heard built back up and restore their habitat, restore their conductivity of the habitat and to get them out of the extinction vortex.

So, what does the Wildlife Federation want from you? We want you to rescind the proposal to hunt. It sends the wrong message to the public, the Forest Service, and the BLM. We had the Forest Service bring that up in court almost immediately. They thought that since FWP brought up the hunting, the herds must be thriving and robust. A herd that started out at 59 is now 42. Whether we can justify shooting a ram, he doesn't know. He hopes that this is just a one-time thing but, fears that it is not. He thinks that the hunting has been authorized and will be allowed to continue. We have not done the hard work of providing the habitat for the population of the sheep. This is fodder for the anti-hunting folks. We work a lot with these groups and to let them know that even though we hunt we care about the wildlife too.

The Wildlife Federation would like to see an independent review of some of the key factors of the Big Horn Sheep Plan. We have been asking the Commission, (mainly through Chairman Vermillion) about these issues, including 125 and how a good biologist making a recommendation to hunt 16 animals, if the guidelines are just followed properly. If you look through the plan, many of our herd objectives are 125. And the importance of genetics, habitat and population conductivity. We know the risks associated with conductivity. The idea that we can have small isolated populations, call that good, give the public a few ram tags, and then when the population reaches over 125 issue ewe tags. Show the science as he has not found it. Anywhere.

So, to summarize, big horn sheep are in trouble. Dr. Bob Garrot has said that 70 percent of herds are below 100 animals and he would argue that the herds are headed for extinction rather than thriving and robust. We are working hard to restore them back into southwest Montana as well in other states. If we think we have it bad, Idaho, Nevada, and some of these other places, well it's a scary issue. Thank you.

Chairman Vermillion added that he wanted to apologize for upsetting Mr. Hawkitt in the February meeting but, they were following procedure.

Nick Gevock, Montana Wildlife Federation, stated that there were a couple of points that there are ongoing issues that are relevant to today. He attended the Devil's Kitchen workshop group last month and is a great model of a working group. They are easily meeting their shoulder season criteria. Even more for their elk hunt and how they are breaking up the big herds of elk. There was talk about that maybe we could live with the higher than the objective as they are in bands of 30 or 40 elk rather than 500. It speaks to what you were saying Commissioner Stucker a few months ago, about spreading elk out across the landscape. As far as the budget and he should of mentioned this earlier, it

shows that House bill 140 of 2015 that we worked so hard on. Commissioner Aldrich was on that group. The issue of the Pittman-Robertson funds, the Montana Sportsman coalition that we helped build that will be something that we will be looking at. We will see what the recommendation is from the Agency because we fought that hard and lost. We did not want to see those dollars go toward enforcement. Lastly, the issue about the computer system, there is a lot of talk about mandatory reporting and he feels there should be a larger conversation about what tools, if we revamp the system could be used to help facilitate of mandatory reporting so we can get more data on harvest to help with management. The agency has looked into the pros and cons of that too.

No further Comments.

***Motion: Vice-Chairman Stuker moved and Commissioner Aldrich seconded that the meeting be adjourned. Motion passed. 5-0***

Meeting adjourned at 2:33 PM.

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Dan Vermillion, Chairman

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Martha Williams, Director