



Steve Bullock, Governor

Dan Vermillion, Chairman
PO Box 668
Livingston, MT 59047
406-222-0624
District 2

Gary J. Wolfe
4722 Aspen Drive
Missoula, MT 59802
406-493-9189
District 1

Richard Stuker
1155 Boldt Road
Chinook, MT 59523
406-357-3495
District 3

Richard Kerstein
Box 685
Scobey, MT 59263
406-783-8564
District 4

Matthew Tourtlotte
940 Blonco Circle
Billings, MT 59105
406-698-9696
District 5

M. Jeff Hagener, Director
MT Fish, Wildlife & Parks
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701
406-444-3186
(Fax)406-444-4952

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Montana Fish & Wildlife Commission

MINUTES

Montana Fish and Wildlife Commission Meeting
FWP Headquarters – Helena, MT

April 14, 2016

Commission Members Present via video: Dan Vermillion-Chairman, Richard Stuker-Vice Chairman,
and Gary Wolfe, Helena Headquarters
Richard Kerstein and Matt Tourtlotte via video

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff.

Guests: April 14, 2016 - 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 March 10, 2016 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Land Reconciliation – Endorsement
7. Cedar Creek Permanent Change to Instream Flow – Final
8. Handkerchief Lake Harvest Limit Waiver (R1) - Final
9. Glendive Chamber of Commerce & Agriculture Paddlefish Grant Committee - Final
10. Toston Fishing Access Site Land Disposal (R3) – Final
11. Bridger Bend Fishing Access Site Lease Renewal with MDT - Final
12. Petition to Restrict Commercial Outfitting on the Lower Boulder River, near Big Timber-Final
13. 2016 Mountain Goat Quotas Outside Biennial Quota Ranges - Proposed
14. 2016 Mountain Lion Quotas - Proposed
15. 2016 CSKT Pheasant, Partridge, & Waterfowl Regulations – Endorsement
16. 2016 Early Season Migratory Bird Regulations - Final
17. 2016 Late Season Waterfowl Seasons/Closures - Final
18. Threemile Wildlife Management Area Antrim Donation/Addition (R2) - Final
19. Mt Haggin Burnette Ranch Land Exchange (R3) - Endorsement
20. Keogh Ranch Conservation Easement Addition (R3) - Endorsement
21. Grant Marsh Wildlife Management Area Addition (R5/7) - Endorsement
22. Wolf Island Conservation Easement (R7) - Endorsement
23. Aunt Molly Wildlife Management Area Exchange of Use Ten-Year Lease Renewal (R2)-Final
24. Dome Mountain Wildlife Management Area Agricultural Five-Year Lease Renewal (R3)-Final
25. Beckman Wildlife Management Area Agricultural One-Year Lease Renewal (R4) - Final
26. Seven Sisters Wildlife Management Area Agricultural Three-Year Lease Renewal (R7)-Final
27. 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 a.m. and led the Pledge of Allegiance.

2. Approval of Minutes of the March 10, 2016 Commission Meeting

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the minutes of the March 10, 2016, as amended. Motion passed.

3. Approval of Commission Expenses

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the March 2016 Commission expenses. Motion passed.

4. Commission Reports

Commissioner Wolfe reported it was a slow month, calls from individuals who were not aware of the license fee increase; received a call from an individual who was not aware of shoulder hunts. Received a call from a turkey hunter turkey who asked why cross-bows are not allowed during rifle season hunting;

explained the Commission approved that regulation a few years back; spoke with Quentin Kujala, FWP Wildlife Management Bureau Chief; will defer to the Department to correct this issue. Attended a Smith River Advisory Council meeting; Trout Unlimited discussed their concerns with the proposed Tintina Mine; Council citizen members drafted a letter to Director Hagener encouraging FWP to remain diligent, take a proactive role in reviewing the information, assessing the data and ensuring the equality of the Smith River resources is appropriately evaluated through the permit process; the Council did not take any position on the mine itself, just asked to pay attention to the review; a lot of concern about the long term impacts.

Director Hagener stated he received the letter and Commissioner Wolfe's name is on the letter; the consulting firm has the impression the Department should conduct the inventory and survey, but it is not the Departments role; will watch diligently; will be the Department of Environmental Quality's (DEQ) decision.

Vice-Chairman Stuker reported he attended the Private Land/Public Wildlife (PLPW) meeting and participated in a subcommittee meeting to discuss 454; after legal review, issues taken off are: public land can be included in boundaries as long as there is no other public access and ranches can be blocked up; working on other 454 issues that will include statute changes. Getting calls regarding the Fort Belknap and warden situation; could affect access depending on the outcome; Commission has no say in personnel issues; recommended they contact the Department.

Commissioner Kerstein reported the walleye spawn is going forward with a goal to collect 50-60 million eggs; weather is not cooperating. Spring whitetail and mule deer surveys are looking good; numbers are up. Sage grouse leks are reported to have doubled or tripled since the last year; translocation to Alberta has been completed. Twenty-nine new requests for block management; landowners are waiting to see how much money is available. Commission District 4 includes Dawson, Richland and McCone County; never receives any information or requests to participate in these areas; would like to know a head of time when things come up and would like to attend CAC meetings in these areas.

Chairman Vermillion reported it has been a quiet month; terrible tragedy with two Region 3 wardens during the month; tough on the Department; valuable members of FWP's team; sends condolences to the family and the Department. Snow pack is reasonably solid; hopefully will have enough water to get through the summer.

5. Director's Report

Director Hagener reported April 20, 2016 is the projected date the Blue Ribbon Panel bill will be proposed to congress; seems like there is a lot of support. Numerous petitions have been submitted to the Department; will have a work session in May to discuss the petition process, grizzly bear delisting and other issues; proposing to starting the Commission meeting on May 11. Would like to have the June tour/meeting in Dillon. Participated in the University of Montana College of Forestry and Conservation dean search; 15 and forward will be released within the next month; court decision on wolverine delisting was remanded by Judge Christensen. Block management coordinators, regional supervisors and wardens/captains have met to discuss and prepare for fall shoulder seasons; will update Commissioners at the July meeting.

Chairman Vermillion asked to start the May work session at 12:00; possibly start the Commission meeting after work session. If time is available, would like to tour the Rob Ledford area during the June tour.

Commissioner Wolfe stated he will get back with Director Hagener within twenty-four hours if Dillon will work for him; his work board meeting was scheduled in Libby due to the Commission tour/meeting being held in that area.

Commissioner Tourtlotte asked if the shoulder season infrastructure was going to be discussed at the July meeting. Received several comments on the Boulder River agenda item.

Commissioner Wolfe read a Commission resolution for Dr. Charles "Chuck" Jonkel, who passed away on April 12, 2016 at the age of 85. Dr. Jonkel was an inspiring bear biologist, teacher, activist and conservationist who influenced generations of biologist, students, conservationists and others. (See a copy of the resolution in the April 14, 2016 Commission file).

6. Land Reconciliation – Endorsement

Paul Sihler, Chief of Staff, explained there are approximately 17 parcels of property managed by State Parks that were purchased all or in part with hunting/fishing license dollars, federal Pittman Robertson dollars, or Dingell Johnson dollars. The use of these funding sources requires that the lands remain under the direction of the Director of the fish and wildlife agency and be utilized for their original purpose; the title for lands owned by FWP is in the name of the agency, which is the legal entity established in statute; lands cannot be deeded to individual divisions. At the February Parks Board meeting, the State Parks budget priorities for the 2017 Legislative Session were approved as presented with the added priority to resolve and address the issues of land management and disposition between the Fisheries, Wildlife and Parks Divisions. There is only one parcel of land purchased with fish and wildlife funding and managed by State Parks where the agency has identified a situation that it is obligated to address. A portion of West Shore State Park was originally purchased with wildlife funding for wildlife purposes that no longer exist. The Department is required to replace this portion of the property with lands of equal value containing the original wildlife purposes. Commission meetings, Parks Board meetings, and public meetings will be used to allow involvement with the public as FWP moves through the process. If FWP does not address the change of use at West Shore State Park, the U.S. Fish and Wildlife Service (FWS) may declare the state in a diversion status and FWP may not be

eligible to receive the \$27m of Pittman Robertson, Dingell Johnson, and State Wildlife Grant funding that is available. Gave in depth background explanation of the land reconciliation issue.

Sue Daly, Chief of Administration, gave a lengthy explanation on the Wildlife and Sport Fish Restoration (WSFR) program financial background and implications. (See FWS letter date April 11, 2016 in April Commission File)

Commissioners, Sihler and Daly had a question and answer conversation on land reconciliations and funding.

Mary Sexton, FWP Parks and Recreation Board Member, stated the Parks Board gave the Department a directive to evaluate options to resolve land ownership management and disposition of all lands; this is a good first step; Marias River exchange is a unique opportunity for an land exchange; need to be proactive; need to look at out-of-the box options.

Daly stated the only issue at this point is the West Shore State Park; other properties only become a issue if the Parks Division separates from the agency; per statute, FWP is the legal entity to all properties; cannot be separated into different Divisions.

Sihler stated the FWP lands unit is concerned the value of West Shore could exceed the combined value of North Shore, Marias and Yellowstone properties.

Commissioners, Sihler, Daly and Chas Van Genderen, Parks Administrator, discussed land reconciliation issues.

Sexton asked if a working group can be formed.

Director Hagener stated a yellow book appraisal will need to be done and will be costly; do not have unlimited source of funding to divert from.

Chairman Vermillion stated a yellow book appraisal does not need to be done at this time; Commission and staff will have a conversation at the May Commission meeting, after the Parks Board meeting.

Action: *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission allow the Department to explore options to resolve the potential federal diversion issues at West Shore State Park and bring those options to the Fish and Wildlife Commission and Parks Board for their consideration.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion passed.*

Bruce Rich, Fisheries Administrator, gave a monthly water supply update; forecast is good.

7. Cedar Creek Permanent Change to Instream Flow – Final

Bruce Rich, Fisheries Administrator, explained in 2008 FWP purchased water rights from Cedar Creek, a tributary to the Yellowstone River near Corwin Springs, with the intent to permanently change to instream flow. The water rights purchased had been leased to FWP and temporarily changed to instream flow granted for a period of 30 years, set to expire in 2034; water rights owned by the U.S. Forest Service (FS) are leased for instream flow. Both water rights are three cubic feet per second (cfs) of instream flow, protected and vital to maintaining Yellowstone cutthroat populations. FWP presently has authority to permanently change water rights to instream flow on 12 stream reaches; the high value of Cedar Creek in maintaining a viable Yellowstone cutthroat population warrants its inclusion of one the stream reaches. FWP staff has worked with Department of Natural Resource and Conservation (DNRC) to determine the appropriate method by which to convert the temporary change to instream flow to permanent status; FWP needs to submit an application to DNRC, similar to the application that was originally submitted for the temporary change to instream flow. At the time of the 2008 purchase of the water rights an Environmental Assessment (EA) was completed and stated to permanently change the water rights being purchased to instream flow; no comments opposing were received. The previous Commission action in 2008 specifically contemplated the permanent change to instream flow. The DNRC application process will be noticed to the public, and potentially affected parties will have the opportunity to object to the permanent change to instream flow.

Action: *Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that FWP staff make application to DNRC to permanently change to instream flow the Cedar Creek water rights owned by FWP.*

Chairman Vermillion, Vice-Chairman Stuker, Commissioner Wolfe and Rich discussed FWP's authority to permanently change water rights to instream flow and the 2019 sunset date.

Chairman Vermillion stated he would like to know more about the Departments plan on 12 instream flow opportunities.

Chairman Vermillion asked for public comment.

Action on Motion: *Motion passed.*

8. Handkerchief Lake Harvest Limit Waiver (R1) – Final

Bruce Rich, Fisheries Administrator, explained Westslope cutthroat trout have been reduced to less than 10 percent of their historic range in Montana; the South Fork Flathead River Drainage comprises approximately half of the remaining genetically pure, interconnected populations of westslope cutthroat and provides a world class fishery resource. The westslope cutthroat native trout fishery is threatened by non-native rainbow and Yellowstone cutthroat trout historically introduced into 21 mountain lakes in the drainage that are moving downstream and hybridizing with westslope cutthroat. The South Fork Flathead Cutthroat Conservation Project (SFFCCP) has been systematically removing non-native fish and replacing them with pure westslope cutthroat. The project to date has successfully chemically treated 13 lakes and 6 more lakes are being genetically swamped; Handkerchief Lake is scheduled for treatment in September 2016; anglers have asked for limit waivers prior to previous treatments to allow more harvest of fish; current bag limit is 3 trout and/or grayling per day. Handkerchief Lake is a 51.3 acre located in the Flathead National Forest in the Hungry Horse District and is a popular trout and grayling fishery. Limit waivers were discussed in the South Fork Flathead Project annual public meetings in the past, and the Flathead Wildlife public meeting held on March 10, 2016. Only comments received on previous programmatic regulation changes were concerns how soon anglers could take advantage of waived limits.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Combined Trout daily and possession bag limits for Handkerchief Lake be removed effective immediately through August 31, 2016.

Director Hagener asked how many untreated lakes are left.

Mark Delray, Region 1 Fisheries Manager, stated this is the second to last lake; Sunburst Lake will be done next year.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

9. Glendive Chamber of Commerce & Agriculture Paddlefish Grant Committee – Final

Bruce Rich, Fisheries Administrator, explained Montana statute allows anglers to donate roe from legally taken paddlefish from the Yellowstone River, Glendive to North Dakota state line, to a Montana nonprofit corporation to process, market and sell as caviar. In 1990, the Commission selected the Glendive Chamber of Commerce & Agriculture as the nonprofit corporation, and the Department has renewed the Chamber's permit since. The revenue generated from the Paddlefish Roe Donation Program (PRDP) is divided between the Chamber (70%) and FWP (30%). The Chamber's share finances historical, cultural, and recreational projects; FWP share benefits paddlefish management and research. Law requires the Commission to annually appoint an advisory committee; the Paddlefish Grant Committee (PGC), solicits and reviews grant applications. By statute, the PGC must consist of one member of the nonprofit organization, two area local government representatives, and two representatives of area anglers. The committee is also required to notify the Commission of its actions. Grant funds were not issued by the PGC in 2015 due to the caviar being compromised by a mechanical failure of a thermostat that regulates the freezer temperature. The Chamber recommends the Commission appoint the following individuals to the 2016 Paddlefish Grant Committee: Mike Roe—Glendive Area Chamber of Commerce and Agriculture; Kevin Dorwart-City of Glendive Director of Operations; Tim Mort-West Glendive Fire Department Chief and Dawson County Fire Warden; Kevin McGovern-Reynolds Warehouse Grocery meat cutter in Glendive; and James Thielman-Thielman Oil Production Services, Inc. in Glendive

Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission approve the advisory committee members recommended by the Glendive Chamber of Commerce.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

10. Toston Fishing Access Site Land Disposal (R3) – Final

Bruce Rich, Fisheries Administrator, explained Montana Department of Transportation (DOT) in conjunction with the Federal Highway Administration (FHA) is proposing to completely reconstruct, realign and widen US 287 between the Toston-South project and the recently completed Townsend-South Passing Lanes project; the work consists of replacing and enlarging an existing bridge over the Missouri River, and modifying the highway alignment on both sides of the river to accommodate the new bridge alignment. This project will encroach the Toston Fishing Access Site (FAS) with fill material covering one to two-acres of the FAS. The existing road accessing the FAS will be abandoned, with a new access road being realigned to the south approximately one-half mile. At the October 2015 Commission meeting, the Commission endorsed to initiate an EA and solicit public comment for the disposal of a 1.1-acre portion of the Toston FAS as required for the MDT bridge realignment project; one comment in support was received.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission authorize FWP to dispose of the 1.1 acre portion of the Toston Fishing Access Site required by Montana Department of Transportation for the Highway 287 bridge realignment, as recommended here by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

11. Bridger Bend Fishing Access Site Lease Renewal with MDT – Final

Bruce Rich, Fisheries Administrator, explained the Bridger Bend FAS is located approximately on the Clark Fork of the Yellowstone River. The Department has leased this 12-acre site with the DOT since March of 1981; the original lease agreement set lease fee was \$1. The original lease agreement was for a 25-year term with an automatic 10-year renewal providing a lease expiration date of 2016 and underwent EA without seeking public comment. The FAS provides primarily wade angling opportunities; no amenities outside of a small parking area have been developed. FWP and DOT land agents have discussed the lease renewal; DOT officials have indicated the new lease will be for an additional 10 years with the anticipated fee to remain at \$1.

Action: Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Commission approve the proposed Bridger Bend FAS lease with MDT for an additional term of ten years with the expectation that it will be continue to be leased in ten year increments thereafter.

Chairman Vermillion asked for public comment.

Commissioner Tourtlotte stated this is an important local access point and valuable to approve.

Action on Motion: Motion passed.

Chairman Vermillion recused himself from the next agenda item, due to him being a commercial outfitter; Vice-Chairman presided over the next agenda item.

12. Petition to Restrict Commercial Outfitting on the Lower Boulder River, near Big Timber – Final

Bruce Rich, Fisheries Administrator, explained the Department received a petition on February 29, 2016, signed by 67 individuals identifying themselves as fishermen, ranch managers, landowners, recreationists, residents, local residents, local business owners, and one former outfitter.

Becky Dockter, FWP Chief Legal Counsel, gave a brief explanation of the petition process.

Rich explained the petition states “A dramatic and rapid increase in the number of commercial and recreational floaters on the aforesaid section of the Boulder River has resulted in a significant degradation of the fishery.” The petitioners are seeking the following remedy: to limit the number of boats floating the Boulder through one of the many options available to the Commission. The undersigned request the Commission take action under 12.4.103 or other appropriate section to restrict commercial floaters’ use of the Boulder River south of Big Timber. The Department has not sought public comment on the petition. The Department met with the Boulder River Watershed Association on January 24 to present information related to the health of the Boulder River fishery and to listen to concerns. The Regional Supervisor met with the Sweetgrass County Commission on January 27 who inquired about Department policies for restricting river use, but did not request action on the part of the Department. The Department has offered to meet again with the Watershed Association and lead petitioner for further discussions, and the Association has accepted. A meeting is tentatively scheduled for early May. The Department believes the remedy requested is not necessary at this time due to no degradation of the fishery in the Boulder River has been documented and we have no objective indication otherwise the fishery itself is in jeopardy. The Department is asking the Commission to dismiss the petition. The Big Horn, lower Stillwater, and Yellowstone Rivers in Region 5 all experience more angler pressure than the Boulder River and are higher priority water bodies for scarce river planning resources.

Action: Commissioner Tourtlotte moved and Commissioner Kerstein seconded the motion that the Commission summarily deny the petition to place restrictions on the Boulder River, dated February 29, 2016.

Vice-Chairman Stuker asked if there is any benefit in postponing a decision until after the Department meets with Watershed Association and lead petitioner in May meeting to discuss this issue.

Dockter explained there are requirements in the rules how quickly a response to a petition needs to be done; would need concurrent with the petitioners.

Commissioner Wolfe asked if the Eight Mile bridge spot is where the Department has had a long running conflict with the landowner.

Barb Beck, Region 5 Supervisor, stated the Department has had issues with the adjacent landowner from the Boulder River FAS.

Commissioner Wolfe and Rich discussed fisheries impact in this stream.

Vice-Chairman Stuker asked for public comment.

Action on Motion: Motion passed.

Vice-Chairman Stuker turned the meeting back over to Chairman Vermillion.

Lance McNew, MSU Wildlife Habitat Ecology Professor stated his Range and Wildlife Policy class is present to observe the Commission meeting.

Chairman Vermillion welcomed the class; great to have young people going into these professions; very critical.

John Vore, Game Management Bureau Chief, informed the Commission on the recent move of bighorn sheep from the National Bison Range to the State of Washington; 21 sheep were transferred.

Chairman Vermillion and Vore discussed the transfer and the potential of FWP having the option for the next transfer.

13. 2016 Mountain Goat Quotas Outside Biennial Quota Ranges – Proposed

John Vore, Game Management Bureau Chief, explained FWP proposes to reduce either-sex mountain goat licenses in HD 460 from 4 to 2 and change the quota range from 3 - 7 to 1 - 7 for the 2016 season; the reduction is necessary because of poor kid production in recent years. There is support from local wardens, area sportspeople and local landowners on the current goat management objectives in this area. If approved, public comment will be taken until 5 p.m. on Friday, May 20. Final action will take place at the June meeting.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission approve for public comment the proposed change to reduce either-sex mountain goat licenses in HD 460, the Highwood Mountains, from 4 to 2 for the 2016 season, and change the quota range from 3 - 7 to 1 - 7 as recommended by FWP.

Chairman Vermillion and Vore discussed the reasoning for the changes.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

14. 2016 Mountain Lion Quotas – Proposed

John Vore, Game Management Bureau Chief, explained the hunting districts (HD) listed below have proposed changes from the 2015 mountain lion quotas and subquotas. Quotas/subquotas not listed are proposed to be unchanged from 2015 levels. Quotas apply to any legal lion unless otherwise noted. Quota changes in HDs 350/370 are to increase opportunity, those in HD 380 are to address low mule deer numbers, and those in HDs 390/391 and 392 are needed because of recent boundary changes. Proposals have been discussed at regional sportsmen's and houndsmen's meetings and with individuals. There is general agreement and/or comfort with the proposals although some individuals are opposed. Public comment will be solicited until 5 p.m., May 20, with final adoption at the June Commission meeting. Recommendation changes are:

Hunting District	Current Quotas		Proposed Quotas	
	Total Quota	Female Subquota	Total Quota	Female Subquota
350/370	3	1	4	1
380	6	2	10	4
390/391	8	4	10	5
392	5	2	3	1

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve for public comment the proposed 2016 lion quotas/subquotas as presented by FWP.

Chairman Vermillion and Vore discussed wildlife and livestock predation and proposed quota changes.

Chairman Vermillion asked for public comment.

Steve Wilson, Bitterroot, supports Region 2 proposal not to change any quotas; Dr. Proffitt will be conducting a lion density study in December, her work has been peer reviewed, been discussed and is now the new goal standard on how lion density will be counted.

Craig Jourdonnais, Ravalli County Fish and Wildlife Association (RCFWA), thanked Department for keeping the region active in the development of the statewide mountain lion plan.

Chairman Vermillion commended Mike Thompson, Region 2 Wildlife Manager and staff for working through a contentious issue the past couple years; people are comfortable with the management direction the Department is taking.

Action on Motion: Motion passed.

Vore updated the Commissioners, per Commissioner Wolfe's request, the status of the statewide mountain lion plan.

Chairman Vermillion and Vore discussed Kelly Proffitt's peer review.

15. 2016 CSKT Pheasant, Partridge, & Waterfowl 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 approval of Tribal pheasant, gray partridge and waterfowl season frameworks by the 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, who vote on the tentative proposals, solicits general public review and comment, and then vote for final adoption. Final proposals are presented to the CSKT Tribal Council. The Commission's 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 October 1- 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; and a requirement that only non-toxic shot be used for all game birds on the Flathead Indian Reservation.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Fish & Wildlife Commission endorse the 2016-17 Flathead Indian Reservation pheasant, gray partridge and waterfowl hunting regulations as presented and subject to final Tribal Council approval.

Chairman Vermillion asked for public comment.

Commissioner Wolfe acknowledged CSKT for their progressive regulation for requiring non-toxic shot only.

Chairman Vermillion concurred with Commissioner Wolfe.

Action on Motion: Motion passed.

16. 2016 Early Season Migratory Bird Regulations – Final

John Vore, Game Management Bureau Chief, explained migratory bird hunting seasons must be set within federal frameworks established by the FWS. The FWS has started setting regulations earlier, and as such FWP is also moving its schedule earlier, with season proposals in February and final approval in April. Mourning dove and common snipe season dates have been September 1 - October 30 for doves, September 1-December 16 for snipe, with fixed bag/possession limits from year to year; no changes are proposed for the 2016 mourning dove and common snipe seasons. The Rocky Mountain Population (RMP) of sandhill cranes is annually monitored, with individual states' allowable harvest quotas based on observed numbers (3-year average). In Montana, crane numbers and hunter access have been used to set permit numbers for each of five areas (Dillon/Twin Bridges/Cardwell/Bozeman, Warm Springs area, Ovando-Helmville, Wheatland/Meagher/Golden Valley/portion of Sweetgrass Counties, and Broadwater County). A sixth RMP crane hunting area (Carbon County) has already been approved by the Commission, with 15 hunters to be issued one permit each for the 2016 season. Montana's RMP harvest allocation for 2016 will likely increase; the Department proposes maintaining permit numbers for 2016 because access is a limiting factor. Even with the new hunting unit, this is expected to be compatible with the allocation, crane numbers, and hunter access. In the Ovando-Helmville unit hunters in 2015 found that cranes had left the area before or on the first day of the season, but it is believed this was due to some disturbance, which would not be helped by an earlier opener. The remainder of the Central Flyway is under frameworks for mid-continent sandhill cranes, for which the federal framework remains unchanged for 2016. Other than normal calendar rotation, FWP proposes no changes to either the RMP or the mid-continent crane season for 2016. Recommended changes are: Season dates for RMP sandhill cranes (special drawing permits): September 10 - October 2 and season dates for mid-continent sandhill cranes: October 1 - November 27. Public comment period ran February 11 to March 18; three comments spoke to not wanting change.

Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion that the Commission adopt the proposed 2016 early season migratory bird seasons as presented by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

17. 2016 Late Season Waterfowl Seasons/Closures – Final

John Vore, Game Management Bureau Chief, explained for ducks, geese, swans, and coots, Montana is in both the Central and Pacific Flyways and follows FWS frameworks based on winter and breeding population status for geese and May population and habitat surveys for ducks. FWS has started setting regulations earlier and is moving its schedule earlier, with proposals in February and final action in April. The proposed seasons are for the maximum number of hunting days allowed by the FWS. In order to stay within the limit for the total number of days yet allow for late-season hunting, both flyways have short closures within the seasons thus creating split seasons. There are two hunting zones within the Central Flyway for ducks and geese. The Commission has already approved a change for the Central Flyway duck zones, adding Yellowstone and Carbon Counties to the existing 5 counties (Big Horn, Treasure, Rosebud, Custer, and Prairie) to form a 7-county zone (Zone 2) that matches goose Zone 2. Public comment period ran from February 11 to March 18; 11 comments were received that spoke to wanting the season to run later, not liking the split zones in the Central Flyway, wanting a spring snow goose season, and concern about the take of trumpeter swans. Proposed season dates are similar to 2015-16 dates except for the calendar progression that moves them two days earlier (opening October 1 instead of October 3). Proposed dates are as follows:

- Pacific Flyway : Ducks, coots, and geese: October 1 - January 8 and January 14-18 (except scaup season closing December 25)
Swans: October 8 - December 1
- Central Flyway Ducks and coots: Zone 1 - October 1 - January 5;
Zone 2 - October 1 - 9 and October 22 -January 17;
Geese: Zone 1 - October 1 - January 8 and January 14-18;
Zone 2 - October 1-9 and October 22 - January 25;
Tundra swans: October 1 - January 5

A bonus teal season October 1-9 in the CF would allow hunters to take 2 additional blue-winged teal.

Duck, coot, and goose daily bag and possession limits are proposed to be the same as in 2015-16.

Chairman Vermillion, Commissioner Kerstein and Vore discussed snow goose season and regulations.

Vore explained trumpeter swan flock and take.

Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion that the Commission approve the proposed 2016-17 late season migratory bird regulations as presented by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

18. Threemile Wildlife Management Area Antrim Donation/Addition (R2) – Final

Rick Northrup, Habitat Bureau Chief, explained FWP proposes to accept a donation in fee-title ownership of approximately 214.8 acres adjoining Threemile Wildlife Management Area (WMA) in Region 2. The acreage was donated to FWP in the last will and testament of Ms. Priscilla Antrim. This property shares approximately 1.5 miles of common boundary with the WMA, and 0.90 miles of boundary with a National Forest (NF) parcel between the Antrim property and the WMA. It contains open grassland, timber, and riparian habitat, including a small unnamed drainage and a portion of Threemile Creek. There are no developments on the property except for a segment of Forest Road 640, which is maintained by Ravalli County and the FS. The primary benefit of acquiring this property would be the preservation of elk and mule deer winter range habitat that is contiguous with the WMA, and the ability to avoid subdivision and development in a location where impacts from development would be significant. The property would be managed as part of the WMA for wildlife habitat and compatible public recreation. A draft EA was prepared, posted on FWP's website and notices were published in local newspapers along with a statewide news release; public comment closed on March 8, 2016; 12 comments were received; Hellgate Hunters and Anglers (HHA), Bitterrooters For Planning, and the RCFWA were represented in support of the proposal. A public hearing was held in Corvallis on February 18; three people attended.

Action: Commissioner Wolfe enthusiastically moved and Vice-Chairman Stuker seconded the motion that the Fish and Wildlife Commission approve the Antrim donated addition to Threemile Wildlife Management Area.

Chairman Vermillion asked for public comment.

Unknown, thanked the donor for their donation.

Nick Gevok, MWF, sterling project; supports proposal.

Action on Motion: Motion passed.

19. Mt Haggin Burnette Ranch Land Exchange (R3) – Endorsement

Rick Northrup, Habitat Bureau Chief, explained FWP proposes a land exchange between Mt. Haggin WMA and the adjacent Burnette Ranch. A parcel of Burnette property, approximately 140 acres in size, is proposed to be exchanged for an adjacent parcel of FWP land equal in size. The Burnette parcel is composed mainly of bitterbrush with stands of Douglas fir and juniper in the draws. The FWP parcel is primarily basin wild rye with a stand of Douglas fir and aspen. Spotted knapweed exists on both parcels. The bitterbrush stand on the Burnette parcel is contiguous with a larger stand on the WMA. This area supports 40-70 mule deer throughout the year, especially in winter. More than 20 years ago the boundary fence along this portion of the WMA was placed off-line for some long-forgotten reason. The result was these two parcels were fenced out of the rightful ownership and subjected to different land uses depending on what side of the fence they were located. The bitterbrush community on the Burnette parcel has functioned as part of the WMA and has been protected from grazing impacts that have occurred on private land. The basin wild rye-dominated WMA parcel has been fenced in with private property and subjected to continuous livestock grazing. The Burnette's purchased the ranch property two years ago. Since the bitterbrush community has more value to wildlife than the basin wild rye community, it is desired to officially exchange these parcels in order to continue to protect this important habitat. Upon Commission endorsement, FWP will conduct public review and analysis.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Fish and Wildlife Commission endorse the land exchange on Mt. Haggin WMA as proposed by FWP.

Chairman Vermillion asked for public comment.

Brandon Gould, MSU Student, conducted research on the WMA last year; important addition to the WMA.

Chairman Vermillion and Gould discussed bitterbrush and its importance for mule deer.

Nick Gevok, MWF, supports land exchange.

Action on Motion: Motion passed.

20. Keogh Ranch Conservation Easement Addition (R3) – Endorsement

Rick Northrup, Habitat Bureau Chief, explained this project involves a 41-acre in-holding that lies in the middle of the existing Keogh Conservation Easement (CE) property, 7,106 encumbered acres, 15 miles north of Whitehall, MT. The in-holding used to be owned by the BLM but is now in the possession of the Fitzgerald family, who also owns the land encumbered by the CE. The parcel is a prime residential development location and has occurred less than two miles away at the southern boundary of the CE; the in-holding is located in the middle of the CE, the potential disturbance from residential development is significant. The CE comprises native shrub grassland habitats, intersected by Whitetail Creek and associated riparian habitat; includes breeding mountain plovers and supports the western most known prairie dog colony in Montana, provides winter range for elk, mule deer and antelope. The ranch is enrolled in Block Management (BM) and provides hunting access for an average of 400 hunters annually. Huntability species include elk, mule deer, antelope, mountain lion and upland game birds; the family also allows public fishing access to their reservoir. The conservation values and recreation opportunities could be impacted if this in-holding were developed. Upon Commission endorsement, FWP will conduct appropriate public review and analysis. Incorporating this 41-acre in-holding into the existing CE will protect FWP's investment in this property by helping to maintain the integrity of the conserved habitats and associated recreational opportunities.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission endorse this addition to the Keogh Conservation Easement, allowing the Department to proceed with further work on this project.

Chairman Vermillion asked for public comment.

Nick Gevok, MWF, supports endorsement; important project.

Action on Motion: Motion passed.

21. Grant Marsh Wildlife Management Area Addition (R5/7) – Endorsement

Rick Northrup, Habitat Bureau Chief, explained FWP proposes to add 392 acres of adjacent property to the existing Grant Marsh WMA located approximately seven miles north of Hardin. The primary benefit of this acquisition is to conserve riparian habitat and enhance public recreational opportunities. The majority of the Bighorn River Valley has been converted to irrigated cropland. This addition would conserve one of the largest blocks of intact riparian habitat remaining in the Bighorn River Valley while broadening the conservation footprint of the existing Grant Marsh WMA. A productive complement of wildlife habitat values such as mature cottonwood galleries and native shrub thickets exist on this property. The parcel supports mule deer, white-tailed deer, wild turkeys, pheasants, waterfowl and many non-game wildlife species that require intact riparian habitats. With nearly two miles of river frontage, this addition would expand public hunting and other public outdoor recreation opportunities. Upon endorsement, an EA and subsequent public involvement would be conducted. This addition to the WMA would expand conserved river bottom adjacent to an existing WMA. These habitats are highly productive, supporting a variety of game and nongame species and substantial recreational opportunity. Habitat Montana and Pitman-Robertson will be main funding source.

Action: Commissioner Tourtlotte moved and Chairman Vermillion seconded the motion that the Commission endorse this addition to the Grant Marsh WMA, allowing the Department to conduct further analysis and associated public review.

Chairman Vermillion asked for public comment.

Nick Gevok, MWF, do not have opportunities for riparian habitats very often; supports endorsement.

Vice-Chairman Stuker stated to be careful not to step out of bounds of the resolution the legislature passed; supports endorsement.

Action on Motion: Motion passed.

22. Wolf Island Conservation Easement (R7) – Endorsement

Rick Northrup, Habitat Bureau Chief, explained FWP proposes to pursue a CE on a portion of Wolf Island, owned by the Hagler family. The Hagler parcel is adjacent to FWP land, which is part of Elk Island WMA. The proposed CE would comprise approximately 140 acres, nearly all of which is native Yellowstone River riparian habitat. FWP manages the next island downstream, Crittenden Island,

which is DNRC land that is leased by FWP. This project would help maintain the integrity of productive riparian habitat on private and adjacent WMA lands, while also ensuring its accessibility to the public for hunting and other compatible recreation. Upon Commission endorsement, FWP would conduct appropriate public review and analysis. In recent years, several Yellowstone River properties in the area have sold to parties that have closed public access for recreational activities. A change in ownership would result in the loss of FWP's ability to positively impact the habitat on this property and a loss of much needed access for sportspersons and recreationists to Yellowstone River islands. This CE would expand the conservation footprint adjacent to the WMA, benefiting high priority river bottom habitat.

Action: *Commissioner Kerstein moved and Vice-Chairman Stuker seconded the motion that the Commission endorse the Wolf Island conservation easement, allowing the Department to proceed with further work on this project.*

Chairman Vermillion asked for public comment.

Nick Gevok, MWF, supports endorsement.

Action on Motion: *Motion passed.*

23. Aunt Molly Wildlife Management Area Exchange of Use Ten-Year Lease Renewal (R2) – Final

Rick Northrup, Habitat Bureau Chief, explained FWP proposes to enter into a 10-year Cooperative Habitat Management Lease Agreement with the Pocha Ranch in Powell County. Under the proposed action the Pocha Ranch would have limited use for wintering livestock and grazing or haying of approximately 70 acres of dry-land tame-grass pasture located on FWP's Aunt Molly WMA. In exchange, 53 acres of Blackfoot River riparian habitat on the Pocha Ranch would be managed as part of WMA. This parcel would be managed for wildlife habitat and would be open for public hunting and recreational opportunity that is consistent with public use rules on the WMA. Additionally, the 53-acre parcel would provide access to an isolated portion of the WMA that is currently landlocked or publicly accessible only under Montana's Stream Access Law. A draft EA was prepared for this proposal, was posted on FWP's website; public comment period closed on March 23, 2016; one comment in support was received. This lease would foster agricultural management on a parcel that would benefit both the private landowner and wildlife, and would allow more cover to grow in riparian areas on private land next to the WMA while also achieving legal public access to a more remote portion of the WMA.

Action: *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve the cooperative habitat management lease agreement involving Aunt Molly WMA and the Pocha Ranch as proposed by the Department.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion passed.*

24. Dome Mountain Wildlife Management Area Agricultural Five-Year Lease Renewal (R3) – Final

Rick Northrup, Habitat Bureau Chief, explained FWP is proposing to renew a five-year agricultural lease with the Kinkie Ranch on about 150 acres of the Dome Mountain WMA. The lessee will plant, cultivate, and irrigate alfalfa and grain hay and retain the first cutting. The lessee will use cultivation methods to discourage weed establishment and growth, including periodic renovation of the hayfield. After harvesting the first cutting, the lessee will continue to irrigate the 150 acres of cropland through September 30 or until water becomes unavailable. The regrowth will be left as forage for wildlife use during the winter. The benefit and purpose is primarily for elk and deer. The primary objective is to retain elk on the WMA to reduce adjacent private land conflicts during the winter and spring. In February 2016, FWP Region 3 issued a draft EA and solicited public comment; three comments were received; two asked clarifying questions; one comment received was from the lessee recommending an adjustment to timing of operations during the period of time when the WMA is closed to the public, which is addressed in the Decision Notice (DN).

Chairman Vermillion stated he spoke with the Kinkie family; ranch is located where livestock and elk intermingle; WMA is critical to separate elk and livestock; Kinkie family works hard to make sure this does not happen.

Chairman Vermillion and Northrup discussed the past and current lease.

Action: *Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission approve the five-year agricultural lease with the Kinkie Ranch on the Dome Mountain WMA.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion passed.*

25. Beckman Wildlife Management Area Agricultural One-Year Lease Renewal (R4) – Final

Rick Northrup, Habitat Bureau Chief, explained FWP proposes to renew an agricultural lease with the Roe Ranch on 103 acres of the Beckman Wildlife WMA. This agricultural lease involves hay production on two alfalfa fields totaling 75 acres and the farming of 28 acres of small-grain food plots at 5 locations along the Judith River. Under terms of the lease, the lessee would be allowed to harvest one cutting of hay, after which he would be responsible for irrigating a subsequent hay crop for forage and cover for wildlife during late

summer through winter. The food plots are primarily intended to benefit upland game birds through the winter. This lease agreement would continue the use of agricultural fields on the WMA for the mutual benefit of wildlife and an agricultural producer. FWP released a Draft EA for public review of this proposal on February 18, 2016 and accepted public comment until 5:00 P.M. on March 11, 2016. Copies of the EA were distributed to neighboring landowners and interested individuals, groups, and agencies to ensure their knowledge of the proposed project; the EA was also available for public review on FWP's website; no comments were received. The agricultural fields would be maintained and managed to prevent the growth and spread of noxious weeds at no cost or labor to FWP. All other costs and maintenance as a result of this lease would be the responsibility of the lessee.

Action: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion that the Commission approve renewal of the Beckman WMA-Roe Ranch cooperative agricultural agreement for one year, the 2016 growing season.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

26. Seven Sisters Wildlife Management Area Agricultural Three-Year Lease Renewal (R7) – Final

Rick Northrup, Habitat Bureau Chief, explained Seven Sisters WMA was purchased by FWP to maintain a woodland/cropland complex to benefit a diversity of wildlife while maximizing hunting opportunities, primarily for white-tailed deer and pheasants. The proposed action is to renew a lease agreement for 3 years on 323 acres of the WMA with Steve Pust. Under terms of the lease, the lessee would harvest a portion of the hay/grain crop, and leave 25% of crops and 35% of irrigated hay standing for wildlife use. The benefit and purpose of the lease would be to provide forage and winter habitat, primarily for pheasants, deer, and turkeys. Crops also benefit migrating waterfowl and a variety of other wildlife species. The EA for the lease renewal was released on January 27, 2016, with comments accepted through February 17, 2016; no comments were received. A DN was issued on February 22, 2016 in support of the agricultural lease. FWP recommends that the Commission approve the agricultural lease on Seven Sisters WMA, which would provide necessary winter forage for wildlife and promote quality hunting opportunities for hunting.

Action: Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Commission approve the agricultural lease on Seven Sisters WMA as proposed.

Chairman Vermillion asked for public comment.


Action on Motion: Motion passed.

27. Public Comment – For Issues Not On This Agenda

Brian McCullough, Helena, supports shoulder hunts; does not take into consideration the increase of hunter opportunity; improving landowner, sportsmen and FWP relations; many other positive aspects; the measure of success evaluation needs further consideration before decisions are made.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to adjourn the meeting. Motion Passed.

The meeting adjourned at 12:14 p.m.


Dan Vermillion, Chairman


M. Jeff Hagener, Director