



# Montana Fish, Wildlife & Parks Commission

Brian Schweitzer, Governor

Bob Ream, Chairman  
521 Clarke Street  
Helena, MT 59601  
406-461-3202  
District 1

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

Shane Colton  
335 Clark  
Billings, MT 59101  
406-259-9986  
District 5

Ron Moody  
109 Bach Avenue  
Lewistown, MT 59457  
406-538-2698  
District 3

A.T. Stafne  
8079 US Highway 2  
Wolf Point, MT 59201  
406-653-2881  
District 4

Joe Maurier, Director  
MT Fish, Wildlife & Parks  
1420 East Sixth Avenue  
PO Box 200701  
Helena, MT 59620-0701  
406-444-5618  
(Fax)406-444-4952

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Commission web page at  
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Montana Fish,  
Wildlife & Parks

## MINUTES

### Montana Fish, Wildlife & Parks Commission Meeting FWP Headquarters - Helena, MT February 14, 2013

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

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

Guests: See February 14, 2013 Commission file folder for sign-in sheet.

#### Topics of Discussion:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes of January 10 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Legislative Update
7. Madison Buffalo Jump DNRC Land Use License – Final
8. Rules at Milltown regarding Blackfoot River and Clark Fork River – Proposed
9. Yellowstone River Temporary Closure – Proposed
10. Fishing Access Site Annual Rule – Final
11. Lake Blaine Fishing Access Site – Endorsement
12. Black Bear Quotas – Final
13. Spring Turkey – Final
14. HD 455 and 121 Bighorn Sheep Closure – Final
15. Bighorn Sheep Research Capture/Removal – Endorsement
16. Suspension of CWD Plan Elements - Proposed
17. Elk Brucellosis Work Plan – Informational
18. Livestock Loss Board Member Solicitation – Informational
19. Open Microphone – Public Opportunity to Address FWP Issues Not on Agenda

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

Chairman Ream called the meeting to order at 8:35 a.m. and led the Pledge of Allegiance.

#### 2. Approval of the Commission Meeting Minutes of January 10, 2013

*Motion: Commissioner Vermillion and Commissioner Colton seconded the motion to approve the January 10, 2013 minutes. Motion carried.*

#### 3. Approval of Commission Expenses

*Motion: Commissioner Colton moved and Commissioner Moody seconded the motion to approve the Commission expenses. Motion Carried.*

#### 4. Commission Reports

Commissioner Moody reported he has had numerous calls from citizens appreciative of how to get pets out of traps class offered by FWP.

Commissioner Colton no report.

Commissioner Vermillion stated numerous citizens contacted him expressing concern about trapping; instructed them to talk to the Trappers Association to work on different ways to move forward with their concerns. Ongoing Legislative discussions. Wishes Commissioner Colton best of luck and thanked him for the work he has done during his term as Commissioner.

Chairman Ream echoed Commissioner Vermillion's comments regarding Commissioner Colton. Attended Private Land Public Wildlife Counsel meeting; discussed the FWP GIS data base for identifying land properties and good reports on Block Management from Alan Charles.

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

Director Hagener reported the United States Fish and Wildlife Service (USFWS) has proposed to list wolverines as a threatened species; will work with USFWS regarding the 4(d) endangered species rule. USFWS approved the Corp of Engineers intake diversion plan and how native fisheries go up the Yellowstone River. Setting up a meeting with USFWS Regional Supervisor Noreen Walsh and Assistant Regional Supervisor Matt Hogan regarding several issues to discuss; will let Commissioners know when the meeting is scheduled and welcomed to attend if they like. HB 73 passed. To date, 199 wolves have been taken; 84 via trapping, 115 hunting. Going to recall the wolf counsel to recap, update and discuss the Wolf Management Plan.

#### **6. Legislative Update**

Director Hagener updated the Commissioners on legislative items after the meeting adjourned.

#### **7. Madison Buffalo Jump DNRC Land Use License – Final**

Chas Van Genderen, Parks Administrator explained Madison Buffalo Jump State Park includes 638.4 acres of land, with 617.5 of those acres owned by the Montana Department of Natural Resource Conservation (DNRC) and 20.9 acres owned by FWP. An audit exception discovered that since executing the lease in 1967, the Parks Division had not been asked to provide annual compensation to DNRC for use of the School Trust property; \$4,272 annual fee plus 2% annual increase. The Parks Division conducted a 32-day comment period to solicit public input on this issue and hosted 2 open houses. A total of 230 comments were received; 213 comments supported keeping Madison Buffalo jump as a state park, 3 comments supported foregoing management to DNRC and 14 comments were neutral. Local citizens want to get involved and help with better management. Lee and Donna Metcalf Foundation donated \$18,000 for the first year license fee and matching funds to support the license fee for subsequent years up to 2016 and monies to help with interpretation.

Van Genderen and the Commission discussed legislation funding.

***Motion: Commissioner Moody moved and Commissioner Vermillion seconded the Department sign the lease agreement and pay the first \$4,272 annual fee to DNRC for Madison Buffalo Jump State Park and pursue improved stewardship of the park with citizen involvement and support.***

Van Genderen and the Commission discussed at length grazing leases, public recreation use and parks funding.

***Action on Motion: Motion Passed***

Chairman Ream stated he would like a draft letter to the Metcalf Foundation from the Commission thanking them for the donation; Mike Malloy is the trustee.

#### **8. Rules at Milltown regarding Blackfoot River and Clark Fork River – Proposed**

Chas Van Genderen, Parks Administrator explained in 2006, the Commission authorized the closure of short stretches of the two rivers for five years. In 2011, the Commission extended the closure on the two rivers for an additional two years for cleanup and restoration of the rivers associated with the Milltown Dam Superfund site which was completed in the summer of 2012. The lower Blackfoot River poses numerous human-made hazards for river recreationists. The Interstate 90 bridge piers and the remnants of the Bonner Dam pose significant hazards to river recreationists. Until a risk management plan is developed, FWP believes this reach of the Blackfoot River should remain closed. The Clark Fork River restoration is complete and project managers with the Natural Resource Damage Program believe the closure of the river to floating is no longer necessary but recommend that restored areas on the river bank remain closed and floater access to the floodplain be restricted to gravel bars along the river until such time that vegetation is better established. FWP will

conduct a 30-day comment period and invite the public to provide input on the proposed extension of the Blackfoot River closure and closure of the Clark Fork River bank while reopening the river on May 1, 2013.

***Motion: Commission Vermillion moved and Commissioner Colton seconded the Commission propose a biennial rule to extend the closure on the lower Blackfoot for floating and swimming but allow bank access until July 1, 2015, and propose a biennial rule to close the river bank on the Clark Fork River to public access with the exception of gravel bars while opening the river to floating on May 1, 2013.***

Mike Kustadia, FWP Parks Management Specialist-Milltown Manager, explained they are working with the Natural Resource Damage Program on plans to remove the remains of the Bonner Dam, sinker log and industrial debris.

Chairman Ream asked for public comment.

Doug Martin, Natural Resource Damage Program-Project Manager Restoration Activities at Milltown, stated they are in support of this agenda item.

***Action on Motion: Motioned passed***

#### **9. Yellowstone River Temporary Closure – Proposed**

Charlie Sperry, Water Recreation & Access Coordinator, explained on December 13, 2012 the FWP Commission, represented by Commissioner Vermillion, adopted an emergency rule closing the Yellowstone River from Mayor's Landing Fishing Access Site (FAS) downstream to Highway 89 Bridge FAS. The closure was necessary to address an imminent threat to public safety caused by river hydraulics present at a Montana Department of Transportation (MDT) bridge construction site. The force and direction of the water flowing around temporary work bridge piers created dangerous floating conditions. The emergency rule closed the lands immediately adjacent to the construction site. By statute, an emergency rule may be in effect no longer than 120 days, which means this rule will expire on April 12, 2013. MDT anticipates conditions may continue to warrant a river closure beyond April 12. FWP has modified the proposed closure, it would terminate 1,000 feet below the construction site. MDT's contractor has until midnight September 15, 2013 to complete the bridge construction. FWP will work with MDT to identify alternatives to the river closure and emphasize the necessity of providing safe public float passage. This will be vitally important after high-water when angling pressure increases. FWP would solicit public comments, a public meeting in Livingston, press release and report back to the Commission at its April meeting.

***Motion: Commissioner Vermillion moved and Commissioner Colton seconded the Commission propose an annual rule closing the Yellowstone River from Mayor's Landing fishing access site to 1,000 feet below the Park Street Bridge in Livingston.***

Commissioner Vermillion asked about the contract provisions.

Paul Cogley, Montana Department of Transportation explained there are special provisions in the contract to maintain safe passage. Hope to have the old bridge out in March and the most dangerous part of the work bridge out by the end of May.

Commissioner Vermillion and Cogley discussed alternative access points below the railroad bridge.

Commissioner Vermillion asked if the time frame is realistic.

Cogley stated yes.

Commissioner Vermillion suggested opening by July 1, 2012.

Commissioners, Sperry and Becky Jakes Dockter, Chief Legal Counsel discussed A.R.M. procedures.

Chairman Ream asked for public comment.

***Action on Motion: Motion Passed***

Sperry stated the meeting in Livingston is scheduled for March 4, 2013, location TBD; press release and mailings will be sent to interested parties.

#### **10. Fishing Access Site Annual Rule – Final**

Charlie Sperry, Water Recreation & Access Coordinator explained on December 20, 2012 the FWP Commission proposed a FAS Annual Rule for FWP fishing access sites. The rules pertain to FAS camping and permit fees, camping regulations, permit requirements, and food storage. FWP received 13 comments causing the Department to recommend the Commission adopt the final FAS Annual Rule with the following changes: change definition of nonprofit organization to include all 501(c)s, not just 501(c)(3)s; and revise language defining the section of the North Fork of Blackfoot River that is subject to the Special Recreation Permit Program.

***Motion: Commissioner Colton moved and Commissioner Moody seconded the FWP Commission adopt the Final Fishing Access Site Annual Rule with the changes recommended by the Department.***

Sperry and the Commissioners discussed food storage rules.

Chairman Ream asked for public comment.

***Action on Motion: Motion Passed***

#### **11. Lake Blaine Fishing Access Site – Endorsement**

Bruce Rich, Fisheries Administrator explained FWP is seeking the Commission's approval to acquire a fishing access site on Lake Blaine, which is a 382-acre natural lake located along the west side of the Swan Mountain range. The lake is moderately popular, supporting 900-1500 days of fishing per year with both open water and ice fishing. The lake could support more recreational use, but it is the last large lake in Region 1 without dedicated public access. Limited public access is allowed on the north end through a Private Lands Fishing Access Agreement (PLFA) with a private landowner, and parking is currently limited at this site and results in people parking along the county road, creating a traffic safety issue. Flathead County is interested in expanding off-road parking to prevent people from parking along the road. The landowner has expressed interest in selling a parcel of land to FWP (approximately 5 acres or less) that would adequately provide parking and include a boat ramp and vault latrine. An EA and public comment will be sought upon approval.

Chairman Ream asked for public comment.

***Motion: Commissioner Colton moved and Commissioner Vermillion seconded the Commission endorse the Department's request to negotiate the acquisition of a fishing access site on Lake Blaine.***

Jim Manning, Clancy, strongly supports the acquisition.

Katie Ramey, speaking for homeowners on Lake Blaine, against acquisition and will receive a lot of opposition.

John Cochrane, Kalispell, supports acquisition for acquiring public access, if done correctly.

Steve Dooling, Real Estate Broker, representing sellers, stated there is more than one site available for possible public access.

***Action on Motion: Motion Passed***

#### **12. Black Bear Quotas – Final**

George Pauley, Wildlife Management Section Chief explained black bear season dates and season structure for 2013 were finalized in February 2012. Field surveys have identified a proposed fall license quota change in BMU 700 from 4 to 8; other changes or maintenance of 2012 black bear quotas for 2013 do not require additional Commission approval. Received eight comments, one of which was specific to the proposed change.

***Motion: Commissioner Ream moved and Commissioner Colton seconded the Commission adopt the final 2013 black bear quotas as presented by FWP.***

***Action on Motion: Motion Passed***

### **13. Spring Turkey – Final**

George Pauley, Wildlife Management Section Chief explained upland game bird season dates for 2013 were finalized in February 2012 and other season elements may be changed annually. There are two proposed changes for 2013 Spring Turkey quotas and limits; Hunting Area 282-20 increase spring turkey special permits from 100 to 150 and Hunting Area 445-20 decrease spring turkey special permits from 10 to 5. Received six comments that identified various issues, including both support and opposition to the proposed changes.

*Motion: Commissioner Moody moved and Commissioner Colton seconded the Commission approve the spring turkey quotas for 2013 as proposed by the Department.*

*Action on Motion: Motion Passed*

### **14. HD 455 and 121 Bighorn Sheep Closure – Final**

George Pauley, Wildlife Management Section Chief explained bighorn sheep hunting was reopened in HD 455 in 2005 and the hunt area boundary was expanded to include the bighorn sheep herd south of the Cascade. Hunters from 2005 to 2010 had excellent opportunities to harvest an older age class ram, with numerous rams in the population. A die-off during the winter of 2010 caused a 50-75 percent loss in the herd. The sheep-license holder in 2011 hunted 30 days, harvesting a large full curl ram, but mentioned observing only a handful of ½-curl and older rams; the 2012 sheep-license holder had a tough time finding rams. Area landowner and personal observations are similar. FWP proposes to close the HD 455 bighorn sheep hunt until sheep numbers rebound and older age class rams become available. The HD 121 bighorn sheep population has been declining for five years. Ewe licenses offered for HD 121-30 were reduced to one during 2011 and 2012. FWP proposes closing the ewe hunt, eliminating HD 121-30; the either-sex hunt (HD 121-00) would remain with one license. Received nine comments which revealed both support and opposition to the proposed closure.

*Motion: Commissioner Vermillion moved and Commissioner Colton seconded the Commission adopt the final bighorn sheep season changes as presented by FWP.*

*Action on Motion: Motion Passed*

### **15. Bighorn Sheep Research Capture/Removal – Endorsement**

George Pauley, Wildlife Management Section Chief explained bighorn sheep populations, once estimated at two million animals, have now been reduced to approximately 70,000 animals in the wild. The most important disease of bighorn sheep has been multi-bacterial pneumonia and responsible for 75-90 percent mortality in affected herds all over North America. Dr. Subramaniam Srikumaran of the College of Veterinary Medicine at Washington State University is the principal investigator expect to develop a model for transmission of pneumonia in bighorn sheep, especially the transmission to lambs in a herd, and hope to demonstrate that recovered animals are the main sources of pneumonia infection for bighorn lambs. The study will use recovered animals from three different pneumonic herds held in captivity in separate groups and sampled to determine shedding of pneumonia pathogens. Each group will then be commingled with naïve pregnant ewes. These ewes, and lambs born to them, will be sampled regularly to determine transmission of pneumonia pathogens from carriers to ewes and lambs, which will be confirmed through strain-typing. Lambs that have acquired the pathogens from carriers will be monitored for status of pneumonia and survival. This study will provide new information to wildlife managers and veterinarians to design better strategies for prevention of lamb mortality. The specific action proposed is to allow the 2013 research capture and removal to out-of-state facilities of four to six adult animals from FWP Region 2 for this disease investigation. Public comment is limited to comments taken at the February Commission meeting.

*Motion: Commissioner Colton moved and Commissioner Vermillion seconded the FWP Commission endorse the 2013 research capture and removal of four to six adult bighorn sheep from Region 2 as presented by FWP.*

Chairman Ream asked for public comment.

Jim Manning, Clancy, Wild Sheep Foundation, strongly supports endorsement.

*Action on Motion: Motion Passed*

**16. Suspension of CWD Plan Elements – Proposed**

George Pauley, Wildlife Management Section Chief explained the decision notice and a EA for FWP's "Chronic Wasting Disease Management Plan for Free Ranging Wildlife in Montana" was completed in 2005. The plan sought to outline FWP responses to Chronic Wasting Disease (CWD) detection in free-ranging wildlife, particularly deer and elk, by depopulating the local herd when various techniques showed at least five percent of a herd contracted the disease. Eradication efforts didn't result in a decline in disease prevalence or the abundance of animals in the infected herd. Current state plans lean heavily on an adaptive management approach, which depends on research to guide future decisions. This proposal is to temporarily suspend some management and surveillance portions of Montana's approved CWD plan until a new plan is approved. FWP's wildlife health staff is currently developing new alternatives for the management portion of the plan and for reduced surveillance efforts commensurate with current funding levels. The public comment period will close at 5 p.m., Monday, March 25.

***Motion: Commissioner Moody moved and Commissioner Vermillion seconded that the Commission suspend the management and surveillance portions of the CWD Management Plan.***

Chairman Ream asked what is being done to identify and define new alternatives.

Pauley responded Jennifer Ramsey, FWP Veterinarian is working on drafts for new alternatives.

Chairman Ream asked for public comment.

***Action on Motion: Motion Passed***

**17. Elk Brucellosis Work Plan – Informational**

Quentin Kujala, Wildlife Project Facilitator explained in January 2013, the Commission endorsed elk management recommendations from a citizen working group for application in areas with brucellosis and responded to public comment with specific instructions to assemble a annual work plan and to present that work plan at the February 2013 meeting. Any proposed items not addressed by this 2013 work plan would require another presentation to the Commission prior to implementation. Late season dispersal hunts will require approval by the FWP regional supervisor and area Commissioner. Potential management actions identified may be implemented no later than December 31, 2013 and other actions that may be identified prior to December 31, 2013 may require additional presentations to the Commission. A summary review for the Commission has been identified for August.

**18. Livestock Loss Board Member Solicitation – Informational**

Ken McDonald, Wildlife Administrator explained the Montana Gray Wolf Conservation and Management Plan included a provision for the creation of a prevention and reimbursement program for wolf-related economic damage to livestock. FWP convened a diverse working group in spring 2005 to develop guiding principles and general framework for such a program and a subcommittee worked out additional details through September 2006. Based on these efforts, HB 364 passed in the 2007 Legislature establishing the seven-member board. By statute, the Governor selects three names recommended by the FWP Commission and the Montana Board of Livestock. The Governor also nominates one member at large for a total of seven board members. The current FWP recommended members are Mike Leahy, James Cross and Brad Radtke terms expired January 1, 2013. Current HB 395 is asking for a structure change to the loss board to a five person board; three recommend by the Department of Livestock and two at large and removing FWP altogether.

George Edward stated Board of Livestock was removed from HB 395. Mike Leahy and James Cross are seeking re-appointment.

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

Dan Peterson, President Bitterroot Houndsman Association reported on the hybrid season. Discussed mountain lion quotas and asked the Commission to take a look at this year before setting quotas for next year.

Mark Peterson, Hill County Commissioner, member of Region 6 Citizen Advisory Council, stated he wants to be updated on all actions and plans regarding the Milk River. Requested information on the Milk River EA, what is included, who is qualified and present and future data. Offered to work with FWP to develop better relationship with landowners.

The meeting adjourned at 11:29 a.m.

  
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Bob Ream, Chairman

  
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Jeff Hagener, Director

