

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on February 14th 1989, at
3:15 p.m.

ROLL CALL

Members Present: All members present

Members Excused: none

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council, Maureen
Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON HOUSE BILL 520

Presentation and Opening Statement by Sponsor:

REP. DAILY: House District #69, Butte. This is a straight forward bill, and does exactly what it says it does. That is, allows a fishing outfitter to only use two rivers in Montana. It allows that fishing outfitter to select the rivers, so it gives them a choice. I introduced this bill on my own initiative and with some encouragement of friends. I float and mainly I float the Big Hole River. There are certain times during the year that it is almost impossible to float, because of the numbers of floaters. What I am concerned with is the pressure on the rivers, the natural resource. I foresee some people drowning and a very serious situation on the rivers. It is certainly not my intention to be vindictive towards the floating outfitters in Montana, neither to hurt them financially or put them out of business. I personally believe that this bill will benefit the outfitters, and the reason why would be that it will spread the outfitters around the state. Rather than having them converge on one river at a certain time of the year. I do believe that this bill had one serious problem when it was drafted, and I have an amendment that I will present to the Committee. (See Exhibit #20) This bill did not allow for any flexibility, if we have a summer like we did last year. I would like to present an amendment that would allow the Fish and Game Commission the opportunity to give those outfitters another river, in case the river they chose becomes un-floatable. I believe that the most important thing that we have to consider is when we make a decision in

the legislature, we need to consider the future. I think we need to make a decision that is a long range decision and not a decision that affects only the immediate situation. We have a serious problem in Montana with certain rivers, and I feel that this bill addresses that issue.

Testifying Proponents and Who They Represent:

Mr. Tony Shoonen/ self, sportsman, Missoula

Mr. Bill Holdorf/ self, Butte

Proponent Testimony:

Mr. Shoonen: I commend Rep. Daily for addressing the problem of overcrowding of the rivers in Montana. But if this bill could be amended primarily for solving conflicts on the Big Hole River, it could avoid growing problems within the state. This type of problem is not new. There were, and still are problems within the Madison River. And there is currently legislation pending that will affect the regulation of the Smith River. There are just too many people that want to fish certain rivers at the same time. I have been an independent fishing guide for 29 years now, and I have a deep concern for the resource. This bill could be amended to address the Big Hole, to ascertain the capacity of the river over the period of 5 years. Much like the BLM (Bureau of Land Management), and the Forest Service and Park Service has done in many rivers in the Northwest. The Dept. (Dept. of Fish, Wildlife and Parks) then could look at the prior use for the past 5 years and allocate a certain number of days to the qualifying outfitters. There are already laws in place that mandate the Dept. to manage fisheries and provide law enforcement on all public lands and waters. Adequate law enforcement in this case is the key. The amendments to the bill, especially for drought years, could stop a rogue outfitter in-state and out-of-state. Especially those outfitters operating out of the back of a pick-up truck or camper. They are taking advantage of a very serious situation. On high run-off years every outfitter from hundreds of miles away ends up on the Big Hole, 95% of the time this river runs clear. Poor land use practices in the state almost guarantee that many rivers will be unfishable much of June. More recently, the forest fires that occurred last fall will compound the problem. The Divide Section to the Melrose Section, is the most highly used sections of the river. In my opinion, the design to make money overshadows the concerns of the resource. And unfortunately, this is the story of the Big Hole. I am trying to impress on the Committee that amendments could be added to the bill that could make the Big Hole and experimental river. To try some of these ideas. There could be less conflict between outfitters and others, and perhaps something could be worked out. However, there are some key portions that do bother me. At the

least, this bill could provide a study committee, consisting of outfitters, Dept. persons, and sportsmen, to try to address the concerns and the intent of the bill.

Mr. Holdorf: The Big Hole River, most of the year, runs with few people. But during the salmon fly season, a tremendous amount of people are out there. They come there for a period of about two weeks. And I don't think that any of them [outfitters] have anything else in mind, except to get the most money that they can. They go there for that definite short period of time. I know that there is a problem, there has got to be something done to take those floaters off the rivers. The regular outfitters, that work there year round, are pushed right out of the river.

Testifying Opponents and Who They Represent:

Mr. Jack Hutchison/ Executive Director, FFOAM, Fishing and Floating Outfitters Of Montana

Mr. Jerry Strong/ outfitter

Mr. Smoke Ellser/ President, Montana Outfitters and Guides Association

Ms. Lori Schidoun/ Bozeman Chamber of Commerce

Mr. Ron Marcoux/Dept. of Fish, Wildlife and Parks, Helena

Mr. Ron Curtis/ Chairman, Mont. Board of Outfitters

Mr. Dennis Cavanaugh/ independent outfitter, Bozeman

Mr. Ed Curnow/ self

Mr. Kevin Shors/ Ennis Chamber of Commerce

Mr. Brian Nelson/ outfitter, Missoula

Mr. Larry McNeitch/ retired person, Bozeman

Mr. Curtis Davey/ guide, Missoula

Opponent Testimony:

Mr. Hutchison: (See Exhibits #7, #8)

Mr. Jerry Strong: Most outfitters rarely encounter the problem of being forced off the rivers. If they are too crowded, then we just don't go. I provide my clients with a quality fishing trip. One of the problems with this bill is that it is a Fish and Game bill and the outfitters are under the Dept. of Commerce. I don't understand how the outfitters can be regulated by the Fish and Game. These people that fish these rivers, will fish them whether we taxi them or

not. They do have that right. I don't think that we are going to solve anything with this bill.

Mr. Smoke Elsen: (See Exhibit #3)

Ms. Lori Schidoun: This bill addresses a critical issue for tourism in our community. If this bill were to pass, it's effects are much greater than just being a negative impact to the outfitters. But it would also effect many businesses in our community. In Gallatin County, tourism is the second largest industry, it employs more people than any other industry. I ask you to send a positive message to the people in tourism and vote "no".

Mr. Ron Marcoux: (See Exhibit #12)

Mr. Ron Curtis: (See Exhibit #16)

Mr. Dennis Cavanaugh: The reason that I can stay in business is because I can float many rivers. My clients enjoy a variety of rivers. If I were to choose two rivers, I would lose business. And many outfitters would chose the most popular rivers in the state, that could cause extra pressure on those rivers. I do not see where this bill is solving any problems. I don't believe that it was well thought out.

Mr. Curnow: Occasionally we see a bill in the legislature that addresses a problem, but comes out doing the opposite. This bill would hurt the resources of the Big Hole, the Madison and the Beaverhead and Yellowstone Rivers. During two or three weeks of the season those rivers are impossible to fish. But if we have all of those outfitters declare the same rivers, that would put added pressure on those rivers and damage the resource.

Mr. Shores: Several years ago the Dept. of Fish, Wildlife and Parks tried this type of legislation on the Madison River and found it to be very ineffective. Many of our local businesses have made a living by offering a variety of rivers to choose from. We feel that this bill would limit free enterprize.

Mr. Nelson: I support the views of those that testified before me.

Mr. McNeitch: My friends come to visit and enjoy a "Montana Experience". A person who books a trip with a guide should be allowed that same privilege.

Mr. Davey: I believe that this bill will have the opposite effect than was intended. This bill will create a demand on certain rivers, and the concentrations of guides on these rivers. The fish population and the water resource will be effected.

Questions From Committee Members:

REP. KASTEN: How do you foresee the extension of the authority in this bill? REP. DAILY: This bill would extend rulemaking authority to the Dept. of Fish, Wildlife and Parks. And the way that I would like to see the regulation handled would be some type of sticker, or decal on the boats. But of course this would best be handled by the Dept. REP. KASTEN: Assuming that you have an "open ended" statement of intent, how would you foresee the enforcement of this bill? RON MARCOUX: My understanding is that this would be administered by the Board of Outfitters. And the Dept. would not be involved in the designation, nor the actual enforcement aspect.

REP. EUDAILY: Do you really feel in your heart, that what this bill is asking the outfitters to do is right? REP. DAILY: When you speak of an area like the Bob Marshal, maybe something else could be done, perhaps this is not practical. I am not so dead set that I am not willing to make this work.

REP. KASTEN: Your definition of a river would be? REP. DAILY: A river, not the tributaries. REP. KASTEN: Then tributaries would be rivers unto themselves? REP. DAILY: Yes, that is correct.

REP. DEBRUYCKER: How would you regulate the rivers, how would you determine which outfitter gets what river? REP. DAILY: My intention is to give the outfitter his free choice as to which river. The possibility exists that maybe all of them would choose the Big Hole. I doubt that. And I would think that the outfitters would choose the rivers that would be closer to the areas that they reside in.

REP. EUDAILY: Someone had handed me a resolution, and that would put this off up to two years down the road. But would this study accomplish what you want? REP. DAILY: That would be a possibility. I have talked alot with Stan Bradshaw about the resolution on several occasions, and I suppose that I would not be strongly opposed to the idea. My only problem with that is, when we start funding resolutions, is there a possibility for funding? I doubt it, that is my concern. If you should choose to kill the bill, I would hope that at least we would do something.

REP. ELLISON: You suggested that you don't have much authority to regulate floating on the rivers presently. Could you give us some insight on what you think might help. RON MARCOUX: Currently, the Dept. can close rivers to fishing from boats, we have some net effect on limiting use. And on the Smith River we are looking at some regulations of use, we propose to cap the numbers of outfitters and total days of use. We anticipate some legislation this session. How

harvesting of lynx. We had this bill last session and lost it, due to opposition from the Trappers Assoc. The Dept. of Fish, Wildlife and Parks regulates how many lynx are taken, and because of this, allowing the hounds to chase them would not change that number. I ask for your support.

Testifying Proponents and Who They Represent:

Mr. Bud Martin/ State Houndsmen Association

Mr. Greg Kooska/ Missoula, MT

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Mr. Dick Wilson/ Denton, MT

Mr. Bob Scott/ Helena

Mr. Danny Cook/ President, Mont. Federation of Houndsmen

Ms. Sandy Settin/ Emigrant Kennel Club

Mr. John Simons/ Frenchtown, MT

Proponent Testimony:

Mr. Martin: We asked Rep. Phillips to carry this bill for us. We felt that the lynx was omitted from the houndsmen by error. As far as alot of the houndsmen in the state are concerned, treeing a lynx would not necessarily mean that we would shoot it. My enjoyment is in the dogs, the chase and taking pictures of the animals.

Mr. Kooska: If this bill passes it will not have a great impact on the state lynx population. I would like to legally be able to chase and catch a lynx.

Mr. Ron Marcoux: (See Exhibit #22)

Mr. Wilson: We feel the word lynx was omitted when the original law was passed. They are regulated anyway and as far as hurting the resource, you just will not.

Mr. Scott: We should have the same right as anyone else to chase the lynx. You can trap them, you can shoot them but you cannot chase them. We should have that same opportunity.

Mr. Cook: We support this bill.

Ms. Settin: We love to run our hounds, we spend alot of money supporting and caring for them. If we could chase the lynx we would be helping the economy.

Mr. Simons: I have hounds and I would like the privilege to run

to do this on a state-wide basis, of that I am not certain, but I believe that we would prefer to look at it on a river by river basis.

Closing by Sponsor:

REP. DAILY: I appreciate the testimony that was presented by both sides, and I believe that we did get some good discussion. I believe that there is a problem, and this needs to be addressed. The Big Hole River became un-floatable this summer and there were proposals made by different people to close that river. I attended a meeting to discuss that proposal. I can tell you, the outfitting industry opposed that closure. In my opinion, I don't think they were thinking about the resource when that happened. I don't think they were thinking about the future. I have tried to get statistics as to the number of outfitters and guides in this state, there are no numbers. I believe that we need to develop good information, on some of these streams that are fished rather heavily. I would encourage Mr. Marcoux to give some of that administrative money to the people who work on the Big Hole River, so that they can do that. It is difficult to make decisions without good, accurate data. I would hope that this bill would pass, and I believe that it is well intended. If you choose not to and you should choose to look at the study resolution then I would want this resolution to consider more than anything else, the resident fisherman. We need to be concerned about him.

DISPOSITION OF HOUSE BILL 520

Motion: Rep. Phillips motioned a "do pass". Rep. Raney motioned for a substitute motion "to table".

Discussion: Rep. Eudaily questioned the resolution that was presented to the Committee by FFOAM and asked if anything could be done regarding that. Chairman Ream agreed to look at the resolution with the appropriate persons and agencies. Rep. Phillips reiterated that he wanted to keep the resident fishermen in mind in working with the resolution.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE THE COMMITTEE RECOMMENDS TO "TABLE" THIS BILL.

HEARING ON HOUSE BILL 356

Presentation and Opening Statement by Sponsor:

REP. PHILLIPS; I represent House District #33, Great Falls. This bill is no stranger to anyone. The Montana Houndsmen Association asked me to present this. To simply ask that they be allowed to use their hounds in the chase and

them if it were made legal.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. KASTEN: Tell me a little about licensing? RON MARCOUX: I don't have figures on total trappers licenses. An idea as far as the lynx hunting is concerned, we limit the number to one per trapper. We have district quotas, and once they are reached, we shut the hunt down. We have fairly heavy restrictions on lynx hunting within the state. The houndsmen would essentially have the same opportunity to hunt the lynx, and would be controlled.

REP. REAM: A "chase season" would mean a chase only and not taking the animal? RON MARCOUX: Yes, that is correct.

Closing by Sponsor:

REP. PHILLIPS: The Dept. (Dept. Fish, Wildlife and Parks), would be setting the rules. It is not going to destroy the resource. The houndsmen are there to hear those dogs bark and watch them run, that is their sport. I think we should give them that privilege.

DISPOSITION OF HOUSE BILL 356

Motion: Rep. Phillips motioned a "do pass".

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THE COMMITTEE THEREFORE RECOMMENDS A "DO PASS" FOR THIS BILL.

HEARING ON HOUSE BILL 662

Presentation and Opening Statement by Sponsor:

REP. RICE: House District 43, Helena. You may have heard lately about the plight of our state parks system. One of the problems that we have realized, is the revenue lost with the "Golden Years Pass". This was established for the benefit of the senior citizen and disabled. Under the present law, they just have to purchase a one time pass for the amount of \$1.00 and receive free life-time camping in our state park

system. As you can see, this is a tremendous loss of revenue. And especially with the ever increasing age of our population and the increasing costs of upkeep to the park system. We are estimating that over the next biennium, the loss in revenue will accumulate about \$230,000.00, so you can see that this will become a real drain. What this bill would do is to allow the Dept. (Dept. of Fish, Wildlife and Parks) to better regulate the use of the senior citizen and disabled discounts. By allowing a 50% break in the camping fees that are assessed. I think that everyone, including the senior citizens, realize the one dollar lifetime free camping is out of reason. This bill corrects that problem.

Testifying Proponents and Who They Represent:

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks

Mr. Gene Pigeon/ Good Sam Club, MT

Mr. Robert Vanderveer/ Helena

Mr. Lloyd Anders/ East Helena, senior citizen

Mr. Hal Manson/ Helena, senior citizen

Ms. Janet Ellis/ Montana Audubon Legislative Fund

Rep. Grady/ District 47, Helena, co-sponsor

Proponent Testimony:

Mr. Marcoux: (See Exhibit #18)

Mr. Pigeon: I represent over 4,500 members, we spend alot of time camping around the state. We work in alot of these parks, cleaning and maintaining them. Under the Federal Law, seniors can apply and get into any state park for half of the posted fee. We feel that this should be done here in our state parks. The state does need that revenue.

Mr. Vanderveer: I think this is a good bill, but the fee should be changed to 25% instead of the 50%.

Mr. Anders: I am a member of three R.V. (Recreational Vehicle) chapters in the state. We realize that if you get something you have to pay for it, and it would be reasonable to pay the 50%. We are willing to pay our fair share.

Mr. Manson: This one dollar fee is nice, but the trouble is that we cannot afford it in the state. If we do not have good recreational areas that we can use then the break isn't very important. I think even with the 50% we will get a bargain, no matter what the age or the ability. At this time Canyon Ferry camping area cannot be maintained as it is presently. And because of that it may have to change hands.

If we can avert that, it will be well worth the 50%.

Ms. Ellis: Many businesses give senior discounts for movies, meals, etc. But they are just that, discounts. They are not giving the service for free, you cannot run a business like that. Parks are not a business in the traditional sense, however, they are financially strapped at this time. And Montana just cannot afford to not charge for it's parks. Our National Park Service has a similar program, and gives the golden age and disabled a 50% discount. We would support this as a smart move to build a better park system within the state.

Rep. Grady: My main intention, as a co-sponsor of this bill, is that we are at a cross-roads in regard to our state park system. We need to be going in the right direction to try to get our park system where it should be. I think that there are very few free lunches anymore, and all of us have to pay our fair share to put our parks back where they should be. I think this bill will help. We need everything we can and the senior citizens agree, they are willing to help out.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. ELLISON: How does the one dollar fee system work presently?

MR. DAVE CONKLIN: (Dept. of Fish, Wildlife and Parks; Program Development Bureau Chief, Parks Division) When a senior pays the fee and receives the pass, anyone in the vehicle will be admitted to the park under that pass. Currently each camp site is allowed two vehicles, and that would be covered under the pass. Right now we find wide spread abuse of the system, and it is difficult to track.

REP. KASTEN: What would the figures be on the 50% discount? MR

CONKLIN: For the past several years our fees range from \$2.00 to \$5.00, and this would be a 50% discount from that fee. The fees may remain as such for the next year.

REP. EUDAILY: Is that per person? MR. CONKLIN: It typically would be per camp site, and each site allows two vehicles with many people per vehicle. REP. EUDAILY: On Sub 2, page 2, it states "per person". Would there be any possibility of misinterpretation? MR. CONKLIN: That is possible, we are currently putting a new manual together and we could correct that. MR. MARCOUX: We would offer to come up with some wording to help correct that.

Closing by Sponsor:

REP. RICE: waived his closing to the Committee.

DISPOSITION OF HOUSE BILL 662

Motion: Rep. Kasten motioned a "do pass".

Discussion: none

Amendments, Discussion, and Votes: Rep. Keller motioned to move amendments (See Attached Standing Committee Report), the amendments were passed. Rep. Eudaily questioned the wording of the bill in reference to the camp site and numbers of persons included in the pass. Chairman Ream noted that the researcher will check into the legality and correct. Rep. Keller noted that he requested an immediate effective date.

Recommendation and Vote: THE COMMITTEE THEREFORE RECOMMENDS A "DO PASS AS AMENDED" FOR THIS BILL.

HEARING ON HOUSE BILL 383

Presentation and Opening Statement by Sponsor:

REP. ELLISON: House District 81. This bill is in request of the Dept. of Fish, Wildlife and Parks. It revises some of the hunting statutes, and I will let the Dept. explain any details.

Testifying Proponents and Who They Represent:

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Mr. Bud Martin/ Florence, MT

Mr. Danny Cook/ Ft. Benton, MT

Proponent Testimony:

Mr. Ron Marcoux: (See Exhibit #19)

Mr. Martin: I would like to see this bill pass solely for the benefit of the female mountain lion. I do not believe that we should harvest as many as we do, there is a quota system, but I would like to see it lowered. The Dept. has done a good job of managing the mountain lion. But for every female mountain lion that we kill, we also kill her off-spring.

Testifying Opponents and Who They Represent:

Mr. Bud Martin/ Montana State Houndsmen Association

Mr. Dick Wilson/ Denton, MT.

Ms. Sandy Settin/ Emigrant, MT.

Opponent Testimony:

Mr. Martin: (speaking on behalf of the Montana State Houndsmen Association as an opponent) We asked the Dept. last year to establish this \$150.00 trophy fee for females or establish a quota system. They have established a quota system, and therefore the Houndsmen Assoc. would oppose this bill.

Mr. Wilson: We originally proposed a 50 dollar trophy on male and female mountain lions. And at one time, thought we need the 150 dollar fee on the female, to stop the killing of them. Now we have found that the killing has stopped, and we are virtually overrun with females in alot of areas. We have done what we wanted, against the wishes of the Dept. Quotas are on the females, this has made a race on the mountain lion, rather than an enjoyable experience. We are opposed to the quotas and the increase. Lion deprivation complaints have jumped from 18 to 85 in three years since this quota has started.

Ms. Settin: In spirit, this bill is good. I don't think the quota system is a bad idea.

Questions From Committee Members:

REP. PHILLIPS: It seems that the problem with the female of the breed depends on what area you live, is that true? MS. SETTIN: That is all a matter of personal opinion.

REP. KELLER: If we increase the fee, would we have fewer lion hunters? MR. MARCOUX: I know, by the fiscal note, that we would expect a 10% decrease. We would have to wait and get the experience, usually you find a general net reduction. REP. KELLER: Would you outline the procedure of regulating the male and female hunts. MR. MARCOUX: Once the female quota has been filled the male hunt is still open. We have had some problem with some hunters unable to identify the male from the female, we would hope that the hunter would take the time to identify.

Closing by Sponsor: REP. ELLISON: waived a closing.

DISPOSITION OF HOUSE BILL 383

Motion: Rep. Hanson motioned a "do pass".

Discussion: none

Amendments, Discussion, and Votes: Amendments proposed by Rep. Keller and were discussed throughout the committee. (Please refer to attached Standing Committee Report) The amendments were voted on and passed.

Recommendation and Vote: THE COMMITTEE THEREFORE RECOMMENDS A 'DO PASS AS AMENDED' FOR THIS BILL.

DISPOSITION OF HOUSE BILL 6

Motion: Rep. Phillips motioned "to table".

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE THE COMMITTEE RECOMMENDS TO "TABLE" THIS BILL.

ADJOURNMENT

Adjournment At: 6:45 p.m.



REP. BOB REAM, Chairman

BR/mc

3805.min

DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Session - Legislative Council

Date February 14th

HB 662/356/383/520

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily	✓		
Gene DeMars	✓		
Bob Pavlovich <i>Gervais</i>	✓		
Bob Raney	✓		
Bill Strizich	✓		
Roger DeBruycker	✓		
Orval Ellison	✓		
Ralph Eudaily	✓		
Marian Hanson	✓		
Betty Lou Kasten	✓		
Vernon Keller	✓		
John Phillips	✓		

DATE: Feb. 14th 1989

MR. SPEAKER: WE, THE COMMITTEE ON Fish and Game
REPORT THAT, BILL # H306 WAS TABLED ON THIS DATE.

SIGNED: Bob Ream
BOB REAM, CHAIRMAN

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/14 BILL NO. H306 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	Ø	
Rep. Dally	Ø	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

14

maureen Cleary
Secretary

Chairman

MOTION: up phillips "to table"

table

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE _____

BILL NO. HB 356

NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Dally	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(14)

maureen Cleary

Secretary

Chairman

MOTION:

rep. phillips "do pass"

do pass

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/14/89 BILL NO. HB 383 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp		✓
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	✓
Rep. DeBrucker		✓
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

maureen Cleary
Secretary

Chairman

MOTION: motion: Hanson "do pass"
Hanson "amend" (14)
Keller "amend - strike 45 proposed" (20)
Raney
blotkamp
debrucker
Ream
Strizich

DO PASS AS AMEND

DATE: FEB 14, 1989

MR. SPEAKER: WE, THE COMMITTEE ON Fish and Game
REPORT THAT, BILL # HB 447 WAS TABLED ON THIS DATE.

SIGNED: Bob Ream/McCann
BOB REAM, CHAIRMAN

Bob Ream

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/14 BILL NO. HB 447 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	∅	
Rep. Daily	∅	
Rep. DeMars	✓	
Rep. DeBrucker		✓
Rep. Ellison	✓	
Rep. Eudaily		✓
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson		✓
Rep. Kasten	✓	
Rep. Keller		✓
Rep. Phillips		✓
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

9

5

maureen Cleary

Secretary

Chairman

MOTION:

up ellison "table"

DATE: Feb, 14th

MR. SPEAKER: WE, THE COMMITTEE ON Fish and Game
REPORT THAT, BILL # HB520 WAS TABLED ON THIS DATE.

SIGNED: Bob Ream
BOB REAM, CHAIRMAN

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/14 BILL NO. HB 520 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	✓
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(14)

maureen Cleary
Secretary

Chairman

MOTION: rep. raney "do table"
rep. phillips "do pass"

Table

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/14/89 BILL NO. HB 662 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(15)

maureen Cleary

Secretary

Chairman

MOTION: rep. Kasten: "do pass" as amend

rep. Keller: "immed. off. dt." } (14)
amend

rep.

do pass amend

2/15/89

8:50

20

STANDING COMMITTEE REPORT

February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
HOUSE BILL 356 (first reading copy -- white) do pass .

Signed: Bob Ream
Bob Ream, Chairman

STANDING COMMITTEE REPORT

2-15-89
8:50
J.C.
February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that HOUSE BILL 383 (first reading copy -- white) do pass as amended .

Signed: Bob Ream
Bob Ream, Chairman

And, that such amendments read:

1. Title, lines 10 and 11.

Strike: "INCREASING THE TROPHY FEE FOR A FEMALE MOUNTAIN LION TO \$150,"

2. Title, line 12.

Strike: "87-2-507, 87-2-508,"

3. Title, line 13.

Following: "PROVIDING"

Insert: "AN"

Following: "EFFECTIVE"

Strike: "DATES"

Insert: "DATE"

4. Page 2, line 16.

Following: "exceed"

Insert: "a fee not to exceed"

5. Page 3, line 23 through page 5, line 19.

Strike: sections 4 and 5 in their entirety

Re-number: subsequent sections

6. Page 5, lines 24 and 25.

Strike: "(1) [Sections 1 through 3 and this section] are"

Insert: "[This act] is"

7. Page 6, line 2.

Strike: subsection (2) in its entirety

STANDING COMMITTEE REPORT

February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that HOUSE BILL 662 (first reading copy -- white) do pass as amended .

Signed: Bob Ream
Bob Ream, Chairman

And, that such amendments read:

1. Title, line 6.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 3.

Following: "for"

Insert: "a campsite rented by a"

3. Page 2, line 11.

Following: line 10

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

RE. House Bill 520

I am opposed to this bill because it will restrict my activities as a float-fishing outfitter. I myself need to remain flexible in the trips that I may offer at any given time, both to cope with weather conditions and the desires of my clients.

My wife and I recently purchased a motel in Whitehall, Mt., and of primary consideration in this purchase was Whitehall's close proximity to six different rivers.

EXHIBIT #1
DATE 2/14/89
HB 520

Larry Geiger
Box 814
Whitehall, Mt.
59759



High Plains Outfitters

MIKE BAY • 31 DIVISION ST. • HELENA, MONTANA 59601 • (406) 442-9671

February 14, 1989

EXHIBIT #7
DATE 2/14/89
HB 520

OPPOSED TO HB 520

Representative Ream and Members of the Fish & Game Committee:

I am strongly opposed to HB 520, introduced by Representative Daily. It seems to be a blatant attempt to exclude others from the use of our rivers.

We who float Montana's rivers have seen a big increase in the number of craft on the waters. While the number of outfitters and their clients has increased, the numbers of private craft in-state and out-of-state have exploded. If Representative Daily wants less people on the big Hole and other rivers, he should consider a study to limit everyone, not just people who use outfitters' services.

Limiting my business to two rivers would have a devastating effect on my livelihood which is even more obvious given the last couple of dry years. An outfitter needs the flexibility of taking his clients to fishable rivers or he will lose them and his reputation. I feel Representative Daily would serve the Big Hole and its fish better by working to keep some water in the river rather than keeping fishermen off of it.

The salmon-fly hatches do draw an influx of all floaters public and outfitted, but this is one of the boom times for small communities like Melrose and Wise River. My observation is that the outfitted client is not the person who "kills his limit" but the one who releases every fish, with reverence.

Please reject this bill, or you will put many outfitters out of business and cause a switch to more outfitters who outfit part-time during specific hatches. I feel this would lead to more outfitters who would supply poor services for our out-of-state guests.

Thank you,

Mike Bay
Mike Bay



EXHIBIT #3
DATE 2/14/89
HB 520

Arnold "Smoke" Elser,
President

3800 Rattlesnake Drive
Missoula, MT 59802
(406) 549-2820

MONTANA OUTFITTER & GUIDE'S ASSOCIATION
TESTIMONY OPPOSING HOUSE BILL 520

Our Association opposes House Bill 520. It puts the legislature in a position of limiting private enterprise and into the role of business managers.

This bill discriminates against the outfitting profession and their clients who have purchased valid Montana Fishing Licenses usable in all Montana streams open for fishing. Working under this bad bill a professional outfitter could be easily put out of business. For example, after having selected his "two rivers" on which to provide fishing services, an outfitter could find at any point in his season that his rivers have an inadequate water flow and fishing on these rivers would damage the resource. He would have no choice other than to lay off crew, refund deposits and perhaps even be forced out of business. This bill restricts where a business can or cannot operate in the State of Montana. I would hate to suggest that a contractor licensed in the State of Montana could only build a house within his own city or maybe within a certain area of that city. That is exactly what you would be doing to an outfitter's business if this bill should pass and you restrict him to two fishing areas.

Please give this bill an unfavorable report. It has not been well thought out, will seriously cripple the outfitting industry and would be difficult, if not impossible to enforce. We feel it is an obvious attempt to harass the outfitting industry.

Arnold Smoke Elser
President M.O.G.A.



EXHIBIT #4
DATE 2/14/89
HB 520

HWY. 89 South, P.O. Box 660
LIVINGSTON, MONTANA 59047
(406) 222-7130

Dear members of the Committee:

Although I cannot attend the meeting today on H.B. #520, I would like you all to know that we are strongly against this bill, which would limit fishing outfitters like ourselves to the use of two rivers.

We employ and book trips for fifteen different outfitters during the summer months. To limit each outfitter to two streams or rivers would severely effect, in a negative manner, both our business and the business of those working for us.

We must fish different streams and rivers throughout the season, taking advantage of water conditions, and fishing conditions. Our clients want to fish with one guide on various waters during their trip to Montana and limiting them to two rivers would create big problems for us and a lot of bad feelings in terms of our customers.

I feel that in the interest of attracting more fishermen and clients to come to Montana and promote tourism in general, this is a bad bill. Certainly for individual outfitters that are only in the fishing business, this bill could be disastrous.

Trying to regulate fishing pressure in this manner is wrong. Even if you could reduce the number of outfitters or guides on a particular river, public fishing pressure will increase quickly to existing usage levels - to fill the gap, so to speak.

On another tack, if a bill of this nature is passed, it will surely be challenged in court, much the same as the outfitter limitation on the Madison river was a few years ago. The Fish & Game Dept. came to the conclusion that this kind of outfitter limitation was unlawful and simply did not work.

Sincerely,


George Anderson

President, Yellowstone Angler
Outfitter's Lic. #175

MONTANA'S
Master Angler

TOM & KRYS TRAVIS
Proprietors

P.O. Box 1320 — 124 N. Main Street, Livingston, Montana 59047
Ph. (406) 222-2273



February 14th, 1989

Honorable Chairman & Member of the House
Fish & Game Committee

Subject: HB 520 The Outfitter, Two Rivers Bill

EXHIBIT #5
DATE 2/14/89
HB 520

My name is Thomas M. Travis and I own and operate Montana's Master Angler, a retail fly fishing tackle store in Livingston, Montana. I also operate a Fishing and Hunting Guide Service and have done so for the past 11 years.

I have been allowed to build my business on the use of many Lakes, Rivers, & Stream accross the state of Montana. I have an investment in Materials, Time and Knowledge which I need to compete in the market place. Now HB Bill 520 would strip me of my rights and cause great harm to my business.

I feel that HB 520 is ill-advised and poorly constructed. I feel that this Bill would create many problems yet solve none. It would in fact crowd Outfitters on to a few major rivers in the state (These rivers would be chosen based on an ability to offer a year round service). Also What defines a River? What about those Outfitters who offer wading type fishing trips? Are the two rivers chosen the only place an outfitter could offer fishing guide services, What about guiding on Lakes? Does the Bill limit the number of new outfitter license issued? This bill will solve nothing yet create problems. Is the intent of this bill in fact legal under state & federal constitutions?

Outfitters are business men/women, why are we trying to limit that business and right of free trade. The Outfitter Industry is a viable part of Montana's Tourist Industry, and industry which is growing stronger each year. One of the reasons the tourist industry is growing is that Outfitters from Montana criss-cross the country each year, acting in a sense as good-will Ambassadors for the state inviting people to come and enjoy the recreational opportunities that this state has to offer. These people not only use guides and spend their dollars in tackle shops but they also Buy Gas, Rent Motel Room, Shop in our local stores and so forth. Why attempt to damage the one segment of Montana's economy which is strong and growing stronger each year.

The Two Rivers Bill, makes as much sense as telling Stock Growers that they must choose between sheep or cattle, or only allowing two gas stations in any given city or town. Outfitters are business people and should be treated as such. To date the number of floating craft on any given River has not caused a fisheries problem. So why have a bill that creates rather than solves problems.

Many of the Outfitter businesses has been establish on multi-river use and this is the way it should be in a free and competitive market place. I would ask that the committee to please vote against HB 520. Thank you for your time and an opportunity to voice my concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Travis'. The signature is fluid and cursive, written over a horizontal line.



DAVID L. KUMLIEN, Proprietor

1716 WEST MAIN STREET • BOZEMAN, MONTANA 59715 • (406) 587-4707

February 14, 1989

EXHIBIT #6
DATE 2/14/89
HB 520

Montana Legislature
House of Representatives
House Fish and Game Committee
Attn: Chairman Bob Ream

Dear Bob,

Due to business commitments, I am unable to attend the hearing on House Bill 520, and I would ask that my written testimony be included as part of the hearing record.

I strongly oppose HB 520 for several reasons. First, the Big Hole River, which this bill is supposedly designed to protect, has neither a biological problem nor any real social problems as a result of outfitter use of the river. I have included excerpts from a Fish and Game study from 1983 which clearly shows that even at the period of heavy use, the outfitter use of the river is only 20-25% of the total use. In addition, once the salmon fly hatch passes a section of the river, use drops off to almost nothing and stays that way for the rest of the summer. HB 520 represents massive overkill for a problem that not only doesn't exist, but, if it does, is not caused by outfitters.

The second reason I oppose 520 is that the Big Hole fishery is well protected by special fishing regulations and is under continuous study by fish and game. In fact, based on the most recent fish census information and talks with Dick Oswald, Fish and Game biologist, the Big Hole is in excellent biological condition save for the effects of last year's drought which has nothing to do with fishing pressure.

My third reason for opposing the bill is that the effect of 520 is to create an illegal restraint of trade. The bill does nothing to limit my clients who might want to fish the Big Hole from going with another outfitter. So, the net effect of the bill is to take business from me and shift it to "one of the chosen few." I have received a legal opinion substantiating this viewpoint which I will pursue should this bill be passed.

Finally, I oppose this bill because even if some problem does exist, the 520 approach is not the correct one. I served for a year on a Boat Use Study Committee created by then Governor Tom Judge. The committee was made up of Attorney John Scully, myself, Ron Marcoux of Fish and Game, Roland Cheek, outfitter from Columbia Falls and several others. We thoroughly studied the problems of boat use both in Montana and in other states. Our conclusion was that in virtually every other instance where use had become a problem, the situation was handled on a river by river basis and with a much more thorough study than has been made to support HB520.

In conclusion, I urge you to vote against this bill. It's true purpose is questionable, and there are virtually no facts to support HB520's purported intent. This bill does not deserve to see the light of day. Please stop it in your committee so that both you and I may get on to more important matters.

Sincerely,

A handwritten signature in cursive script that reads "Dave Kumlien". The signature is written in dark ink and is positioned above the typed name and address.

Dave Kumlien, owner
Montana Troutfitters Orvis Shop
1716 W. Main Street
Bozeman, MT 59715
(406)587-4707

A Treatise on the Effects of the
Emergence of the Salmon Fly (*Pteronarcys
californica*) on the Big Hole River and the
Population Dynamics of Melrose, Montana

June, 1983

Methods

A creel census was conducted on the Big Hole River at the Melrose bridge from June 14-19, 1983. By some coincidence, the salmon flies were emerging during this same time period. The purpose of the census was to interview fisherman who had floated through the special management section (Divide to Melrose) and ascertain their success (or lack of it) and fishing pressure. The census was completed through the able assistance of Wayne Black, Chris Clancy, Bruce Rehwinkel, Jeff Bagdanov, and Fred Nelson to whom the author extends his gratitude.

Results-Float Trips

	Tue <u>6/14</u>	Wed <u>6/15</u>	Thur <u>6/16</u>	Fri <u>6/17</u>	Sat <u>6/18</u>	Sun <u>6/19</u>
Private Floats	<u>25</u>	<u>23</u>	<u>67</u>	<u>78</u>	<u>76</u>	<u>47</u>
Commercial Floats	<u>2</u>	<u>3</u>	<u>17</u>	<u>24</u>	<u>14</u>	<u>33</u>
Daily Total	<u>27</u>	<u>26</u>	<u>84</u>	<u>102</u>	<u>90</u>	<u>80</u>

A total of 409 float trips ($\bar{x} = 68/\text{day}$) were tallied over the 6 day census period. Private floats totaled 316 (77.3%) while commercially guided floats totaled 93 (22.7%). The peak of the boat hatch occurred on Friday, June 17. The guide hatch peaked Sunday, June 19.

Results-Fisherman

	Tue <u>6/14</u>	Wed <u>6/15</u>	Thur <u>6/16</u>	Fri <u>6/17</u>	Sat <u>6/18</u>	Sun <u>6/19</u>
Res. Fishermen	<u>57</u>	<u>54</u>	<u>150</u>	<u>173</u>	<u>182</u>	<u>111</u>
Non-Res. Fishermen	<u>9</u>	<u>12</u>	<u>50</u>	<u>74</u>	<u>51</u>	<u>85</u>
Daily Totals	<u>66</u>	<u>66</u>	<u>200</u>	<u>247</u>	<u>233</u>	<u>196</u>
Hrs. of Recreation	<u>201</u>	<u>223</u>	<u>678</u>	<u>1112</u>	<u>1048</u>	<u>929</u>

A total of 1008 fisherman-trips ($\bar{x} = 168/\text{day}$) were tallied over the census period. Resident fishermen composed 72.1% of the total while non-residents amounted to 27.9%. A total of 4191 fishing recreation hours were logged during the six days of the census. The resident fisherman hatch peaked on Friday and Saturday while non-residents had a strong emergence on Sunday.

Results-Fish

	Tue 6/14	Wed 6/15	Thur 6/16	Fri 6/17	Sat 6/18	Sun 6/19
Released Brown Trout	<u>32</u>	<u>155</u>	<u>299</u>	<u>171</u>	<u>177</u>	<u>193</u>
Released Rainbow Trout	<u>23</u>	<u>174</u>	<u>371</u>	<u>245</u>	<u>186</u>	<u>251</u>
*Other Species Released	<u>3</u>	<u>11</u>	<u>14</u>	<u>40</u>	<u>33</u>	<u>47</u>
Fish Harvested	<u>7</u>	<u>4</u>	<u>4</u>	<u>17</u>	<u>18</u>	<u>10</u>
Daily Totals	<u>65</u>	<u>344</u>	<u>688</u>	<u>473</u>	<u>414</u>	<u>501</u>

*Brook and Cutthroat Trout, Grayling and Whitefish

A total of 2485 boated fish were reported during the census period. Most of these fish were released with the total harvest composing only 2.4% of the reported take. Fish caught during the census period were dominated by rainbow (51.5%) and brown trout (42.5%). The peak of the fish hatch occurred on Thursday, June 16.

Results-Success

	Tue 6/14	Wed 6/15	Thur 6/16	Fri 6/17	Sat 6/18	Sun 6/19
Fish Boated per Float	<u>2.4</u>	<u>13.2</u>	<u>8.2</u>	<u>4.6</u>	<u>4.6</u>	<u>6.3</u>
Fish Boated per Fisherman	<u>1.0</u>	<u>5.2</u>	<u>3.4</u>	<u>1.9</u>	<u>1.8</u>	<u>2.6</u>
*Fish Boated per Hour	<u>0.3</u>	<u>1.5</u>	<u>1.0</u>	<u>0.4</u>	<u>0.4</u>	<u>0.5</u>

*Not corrected for oarsman

Reported fisherman success was quite good overall. The success (or lie) hatch peaked on Wednesday, June 15.

Results-Trophy Fish

Trophy fish results can't be rigidly quantified due to the fact that no fish in excess of 22 inches was brought into the census station. The following should be evaluated in light of the piscatorial prevericator's paradise afforded by catch and release. The big fish of the census was a 26" brown trout reported as the only fish caught on a Saturday float from Divide. Also on Saturday, one 24" fish, three 21.5" fish and four fish in excess of 20" were reported. The big fish emerged on Saturday, June 18.

Results-Salmon Flies

The salmon flies emerged at Melrose on Wednesday, June 15, making the author look like a prophet. The hatch stalled around Maiden Rock where it still was on Monday, June 20, making the author look bad.

EXHIBIT # 7
DATE 2/14/89
HB 520

Subject: HB 520

Jack D Hutchison, Executive Director, Fishing & Floating Outfitters Association of Montana (FFOAM)

The fishing industry in Montana is still in its infancy. As growth occurs FFOAM recognizes that there will be problems associated with that growth. To address these possible problems we have already volunteered to work with the newly formed Board of Outfitters and the Department of Fish, Wildlife and Parks. Both these entities are in the process of defining the current problems of the industry and establishing a mechanism for handling future problems as they occur. Gathering background data, sizing the problem, and then proposing a solution is the logical way to arrive at an answer to a problem that will do the most good and harm the fewest people. HB 520 shows none of these elements. On the contrary it will do a great deal of harm to ~~many~~ many Montanans.

Most of the fishing outfitters operate on a very narrow margin. Eliminating any part of of their business will literally put them out of business. In my case it is the guiding that puts me over the top financially each year. I moved from Bozeman to Sheridan with full knowledge that it was only the proximity of five rivers that would draw tourist to the town. After four years my idea is beginning to show a profit. We even have a motel in Sheridan. If I lose the right to use the five rivers, I will lose my shop. It is as simple as that. The fishermen that stay at the Moriah Motel will no longer have a reason to use Sheridan as their fishing headquarters. The retail business generated by these people will be lost at a time when main street retailers can not afford another piece of bad news. These are not idle comments. You have a letter from our Chamber of Commerce to this effect.

There are programs ~~in~~ currently being worked on that will result in recommendations on the future management plans for our rivers. Examples of this are the Smith River Management plan and the Big Hole 5 year management plan. The Big Hole study just started this past fall. A member of this committee is participating in the formulation of that plan, Rep Fritz Daily. It does not make sense to me that any law should be put in place to change the use pattern of a river ~~without~~ the results of studies designed to identify and correct the problems occurring on that river.

In Summary; Let the Department of Fish, Wildlife and Parks and the Board of outfitters do their job. With all the faults we may think the department has, it is still the best fisheries manager ~~in~~ the US. If you are not satisfied with their performance, make them do it again and again until they get it right, Do not take it out of their hands.

Do not allow a bill to go forward until you are absolutely sure that, 1) it will solve the problem it portends to solve and, 2) that it will not unnecessarily harm individuals and the economy.

EXHIBIT #8
DATE 2/14/89
HB 520

RESOLUTION

Proposed by the Float Fishing Outfitters of Montana
In response to HB 520

WHEREAS the float-fishing outfitting industry is an increasingly important part of Montana's tourist industry;

WHEREAS the continued vitality of the float-fishing outfitting depends upon maintaining the highest standards of professionalism among float outfitters and guides; and

WHEREAS the maintenance of the highest professional standards depends upon the promulgation of rules pertaining to the performance of float-fishing outfitters and guides and upon the vigorous enforcement of those rules and regulations;

WHEREAS members of the public have expressed concern about growing conflict between float-fishing outfitters and recreational fishermen on Montana's rivers;

THEREFORE, THE LEGISLATURE RESOLVES AS FOLLOWS:

(1) To encourage the Board of Outfitters to form an interim committee composed of representatives of the float-fishing outfitting industry, recreational fishermen, and representatives of the department of fish, wildlife, and parks to consider the following aspects of the outfitting industry:

(a) the existing rules and regulations that apply to float-fishing outfitters;

(b) the kinds of complaints received by the department of commerce, DFWP, and any other law enforcement officials regarding the violation of outfitting laws and regulations as they pertain to float-fishing outfitters and guides;

(c) the enforcement of the outfitting laws and regulations as they pertain to float-fishing outfitters and guides, with specific examination of follow-through by the department of commerce and DFWP in the investigation and prosecution of violations of the outfitter laws and regulations;

(d) examination of laws and regulations pertaining to float-fishing outfitting in other states.

(2) to request the Board of Outfitters to report back to the 1991 legislature with the committee's findings and recommendations for measures needed to improve the professionalism of the float-fishing outfitting industry, or to otherwise resolve conflicts between float-fishing outfitters and guides.

RUBY VALLEY CHAMBER OF COMMERCE

BOX 613

SHERIDAN, MONTANA 59749

EXHIBIT #9
DATE 2/14/89
HB 520

February 9, 1989

Chairman
House Fish & Game Committee
Capital Station
Helena, Montana 59620

RE: HB 520

Dear Committee Members:

WE STRONGLY PROTEST the HOUSE BILL 520 placing limits on outfitters to two stream access.

It is our opinion this action would seriously hamper MONTANA TOURISM and place the outfitters in jeopardy.

Thank you for your consideration.

Sincerely,



Kathleen Baril
President of RVCC

EXHIBIT #10
DATE 2/14/89
HB 520

Rep. Bob Ream, Chair
Capital Station
Helena, MT 59620

February 11, 1989

Dear Rep. Ream:

HB 520 if passed would effectively put PRO out of business. For over twenty years our advertised motto has been "Be on the Right River at the Right Time". We often book clients for a particular date in early winter and then just prior to or upon arrival of the clients we choose from up to fifteen different streams as to where the best place to take those clients is. In making this decision we take all current conditions into effect: water conditions, hatches occurring, weather, fishing pressure, and client preference.

If we had to choose two rivers, no matter what rivers we chose, we would at times be forced into taking clients on water which was unfishable due to high, cold water or which was too low and warm. Catching and releasing fish from rivers which are low and warm is difficult and it puts undue stress on those fish which are caught and released. Our only other alternative is to turn the clients away.

This bill will not do what its proponents hope. Extra guides would be hired by outfitters to handle the clients which wish to fish a particular river at a particular time. Most outfitters would be forced to choose as their two rivers those major trout fisheries such as the Madison, Big Hole, Missouri, Big Horn, and others. It is very likely that pressure on these streams would increase.

On another note, rumor has it that an incident involving our base camp on the Big Hole had something to do with this bill being drafted. For the record, PRO guides have not been on the Big Hole since 1986. We have only had one base camp on the Big Hole, and that was years ago. Whatever the alleged incident involves, PRO is not the party involved.

I respectfully ask for your opposition to this ill conceived bill. Thank you.

Sincerely,



Paul S. Roos, PRO Partner

PAUL ROOS
OUTFITTERS



2/U

Jim & Pam Allison

CA

Box 88

Ennis, Montana 59729

EXHIBIT #11
DATE 2/14/89
HB 520.

February 9, 1989

Bob Ream, Chairman
Fish and Game Committee
Capital Station
Helena, Montana 59620

Dear Mr. Ream;

I would like to have the following letter entered into the Fish and Game Hearing on HB520 Tuesday, February 14, 1989.

I am opposed to HB520. It will be taking away part of your livelihood without due process and it will be discriminating against Fishing Outfitters.

Please defeat this bill.

Sincerely,

Jim Allison

Jim Allison
Box 88
Ennis, Montana 59729

cc: Representative Robert Hoffman
Senator John Anderson

EXHIBIT # 12
DATE 2/14/89
HB 520

HB 520
February 14, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

This bill is an apparent attempt to limit the amount of outfitting use on rivers. The department recognizes that heavy use and social conflicts exist on some rivers between bank and boat fishermen and even among boat fishermen. Fishermen often blame outfitters for creating this problem, but in reality, concentrated use by all fishermen, particularly at key times of the year, is the issue.

We have reservations about this bill because it will not necessarily limit floating use on streams. While it would force outfitters to pre-select two rivers, an increase in the total number of outfitters may occur on certain high quality rivers. There is no limit on the number of trips taken by individual outfitters, nor on non-outfitted floaters. Non-outfitted floaters generally make up the majority of trips on most streams.

If outfitters selected two streams which subsequently became dewatered during the summer, they could be forced to continue fishing these streams or go out of business. If outfitters selected to shift to rivers which are floatable during low water years, there could be greater impacts on the fishery and the potential for more social conflict.

The department is in the process of developing management plans for a number of rivers in Montana. Among the issues addressed are amount and type of use, fishing regulations, access, etc. We have developed plans on the Big Horn and Smith rivers, and are currently working on Rock Creek and the Missouri River. The level of floating use is an issue on three of those streams. However, because each stream is different, the solutions to the problem will likely be different.

The management planning process would appear to be a more appropriate way to identify problems and solutions. The department's ability to implement solutions which would regulate floating use is extremely limited at this time, and will ultimately require legislation. The department believes it may be more appropriate to initially deal with this issue on a stream-by-stream basis rather than attempt to resolve it through HB 520.

WITNESS STATEMENT

EXHIBIT #13
DATE 2/14
HB 520

NAME John MAKI BUDGET _____

ADDRESS 655 Granite Helena, Montana

WHOM DO YOU REPRESENT? John MAKI

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: I oppose the Bill #520

because as a Montana
River Outfitter for 12 years, it
would be impossible for me
to operate a successful business
on only 2 rivers. It's difficult
enough on 6-8 - There are too
many variables, water flow, temp, &
insect hatches, to name a few that
dictate which river we should be
on - at any given time. We depend
on Repeat business each year and
most of these folks like to fish
different rivers from year to
year.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT 14
DATE 2/14/89
HB 520

WITNESS STATEMENT

NAME Joe Murphy BUDGET _____
ADDRESS 21 N. Benton Helena
WHOM DO YOU REPRESENT? Self
SUPPORT _____ OPPOSE X AMEND ✓

COMMENTS: HB 520

Amend to provide for minimum instream
flows - with adequate flows in all rivers
I think you would find that the problem would
solve itself. That is the outitters would
disburse to the river(s) of their choice primarily
to avoid other outitters

Keep the rivers in the river. Recreation is
good business for Montana - non-polluting
non-subsidized industry.

Rep. Dohy's testimony addressed only the Big
Hole River - there are other rivers!

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT 15
DATE 2/14/89
HB 520

February 14, 1989

Rep. Bob Ream, Chair; Members of the Committee
House Fish and Game Committee
Rm 312-3
HB 520 TESTIMONY in OPPOSITION by PAUL ROOS

HB 520 if passed would do major injury to the outfitter industry and would not alleviate fishing pressures on our major rivers.

Our business makes a practice of booking clients for a particular date and then just prior to or upon arrival of the party we choose from up to fifteen different streams as to the best place to take those clients. In making that decision we take all current conditions into effect: water conditions, hatches occurring at the time, weather, fishing pressure, and informed client preference.

If we had to choose only two rivers, no matter what rivers we chose, we would at times be forced into taking clients on water which would not provide our clients with a quality fishing experience.

Presently, fishing outfitters take clients on scores of streams in Montana. If this bill passed, outfitters would be forced into choosing their two rivers from the limited list of major fisheries such as the Big Hole, Madison, Big Horn, Missouri, Yellowstone, and the Beaverhead. Then instead of having the pressure spread over many rivers and small streams as it is now, the result would be increased guided public on those major rivers. I doubt if this is what the proponents want as a result of this bill.

In conclusion, HB 520 would negatively impact the outfitter industry and would increase the fishing pressure on our major trout fisheries by concentrating most if not all fishing outfitters onto those few rivers. This ill conceived bill should not see the light of day.

Thank you.

PAUL ROOS
OUTFITTERS



TESTIMONY HB520

EXHIBIT 16
DATE 2/14/89
HB 520

The Board of Outfitters opposes HB520. We do not oppose this bill because we fail to believe the validity of the concerns expressed here, but rather because we believe HB520 is not the correct approach to mitigating the concerns.

The Board of Outfitters was created by the last Legislature, and has been in place only 16 months. The Board has required, with the renewal of 1989 licenses, that outfitters specify the services they provide and where they provide those services. In the past, no one has even known how many float fishing outfitters we have or where they operate. We are now compiling this new information and will use it to make good sound decisions on future outfitter administration. When you (the Legislature) created the Board of Outfitters, we believe you did so because you wanted the Board to use it's technical expertise to regulate and administrate the outfitting industry. HB520 circumvents the Board's technical expertise and hampers the Board's ability to do the job you mandated us to do. We believe these concerns should be carefully studied, information gathered and evaluated and appropriate regulation or legislation proposed, with input by all effected parties.

Let's look at the bill itself. It is a very small addition to the law; however, this change is effected by other parts of the statutes. We don't believe it ties in well with the rest of the law. A scenario of some things that might happen under HB520 are:

An outfitter wanting to float a river he wasn't licensed to float could work as a guide for an outfitter licensed to float that river. This is legal under the current statutes. This would, no doubt, be a reciprocal agreement so now there are 2 outfitters legally floating 4 rivers each. As few as 6 outfitters working together, each signing guide licenses of the other 5 to guide on his 2 rivers could, under HB520, legally operate on every major river in the state.

How about the enterprizing outfitter who, for a price, would sign guide licenses for other outfitters to use "his" rivers. This bill would encourage illegal outfitting by both licensed and unlicensed outfitters.

Enforcement of HB520 would be virtually impossible. The law would not limit use on any river because less outfitters could and would just hire more guides or outfitters to serve the clients that wanted to float that particular river. The bill does nothing for the resource, would put more use on the most popular rivers and hurts the quality of service provided by the outfitters.

Introduction of this bill has already served the best purpose it ever can...that of bringing the concerns voiced within it to the attention of those who can best address them.

I encourage you to vote against HB520.

Thank you,

Ron Curtiss, Chairman
Speaking for the Board of Outfitters

Chamber Of Commerce

February 13, 1989

Box 291

Ennis, MT 59728-0291

AC (406) 682-4388

Legislator Bob Ream
Chairman, Fish & Game Committee
House of Representatives
Helena, Montana 59601

EXHIBIT 17
DATE 2/14/89
HB 520

The Honorable Bob Ream:

On behalf of the Ennis Chamber of Commerce and representing our area fishing guides and outfitters, we would like to enter this letter in official testimony.

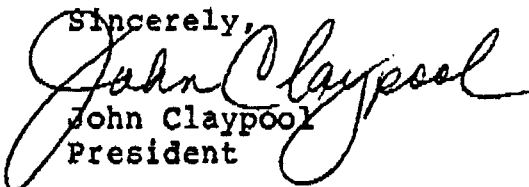
This testimony is in reference to House Bill 520 which proposes limiting outfitters to two rivers when providing fishing services.

We oppose the passing of House Bill 520 for the following reasons:

1. Several years ago the Montana Department of Fish, Wildlife and Parks tried this type of limitation on the Madison River and found it to be ineffective.
2. Many guides in our area depend on four or five rivers for their livelihood. This is necessary due to weather conditions such as drought, spring run off, etc. The outfitters should have the option of going someplace else when their chosen river is unfishable.
3. We feel that if only two rivers may be selected, there will be a higher concentration of fishermen on prime rivers such as the Madison. This causes us concern about the long term effects on the fish habitat and on the whole ecology of the river.
4. Many of our local fishing shops have based their business on offering a variety of fishing experiences on many rivers in Southwestern Montana. We feel strongly that to limit business in the way proposed by House Bill 520 would in fact limit free enterprise.

Thank you for your consideration.

Sincerely,


John Claypool
President

HB 662
February 14, 1989

EXHIBIT 18
DATE 2/14/89
HB 662

Testimony presented by Ron Marcoux, Department of Fish,
Wildlife & Parks

The Department of Fish, Wildlife & Parks supports HB 662 which would bring our senior citizen and disabled camping fee discounts into line with current practice in Forest Service and National Park campgrounds, as well as state parks in most other states, by offering a 50% discount rather than totally exempting overnight camping fees.

Department field studies in 1986 have shown that as much as \$129,000 of earned revenue is foregone annually as a result of fee waivers presently mandated by Section 23-1-105. Our population is aging as well, and net loss for the next biennium is estimated at \$360,000.

This bill would reduce that loss to an estimated \$64,000 per year. That savings would be used by the Parks Division to reverse the deteriorating condition of many of our camping facilities and provide the quality of service our guests expect for their money.

Approximately 26% of our overnight guests now qualify for the existing fee exemption, which is not based on income or ability to pay. During our recent public hearings on state park entry fees, we received numerous letters and testimony that the existing golden years and disabled fee exemptions are highly discriminatory to the three-fourths of our guests who have low and average incomes, yet must pay all of the costs.

This bill would not only make these discounts more equitable, but would also make them less costly to the public and easier for the department to administer by coordinating them and eliminating the requirement for a specific pass which the department must print, consign, sell, and be accountable for.

We support the passage of HB 662 and would ask that it be amended to become effective upon passage so that we may integrate it into our 1989 annual fee rule to reduce the confusion which would be caused by delayed implementation.

EXHIBIT #19
DATE 2/14/89
HB 383

HB 383
February 14, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The department supports HB 383. This bill is to reverse and clarify the hunting and fishing license statutes as to 15-year old waterfowl hunters, submitting multiple applications for special permits and increasing the trophy fees for taking female mountain lions.

The current statutes, by omission, seem to exclude 15-year old hunters from hunting waterfowl. Section 87-2-103 makes it unlawful to hunt any game bird without a license. Section 87-2-805 provides for 12 through 14-year olds to hunt game and migratory game birds with only a \$2 conservation license. Section 87-2-411 requires any person 16 years of age or older to purchase a waterfowl stamp to hunt waterfowl.

This bill amends Section 87-2-411 to read 15 years of age, clarifying that 15 year olds can hunt waterfowl with valid state waterfowl stamp with this amendment.

Our age and license requirements will be the same for upland and migratory game bird hunters.

The proposed amendments to Section 87-2-104 will specifically prohibit applicants from submitting more than one application per species for special license and permit drawings. Each year we receive multiple applications for elk, deer and other big game licenses and permits from individual hunters. Current statutes are vague as to this practice being unlawful and a misdemeanor. Therefore, multiple applications from a single applicant are presently limited to removal from the drawing process.

Charges of violation of this act may be filed in the county of origin, or in unknown or originating outside Montana, charges may be filed in the county wherein the application was received by the Department of Fish, Wildlife & Parks.

The proposed amendments to Section 87-2-507 and 508 were the result of several public hearings concerning the management of mountain lions in Montana. The status of this species has evolved from a predator in which \$50 bounties were paid in 1962 to designation as a big game animal and finally as a big game trophy species in 1971. These changes have reflected a growing public appreciation and concern for sound management of this species.

Today there is more interest in hunting mountain lions than ever before, and this interest is not expected to diminish. Because of the potential to overharvest lions, it is important to carefully

regulate their harvest. This has resulted in harvest quotas for both male and female lions in several hunting districts.

Increasing the trophy fee to \$150 for female lions was one of the proposals made by the houndsmen to encourage concentration on the male segment of the population, thus ensuring viability of the lion population and increased hunter opportunity.

Finally, on a minor point, the department needs to reinsert some language regarding duplicate licenses that is presently being amended out in this bill. The department assumed that no license cost less than \$5. However, conservation licenses, turkey and paddlefish tags and senior, youth and disabled deer licenses all cost less than \$5. Therefore, to avoid charging more for a duplicate license than the original cost of these licenses, the language proposed in the attached amendment should be inserted back into the bill.

AMENDMENT TO HB 383
INTRODUCED (WHITE) COPY

1. Page 2, line 15.

Following: "of"

Insert: "a fee"

2. Page 2, line 16.

Following: "license"

Reinsert: "not to exceed"

EXHIBIT #20
DATE 2/14/89
HB 520

Amendments to House Bill No. 520
Introduced Reading Copy

Requested by Representative Daily
For the Committee on House Fish & Game

Prepared by Doug Sternberg, Committee Staff
February 6, 1989

1. Title, line 6.
Following: "PERIOD;"
Insert: "PROVIDING FOR AN ALTERNATE CHOICE IN CASE OF EMERGENCY;"
2. Page 3, line 12.
Following: "(5)"
Insert: "(a)"
3. Page 3, line 18.
Following: line 17.
Insert: "(b) If in the board's discretion an emergency condition develops that renders a designated river unfloatable during a license year, the board may, upon request of a licensee, allow the licensee to choose an alternate Montana river upon which to provide fishing services during the period of licensure."

HB 356
February 14, 1989

EXHIBIT #21
DATE 2/14/89
HB 356

Testimony presented by Ron Marcoux, Department of Fish, Wildlife and Parks.

The Department of Fish, Wildlife and Parks is not opposed to adding lynx to the list of species that may be pursued with dogs.

Through the years we have supported the hunting of mountain lions and bobcats with the use of dogs and feel that the experience with this hunting has been acceptable to the public and has not unduly affected the resource. The Commission has allowed extensive "chase seasons" for recreational and dog training purposes with little adverse effect on the resource.

Since the lion, bobcat and lynx generally overlap in range and habitat in much of the area, no measurable adverse impact is anticipated.