

# HOUSE FISH AND GAME COMMITTEE

February 8, 1979

The meeting was called to order by Chairman Staigmiller at 12:30 p.m. with all members present. The chair was then turned over to Vice-Chairman Hirsch.

## HOUSE BILL NO. 261

REPRESENTATIVE JOHN B. STAIGMILLER, Chief Sponsor, introduced the bill. He explained that this bill would prevent the Department of Fish and Game from purchasing land over 160 acres without legislative approval. He continued by stating that 58% of the state is privately owned. We should have some control over the Department's purchasing. They only are required to pay part of the taxes on state-owned lands. I believe the figure is thirty cents on a dollar. The Department can pay a much higher price for land than an individual, so we are unable to compete with them. Some examples are, they purchased 8 6/10 acres and paid 26 thousand dollars for it. Another 21 acre plot of land was purchased for 31 thousand dollars. I will conclude reserving the right to close.

### PROPOSERS:

JOE CROSSWITE, WETA, rose in support of the bill. He explained a situation in the Anaconda area. The Anaconda Company was selling some property and the ranchers in that area were interested in purchasing it. This land was good grass land and close to the highway so it would not be a good place for game, but the Fish and Game bought it because they were able to bid more than the ranchers that wanted and needed the acreage.

CAROL L. KIRKLAND, Montana Petroleum Association, stood in support of the bill.

REPRESENTATIVE AUBYN CURTISS stated that there is a lot of agricultural land being taken off of the tax rolls by allowing the Department to purchase this land. A lot of land that is purchased is bought with earmarked revenue funds. She then explained an instance that they had in her area with the Libby Dam project. She stated that there was 12 thousand acres and 2 million dollars appropriated to purchase this land. The Corps of Engineers purchased three thousand acres and the Fish and Game wants to purchase the other nine thousand acres. She then submitted a letter from Senator Hatfield dated June 1978, addressing this situation.

BILL ASHER, representing A.P.A. and the Park County Legislative Association, rose in support of the bill for these organizations.

PETER JACKSON, WETA Montana, explained that in his area the Fish and Game had acquired some land for a game range. The people in this area wanted to do some sagebrush control. The Fish and Game would not help to do this. Now they want to acquire more land to enlarge this game range.

ROBERT VANDERVERE submitted several permits that he had received

from different landowners permitting him to hunt on their land. If the Fish and Game buys land, ranchers post their land to keep the hunters out. I do not feel the Fish and Game should be taking this land out of agricultural use.

RAY MEYERS AND BOB GILBERT rose in support of the bill.

FRANK STERLING, President of the Sterling Ranch, stated that he was born on this land and the Fish and Game boarded him for 7 miles on one side with the Beartooth Game Range. The Fish and Game has had this land for 6 years and has not done a thing to it. Fences need repair and the game is being run off by all the hunters. Last year I permitted 150 hunters to hunt elk on my property, from out of state. He stated that the Fish and Game wanted to buy 30 acres from me, I sold them 3 acres. But, you ask them for something and they won't do anything for you.

The following proponents were not present but called in their support of this bill: Mr. and Mrs. William Frazer, Graycliff, Spike Vancleve, Big Timber, and Bud Pile, Big Timber, who also left the following comments; He explained that he had sat in on a hearing when the Department of Highways was trying to buy some land from a person in this area. They were fighting to pay \$50 per acre. The Fish and Game purchased some of this land later and payed \$100 per acre. This established a high tax base on the surrounding property and for people who want to hand their land down to their children will have to pay a very high income tax because of the Fish and Game's purchase price of similar lands.

#### OPPONENTS:

ROBERT F. WAMBACH, Director of Fish and Game Department, stated that "we feel that our land acquisition program is highly desirable and very important to our basic mission of protecting wildlife and providing recreation opportunities for the people of Montana. We believe that past legislatures represented the will of the people when they authorized us to acquire game ranges, fishing access sites, and parks -- often earmarking certain revenues specifically for these purposes." (attached testimony, exhibit #1)

GENE ALLEN, Department of Fish and Game, Wildlife Division, stated that this bill would cripple what has been a very successful program. Few sellers would be willing to wait one or two years for legislative approval without long term options which would be very expensive to the State of Montana. These costs added to annual inflation rates of land values of 12-20 percent, would make delays doubly costly. (attached testimony, exhibit #2)

RON HOLIDAY, Parks Division, Department of Fish and Game, explained how a portion of the coal severance tax, which the 44th legislature set aside for land acquisition, had been used. (attached testimony, exhibit #3)

SPENCER HEGSTAD, Fish and Game Commission, spoke in behalf of himself and four other members of the commission. "We hope as a commission that we have done a good job and do not feel this bill should pass."

ROBERT E. CARROLL stated that big game winter ranges were bought with sportsmen's license dollars and federal dollars collected from excise taxes on guns and ammunition. The counties where these game ranges are located receive payments from the Fish and Game Commission in lieu of taxes, and thus are a unique form of public lands which in effect are on the tax rolls. These public winter ranges have helped maintain considerable numbers of elk and deer, and have also reduced trespass by big game on private lands. (attached testimony, exhibit #4)

ROBERT W. KEENE, Skyline Sportsmens Association, went on record as being opposed to House Bill No. 261.

ROSS BRUNER, rose in opposition to the bill.

RICK DAY, Gallatin Wildlife Association, stated that this bill would affect the private landowner in such a way that the legislature is preventing them from selling their land. The owner may need the money and not be able to wait until the legislature convenes.

HUGH ZACKHEIM, Montana Wildlife Federation, stated that their organization consisted of 2,000 sportsmen that are in opposition to this bill. It will end the land acquisition for big game. "How many of you would want the sale of your private land considered on the House floor? Are we helping the private landowner by preventing him from selling his land? I think the answer to these questions is no, and for these reasons we are opposed to House Bill No. 261."

JOHN WILSON, Montana Council of Trout Unlimited, stated he was here to speak about spring creeks and their unique role in sport fishing in Montana. Spring creeks rise directly from the ground, usually in valleys beneath mountain ranges, and usually flow several miles to a river or stream in valley bottoms. These creeks are very valuable as a recreation resource and there aren't too many of them. Spring creeks are normally parcels of land over 160 acres. Because of their recreational value, they are being sold to out of state and foreign ownership as private fishing retreats. "I think House Bill No. 261 would prevent the state from having an opportunity to acquire some of these spring creeks." (attached testimony, exhibit #5)

LES MARCUM, Montana Chapter of the Wildlife Society, stated this organization is composed of Federal, State, University, and private biologists. "We need winter ranges of substantial size." Finks of the Montana Cooperative Elk-Logging Studies shown mean daily winter elk movements of 3.5 miles, and winter home ranges which vary from 640 to

21,000 acres and average 5000 acres. Individual deer require winter home ranges of up to 1000 acres. (attached testimony, exhibit #6)

LEONARD R. SARGENT, EIC, stated that we have some of the best hunting around but there is getting to be less and less space for Montana hunters. This bill will make it more difficult for the Department of Fish and Game to acquire more land. "I think that I may possibly consider selling a section of my land. It is good for animal habitat and hunting. Maybe I could get a good price for land that does not benefit me. I feel you are infringing upon my rights as a private property owner."

JACK ANDERSON, Skyline Sportsman Association, stated that the Fish and Game is representing the public. He explained that another bill in the House states that the sportsmen will pay for landowner losses for the privilege of hunting on their property. "We don't feel that all landowners are complaining about the elk on their property but the passage of this bill would prevent the Fish and Game from acquiring needed hunting lands."

JENNIFER COTE, Western Montana Fish and Game Association, supports purchasing land, when it is readily available. We feel that the Fish and Game Commission is in touch with the public and biological demands which are the true test of a purchase. Also, she submitted a letter from William M. Lowden, in opposition to the bill. (attached letter and testimony, exhibit #7)

GAIL BISSELL, Five Valleys Audubon Society, representing approximately 400 members, rose in opposition to the bill. We in Montana are aware of the financial problems that small ranchers and farmers face. If these owners should wish to sell their land to a public agency so as to protect the natural values, they must have the reasonable opportunity to do so. Also, she submitted a letter from Dorothy and Thurman Troster, in opposition to the bill. (attached testimony and letter, exhibit #8)

WES WOODGARD went on record as being opposed to House Bill No. 261.

REPRESENTATIVE STAIGMILLER closed by stating that small parcels of land could still be purchased by the Department but when they are going to purchase large amounts of land the legislature would give their approval. It usually takes two years or more before arrangements can be made to buy a large parcel of land.

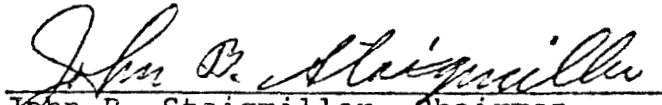
I would like to address the taxes. The Fish and Game purchased the Beartooth Game Range. The taxes paid in 1967, by the private landowner, was \$5,000, the Fish and Game paid \$1,400.

He concluded by stating that the Fish and Game is looking out for the game and the farmers and ranchers are looking out for the future of our country.

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Questions were asked by the committee and the hearing on House Bill No. 261 was closed.

The meeting was adjourned at 2:10 p.m.

  
John B. Staigmiller, Chairman

Judy J. Mook, Secretary