

MINUTES OF THE MEETING OF THE FISH AND GAME COMMITTEE  
January 22, 1981

The meeting was called to order at 12:30 p.m. by Chairman Ellison. All committee members were present except Representatives Burnett and Bennett who were excused.

HOUSE BILL 222 (Copy Attached)

Representative Ken Robbins, sponsor of HB 222, said this bill was drafted in response to the number of complaints he has received from people who go to lakes and have to contend with noisy motorboats.

He said this bill increases the motorboat identification number fee from \$1 to \$2.

In order to enforce this bill, the Department of Fish, Wildlife, and Parks (F, W, & P) will need to purchase six new noise monitors which will cost approximately \$950 each.

Irwin Kent, Administrator of the Law Enforcement Division, F, W, & P, introduced Robert Miller, Safety Administrative Officer, F, W, & P.

Mr. Miller told the committee that boating manufacturers are meeting the sound level of 86 dbA now.

David Lackman, lobbyist for the Montana Public Health Association, testified in favor of HB 222. He read a statement to the committee (EXHIBIT 1).

Charles Meyer also testified in support of HB 222. He read a statement to the committee which included some amendments he would like to see put in the bill (EXHIBIT 2).

Ken Hoovestall, representing the Montana Marine Trade Association, testified in support of HB 222. He felt this bill will basically provide local enforcement of noise emission from motorboats. He agrees with the fee increase and has been assured by the Department of F, W, & P that those monies will go strictly towards enforcement of this bill.

There were no opponents to this bill.

Representative Ryan asked how much it will cost to enforce this bill. Mr. Miller told him the six noise monitors will have to be purchased the first year the bill is in effect. Representative Ryan asked if that will be the total extra cost. Mr. Miller said that will be the only extra cost for equipment but there

will be travel expenses for enforcement. He said the F, W, & P feels the \$1 increase in the identification number fee will cover the travel expenses.

Representative Hart asked how the public will be able to check the sound level of their boats. Mr. Miller said the F, W, & P will advertise, the first year, that the sound meters are available and the public can come and have their boats checked.

Representative Daily asked if this bill will apply to boats that were manufactured before 1978 and if so will these boats have to be modified. Mr. Miller told him there are very few boats that were manufactured before 1978 that would be above the 86 dbA level.

Representative Devlin asked why the noise meters that were purchased to monitor the sound level of snowmobiles wouldn't work on motorboats. Mr. Miller told him those meters were inexpensive and not at all accurate. The Department of F, W, & P had to adjust the readings according to the noise factors in the air (wind, trees, building, etc.). The readings taken on those meters would not hold up in court for convictions.

Representative Phillips asked what type of boats were making the noise. Mr. Miller told him it was the "jet boats." He said most of the jet boats could be modified to be within the 86 dbA limit.

Representative Nilson asked how many boat identification numbers were sold annually. Mr. Miller told him there were 30,764 sold this last year.

Chairman Ellison asked if air boats would be exempt. Mr. Miller said he would recommend that air boats be exempt from this bill because there is no way those types of boats can be modified to meet the 86 dbA level.

Chairman Ellison said air boats are sometimes used by search and rescue groups and by the utility companies. He asked Representative Robbins if he would object to having air boats being exempt in this bill. Representative Robbins said air boats are already exempt in this bill and referred the committee to page 3, line 8 of HB 222. Chairman Ellison said there is no reference to utility companies. He asked Mr. Kent if he would have any objections to having air boats exempted. Mr. Kent said he thought it would be advisable to have them exempt.

The hearing was closed on HB 222.

HOUSE BILL 180 (Copy Attached)

Representative Les Kitselman, cosponsor of HB 180, gave some background on Lake Elmo to the committee. He told the committee Lake Elmo is approximately 100 acres of land and water. He feels the purchase of Lake Elmo would benefit the citizens of Montana. He said the area could be purchased with the coal tax money. The problem that F, W, & P is faced with is the price of the area. He said the current asking price is 3.5 million dollars. The owner of the area, Mr. Kimble, has said he would be interested in trading some of his area for land already owned by F, W, & P.

Representative Kitselman said there are very few bodies of water of this magnitude in Eastern Montana and the purchase of this area would benefit a lot of people.

Representative Kitselman referred to Section 2 of HB 180. He said if the price for the area was too high, the project would be null and void.

Senator Tom Hager, cosponsor of HB 180, told the committee Lake Elmo is the only thing that can be called a lake within 50-60 miles of Billings. It is available for the state to acquire and feels now is a good time to purchase the area. He said there are approximately 140,000 people who live within 100 miles of Lake Elmo that would greatly benefit from this acquisition.

Ron Holliday, Administrator of the Parks Division, F, W, & P, read a statement to committee members (EXHIBIT 3).

Dave Goss, representing the Billings Area Chamber of Commerce, told the committee he supported HB 180 and feels the purchase would be cost effective when considering the amount of people who will be using the lake for recreation.

Gary Richards, representing the Lake Elmo Task Force, said the task force has acquired some 3000 signatures on petitions for the purchase of Lake Elmo. He passed around photographs of the area. He said the lake is fed from the Yellowstone River and there is no pollution from the City of Billings' industry area or from the city's sewer system in the lake. He urged support from the committee in the passing of HB 180.

Lucille Mills, representing the City of Billings and also the City of Billings' 100th birthday and the Yellowstone County 100th birthday, feels the acquisition of Lake Elmo would be very beneficial.

At this time opponents were asked to testify on HB 180.

Robert Van Der Vere, a concerned citizens lobbyist, told the committee he was not anti-park but feels the price being asked for Lake Elmo is very high. He added that the \$3.5 million being asked doesn't include loading ramps for the lake or F, W, & P enforcement. He said he had talked to Keith Colbo, former director of F, W, & P, and Mr. Colbo said there is not enough money for the F, W, & P to upkeep the land they now own let alone buying more land. He said Mr. Colbo wondered where the money was going to come from. Mr. Van Der Vere feels there should be a moratorium on land acquisition for the next two years. Because of the amount of money involved, he opposes HB 180.

Representative Jacobsen asked Mr. Holliday how much money was in the coal tax fund right now. Mr. Holliday said he thought about \$1,000,000.

Representative Jacobsen asked if there are any water appropriations or reservations made on this water. Mr. Holliday said the water that comes in the lake is held there for irrigation purposes. Mr. Holliday told the committee that Mr. Kimble, owner of the area, owns the water rights to the lake. Those rights would pass on with the lake.

Chairman Ellison asked if there wasn't a law which prohibits converting agriculture water to any other use. Mr. Holliday said apparently that was not a problem but it would have to be discussed before the acquisition is made.

Representative Daily asked if there is only \$1,000,000 in the coal tax fund, how would the F, W, & P get the rest of the money needed to purchase this area. Mr. Holliday told him the purpose of HB 180 is to allow the F, W, & P a negotiating process. He also said the owner mentioned he might donate part of the area to the state.

Representative Robbins asked Mr. Holliday if F, W, & P had money to maintain the lake. Mr. Holliday said there are earmarked funds for that purpose. The coal tax fund can be used, by law, for the acquisition of land but can also be used for the maintenance, development and operation of those lands.

Representative Robbins asked if the water level in the lake was constant. Mr. Holliday told him it was. Representative Robbins asked if there are any cabins on the lake. Mr. Holliday told him the closest cabin is more than one-quarter mile away and most of the other cabins are quite a bit further away.

Representative Fedas asked why there were no cabins on the lake. Mr. Holliday said because the area is privately owned. However, Mr. Kimble is considering subdividing the area for multifamily dwellings (condominiums) and Mr. Holliday feels now is the time to purchase the area before Mr. Kimble starts development of the area.

Representative Devlin asked if there was any fertilizer in the water since the water is used for irrigation. Representative Kitselman said no water goes back into the irrigation ditches.

Representative Daily asked Representative Kitselman how much he thought the area was worth. Representative Kitselman said about one-third of the asking price. Representative Kitselman reminded the committee that there may be some trading done for other land owned by F, W, & P and Mr. Kimble has mentioned the possibility of donating a portion of the area so the actual cost in dollars will probably not be as high.

Representative Jacobsen asked if the F, W, & P had any surplus land that could be traded. Mr. Holliday said they do have some that might be possible for trading.

Chairman Ellison asked who would pay for the appraisals on the property. Mr. Holliday said Mr. Kimble has already paid for his own appraisal and Mr. Holliday presumed the F, W, & P would have to pay for their appraisal.

Chairman Ellison asked what the sequence of events would be if this bill passed. Representative Kitselman said this bill simply allows the F, W, & P the right to negotiate a price for the property. Representative Manuel told the committee the bill would go to the appropriations committee and maybe to the long-range building committee.

Representative Fedas said if this committee does appropriate the \$1,000,000 for this project, it would tie up funds for any other park acquisition.

Chairman Ellison asked if it was possible to buy the property on a contract. Mr. Holliday said yes, assuming the total price does not exceed the appropriated amount.

Chairman Ellison asked if this project would qualify for industrial revenue bonds. Representative Kitselman said he didn't know.

Representative Kitselman closed by saying with development and

proper management, it would be a fine benefit to the State of Montana if the funding is available.

The meeting was adjourned at 2:00 p.m.

Orval S. Ellison  
ORVAL ELLISON, Chairman

vml

INTRODUCED BY *Robert D. Hays* *Spencer*  
*Metzger* *Hays* *Don* *David* *Spencer*  
 HOUSE BILL NO. 222  
 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING NOISE

1 1, 1984;  
 2 (c) 82 dba for a motorboat powered by an engine  
 3 manufactured on or after January 1, 1984.  
 4 NEW SECTION. Section 2. Certification. Outboard  
 5 motors and other marine engines manufactured after January  
 6 1, 1982, and offered for sale in Montana shall be certified  
 7 to the department by the manufacturer as having been tested  
 8 and found to comply with the noise levels prescribed in  
 9 subsection (2) of [section 1]. Testing procedures employed  
 10 to determine marine engine noise levels shall comply with  
 11 the exterior sound level measurement procedure for pleasure  
 12 motorboats recommended by the society of automotive  
 13 engineers in its recommended practice designated SAEJ34. The  
 14 department shall adopt rules prescribing the manner of  
 15 certification and testing procedures.  
 16 NEW SECTION. Section 3. Removal, alteration, or  
 17 modification prohibited. No person may remove or alter any  
 18 part of a marine engine, its propulsion unit, or its  
 19 enclosure or modify the mounting of a marine engine in or  
 20 upon a boat to cause its noise emissions to exceed the  
 21 limits prescribed in subsection (2) of [section 1].  
 22 NEW SECTION. Section 4. Exceptions. [Sections 1  
 23 through 5] does not apply to:  
 24 (1) a motorboat competing under a local public entity  
 25 or United States coast guard permit in a regatta or boat

1 race or while on official trials for speed records during  
 2 the time and in the designated area authorized by the  
 3 permit;  
 4 (2) a motorboat preparing for a race or a regatta if  
 5 authorized by a permit issued by the local entity having  
 6 jurisdiction over the area where the preparations will  
 7 occur;  
 8 (3) a motorboat operated by legally designated search  
 9 and rescue units, law enforcement officers, or personnel of  
 10 a federal, state, or local government agency on emergency  
 11 duty or in training for emergency duty.

12 NEW SECTION. Section 5. Contradictory regulations  
 13 prohibited. No political subdivision may adopt, continue in  
 14 effect, or enforce an ordinance or regulation that  
 15 establishes a noise level for motorboats or that imposes a  
 16 requirement for the sale or use of marine engines that is  
 17 not identical to the provisions of [sections 1 through 5] or  
 18 rules adopted by the department in compliance with [sections  
 19 1 through 5].

20 Section 6. Section 23-2-512, MCA, is amended to read:  
 21 "23-2-512. Identification number. (1) The owner of  
 22 each motorboat requiring numbering by this state shall file  
 23 an application for number in the office of the county  
 24 treasurer where the motorboat is owned or taxable on forms  
 25 prepared and furnished by the division of motor vehicles.

1 The application must be signed by the owner of the motorboat  
 2 and be accompanied by a fee of \$112. Any alteration,  
 3 change, or false statement contained in the application will  
 4 render the certificate of number void. Upon receipt of the  
 5 application in approved form, the county treasurer shall  
 6 issue to the applicant a certificate of number prepared and  
 7 furnished by the division of motor vehicles, stating the  
 8 number assigned to the motorboat and the name and address of  
 9 the owner.

10 (2) Before filing the application with the county  
 11 treasurer, the applicant shall submit it to the county  
 12 assessor, who shall enter on the application, in a space to  
 13 be provided for that purpose, the market value and taxable  
 14 value of the motorboat for the year for which the  
 15 application for registration is made.

16 (3) The applicant, upon the filing of the application,  
 17 shall pay to the county treasurer the registration fee and  
 18 the personal property taxes assessed against the motorboat  
 19 or vessel for the current year of registration before the  
 20 application for registration or reregistration may be  
 21 accepted by the county treasurer.

22 (4) Should the ownership of a motorboat change, a new  
 23 application form with fee must be filed within a reasonable  
 24 time with the county treasurer and a new certificate of  
 25 number assigned in the same manner as provided for in an



1 original assignment of number.

2 (5) If an agency of the United States government has  
3 in force a comprehensive system of identification numbering  
4 for motorboats in the United States, the numbering system  
5 employed pursuant to this part by the division of motor  
6 vehicles must be in conformity.

7 (6) Every certificate of number and the license decals  
8 assigned under this part continues in effect for a period  
9 not to exceed 1 year unless terminated or discontinued in  
10 accordance with the provisions of this part. Certificates of  
11 number and license decals must show the date of expiration  
12 and may be renewed by the owner in the same manner provided  
13 for in the initial securing of the certificate.

14 (7) Certificates of number expire on April 30 of each  
15 year and may not be in effect unless renewed under this  
16 part.

17 (8) In event of transfer of ownership, the purchaser  
18 shall furnish the county treasurer notice within a  
19 reasonable time of the acquisition of all or any part of his  
20 interest, other than the creation of a security interest, in  
21 a motorboat numbered in this state or of the loss, theft,  
22 destruction, or abandonment of the motorboat. The transfer,  
23 loss, theft, destruction, or abandonment terminates the  
24 certificate of number for the motorboat. Recovery from theft  
25 or transfer of a part interest that does not affect the

1 owner's right to operate the motorboat does not terminate  
2 the certificate of number.

3 (9) A holder of a certificate of number shall notify  
4 the county treasurer within reasonable time if his address  
5 no longer conforms to the address appearing on the  
6 certificate and furnish the county treasurer with his new  
7 address. The division of motor vehicles may provide by rule  
8 for the surrender of the certificate bearing the former  
9 address and its replacement with a certificate bearing the  
10 new address or the alteration of an outstanding certificate  
11 to show the new address of the holder.

12 (10) (a) The number assigned must be painted on or  
13 attached to each outboard side of the forward half of the  
14 motorboat or, if there are no such sides, at a corresponding  
15 location on both outboard sides of the foredeck of the  
16 motorboat. The number assigned must read from left to right  
17 in Arabic numerals and block characters of good proportion  
18 at least 3 inches tall excluding border or trim of a color  
19 that contrasts with the color of the background and be so  
20 maintained as to be clearly visible and legible. The number  
21 may not be placed on the obscured underside of the flared  
22 bow where it cannot be easily seen from another vessel or  
23 ashore. No numerals, letters, or devices other than those  
24 used in connection with the identifying number issued may be  
25 placed in the proximity of the identifying number. No

HB 222

1 numerals, letters, or devices that might interfere with the  
 2 ready identification of the motorboat by its identifying  
 3 number may be carried as to interfere with the motorboat's  
 4 identification. No number other than the number and license  
 5 decal assigned to a motorboat or granted reciprocity under  
 6 this part may be painted, attached, or otherwise displayed  
 7 on either side of the forward half of the motorboat.  
 8 (b) The certificate of number shall be pocket size and  
 9 available to federal, state, or local law enforcement  
 10 officers at all reasonable times for inspection on the  
 11 motorboat whenever the motorboat is on waters of this state.  
 12 (c) Boat liveries are not required to have the  
 13 certificate of number on board each motorboat, but a rental  
 14 agreement must be carried on board livery motorboats in  
 15 place of the certificate of number.

16 (11) Fees collected under this section shall be  
 17 transmitted to the state treasurer who shall deposit the  
 18 fees in the motorboat certificate identification account of  
 19 an earmarked revenue fund. These fees shall be used only for  
 20 the administration and enforcement of this part, as amended.

21 (12) An owner of a motorboat must within a reasonable  
 22 time notify the division of motor vehicles, giving the  
 23 motorboat's identifying number and the owner's name when  
 24 that motorboat becomes documented as a vessel of the United  
 25 States or is transferred, lost, destroyed, abandoned, or

1 frauded or within 60 days after change of state of principal  
 2 use."

3 Section 7. Section 23-2-502, MCA, is amended to read:  
 4 "23-2-502. Definitions. As used in this part, unless  
 5 the context clearly requires a different meaning, the  
 6 following definitions apply:

7 (1) "Certificate of number" means the certificate  
 8 issued annually by the county treasurer to the owner of a  
 9 motorboat or by the division of motor vehicles to dealers or  
 10 manufacturers, assigning such motorboat an identifying  
 11 number and containing such information as required.

12 (2) "dba" means sound pressure level measured on the  
 13 weight scale in decibels.

14 (3) "Department" means the department of fish,  
 15 wildlife, and parks of the state of Montana.

16 (4) "Documented vessel" means a vessel which has  
 17 and is required to have a valid marine document as a vessel  
 18 of the United States.

19 (5) "Identifying number" means the boat number set  
 20 forth in the certificate of number and properly displayed on  
 21 the motorboat.

22 (6) "License decals" means the serially numbered  
 23 license stickers issued annually by the county treasurer and  
 24 displayed as required by law.

25 (7) "Motorboat" means any vessel propelled by any

1 machinery, motor, or engine of any description, whether or  
 2 not such machinery, motor, or engine is the principal source  
 3 of propulsion. The term includes boats temporarily equipped  
 4 with detachable motors or engines but does not include a  
 5 vessel which has a valid marine document issued by the U.S.  
 6 coast guard of the United States government or any federal  
 7 agency successor thereto.

8 ~~§ 181~~ "Operate" means to navigate or otherwise use a  
 9 motorboat or a vessel.

10 ~~§ 191~~ "Operator" means the person who navigates,  
 11 drives, or is otherwise in immediate control of a motorboat  
 12 or vessel.

13 ~~§ 1101~~ "Owner" means a person, other than a lien  
 14 holder, having the property in or title to a motorboat or  
 15 vessel. The term includes a person entitled to the use or  
 16 possession of a motorboat or vessel subject to an interest  
 17 in another person, reserved or created by an agreement  
 18 securing payment or performance of an obligation, but the  
 19 term excludes a lessee under a lease not intended as  
 20 security.

21 ~~§ 1111~~ "Passenger" means every person carried on  
 22 board a vessel other than:

- 23 (a) the owner or his representative;
- 24 (b) the operator;
- 25 (c) bona fide members of the crew engaged in the

1 business of the vessel who have contributed no consideration  
 2 for their carriage and who are paid for their services; or  
 3 (d) any guest on board a vessel which is being used  
 4 exclusively for pleasure purposes who has not contributed  
 5 any consideration, directly or indirectly, for his carriage.  
 6 ~~§ 1121~~ "Person" means an individual, partnership,  
 7 firm, corporation, association, or other entity.

8 ~~§ 1131~~ "Uniform state waterway marking system" means  
 9 one of two categories:

10 (a) a system of aids to navigation to supplement the  
 11 federal system of marking in state waters;

12 (b) a system of regulatory markers to warn a vessel  
 13 operator of dangers or to provide general information and  
 14 directions.

15 ~~§ 1141~~ "Vessel" means every description of  
 16 watercraft, unless otherwise defined by the department,  
 17 other than a seaplane on the water, used or capable of being  
 18 used as a means of transportation on water.  
 19 ~~§ 1151~~ "Waters of this state" means any waters within  
 20 the territorial limits of this state."

21 Section 8. Codification instruction. Sections 1  
 22 through 5 are intended to be codified as an integral part of  
 23 Title 23, chapter 2, part 5, and the provisions of Title 23,  
 24 chapter 2, part 5, apply to sections 1 through 5.

-End-

HB 222

HB 222 (Robbins and others) Limiting noise emissions from motorboats . (Fish & Game )

HEARING : \_\_\_\_\_

I am David Lackman , lobbyist for the Montana Public Health Association ; testifying in support of House Bill 222 .

Montana is blessed with mountain lakes of unsurpassed beauty and charm. Those surrounded by land under the jurisdiction of the Federal Government are protected from noise pollution. Lakes where land controlled by the Parks Division predominates do not have such protection. Painted Rocks Lake in Southern Ravalli County is a case in point. With the advent of 500 h.p. jet speed-boats , this has become a problem. (These boats have invaded Painted Rocks.) Situated as this beautiful lake is , between two mountains ; the trapped sound waves echo accross the valley - and down the valley to where our cabin is located . There are two campgrounds bordering the lake - Slate Creek (U.S. Forest Service ) & Painted Rocks (Parks Division ) ; plus \* several cabins and smaller recreation areas.

When sound approaches 100 decibels for a period of time , it affects hearing adversely; and negative emotional effects are manifested in susceptible individuals. The noise pollution generated by these super-speed boats in such a setting exceeds levels of 100 decibels. There was a similar problem with early snowmobiles.

Most certainly , Painted Rocks is not a suitable setting for such boating hot-rodders and the Parks Division needs some legal authority to control them . We urge your favourable consideration of House Bill 222.

*David B. Lackman*

David B. Lackman , Legislative  
Lobbyist , Montana Public Health Association

WITNESS STATEMENT

Name DAVID B. LACKMAN Date 1/22/81  
Address 1400 Winne Ave., Helena Support ?   
Representing Lobbyist, MT Public Health Assn. Oppose ?   
Which Bill ? H B 222 Noise/Boats Amend ?   
Comments: Written Testimony - Copies attached

Please leave prepared statement with the committee secretary.

"FISH - WILDLIFE AND PARKS"  
MEMBERS OF THE COMMITTEE  
HOUSE BILL 222

MR. CHAIRMAN:

My testimony before this committee, is to provide you with information that is important and substantive to House Bill 222. Two essential items are brought to your Attention and are relative to this House Bill.

Noise-It-Hurts! Is self-explanatory and indicates that any noise emission above 85dB(A), is two times as loud as 75dB(A).

A 10 HP outboard motor, is or has been categorized in this decibel range.

"An Act" - To control the emission of noise detrimental to the human environment, and for other purposes - Is the Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978. The act of Congress - Under Findings and Policy - "Primary responsibility for control of noise rests with State and local governments, and that Federal action is essential to deal with major noise sources in commerce, control of which requires national uniformity of treatment. Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health and welfare."

House Bill No. 222:

It needs clarification, in that it alludes to Motorboats in the title and other areas of the bill. Under Section 7. --Page 8 and referring to Section 23-2-502, MCA, is amended to read, etc.; And on Line 15 - Page 10 - The term "Vessel" means every description of watercraft, etc. ---- Also, there is a definition of "Motorboat" on line 25, of Page 8.

I bring these items to your attention, because we are talking about Motorboats- Raising the Fee/s of - And actually we are talking about all Watercraft on Montana Waters.

I recommend that on Line 5 in the Title, That the Term or Word "Motorboats", be changed or amended to "Watercraft". (We have, or will have on our Montana Waters, Hydroplanes, Pontoon Boats, Home-Made Boats, Taxiing Aircraft - That are all powered by some type of motorized engine.) In addition Lines 8, in the title should be amended to "Watercraft"; and Lines 13, 17, 20, 21, 24, etc., etc., should be amended - The word or term "Motorboat" amended to be "Watercraft".

HOUSE BILL NO. 180

*Kibelworn Hager*

1 passage and approval.

-End-

2 INTRODUCED BY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY

5 FOR THE ACQUISITION OF LAKE ELMO NEAR BILLINGS FOR USE AS A

6 STATE PARK; AND PROVIDING AN EFFECTIVE DATE."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Appropriation. There is appropriated from

10 the parks account established by 15-35-108 to the department

11 of fish, wildlife, and parks for the purpose of purchasing

12 Lake Elmo and approximately 100 acres of land adjacent to it

13 near Billings for use as a state park a sum not to exceed

14 the average of three separate appraisals by Montana

15 Independent Appraisers of such property.

16 Section 2. Conditions. This appropriation is

17 contingent upon the department of fish, wildlife, and parks

18 negotiating a purchase price with the owner within the limit

19 of this appropriation. The department may consider trading

20 land it holds as part of the negotiation, so long as the

21 total consideration paid for Lake Elmo and adjacent land

22 does not exceed the amount of this appropriation. The value

23 of any department land to be traded shall be established by

24 independent appraisal.

25 Section 3. Effective date. This act is effective upon

-2- INTRODUCED BILL

*HB 180*

Lake Elmo, near Billings, was submitted to our department as one of 11 coal tax park acquisition proposals. In addition to the project application, many Billings citizens have sent letters to our department in support of acquiring Lake Elmo for the State Park System. The Yellowstone County Commission has also endorsed the project.

I have been asked by Representative Kitselman to give you my professional opinion as to the appropriateness and value of Lake Elmo being added to the State Park System.

I am very familiar with Lake Elmo and its vicinity. From 1968 until 1972, I was Regional Park Manager for our department, stationed in Billings. Our headquarters is located at 1125 Lake Elmo Drive -- about a mile from Lake Elmo itself. Each time I visit the area, I am utterly astounded at the explosion of residential and business development in the Lake Elmo vicinity. I know of no other area in Montana that has undergone any more explosive growth than this area, which is commonly called Billings Heights. The need for parks and open space for recreational activity is acute in this area and will become more so in the future.

Lake Elmo has been a popular privately operated recreation area for a good deal of this century. Swimming, fishing, sailing, relaxing, and picnicking are the most popular activities which take place there. Rarely do I view an area as perfectly suited for park use as this area. Its location, terrain, vegetation, and proximity to a large population base makes this site one which definitely should be seriously considered for purchase. The present owner has definite plans for developing the site for condominiums or other residential use. In fact, his announced development plans spurred the idea of placing the area in public trust as a park.



I fully support Lake Elmo as being an ideal park site and one certainly worthy of addition to the State Park System. However, I do not mean to imply I am assigning it top priority among the other 10 sites which have been submitted under the Coal Tax Park Acquisition Program. The legislative intent is clear that our role is to solicit the projects and forward them to you. I plan to reiterate this during the hearing for all the projects and, if asked at that time, suggest priority ratings for the proposals.

I would like to address specifics of House Bill 180. I suggest modification of the requirement of ordering three separate appraisals under Section 1 of the bill. We normally order one appraisal and have it reviewed by a qualified review appraiser. This has worked well as far as our negotiating for property is concerned. The owner of the Lake Elmo property has ordered an independent appraisal for it. If House Bill 180 is passed, I suggest our department order an appraisal and have them both reviewed -- perhaps by more than one review appraiser. I believe this would result in a much less costly and more workable solution at arriving at the fair market value for the property.

The owner has indicated a willingness to donate a portion of the area's value but we have not talked about any specifics. This, of course, would transpire during intensive negotiations, should they proceed. The owner has also indicated a desire to trade a portion of the Lake Elmo value for department lands, which may be surplus to our needs. This could be pursued during intensive negotiations and I support the idea that department lands should be appraised prior to consummation of a trade.

# NOISE - IT HURTS!

	<u>How it Feels</u>	<u>Equivalent Sounds</u>	<u>Decibels</u>	<u>Equivalent Sounds</u>	<u>How It Sounds</u>
↑ <i>Danger to hearing</i> ↓	Near permanent damage level from short exposures	<i>50 hp. siren (100 ft.)</i>	130	<i>Jackhammer</i>	135dB(A) Approx. 64 times as loud as 75dB(A)
	Pain to ears	<i>Jet engine (75 ft.)</i> <i>Turbo-fan jet at takeoff power (100 ft.)</i>	120	<i>Chainsaw</i> <i>Firecracker (15 ft.)</i> <i>Rock and roll band</i>	125dB(A) Approx. 32 times as loud as 75 dB(A)
	Uncomfortably loud	<i>Scraper-loader</i>	110	<i>Unmuffled motorbike (2-3 ft.)</i>	115dB(A) Approx. 16 times as loud as 75dB(A)
	Discomfort threshold	<i>Jet fly over (1,000 ft.)</i> <i>Noisy newspaper press</i>	100	<i>Car horn</i> <i>Unmuffled cycle (25 ft.)</i>	105dB(A) Approx. 8 times as loud as 75dB(A)
	Very loud	<i>Air compressor (20 ft.)</i>	90	<i>Garbage trucks and city buses</i>	95dB(A) Approx. 4 times as loud as 75dB(A)
	Conversation stops	<i>Power lawnmower</i>	80	<i>Diesel truck (25 ft.)</i> <i>Garbage disposal</i>	85dB(A) Approx. 2 times as loud as 75dB(A)
	Intolerable for phone use	<i>Steady flow of freeway traffic</i> <i>10-HP outboard motor</i>	70	<i>Food blender</i> <i>Muffled jet ski (50 ft.)</i>	75dB(A)
	Extra auditory physiological effects	<i>Vacuum cleaner</i>  <i>Window air conditioner outside at 2 ft.</i>	60	<i>Passenger car, 65 mph. (25 ft.)</i> <i>Busy downtown area</i>	
	Quiet	<i>Window air conditioner in room</i> <i>Occasional private auto at 100 ft.</i>	50	<i>Normal conversation</i>	55dB(A) Approx. 1/4 as loud as 75dB(A)
	↑ <i>Very quiet</i> ↓	Sleep interference	<i>Quiet home during evening hours</i> <i>Bird calls</i> <i>Library</i>	40	
		<i>Soft whisper 5 ft.</i>	30		35dB(A) Approx. 1/16 as loud as 75dB(A)
			20	<i>In a quiet house at midnight.</i>	
		<i>Leaves rustling</i>	10		

Decibel levels of sounds you're most likely to encounter in A-scale numbers.

# Coal Tax Park Proposals - 1981

A report on proposed Coal Tax Acquisitions  
for the Montana State Park System



Prepared by the Montana Department of Fish, Wildlife and Parks  
Submitted by the Montana Fish and Game Commission  
in the 1981 Montana State Legislature  
to meet the requirements of section 23-1-106 MCA

ERRATA SHEET FOR  
COAL TAX PARK PROPOSALS -- 1981

A report on proposed Coal Tax Acquisitions for the Montana State Park System,  
prepared by the Montana Department of Fish, Wildlife and Parks

- 01-14-81      1. On page 11, (the Engle Ranch Proposal), the \$336,000 estimated appropriation needed is not correct. Only the cost per acre (\$260 for 4,200 deeded acres) should be shown.
- 01-16-81      2. On page 15, (the Lake Elmo Proposal), the total cost of the project is \$3,500,000.00. Under other sources of assistance, the \$3,500,000.00 listed should be deleted. Some other sources of assistance could possibly be utilized and thus reduce the cost of the acquisition to what is available from the Coal Tax Fund.

TABLE OF CONTENTS

The Coal Tax and the State Park System . . . . . 1  
Criteria for the State Park System . . . . . 2  
Past Coal Tax Acquisitions . . . . . 3  
The Requirements of 23-1-108 MCA . . . . . 4  
The 1981 Proposals . . . . . 5  
Appendix . . . . . 29

House Bill 550

# STATE OF MONTANA



DEPARTMENT OF

**FISH AND GAME**

Helena, MT 59601  
December 19, 1980

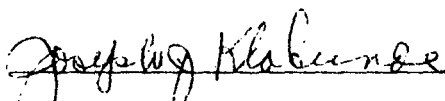
Speaker of the House  
Montana State Legislature  
Capitol Station  
Helena, MT 59601

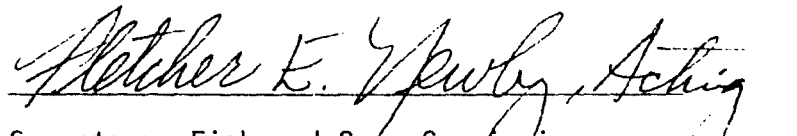
Dear Speaker of the House:

As required by Section 23-1-108 MCA, the Montana Fish and Game Commission presents the following Coal Tax Park Acquisition Proposals to the 1981 State Legislature.

In this report, you will find a brief explanation of each proposal that was submitted to the Department of Fish, Wildlife and Parks. The report also contains some background on the Coal Tax "Park" Legislation.

It is our hope that this information will be useful to you as you make decisions on these proposals. We look forward to the resultant new opportunities available to the people who visit Montana's State Park System.

  
\_\_\_\_\_  
Chairman, Fish and Game Commission

  
\_\_\_\_\_  
Secretary, Fish and Game Commission  
Director, Department of Fish, Wildlife and Parks

cc President of the Senate  
Fish and Game Commission  
Governor, State of Montana  
Proposal Sponsors  
Department of Fish, Wildlife and Parks  
- Regional Supervisors  
- Division Administrators  
Legislative Council

# STATE OF MONTANA



DEPARTMENT OF

FISH AND GAME

Helena, MT 59601  
December 19, 1980

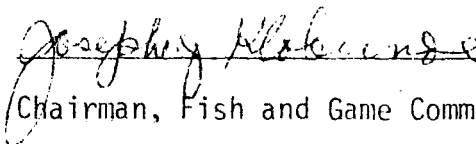
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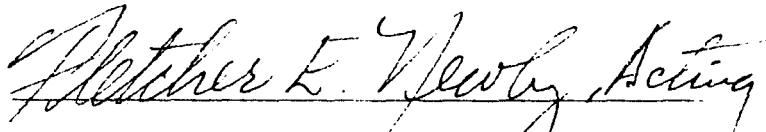
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Director, Department of Fish, Wildlife and Parks

cc Speaker of the House  
Governor, State of Montana  
Proposal Sponsors  
Fish and Game Commission  
Department of Fish, Wildlife and Parks  
- Regional Supervisors  
- Division Administrators  
Legislative Council

## THE COAL TAX AND THE STATE PARK SYSTEM

The 44th State Legislature in 1975 earmarked a portion of the coal severance tax revenue for the acquisition of park lands described under 62-304 RCM, 1947 (23-1-102 MCA). This legislation (84-1309.1 RCM) (now ) earmarked 1¼% of the coal tax revenue for park acquisition collected through June 30, 1979, to be placed in a trust and legacy account, of which only the interest can be spent. (A constitutional amendment changed the allocation formula by earmarking 25% of the entire account to a permanent trust in 1977 and another 25% beginning July 1, 1979.)

As of July 1, 1979, 5% of the coal tax revenue which was not set aside for the permanent 50% trust was earmarked for the Trust and Legacy Account replacing the previous percentages. Only the interest accrued from the Parks Trust and Legacy Account may be expended after July 1, 1979. Also the 1977 Legislature authorized an amendment to the coal tax allowing expenditures for managing areas acquired under this authority as units of the State Park System in order to make them usable by the public. All expenditures must be authorized by the Legislature.

### 1979 LEGISLATION CHANGING THE COAL TAX

Previously, the Department of Fish, Wildlife and Parks had the responsibility of finding and choosing areas for acquisitions made with the coal tax money. HB 550 (see appendix), passed by the 1979 Legislature, states that any person, association, or representative of a governing unit may submit a proposal for the acquisition of a site or area that would meet State Park System qualifications. This proposal must be submitted to the Department of Fish, Wildlife and Parks by December 1 of the year preceding the convening of a legislative session.

The Fish and Game Commission shall then present to the Legislature by the 15th day of any legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks, state recreational areas, state monuments, or state historical sites with the money contained in the parks account.

The Legislature must appropriate funds from this account before any park, area, monument, or site may be purchased.

### WHAT KINDS OF AREAS QUALIFY FOR THE STATE PARK SYSTEM?

As set forth by law, the purpose of the State Park System is "to conserve the scenic, historic, archaeologic, scientific, and recreational resources Department of Fish, Wildlife and Parks was given the statutory authority to "acquire for the state any areas, sites, or objects which in its opinion would be held, improved, and maintained as state parks, state recreation areas, state monuments, or state historic sites." (RCM 1947, 62-304 or MCA 23-1-102). It is these park system components that are eligible to receive coal tax funding. (MCA 23-1-108).



In the late 1960's, a classification describing the purposes and physical characteristics of several types of State Park System areas was developed and adopted as part of the Administrative Rules of Montana. The Department classified state parks, state monuments, state recreation areas, state recreational waterways, and others according to several criteria (see below).

These criteria provide standards for acquiring and designating park system components, as well as for determining appropriate development and management procedures.

## Criteria for Park System Components

### STATE PARKS

#### Purpose:

To provide high-quality recreation experiences distinctive and notable enough to attract people on a state, regional or national basis.

#### Description:

Open-space areas of unique scenery or other outstanding natural features of an aesthetic, historical, geological, archaeological or scientific nature. State parks will be selected on the basis of these inherent characteristics without regard to geographic location.

#### Development and Management:

Development of roads and desirable facilities will be planned with precise and sensitive regard for all natural features and without impingement upon the visitors' aesthetic and intellectual sensibilities. Management will be directed toward retention of state parks in as near a natural condition as possible, without impairment of ecological features and values.

### STATE RECREATION AREAS

#### Purpose:

To provide a broad selection of outdoor recreation opportunities in a natural setting which may be used by large numbers of people.

#### Description:

Contain natural or artificial resources which provide outdoor recreation opportunities that will attract visitors from beyond the local area. They may be located in areas which have serious deficiencies in public outdoor recreation facilities, provided that such recreation areas should not be furnished in lieu of municipal, county or federal facilities.

#### Development and Management:

Protection of the natural environment and aesthetic qualities should be paramount except development for intensive use may require alteration of the natural environment. However, the aesthetic qualities of the areas will be retained to the greatest degree possible by careful planning and construction of facilities.

### STATE MONUMENTS

#### Purpose:

To preserve, protect and enhance objects, features or places of historical, geological, archaeological or scientific importance, including commemoration of outstanding persons or events.

#### Description:

Sites of optimum form and size for the protection and enhancement of the objects, features or places concerned, including adequate space for parking, if appropriate, and other accommodations for anticipated day use.

#### Development and Management:

Standard constructions will be facilities for providing access, parking, sanitary conditions and water. Other

service facilities may be added if required. Overnight camping will ordinarily not be allowed. Development may also include restoration of historical structures and installation of protective devices. Maximum benefit to visitors may be achieved by providing museums, outdoor dioramas and other interpretive exhibits.

### STATE FISHING ACCESS SITES

#### Purpose:

To provide permanent, public access to high-quality rivers, streams and lakes.

#### Description:

Areas adjacent to high-quality fishing waters accessible by an existing or acquired public right-of-way and of adequate size to permit practical use of the waters concerned for fishing and, when appropriate, other water-based recreation.

#### Development and Management:

Accommodations will consist of facilities for day use and, in certain cases, overnight camping. Boat-launching ramps, road building and fencing may be necessary. Management will involve proper identification of the site and maintenance of public right-of-way and service facilities.

### STATE RECREATIONAL WATERWAYS

#### Purpose:

To protect and enhance the natural and historical values of state waterways and to provide opportunity for enjoyment of these values.

#### Description:

Rivers or streams, generally undeveloped, possessing outstanding scenery and/or important historical features and susceptible to increasingly heavy recreational use.

#### Development and Management:

Accommodations for day use, camping, floating, fishing or other recreational activities will be provided. Public areas for lunch stops and overnight camping will be conveniently distributed along the course such that they will permit leisurely floats from one area to the next in four hours or less. Development will also include wells for drinking water where necessary. Management will primarily involve maintenance of public areas and identification of sites and points of historical or geological interest for visitors.

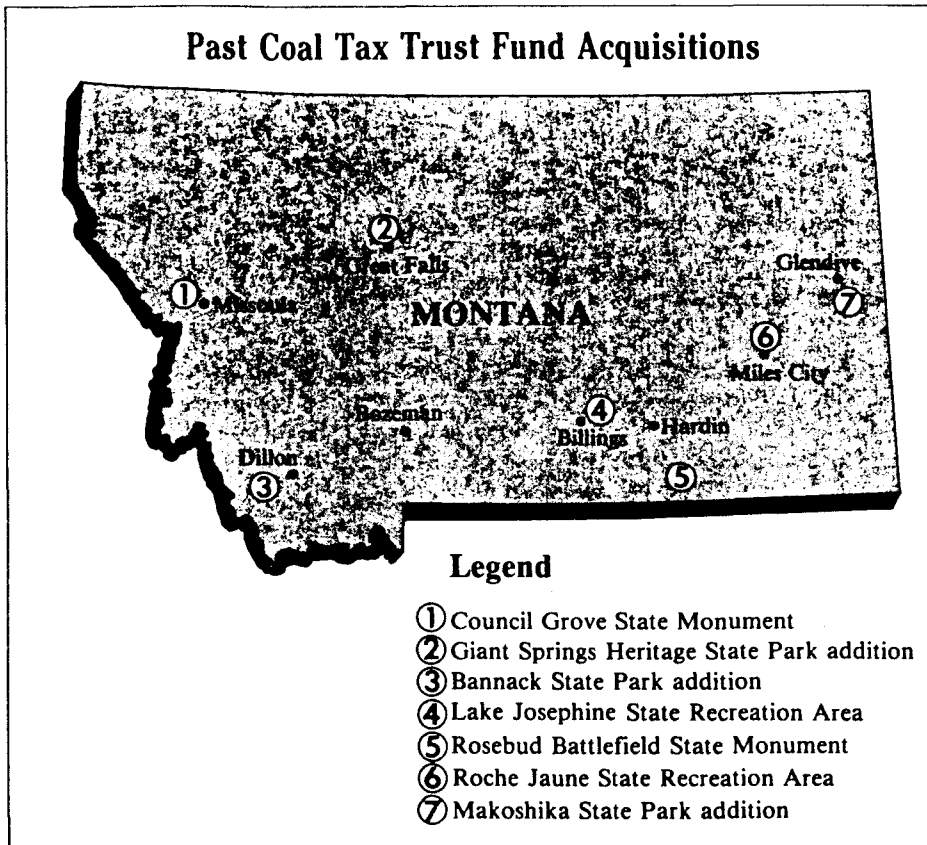
### STATE RECREATION ROADS AND TRAILS

The Dept. of Fish and Game believes that the scenic and cultural attributes of certain Montana roads and trails are of high recreational value and warrant formal protection against uncontrolled use and development.

Preparation of criteria for state recreation roads and trails is in progress, along with other plans for this valuable expansion of the state park system.

## PAST COAL TAX ACQUISITIONS

Since 1975, the portion of the coal severance tax earmarked for parks has provided seven additions to the State Park System. Located throughout the state (see map), these sites offer a variety of recreational opportunities to Montanans and out-of-state visitors.



Acquisitions Made With The Coal Tax			Acreeage	Cost
December, 1977	Roche Jaune	Custer Co.	1.0	\$ 16,600
June, 1978	Bannack Addition	Beaverhead Co.	1 lot	\$ 1,850
August, 1978	Council Grove	Missoula Co.	186.0	\$140,000
October, 1978	Rosebud Battlefield	Big Horn Co.	4,883.0	\$881,200
January, 1979	Makoshika Addition	Dawson Co.	650.36	\$143,900
July, 1979	Giant Springs-Heritage Addition	Cascade Co.	28.6	\$ 97,500
August, 1979	Lake Josephine	Yellowstone Co.	82.1	\$125,000

Total Acres: 5,834 acres  
 Total Cost: \$1,409,050.00  
 Other Matching Funds: \$83,600.00  
 Coal Tax Funds: \$1,315,450.00

FOLLOWING THE REQUIREMENTS OF MCA 23-1-108

To inform the public about proposing Coal Tax acquisitions for the State Park System, the Parks Division published an article in the May/June 1980 issue of Montana Outdoors entitled, "Nominate Your Favorite Park." In addition, a brochure was distributed to the Department's regional offices and to any individual upon request. The brochure explained the history of the Coal Tax in relation to the State Park System. It also included an application form for sponsors to submit their park proposals to the Department of Fish, Wildlife and Parks.

## THE 1981 PROPOSALS

The following Coal Tax park proposals were submitted to the Department of Fish, Wildlife and Parks by December 1, 1980. They are listed in alphabetical order.

1. Bar's Landing (Custer County) . . . received 12-2-80 but postmarked 12-1-80.
2. Doeden's Island State Recreation Area (Custer County)
3. Engle Ranch (Dawson County)
4. Kootenai Lodge (Lake County)
5. Lake Elmo (Yellowstone County)
6. Les Mason Memorial Park (Flathead County)
7. Marias Pass (Flathead-Glacier Counties)
8. Signal Butte Park (Custer County)
9. Spring Meadow Lake (Lewis and Clark County)
10. Tongue River Road Recreation Area (Custer County)
11. Tongue River Wilderness State Recreation Area (Custer County)

These proposals are explained briefly on the following pages. Additional material submitted to the Department of Fish, Wildlife and Parks (such as site maps or letters of recommendation) are on file at the Department's Parks Division office, 1420 East 6th Avenue, Helena, 449-3750 (contact Ron Holliday or Terry Knupp).

1981 Coal Tax Park Proposal

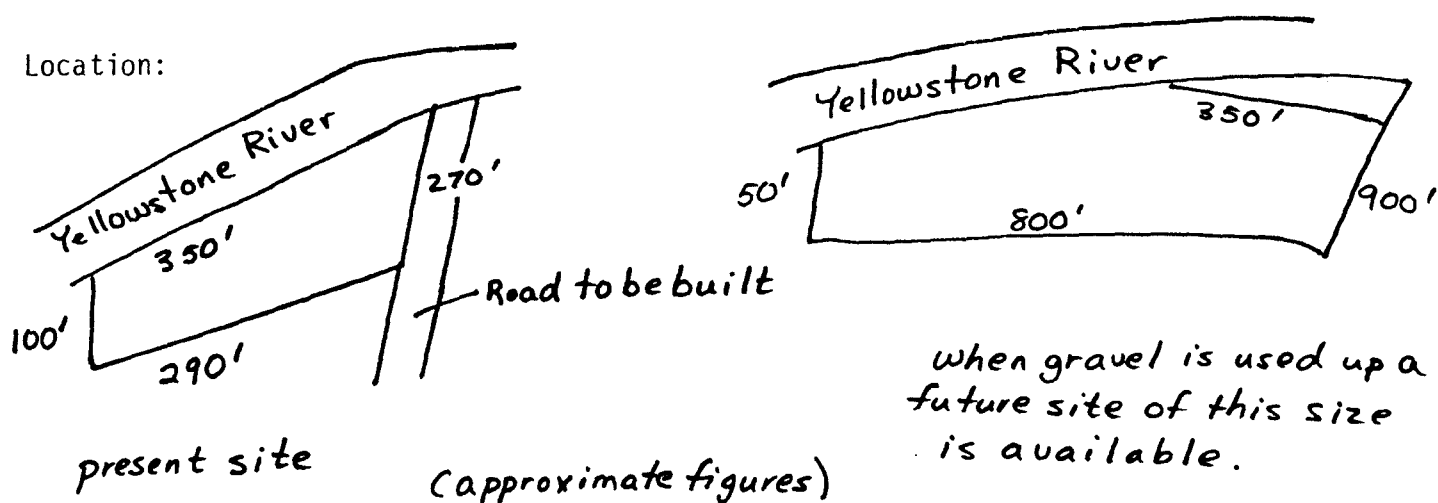
Site: Bar's Landing

1. General Description:

1. Perfect area for boat launching
2. Agate hunting area is excellent
3. Fishing

When the gravel is all depleted, could have a lake naturally filled by the irrigation run-off and the Yellowstone that would cover at least from 3-4 acres or more. Have gravel there to make nice beaches for the young generation.

2. Location:



County: Custer

Township 8 North Range 47 East Section 11

Near (town, landmark, etc.) Two miles east and one and half miles north of Miles City on the Yellowstone River

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$ 30,000.00
Donation (specify) _____:	\$ 5,000.00
Other Sources of assistance <u>gravel and sand</u> _____:	\$ _____

COMMENTS: The site needs a road for about 1300 feet which the sponsor offers to build.

4. Present Site Owner: Flying W Bar Ranch and Supply; Walter Garrett, Manager  
Address: Box 1132, Miles City, MT 59301  
Telephone:

5. Project Sponsor: Dorothy Garrett  
Agency (if any):  
Address: Box 1132, Miles City, MT 59301  
Telephone: 232-1917

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES                        NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

none submitted   
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3" x 4" reproducible black and white photo

8. Additional Comments:

In addition to the acquisition application, the sponsor also submitted a letter offering more detailed information if requested.

This letter is on file at the Parks Division office.

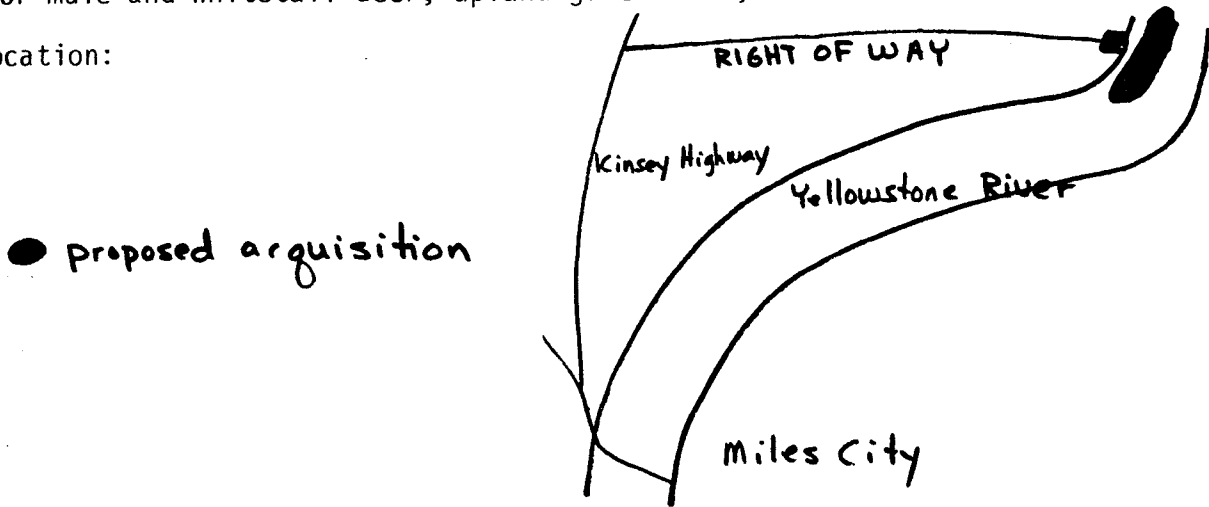
1981 Coal Tax Park Proposal

Site: Doeden's Island SRA

1. General Description:

Doeden's Island is located 2½ miles downstream from Miles City on the Yellowstone River. The site would include about 4 acres on the river bank as well as the island itself. To provide access to the site, the sponsor will grant a right-of-way through his property (see location map). The 200+ acre site consists of woodland, brush, parkland, and grain fields. It provides a variety of recreation and wildlife values. This location is a unique opportunity for close-to-home activities such as fishing, hunting, boating, camping, picnicking, nature study, snowmobiling, cross-country skiing, and yields important habitat for mule and whitetail deer, upland game birds, and waterfowl.

2. Location:



County: Custer

Township 8 North Range 47 East Section 14, 22, and 23

Near (town, landmark, etc.) Miles City

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$	<u>110,000.00</u>
Donation (specify) _____:	\$	_____
Other Sources of assistance _____:	\$	_____

COMMENTS:

4. Present Site Owner: J. D. Doeden, et al  
Address: P.O. Box 1297, Miles City, MT 59301  
Telephone: 406-232-1400

5. Project Sponsor: J. D. Doeden  
Agency (if any):  
Address: P.O. Box 1297, Miles City, MT 59301  
Telephone: 406-232-1400

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES                        NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

See 24" x 24" aerial photo  
in Parks Division files.

3" x 4" reproducible black and white photo

8. Additional Comments:

In addition to the acquisition application, the sponsor submitted the following:

- 1) a 24" x 24" aerial photo of the site and surrounding area
- 2) two newspaper articles explaining the proposed acquisition

These are on file at the Parks Division office.



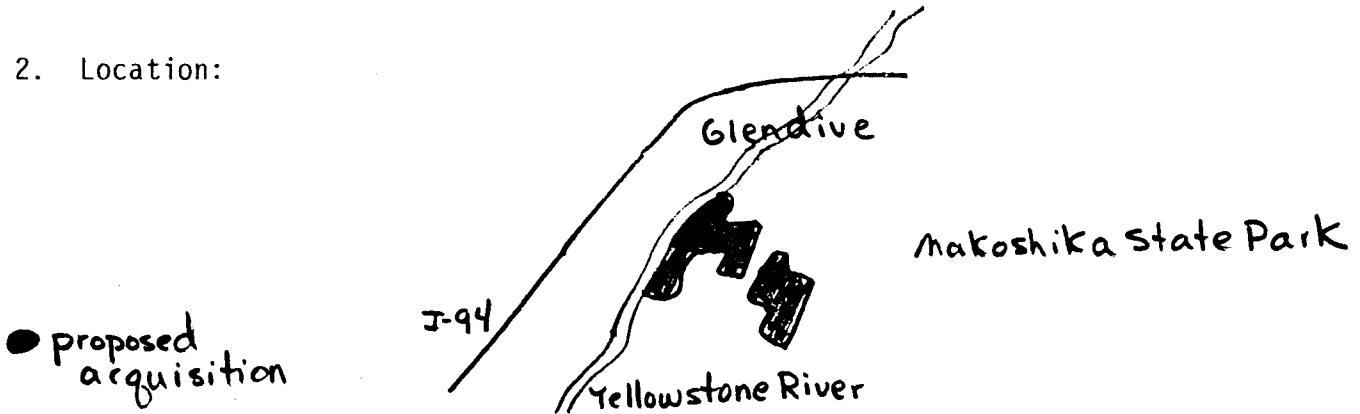
1981 Coal Tax Park Proposal

Site: Engle Ranch

1. General Description:

It is immediately across the River from Hagen Indian site. Includes 3.4 miles of the Yellowstone River bottom which is a whitetail deer winter range, waterfowl production and nesting area, and pheasant production area. Includes a wilderness-like basin adjacent to Makoshika Park; could satisfy demand for a better boat launching and fishing site close to Glendive; easy six mile boat float to Glendive.

2. Location:



Two miles up the Yellowstone River from Glendive.

A large rough map of the proposed project was submitted and is on file at the Parks Division office.

County: Dawson

Township 15 North, 14 North Range 55 East, 56 East Section (several, see other side)

Near (town, landmark, etc.) Glendive

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$	<u>336,000.00*</u>
Donation (specify) _____:	\$	_____
Other Sources of assistance _____:	\$	_____

\*Approximately \$260/acre for 4,200 deeded acres.

COMMENTS: Cost/acre approximate -- probably open to negotiation, donation, etc. Ranch includes 4,200 deeded acres; approximately 2,300 Bureau of Land Management acres; and 640 Dawson County acres. The deeded land is all river bottom or upland rangeland except for approximately 160 acres of irrigated alfalfa bottom land. A local farmer has offered to buy the irrigated land so that none would be included in the overall package. The irrigated land is easily situated at the north end of the bottom land and could be easily broken from the total unit.

4. Present Site Owner: Jesse, Jack, and Gary Engle  
Address: Jesse Engle, 715 South Sargent Avenue, Glendive, MT 59330  
Telephone:

5. Project Sponsor: Greg Hagenston  
Agency (if any):  
Address: P.O. Box 1089, Glendive, MT 59330  
Telephone: Business: 365-4415; Home: 365-3559

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES   NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

A slide of the project was  
submitted and is on file at  
the Parks Division office.

3" x 4" reproducible black and white photo

8. Additional Comments:

Private land (deeded): T15N, R55E, Sections: W $\frac{1}{2}$  10; 15; E $\frac{1}{2}$  21; 22; 28; W $\frac{1}{2}$  27

T15N, R56E, Sections: SW $\frac{1}{4}$  30; 31; S $\frac{1}{2}$  32

T14N, R56E, Sections: 5; 8

Bureau of Land Management Lease: T15N, R55E, Sections: W $\frac{1}{2}$  NW $\frac{1}{4}$  22; 14

T15N, R56E, Sections: NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  30; N $\frac{1}{2}$  32

Dawson County: T15N, R55E, Section: 23

Engles-Martin Nemitz Common Bureau of Land Management Lease:

T15N, R55E, Sections: 24; 26; W $\frac{1}{2}$  27

T14N, R56E, Section: 6

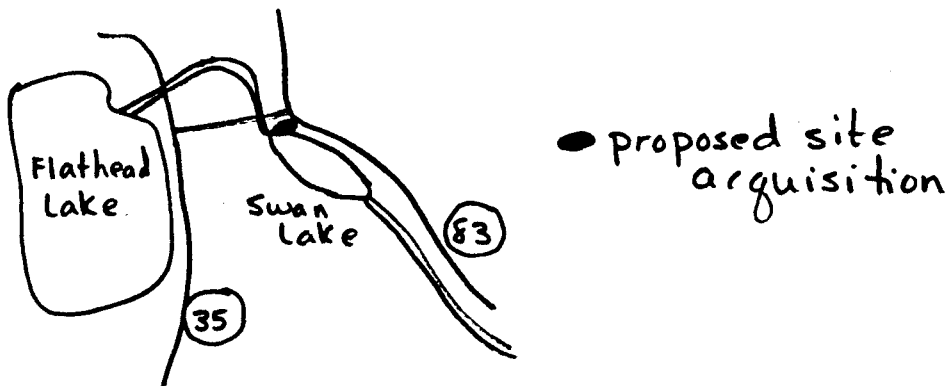
1981 Coal Tax Park Proposal

Site: Kootenai Lodge

1. General Description:

40 acres private wilderness, 2,500 feet of waterfront. This property was built by Con Kelly, the Copper King of Montana. It was his fish camp and he spent much care and money on the buildings. Many east-siders take advantage of the beautiful Swan. The site is within two miles of a County maintained airport. Missoula and Great Falls people have property or rent cabins here.

2. Location:



Six miles to Bigfork -- off from Swan Highway

County: Lake

Township 26 North Range 19 West Section part 11 and 14

Near (town, landmark, etc.) Bigfork, Swan River to the lake

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$ <u>1,250,000.00</u>
Donation (specify) _____:	\$ <u>possible</u>
Other Sources of assistance _____:	\$ _____

COMMENTS:

In addition to the proposal application, the sponsor submitted the following:

- 1) a brochure describing the Kootenai Lodge
- 2) three photographs as shown on the following page of
  - a) Swan River/Lake frontage
  - b) the cottage on the site
  - c) the barn on the site

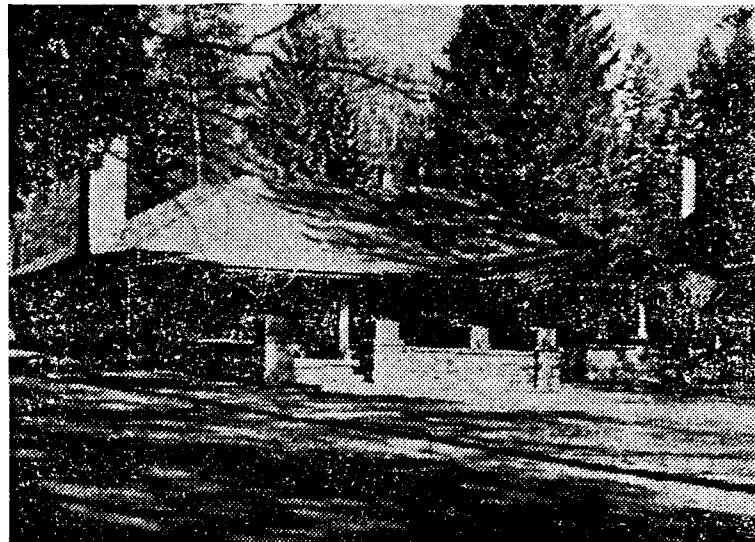
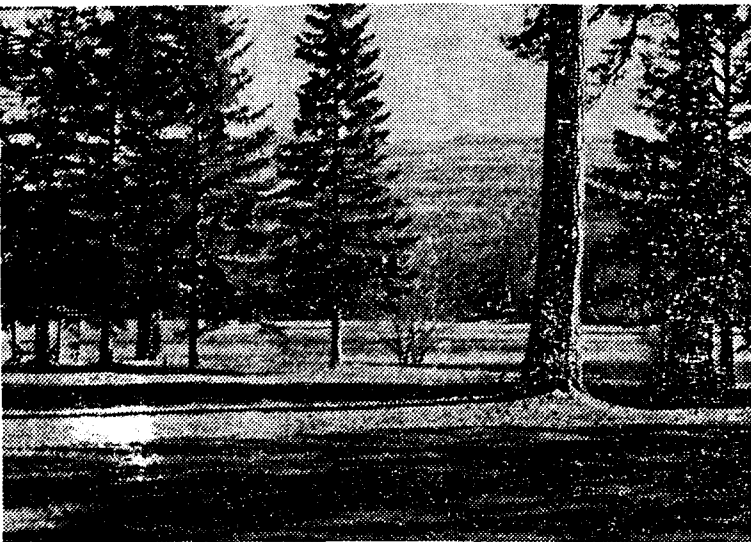
4. Present Site Owner: Sigrud Brekkenflat  
Address: Bigfork, MT  
Telephone:

5. Project Sponsor: Blanche Garrett  
Agency (if any): Chalet Realty  
Address: 416-1-Avenue E, Kalispell, MT  
Telephone: Office: 755-5464; Home: 755-8206

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES                             NO

7. Photograph of site provided by project sponsor (optional).



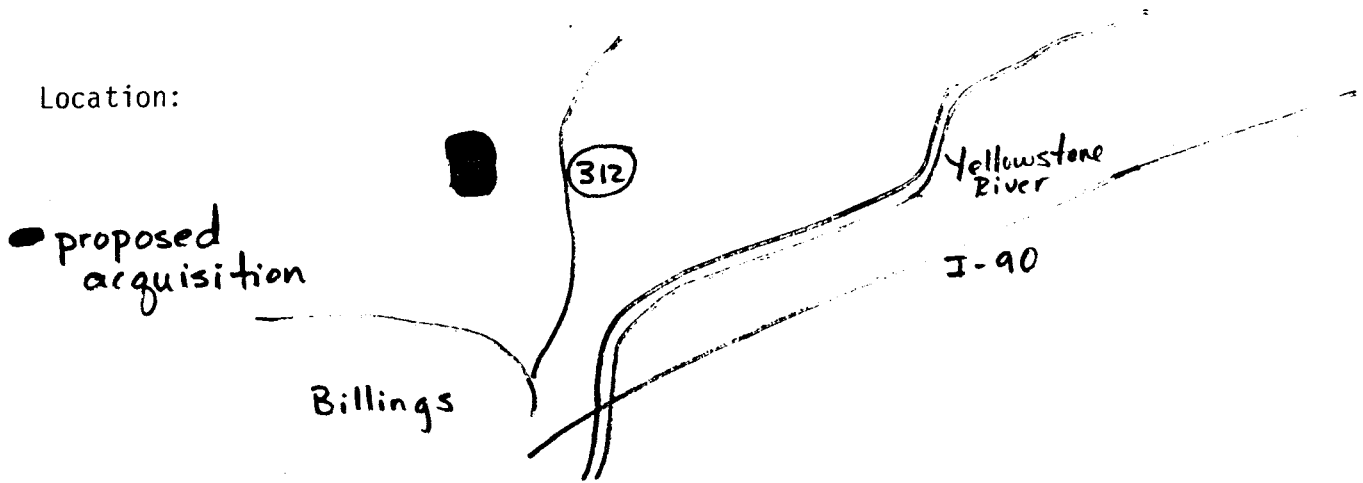
1981 Coal Tax Park Proposal

Site: Lake Elmo

1. General Description:

Wooded lakesite and surrounding area of approximately 125 acres is accessible from all sides, adjacent to the City of Billings and Interstate 90. Has recreational potential for swimming, boating, fishing, camping, and picnicking. Good beaches with low water level. Will benefit a large number of persons.

2. Location:



Northeast of Billings

County: Yellowstone

Township 1 North Range 26 East Sections 10 and 15

Near (town, landmark, etc.) Billings

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$ <u>3,500,000.00</u>
Donation (specify) _____:	\$ <u>possible</u>
Other Sources of assistance _____:	\$ <u>3,500,000.00</u>

COMMENTS:

4. Present Site Owner: Loyd L. (Monty) Kimble  
Address: P.O. Box 516, Billings, MT 59103  
Telephone:

5. Project Sponsor: Loyd L. (Monty) Kimble  
Agency (if any):  
Address: P.O. Box 516, Billings, MT 59103  
Telephone: 252-2004

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES                                           NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

none submitted   
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3" x 4" reproducible black and white photo

8. Additional Comments:

In addition to the acquisition application, the sponsor submitted the following:

- 1) a map showing site location
- 2) a survey map showing legal boundaries
- 3) a map showing subdivision plat

Several letters of support for the proposal were sent to the Department of Fish, Wildlife and Parks including a letter from the Board of County Commissioners (Yellowstone County).

All of the above is on file at the Parks Division office.

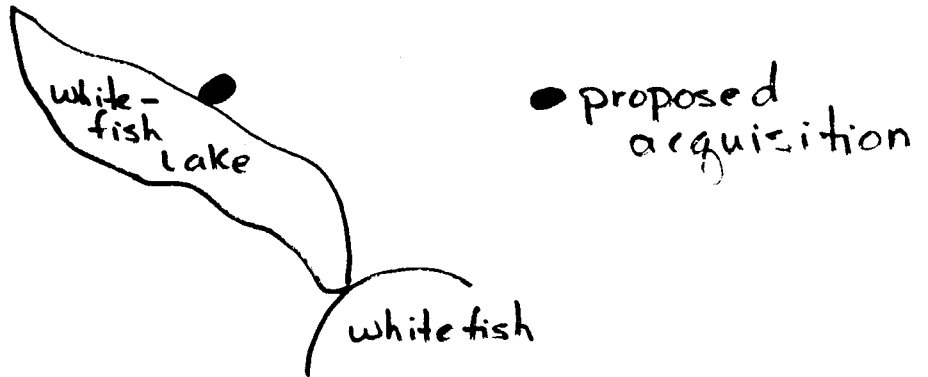
1981 Coal Tax Park Proposal

Site: Les Mason Memorial Park

1. General Description:

This is the last major piece of accessible Whitefish Lake frontage. Site is generally level with 586 feet frontage on popular Whitefish Lake. Property also abuts East Lakeshore Drive (Montana Highway 487) providing very good paved access.

2. Location:



County: Flathead

Township 31 North Range 22 West Section 11

Near (town, landmark, etc.) North of Whitefish and west of Big Mountain

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$ <u>700,000</u>
Donation (specify) _____:	\$ _____
Other Sources of assistance _____:	\$ _____

COMMENTS:

4. Present Site Owner: Betty Snyder -- Barbara King -- Shirley Jacobson  
Address: 447 South Karrow Avenue, Whitefish, MT 59937  
Telephone: 406-862-3289

5. Project Sponsor: Whitefish Chamber of Commerce and Whitefish Rotary Club  
Agency (if any):  
Address: Box 1309 (Chamber), Whitefish, MT 59937  
Telephone: Martin Gilman 862-3527

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES                        NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

none submitted

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3" x 4" reproducible black and white photo

8. Additional Comments:



1981 Coal Tax Park Proposal

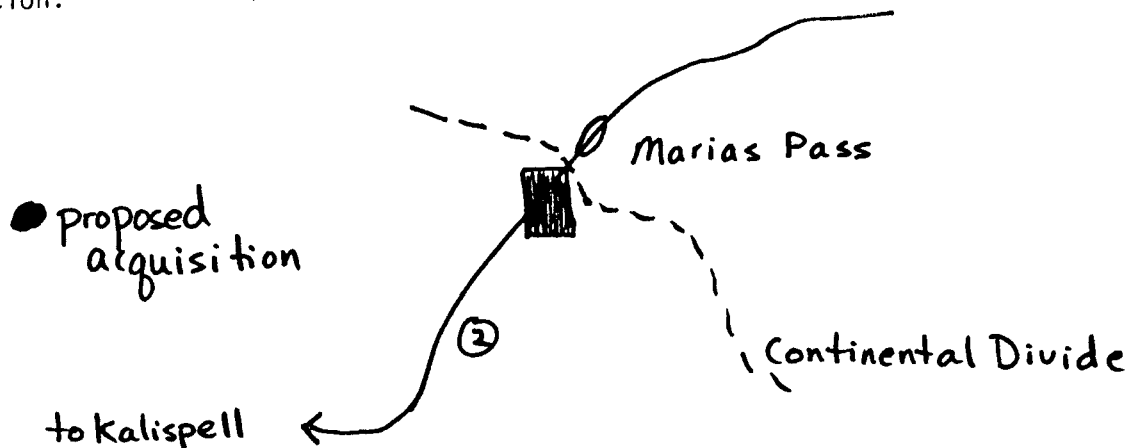
Site: Marias Pass

1. General Description:

The strategic "lost" pass located for the Great Northern Railroad in 1888 by John F. Stevens. Lowest rail crossing of Continental Divide (elevation 5215) north of New Mexico. Instrumental in the early development and access to the Flathead Valley. Discovery helped create Glacier National Park.

The site consists of 31.35 acres total.

2. Location:



County: Boundary: Flathead and Glacier Counties

Township 30 North Range 14 West Section 34 and 36

Near (town, landmark, etc.) Marias Pass, U.S. Highway 2

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$	<u>45,000.00</u>
Donation (specify) _____:	\$	_____
Other Sources of assistance _____:	\$	_____

COMMENTS:

4. Present Site Owner: Rollin and Polly N. Usher  
Address: 39246 Moronga Canyon Drive, Palm Desert, CA 92260  
Telephone:

5. Project Sponsor: Michael Ober  
Agency (if any):  
Address: 696 North Main Street, Kalispell, MT  
Telephone: Home: 755-1792; Work: 755-5222

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES                        NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

none submitted

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3" x 4" reproducible black and white photo

8. Additional Comments:

In addition to the proposal application, the sponsor also submitted the following:

- 1) a personal letter describing the site
- 2) three articles describing Marias Pass
- 3) a chapter from a book describing the discovery of Marias Pass
- 4) a USGS map showing site location
- 5) a survey map showing legal boundaries

These are on file at the Parks Division office.

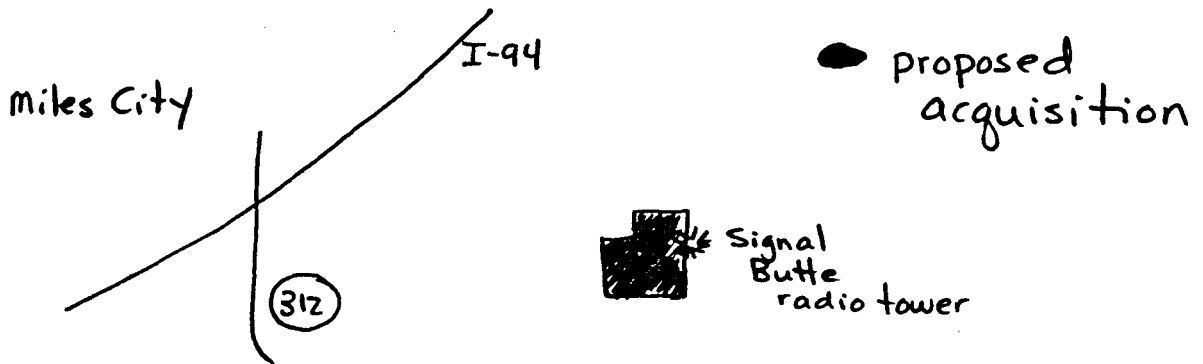
1981 Coal Tax Park Proposal

Site: Signal Butte Park

1. General Description:

200 acre site with unique topography. It would be excellent for hiking, nature trails, and picnic areas with a panoramic view of the Yellowstone valley. Signal Butte is of great historical interest as an Indian and Army signal post.

2. Location:



Two miles southwest of Miles City.

County: Custer

Township 7 North Range 48 East Section 6

Near (town, landmark, etc.) Miles City

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund: \$ 360,000.00

Donation (specify) \_\_\_\_\_: \$ \_\_\_\_\_

Other Sources of assistance \_\_\_\_\_: \$ \_\_\_\_\_

COMMENTS:

4. Present Site Owner: William J. Krutzfeldt  
Address: 1200 Pleasant, Miles City, MT 59301  
Telephone: 232-1200

5. Project Sponsor: William J. Krutzfeldt  
Agency (if any):  
Address: 1200 Pleasant, Miles City, MT 59301  
Telephone: 232-1200

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

  X   YES                                 NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

  none submitted    
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3" x 4" reproducible black and white photo

8. Additional Comments:

Attached to the application form, the sponsor also submitted:

- 1) a map of the proposed acquisition
- 2) written description of proposed point of interest signs for the site
- 3) a map of the historical "Deadwood Stage Route" that went from Deadwood, South Dakota, to Miles City, Montana.

These are on file at the Parks Division office.

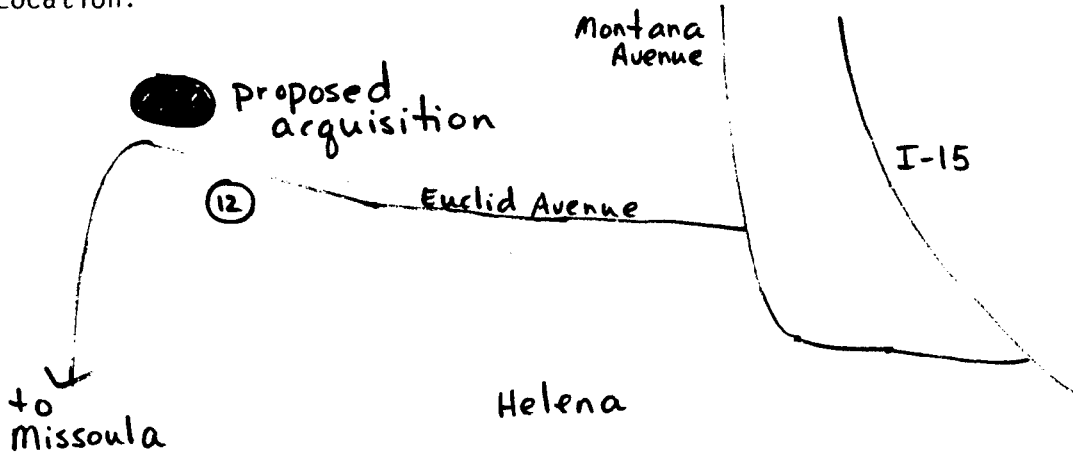
1981 Coal Tax Park Proposal

Site: Spring Meadow Lake

1. General Description:

The site contains an irregularly shaped pond consisting of approximately 20 acres with a land area of 35.8 acres. The area is ideally suited for a wide variety of outdoor recreational opportunity.

2. Location:



County: Lewis and Clark

Township 10 North Range 4 West Section 23

Near (town, landmark, etc.) Helena

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$	<u>335,000.00</u>
Donation (specify) _____*:	\$	<u>          *</u>
Other Sources of assistance _____:	\$	<u>                          </u>

COMMENTS:

\*Anticipated amount unknown at this time.

4. Present Site Owner: Joseph B. Reber  
Address: 1643 North Montana, Helena, MT 59601  
Telephone:

5. Project Sponsor:  
Agency (if any): Lewis and Clark County -- County Park Board  
Address: 316 North Park Avenue, Helena, MT 59601  
Telephone: 443-1010

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

  X   YES                                 NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

none submitted  
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3" x 4" reproducible black and white photo

8. Additional Comments:

1981 Coal Tax Park Proposal

Site: Tongue River Road Recreation Area

1. General Description:

Close to regional cultural and economic center. On all-weather road. All utilities close at hand. Overlooking the Tongue River bottom lands. Could be "tied" to an adjacent 160 acre BLM parcel under BLM Recreation and Public Purposes Act. Has a large series of inherently idyllic characteristics for public recreations.

2. Location:

County: Custer

Township 7 North Range 48 East Section 30

Near (town, landmark, etc.) 7 miles south of downtown Miles City

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$ <u>90,000.00*</u>
Donation (specify) <u>HCRS?</u> :	\$ <u>?</u>
Other Sources of assistance <u>Pittman-Robertson?</u> :	\$ <u>?</u>

COMMENTS: Federal -- minimal annual lease costs  
Private -- 60-105 acres at average acre value of \$750-\$950/acre

4. Present Site Owner: Bert Frankel/U.S. BLM  
Address: Tongue River Road, Box 940, Miles City, MT 59301  
Telephone:

5. Project Sponsor: V. E. Butch Wenneker  
Agency (if any): Southeastern Montana Shooting Sports Association  
Address: P.O. Box 825, Miles City, MT 59301  
Telephone: 406-232-4748/4331

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES                        NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

none submitted

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3" x 4" reproducible black and white photo

8. Additional Comments:



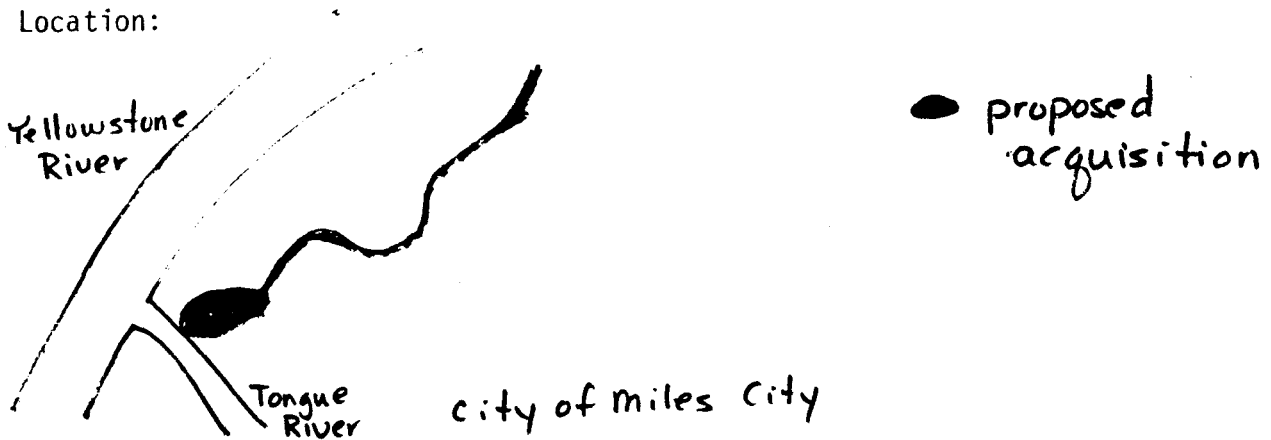
1981 Coal Tax Park Proposal

Site: Tongue River Wilderness State Recreational Area

1. General Description:

A slough forms a 2½ mile linear channel from the confluence of the Tongue and Yellowstone Rivers easterly to the Yellowstone within and adjacent to Miles City. Acquisition would provide public park linkage between the Tongue River Wilderness and Bender Park. Development will include bicycling, hiking, riding trails, nature study, play areas, family outings, ice skating, fishing, and canoeing.

2. Location:



A large map was submitted by sponsor and is on file at the Parks Division office.

County: Custer

Township 8 North Range 47 East Sections 22, 28, 33

Near (town, landmark, etc.) Miles City

3. Cost of Site Acquisition

Estimated appropriation needed from Coal Tax Fund:	\$ <u>140,000.00</u>
Donation (specify) <u>City/County</u> :	\$ <u>62,000.00</u>
Other Sources of assistance _____:	\$ _____

COMMENTS:

4. Present Site Owner: City, County, State, Federal, and various private fractional lots  
Address: (see Clerk and Recorder, Custer County Courthouse, Miles City)  
Telephone:

5. Project Sponsor: City of Miles City, County of Custer  
Agency (if any): City/County Planning Board  
Address: 516 Main, Miles City, Montana 59301  
Telephone: 232-6339

6. Will the project sponsor be able to appear before a legislative committee to support this proposal?

X  YES                                           NO

7. Photograph of site provided by project sponsor (optional).

Photo description:

none submitted  
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3" x 4" reproducible black and white photo

8. Additional Comments:

APPENDIX

HOUSE BILL 550

HOUSE BILL NO. 550

INTRODUCED BY SCULLY, DUSSAULT, FAGG,  
VINCENT, MARKS, RAMIREZ

IN THE HOUSE

February 3, 1979	Introduced and referred to Committee on Taxation.
March 24, 1979	Committee recommend bill do pass as amended. Report adopted.
March 26, 1979	Printed and placed on members' desks.
March 27, 1979	Second reading, do pass.  Considered correctly engrossed.  Third reading, passed. Transmitted to second house.

IN THE SENATE

March 27, 1979	Introduced and referred to Committee on Finance and Claims.
April 11, 1979	Committee recommend bill be concurrent in. Report adopted.
April 12, 1979	Motion pass consideration.
April 13, 1979	Second reading, concurred in.
April 17, 1979	Third reading, concurred in.

IN THE HOUSE

April 18, 1979	Returned from second house. Concurrent in. Sent to enrolling.  Reported correctly enrolled.
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earmarked revenue fund to the credit of the alternative energy research development and demonstration account;

(c) 26 1/2% until July 1, 1979, and thereafter 37 1/2% to the earmarked revenue fund to the credit of the local impact and education trust fund account;

(d) for each of the 2 fiscal years following June 30, 1977, 13% to the earmarked revenue fund to the credit of the coal area highway improvement account;

(e) 10% to the earmarked revenue fund for state equalization aid to public schools of the state;

(f) 1% to the earmarked revenue fund to the credit of the county land planning account;

(g) 2 1/2% to the sinking fund to the credit of the renewable resource development bond account;

(h) 5% to the earmarked revenue fund to the credit of a trust fund for the purpose of parks acquisition or management, protection of works of art in the state capitol, and other cultural and aesthetic projects. Income from this trust fund shall be appropriated as follows:

(i) 1/3 for protection of works of art in the state capitol and other cultural and aesthetic projects; and

(ii) 2/3 for the acquisition of sites and areas described in 23-1-102 and the operation and maintenance of sites so acquired.

(i) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund

earmarked revenue fund to the credit of the alternative energy research development and demonstration account;

(c) 26 1/2% until July 1, 1979, and thereafter 37 1/2% to the earmarked revenue fund to the credit of the local impact and education trust fund account;

(d) for each of the 2 fiscal years following June 30, 1977, 13% to the earmarked revenue fund to the credit of the coal area highway improvement account;

(e) 10% to the earmarked revenue fund for state equalization aid to public schools of the state;

(f) 1% to the earmarked revenue fund to the credit of the county land planning account;

(g) 2 1/2% to the sinking fund to the credit of the renewable resource development bond account;

(h) 5% to the earmarked revenue fund to the credit of a trust fund for the purpose of parks acquisition or management, protection of works of art in the state capitol, and other cultural and aesthetic projects. Income from this trust fund shall be appropriated as follows:

(i) 1/3 for protection of works of art in the state capitol and other cultural and aesthetic projects; and

(ii) 2/3 for the acquisition of sites and areas described in 23-1-102 and the operation and maintenance of sites so acquired.

(i) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund

of the state."

Section 2. Cultural and aesthetic projects grants. (1) Any person, association, or representative of a governing unit seeking a grant for a cultural or aesthetic project from the income of the trust fund created in 15-35-108 must submit a grant proposal to the board of trustees of the Montana historical society by December 1 of the year preceding the convening of a legislative session.

(2) The board of trustees of the Montana historical society shall present to the legislature by the 15th day of any legislative session a list of grant proposals to be made from the cultural and aesthetic projects account to any department, agency, board, commission, or other division of the state government or to any local government unit. These grant proposals shall be for the purpose of protecting works of art in the state capitol or other cultural and aesthetic projects.

(3) The legislature must appropriate funds from this account before any grant is awarded.

(4) The grant proposals approved by the legislature shall be administered by the Montana historical society.

Section 3. Acquisition of certain state parks, monuments, or historical sites. (1) Any person, association, or representative of a governing unit may submit a proposal for the acquisition of a site or area described in 23-1-102 from the income of the trust fund created in 15-35-108 to the department of fish and game by

December 1 of the year preceding the convening of a legislative session.

(2) The fish and game commission shall present to the legislature by the 15th day of any legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks, state recreational areas, state monuments, or state historical sites with the money contained in the parks account.

(3) The legislature must appropriate funds from this account before any park, area, monument, or site may be purchased.



I hereby certify that the  
within bill originated in  
the House.

Martha B. McLee  
Chief Clerk

James E. Duke  
Speaker of the House  
Signed this 18<sup>th</sup> day  
of April 1979.

W. J. Mackness  
President of the Senate  
Signed this 19<sup>th</sup> day  
of April 1979.

I hereby certify that the  
within bill originated in  
the House.

Martha B. McFee  
Chief Clerk

Samuel E. Duke  
Speaker of the House  
Signed this 18<sup>th</sup> day  
of April 1979.

W. J. Mack  
President of the Senate  
Signed this 19<sup>th</sup> day  
of April 1979.

VISITORS' REGISTER

HOUSE F & G COMMITTEE

BILL 222, Noise-Boats  
 SPONSOR Robbins

Date 1/22/81

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPO
Charles R. Meyer	159 Henry	Myself -	x Amend	
DAVID LACKMAN	1400 Winne, Helena	MT Public Hlth Assn	X	
Ken Hooquist	Great Falls	MT. Marine Trade Assn.	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE FISH AND GAME COMMITTEE

TITLE 180  
SPONSOR \_\_\_\_\_

Date 1/22/81

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPO:
Albert Van Cester	Helena	Self		X
Jove Cass	Billings	Chamber of Commerce	X	
Lucille Mills	Billings	Billings 100th Birthday	X	
Tom Hagen	Billings	Senator Dist 30	X	
Ron Holliday	Helena	Mont. Fish Wildlife Parks		
GARY Richards	Billings	LAKE ELMO Task force	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.  
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# STANDING COMMITTEE REPORT

February 10

19 31

MR. SPEAKER:

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 180

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR THE ACQUISITION OF LAKE ELMO NEAR BILLINGS FOR USE AS A STATE PARK; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 180

be amended in the introduced copy as follows:

Page 1, line 9.  
Following: "Appropriation"  
Insert: "\$600,000"

Page 1, line 13.  
Following: "park"  
Insert: "."  
Strike: remainder of line 13 and lines 14 and 15 in their entirety

DO PASS AS AMENDED

# STANDING COMMITTEE REPORT

February 10 19 21

MR. SPEAKER:

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 222

A BILL FOR AN ACT ENTITLED: AN ACT LIMITING NOISE EMISSIONS FROM MOTORBOATS, PROVIDING MAXIMUM NOISE LEVELS, REQUIRING TESTING AND CERTIFICATION OF OUTBOARD MOTORS AND MARINE ENGINES, ALLOWING CERTAIN EXCEPTIONS, AND INCREASING THE MOTORBOAT IDENTIFICATION NUMBER FEE TO \$2; AMENDING SECTIONS 23-2-502 AND 23-2-512, MCA."

Respectfully report as follows: That HOUSE Bill No. 222

be amended in the introduced copy as follows:

Page 1, line 14.

Following: "manufactured"

Strike: "before"

Insert: "after"

Page 3, line 11.

Following: "duty"

Strike: "."

Insert: ";

Following: Subsection (3)

Insert: "(4) vessels commonly known as airboats when used by a utility company in the course of business."

DO PASS AS AMENDED