

MINUTES OF THE MEETING  
FISH AND GAME COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

February 21, 1985

The meeting of the Fish and Game Committee was called to order by Chairman Bob Ream on February 21, 1985, at 5:10 p.m. in Room 317 of the State Capitol.

ROLL CALL: All committee members were present with the exception of Representative Moore who was excused by the Chairman.

CONSIDERATION OF HOUSE BILL NO. 828: Representative Bob Ream, District 54, Missoula, sponsor of House Bill No. 828, handed out a copy of a portion of the statutes to all committee members. (See Exhibit No. 1) He explained the highlighted portions of this handout to the committee. He said that they had a request from the Department of Fish, Wildlife, and Parks to add as an endangered species, the white sturgeon. He said that on page 2 of the bill there are four species that are listed as endangered and this legislation would add the white sturgeon. He said that all of the other four are on the federal endangered species list. He said that the white sturgeon is a fish that only occurs in one river in Montana, and that is the lower Kootenai. It has only been found in the lower 30 miles of the Kootenai before it flows into Idaho. He said that studies in 1978 located three sturgeon in the river, and these three were marked at that time. In 1980 one was observed that had previously been marked. Since that time, none have been located.

PROPONENTS: Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee as a proponent to House Bill No. 828. He handed out a copy of his testimony to all committee members. (See Exhibit No. 2)

Janet Ellis, representing the Montana Audubon Council, appeared before the committee in support of House Bill No. 828. She handed out and discussed with the committee, a fact sheet on the white sturgeon. (See Exhibit No. 3)

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Dan Heinz, representing the Montana Wildlife Federation, said that they would like to go on record as supporting the classification of the white sturgeon as an endangered species.

Chris Hunter, of the Montana Chapter of the American Fisheries Society, appeared before the committee in support of House Bill No. 828. He handed in a copy of his testimony. (See Exhibit No. 4)

There were no further proponents and no opponents to House Bill No. 828.

DISCUSSION OF HOUSE BILL NO. 828: Representative Phillips asked Mr. Flynn if they fished for the white sturgeon down stream in Idaho. Mr. Flynn said that he was not absolutely certain, but he thought they did fish them in Idaho.

Representative Rapp-Svrcek asked if the commercial fishing licenses for whitefish in the Kootenai would be affected by this classification. Mr. Flynn said that he did not honestly know, but he would not think that there would be a conflict.

Representative Jenkins asked Mr. Flynn if his Department would need additional funding to study the white sturgeon if it were added to the endangered species list. Mr. Flynn said that they did not anticipate any additional funding. He said that if they did set up a program to study this species, there may even be some federal funding that may be available, so he did not anticipate any additional funding in this biennium.

Representative Ellison asked Mr. Flynn if the white sturgeon was on the federal endangered species list. Mr. Flynn said that they were not and there were populations in the state of Idaho. Representative Ellison said that he shudders when he hears the term "endangered species" because it affects so many different things. He asked Mr. Flynn if this legislation would affect the generation of the Libby Dam. Mr. Flynn said that this would be a state endangered species list as opposed to a federal species list, and the Libby Dam is a federal dam and they can thus control it as they choose. Representative Ellison then wanted to know what operations this endangered species would affect. Mr. Flynn said

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off hand, he can not think of any that it would particularly impact. Representative Ellison wanted to know if it would affect any future water permits on the river. Mr. Flynn said that he honestly did not know if it would.

In closing, Representative Ream said that he felt that everything had pretty much been said about the white sturgeon. He said he felt it would be worthwhile to add it to our endangered species list.

CONSIDERATION OF HOUSE BILL NO. 820: Representative Paul Rapp-Svrcek, District 51, Thompson Falls, appeared before the committee as the sponsor of House Bill No. 820. He said that this bill creates a state duck stamp for the hunting of waterfowl and it would be attached to the conservation tag. He said that this stamp would result from art work that would be selected through an art publisher that the Department of Fish, Wildlife, and Parks would contract with. He noted that on lines 22 and 23, there is a preference for Montana artists. He said that the funds that would be received under this bill, would go to enhance waterfowl habitat. He said that this has been tried in other states and has been extremely successful. He said that he felt it was a good program; and he thought it would receive a broad support from those who would benefit from it--bird watchers and waterfowl hunters.

PROPOSERS: Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee in support of House Bill No. 820. He handed out a copy of his testimony to all committee members. (See Exhibit No. 5)

Dave Cogley, researcher, handed out a copy of the Statement of Intent to all committee members. (See Exhibit No. 6)

Hal Price, representing the Montana Wildlife Federation, appeared before the committee in support of House Bill No. 820. He handed out a Montana Waterfowl Stamp Fact Sheet to all committee members. (See Exhibit No. 7) Mr. Price said that the Federation requested this bill. He said that states started marketing the waterfowl stamps in 1971, and since that time 29 states have adopted this type of program. He said that these programs have grown tremendously during the last four years.

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Jennifer Cote, representing the Western Montana Fish and Game Association, a sportsmans club in Missoula, said that they are in support of House Bill No. 820. She said that her association tried to get support for a duck stamp in the early 1970's. She handed out a letter from her association, to all committee members. (See Exhibit No. 8)

Dave Maloney, Great Falls, said that he was not representing any particular organization, but he is affiliated with Ducks Unlimited, Montana Wildlife Federation, and the Audubon Society. He said that he is in support of this bill and agrees with where the funds will be going.

Gary Olds, a Gallery owner in Great Falls, appeared before the committee in support of House Bill No. 820. He told the committee how much money was involved in printing and selling the duck stamps and prints. He said this revenue would certainly help the state, and he urged the committee's support of this bill.

Dan Roda, Great Falls, said he was speaking as a private individual, but he was the National Trustee of Ducks Unlimited in the State of Montana. He said he is in favor of this bill.

Dale Schendel, Bozeman, said that he is in support of this bill for the sportsman's sake. He said he felt the money was designated to go to the proper places. He suggested that the state of Montana has many nationally known artists, and he felt that some of their work should be selected.

Lon Skrivseth, Lolo, said that he is an avid waterfowl hunter in support of this bill.

Ann Humphrey, representing the Montana Audubon Council, appeared before the committee in support of House Bill No. 820. She said the Council supports this bill as an innovative way to fund wetland habitat management. She handed in a copy of her testimony. (See Exhibit No. 9)

Bob Elgas, Big Timber, an aviculturist, said that our

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wetlands are some of our states's most valuable lands. He also felt that the bird stamp contest should be open only to Montana artists. He said that we have an abundance of capable wildlife artists here in our own state.

There were no further proponents, and no opponents to House Bill No. 820.

DISCUSSION OF HOUSE BILL NO. 820: Representative Cobb asked if the stamp concept could be explained as he had never hunted waterfowl. Mr. Price passed around a print and stamp from Oregon for the committee to see and Mr. Olds explained the selling of the print and stamp. Representative Cobb wanted to know if there was a separate waterfowl license or if there was just one game bird license. Mr. Flynn said that under current state and federal law, if you want to hunt upland game birds you have to have a state license, and if you want to hunt migratory waterfowl then you need to have a federal license. Representative Cobb wanted to know where you would get a stamp. Mr. Flynn said they are usually available at the Post Office, that is the federal ones, and there is a place on your license for that stamp. He said if this state stamp passes, then there will be a place on the Montana license for that stamp also.

Representative Phillips wanted to know where the proceeds from the related artwork would go. Mr. Flynn said that he did not know exactly how the funds from the sale would be divided, but he said that they would probably go down their priority list and designate certain amounts to the various projects. Representative Phillips stated his concern about the committee that would be selected to choose the artwork. Representative Rapp-Svrcek said that Mr. Price had done a lot of research in this area, and would have some suggestions to make to the Department and others concerning this. Mr. Price explained the process to the committee.

Representative Eudaily said that in section two of the bill, he felt it was stating two different things that the department was going to do. Mr. Price said that it was proposed so that the department would do just one thing with one contract. Representative Eudaily said that on line 16, swans are included in there, and he did not think these could be hunted. Mr. Flynn said that swans can be hunted in some areas. Repre-

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Representative Eudaily said that he had a concern over the policing of the preference of a Montana artist, if this is contracted out. Mr. Flynn said that if the purpose of this is to collect revenue, then he does not know how selective they can be with their preference of in-state artists.

Representative Ellison wanted to know if Representative Rapp-Svrcek, sponsor of this bill, had contacted any of the hunting groups in the state. Mr. Flynn said that he had been contacted by many people throughout the state concerning this type of legislation and a list of telephone calls concerning this legislation was passed around to all committee members. (See Exhibit No. 10)

Representative Eudaily wanted to know if the stamps would be sold by the regular license dealers. Mr. Flynn said that he would anticipate that they would be available from the license agents.

Representative Grady said that he was concerned about the wording of the bill on page 2, subsection 2. He said his concern is over the words "may be" and where the money is being appropriated. He wanted to know if it meant this money could be used for buying wetlands or to pay taxes on the wetlands. Representative Rapp-Svrcek said that it would definitely not be used for paying taxes. Mr. Flynn said that this bill is talking mainly about wetlands and not habitat, even though many of the areas are the same.

Representative Jenkins said that he would like to know how the artist is going to be paid. Representative Rapp-Svrcek said that it was his understanding that the money would be paid to the artist by the publisher who was contracted to do the work for the Department.

Representative Eudaily wanted to know who would pay the contractor for all his expenses, if this stamp would not go on sale until March 1, 1986. Mr. Price referred to the two contracts he was familiar with, and said that the publisher in both the contracts, put the money up front.

Representative Phillips said that he was concerned about the resident versus nonresident artist. He asked Mr. Olds if we would have more selling power,

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if we used a Montana artist. Mr. Olds said that he did not have any question in his mind, that if a Montana artist was used, they would sell more. He said that as a dealer he always has more requests and sales for the Montana artists.

Representative Ream wanted to know if the cooperative programs that Mr. Flynn was talking about in his testimony, would be on a matching or cost sharing basis. Mr. Flynn said that generally speaking, yes, and he said that he does think there will be a lot of opportunities with the federal agencies.

Representative Grady said that the fiscal note shows only revenue for the Department, and he wanted to know what the costs would be. Mr. Flynn said that this is not an unfamiliar subject to his Department, and there is an industry out there that handles all of this program and their fees are paid by the sale of the product. He said that this has been proven in other states to be a self-supporting and revenue program.

Representative Jenkins wanted to know if this could be amended so that it would include only Montana artists. Representative Rapp-Svrcek said that he was going to cover this in his closing. So in closing, Representative Rapp-Svrcek said that he had wanted it closed to Montana artists only, but that in talking to Mr. Price and the study he had done in other states, they thought it would gain the most revenue if it were opened up to people from all over. He said that it is the first stamp, the first year, that you make the money on and he hesitated to close it for that reason.

EXECUTIVE SESSION: Representative Hart moved that House Bill No. 820 DO PASS. Representative Phillips seconded the motion. Representative Rapp-Svrcek moved that the amendments passed out by Hal Price of the Montana Wildlife Federation, do pass.

Representative Eudaily wanted to know why the effective date would be different from any other license that we have in the state. Mr. Cogley said that this was discussed with him and they discussed March 1 and January 1 and came up with January 1, 1986. Representative Rapp-Svrcek said he would agree to changing it to March

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1, 1986. Question was called on the amendments. The amendments passed unanimously. Representative Ellison made a motion to allow Montana artists only. Representative Phillips seconded the motion. Much committee discussion followed. Question was called on this amendment. The motion passed with the dissenting votes of Representatives Ream and Rapp-Svrcek.


Representative Eudaily made one further amendment on Page 1, line 21 after and, strike "shall arrange." He said that this would put it all into one contract. Representative Rapp-Svrcek seconded the motion. Some committee discussion followed. The motion carried unanimously.

Representative McCormick moved to adopt the Statement of Intent. The bill motion had to be acted on first, and the motion to DO PASS AS AMENDED on House Bill No. 820, passed unanimously. The motion on the Statement of Intent was discussed. The motion to adopt the Statement of Intent carried with the dissenting votes of Representatives Cobb and Eudaily.

HOUSE BILL NO. 828: Representative Grady moved that House Bill No. 828 DO PASS. Representative Rapp-Svrcek seconded the motion. Question was called. The motion passed unanimously.

HOUSE BILL NO. 39: Representative Ellison made a motion to TABLE House Bill No. 39. Representative Phillips seconded the motion. The motion passed unanimously.

ADJOURNMENT: There being no further business before the committee, the meeting was adjourned at 6:50 p.m.

  
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BOB REAM, Chairman



DAILY ROLL CALL

Fish and Game COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-21-85

[illegible]

# STANDING COMMITTEE REPORT

FEBRUARY 21 ..... 19 85

PAGE 1 of 3

MR. **SPEAKER** .....

We, your committee on **FISH AND GAME** .....

having had under consideration **HOUSE** ..... Bill No. **320** .....

**FIRST** ..... reading copy ( **WHITE** )  
color

**REQUIRES STAMP TO HUNT WATERFOWL**

Respectfully report as follows: That **HOUSE** ..... Bill No. **320** .....

## BE AMENDED AS FOLLOWS:

1. Title, line 5.  
Strike: "AND"
2. Title, line 7.  
Following: "WETLANDS"  
Insert: "; AND PROVIDING EFFECTIVE DATES"
3. Page 1, line 21.  
Strike: "shall arrange"
4. Page 1, line 23.  
Strike: "for a preference for"  
Insert: "that only"

X503A86

CONTINUED

5. Page 1, line 23.  
Following: "artists"  
Strike: remainder of line 23 through "artists" on line 25.  
Insert: "may be selected"
6. Page 2.  
Following: line 13  
Insert: "Section 5. Effective dates. Section 1 is effective  
March 1, 1986. Sections 2 through 5 are effective  
on passage and approval."

AND AS AMENDED.

DO PASS

STATEMENT OF INTENT ATTACHED

It is the intent of this legislation that an advisory committee will be formed by the department of fish, wildlife, and parks to represent, or that the department will consult with, interest groups such as:

- (1) the sportsmen of Montana, represented by a member of the Montana wildlife federation;
- (2) the nonconsumptive users of wildlife, represented by a member of the Montana audubon council; and
- (3) the agricultural industry, represented by a member of that community.

It will be the role of the advisory committee to review project proposals developed by the department of fish, wildlife, and parks which involve the use of funds generated as a result of this bill.

# STANDING COMMITTEE REPORT

FEBRUARY 21 19 85

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 328

FIRST reading copy ( WHITE )  
color

ADDING THE WHITE STURGEON TO THE STATE ENDANGERED SPECIES LIST

Respectfully report as follows: That HOUSE Bill No. 329

~~DO PASS~~

**87-5-106. Unlawful acts.** Except as provided in regulations issued by the department, it shall be unlawful for any person to take, possess, transport, export, sell, or offer for sale nongame wildlife deemed by the department to be in need of management. Subject to the same exception, it shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment nongame wildlife deemed by the department to be in need of management.

History: En. Sec. 4, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(3).

**87-5-107. List of endangered species.** (1) (a) On the basis of investigations on nongame wildlife provided for in 87-5-104 and other available scientific and commercial data and after consultation with other state wildlife agencies, appropriate federal agencies, and other interested persons and organizations but not later than 1 year after July 1, 1973, the department shall recommend to the legislature a list of those species and subspecies of wildlife indigenous to the state which are determined to be endangered within this state, giving their common and scientific names by species and subspecies.

(b) The department shall have authority to recommend that the legislature include any species or subspecies of fish and wildlife appearing on the United States' list of endangered native fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix D) as it appears on July 1, 1973, as well as any species or subspecies of fish and wildlife appearing on the United States' list of endangered foreign fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix A), as such list may be modified hereafter.

(2) The department shall conduct a review of the state list of endangered species within not more than 2 years from its effective date and every 2 years thereafter. The department shall request the legislature to amend the list by such additions or deletions as are deemed appropriate and at such times as are deemed appropriate.

(3) Except as otherwise provided in this part, it shall be unlawful for any person to take, possess, transport, export, sell, or offer for sale and for any common or contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on any of the following lists:

(a) the list of wildlife indigenous to the state determined to be endangered within the state pursuant to subsection (1);

(b) any species or subspecies of fish and wildlife included by the department and appearing on the United States' list of endangered native fish and

wildlife (part 17 of Title 50, Code of Federal Regulations, appendix D) as it appears on July 1, 1973; and the United States' list of endangered foreign fish and wildlife (part 17 of Title 50, Code of Federal Regulations, appendix A), as such list may be modified hereafter.

(4) Any species or subspecies of wildlife appearing on any of the foregoing lists which enters the state from another state or from a point outside the territorial limits of the United States and which is transported across the state destined for a point beyond the state may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(5) In the event the United States' list of endangered native fish and wildlife is modified subsequent to July 1, 1973, by additions or deletions, such modifications, whether or not involving species or subspecies indigenous to the state, may be accepted as binding under subsections (3) and (4) if, after the type of scientific determination described in subsection (1), the department recommends and the legislature accepts such modification for the state.

History: Ap. p. Sec. 5, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; Sec. 26-1805, R.C.M. 1947; Ap. p. Sec. 2, Ch. 461, L. 1973; amd. Sec. 12, Ch. 417, L. 1977; Sec. 26-1802, R.C.M. 1947; R.C.M. 1947, 26-1802(part 4), 26-1805.

#### Cross-References

Possession, transportation, exportation, processing, sale or offer for sale, or shipment of

endangered species generally prohibited.  
87-5-112.

**87-5-108. Establishment of programs.** (1) The director shall establish such programs, including acquisition of land or aquatic habitat, as are deemed necessary for management of nongame and endangered wildlife. The department shall establish such policies as are necessary to carry out the purpose of this section and 87-5-109.

(2) In carrying out programs authorized by this section, the department may enter into agreements with federal agencies, political subdivisions of the state, or with private persons for administration and management of any area established under this section and 87-5-109 or utilized for management of nongame or endangered wildlife.

(3) The governor shall review other programs administered by him to the extent practicable, utilize such programs in furtherance of the purposes of this section and 87-5-109. The governor shall also encourage the state and federal agencies to utilize their authorities in furtherance of purposes of this section and 87-5-109.

History: En. Sec. 6, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1803 thru (3).

#### Cross-References

Cooperative agreements for research, training, and other projects, 87-1-210.

Exhibit #1

2-21-1985  
H.B.#826

HB 828

Testimony presented by Jim Flynn  
Department of Fish, Wildlife and Parks

February 21, 1985

The Department of Fish, Wildlife and Parks is requesting that the legislature place the white sturgeon on the state endangered species list. The purpose of the Nongame and Endangered Species Conservation Act of 1973 is to provide a means whereby the ecosystem upon which a species depends may be preserved and to provide a program for the conservation of the species to maintain or enhance its numbers. Classification of the species as endangered assists the department in the development and implementation of a recovery plan.

The white sturgeon is the largest freshwater fish in North America and would be the first fish species listed in the state as endangered. Its native distribution in Montana has been restricted to the lower 30 miles of the Kootenai River and probably consisted primarily of spawning runs from downstream areas. In the 1940's and 1950's fishermen frequently caught sturgeon on set-lines and in the 1970's they were still caught but in lesser numbers.

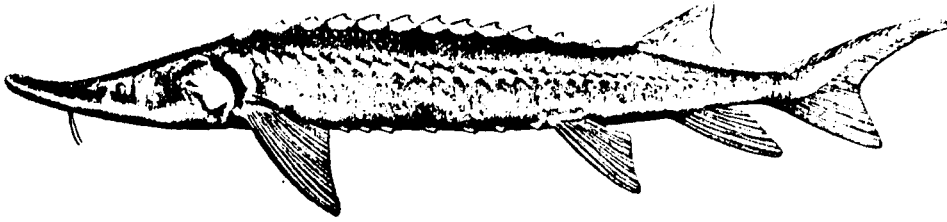
Studies in 1978 located three sturgeon which were marked and two of which were subsequently caught and killed downstream in Idaho. Only one sturgeon was observed in 1980 and it had been marked previously. Subsequent surveys have failed to locate white sturgeon in Montana. The department has prohibited the taking of white sturgeon since 1979.

The American Fisheries Society has added the white sturgeon in Montana to its list of endangered species. The department now classifies the white sturgeon as a Class "A" - fish of special concern, the highest recognition that can be given without legislative action.

Actions to restore the white sturgeon would begin by seeking funding to identify the problems and assess the feasibility of recovery of the population. Because the sturgeon was a fish of the main Kootenai River and not its tributaries, recovery action will most likely center around requesting different flow release patterns from Libby Dam. Because sturgeon did not use tributary streams it is unlikely that existing land management practices in Lincoln County had any adverse effect on them and thus would not be impacted.

White Sturgeon  
(Acipenser transmontanus)

Exhibit #3  
2-21-1985  
H.B.# 828



Location in Montana: Kootenai River below Kootenai Falls. The sturgeon appears to migrate between British Columbia, Idaho and Montana.

Habitat: Large cold rivers, the Columbia River basin.

Life Span: Probably lives to be 75 to 100 years old.

Size: The white sturgeon is the largest freshwater fish in North America.

Largest reported in Montana: 96 pounds, 6 feet 3 inches.

Record reported in the Columbia River: 1387 pounds, 12 feet 6 inches.

Food: This fish is a bottom feeder. They are opportunistic and feed on a wide variety of items. Small sturgeon feed primarily on small aquatic insects, clams and crayfish. Larger sturgeon will eat other fish, crustaceans, molluscs, worms and considerable plant material.

Breeding: First breeds at 11 to 22 years of age. Spawning probably occurs every 3 to 4 years and occurs in May through July.

Young: A 50-year-old female may lay as many as 4 million eggs in one season. Eggs hatch in 1 to 2 weeks, depending on the water temperature.

Growth:

1 year	-	10 inches
5 years	-	30 inches
10 years	-	45 inches
15 years	-	60 inches
20 years	-	70 inches
25 years	-	80 inches
30 years	-	90 inches
50 years	-	120 inches

Present Status: Estimates of the present abundance of white sturgeon have been obtained from a combination of sources including volunteer information by fisherman, recapture of marked sturgeon, angler interviews and sturgeon tags:

British Columbia: several thousand

Idaho: 800 - 900 individuals

Montana: 1 to 5 individuals

No conclusive evidence is available on the cause for the decline in the sturgeon population. More work is needed in this area. No intensive studies have been conducted on white sturgeon in the Kootenai River.



The Montana Chapter of the American Fisheries Society encourages the passage of the Joint House Resolution which requests the classification of the white sturgeon (Acipenser transmontanus) as endangered under the State of Montana Endangered Species Act, 1973. Our parent society added the white sturgeon to its list of endangered fish species in the Montana portion of its range in 1981. We feel it is time the State follow suit to ensure the opportunity for the recovery in Montana waters of the largest freshwater fish in North America.

In Montana, the sturgeon's distribution is limited to the Kootenai River downstream of Kootenai Falls. The white sturgeon apparently used the waters of the Kootenai in the canyon areas below the falls for spawning. In 1978, three strugeon were tagged in the Kootenai, two of which were caught in Idaho. Only one sturgeon was observed by divers in 1980 and it was allready tagged. Prompted by this indication of diminishing numbers, the taking of white sturgeon was prohibited in 1979.

Conditions which may have contributed to the decline of white sturgeon in Montana include the operation of Libby Dam which changed the flow regime in the river after its construction in 1972. Poor water quality in the river as a result of upstream mining possibly impacted the food supply and spawning habitat.

Elevating the status of this magnificent fish to that of endangered will allow management agencies to realize the State's sincerity and concern over the future of the white sturgeon. Recovery efforts would have to include an evaluation of factors affecting upstream migration, evaluation of reproductive success and possible reintroduction of white sturgeon into the Kootenai River. This recovery effort and the return of the white sturgeon to

Montana will only be given the necessary priority by appropriate agencies' through an endangered classification. This has been clearly demonstrated by the lack of any action since the realization in the late 1970's that the white sturgeon was in trouble in Montana.

I again urge you to pass this resolution . Thank you for the opportunity to testify on behalf of the white sturgeon.

Janet Decker-Hess  
President Montana Chapter  
American Fisheries Society

HB 820

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 21, 1985

I appear here today in support of HB 820 which provides for a Montana State Waterfowl Stamp - the proceeds of which will be used to protect, develop and enhance wetlands.

This bill has several positive aspects which will benefit waterfowl. There presently are many opportunities to work cooperatively with federal agencies, particularly the Bureau of Land Management and the US Fish and Wildlife Service, as well as with private landowners. The major impediment to these projects now is a lack of funding. HB 820 would address that shortcoming.

The recreational users who stand to gain the most will provide the financial support for the program through the purchase of stamps for hunters and the purchase of valuable artwork as investments for hunters and nonconsumptive users alike. Not only will there be benefits to waterfowl, but several other wildlife species will also benefit, including upland game birds, furbearers and nongame species.

Productive results will be seen by the public from one program alone. Matching dollars and assistance programs through Ducks Unlimited are already available, but Montana has not been able to totally benefit from Ducks Unlimited funds because current budgets are not available for extensive habitat improvement projects. This is not an ideal situation, since Ducks Unlimited funds are partially raised in Montana through their fund raising efforts.

Several other states have a state waterfowl stamp - 29 in all - and the programs have been very successful.

Montana's wildlife heritage, and in particular its waterfowl, are well known both nationally and internationally. This is not overstating the importance of Montana in this overall picture. This bill embodies features for the department to become an active participant in a wetland program for Montana. The fund raising aspect of this bill ensures that this habitat and its resource will be a part of Montana for generations to come.

The department fully supports this legislation.

Exhibit #6  
2-21-1985  
H.B. # 820

49th Legislature

LC 1746

STATEMENT OF INTENT

HOUSE BILL NO. 820

HOUSE FISH AND GAME COMMITTEE

It is the intent of this legislation that an advisory committee will be formed by the department of fish, wildlife, and parks to represent, or that the department will consult with, interest groups such as:

(1) the sportsmen of Montana, represented by a member of the Montana wildlife federation;

(2) the nonconsumptive users of wildlife, represented by a member of the Montana audubon council; and

(3) the agricultural industry, represented by a member of that community.

It will be the role of the advisory committee to review project proposals developed by the department of fish, wildlife, and parks which involve the use of funds generated as a result of this bill.

MONTANA WATERFOWL STAMP  
FACT SHEET

Exhibit # 7  
2-21-1985  
H.B. # 820

WHY NEEDED?

Montana is an important contributor to waterfowl populations in both the Pacific and Central flyways. Montana's mallard production ranks among the best in the lower 48 and as a result the Great Plains and Prairie Pothole areas of Montana have both been identified as important areas in the national habitat program.

WHAT IS THE PROGRAM?

A Montana waterfowl stamp has the potential to generate dollars presently unavailable for waterfowl habitat improvement under current budgets. The nationwide sales of artwork prints bring outside dollars into a Montana program. This funding will provide the base to develop a solid, long-term waterfowl habitat program in the state. The goals to protect, enhance and promote waterfowl habitat provide for a wide spectrum of activities.

HOW WATERFOWL BENEFITS!

A major thrust of the program will be enhancement. Enhancement programs will be directed toward improvements on cooperating private lands as well as federal or state-owned lands. Activities such as goose nesting structures, wood duck boxes, island construction and stock dam construction can be used to provide both long and short term benefits.

A wetland easement program to protect existing wetlands will be initiated and developed. These easements would be designed to protect habitats encompassing the needs of breeding, nesting and migration of waterfowl. This would provide monetary incentives to willing private landowners for wetland preservation.

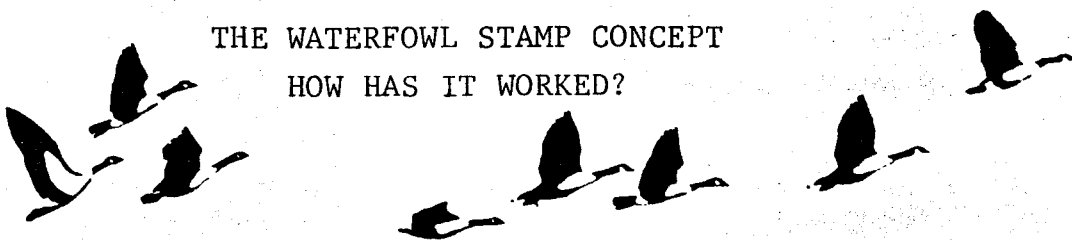
A state waterfowl stamp would allow Montana to become an active participant in the Ducks Unlimited MARSH program. This program returns a portion of the dollars raised by the DU organization in Montana back to the state for use in habitat programs. Currently there is \$30,000 available if Montana could match these dollars. In addition to the MARSH program, DU has targeted Montana for use of major development funds under the U. S. Habitat Program. The funds generated by a state waterfowl stamp would enable the state to conduct the preliminary work for project proposals under this program.

The primary focus of the program would be protection and development of wetlands for long term benefits to waterfowl.

The Wildlife Federation strongly endorses this program and urges your support.



THE WATERFOWL STAMP CONCEPT  
HOW HAS IT WORKED?



The first waterfowl stamp program was initiated in 1971 by the state of California. Since 1971, 29 other states have joined the growing number of state waterfowl stamp programs. Early programs were limited to the sale of stamps only for waterfowl development projects. Reproduction rights and print sales were retained by the artist. In 1980 a major change occurred when states began retaining reproduction rights of the artwork. The sale of limited edition prints provided additional revenue to the states.

Recent trends have been toward the artist/publisher program where an artist or publisher provides the state with artwork, advertising, printing, stamps, etc. and a payment for prints sold.

The first year a state initiates a waterfowl stamp, the artwork is referred to as the "First of the State." The particular piece of artwork is highly sought after by collectors.

North Dakota initiated a duck stamp program under the artist/publisher concept in 1982. Their first year sales totaled over 9,900 prints. The Oregon legislature authorized Oregon's first state waterfowl stamp in 1984. Oregon projects print sales to exceed 14,850 and stamp sales in excess of 60,000. Although final tabulations have yet to be completed, they estimate nearly 25 percent of the stamp sales were to nonhunters for collecting purposes.



## COOPERATIVE WETLAND DEVELOPMENT OPPORTUNITIES



The opportunity for supplemental funding sources for waterfowl habitat development projects currently exists. Ducks Unlimited, Inc. is a private, non-profit organization dedicated to conserving wetlands habitat for waterfowl and other wildlife. This organization has two programs directed at enhancing waterfowl habitat in Montana, the U. S. Habitat Program and the new MARSH program.

The U. S. Habitat Program is a \$5.4 million project directed at the prime waterfowl producing states of Montana, North and South Dakota, Minnesota and Alaska. The only commitment by the states to qualify for this annual appropriation is the preparation of the project proposal. These proposals require certain pre-implementation evaluations before submitting the project for DU consideration. A Montana waterfowl stamp would provide the funding for these pre-activities which currently is not available.

The MARSH program was recently announced which appropriates 7.5 percent of the monies generated by DU activities in the state for wetland development. Various formulas dictate the matching monies needed to qualify for the money. This year Montana has the opportunity to receive up to \$30,000 if it can match that amount. No matching funds for this program are available without a state waterfowl stamp.



# Western Montana Fish and Game Association

Box 4294  
MISSOULA, MONTANA 59806



February 20, 1985

Fish and Game Committee  
House of Representatives  
Montana Legislature  
Helena, Mt 59620

Re: House Bill 820

For over ten years the Western Montana Fish and Game Association has proposed or supported a "Duck Stamp" for the state of Montana. Sportsmen take pride in being the major supporters of wildlife programs both philisophically and monetarily.

A waterfowl stamp would allow those who are the major users of the resource to contribute to the propigation of waterfowl species. The stamps attract large numbers of non-hunters for the collectors value, a good outside source of funds.

As population pressures and habitat destruction mount in the state, a source of revenue is needed to fund conservation of wetlands. "Duck" or waterfowl stamps are a proven source of revenue for this purpose. They are also popular with many of the people who purchase them since the fees are used to specifically benefit the user.

The Western Montana Fish and Game Association urges you to support House Bill 820.

Sincerely,

WMEGA Directors

*Robert Broyles*  
Robert Broyles  
President

*Don Gordon*

*Becki Andersen*

*Spice [unclear]*  
*[unclear]*

*Paul W. [unclear]*  
*Paul D. Evans*  
*Roy Mann*  
*Jennifer J. Cote*



Montana Audubon Council  
Testimony on HB 820  
February 21, 1985

Mr. Chairman and Members of the Committee,

My name is Ann Humphrey, and I am representing the Montana Audubon Council. The Council supports HB 820 as an innovative way to fund wetland habitat management. In addition to collecting revenues from hunters, the stamp program opens up two new sources of funding that are currently not available, and that are expected to nearly double current revenues. These sources are:

- stamp and art collectors, and individuals who are not necessarily hunters. Oregon sold their first stamp in 1984. They estimate that nearly 25% of their stamp sales have been to nonhunters for collecting purposes.
- habitat management projects directed by Ducks Unlimited. These projects focus on protecting and enhancing existing wetlands. Activities include building goose nesting structures, wood duck boxes, and constructing islands. Additionally, monetary incentives would be provided to willing private landowners who would preserve their wetlands primarily for breeding, nesting, or migrating waterfowl.

Healthy, quality habitat is essential to wildlife species. Audubon fully supports preserving and enhancing Montana's wetlands for the benefit of wildlife. HB 820 provides Montana with a unique way to do this and for that reason we urge your support of this bill. Thank you.

Exhibit #10  
2-21-1985  
H.B. #820

TELEPHONE CALLS IN SUPPORT OF HOUSE BILL NO. 820

DON GILLAM	BOZEMAN	587-3588
JOHN PARKER	BOZEMAN	586-9688
MIKE FISHER	GLASGOW	228-8686
HARVEY NYBERG	MALTA	654-1641
SAM ESPELAND		
JIM STUTZMAN	MALTA	654-1319
AL ROSGAARD	HAVRE	265-7168
ERIC PIERCE	BOZEMAN	586-7331
SCOTT HEINTSMAN	BOZEMAN	586-6016
DOUG YOUNT	BELGRADE	388-6287
PAUL LAYTON	BOZEMAN	587-3408
KEITH SCOTT	BOZEMAN	586-1237
HARLEM ROD AND GUN CLUB--FRANK ORLANDO	HARLEM	353-2461
DON PALMER	BOZEMAN	587-9058
JACK RIESSELMAN	BOZEMAN	
GENE SIPE	MALTA	654-1858
RON WALLEN	FT. PECK	
MARK PIERCE	BOZEMAN	586-0008

## VISITOR'S REGISTER

HOUSE FISH AND GAME

COMMITTEE

BILL HOUSE BILL NO. 820DATE February 21, 1985SPONSOR REPRESENTATIVE RAPP-SVRCEK

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Joe Ball	Missoula MT	Self	X	
LOV SKRIVSETH	LOLO MT	Self	X	
DAVE MALONEV	GREAT FALLS	SELF	X	
DAN RODA	Great Falls	Self	X	
GARY OLDS	GREAT FALLS	SECE	X	
Schendel, Dale	Bozeman	Self	X	
Schendel Wendi	"	"	X	
Bob Elgas	Big Timber	"	X	
JAM MURFITT	HELENA	Self	X	
Jennifer Cote	Missoula MT	Western Montana Fish & Game Association		
Ann Humphrey	Helena	Mt. Audubon Council	X	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE FISH AND GAME

COMMITTEE

BILL HOUSE BILL NO. 828

DATE February 21, 1985

SPONSOR REPRESENTATIVE REAM

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.