

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on February 16th 1989, at 3:37 p.m.

#### ROLL CALL

Members Present: Bob Ream, Jim Elliott, Rob Blotkamp, Gene DeMars, Bob Raney, Bill Strizich, Roger DeBruycker, Orval Ellison, Marian Hanson, Betty Lou Kasten, Vernon Keller, John Phillips

Members Excused: Ben Cohen, Fritz Daily, Rob Gervais, Ralph Eudaily

Members Absent: none

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

Announcements/Discussion: none

#### HEARING ON HOUSE JOINT RESOLUTION 26

#### Presentation and Opening Statement by Sponsor:

REP. REAM: opened to Committee in behalf of Rep. Cohen who was home sick. It is a resolution urging the Dept. of Fish, Wildlife and Parks and the Dept. of State Lands, to get together and work for the common purpose of managing wildlife. Particularly in the Swan Valley area. Amendments that go with the bill, were prepared in consultation with the agencies are recommendations of the department.

#### Testifying Proponents and Who They Represent:

Mr. Tony Shoonen/ MT. Wildlife Federation: support the HJR mainly because the time is well overdue for this type of bill. This will set a good president for wildlife management in our state.

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena: (See Exhibit #7)

#### Proponent Testimony:

see above

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. ELLISON: I would like to get some detail on the problem.

REP. REAM: All of the areas mentioned in Mr. Marcoux testimony are areas with high white-tail deer populations. There is alot of forest management activities, I think that this resolution is trying to get the two agencies to work together. To assure that wildlife habitat is given a strong emphasis.

REP. KASTEN: I don't understand the problem. In these areas, don't you have the ability to already do what this resolution is proposing? MR. MARCOUX: Currently, I am not certain of the emphasis in the resolution. But I feel that Rep. Cohen has some clarification on this and that we will find the purpose and work together. REP. KASTEN: Is the reason why the resolution is going through to give information to other agencies where studies have been done? MR. MARCOUX: As I understand the resolution, the focus here is for the Dept. to work with the State Lands Dept. to cooperatively develop standards and guidelines for fish and wildlife habitat. I believe that we are just beginning to do that, we haven't gotten to the point that State Lands does have these types of guidelines. So this resolution, in my mind, is encouraging the development of those guidelines. At this point you could not ask the Dept. of State Lands for a comprehensive plan on managing fish and wildlife habitat.

REP. ELLISON: I have some concerns regarding the school trust funds tied up in this. MR. JOHN NORTH/ DEPT. OF STATE LANDS: I have worked with Rep. Cohen and others developing the amendments, and I feel that the monies will not be of concern. They are covered and protected in the amendments.

Closing by Sponsor:

REP. REAM: The concern of some of the people in the local areas does deal with the school trust funds. But because of all the land management activities, on state lands and adjoining forest service and private lands. The wildlife has gotten lost in the shuffle, the Dept. has conducted white-tail deer studies in the area of the Swan River State Forest, and hopefully can do some of that in other areas. I think that what the resolution does call for is developing some stronger guidelines in management considerations for wildlife in those areas that are important wildlife habitat areas.

DISPOSITION OF HOUSE JOINT RESOLUTION 26

Motion: Rep. Daily motioned a "do pass as amended"

Discussion: REP. KASTEN: Could you tell me again, what this bill is asking for. Is it asking for another study? REP. REAM: No, it is not asking for another study. Just for cooperation between the two departments, because the two state forests in question are right in the heart of the game winter range. REP. KASTEN: You mean that they cannot do that now? REP. REAM: What it does is forces the issue and pushes them into a resolution.

Amendments, Discussion, and Votes: Rep. Ream motioned to move the State Dept. of Land amendments proposed. Question was called. A vote was taken and passed.

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

HEARING ON HOUSE BILL 720

Presentation and Opening Statement by Sponsor:

REP. LEO GIACOMETTO: House District #24. This bill is dealing with House Bill 526, passed last session, that I feel has alot of problems. In our area we have run into a problem with county commissioners feeling that the information they needed for the hearing was not being given out. So what this bill does is just include that when public hearing are held, the information that will effect significant social and economic impacts will be made available. If it will involve taxing, housing, employment opportunities, all the information will be available to the public.

Testifying Proponents and Who They Represent:

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

Ms. Kim Enkerud/ Mt. Stockgrowers, Helena

Rep. "Red" Menahan/ Anaconda Sports Club, Anaconda

Mr. Tony Shoonan/ Mt. Wildlife Federation, Helena

Mr. Rich Day/ Gallatin Wildlife Federation, Bozeman

Ms. Janet Ellis/ Mt. Audubon Legislative Fund, Helena

Rep. Marian Hanson

Proponent Testimony:

Mr. Marcoux: (See Exhibit #8a)

Ms. Enkerud: "We do support House Bill 720".

Rep. Menahan: Endorse Rep. Giacometto's Bill

Mr. Shoonan: Commend Rep. Giacometto for introducing this bill, there have always been questions in regard to what the bill is addressing and I feel it is a good bill. I urge your support.

Mr. Day: As stated earlier, House Bill 526 was a product that we were proud of , but want to see a continuance of that product. And feel that the local people should have benefit of that knowledge.

Ms. Ellis: We worked very hard on House Bill 526, and we think that this bill will make that a better bill. It goes the extra mile to show that critical wildlife habitat is very important and so are the communities where habitat is located.

Rep. Hanson: "would like to be recorded as a proponent".

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. KASTEN: You indicated that most of this type of data is already collected, or will you have to go out and collect this? MR. MARCOUX: The requirements of House Bill 526, are very detailed and comprehensive. The one area that there is not alot of detail on is the economic impact, the tax issues and so forth. That is what is being addressed by this bill. So depending on the area, I am not sure that we have a good idea right now. But from our prospective, to evaluate that is appropriate and I believe that we should provide answers for them.

REP. REAM: On page 2 line 7, where it addresses tax revenue, could you explain the tax situation with regard to those acquisitions? MR. MARCOUX: The Dept. essentially pays enroute taxes, the same amount as a private individual would pay. When that questions is generally raised, we answer by saying that there are times, for example, where there was equipment being used by an individual previously and we did not operate a running ranch. There may be a reduction in

taxes in a situation like that. However, on most of our latest proposals we are going with some raising systems and some leasing of hay meadows and so forth as part of the program. Equipment associated with adjacent landowners will be taxed. REP. REAM: So real property would be the same, but personal property may or may not be reduced. MR. MARCOUX: Yes that is correct. REP. REAM: Are there any properties that would happen to be on a county line that might be in two counties? MR. MARCOUX: I don't know that we have any in that situation, but there is always the potential.

REP. REAM: On page 2 line 5, impacts to the county, if there might also be impacts to the state? Instead of county, put in "local government". REP. GIACOMETTO: I would have no problem with that. Because one of the proposals on a ranch that is close to where it could affect both counties. My intention was to include as much state and county impact as possible. If you would like to amend that, it would be fine.

Closing by Sponsor:

REP. GIACOMETTO: There is no question that I opposed House Bill 526 in the last session. But I want to make sure that now the bill that is in place is as fair as possible. That everyone that is affected has a chance to see how it will impact their area.

DISPOSITION OF HOUSE BILL 720

Motion: Rep. Keller motioned a "do pass"

Discussion:

Amendments, Discussion, and Votes: Rep. Ream suggested a change in the wording of "the county" to be changed to "local governments and the state". Rep. Hanson questioned line 8, wording. Rep. Ream noted that the appropriate wording could be replaced within the bill to correct in favor of local governments and asked the researcher to clarify. Rep. Ream moved the amendments, a vote was taken and passed unanimously.

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

DISPOSITION OF HOUSE BILL 283

Motion: Rep. Daily motioned a "do pass as amended"

Discussion: Rep. Ream asked for clarification on the impact of the amendments to the bill from the researcher. Doug

Sternberg clarified the amendments to the committee.

Amendments, Discussion, and Votes: Rep. Strizich moved a "do pass" on the amendments. (See Standing Committee Report for detail.) Question was called and a vote taken with Rep. Keller, Rep. Kasten, Rep. Hanson and Rep. Ellison noted as no votes. Therefore the amendments passed.

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

#### HEARING ON HOUSE BILL 655

#### Presentation and Opening Statement by Sponsor:

REP. HARPER: Everyone that has floated the Smith River is telling everyone to "float the Smith River". And what you have occurring is a congestion of floaters happening in certain times of the year. When you really have problems on the river you will find an excess of over 100 people a day on the river, all in the same spot and in the same camping area. You have land owner problems, litter problems, and congestion problems that these numbers of people cause. The purpose of this bill is to try to do something before this gets away from us. The system that the Dept. of Fish, Wildlife and Parks will set up will go in stages. They will try to reduce and regulate. I am ready to accept this system even in it's beginning stages, because it will include an early warning system. We have been immune from this for many years in the state, but now it is here and people are coming in. We need to take steps to regulate these resources. This bill allows for the Dept. of Fish, Wildlife and Parks to begin to implement this system, set up fees if they have to, and to get the planning process underway.

#### Testifying Proponents and Who They Represent:

Mr. Mike Bay/ outfitter, Helena

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

Ms. Dianne McDermant/ Smith River ADHOC Committee, Great Falls

Mr. Stan Bradshaw/ Mt. State Council of Trout Unlimited, Helena

Mr. Scot Snelson/ Mt. Wildlife Federation, Helena

Mr. Allen Rollo/ Medicine River Canoe Club, Great Falls

Mr. Jim Care/ Helena

Mr. Mike Wineghard/ outfitter, Helena

Mr. Paul Roos/ outfitter, Helena

Mr. Rich Day/ Bozeman

Mr. Tony Schoonan/ Butte

Ms. Faye Bergan/ Helena

Mr. Mark Meloy/ recreationist, Helena

Mr. John Maki/ outfitter, Helena

Rep. Bob Ream/ Missoula

Rep. John Phillips

Proponent Testimony:

Mr. Bay: Endorsed by private voters, this bill will give the Dept. the power to limit the number of floaters and allow them to collect fees to cover their ongoing expenses. It will be an act of good faith toward land owners, to help prevent trespassing. The flexibility of the plan will allow the maximum numbers of floaters to use the river. The Smith River Study showed that outfitters currently make up 10% of the total floating on that river. As an outfitter, I am prepared to cut down on the numbers of clients that I float in order to protect the integrity of the resource.

Mr. Marcoux: (See Exhibit #9, #2 and #3)

Ms. McDermid: (See Exhibit #10) I have been an avid floater for many years as a recreational floater.

Mr. Bradshaw: I bring to the Committee experience as a lawyer in the Dept. (Dept. of Fish, Wildlife and Parks). At the time that this planning process was first undertaken, it was clear that the Dept. did not have the legal tools to deal with the kinds of pressures that the river is now seeing. This bill addresses that limitation, and for that reason it is a good bill. I also would like to address what may be a concern among a number of land owners. I suspect that they reflect some concern about the potential of this bill to restrict the ability of adjacent landowners to their land as they see fit. My understanding is that this is not the intent of the bill. Rather, the intent of the bill is to deal with the restrictions of floaters on the river and regulating their conduct. I suggest including some explicit language to address those concerns. Indicating that this bill is limited to restrictions on floating and conduct of floaters on the river, and not to restrict the landowners.

Mr. Snelson: I propose an amendment on page 4 line 14, you may strike "access" and insert "recreational". I think that

will address the concerns of landowners. Doug Sternberg: legislative council clarified the amendment to the Committee. Referring to the current Stream Access Law, with respect to surface waters.

Mr. Rollo: (See Exhibit #11)

Mr. Wineghard: I support the bill in content with some concerns in regard to certain wording. I believe that amendments could be made to address concerns.

Mr. Care: I support the bill, as a landowner on the Smith River my concerns are addressed with the changes proposed in the amendments.

Mr. Roos: The need for a management tool in regulating the Smith River is evident. I feel that the Dept. of Fish, Wildlife and Parks is the appropriate agency to address this issue. I believe that if the Dept. is careful about fine tuning the process and use this as a generic tool to make changes we can begin to address the problem.

Mr. Day: I believe that the Dept. has a reasonable approach to managing the river. I support the amendments.

Mr. Shoonan: I feel the bill is well worked out with the addition of the amendments.

Ms. Faye Bergan: (See Exhibit #7a) I see this bill as a good intentioned approach with the spirit of cooperation, it is a comprehensive plan that I feel will address the situation well.

Mr. Meloy: I feel in general we, as recreationist, are better off today because of the efforts of the Dept. of Fish, Wildlife and Parks. I support the intent of this bill, we need to protect the resource. And make the Smith River experience a better one for all of those who wish to float.

Mr. Maki: (See Exhibit #4)

Rep. Ream: "wish to be noted as proponent"

Rep. Phillips: "also wish to be recorded as proponent"

Testifying Opponents and Who They Represent:

Mr. Robert Hanson/ landowner, White Sulphur Springs

Mr. John McGuire/ landowner, White Sulphur Springs

Mr. Elmer Hanson/ landowner, White Sulphur Springs

Mr. George Berg/ landowner, White Sulphur Springs



Mr. Don Johnson/ landowner, White Sulphur Springs

Ms. Kim Enkerude/ Mt. Stockgrowers, Helena

Mr. Ben Hurwitz/ landowner, White Sulphur Springs

Mr. Ambrose Phalen/ landowner, White Sulphur Springs

Mr. John Eckhart/ landowner, White Sulphur Springs

Mr. Robert Dupea/ landowner, White Sulphur Springs

Opponent Testimony:

Mr. Elmer Hanson: The problem with this bill is that it does not address the relationship of the effects with the landowners.

Mr. McGuire: I object to my water rights being turned over to someone else. The bill does have some good qualities, but I don't want to turn my water rights over to be controlled by a bureaucracy. (See Exhibit #16)

Mr. Robert Hanson: When the government acquires stream control the security of the landowner becomes threatened. I agree that there is a need for floater management, but not at the expense of the landowners needs for storage, quantity and quality of water usage. (See Exhibit #12)

Mr. Berg: I wish to be recorded as an opponent of the bill for the same reasons that you have already heard.

Mr. Johnson: My concern is with the water and corridor rights in favor of the regular floaters.

Mr. Hurwitz: I am concerned with the water right of the landowners.

Ms. Enkerude: (See Exhibit #14)

Mr. Ambrose Phalen: I support the concerns of the landowners.

Mr. Eckhart: I believe that the intent is well founded, but the concerns of the landowner must be addressed. (See Exhibit #8)

Mr. Dupea: (See Exhibit #15)

Questions From Committee Members:

REP. ELLISON: I don't particularly care for the "back door" approach, I would like to address the concerns of the landowners with this bill. REP. HARPER: I understand your concerns, and I do not want this bills purpose to be

misunderstood. There is no intent in this bill to intrude with the landowners rights. I would like to present to the Committee an amendment that I feel would clear up any misunderstanding or misinterpretations. (See Exhibit #17)

REP. KASTEN: Will this bill also regulate the use of the river to outfitters? MR. WINEGHARD: Yes, that is my understanding.

REP. ELLISON: Would the costs of the fee cover the expenses that you foresee for the Dept.? MR. MARCOUX: The current budget for the Smith will have to be reviewed. I don't believe that the costs will necessarily be offset, we will try to get some idea of the revenue in the first implementation of the system and review from that point. I would like to address the concerns of the landowners while I have the opportunity to. It is not the intent of the Dept. to, in any way, jeopardize the water rights of the landowners. As far as corridor preservation is concerned, we feel that the plan will be in favor of trying to preserve the corridor. I am amenable to support the kind of property rights that the land owners were addressing, and we will work with those landowners.

Closing by Sponsor:

REP. HARPER: I heard clearly what the opponents concerns are, and we all realize that something has to be done. I want to make clear that the amendment that I presented will protect the rights of the landowners. If the amendment does not cover the landowner, then I will make certain that it will. No changes of the existing use of the water by the landowner is implied, and will occur unless the landowner is in agreement with that change.

DISPOSITION OF HOUSE BILL 655

Motion: Rep. Daily motioned a "do pass"

Discussion:

Amendments, Discussion, and Votes: REP. HARPER: Clarified amendments to the Committee. REP. KASTEN: Questioned some of the wording of "wild and scenic", would like anything stricken from the bill that may later be interpreted as a restriction on landowners. REP. REAM: I would like to comment on the wording of "wild and scenic rivers". I think if we want to prevent the Smith River from becoming a wild and scenic river the best way to do that is by passing this act. Because the National Wild and Scenic Rivers Act has specific provisions in it that exclude state rivers if they are already designated in some way by that state. I think that fear is handled better by passage of this act, than not. REP. KASTEN: I would like to see this bill state that this bill is in no way interpreted as a wild and scenic act,

or bill. REP. REAM: We do not have a state wild and scenic rivers act, many states do. There is only the Federal Wild and Scenic Act designation. REP. DAILY: motioned the amendments proposed. (See Standing Committee Report for details). REP. KASTEN: I agree with the intent of the bill to regulate the water use rights of floaters, however I do see an encroachment on the landowners. I am concerned. REP. PHILLIPS: We already have all sorts of rules and regulations to conserve fish and water. If it will make someone happy to strike some of the questionable wording than I don't see any problem with that. REP. RANEY: You could also make someone unhappy by striking the wording. REP. KASTEN: Rep. Harper presented this tool as a way to regulate the use of the river, and I completely agree with that. I just do not want it to go beyond that. REP. DAILY: I think that Rep. Harper has addressed that in the amendments. REP. DEBRUYCKER: Would it be proper to ask a landowner (Mr. Hanson) if he agrees or objects to this. MR. ELMER HANSON: In the Wilderness Bill passed by Congress, the Tenderfoot Area was hanging on the edge as a recreational study area. And it has come down the Tenderfoot into the Smith River Canyon, where the rivers join together. And the wilderness legislation included into that water use is controlled by the wilderness area. That is really our concern. If this gets into anything that even sounds like wilderness, it effects upstream water use. Whether it says so in this bill or any other bill. Landowners just naturally shy away from anything that leads to that possibility. REP. DEBRUYCKER: I would like to ask Mr. Hanson one more time, do these amendments alleviate your concerns or do you still have problems? MR. HANSON: Yes, I think the amendments and the changes will answer most peoples concerns. REP. KASTEN: In addition to the amendments I would like to add "that nothing in this act will be interpreted to establish the Smith River Waterway as a wild and scenic river". I move that amendment. REP. REAM: Let me state again. I know the Federal Wild and Scenic Rivers Act pretty thoroughly, it is very different than the Wilderness Act. It has an entire section in it that deals with states and states rights, and state designations of wild and scenic rivers. Again, it provides the state primacy over rivers, in terms of designation. So a state does have designation recognizing rivers for their recreational value that will take president over the federal legislation. Even if they wanted to they could not come in and superimpose that on the state. REP. HARPER: I agree with others that the only way to protect this is to never bring the subject up. REP. KASTEN: If you believe that this will protect the landowner as the bill stands, I will withdraw my amendment. But if it does not, woe to those who say it will.

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

## DISPOSITION OF HOUSE BILL 447

Motion: Rep. Elliott motioned to take House Bill 447 from the "table" and place back into committee for reconsideration.

A vote was taken and the committee passed in favor of the reconsideration. (With no votes recorded as: Rep. Gervais, Rep. DeMars, Rep. Phillips, Rep. Strizich) Rep. Elliott therefore motioned a "do pass" for this bill as reconsidered.

Discussion: REP. CLARK: A lot of discussion and negotiations have been made between the State Fire Marshal and the retailers. Not everything has worked out as originally intended. Mr. Bhlem, wanted strictly administrative changes, rather than a bill. Then he returned to me after having studied the issue further, this is what I neglected to convey to Rep. Elliott. Mr. Bhlem stated that probably the issue would be better addressed through a bill, because of more than fire codes that were being addressed. Some building codes were of concern. We had some agreement on some of the storage figures. If we could now introduce some amendments to address this, get this out of the Committee and into the Senate. Then we could work with it. I am sure that Mr. Bhlem is agreeable to further negotiations, as are the retail leaders. There are some changes on powder and primer storage, and we have come to agreements. Some of the agreements on the storage did fall through. So I would recommend that we stay with the original figures for storage. REP. REAM: So you do not have any definite amendments to offer to the Committee now? REP. CLARK: Other than those minor changes. Right now with the way the negotiations went after the bill had been tabled, we have not carried on any further. REP. RANEY: What is the present legal amount of powder that can be stored? REP. CLARK: Right now it is 20 lbs. on display. But most sporting goods stores do not display powder. They usually display empty cans. REP. RANEY: My fear is that if we put this to 400 it will just go through committee without adequate consideration. REP. CLARK: The fire marshal has no objection to that figure. Most of the dealers tell me that 400 lbs. is the most that they would ever be interested in storing. REP. ELLISON: More important to me than the amount is how it is stored. REP. CLARK: We were working on those details when the bill was tabled. Everyone is willing to work together. REP. REAM: My opposition to the bill at the time was that it could be addressed outside of legislation. There was confusion at the time when we tabled the bill, and in my mind, there is still confusion. Would you be able to come to a consensus soon? REP. CLARK: Mr. Bhlem is dealing with the firemen, and I am dealing with the retailers to get together to come up with some agreement. I believe that both parties are sincere. REP. RANEY: Why don't we make the amounts, 100 lbs. primers and 100 lbs. powder. If we have got to let it out of committee and we don't want to make any mistakes. We won't be putting such

large amounts in here that we will fear what we have done and this will give you a point to start from. REP. CLARK: Mr. Bhlem was not having difficulty with the figures we propose. Our only hang-up is with the storage portion. This stuff burns it does not explode, so we are not dealing with an explosive. The 400 lbs. therefore is not out of reason. REP. STRIZICH: How about the conflict that was presented to us in relation to the fire codes, building codes, etc. REP. CLARK: We are dealing with the fire and building codes. Mr. Bhlem felt that those could be worked out, without passing the bill. But we are asking for more of a guarantee than his word. REP. REAM: I feel that we are getting bogged down here and feel that we need to simplify. DOUG STERNBERG: Clarified the amendments proposed.

Amendments, Discussion, and Votes: Amendments pertaining to storage were discussed among committee members, clarification was made by the researcher. (See attached Standing Committee Report for detail) The amendments were voted on and passed.

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

#### ADJOURNMENT

Adjournment At: 6:30 p.m.



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REP. BOB REAM, Chairman

BR/mc

4005.min

# DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Session - Legislative Council

Date February 16<sup>th</sup>

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

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/16/89 BILL NO. HR 26 NUMBER \_\_\_\_\_

NAME	AYE	NAY
Robert Blotkamp	✓	
Ben Cohen	✓	
Fritz Daily	✓	
Gene DeMars	✓	
Bob Pavlovich	✓	
Bob Raney	✓	
Bill Strizich	✓	
Roger DeBruycker	✓	
Orval Ellison	✓	
Ralph Eudaily		✓
Marian Hanson	✓	
Betty Lou Kasten		✓
Vernon Keller	✓	
John Phillips	✓	
Bob Ream, Chairman	✓	
Jim Elliott, Vice Chairman	✓	

TALLY

(14) (2)

Maureen Cleary  
Secretary

Bob Ream  
Chairman

MOTION: up blotkamp "do pass"  
up ream "do pass amend"  
up daily "do pass as amend"

DO PASS AS AMEND

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/16/89 BILL NO. HB283 NUMBER           

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

TALLY

(9) (4)

maureen Cleary

Secretary

Chairman

MOTION: rep. strizich to "move amend" (4) no

DO PASS ASS AMEND

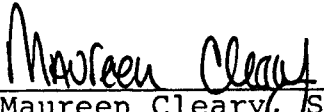


February 16th 1989

Chief Clerk:

Please note that HB447 was taken from the table and reconsidered in Committee. The Committee recommends a "DO PASS AS AMENDED" for House Bill 447.

Respectfully,

  
\_\_\_\_\_  
Maureen Cleary, Sec.  
House Committee Fish and Game

copy: file

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE

2/16

BILL NO.

HB 447

NUMBER

NAME	AYE	NAY
Robert Blotkamp	✓	
Ben Cohen		✓
Fritz Dally	✓	
Gene DeMars	✓	
Bob Pavlovich Coenraes	✓	
Bob Raney	✓	
Bill Strizich	✓	
Roger DeBruycker	✓	
Orval Ellison	✓	
Ralph Eudaily	✓	
Marian Hanson	✓	
Betty Lou Kasten	✓	
Vernon Keller	✓	
John Phillips	✓	
Bob Ream, Chairman		✓
Jim Elliott, Vice Chairman	✓	

TALLY

Maureen Cleary

Secretary

Bob Ream

Chairman

MOTION:

"do pass" up elliot

"amend"

up raney do pass as amend

do pass as amend

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/16/89

BILL NO. HB 720

NUMBER \_\_\_\_\_

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

TALLY

(12)

maureen Cleary

Secretary

Chairman

MOTION: rep keller "DO PASS"  
rep. ream states amendments "move" (12)  
Disc:

DO PASS AS AMEND

# ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/16/89 BILL NO. HB655 NUMBER           

NAME	AYE	NAY
Robert Blotkamp	✓	
Ben Cohen	✓	
Fritz Daily	<del>16</del> ✓	
Gene DeMars	✓	
<del>Bob Pavlovich</del> Rob Genais	<del>16</del> ✓	
Bob Raney	✓	
Bill Strizich	✓	
Roger DeBruycker	✓	
Orval Ellison	✓	
Ralph Eudaily	<del>16</del> ✓	
Marian Hanson	✓	
Betty Lou Kasten	✓	
Vernon Keller	✓	
John Phillips	✓	
Bob Ream, Chairman	✓	
Jim Elliott, Vice Chairman	✓	

TALLY

16

Maureen Cleary  
Secretary

Bob Ream  
Chairman

MOTION: rep daily motioned "do pass"  
rep daily "amends" unan (15)  
rep daily "do pass as amend"  
rep. Kasten now "amend" withdrew  
do pass amend

STANDING COMMITTEE REPORT

February 17, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Fish and Game report that House Joint Resolution 26 (first reading copy -- white) do pass as amended .

Signed: Bob Ream  
Bob Ream, Chairman

And, that such amendments read:

1. Title, lines 5 through 12.

Following: "MONTANA"

Strike: the remainder of line 5 through line 12

Insert: "DIRECTING THE STATE FORESTER TO MANAGE STATE FOREST LANDS TO CONSERVE WILDLIFE AND FISH HABITATS FOR THE BEST INTERESTS OF THE PUBLIC SCHOOL TRUST FUND AND THE PEOPLE OF THE STATE OF MONTANA; AND DIRECTING THE STATE FORESTER AND THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO WORK COOPERATIVELY TO DEVELOP AND IMPLEMENT STANDARDS AND GUIDELINES FOR MANAGING FISH AND WILDLIFE HABITATS ON STATE FOREST LANDS."

2. Page 1, line 14 through page 3, line 15.

Strike: everything following the Title

Insert: " WHEREAS, the Department of State Lands is directed to manage state lands for the support of the public school trust fund and, pursuant to section 77-1-202, MCA, "for the attainment of other worthy objects helpful to the well-being of the people of this state"; and

WHEREAS, the Department of Fish, Wildlife, and Parks is directed under the laws of the State of Montana to provide for the protection, preservation, and management of wildlife and fish within the state; and

WHEREAS, both departments desire to work together for the common purpose of developing, maintaining, and managing all of the wildlife and fish resources on forest lands administered by the Department of State Lands for the best interests of the public school trust fund and the people of Montana; and

February 17, 1989

Page 2 of 2

WHEREAS, Montana receives substantial economic benefits from hunting, outfitting, tourism, and other activity related to wildlife and fish, and these economic benefits, in the form of increased property values and tax base, provide considerable support to public education.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State Forester manage state forest lands to conserve wildlife and fish habitats for the best interests of the public school trust fund and of the people of Montana to the extent permitted and required by federal and state laws and regulations and the principles of multiple-use management.

BE IT FURTHER RESOLVED, that the State Forester and the Director of the Department of Fish, Wildlife, and Parks work cooperatively to develop and implement standards and guidelines for managing fish and wildlife habitats on state forest lands."

STANDING COMMITTEE REPORT

February 17, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Fish and Game report that House Bill 283 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_

*Bob Ream*  
Bob Ream, Chairman

And, that such amendments read:

1. Page 1, line 9.

Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because [section 8] grants rulemaking authority to the department of livestock to regulate the humane treatment of mink and fox. In developing rules, it is intended that the department address facility and operating standards, feeding, sanitation, health, and euthanasia according to current guidelines promulgated by the fur farm animal welfare coalition."

2. Page 1, line 13.

Strike: "killing"

Insert: "harvesting"

3. Page 1, line 23.

Strike: "mink, fox,"

4. Page 1, line 24.

Following: "purposes."

Insert: "The term does not include mink or fox."

5. Page 2, lines 17 through 19.

Following: "(3)" on line 17

Strike: the remainder of line 17 through "containers" on line 19

Insert: "Feeding areas"

6. Page 2, line 23.

Following: "animals"

Insert: "at all times"

7. Page 2, line 24.

Strike: "and be kept open in winter"

8. Page 3, lines 8 through 11.

Following: "(1)"

Strike: the remainder of line 8 through "species." on line 11

Insert: "The department shall regulate the vaccination of fur farm animals according to the most current standards adopted by the American veterinary medical association."

9. Page 3, line 25.

Following: line 24

Insert: "(a) electrocution;"

Renumber: subsequent subsections

10. Page 4, line 12.

Following: line 11

Insert: "NEW SECTION. Section 8. Humane treatment of mink and fox -- standards. The department shall regulate facility and operating standards, feeding, sanitation, health, and euthanasia relating to mink and fox farms according to the most current guidelines promulgated by the fur farm animal welfare coalition."

Renumber: subsequent sections

11. Page 6, line 9.

Following: "instruction."

Insert: "(1)"

12. Page 6, line 14.

Following: line 13

Insert: "(2) [Section 8] is intended to be codified as an integral part of Title 81, and the provisions of Title 81 apply to [section 8]."



STANDING COMMITTEE REPORT

February 17, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that House Bill 447 (first reading copy -- white) do pass as amended .

Signed: Bob Ream

Bob Ream, Chairman

And, that such amendments read:

1. Page 1, line 24.

Strike: "750"

Insert: "400"

2. Page 2, lines 8 through 22.

Following: "area" on line 8

Strike: the remainder of line 8 through "feet" on line 22

Insert: "must be approved by the state fire marshal"

3. Page 2, line 23.

Strike: "500,000"

Insert: "250,000"

STANDING COMMITTEE REPORT

February 17, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Fish and Game report that House Bill 655 (first reading copy -- white), with statement of intent attached, do pass as amended .

Signed: \_\_\_\_\_

Bob Ream  
Bob Ream, Chairman

And, that such amendments read:

1. Title, line 8.  
Following: "USE;"  
Insert: "PROVIDING FOR PROTECTION OF LANDOWNER PROPERTY RIGHTS  
AND WATER RIGHTS;"
2. Page 1, line 18.  
Following: "recreational"  
Insert: "and commercial"
3. Page 1, line 23.  
Strike: "recreational"
4. Page 2, line 9.  
Following: "recreational"  
Insert: "and commercial"
5. Page 2, line 19.  
Following: line 18  
Insert: "(3) Nothing in [this act] may be construed in any way to  
restrict a landowner's access to or use of his land,  
improvements, water rights, or adjacent waterways."
6. Page 3, lines 14 and 15.  
Following: "beauty"  
Strike: ", "  
Insert: "and"  
Following: "solitude"  
Strike: ", and wilderness experience of the river"

7. Page 3, line 25.  
Following: "recreational"  
Insert: "and commercial"

8. Page 4, line 2.  
Following: "recreational"  
Insert: "and commercial"

9. Page 4, line 14.  
Strike: "access"  
Insert: "recreational use"  
Strike: "use"  
Insert: "implementation"

10. Page 4, line 18.  
Following: "recreational"  
Insert: "and commercial"

11. Page 5, line 6.  
Following: "recreational"  
Insert: "and commercial"

12. Page 5, line 9.  
Following: "recreational"  
Insert: "and commercial"

STANDING COMMITTEE REPORT

February 17, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that House Bill 720 (first reading copy -- white) do pass as amended .

Signed: Bob Ream

Bob Ream, Chairman

And, that such amendments read:

1. Page 2, line 5.

Strike: "the county"

Insert: "affected local governments and the state"

2. Page 2, lines 7 and 8.

Following: "of" on line 7

Strike: "the county and school districts"

Insert: "taxing jurisdictions"

3. Page 2, line 9.

Strike: "the county"

Insert: "local governments"

4. Page 2, line 10.

Strike: "county"

Insert: "counties"

Amendments to House Bill No. 655  
Introduced Reading Copy

EXHIBIT #17  
DATE 2/14/89  
HB 655

Requested by Rep. Harper  
For the Committee on House Fish and Game

Prepared by D. Sternberg, Committee Staff  
February 16, 1989

1. Page 2, line 19.

Following: line 18

Insert: "(3) Nothing in [this act] may be construed in any way to  
restrict a landowner's access to or use of his land,  
improvements, water rights, or adjacent waterways."

EXHIBIT \_\_\_\_\_

DATE \_\_\_\_\_

HB \_\_\_\_\_

Amendments to House Joint Resolution No. 26  
Introduced Copy

Prepared for Rep. Cohen  
At the Request of the Department of State Lands

For the House Fish and Game Committee

February 16, 1989

1. Title, lines 5 through 12.

Following: "MONTANA"

Strike: the remainder of line 5 through line 12

Insert: "DIRECTING THE STATE FORESTER TO MANAGE STATE FOREST  
LANDS TO CONSERVE WILDLIFE AND FISH HABITATS FOR THE BEST  
INTERESTS OF THE PUBLIC SCHOOL TRUST FUND AND THE PEOPLE OF  
THE STATE OF MONTANA; AND DIRECTING THE STATE FORESTER AND  
THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS  
TO WORK COOPERATIVELY TO DEVELOP AND IMPLEMENT STANDARDS AND  
GUIDELINES FOR MANAGING FISH AND WILDLIFE HABITATS ON STATE  
FOREST LANDS."

2. Page 1, line 14 through page 3, line 15.

Strike: everything following the Title

Insert: " WHEREAS, the Department of State Lands is directed to  
manage state lands for the support of the public school  
trust fund and, pursuant to section 77-1-202, MCA, "for the  
attainment of other worthy objects helpful to the well-being  
of the people of this state"; and

WHEREAS, the Department of Fish, Wildlife, and Parks is  
directed under the laws of the State of Montana to provide  
for the protection, preservation, and management of wildlife  
and fish within the state; and

WHEREAS, both departments desire to work together for  
the common purpose of developing, maintaining, and managing  
all of the wildlife and fish resources on forest lands  
administered by the Department of State Lands for the best  
interests of the public school trust fund and the people of  
Montana; and

WHEREAS, Montana receives substantial economic benefits  
from hunting, outfitting, tourism, and other activity  
related to wildlife and fish, and these economic benefits,  
in the form of increased property values and tax base,  
provide considerable support to public education.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State Forester manage state forest lands to  
conserve wildlife and fish habitats for the best interests

of the public school trust fund and of the people of Montana to the extent permitted and required by federal and state laws and regulations and the principles of multiple-use management.

BE IT FURTHER RESOLVED, that the State Forester and the Director of the Department of Fish, Wildlife, and Parks work cooperatively to develop and implement standards and guidelines for managing fish and wildlife habitats on state forest lands."



EXHIBIT #1  
DATE 2/16/89  
HB 655

330 North Jackson Helena, Montana 59601 (406) 442-2630

As a Montana Outfitter (Big Sky Expeditions) and owner of Montana Fly Goods, a retail shop in Helena, I would like to go on record in support of House Bill 655.

The Smith River and its surrounding environment is a resource of unmatched beauty. I am confident that with this plan the quality of the Smith River experience will be preserved.

However, one detail of the plan which I think should be re-evaluated is the group size allowed for outfitters. As the plan stands it allows for 15 guests. This size of client group would mean a total party size of at least 25 people (15 guests, 8 guides, 2 freighters). I do not feel that this is a group size appropriate for the Smith River. My suggestion would be a limit of 10 guests, allowing for a total group size of 18 ( 10 guests, 5 guides, up to 3 freighters).

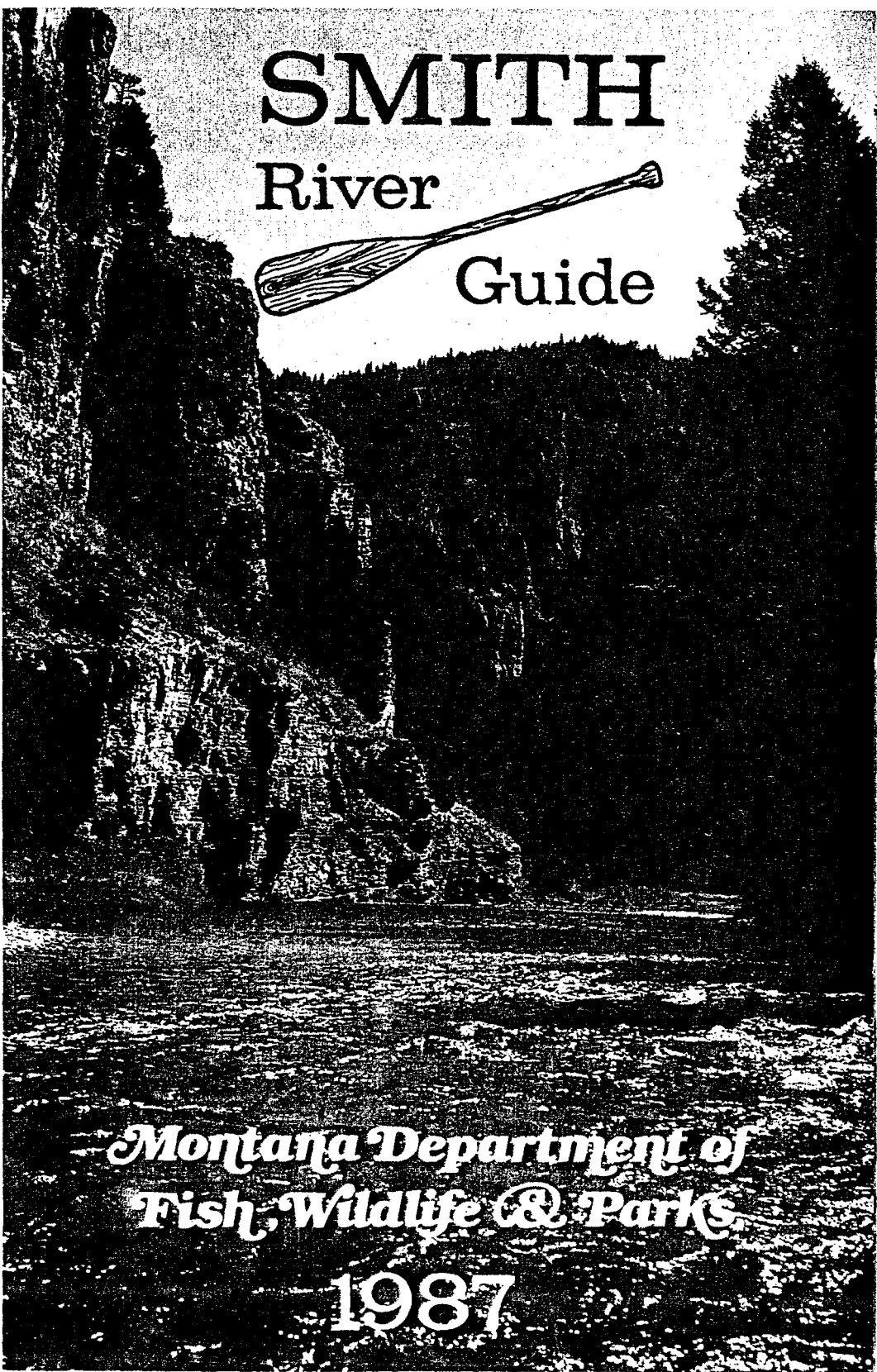
Thank you for your time and consideration of this suggestion.

Sincerely,

Joel Wiemer  
BIG SKY EXPEDITIONS  
MONTANA FLY GOODS



#2  
EXHIBIT  
DATE 2-16-89  
HB 655

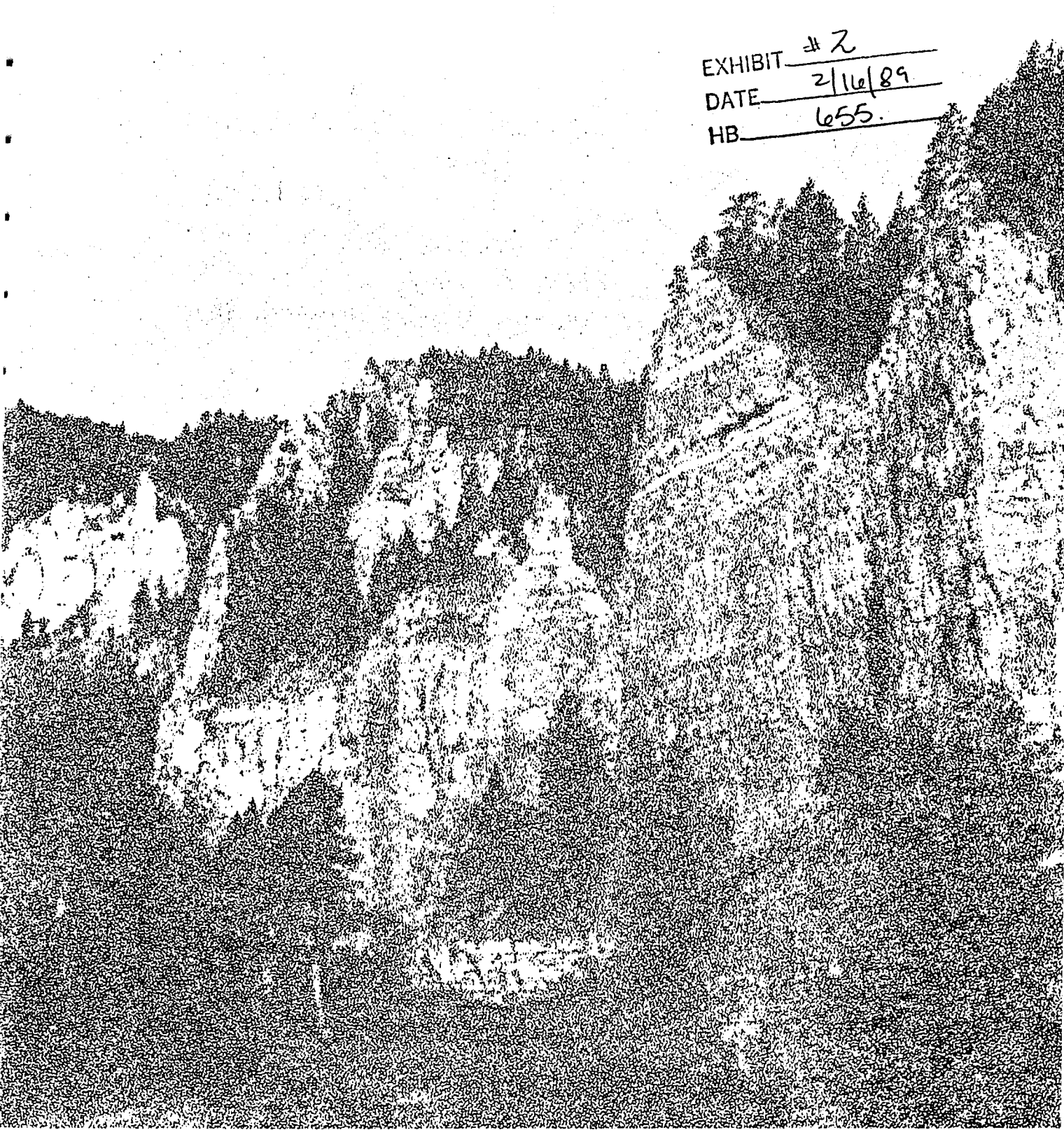


# SMITH River Guide

Montana Department of  
Fish, Wildlife & Parks

1987

EXHIBIT # 2  
DATE 2/16/89  
HB 655.



# Smith River Management Plan 1988

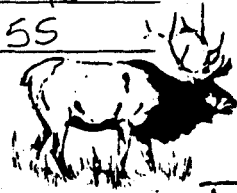
*Montana Department of Fish, Wildlife & Parks*



# John Maki Outfitters

655 Granite  
Helena, Montana 59601  
406-442-6129

EXHIBIT #4  
DATE 2/16/89  
HB 655



Feb. 15, 1989

TO -  
Committee Considering House  
Bill # 655

I am a proponent of this  
bill and think the Fish & Game  
Dept. has done a very good  
job of managing and studying  
the Smith river in order to  
implement this Plan.

John Maki

28

EXHIBIT #5  
DATE 2/16/89  
HB 655Engineering, Planning,  
Management & Environmental  
Consulting Services**JOEL A. SHOUSE P.E.**

February 15, 1989

House Fish & Game Committee  
& Rep. Bob Ream, Chairman  
Montana State Legislature  
Helena, MT 59620

Re: HB 655

Dear Committee Members:

I had the good fortune to be able to assist the Dept. of Fish, Wildlife and Parks over the past three years in extensive studies of the Smith River, one of Montana's most outstanding outdoor recreation resources. Detailed studies were done on the recreation use and on the stream corridor. The Department utilized an Advisory Committee made up of landowners, floaters, outfitters, and public land managers to assist in every step of these investigations. Numerous public meetings were held on the studies, management plan, and recommendations for legislation to accomplish the management plan.

The outgrowth of this work is HB 655, the Smith River Management Act. I strongly believe that the landowners, recreation users, and the outfitters on the Smith support this proposed legislation and I urge you to act favorably on this bill.

The Department has initiated studies, such as were done on the Smith, on the major fishing streams in the State. These studies all involve the landowners and public and commercial users of the streams. The end result of this work will be site specific management plans which have the support of local interest groups. In some cases, as with the Smith, legislation may be needed to accomplish the management plan. The real value in this approach is that the individual needs of each stream are being dealt with and local support is also being obtained. This is vastly superior to legislation which gives blanket management authority to all streams in the State.

I am sorry that I can not be present to testify on HB 655, but I again urge your support for this very important legislation.

Sincerely,

Joel A. Shouse

JAS/as



**JOEL A. SHOUSE P.E.**

February 15, 1989

House Fish & Game Committee  
% Rep. Bob Ream, Chairman  
Montana State Legislature  
Helena, MT 59620

EXHIBIT #6  
DATE 2/16/89  
HB 655

Re: HB 655

Dear Committee Members:

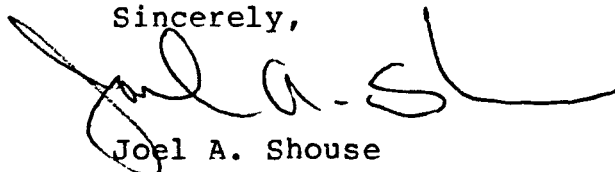
I had the good fortune to be able to assist the Dept. of Fish, Wildlife and Parks over the past three years in extensive studies of the Smith River, one of Montana's most outstanding outdoor recreation resources. Detailed studies were done on the recreation use and on the stream corridor. The Department utilized an Advisory Committee made up of landowners, floaters, outfitters, and public land managers to assist in every step of these investigations. Numerous public meetings were held on the studies, management plan, and recommendations for legislation to accomplish the management plan.

The outgrowth of this work is HB 655, the Smith River Management Act. I strongly believe that the landowners, recreation users, and the outfitters on the Smith support this proposed legislation and I urge you to act favorably on this bill.

The Department has initiated studies, such as were done on the Smith, on the major fishing streams in the State. These studies all involve the landowners and public and commercial users of the streams. The end result of this work will be site specific management plans which have the support of local interest groups. In some cases, as with the Smith, legislation may be needed to accomplish the management plan. The real value in this approach is that the individual needs of each stream are being dealt with and local support is also being obtained. This is vastly superior to legislation which gives blanket management authority to all streams in the State.

I am sorry that I can not be present to testify on HB 655, but I again urge your support for this very important legislation.

Sincerely,



Joel A. Shouse

JAS/as

EXHIBIT #7  
DATE 2/16/89  
HB HJR 26

HJR 26  
February 16, 1989

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

The Department of Fish, Wildlife & Parks supports HJR 26. We presently have a cooperative agreement with the Department of State Lands' Forestry Division for the purpose of developing guidelines and procedures to integrate wildlife and fisheries considerations into timber-management activities.

We welcome legislative endorsement of these efforts.

EXHIBIT #7a

DATE 2/16/89

HB 655

# WITNESS STATEMENT

NAME FAYE BERGAN

BILL NO. #B653

ADDRESS 12 S. Benton

WHOM DO YOU REPRESENT? Self - Reentry graduate

SUPPORT                      ~~OPPOSE~~                      AMEND                     

COMMENTS: \_\_\_\_\_

*Lay Berg*

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT # 8  
DATE 2/16/89  
HB 655

WITNESS STATEMENT

NAME JOHN ECKHARDT BILL NO. 655  
ADDRESS ELK CANYON RANCH, WHITE SULPHUR SPRINGS, MT  
WHOM DO YOU REPRESENT? SELF

SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND X

COMMENTS: I SUPPORT THE EFFORT TO REGULATE  
THE RECREATIONAL USE OF THE SMITH RIVER,  
BUT DO FEEL THAT IT MUST BE AMENDED SO  
AS NOT TO IMPACT IN ANY WAY, NOW OR IN THE  
FUTURE, THE PRIVATE LAND OWNERS USE OF  
LAND OR WATER RIGHTS. REMOVE ~~THE~~ ANY  
THOUGHT THAT THIS IS THE BEGINNING OF A  
'WILD & SCENIC RIVER' DESIGNATION' FOR THE  
SMITH.

*John Eckhardt*

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



HB 720  
February 16, 1989

EXHIBIT #8a  
DATE 2/16/89  
HB 720

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

The Department of Fish, Wildlife & Parks supports HB 720 as proposed. The bill requires additional analysis be completed by the department on social and economic impacts of proposed acquisitions, leases or easements. These issues surfaced as major topics during public hearings on land proposals by the department during the past year.

This analysis will give the public and local County Commissioners the benefit of a comprehensive review of all the issues which may be of concern or have an impact on the local economy. The department believes the public deserves the best information available in order to comment. It is only through this commenting process that the department can address the legitimate concerns on a particular proposal.

Inclusion of the language of HB 720 into the process which already exists for land acquisition will meet the concerns expressed by the public.

EXHIBIT #9  
DATE 2/16/89  
HB 655

HB 655  
February 16, 1989

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

The Smith River Canyon extends 61 river miles from Camp Baker to the Eden Bridge. It has long been recognized as a special place. In the past, it has been considered for National Wild and Scenic River designation, as well as state legislation to designate it a state park. In 1972, the Montana Fish and Game Commission designated the canyon portion of the river as the Smith River Recreational Waterway.

The canyon has no public access below Camp Baker and only limited private access due to the vertical canyon walls. More than 80 percent of the river frontage is in private ownership. Public ownership consists of state lands managed by the Department of Fish, Wildlife & Parks; state school trust lands administered by the Department of State Lands, and federal lands administered by the Lewis and Clark National Forest. At this time there are 22 public boat camps in the river corridor, 9 on Forest Service land, 6 on department land, and 7 on private land leased by the department. All 22 are managed by the department.

Public use of the canyon is typically in the form of 3-5 day float trips, with overnight camping along the river. The floating season can range from 4 to 12 weeks depending upon weather and water conditions. Use ranges between 1,200 and 2,000 floaters per season. When activity on the river exceeds 100 floaters per day, space at boat camps is inadequate, the potential for trespass and other problems such as camp site degradation is greater, and user satisfaction begins to diminish significantly. This currently occurs during peak periods. The department must rely largely on voluntary measures or natural conditions to limit or distribute recreational use on this increasingly popular stretch of river.

Since 1981, the department has been working to reduce impacts on private lands, maintain boat camps, float gates and signs, pick up litter and provide information through the distribution of a river map guide. This is accomplished by employing a seasonal river ranger.

In 1984, an ad hoc advisory committee, including recreational users, outfitters, landowners, the Forest Service and department personnel, was created to advise the department on river management issues.

In 1988, the department published the Smith River Management Plan which is an outgrowth of the work of the ad hoc

committee, extensive public involvement, and the river ranger program.

The goal of the Smith River Plan is ... "to identify ways of providing continued public recreational use and enjoyment of the Smith River Waterway, consistent with the river's capacity to maintain this use; to seek ways to minimize conflicts between river users and private landowners; and to protect the integrity of the river's water and canyon resources for future generations to enjoy." The heart of the plan is a staged and measured response to increasing levels of use.

I don't believe anyone, including the department, relishes the idea of more restrictive measures and increasing costs; however, the popularity of the Smith River and the attendant private lands and social demands make it evident that additional steps are necessary to maintain a quality experience and reduce conflicts between river users and private landowners.

HB 655 provides the Fish and Game Commission authority to regulate recreational use in the Smith River canyon and establish recreational floating fees to help pay for river corridor management. This proposal was developed with the participation of recreational users of the Smith River, outfitters, owners of adjacent private land, and the public agencies involved - local, state and federal.

The river's recreational carrying capacity has been set, based on experience, at 100 floaters per day. When use exceeds this level, problems arise and satisfaction diminishes.

A management system has been devised which will employ measures to distribute or limit use to keep peak days at or below 100 floaters per day. As use increases, more stringent management strategies will be employed.

Each year the recreational use will be evaluated at the end of the floating season. If use has exceeded the river capacity of 100 floaters per day for 15 or more days during the previous season, more stringent use controls will be considered for the coming year.

Five stages of management are defined in the plan.

Management is presently at Stage 1 which is characterized by a voluntary reservation system to help users distribute their use of the river to non-peak days, voluntary floater declaration of campsites to distribute use through the canyon, floater surveys to better understand user needs, informational and regulatory signing on the river and at access points, a

river guide brochure, regular creel fish surveys, and monitoring by the ad hoc committee.

Stage 2 will be implemented to ease floaters into a registration permit system. It continues the voluntary reservation system but adds a mandatory registration and the possible use of float craft identification tags. When use of the river exceeds 100 for more than 15 days per season we will initiate Stage 3.

Stage 3 would provide mandatory reservations for a set number of permits for the peak period of approximately Memorial Day through the Fourth of July, it would regulate floater parties, as well as the total number of floaters and allocate outfitter use. User fees will be initiated at this stage.

Stage 4 would extend Stage 3 regulation to the entire float season. Stage 5 would institute an equitable process for allocating permits for individuals.

Reasonable floater user fees is a way to offset the cost of increased corridor management. The present budget is \$23,000 per year and comes from Parks coal tax funds. A fee of \$5-\$10 per person would generate \$10,000-\$20,000 per year at current use levels. This bill proposes the design of the fee. Its amount would be set by the commission through a public rule-making process which would include hearings.

Allocation of floating use may be needed in the future. This can be a complicated and time consuming task which must balance the needs of all users, including those requiring outfitter services, as well as resource considerations. This bill proposes using the Fish and Game Commission's public rule-making process to devise a method for fairly distributing floater use.

With such authority in place, the commission and the department will have the tools needed to manage the Smith River Corridor as prescribed in the Smith River Plan.

We urge your support of HB 655.

# Medicine River Canoe Club

Great Falls, Montana

February 15, 1989

EXHIBIT #10  
DATE 2/16/89  
HB 655

House Fish and Game Committee  
State Capitol  
Helena, Montana

Chairman Ream and Members of the Committee:

In 1984 the Smith River Ad Hoc Committee was founded. Its purpose was to formulate a management plan for the Smith River. In the preceding years, consistently growing use on the Smith by floaters and fishermen had precipitated some landowner-recreationist conflicts and it became obvious that a formal management plan was necessary.

In addition to personnel from the Department of Fish, Wildlife & Parks, who would ultimately take the role as the primary managing agency, there were also representatives from the Forest Service, from Smith River landowners, from outfitters and from the general recreational floating public. I have been an avid floater of area rivers for many years and was asked to sit on the committee as that representative of the non-outfitted recreational floaters.

After a number of years of intense work by the committee members plus the expertise of a very competent land-use-planner plus the input from several public hearings held in Great Falls, Helena, Bozeman and the Eden area of the Smith River, a management plan was finally completed. Current state law would allow the Department of Fish, Wildlife & Parks to implement most of the plan. However, as use of the river increases, the management plan calls for implementation of some type of permit system and also establishment of users' fees. State law does not now make these two items possible so that is the purpose of HB 655.

Establishment of a permit system has had landowner support from the beginning since they have seen it as a useful tool to control the number of floaters. Input from the recreationists has also shown general support for this. Smith River floaters seem to place a high value on the serenity and solitude of the near-wilderness conditions and do not wish to have it degraded by overcrowding. Overcrowding can result in not only conflicts with landowners but also social conflicts among river users themselves.

The concept of users fees also seems to have broad support. Such monies might go towards boat camp maintenance, latrine installation, publication of a river guide, continued monitoring of river use, additional river rangers' salaries to allow enhanced enforcement of fishing regulations and trespass laws,

also implementation of the permit system, craft identification tags of decals, maintenance of signs to identify what is public and what is private land and other uses unforeseen at this time. Recreationists and landowners alike see the possibility of many beneficial uses from users' fees.

It would seem that all landowners that understand the intent of this bill would lend their support to it because it offers a method for controlling floaters on the Smith River. Some recreationists might be apprehensive of such controls because, even though a system of permitted rivers is common in many areas of the United States, it is new to Montana.

I personally admit to some unease but I must recognize the passing era of uncontrolled river use and I must face the reality of the need to control the increasing use of Montana rivers, especially the Smith.

The Smith River management plan and this bill that would provide the authority to implement all aspects of the plan is the culmination of several years of work by the dedicated members of the Ad Hoc Committee. I respectfully encourage this committee to support HB 655.

Sincerely,

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

Dianne L. McDermand  
Member, Smith River Ad Hoc Committee  
3805 4th Ave. S.  
Great Falls, MT 59405

# Medicine River Canoe Club

Great Falls, Montana

February 16, 1989

EXHIBIT # 11

DATE 2/16/89

HB 655

House Fish & Game Committee  
Room 312-3  
Capitol Building  
Helena, Montana 59620

Attention: Representative Bob Ream, Chairman

Reference: H.B. 655

Dear Representative Ream:

The Medicine River Canoe Club would like to voice our position on the Smith River Management Act (HB 655). We support HB 655 in its present form.

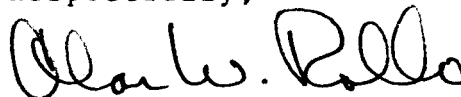
We favor efforts to preserve the present qualities found in the Smith River corridor. The Smith River Management Plan allows for certain preservation steps to be taken.

Specifically, we support:

- 1) Regulating use based on river capacity.
- 2) Regulating users both private and commercial; this represents a needed compromise between the outfitter and independent floater interests.
- 3) Allow the Department of Fish, Wildlife and Parks to charge users fees to enhance the Smith River's management.

HB 655 promotes the mutual objectives of landowners and floaters. This bill is in the best interest of all parties involved.

Respectfully,



Alan W. Rollo, President

EXHIBIT #12  
DATE 2/16/89  
HB 655

WITNESS STATEMENT

NAME Elmer Hanson BILL NO. 655

ADDRESS Box 529 White Sulphur Springs

WHOM DO YOU REPRESENT? Self and Smith River Water Users

SUPPORT \_\_\_\_\_ OPPOSE ☒ AMEND \_\_\_\_\_

COMMENTS: I am a past president of Montana Stockgrowers, Chairman of the Board of Montana Livestock Ag Credit Inc. I am president of Riverside Ranch Co which owns and operates a cattle ranch in Meagher County along Smith River and tributaries of it. I have floated Smith River Canyon 3 times. When a government agency acquires control of streams, stream flows and nearby land use, a rancher's base property and production becomes unstable. Livestock management and feed production become affected. The security of feed production and ability to repay financial obligations become questionable and possibly difficult. This could lower the security value of assets for ranch financing and the ability to acquire capital for ranch operation.

I am a board member of Smith River Water Users Assoc. The best storage for mid & late summer stream flow water is the up stream irrigator.

Do you have any questions? + water  
Management is need - not regulation of land users.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



EXHIBIT #13  
DATE 2/16/89  
HD 655

WITNESS STATEMENT

NAME Ambrose Phelan BILL NO. 655

ADDRESS \_\_\_\_\_

WHOM DO YOU REPRESENT? \_\_\_\_\_

SUPPORT \_\_\_\_\_ OPPOSE ☒ AMEND \_\_\_\_\_

COMMENTS: \_\_\_\_\_

I am opposed to bill 655

because of water rights and  
property rights.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## WITNESS STATEMENT

EXHIBIT #14  
DATE 2/16/89  
655NAME Kim EnkerudBILL NO. HB 655

ADDRESS \_\_\_\_\_

WHOM DO YOU REPRESENT? The StockgrowersSUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

COMMENTS: \_\_\_\_\_

We commend the Dept. & the sponsor for the attempt to regulate the recreational use along the Smith to ensure it for everyone to enjoy.

However, our organization feels this bill does not properly address the landowners rights. In this bill most of the concerns are addressing the recreational & fish & wildlife concerns. No where do I see the assurance of the continuation of landowner privileges.

In fact, I am concerned this bill is the start of designation of wild & scenic river bill in MT. Oregon recently passed a wild & scenic river bill that affects what can happen along a river corridor. Landowners will not be able to make improvements in these areas or to utilize these areas that benefit their operation to their maximum potential.

On page 4, line 25, the commission is to regulate the land in the river corridor under the control of

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

the dept. to preserve the experience of floating,  
fishing, + camping in a natural environment.

I know this says the land the dept. controls,  
however there are those who will want the  
experience to go beyond what land the Dept. controls.  
This conf. will affect the private landowners.

I believe there is a need to clearly  
point out that this bill is to regulate recreational  
use if that is its intended purpose.

The landowners you have heard from  
are concerned + rightly so, with what has been  
occurring across the country in regard to  
recreation + private land + landowners.

EXHIBIT #15  
DATE 2/16/89  
HB 655

WITNESS STATEMENT

NAME Robert Dupea BILL NO. 655  
ADDRESS White Sulphur Springs MT.  
WHOM DO YOU REPRESENT? Outfitter & Rancher  
SUPPORT \_\_\_\_\_ OPPOSE ✓ AMEND \_\_\_\_\_

COMMENTS: I just do believe floating

should be regulated on Smith River.

I do not support a corridor  
on either side of Smith River. There  
is no mention of the agriculture  
use that most of the areas are  
now subjected to or for compensation  
for this corridor.

Maintaining Water flow.  
This is a factor that would effect our  
water usage or water rights. We  
oppose any legislation that would  
attempt to control or alter our  
water rights.

As a Taxpayer and  
citizen of Meagher County I  
didn't have the opportunity to  
have input in the Smith River  
Management Plan.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT #16  
DATE 2/14/89  
HB 655

WITNESS STATEMENT

NAME John McGuire BILL NO. 655 - HB  
ADDRESS Box 630, W.S.S. MT 59645  
WHOM DO YOU REPRESENT? Self & Smith River Water users  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

COMMENTS: Although there appear to be  
aspects of this bill that are  
desirable (e.g., regulation of recreation  
use and fee charges) the parts of  
the plan pertaining to water quality  
and quantity and scenic integrity  
appear to threaten the rights  
of water users on the Smith  
River and its tributaries. Having  
the F. & S. managing our  
water adjudications and irrigation  
practices is objectionable.

A great deal of clarification  
regarding property & water rights  
is needed before this bill should  
be considered.

Section 2 C, line 14 and Section  
5 B, line 14 address the issues  
we find objectionable.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

John M. McGuire

WITNESS STATEMENT

NAME Rob Braach BILL NO. HB 447  
ADDRESS 1915 SO 12<sup>th</sup> W Missoula MT 59801  
WHOM DO YOU REPRESENT? Western MT Fish + Game Assn  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND X

COMMENTS:

In favor of bill with exception of Section 2 part 2  
Amend to read: Nothing in this section may  
be construed to allow the storage of  
smokeless powder in individual containers  
holding greater than 15 pounds, ~~but not with~~ or  
~~not~~ allow for repackaging of smokeless powder  
from larger to smaller containers on the  
retail premises.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

Fish and Game COMMITTEEBILL NO. HB 720DATE Feb 16<sup>th</sup>SPONSOR Giacometto

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Rich Day	Bozeman	✓	
Tony Schaeffer	Bozeman	✓	
Janet Ellis	Helena	✓	
L. A. Thomas	Anaconda	✓	
Kim Enkerud	MT Stockpiles	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

Fish and Game COMMITTEEBILL NO. HB 655DATE Feb. 16<sup>th</sup>

SPONSOR \_\_\_\_\_

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Tony Schiener	Butte	✓	
Rich Day	Bozeman	✓	
Dianne McDermid	Great Falls	✓	
Alan Rollo	Great Falls	✓	
L. J. Roman	Anaconda	✓	
Elmer Hansen	White Sulphur Springs		✓
John H. McGuire	White Sulph. Springs		✓
Robert Hanson	White Sulphur, Springs		✓
Jan Eckhardt	White Sulphur Springs		✓
Steve Abern	" " "		✓
Peggy Phalen	" " "		✓
Barbara Phalen	" " "		✓
Stan Hurwitz	" " "		✓
Don & Betty Johnston	" " "		✓
Steve Gilbert	Helena	✓	
Joel Werner	Helena	✓	
Faye Berman	Helena	✓	
Mike Bay	Helena	✓	
John L. L.	Helena	✓	

Kim Enkerud  
 IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.  
 Scott Swenson  
 MT STOCKGROWERS  
 MT WILDLIFE FEDERATION  
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Paul S. Roos

Helena

S ✓



HB 655

		Support	Oppose
Guy Halgerson	Helena (Audubon)	✓	
MARK Meloy	Helena	✓	
Lorna Frank	Farm Bureau		x
Stan Broadshaw	Trout Unlimited	✓	