

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By VICE CHAIRMAN HIBBARD, on February 2, 1993, at
3:00 p.m.

ROLL CALL

Members Present:

Rep. Mike Foster, Chair (R)
Rep. Chase Hibbard, Vice Chair (R)
Rep. Bob Ream, Minority Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Bob Clark (R)
Rep. Fritz Daily (D)
Rep. Jim Elliott (D)
Rep. Duane Grimes (R)
Rep. Marian Hanson (R)
Rep. Dick Knox (R)
Rep. Bea McCarthy (D)
Rep. Brad Molnar (R)
Rep. Scott Orr (R)
Rep. Bill Ryan (D)
Rep. Emily Swanson (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 214, HB 341
Executive Action: HB 281

HEARING ON HB 341

Opening Statement by Sponsor:

REP. HARPER, House District 44, Helena, said HB 341 deals with the illegal transplanting of fish species. The only way to prosecute for illegally transplanting fish is to witness the action. Two problems with this are that it is rare someone will witness the action and once the action is done, the damage is

done. The existing law has severe penalties for illegally transplanting fish. The heart of the problem lies in transportation of live fish. Live wells make it very easy to transplant fish. Trout fishing is suffering due to the transplants of walleye and northern pike. Filleting of fish right after it is caught is discouraged because it makes it impossible to tell which species it is. This is important because in certain areas there is a species limit. **REP. HARPER** felt that without HB 341 he was unsure how to address the illegal transplant of fish. From his own experience, using proper fishing and storing techniques, he stated live wells are not absolutely necessary.

Proponents' Testimony:

Mr. George Ochenski, fisherman, stated he supports HB 341.

Mr. Clay Landry, Trout Unlimited, felt there is a need to protect Montana's trout fishing against people who transplant cool water fish such as the walleye and pike. The walleye and pike compete with the trout for food and habitat. The act of transplanting must be witnessed. Whether witnessed or not, the damage is done. He stated HB 341 is one step toward limiting the introduction and spread of cool water fish. **Mr. Landry** encouraged the committee's support of the bill.

Mr. Pat Graham, Director of Fish, Wildlife, and Parks Department, distributed written testimony (EXHIBIT 1).

Ms. Janet Ellis, Montana Audubon Legislative Fund, remarked that only recently has interest arisen regarding native Montana fish. HB 341 gives the Department an important tool to protect the fisheries.

Mr. Art Whitney, Montana Chapter of the American Fisheries Society, distributed written testimony (EXHIBIT 2).

Mr. Robin Cunningham, Fishing Outfitters Association of Montana, urged passage of HB 341.

Mr. Earl Dorsey, President of Trout Unlimited, stated the organization supported HB 341.

Mr. Bill Holdorf, Director of Skyline Sportsman, stated Montana has been an excellent trout fishing area for many years. However, he said that the trout fishing is shrinking. He urged the committee to vote in favor of HB 341.

Mr. Bob Carlson, Citizen, stated there may be some opposition by those who would like to transport fillets. Currently, that practice is illegal. He stated that in Minnesota fillets are allowed to be transported as long as one square inch of skin is left attached to the fillets. It may be a consideration for the committee.

Mr. Robert Van DeVere, Citizen, expressed support for HB 341.

Mr. Tony Schoonen, Trout fisherman, urged support for HB 341.

Mr. L.F. Thomas, Anaconda Sportsman Club, declared their support of HB 341.

Opponents' Testimony:

Mr. Riley Johnson, Walleyes Unlimited, presented a written testimony (EXHIBIT 3).

Mr. John Lamb, Walleyes Unlimited, stated there are many people on both sides of HB 341. Walleyes Unlimited has been in support of legislation that will stop the transplanting of fish. He distributed two magazine articles for the committee's inspection. The biology of the trout and walleye are very different. Walleyes have a mucous film associated with the protection of the fish. After the fish is killed and gutted, that film will taint the meat if left in a cooler. In eastern Montana, lakes are much farther apart. He felt that it is very unlikely the people catching fish are catching them for the purpose of transplanting. Mr. Lamb felt a solution for the problem was to educate sportsmen and stiffen penalties for the offenders. He expressed the concern that the passage of HB 341 would create a wedge between Walleyes Unlimited and the Department.

Mr. Glen Briese, Fisherman, communicated his opposition to HB 341.

Mr. Eugene Lamb, Walleyes Unlimited, said that he opposes HB 341.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. BILL RYAN submitted a list of people who opposed HB 341 (EXHIBIT 4).

VICE CHAIRMAN CHASE HIBBARD submitted a letter from Mr. Terry McArdle, Fish Taxidermy, opposing HB 341 (EXHIBIT 5).

REP. FRITZ DAILY asked Mr. Graham if there was a possibility of making HB 341 acceptable for both sides. Mr. Graham referred the question to Mr. Larry Peterman, Fish, Wildlife, and Parks Department. Mr. Peterman stated the fillet law (head & tail law) limits number of fish caught or creates a size limit. The head and tail law provides a way to measure the length of the fish or to identify the species. The practice in some states is to leave a piece of identifying skin on the fish. At their next regulatory meeting, this regulation will be addressed. REP. DAILY inquired why this has not been completed earlier. Mr. Peterman contended the head & tail law was examined two years ago; however, no regulations were made. The Department was

unaware of the large extent which live fish are being transported from the lake to the fisherman's home.

REP. DOUG WAGNER asked Mr. Peterman how HB 341 would affect taxidermists. Mr. Peterman stated he was unable to answer the question. Mr. Lamb stated it would have an impact on taxidermists. Unless borox and a towel are kept in the boat, the fish must be kept alive in order to have it mounted.

REP. BRAD MOLNAR asked Mr. Peterman if it would be possible to amend HB 341 to aid the fisherman who desired to mount a trophy fish. Mr. Peterman stated no amendments were available presently, but they would look at different options. REP. MOLNAR expressed his concern regarding impairing taxidermy work and asked if the Department would examine different possibilities. He stated he supported HB 341 but did not want to harm the taxidermy industry and walleye fishing. Mr. Peterman stated he felt that it may be an inconvenience for the fisherman; however, neither industry would suffer as a result of HB 341. REP. MOLNAR requested the Department to develop amendments to HB 341 to the satisfaction of the taxidermy industry and walleye fishermen. VICE CHAIRMAN HIBBARD asked the Department to comply.

REP. SCOTT ORR asked Mr. Peterman if the Department has the authority to stop a fisherman and inspect the live wells. He said that he did not believe so.

VICE CHAIRMAN HIBBARD stated that he read (EXHIBIT 5), letter from Terry McArdle and it addressed a different subject than what REP. WAGNER's concerns were.

REP. RYAN asked REP. HARPER what the penalties are for illegal transplant of fish. REP. HARPER said that a person may be required to mitigate the costs or lose his license for the season or for life. Mr. Johnson read the statutes regarding punishment for the offender. He referenced the Lake Mary Ronan case where the person was fined \$2,000 and license was suspended. Damage from the person's action resulted in approximately \$300,000. The judgment was appealed and overturned because the penalty was too severe for a misdemeanor. Mr. Bob Lane, Attorney, Fish, Wildlife, and Parks Department, corrected the mischaracterization of the Lake Mary Ronan case litigation. He stated the Montana Supreme Court said that there was a technical difference. JP Court did not have jurisdiction when the offense occurred. The District Court had jurisdiction. Penalties are still valid and the offender could be brought before the District Court.

Closing by Sponsor:

REP. HARPER stated the emphasis should remain on solutions. There is a difference in fish species and different ways to handle the problem. He felt that walleye, pike, and other fishermen should press the Department for different fillet rules. REP. HARPER said that he would work with the Department on

amendments. It was his belief that passing HB 341 would help in stopping the illegal transplant of fish. It remains important to intercept the offender transporting the fish. He thanked the committee for their time.

HEARING ON 214

Opening Statement by Sponsor:

REP. MARION HANSON, House District 100, Ashland, stated there are concerns regarding the amount of land the Department is purchasing instead of pursuing leasing or easements. Weeds and broken fences on Department owned land were two problems identified by REP. HANSON.

Proponents' Testimony:

REP. ROSE, House District 11, Choteau, stated he supported HB 214. There are other out-of-state agencies that have been purchasing large tracts of land. He urged the committee to consider HB 214.

Mr. Errol Galt, Citizen, spoke in favor of HB 214. (EXHIBIT 6)

Mr. Knute Hereim, Citizen, distributed written testimony. (EXHIBIT 7)

Mr. Todd Townsend, Citizen, circulated written testimony. (EXHIBIT 8)

Mr. Lee Rostad, member of the Montana Stockgrowers Association, distributed written testimony. (EXHIBIT 9)

Mr. John Bloomquist, Montana Stockgrowers Association, declared his support for HB 214. (EXHIBIT 10)

Mr. Jim Peterson, Citizen, stated that he was outbid by the Department in pasture land that he was considering buying. He asserted that Montana is already one-third public land. Mr. Peterson felt that private ownership will provide better stewardship of the land. According to the Bureau of Land Management, the elk population has increased significantly. BLM is losing approximately 2,000 acres per day of productive agricultural land to noxious weeds. He felt that HB 214 properly addressed the need for the Department to acquire land through easements or leases rather than purchasing it.

Mr. Bob Hoffman, Agriculture Preservation Association (APA), said that the APA is an organization of farmers and ranchers primarily from Gallatin County. He announced their support of HB 214.

Mr. Dale Johnson, Citizen, reported his support of HB 214. (EXHIBIT 11).

Ms. Loren Frank, Montana Farm Bureau (MFB), expressed their support of HB 214. They oppose state and federal purchase of land unless land is sold or traded of equal value within the area. It is the MFB's opinion that ownership should remain in the private sector.

Mr. Richard Anderson, Citizen, distributed written testimony. (EXHIBIT 12)

Mr. Kelly Flynn, Citizen, expressed his support of HB 214.

Opponents' Testimony:

Mr. Ron Stevens, Citizen, circulated written testimony. (EXHIBIT 13)

Mr. Jim Richard, Montana Wildlife Federation, distributed written testimony. (EXHIBIT 14)

Mr. Stan Frasier, Prickley Pear Sportsman's Club, stated their opposition of HB 214. The Russell Country Sports Club also opposes HB 214. The land acquisition program was put into effect at the request of sportsmen and is paid for by increases in hunting and fishing license fees. The increase in the fees was for the purchase or easement of habitat lands. He explained that the reason there are not many leases is due to sellers of the land not desiring them. A question raised by Mr. Frasier is what will the sportsmen obtain for the extra fee they pay for hunting and fishing licenses. He felt the problems of public land management is politics and that the land is not managed with sound scientific principles. Mr. Frasier urged the committee to give HB 214 a do not pass.

Mr. Dave Campbell, President of Montana Bowhunters Association, said that the original purpose of HB 526 passed in 1987 legislature was to enhance and protect wildlife habitat through the purchase of leases, conservation easements, and fee title. The seller of the land determines which method of purchase the Department will use. He felt HB 214 would discriminate against the Department. In his opinion, landowners would not want to submit themselves to similar regulations that are set forth in HB 214. Appraisals are completed on a basis of comparable sales and the sale reflects the value of the land. He believed that the source of the overpopulation problem was the private landowners, because they do not allow hunting access on their land. The Department can manage the lands by working together with the sportsmen and landowners.

Ms. Janet Ellis, Montana Audubon Legislative Fund, expressed their opposition to HB 214. She said that there is no biological basis to set the number of acres the Department should be able to acquire. As Montana continues to grow, she felt pressure would be applied on wildlife habitat.

Mr. Pat Graham, Director Fish, Wildlife, and Parks Department, circulated written testimony. (EXHIBIT 15)

Ms. Pat Simmons, Gallatin Wildlife Association, spoke in opposition of HB 214. (EXHIBIT 16)

Mr. Joe Gutkoski, Vice President of Montana Wildlife Federation, presented written testimony. (EXHIBIT 17)

Mr. Bob Barry, Montana Alliance for Progressive Policy, is concerned regarding the HB 214 concept of no net gain. It is a concept of private property rights. He distributed a newspaper article from the Albuquerque Journal. (EXHIBIT 18) Mr. Barry urged the committee to give HB 214 a do not pass.

Ms. Jan Hamer, Montana Bowhunters Association, distributed written testimony. (EXHIBIT 19)

Mr. Tony Shoonen, Skyline Sportsmen Club, presented written testimony. (EXHIBIT 20)

Mr. Ed Tregidga, Citizen, said that he opposes HB 214.

Mr. L.F. Thomas, Anaconda Sportsman Club, declared they strongly oppose HB 214.

Written testimony was received from Mr. Lee Fears in opposition to HB 214. (EXHIBIT 21)

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. HIBBARD asked Mr. Graham how much money was collected from the surcharges on hunting and fishing licenses per year. Mr. Graham said approximately \$2.3 million. REP. HIBBARD inquired if there is a fund balance. Mr. Graham said that there is about a \$5 million fund balance. REP. HIBBARD asked how much has been expended to date in purchases. Mr. Graham referred the question to Mr. Don Childress, Fish, Wildlife, and Parks Department. Mr. Childress reported that approximately \$8.7 million has been expended. This amount includes purchase/lease options. REP. HIBBARD asked if the amount was separated in the brochure received in EXHIBIT 14. Mr. Childress replied that it was.

REP. BOB REAM read the first two sentences on page two of Mr. Bloomquist's testimony. He asked Mr. Bloomquist where this concept was found in HB 526. Mr. Bloomquist said that it is found in Sections 87-1-241 and 87-1-242. The fund was set up by HB 526. REP. REAM read subparagraph (5) from HB 214. Mr. Bloomquist stated he would interpret that section being in accordance with HB 526. REP. REAM referred the question to Mr. Graham. He asked if any acquisition, including a gift, would require the Department to divest itself of land. Mr. Lane said

that according to the section, wildlife management is the only qualification for acquiring additional acreage for fee title. All acquisitions, therefore, would be considered from the point of analysis.

REP. DICK KNOX asked Mr. Graham to explain the procedures the Department is following to control noxious weeds. Mr. Graham explained that there is an annual program to control on all of the Department's wildlife management areas. However, currently one area is being studied to determine the rate of spread. Spraying and pulling by hand are two methods used by the Department. REP. KNOX inquired what percentage are being sprayed and what percentage are being pulled by hand. Mr. Graham referred the question to Mr. Childress. Mr. Childress stated that in areas of major infestation, spraying is used. No specific percentages were available. He said that contracting with individual counties has assisted the Department in controlling weeds. REP. KNOX asked Mr. Graham to explain the fiscal note. Mr. Graham reported that the maintenance on conservation easements and leases are higher than those lands obtained under fee title. Since the department will be trying more aggressively to obtain land under conservation easements, maintenance costs will increase.

REP. MOLNAR asked Mr. Bloomquist about the process used by the Montana Stockgrowers Association (MSA) to determine to whom land could be sold. Mr. Bloomquist said that no determination has been made regarding to whom land could be sold. He explained that the no net gain concept applies to the Department. The Department must divest itself of land once it acquires more wildlife habitat land. It does not dictate to whom the land can or cannot be sold. REP. MOLNAR inquired if the MSA has asked its members whether or not they are willing to forego a willing buyer and a willing seller relationship if HB 214 passes. Mr. Bloomquist answered no. REP. MOLNAR asked if this was more Mr. Bloomquist's opinion than that of the MSA. Mr. Bloomquist replied that the MSA has its own policy on the Department's land acquisitions.

REP. EMILY SWANSON asked Mr. Graham to describe the Department's problems in obtaining conservation easements. Mr. Graham said that the Department places the easement option first when entering into negotiations. He reported that by the time negotiations are underway, the landowner may not be in a financial position to accept the easement or the Department may not want to accept the debt. Another problem that arises is that once a landowner has his mind set to sell the land, he does not want to consider arranging an easement. The Department will aggressively be seeking easements and trying to identify landowners who will be willing to negotiate terms of an easement.

REP. JIM ELLIOTT asked Mr. Graham how many arrangements will be made regarding leasing Department land for agricultural use. Mr. Graham stated that the Dreyer, Brewer, Dome Mtn., Grady Ranches,

and Robb Ledford lands have cattle grazing agreements. **REP. ELLIOTT** asked **Mr. Graham** if, in his opinion, the land is being productive. **Mr. Graham** replied yes.

REP. ELLIOTT asked **Mr. Bloomquist** how the problem of weed control is mitigated through the lease option. **Mr. Bloomquist** said that the landowner still holds ownership of the land; therefore, he would maintain it or have a provision in the lease that the weeds be controlled. **REP. ELLIOTT** gave the example of the Department's acquisition of the Mt. Silcox wildlife area. Since the Department has owned it, weeds have been sprayed. He felt the weed control management here has been better than it would have been under private ownership. **Mr. Bloomquist** rephrased the representative's question as inquiring whether government or private management is better in regard to weed control. He said he was unable to answer the question. **REP. ELLIOTT** stated that in some instances a lease might be better; in others, ownership by the Department may be better.

REP. DUANE GRIMES asked **Mr. Graham** if the Department has devised any long-range plans for the land acquisition program. **Mr. Graham** replied due to the sunset date, no plans are being made. **REP. GRIMES** asked **Mr. Graham** to explain the Department's need for more land since the wildlife population is very healthy at this time. **Mr. Graham** responded that land is needed for keeping wildlife out of private land and for wintering.

REP. HIBBARD stated the highlights of the problem. There are people who believe the Department needs land for wildlife protection. There are people who oppose public ownership. There are people who would like to see more use of leases, conservation easements, and cooperative management agreements including compensation to landowners. He expressed that the overall land ownership by the Department is small. When out-of-state investors get involved, the State has no management input, public access is minimal or nonexistent, and cooperative grazing arrangements cannot be made. He suggested using a certain percentage of the funds for fee title and the other percentage for leases, conservation easements, cooperative agreements, and landowner compensation. **REP. HIBBARD** asked **Mr. Galt** for his input. **Mr. Galt** felt that an easement fulfills the needs of the Department for wildlife habitat. Without the cap HB 214 proposes, there is no way to ensure that the Department will obtain land under conservation easements. He stated that a cap that is 10,000 to 20,000 acres above what is currently used gives the Department the flexibility to still obtain fee title land. **Mr. Galt** said that in regard to the representative's suggestion, 40% of the money would be used to compensate landowners or to purchase access. **REP. HIBBARD** agreed that easements can fulfill the objectives. However, it has been extremely difficult to employ the use of easements. **Mr. Galt** agreed.

REP. MOLNAR asked **Mr. Galt** if the land acquisition program was successful in providing elk a winter area. **Mr. Galt** said that he

supported HB 526 and thought that the program was successful. However, he felt an easement would be just as successful.

REP. ROBERT CLARK asked Mr. Childress if the Department is required to sell an equal amount of land, is it possible to attach a conservation easement to the land it plans to sell. Mr. Childress said that it is a possibility, but it would be difficult. REP. CLARK inquired if this would solve some of the problems regarding easements. Mr. Childress said yes.

Closing by Sponsor:

REP. HANSON stated that the Department is working with the landowners. She stated 20% of the money collected in this fund is supposed to go toward maintenance of the land. In eastern Montana there is a problem reconciling what the Department should be doing. She feels that in some areas the Department is paying too much for the land. Leases would be a money saving option. REP. HANSON felt this would improve the landowner/sportsman relationship. She urged passage of HB 214.

Announcement:

CHAIRMAN MIKE FOSTER asked if the committee would consider sponsoring a committee bill regarding hunting for the blind. He spoke with the Department, and they did not see any problems with the idea.

EXECUTIVE ACTION ON 281

Mr. Sternberg distributed the first proposed amendment (EXHIBIT 22). He stated that the intent and substance of each proposed amendment has not changed.

Motion: REP. CLARK MOVED HB 281 DO PASS.

Motion: REP. HANSON MOVED AMENDMENT ONE DO PASS.

Discussion:

Mr. Sternberg stated amendment one replaces section 1, which is the present method of reporting stolen snowmobiles.

Vote: AMENDMENT ONE DO PASS. Motion carried unanimously.

Mr. Sternberg distributed amendment two (EXHIBIT 23).

Motion: REP. REAM MOVED AMENDMENT TWO DO PASS.

Discussion:

Mr. Sternberg explained amendment two provides a change in the title and a change in section 4, which exempts antique snowmobile

registration. It also provides an antique snowmobile with the same registration procedures similar to vintage cars.

REP. BEA MCCARTHY asked Mr. Sternberg to explain what "not for general recreation purposes" meant for use of antique snowmobiles. Mr. Sternberg stated that motor vehicles registered as antiques can be driven under certain conditions, such as car shows.

REP. CLARK asked if there is a difference between a pioneer plate and vintage plate. Mr. Sternberg stated that there is a difference in registration of motor vehicles between a vintage and an antique based solely on age. A classic automobile has to be approximately 50 years old. The registration of a snowmobile collectors' item is limited to snowmobiles older than 25 years old. The antique snowmobile registration is similar to that of vintage automobiles.

REP. MCCARTHY stated she still felt confusion on what an antique snowmobile may be used for. Mr. Hoovestall said that the usage could be in conventions, shows, and parades to show them off.

Vote: AMENDMENT TWO DO PASS. Motion carried unanimously.

Mr. Sternberg distributed amendments three through eight. (EXHIBIT 24).

Motion: REP. DAILY MOVED AMENDMENTS ONE, TWO, THREE, AND SIX DO PASS.

Discussion:

REP. DAILY said that Amendments One, Two, Three, and Six makes the following unable to arrest snowmobilers in the enforcement of drunk driving laws: any ex officio member of the US Forest Service; BLM; Fish, Wildlife, and Parks Department; Peace Officers of the Bureau of Land Management; and the Park Service.

Vote: AMENDMENT ONE, TWO, THREE, AND SIX DO PASS. Motion carried unanimously.

Discussion:

REP. WAGNER asked CHAIRMAN FOSTER for permission to allow Mr. Hoovestall to explain amendments four and five.

REP. DAILY said that he objected to allowing the public to testify on bills during executive session. CHAIRMAN FOSTER said that he found it to be a common practice to allow an audience member to provide further clarification on questions from committee members. REP. DAILY said that was alright. He felt it was not right for audience members to testify after committee action when they did not testify originally on the bill.

CHAIRMAN FOSTER thanked REP. DAILY for his comments and would keep them in consideration.

CHAIRMAN FOSTER asked if there were objections from the committee for Mr. Hoovestal to explain amendments four and five.

REP. WAGNER asked Mr. Hoovestal to explain the purpose of amendments four and five. Mr. Hoovestal said amendment four replaces ambiguous language found on page 14, line 14. Amendment five sets a more realistic fine.

REP. MCCARTHY stated that the \$1,000 is current law. CHAIRMAN FOSTER said that amendment five is a total change. REP. MCCARTHY declared that no testimony had been presented on it. CHAIRMAN FOSTER agreed.

Motion: REP. WAGNER MOVED AMENDMENT FOUR DO PASS.

Vote: AMENDMENT FOUR DO PASS. Motion carried 15 to 1 with REP. DAILY voting no.

Motion: REP. HANSON MOVED AMENDMENT FIVE DO PASS.

Discussion:

REP. HANSON stated if the judicial system has never used the \$1,000 fine, she felt a \$500 fee is more realistic for a misdemeanor fine.

REP. MCCARTHY felt that it was not appropriate to adopt the amendment which was not discussed with the public.

REP. REAM spoke against the amendment.

REP. MOLNAR asked if adopting an amendment without public discussion was legal. CHAIRMAN FOSTER said yes. Mr. Sternberg explained that it could be passed since it was in the context of a general revision bill.

Vote: AMENDMENT FIVE DO PASS. Motion failed unanimously.

Motion: REP. HANSON WITHDREW HER DO PASS MOTION ON AMENDMENT FIVE.

Motion: REP. DAILY MOVED HB 281 DO PASS AS AMENDED.

Vote: HB 281 DO PASS AS AMENDED. Motion passed unanimously.

Announcement:

CHAIRMAN FOSTER received a special request from Mr. Stephens, Co-Chair Landowners Sportsman Council to make a short statement on HB 214. This organization was formed last year for the purpose of improving landowner/sportsman relations. There may be a

potential through this council of eliminating a lot of the issues before they arise on the legislative level. These problems should be solved by the council or a similar type of organization. He will be proposing to the council the idea of having a summit meeting between the different landowners and sportsmen organizations. He felt this may help alleviate some of the problems. He thanked the committee for their time.

ADJOURNMENT

Adjournment: 6:20 p.m.



REP. MIKE FOSTER, Chair



MARY RIITANO, Secretary

ML/MR

HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

ROLL CALL

DATE

2/2/93

NAME	PRESENT	ABSENT	EXCUSED
VICE-CHAIRMAN CHASE HIBBARD	X		
VICE-CHAIRMAN BOB REAM	X		
REP. BARNHART	X		
REP. CLARK	X		
REP. DAILY	X		
REP. ELLIOT	X		
REP. GRIMES	X		
REP. HANSON	X		
REP. KNOX	X		
REP. MCCARTHY	X		
REP. MOLNAR	X		
REP. ORR	X		
REP. RYAN	X		
REP. SWANSON	X		
REP. WAGNER	X		
CHAIRMAN MIKE FOSTER	X		

HOUSE STANDING COMMITTEE REPORT

February 3, 1993

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Mr. Speaker: We, the committee on Fish and Game report that House Bill 281 (first reading copy -- white) do pass as amended

Signed: Mike Foster
Mike Foster, Chair

And, that such amendments read:

1. Title, line 7.

Following: "ALCOHOL;"

Insert: "PROVIDING ENFORCEMENT EXCEPTIONS FOR CERTAIN EX OFFICIO
WARDENS;"

2. Title, line 8.

Following: "REQUIREMENTS;"

Insert: "PROVIDING FOR REGISTRATION OF A SNOWMOBILE OWNED AND
OPERATED SOLELY AS A COLLECTOR'S ITEM;"

3. Title, line 10.

Strike: "AND"

4. Title, line 11.

Following: "23-2-654,"

Insert: "AND 87-1-503,"

5. Page 1, line 16 through page 2 line 11.

Strike lines in their entirety

Insert: "The reporting of stolen and recovered snowmobiles must
be conducted in the same manner as the reporting of stolen
and recovered motor vehicles provided for in 61-3-106."

6. Page 10, line 10.

Strike: "A"

Insert: "Except for a snowmobile registered under [section 14],
a"

7. Page 14, line 14.

Following: "vehicles"

Insert: ", unless travel on the street, highway, or trail has
been closed to motor vehicle traffic or unless drifting snow
or snow cover has rendered travel by motor vehicles
impractical or impossible"

Committee Vote: Unanimous
Yes 16, No 0

271400SC.Hpf

8. Page 22, line 14.

Following: line 13

Insert: "NEW SECTION. Section 14. Registration of a snowmobile owned and operated solely as a collector's item. (1) An owner of a snowmobile that is more than 25 years old and that is used solely as a collector's item and not for general recreational purposes may file with the county treasurer an application for the registration of the snowmobile. The application must be sworn to before an officer authorized to administer oaths. The application must state:

- (a) the name and address of the owner;
 - (b) the name and address of the person from whom the snowmobile was purchased;
 - (c) the make, the year and number of the model, and the manufacturer's identification number and serial number of the snowmobile; and
 - (d) that the snowmobile is owned and operated solely as a collector's item and not for general recreational purposes.
- (2) The registration fee for a snowmobile registered under subsection (1) is \$10.
- (3) Upon receipt of the application for registration and payment of the registration fee, the county treasurer shall file the application, register the snowmobile in the manner specified in 23-2-616, and deliver to the applicant a license plate or decal bearing the inscription "Vintage--Montana" and the registration number.
- (4) The year of issuance may not be shown on the plate or decal.
- (5) Annual renewal of the registration of a snowmobile registered under this section is not required, and the registration is valid as long as the snowmobile is in existence. Upon sale of the snowmobile, the purchaser shall renew the registration and pay the license fee required in subsection (2).

Section 15. Section 87-1-503, MCA, is amended to read:

"87-1-503. Ex officio wardens. All (1) Except as provided in subsection (2), all sheriffs and their deputies, constables, all peace officers of the state or any subdivision thereof, and all state forest officers, other officers of the United States forest service or agents of the United States fish and wildlife service that are assigned to duty in this state, and field personnel of the department, as the director may appoint, are hereby made ex officio wardens, without pay, except that the department may, in its discretion, allow traveling expenses as provided for in 2-18-501 through 2-18-503, which, if allowed, must be paid upon proper vouchers from the state fish and game funds. Ex officio wardens shall have the same powers with

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reference to the enforcement of the fish and game laws of this state and the laws relating to parks and outdoor recreation contained in chapters 1 and 2 of Title 23, except chapter 2, part 7, as regularly appointed wardens, and it is hereby made their duty to assist, whenever possible, in the enforcement of those laws.

(2) Officers of the United States forest service, agents of the United States fish and wildlife service, and peace officers of the bureau of land management, national park service, and corps of engineers are not authorized to enforce the provisions of [section 12]."

Renumber: subsequent section

-END-

RL 2/3/93

EXHIBIT

DATE 2/2/93

HB 341

HB 341
February 1, 1993

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
before the House Fish and Game Committee**

The problem of illegal fish introductions into Montana waters is one of the most serious facing fishery managers today. This problem is widespread throughout parts of the state. The impacts are often irreversible and they can affect the ecology of the state's waters and their recreational use. The problem is more acute now that anglers have become increasingly mobile and they have acquired equipment capable of transporting live fish.

Fish are illegally introduced into waters by well intentioned but uninformed anglers who think they are improving the fishery. It may be their desire for favorite species. But they are unaware or insensitive to the desires of others, the capability of the resource or the existing management plan for a lake or stream.

New fish species introduced into a water often multiply quickly with serious negative impacts on existing fish populations due to predation and/or competition. Introduced species seldom provide good fisheries and in most cases permanently damage existing fisheries. Native species may disappear or be reduced in number.

There are many examples across the state:

Rogers Lake in northwestern Montana was once populated with Arctic grayling. It was a source of excellent fishing and a source of

grayling eggs for the fish stocking program. Illegal introduction of perch resulted in the complete loss of the grayling fishery in just four years. The lake is now populated with stunted 4" perch.

Northern pike were first illegally planted in western Montana in 1953 and have since spread to 61 waters in every drainage west of the divide. Although some waters have produced good northern pike fishing, the introduced fish have also been implicated in the loss of bass, trout and yellow perch when placed in the wrong waters.

Walleye, which are regarded as the premier sport fish by many anglers, have been illegally released into Canyon Ferry, the Bitterroot River, Salmon Lake in the Clearwater River drainage, Noxon Reservoir, and the Flathead River. The future of sport fishing in these waters could be greatly impacted, depending on whether or not walleye are able to establish reproducing populations.

There are numerous other examples of illegal introductions across the state. The Department of Fish, Wildlife and Parks has spent thousands of dollars in attempting to rehabilitate some of these waters.

In some instances, introduced species can be chemically treated and removed, but this is often quite costly and results are mixed. It is difficult to achieve complete eradication and the nuisance

species often continue to be illegally introduced. If the body of water is too large or deep to effectively eradicate the fish population, the introduced species becomes a permanent resident and the quality of the fishery is permanently affected.

We have made our share of mistakes with introductions in the past. The Department of Fish, Wildlife & Parks, prior to introducing a new species to a body of water, undertakes a rigorous environmental analysis. Even then, there is some level of risk with any new introduction. It is little wonder that illegal introductions by people who think they have a better idea often end up doing far more harm than good.

This legislation is necessary to improve the effectiveness of existing laws that are intended to prevent illegal fish introductions. Under existing statutes, it is illegal to release live fish into a body of water, but the person must be caught in the act. Past experience has shown it is virtually impossible to enforce such a law and if one could obtain a conviction, the illegal introduction would have already occurred and the damage would have been done. Under the proposed legislation, our enforcement would be strengthened and the intentional introduction more effectively detected and controlled. This legislation is similar to that already in existence in Utah, Idaho, Alaska, Wyoming, Oregon, and British Columbia.

This legislation will not affect those persons with valid permits to transport or possess live fish, such as private pond operators, commercial fish hatcheries, persons issued scientific collectors permits, or persons holding valid import permits.

It will affect anglers who transport their catch home in live wells. This is an inconvenience, but we feel this legislation is necessary to better control the illegal introduction of fish in Montana's waters.

Fish, Wildlife and Parks will continue aggressive educational programs to point out the serious consequences of illegal introductions, whether deliberate or unintentional. We have been joined in this effort by groups like Walleyes Unlimited, Trout Unlimited and BASS.

The practice of allowing unregulated transportation of live fish (whatever species), including transportation in live wells, is a significant risk to Montana fisheries.

We urge your support of this bill.

EXHIBIT 2
DATE 2/2/93
HB 341

House Bill 341

Testimony on behalf of the
Montana Chapter of the American Fisheries Society
before the
House Fish and Game Committee

Mr. Chairman and members of the committee, my name is Art Whitney and I am here on behalf of the Montana Chapter of the American Fisheries Society. The American Fisheries Society is an international organization of fisheries and aquatic professionals that promote the wise use and management of fisheries and aquatic habitat.

The Montana Chapter of the American Fisheries Society supports House Bill 341. This bill amends present law by prohibiting the possession and transportation of certain live fish away from the body of water in which the fish were taken. This legislation provides an additional tool in the fight against what is known as bucket biology. Bucket biology or the illegal introduction of fish has now been documented in over 160 bodies of water in Montana. Illegal introductions of fish can cause ecological disasters that can result in increased license fees and lost fishing opportunities. One only has to look at the carp to understand what damaging impacts exotic introductions can have on aquatic ecosystems. House Bill 341 will make it more difficult for misguided individuals to undertake the harmful practice of bucket biology.

The Montana Chapter of the American Fisheries Society requests your vote for HB 341. Thank you.



EXHIBIT 0
DATE 2/2/93
HB 341

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TESTIMONY
TO
FISH & GAME COMMITTEE
MONTANA HOUSE OF REPRESENTATIVES

February 2, 1993

BY
J. RILEY JOHNSON
FOR

WALLEYES UNLIMITED/MONTANA CHAPTER

Mr. Chairman:

My name is Riley Johnson and I am here this afternoon on behalf of Walleyes Unlimited, the Montana Chapter, to oppose HB-341 as it amends Montana law governing the illegal transportation and transplanting of fish.

Walleyes Unlimited was formed in 1983 in Montana to improve and promote the warm-water fishery in Montana. Walleyes Unlimited has in excess of 1,500 Montana members and is affiliated with the Walleyes Unlimited chapter of over 300 members in Alberta, Canada. Interestingly, the nationally syndicated radio show, Infisherman Radio, has stated that Montana's Walleyes Unlimited has more dues-paying, active members than Trout Unlimited in Montana. Our group is very active, not only in promoting walleye fishing, but in activities to assist the FWP department in building spawning barges, docks and reefs to improve warm-water fishing of all species in lakes like Fort Peck, Lake Frances, Bynum, Tiber, Holter and the like. Walleyes Unlimited is also a financial contributor to the highly-toted, TIP-MONT program to curtail illegal fish and game activities in Montana.

I come before you today to make four (4) points:

- 1) Fairness to a special interest with significant economic impact on Montana's economy
- 2) Confronting the horns of a legal dilemma with HB-341
- 3) Finding a solution rather than clouding the issue
- 4) And, address the "presumption of guilt" that HB-341 poses for Montana's sportsmen.

1. The fairness issue:

Walleye fishermen are a significant and growing special interest in Montana with significant economic impact on our state's economic picture. Walleye enthusiasts are no different

today than the fly-fishing purists, for whom past legislatures have approved special interest legislation to close certain streams to "fly only" fishing or in other cases "artificial only" sport. This was done to protect the special, fly-fishing interests, and to protect the recognized economic impact that the sport of fly-fishing for trophy trout has created in Montana.

Walleye fishermen, too, are no different than the special interests of elk hunters, for whom past legislatures have authorized the closing of places like the Elkhorn Mountains just south of Helena to trophy elk hunting, except by limited permits. Again, this was done to recognize the value in the sport and the economic impact of trophy elk hunting in Montana.

The special interest of walleye fishing is a growing, national sport and undoubtedly the fastest growing specialized fishing sport in Montana. Walleyes Unlimited hosted four national walleye professional tournaments in Montana last year and participated in the highly-publicized Governor's Cup tournament on Fort Peck that brought national, and indeed international, attention to Montana's outstanding walleye fishery. Countless national newspaper and magazine articles have been published about Montana walleye fishing, too. This attention has fostered a ballooning interest in specialized walleye fishing among Montana's sportsmen, as well.

Just as the fly-fishing purists, the snowmobiling purists or the water-ski purists, walleye purists have specialized equipment and pursue their sport with vigor and single-mindedness. they too are a growing economic force as they travel great distances, utilizing the many tourism facilities, and purchasing specialized boats, rods, reels, trailers and heavy-duty vehicles like pickups and suburbans to pursue their dream. And, this is not to mention the thousands upon thousands of out-of-staters, particularly Canadians, trafficking into Montana from spring to fall to sample the developing, world-class walleye fishery.

HB-341 is indeed a question of fairness and economic impact.

2. The issue of the horns of a legal dilemma:

Walleye fishing is different than fishing for trout or bass or northern pike. Walleyes are not cleaned by "gutting" and transporting. Walleyes are filleted, leaving behind not only the entrails, but the heads and tails as well. Montana has a law against the filleting of fish at streamside or lakeside. This is one of the reasons for the rapid development of live wells in specialized fishing boats. Faced with HB-341, a walleye fisherman would be forced to break the law by not using a live-well and filleting fish at lakeside...or be forced to transport walleyes intact, entrails and all, and risk the spoiling of the fish as a walleye enthusiast travels home; sometimes hundreds of miles home. Or, the walleye fisherman is forced to break the law and transport fish in a live well to ensure maximum quality and freshness to his or her catch and a minimum of health risk to the family.

Ice chests are not the answer. Walleye fishermen spend 8-10-14 hours at a time on the water, pursuing the wily walleye before traveling the sometimes long miles home from very remote areas along lakes like Fort Peck. Ice chests are not made to keep ice satisfactorily under such conditions.

Building fish-cleaning tables and waste disposal stations are not the answer, either. To get the job done would require literally hundreds of such facilities and there isn't enough money to build them, considering the fact we don't have enough money now to maintain the parks and fishing access sites we already have. Centralize the fish-cleaning facilities? No! Where is central? Because of the nature of the areas into which walleye fishermen travel, you would have to sometimes travel miles in the wrong direction to find such "centralized" facilities...and besides, you would be in violation of HB-341 by transporting live-well fish from a lakeshore. Even if we did build such fish-cleaning facilities, it would take another user fee...user tax...that would again discourage sportsmen and tourists and cripple once more the enjoyment of one of the reasons we all live in Montana...outdoor recreation.

3. The issue of the solution, not clouding the problem.

Walleyes Unlimited STRONGLY supports the concept of HB-341 and that is to fight the illegal transportation and transplanting of fish in foreign waters. Walleyes Unlimited, as I have stated, contributes significant members dues to fight such illegal activities through the TIP-MONT program of FWP. In fact, Walleyes Unlimited money was part of the reward paid in 1991 to the young boys who spotted the illegal planting of perch in Lake Mary Ronan in western Montana that resulted in the first test of the 1991 law this legislative body passed to curtail such activity. Unfortunately, this past year that case was basically rendered "impotent" because of a major flaw in the penalty clause of that law.

The issue is "illegal transportation and transplanting" of fish. FWP recognized the problem and felt vigorous education and a tough law with tough penalties would bring public attention to the seriousness and consequences of illegal fish transplanting.

What HB-341 is asking you to do is to fix that law by singling-out a select group of sportsmen and creating a presumption of guilt.

Walleyes Unlimited suggests that the law is good, now. To fix the loophole, we submit to you, attention should be directed at the penalty clauses of the law to insure justice and impact through legal fines and meaningful punitive damages.

4. And, finally, the issue of presumption of guilt:

Because a walleye fisherman has a live-well in his boat is to presume he or she is guilty of illegal transplanting of fish. This is like passing a law that prohibits a person from carrying a loaded gun into the woods during non-hunting season because you "presume that person is poaching". Or presuming a person is

2-2-93

HB-341

guilty for having a can of worms in his or her knapsack on a fly-only stretch of water, when just around the bend bait fishing is legal.

To be very frank, FWP recognizes itself that the use of live wells is not the primary, nor even a significant, cause of illegal transplanting of fish. In its own literature and writings, FWP calls the activity "BUCKET BIOLOGY"...making reference to the use of live-bait buckets to dump un-used bait fish and perch into foreign waters. Presumption of guilt, ladies and gentlemen...Don't penalize the walleye fisherman on a presumption of guilt, just because they are utilizing modern and state-of-the-art methods and equipment recognized worldwide.

Education and tough penalties work today for the preservation of some of our finest trout streams. Let's make education and tough penalties work for us all here today. Attack the solution...don't cloud the issue...don't penalize the innocent on a presumption of guilt.

If walleye purists are guilty of anything, ladies and gentlemen, they are guilty of improving and promoting a world-class sport in Montana...walleye fishermen are guilty of working closely with FWP to build better fisheries in Montana...walleye fishermen are guilty of contributing significantly to the economic well-being of Montana.

Walleyes Unlimited stands ready to work with this committee, and indeed all of Montana legislators, to stop illegal transplanting of fish.

Let's begin by giving HB-341 a "DO NOT PASS" recommendation from this committee.

Thank you.

Respectfully Submitted,

J. Riley Johnson
Walleyes Unlimited



Walleyes Unlimited

of MONTANA

Great Falls Chapter
P.O. Box 937
Great Falls, MT. 59403

EXHIBIT 4

DATE 2/2/93

HB 341

January 27, 1993

Bill Ryan
Helena, MT

Re: House Bill 341

Dear Bill,

The following members of the Great Falls Chapter of Walleyes Unlimited are opposed to HB #341 which would make it unlawful to transport live fish from the body of water where they are caught. Our position is that this will do little to solve illegal transplants and will go a long way towards taking away the fisherman's right to safe, fresh, quality fish. Walleye fishermen typically keep their fish in livewells while transporting them home. The fish are still alive resulting in quality fresh fish. We hope that you will support us and oppose HB #341.

NAME

ADDRESS

Jase Ince

512 28th Ave N.W

Clayton Jones

4100 62ND ST. SW. G-T-FALLS

Lang & White

912 Buena, Gt Falls

James E. Brady

3444 4TH AVE SW. G.F.

Michael Sabolik

4103 21ST AVE. G.F.

Bill Zett

1426 1ST AV. SW. G.F.

Bob Farkas

Box 413 Cascade

1509 32ND ST. SW. GREAT FALLS

NAME

Don DealRichard BeyerWalter B. StolzRobert M. NewWilliam J. GormanRichard L. LuterJohn WalterLeonard M. HruschkaEd. MarrowLeRoy A. KierkeWalt CoatsRollie AmundsonJohn F. M. M. M.Garold W. SmithBill S. SmithColand J. KucenJim LuomaLeRoy WalkerSteve MichelsL. D. KnerJay A. PetersonTom StewartRonald ReisDavid B. ThompsonShelby RoyLeonard M. McNeDrac BirkoskiEd BirkoskiLARRY ELIASON

ADDRESS

709 55TH ST S G.F.1502 2nd West Hill G. Falls1371 Louisa Holmes Lane GT Falls 59405417 21st Ave So, G.F., MT4008 5TH Ave So GT Falls MT305 Riverview Dr. E. Gt. Falls#15 Fischer Park GF MT 594053806 Highway Dr. GF MT 59405336 Riverview 4W G.F. MT 59404935 1st Ave S.W. Gt. Falls, MT. 59404520 22nd NE Gt. Falls Mont. 594041217 Buena GRT. FALLS, MT 594043504 Centennial Crt. 59404116 29TH Ave NW. 59404Stockert Mt 594501416 11ST NW. GT. FALLS MT.Sand Coulee, Mt. 59472824 29TH Ave NE. G.F. MT. 59404Great Falls MT129 TRAILER TERRACE GT. FALLS, MT 59405212 15TH Ave So, GTF 59404, MT 594051711 3rd Ave S. Great Falls2015 9TH Ave So. Great Falls 9 mi.205 36th Ave NE Great Falls 594041105 Ave B NW GF 49404250 22nd Ave NW GF 594043805 7TH NE #185 59404426 5TH Ave So. Glasgow MT100 5TH Ave So. GF 59404

BRET E WER

Roy Quigley

Carl Hansen

Ben Miller

Dw Rohlf

Jepome J. FAITH

Simon Sumeran

MORRIS MYERS

God schwantes

Kay Schwanke

Donald K Child

Larry Darter

W. J. Jones

John E. Ober

Steve Curtis

Robert P. Boh

Ude N. Gilbert

Marion H. Fuhling

Russel Watson

Roger Larsen

3304 COYOTE LN Co. F, MT.

109 Door Dr.

208 Rv Dr. W.

5508 5TH Ave So.

619 2ND SW

Box 193

3001 6TH Ave So

207 31ST AVE NW

1812 4TH Ave N.

3619 9TH AVE S

900 Durango

1517 1/2 3RD Ave W

1400 3RD Ave So

812 2ND ST SW

72 LOWER RIVER DR.

1142 AVE D, NW GF

404 Van Buren RT 5 GF MT,

P.O. Box 91 LLM, MT

3620 6TH AVE S, Great Falls

Box 748 Fort Benton, mt.

230 Riverfront Lane

6 Falls MT

Gr. Falls

Co. F, MT.

GF MT

UL MT,

GF. Falls mt.

GT FALLS

Gr Falls mt.

Gr Falls MT

Gr Falls mt

Gr Falls

Gr Falls

GF

G.F.

6 Falls

6 Falls

Great Falls

Terry McArdle Fish Taxidermy

P.O. Box 6 • Townsend, MT 59644
Telephone (406) 266-5700

Mike -

Regarding our phone conversation concerning House Bill HB 341 (HARPER): The portion concerning the transportation of fish in the live wells of boats.

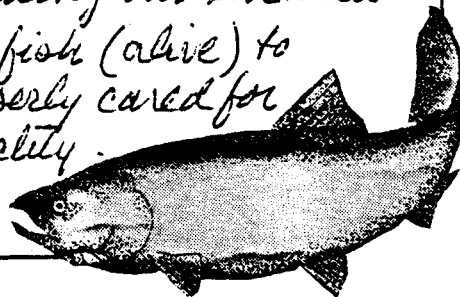
I suppose the idea of this bill is to inhibit illegal transplants of fish. This is noble, however unnecessary because it ~~that~~ is already against the law to do so. We don't need more laws - just enforcement and education concerning the laws we already have.

This bill tends to be aimed at us Walleye fishermen (because we are the ones with the boats that have live wells.) and could be considered insulting. Fishermen are fishermen and it doesn't matter what species is sought after, some guys are cheaters and most aren't.

To pass the bill does no good because it is not going to stop the rotten character who would illegally transplant fish. Why would such a guy all of a sudden obey this law, when he is already breaking an existing one? A jerk is a jerk - another rule added on means nothing to him or her.

On the otherhand, by using our live wells we are able to transport our fish (alive) to a place where they can be properly cared for thus insuring good table quality.

- Over -



When you come off a lot of lakes with fish there is nowhere to get ice, for sometimes more than an hour's drive. I'm talking about walleye lakes like FT. PECK and TIBER RESERVOIR, in July and August with 95° heat.

Since we can no longer transport fish that are filleted (cleaned) and there's no where to get ice, what do we do? Do we let them rot while we drive homeward for an hour or so until we can find ice. - Or what about at night, when nothing is open.

So - I guess I'd have to say that this rule just makes life a little more difficult especially when it messes up our precious recreation time.

I hope you'll vote NO on this HB 341.

Actually. I hope you vote NO on any thing that jams more rules and regulation down us sportsmen's throats. It's getting so you have to have the synopsis right with you when you fish - and better yet, your lawyer.

Sincerely,
Terry McArdle

Testimony from:
Errol T. Galt
71 Ranch
Martinsdale, MT 59053
HB 214

EXHIBIT 6
DATE 2/2/93
HB 214

Mr. Chairman, members of the committee, I rise in support of HB 214.

In the past, the Fish, Wildlife & Parks Commission and department have had very limited success in purchasing conservation easements. This is not intended as criticism of the department or commission; I believe we have tried our best, over the last four years, to make this happen.

There are a multitude of reasons for our lack of conservation easement purchases, including the selling landowners' desires, sportsmen's opposition, and local department personnel.

Regardless of the reasons for our lack of conservation easement purchases, HB 214 fixes the problem. It forces the department and commission to buy easements or attach easements to fee title land and sell or trade these lands.

I have three suggestions that I would like to put forth concerning this legislation:

- 1) Instead of placing a cap on acres owned June 1, 1993, place the cap at 10,000 or 20,000 acres over what is owned at that time. This would give the department leeway to purchase properties in fee title, attach conservation easements, and offer the property for sale or trade. We have learned this process can take years to complete.

* Brewer trade - 17,800 acres taken out of fee title ownership.

2) Incorporate Representative Hanson's bill which dedicates 40% of HB 5226 funds to landowner compensation (not just access). This would give the department an opportunity to provide landowners an alternative to outfitting or leasing their land to outfitters. Landowners should not be eligible for this if they outfit on the same land as compensation is being requested.

3) Extend the sunset date to the year 2000 in order to give these new changes a chance to work.

EXHIBIT

7

DATE 2/2/93

HB 214

TESTIMONY ON HOUSE BILL 214
LIMIT FEE TITLE HOLDINGS UNDER WILDLIFE
HABITAT ACQUISITION PROGRAM

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS KNUTE
HEREIM AND I AM A RANCHER FROM MARTINSDALE, MT.

I RISE IN SUPPORT OF H.B. 214 AND WOULD LIKE TO ADDRESS THE ECONOMIC EFFECT
ON LOCAL COMMUNITIES AND STATE GOVERNMENT AS A RESULT OF FISH, WILDLIFE AND PARKS
LAND ACQUISITION PROGRAM.

IT TAKES APPROXIMATELY 17 ACRES TO RUN 1 ANIMAL UNIT (1 COW & CALF) FOR ONE
YEAR. FOR THE AVERAGE 350 ANIMAL UNIT RANCH CONSISTING OF 6,000 ACRES, THIS
OPERATION WILL GENERATE A CASH FLOW OF ABOUT \$120,000/YEAR WITHIN THE COMMUNITY.
THIS INCLUDES CASH EXPENSES FOR GAS, FERTILIZER, INSURANCE, PROPERTY TAXES, REAL
ESTATE, SUPPLIES, LABOR, PRINCIPAL, INTEREST, AND CAPITAL EXPENSES INCLUDING
PICKUP, TRACTORS, BUILDINGS AND ETC. BROKEN DOWN THIS MEANS THAT EACH ANIMAL
UNIT GENERATES A CASH FLOW OF \$20/ACRE WHICH IS TURNED OVER WITHIN THE COMMUNITY
AN ESTIMATED 2.5 TIMES.

WHEN AGRICULTURAL LAND IS ACQUIRED BY FISH, WILDLIFE AND PARKS, THEIR
ECONOMIC CONTRIBUTION TO THE STATE IS A PAYMENT IN LIEU OF TAXES (PILT) WHICH
GENERATES A CASH FLOW OF \$.68 CENTS/ACRE, A DIFFERENCE OF \$19.32.

OF THE ^{63,200}~~75,596~~ FEE TITLE ACRES ~~AND ASSOCIATED LEASES~~ ACQUIRED BY FISH,
WILDLIFE AND PARKS WITH H.B. 526 MONEY, THIS LAND COULD BE PRODUCING 3,000 ANIMAL
UNITS AND PRODUCING A CASH FLOW OF \$1,000,000 IN THE STATE COMPARED TO THE PILT
MONIES OF \$42,400. THIS IS A HUGE DEFICIT COMPARED TO WHAT AGRICULTURAL LAND CAN
PRODUCE IF LAND REMAINS IN PRIVATE OWNERSHIP.

PLEASE CONSIDER THE ECONOMIC IMPACT THIS LAND ACQUISITION PROGRAM HAS ON
THE STATE OF MONTANA. PLEASE DON'T BITE THE HAND THAT ECONOMICALLY FEEDS THIS
STATE.

I URGE A DO PASS VOTE FOR H.B. 214. THANK YOU.

Mr. Chairman, members of the committee, my name is Tod Townsend and I am a rancher from White Sulphur Springs. I am testifying in favor of H.B. 214 and I am going to concentrate my testimony on who is the best steward of the land. The members of this committee have responsibilities greater than just providing for the recreational opportunities of sportsmen. The greater responsibilities are to serve all the people of Montana and equally important, to consider the long term welfare of the natural resources that you will be influencing, namely wild game and its habitat. Whether it is on a worldwide, national, or state level, governmental agencies have demonstrated time after time that they are not the best managers of resources. These are well-intentioned people, but "ruling by committee" has produced such undesirable results as the noxious weed explosion on public lands, uncontrollable wildlife numbers and the resultant overgrazing in the parks, etc.. We see this mismanagement by agencies that are well staffed with land resource managers. This is not the case with the Department of Fish and Game. They are not a department that is well equipped to handle all the intricacies of land ownership but rather, their ranks are filled with biologists, law enforcement officers and administrators. On the other side you have the private sector, who has painstakingly cared for this land for generations. Who do you believe will put the most effort into managing the resource: a salaried employee, someone renting property from the Fish and Game, or someone who lives on the land with the goal of passing on a better piece of property to his heirs. I think the answer is obvious.

Now assuming that the private land owner is the best manager of the resource, with the added bonus that this management is provided at no cost to the taxpayer, you must now look at what the problem really is. The problem is not wildlife numbers - wildlife numbers are very high and increasing. Nor is the problem wildlife habitat - Montana is renowned for its open spaces. The problem is access to recreational activities for the general public. This committee has the tools to address that problem, namely conservation easements or perhaps some new approach such as a recreational lease, but at any rate, some system where the land owner has some incentive to provide a recreational opportunity for the public without selling his land.

Finally, I would like to emphasize the importance of agriculture in this picture. There is no way that you can purchase enough land to accommodate all the elk, and people, so what areas you do purchase will necessarily become either crowded, or exclusive. The only reasonable answer to a big open environment is a healthy agricultural environment. Having the Fish and Game bid against the private sector for land goes contrary to this. Make no mistake, if the Fish and Game buys from a distressed land owner before a piece of property gets onto the open market, that has exactly the same effect as if that property were purchased off the market. You may hear testimony that this is an arrangement between a

willing buyer and seller, but if these sellers were not trying to maintain a distorted market, they would not testify against this bill. Agriculture, conservation, and recreation are all very compatible but the government can not own the means of production - namely the land.

In conclusion I would encourage you to move this bill forward for a broader debate and deal with the real landowner - recreationalist problems, especially since the \$26 money for purchasing land was an experiment with a sunset clause anyway. Buying land may be politically expedient but it hinders rather than solves the problems.

Thank you.

Mr. Chairman, members of the committee, my name is Lee Rostad, from Meagher County, and I would speak in favor of HB 214.

Over the years, landowners and the FWP have been in a mode of confrontation over the management of the wildlife population. Landowners have found little redress for damage to their property by the wildlife and little cooperation in controlling the increase in deer and elk herds. Buying land for habitat has not eased this tension in any way, in fact, has exacerbated it. The department has been buying spots of land using a bandaaid approach when in fact they should be looking at the picture state-wide.

The wildlife does not respect fences or property lines. I n instances where landowners have worked together with easements and leases, the problems are beginning to be solved. In this new movement toward working together to maintain and enhance the state's wildlife while still protecting the property rights of the landowner, it would be foolish to defeat legislation that would enhance this process.

I would further argue against taking more land out of agricultural production. The loss to the economy of the region is felt like a ripple effect through the sustaining community, the school system, and the social structure. Even though property tax is paid on the acquired land, there is no longer a family or business to add to the health of the economy.

Again, I would like to stress the importance of the new feeling of cooperation I see emerging between the Fish, Wildlife and Parks and the landowner. HB 214 will help this process.

EXHIBIT 9
DATE 2/2/93
HB 214

TESTIMONY ON HOUSE BILL 214
AN ACT LIMITING THE FEE TITLE HOLDINGS
BY THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
UNDER THE WILDLIFE HABITAT ACQUISITION PROGRAM
AMENDING SECTIONS 87-1-209 AND 87-1-241 MCA
HOUSE FISH AND GAME COMMITTEE
FEBRUARY 2, 1993

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS JOHN BLOOMQUIST AND I'M AN ATTORNEY AND SPECIAL ASSISTANT FOR THE MONTANA STOCKGROWERS ASSOCIATION. THE MONTANA STOCKGROWERS ASSOCIATION IS AN ORGANIZATION OF OVER 3,500 RANCHERS LOCATED THROUGHOUT MONTANA. I AM TESTIFYING BEFORE YOU TODAY IN SUPPORT OF H.B. 214. THE MONTANA STOCKGROWERS ASSOCIATION IS KEENLY AWARE OF THE IMPORTANCE OF WILDLIFE HABITAT AND THE PROPAGATION OF WILDLIFE THROUGHOUT MONTANA.

WE FEEL H.B. 214 IS AN APPROPRIATE AMENDMENT TO THE PRESENT WILDLIFE HABITAT ACQUISITION PROGRAM DESIGNATED IN H.B. 526 AND ENACTED BY THE 1987 LEGISLATURE. WITHIN THE STATEMENT OF INTENT TO THE ACT, THE LEGISLATURE STATED THAT LEASES AND CONSERVATION EASEMENTS SHOULD BE PREFERRED RATHER THAN THE ACQUISITION OF FEE TITLE LANDS BY THE DEPARTMENT OF FISH, WILDLIFE AND PARKS AND THE IMPLEMENTATION OF THE HABITAT ACQUISITION PROGRAM. HOWEVER, WE ACKNOWLEDGE THAT PURCHASES WERE APPROVED.

THE ACQUISITIONS OBTAINED BY FISH, WILDLIFE AND PARKS TO DATE HAVE NOT IMPLEMENTED THIS PREFERENCE FOR LEASES, CONSERVATION EASEMENTS AND INSTEAD HAVE FOCUSED UPON FEE TITLE ACQUISITIONS FOR WILDLIFE HABITAT. BECAUSE OF THE "NO-NET GAIN" ASPECT OF THIS LEGISLATION CONCERNING FEE TITLE HOLDINGS BY THE DEPARTMENT OF FISH, WILDLIFE AND PARKS, WE FEEL THAT THIS BILL IS AN APPROPRIATE AMENDMENT TO THE PRESENT PROGRAM AND WILL IMPLEMENT THE DESIRED INTENT AS EXPRESSED BY THE LEGISLATURE TO ENCOURAGE CONSERVATION EASEMENTS AND LEASES RATHER THAN FEE TITLE HOLDINGS.

OUR READING OF THE BILL INDICATES THAT THE NO-NET GAIN PROVISION WILL APPLY ONLY TO LANDS ACQUIRED UNDER H.B. 526. THEREFORE, THIS LEGISLATION SHOULD NOT AFFECT OTHER HABITAT PROGRAMS CARRIED OUT BY THE DEPARTMENT OF FISH, WILDLIFE AND PARKS USING OTHER FUNDS OR OTHER MONIES. BECAUSE OF THE REAL CONCERNS ASSOCIATED WITH FEE TITLE HOLDINGS BY GOVERNMENT AGENCIES, THE ASSOCIATION BELIEVES THAT A FEE TITLE LIMITATION IS AN APPROPRIATE LAND USE POLICY AND WILL NOT INHIBIT THE DEPARTMENT'S ACQUISITION OF WILDLIFE HABITAT WHICH IS DEEMED NECESSARY.

THE STUDY PREPARED FOR THE MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS BY ECON, INC., DATED JANUARY 29, 1992, REFLECTS THAT TO DATE MOST OF THE ACQUISITIONS IMPLEMENTED UNDER THE PROGRAM HAVE BEEN FEE TITLE PURCHASES. THE MANDATE OF H.B. 526 DELINEATED THE PREFERRED PRIORITY ON ACQUISITION OF, 1) LEASE; 2) CONSERVATION EASEMENT; AND 3) FEE TITLE PURCHASE. THE MONTANA STOCKGROWERS ASSOCIATION FEELS THAT FEE TITLE LIMITATION WILL REQUIRE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS TO USE A MORE CALCULATED APPROACH IN HABITAT ACQUISITION.

THIS BILL WILL ESTABLISH A MORE COMPREHENSIVE PLAN WITH THE DEPARTMENT OF FISH, WILDLIFE AND PARKS TO PURSUE CONSERVATION EASEMENTS AND LEASES. THE FEE TITLE LIMITATIONS SHOULD NOT PRECLUDE WILDLIFE HABITAT ACQUISITION SHOULD FEE TITLE BE THE PREFERRED MEANS OF ACQUISITIONS. THIS BILL DOES NOT PRECLUDE THE DEPARTMENT FROM PURSUING SUCH AN OPTION. IT WOULD MERELY REQUIRE THAT THE DEPARTMENT DIVEST ITSELF OF FEE TITLE ON HABITAT ON LANDS ACQUIRED UNDER THE PROGRAM PREVIOUS TO SUCH ACQUISITION. THE PREVIOUSLY HELD FEE TITLE PARCEL COULD THEN BE SUBJECT TO SOME TYPE OF CONSERVATION EASEMENT OR LEASE TO PROTECT WILDLIFE HABITAT.

FEE TITLE ACQUISITIONS TO DATE HAVE BEEN VERY CONTROVERSIAL. THE PROPOSED ACQUISITIONS, IMPLEMENTATION, OPERATION AND MAINTENANCE AND PRICES PAID HAVE

FURTHERED THE CONTROVERSY. JIM PETERSON WILL CONVEY SUCH A SITUATION WITH THE DEPARTMENT OF FISH, WILDLIFE AND PARK'S ACQUISITION OF THE ROGER'S RANCH NEAR UTICA. THIS BILL WILL RELIEVE SOME OF THAT CONTROVERSY. CONTINUITY OF LAND USE WILL PROVIDE BENEFITS TO THE STATE THROUGH THE CONTINUATION OF A VITAL AGRICULTURAL ENTITY, AS WELL AS STABILIZING THE LOCAL TAX BASE AND SOCIO-ECONOMIC STABILITY OF THE AREAS AFFECTED.

FOR THE REASONS SET FORTH ABOVE, THE MONTANA STOCKGROWERS ASSOCIATION URGES SUPPORT FOR THIS LEGISLATION AS AN ATTEMPT TO IMPLEMENT ITS ORIGINAL INTENT OF H.B. 526 CONCERNING WILDLIFE HABITAT ACQUISITION. THANK YOU FOR THE OPPORTUNITY TO TESTIFY BEFORE YOU TODAY.

EXHIBIT 11
DATE 2/2/93
HB 214

Dale Johnson
Little Belt Creek Ranch
442 E. Highwood Rd.
Belt, Mt. 59412

I would like to go on record of supporting House Bill 214 which would mandate a no net acreage gain provision concerning fish, wildlife and parks fee title ownership of wildlife management areas.

I see something happening to rural Montana that worries me very much. In the past 4 1/2 years the Montana Dept. of Fish, Wildlife and Parks, under the authority of House Bill 526 has purchased fee title to approximately 62,000 acres of land in the state of Montana to be used primarily for wildlife management areas. If this trend continues- and without some type of legislation-I think there is no doubt that it will, in the next 20 years it could be projected that 310,000 additional acres will be taken out of private ownership.

It is well documented that wildlife numbers in the state of Montana are at and all time high. Deer, elk, and antelope populations are at such a level that they are causing major property damage throughout the state. Now it seems to me that the last thing in the world that this state needs is to buy more land to raise more wildlife to cause more damage to adjacent private lands.

The economic impact to local communities will be devastating if these land purchases are allowed to continue.

golds

All of the ~~foods~~ and services that are provided to farms and ranches will no longer be needed if there are no families living on the land. How many dollars of personal property tax will be eliminated if there is no personal property left to tax.

I don't think the Dept. of Fish, Wildlife and Parks should be allowed to compete with private individual when it comes to buying a piece of property after all the land they buy never has to pay its' own way.

In closing; the question we have to ask ourselves is simple--Do we want rural Montana to be gobbled up by the bureaucracy of the Dept. of Fish, Wildlife and Parks or do we want rural Montana to prosper as an essential economic link to Montana's future.

FEB
FV11
FEB 11 1962

Concerning Bill 214

2/2/93

Mr. Chairman members of the committee
for the record my name is Richard Anderson

I am in support of this bill. The DFWP
has more property & wildlife now than
it can properly manage

We need to keep our tax base in
counties and in private ownership.

When the DFWP acquires large tracts
of land for game preserves the impact
on adjacent private land is negative.

The DFWP has too much power and
control now it needs to be held in check.

EXHIBIT 12
DATE 2/2/93
HB 214

Richard Anderson
upper Mulligan Rd.
Great Falls Mont.

MONTANA HOUSE OF REPRESENTATIVES
CAPITOL Station
HELENA, MONTANA 59601

TESTIMONY OF RONALD B. STEVENS, 3745 DEER CREEK DRIVE, BOZEMAN, MONTANA 59715 IN STRONG OPPOSITION TO HOUSE BILL 214, TESTIFYING ~~JANUARY 26, 1993~~, ON BEHALF OF HIMSELF AND THE SOUTHEAST MONTANA SPORTSMEN ASSOCIATION BY REQUEST.)

"My name is Ron Stevens and I reside at 3745 Deer Creek Drive, Bozeman, Montana 59715. I rise in strong opposition to House Bill 214 which, if enacted, would drive a wedge between landowners, the Montana Department of Fish, Wildlife and Parks (MDFWP) and the sportsmen of Montana.

"Approximately three weeks ago Taylor Brown on the Northern Ag Network quoted a government report stating that as the agricultural industry continues to shrink it is becoming increasingly important for agriculturalists to form coalitions with urbanites. At the Montana Outfitters and Guides Association(MOGA) annual conference in Bozeman December 16th, 1992 Jim Peterson, Executive Vice President of the Montana Stockgrowers Association stated sportsmen and aggies share many common interests in the land and should form an alliance to solve mutual problems. The theme of the 1990 Governor's Conference on Rangelands was "Building Partnerships For the 90's." The unique Montana Stockgrowers, Wool Growers and Public Lands Council Conference December 9-12, 1992 was "Together We Can." These are but four examples of what appears to be the Montana agriculture community's recognition of the importance of solving problems amicably through cooperation. Introduction of HB 214 flies in the face of any attempt to improve landowner-sportsman relations.

"The landowner community, more than any other, passionately and appropriately pleads private property rights. For an organization to champion such rights and then dictate to whom their members can or cannot transfer their private property is the height of hypocrisy.

"This nation operates under the free enterprise system. Fundamental to that system is the willing seller-willing buyer doctrine. Enactment of HB 214 would be akin to the entertainment industry demanding defunct drive-in-movie theaters be converted to other entertainment establishments, such as water slides, and prohibiting such land from being sold for feed stores, farm implement stores or feed lots.

"I attended the Montana Stockgrowers Association Landowner/Recreation and Wildlife Relations Committee meeting on December 10th, 1992 in Billings where, I believe, the proposal to introduce this legislation originated. During the discussion a rancher identifying himself as one of the earliest members of the committee and highest dues paying members of the Montana Stockgrowers Association, was currently negotiating with the MDFWP in an attempt to purchase part or all of the Brewer Ranch in southeast Montana. He found it terribly ironic

~~Final~~

~~that his own industry would now present a roadblock to his transaction via imposition of a cap on the fee title holdings by the MDFWP.~~
Another rancher stated he would prefer the MDFWP as a neighbor he could trust to manage the land correctly to some outside newcomer whose management philosophy he might find objectionable.

"The MDFWP is on the cutting edge of new technology proving cattle grazing and wildlife management are compatible. Witness the Fleecer Phenomenon where rancher Maynard Smith of the Six Bar S won the Montana Environmental Stewardship Award and was designated Regional Winner/National Finalist for the 1992 National Environmental Stewardship Award while grazing cattle on the Fleecer Game Range. This environmental endeavor has brought cattle and wildlife together significantly increasing wildlife numbers while improving both range and riparian areas.

"I strongly request that this negative, devisive Bill be killed in committee and that its proponents channel their talents toward productive resolution of differences. I pledge Montana sportsmen support for positive legislation."



Ronald B. Stevens

partnership enhancing



DATE 2/2/93

HB 2/4

MONTANA'S WILDLIFE HABITAT PROTECTION PROGRAM



The Montana Wildlife Habitat Protection Program is a unique program developed and advocated by Montana sportsmen and conservationists.

The Habitat Program is a means for sportsmen and women to make long term investments in wildlife habitat, and thus to help secure the future of wildlife and hunting in Montana.

Montana Wildlife Federation

WILDLIFE HABITAT PROJECTS

PROJECT	ACRES		COST	TAX IMPACT*		COUNTY
	Purchase	Lease/Ease		DFWP	Other	
Dreyer	2,960	18,650	\$1,471,000	\$3,100	\$2,210	Powell
Brewer	17,845	16,416	\$1,119,100	\$7,135	\$ 484	Cu/PR/Car
Mt Silcox (Wilson)	1,552		\$ 687,465	\$1,274		Sanders
Dome Mtn (Nelson)	2,098	160	\$1,630,310	\$ 441		Park
Waples	656		\$ 457,150	\$ 383		Carbon
Grady Ranches		16,317	\$ 350,000			Lew/Clark
Rogers	1,893		\$ 785,650	\$ 363		Jud Basin
Robb Ledford	17,290	10,657	\$2,042,000	Not Avail		Madison
TOTAL	44,294	62,200	\$8,572,675	\$12,696	\$2,694	

* DFWP makes payments to the county and school districts in lieu of taxes on land and improvements. "Other" represents property taxes that would have been paid on livestock and machinery if the property had remained as private agricultural.

MONTANA WILDLIFE HABITAT PROTECTION PROGRAM

● **OVERVIEW:** A portion of sportsmen's hunting license dollars are placed in a trust fund, administered by the Department of Fish, Wildlife and Parks, for use in leasing or purchasing land or acquiring easements for wildlife habitat. The program operates within the free market system, in which a willing buyer and willing seller reach an agreement on a lease, easement or purchase.

● **BENEFITS TO WILDLIFE AND SPORTSMEN:** Throughout Montana, private properties provide habitats that are essential as security, wintering, and calving areas. Many of these crucial private properties face threats from land development, logging, mineral extraction and other activities that would diminish the land's value as wildlife habitat. Securing habitat through leases, easements or purchases helps ensure protection of habitat into the future. Also, in most cases, secured habitat offers the opportunity for public hunting and recreation access.

● **BENEFITS TO LANDOWNERS:**

- Land available for public hunting relieves private landowners of some pressure from hunters seeking access;
- The program enhances property values, both because the market is expanded and because the presence of wildlife makes land more attractive and valuable.

-Unlike the situations with foreign, celebrity or out-of-state buyers, landowners have some control over the management of wildlife management areas because of they can participate in Fish, Wildlife and Parks policy setting.

● **EXAMINING ARGUMENTS OPPOSING THE PROGRAM:**

The agriculture community historically has held an ideological opposition to public agencies owning land. In particular, ranchers and farmers have stridently objected to DFWP owning land. The common arguments against this program include:

- Tax revenues are lost as private land becomes public;
- Adjacent landowners suffer loss and damage by wildlife;

Loss of Property Tax Revenues is Negligible. Each year, the DFWP makes payments in lieu of property taxes equal to the assessments by the county and local school districts on land and improvements. The only potential for lost tax revenues is the assessments on livestock and machinery. Because of reductions on taxation on livestock, a cow represents a total tax payment to the county and school districts of approximately \$5 per head. Most farm machinery and equipment has been depreciated and represents little taxable value.

Adjacent Landowners May Suffer Loss or Damage. Forage loss and property damage by wildlife can be real problems for landowners adjacent to or near wildlife areas. These impacts can, and should be, dealt with on a case-by-case basis, using applicable management measures or easements. The potential for these problems is not sufficient reason to undermine or discontinue the wildlife habitat program.

The following page shows a list of the projects that have been protected under the wildlife habitat program. A total of only 106,000 acres are involved, and of those less than 45,000 total acres have been purchased. The net loss in tax revenues to counties and school districts totals only \$2,700.

MONTANA WILDLIFE FEDERATION
Testimony on HB 214

- The Wildlife Habitat Protection Program is a vehicle that allows sportsmen to make long term investment in wildlife habitat. That investment helps secure the future the future of wildlife and hunting in Montana.

- The concept that some arbitrary cap should be placed on the amount of land purchased to protect wildlife makes no sense.

Existing habitat protected as wildlife management areas is still important for wildlife and hunting.

In some cases, the wildlife ranges have become historical and cultural legacies. No public good would be derived by removing protection and allowing development of protected wildlife areas.

- The Department of Fish, Wildlife and Parks is not a significant land holder. As shown on the attached brochure, less than 45,000 acres have been purchased since the inception of the Wildlife Habitat Program.

All of the wildlife management holdings in Montana total only 251,000 acres.

- I want to emphasize that the Wildlife Habitat Program is an outgrowth of interest by citizen sportsmen who are willing to put our own money into fostering wildlife habitat. This is not a case of a government agency seeking to expand. Motivation for this program is driven by hunters, and the DFWP is the vehicle through which we can secure habitat.

- The program offers benefits to landowners:

- Land available for public hunting relieves private landowners of some pressure from hunters seeking access;
- The program enhances property values, both because the market is expanded and because the presence of wildlife makes land more attractive and valuable.

-Unlike the situations with foreign, celebrity or out-of-state buyers, landowners have some control over the management of wildlife management areas because of they can participate in Fish, Wildlife and Parks policy setting.

● Historically, the agriculture community has had an ideological opposition to public agencies, especially the DFWP, owning land. The reasons usually cited include:

- Tax revenues are lost as private land becomes public;
- Loss of private sector employment and income;
- Adjacent landowners suffer loss and damage by wildlife;

● Loss of Property Tax Revenues is Negligible. Each year, the DFWP makes payments in lieu of property taxes equal to the assessments by the county and local school districts on land and improvements. The only potential for lost tax revenues is the assessments on livestock and machinery. Because of reductions on taxation on livestock, a cow represents a total tax payment to the county and school districts of approximately \$5 per head. Most farm machinery and equipment has been depreciated and represents little taxable value. As can be seen from the list of Wildlife Habitat projects, an annual total of only \$2,700 in taxes have been "lost" because of the Wildlife Habitat Program.

● Negligible Net Loss of Jobs and Income. Some minimal level of agricultural employment might be lost by purchase of an agricultural operation, provided the ranch would have remained in operation. Often, willing sellers interested in the program have made a decision to sell, and crucial big game habitat faces threats of land development, logging, mining and other activities. The economic benefit to the private sector would have been lost anyway.

● Adjacent Landowners May Suffer Loss or Damage. Forage loss and property damage by wildlife can be real problems for landowners adjacent to or near wildlife areas. These impacts can, and should be, dealt with on a case-by-case basis, using applicable management measures or easements. The potential for these problems is not sufficient reason to undermine or discontinue the wildlife habitat program.

EXHIBIT 15
DATE 2/2/93
HB 214

HB 214
February 2, 1993

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
before the House Fish and Game Committee

Good afternoon.

Mr. Chairman, members of the committee, as you know, I seldom speak for more than a minute on a particular bill. Today I ask your indulgence. I believe the issue before you is one of the most important areas my department has the responsibility to manage. It is referred to as land..., water..., habitat..., a home for wildlife. It is also a home to all of us. Private or public, the land we live on is one of the most precious resources we have.

I rise in opposition to this bill, knowing full well the depth and breadth of feelings Montana's agricultural landowners have about public ownership of land. They have been stewards of the land for generation after generation. It is not just land. It is not just an economic resource. It is a Montana life style.

I have good relations with many people in the Stockgrowers. I have a good personal relationship with Errol Galt. He discussed with me his concerns and his frustrations, having served four years as chairman of the Fish, Wildlife & Parks Commission. The commission purchased more lands in fee title during his tenure than in any other four year period. Yet we were unable to secure significant conservation easements. I share his concern.

Private landowners and sportsmen have much in common in Montana. They share many of the same values. They share many of the same dreams.

We have a love of the land. We appreciate wildlife. We recognize that wildlife needs open space, the kind of open space that agricultural land provides.

Our wildlife habitat program currently has 237,000 acres in fee title ownership. This is less than 0.0025% of the acres in the state. If the state were a five gallon bucket of water, we would own about a thimble full.

The 1991 legislature asked Fish, Wildlife & Parks to study the wildlife habitat acquisition program. We completed a very comprehensive set of studies and submitted a report to you earlier this session. The proposed goals for the wildlife habitat program are outlined in Attachment A. They were developed after many meetings with sportspersons, landowners, business people, and other Montanans.

The department needs to do several things to develop a successful program:

- We need to improve the internal coordination in our wildlife habitat program.

- We need to establish clearer priorities for each geographic area in the state.
- We need to find more effective ways to acquire conservation easements.

I stand before you and make the following commitments:

I will commit financial resources to a partnership with private organizations who have the experience and expertise in conservation easements, familiarity with traditional agricultural landowners, and with a track record of success. Groups like the Montana Land Reliance, Nature Conservancy, the Rocky Mountain Elk Foundation, Five Valleys Land Trust and others. They could be involved in negotiating conservation easements and developing management plans.

I will also present our priorities to local landowner groups, sportsmen's groups and local officials to help identify priority habitats which should be in our program and the landowners who might be interested in the program.

We cannot afford to own all the land we would like to have to benefit wildlife. But through the aggressive public-private partnership I described we can progress toward our goals.

There are times, however, that a piece of land is so important to us and when a landowner has no desire to enter into a conservation

easement, that we must acquire the land in fee title. We need that opportunity.

You should also be aware that much of the land purchased prior to the initiation of the 1987 land acquisition program was acquired with federal funds. These lands cannot be disposed of unless they no longer meet their original purpose. Further, requiring an exchange of lands could mean sacrificing one parcel to protect another. A cap on acquisition at current levels would essentially mean little or no fee title in the future. We do not believe the public would find this acceptable.

As part of the studies under SB 252, a survey of Montanans was conducted. Over half felt we were losing significant wildlife habitat. When asked about the total amount of land managed for wildlife habitat, over 50% said there was not enough and 11.5% said too much. Respondents were asked for direction in policy on acquiring lands and what the appropriate means should be:

- a. 34.1% said whatever is necessary to protect
- b. 22.4% said agreements with landowners
- c. 26.7% said agreements with landowners, with purchase as a last option
- d. 10.3% said purchase, with agreements as the last option
- e. 4.9% felt that no more habitat protection was needed.

To improve the acceptance of conservation easements to sportspersons, the current program should expressly allow for the inclusion of access in easement or lease agreements.

One concern expressed by landowners is that our department could drive up the price for land beyond what agricultural interests could afford. In some areas that is probably true. That is why we have a very public process that requires much study and comment before the commission decides to proceed with a purchase.

However, it is also true that the money coming into this state to buy and lock up key tracts of land is so large and moves so quickly that in most cases we cannot compete, nor can the agricultural landowner. There are many tracts of land that in our opinion would better be left in the hands of Montanans or the Department of Fish, Wildlife & Parks. These are opportunities lost.

We need to consider ways to expedite this process for conservation easements in high competition areas.

The department is currently working on exchange of a parcel purchased in fee title under this bill. It is 17,800 acres we are proposing to exchange for an easement on other properties. Three groups of landowners were interested in this parcel. Unfortunately, it has taken over three years to get to this point and will likely take another year to finalize.

We are working to improve this program, but do not believe the cap on fee title acquisition is good policy.

Attachment A - Goals

1. Conservation of Montana's wildlife populations and natural communities with management that keeps them intact and viable for future generations, in numbers that sustain or enhance current recreational opportunities, and with a geographic distribution that represents their historic locations and ranges.
2. Conservation of Montana's land and water resources in adequate quantity and quality to sustain ecological systems.
3. Implementation of habitat management systems which minimize conflicts with traditional agricultural, economic and cultural values and activities that rely on habitat, are important to Montana's quality of life, and re compatible with the conservation of soil, water, and biological populations and communities.

EXHIBIT 16
DATE 2/2/93
HB 214

FEBRUARY 2, 1993

I AM PAT SIMMONS, FROM BOZEMAN. I HUNT AND FISH, AND AM AN ACTIVE SUPPORTER OF THE GALLATIN WILDLIFE ASSOCIATION AND THE MONTANA WILDLIFE FEDERATION. I TOOK VACATION LEAVE TODAY TO TESTIFY AGAINST HB 214, BECAUSE PROTECTION OF WILDLIFE HABITAT IS SO IMPORTANT TO ME. IT IS MONTANA'S HERITAGE FOR OUR YOUNG PEOPLE. OUR ABUNDANCE AND VARIETY OF WILDLIFE IN MONTANA, ESPECIALLY BIG GAME, IS A NATIONAL TREASURE. THIS BILL WOULD END THE PROGRAM ~~THE~~ SPORTSMEN AND WOMEN WORKED SO HARD TO PASS IN THE LEGISLATURE BY CAPPING IT AT CURRENT LEVELS.

AS YOU MAY KNOW, THE DEPT OF FISH, WILDLIFE AND PARKS HAS HAD AN ACTIVE WILDLIFE HABITAT MANAGEMENT ACQUISITION PROGRAM BEGINNING IN 1940, HOWEVER THE PROGRAM RESULTS HAVE BEEN SPORADIC, DEPENDING ON THE AVAILABILITY OF FUNDS AND OTHER DEPARTMENT PRIORITIES. IN THE 1980'S, SPORTSMEN AND WOMEN BECAME CONCERNED OVER THE DECLINE IN THE NUMBER OF ACQUISITIONS. AT THE SAME TIME, OUT-OF-STATERS BEGAN COMING IN AND BUYING UP PRIME HABITAT FOR SUBDIVISION AND PROFITS, DRIVING THE GAME ONTO AGRICULTURAL LAND AND GENERATING COMPLAINTS ABOUT WILDLIFE DAMAGING THEIR CROPS.

SPORTSMEN FRIENDS OF MINE IN BOZEMAN, RED LODGE, BILLINGS AND I STARTED DEVELOPING IDEAS FOR A PERMANENT ELK WINTER RANGE ACQUISITION PROGRAM OF 3 MILLION DOLLARS PER YEAR. ELK USE MOUNTAINOUS PUBLIC LANDS, BUT ARE FORCED TO THE LOWER WINTER RANGES, MANY TIMES ONTO PRIVATE LANDS, TO FIND AVAILABLE FORAGE. IF THE MONEY WAS NOT AVAILABLE IN THE FWP DEPARTMENT OPERATING

AND CAPITAL BUDGETS, WE WOULD AGREE TO ASSESS OURSELVES - RESIDENTS AND NON-RESIDENTS - LICENSE FEE INCREASES. WE AGREED THAT IN ADDITION TO MONEY ^{BEING} ~~TO BE~~ SPENT ON ACQUISITION, MONIES FOR OPERATIONS AND MAINTENANCE OF THESE LANDS WAS ALSO NECESSARY, TO BE GOOD NEIGHBORS TO THE AGRICULTURALISTS AND TO IMPROVE FORAGE FOR ELK. WE WERE COPYING THE SUCCESSFUL FISHING ACCESS SITE PROGRAM.

WE BROUGHT THESE IDEAS TO THE MONTANA WILDLIFE FEDERATION IN THE FORM OF RESOLUTIONS IN 1985 AND 1986, GAINING OVERWHELMING SUPPORT AND LISTING AS HIGH PRIORITY FOR THE 5,000 MEMBER SPORTSMEN AND WOMEN'S ORGANIZATION. ^{IN} ~~FOR~~ THE 1987 LEGISLATURE, WE WERE SUCCESSFUL IN DRAFTING LEGISLATION, HB 526, AND GAINING SUPPORT FROM 26 LEGISLATORS TO CO-SPONSOR THE BILL. THE SCOPE WAS WIDENED TO ALL WILDLIFE, AND CONSERVATION EASEMENTS AND LEASES WERE ADDED TO FEE TITLE PURCHASES, AS OPTIONS, DEPENDING ON THE NEEDS OF THE SELLER.

THE POINT OF MY HISTORICAL PERSPECTIVE HERE, IS THAT THIS ^{IS} HIGHLY SUCCESSFUL HABITAT PROGRAM, THE RESULT OF A LOT OF HARD WORK ON THE PART OF SPORTSMEN AND WOMEN, AND ON TOP OF THAT WE ASSESSED OURSELVES, NOT THE GENERAL TAXPAYER. MOST SPORTSMEN AND WOMEN REALIZE THAT TO CONTINUE TO HAVE SOME OF THE FINEST HUNTING IN AMERICA, WE NEED TO PROVIDE PLACES FOR ANIMALS TO EAT, SLEEP AND SOCIALIZE. THE IMPACT ON AGRICULTURALISTS IS TO DISPLACE WILDLIFE ONTO PUBLIC OWNED LANDS WHERE THE FORAGE IS GOOD AND HUNTERS HAVE ACCESS TOO. WE'RE GOOD NEIGHBORS TOO - WE SPRAY WEEDS, INSTALL AND MAINTAIN FENCES, AND ALLOW HUNTING TO MANAGE

THE NUMBER OF WILDLIFE. WE EVEN WORKED WITH A WORLD RENOWNED SCIENTIST TO IMPLEMENT THE REST ROTATION SYSTEM WITH CATTLE ON OUR LANDS, SOMETIMES INCLUDING PRIVATE AND FEDERAL ADJACENT LANDS IN COOPERATIVE AGREEMENTS. I'VE BEEN ON TOURS IN WALL CREEK, DOME MOUNTAIN, MT. HAGGIN AND OTHERS WHERE I'VE LEARNED ABOUT THE MANAGEMENT PLANS TO TAKE CARE OF THESE LANDS AND COOPERATE WITH ADJACENT LANDOWNERS. I THINK IF YOU TALKED WITH THESE NEIGHBORS YOU WOULD FIND US SPORTSMEN AND WOMEN HAVE IMPROVED OUR LANDS AND OUR RELATIONSHIPS WITH THE LANDOWNERS. THE PERCENTAGE OF LAND ACQUIRED SO FAR IS SMALL, ONLY .4%, 279,628 ACRES BETWEEN 1940 AND 1992.

WE WOULD LIKE ALL OUR EFFORTS AND SUCCESSES TO BE CONTINUED INTO THE NEXT CENTURY AND WANT YOU TO VOTE NO ON HB 214. LAST SESSION THE LEGISLATURE REQUESTED US SPORTSMEN AND WOMEN TO SPEND \$100,000 OF OUR LICENSE DOLLARS TO STUDY AND MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO OUR PROGRAMS. WE HIRED 2 CONSULTANTS TO STUDY THE PROGRAM AND THE PUBLIC'S VIEW TOWARD THE PROGRAM. THE CANYON SURVEY RESULTS SHOWED THAT PEOPLE SUPPORT THE HABITAT PROGRAM AND EXPECT IT TO:

- 1- CONSERVE MONTANA'S LAND, WATER AND DIVERSITY OF WILDLIFE RESOURCES AS A WHOLE, PRODUCTIVE SYSTEM
- 2- PROTECT THAT SYSTEM AGAINST EMERGING THREATS SO IT REMAINS INTACT FOR FUTURE GENERATIONS, ESPECIALLY SUBDIVISIONS
- 3- PROVIDE HUNTING AND FISHING OPPORTUNITIES, AND OTHERS.

checked 16
2-2-93
HB-214

THE CONSULTANTS BOTH RECOMMENDED HB 526 BE A PERMANENT PROGRAM. AND AS A RESULT OF THE REPORTS, FISH, WILDLIFE & PARKS WILL CONTINUE TO IMPROVE THE PROGRAM BY ADOPTING POLICIES AND RULES, DEVELOPING A COMPREHENSIVE STATEWIDE HABITAT PROGRAM, ACCOUNTING FOR ADMINISTRATION AND MANAGEMENT COSTS, AND IMPLEMENTING A DATA MANAGEMENT SYSTEM, ALL WITH FULL PUBLIC INPUT.

WE ARE ALL LUCKY TO BE LIVING IN MONTANA AND PARTICIPATE IN A UNIQUE WILDLIFE HABITAT PROGRAM DEVELOPED BY SOME OF ITS PEOPLE FOR THE BENEFIT OF ALL. WOULDN'T MONTANANS RATHER HAVE EACH OTHER, THAT IS, THE SPORTSMEN AND WOMEN, AS NEIGHBORS, THAN OUT-OF-STATE INVESTORS AND DEVELOPERS? PLEASE DON'T GUT THIS PROGRAM - VOTE NO ON HB 214. THANK YOU.

EXHIBIT 17
DATE 2/2/93
HB 214

NAME Joe Gutkoski

ADDRESS 304 N. 18th. Av. Bozeman MT. 59715

HOME PHONE 587-3242 WORK PHONE 587-3242

REPRESENTING Vice Pres. Mont. Wildlife Federation

APPEARING ON WHICH PROPOSAL? HB 214

DO YOU: SUPPORT _____ OPPOSE ☒ AMEND _____

COMMENTS:

Big Game Hunting in Montana has wide economic
benefits to the state. 49% of Mont. males hunt.
19% of Montana women hunt. There was 80,000 resident big
game hunting licenses sold in MT in 1991. & 23,000 non resident
big game hunting licenses sold. 103,000 big game hun
licenses were sold in MT. in 1991.

The wildlife winter range acquisition program has been
a successful program in MT and should be continued.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXHIBIT 18
DATE 2/2/93
HB 214

FROM THE ALBUQUERQUE JOURNAL

Friday, December 11, 1992

Lincoln County Challenges Federal Land Deal

By Chuck McCutcheon, *Journal* Staff Writer

The Lincoln County Commission has filed suit against the federal Bureau of Land Management over a controversial land deal in what is seen as the first legal test of New Mexico counties' land-use plans.

The suit, filed late Wednesday in state District Court in Carrizozo, says the Rio Bonito land swap between the BLM and a Roswell company doesn't conform to Lincoln County's interim land-use plan. Adopted in January, the plan requires government agencies to maintain the existing ratio between private and public lands in the county.

The swap would give 1,400 acres to BLM near Lincoln in exchange for about 30,000 acres of available bureau land equal in value to its land, located mainly in Dona Ana, Valencia and Eddy counties. Commissioners say removing the land from private ownership distorts the county's tax base.

The suit asks that the swap be put on hold until it conforms to county policies. "We have adopted this ordinance," County Attorney Robert Beauvais said Thursday. "The question now is whether we can enforce it."

Albuquerque land-use lawyer Anita Miller said the suit apparently marks the first time a New Mexico county has challenged a federal agency in court on the basis of its land-use plan.

Commission Chairman Stirling Spencer said the suit was filed in state court because it is a local government issue. "We fully realize they're going to try to take this to federal court," he said. "We think this whole issue is a flagrant misuse of taxpayers' money."

The suit follows the bureau's decision this week to issue patents for the first portion of the swap, which transferred 25,000 acres to Roswell's Lincoln Valley Land Co. in return for 429 acres around Lincoln. The decision came after Interior Department officials dismissed all protests related to the exchange, Roswell BLM district manager, Leslie Cone, said.

Cone is named as a defendant in the suit along with Interior Secretary Manuel Lujan Jr., BLM state director Larry Woodard and Lincoln Valley Land Co. which proposed the swap.

Cone declined to comment on the suit. But bureau officials have said the exchange maintains the county's public/private land ratio. They also say they are working on plans that would clear the way for 35,000 acres of public land to be transferred to private owners.

Lincoln Valley vice president, Ron Green, said the county shouldn't try to dictate whether his company can trade land with the government. "It seems they are taking our private rights away," he said.

Lincoln County is one of at least eight New Mexico counties that has passed some type of land-use ordinance or resolution. Other Western counties have adopted or are considering adopting measures.

Supporters of such ordinances say they are a step toward asserting local control over federal actions affecting counties, especially those involving timber cutting, mining and cattle grazing. But critics say they are illegal because they amount to telling the federal government what it can do on federal land.

The Rio Bonito swap has become a major issue for some county residents, who support it because they say they don't want to see the land commercially exploited.

In August, BLM Director, Cy Jamison, postponed the swap until 1994. But he allowed it to proceed after bureau officials in New Mexico said a delay would kill the deal.

EXHIBIT 19
DATE 2/2/93
HB 214

Good afternoon.

Mr. Chairman, members of the committee, my name is Jan Hamer, I live in Helena, Montana and I am a concerned sports person. I oppose House Bill 214. This bill essentially eliminates habitat acquisition as an option.

It asks the Department to choose between a treasurer like Mount Haggin or Elk Island and a new opportunity. That is simply bad policy.

I agree that easements ought to be aggressively pursued, but sometimes an easement is not an option. This cap just closes down the Department's ability to save pieces of Montana from being lost.

I think that we have seen a flood of out-of-stater's coming into Montana..take a look at the Hamilton Valley, the Kalispell area. When they purchase land they often sub-divide or close off hunting opportunities and habitat.

We are talking about the importance of places for wildlife and places for people to enjoy wildlife. We are talking about a way of life, an integral part of the Montana lifestyle that is slowly disappearing. We, as sportsmen have paid for these acquisitions through voluntary increases in license fees.

Committee Members:

Please give 2 do ^{not} pass
to H.B. 214.

No special interest
group should tell
someone what they
can do with their
private property.
A free market
system should
prevail - willing
seller - willing buyer
etc.

This is the only
opportunity and now
is a sportsman to
purchase Mont. property
the same as the
Japanese, the Ted Turner
etc.

Do not press this
worthless piece of
legislation.

Thank you.

Larry Schauer
Skyline Sportsman's
Club - Butte

MONTANA'S WILDLIFE MANAGEMENT AREAS

Montana's Wildlife Management Areas (WMA) — from the 2-acre Silver Gate WMA near Cooke City, to the 54,137-acre Mount Haggin WMA near Anaconda — provide vital habitat for elk and many other forms of wildlife. Each of these areas protects important wildlife habitat that might otherwise disappear from the Montana landscape.

The Department of Fish, Wildlife and Parks manages Montana's WMAs with the needs of wildlife and the maintenance of this important habitat as its foremost concern. Many of these areas also provide opportunities for hiking, outdoor photography, hunting, fishing, bird-watching and other recreational pursuits.

Since 1937, when the state acquired 237 acres of prime elk country near the historic Judith River, the Department has continued its efforts to protect vital habitats for an array of wildlife species. The wildlife management area program has proven to be a successful way to ensure that these special lands will remain available for use by wildlife for generations to come.

Still, the special wildlife habitats that have been carved from the Montana wood block over the past 50 years would amount to only a few shavings from a whittler's knife when compared to Montana's vast expanse. Consider that the state's WMAs presently encompass just over 280,000 acres, or less than 1/4 of 1 percent of all the land within Montana's borders.

VITAL ELK WINTER RANGE

Since 1937, only 19 WMAs have been specifically acquired to provide elk with vital winter habitat. These areas, comprising 234,995 acres, were acquired because elk generally seek out the same winter range year after year.

There is no question that Montana's elk winter ranges are the vehicles that make or break a healthy elk herd. That's because the amount of available winter range, more than any other single factor, dictates the number of elk that can live in a healthy population. There is also no question that many landowners are becoming less tolerant of agricultural damage caused by wildlife or that residential and consumptive development of vital habitat continue to claim



State Wildlife Management Areas

State Wildlife Management Areas

WMA	County or Counties	Acres	Acres	Acres
		Deeded	Leased	Other
1. Canyon	Beaumont	1,000	1,000	1,000
2. Lake	Beaumont	1,000	1,000	1,000
3. Lake	Beaumont	1,000	1,000	1,000
4. Lake	Beaumont	1,000	1,000	1,000
5. Lake	Beaumont	1,000	1,000	1,000
6. Lake	Beaumont	1,000	1,000	1,000
7. Lake	Beaumont	1,000	1,000	1,000
8. Lake	Beaumont	1,000	1,000	1,000
9. Lake	Beaumont	1,000	1,000	1,000
10. Lake	Beaumont	1,000	1,000	1,000
11. Lake	Beaumont	1,000	1,000	1,000
12. Lake	Beaumont	1,000	1,000	1,000
13. Lake	Beaumont	1,000	1,000	1,000
14. Lake	Beaumont	1,000	1,000	1,000
15. Lake	Beaumont	1,000	1,000	1,000
16. Lake	Beaumont	1,000	1,000	1,000
17. Lake	Beaumont	1,000	1,000	1,000
18. Lake	Beaumont	1,000	1,000	1,000
19. Lake	Beaumont	1,000	1,000	1,000
20. Lake	Beaumont	1,000	1,000	1,000
21. Lake	Beaumont	1,000	1,000	1,000
22. Lake	Beaumont	1,000	1,000	1,000
23. Lake	Beaumont	1,000	1,000	1,000
24. Lake	Beaumont	1,000	1,000	1,000
25. Lake	Beaumont	1,000	1,000	1,000
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27. Lake	Beaumont	1,000	1,000	1,000
28. Lake	Beaumont	1,000	1,000	1,000
29. Lake	Beaumont	1,000	1,000	1,000
30. Lake	Beaumont	1,000	1,000	1,000
31. Lake	Beaumont	1,000	1,000	1,000
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33. Lake	Beaumont	1,000	1,000	1,000
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37. Lake	Beaumont	1,000	1,000	1,000
38. Lake	Beaumont	1,000	1,000	1,000
39. Lake	Beaumont	1,000	1,000	1,000
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41. Lake	Beaumont	1,000	1,000	1,000
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43. Lake	Beaumont	1,000	1,000	1,000
44. Lake	Beaumont	1,000	1,000	1,000
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72. Lake	Beaumont	1,000	1,000	1,000
73. Lake	Beaumont	1,000	1,000	1,000
74. Lake	Beaumont	1,000	1,000	1,000
75. Lake	Beaumont	1,000	1,000	1,000
76. Lake	Beaumont	1,000	1,000	1,000
77. Lake	Beaumont	1,000	1,000	1,000
78. Lake	Beaumont	1,000	1,000	1,000
79. Lake	Beaumont	1,000	1,000	1,000
80. Lake	Beaumont	1,000	1,000	1,000
81. Lake	Beaumont	1,000	1,000	1,000
82. Lake	Beaumont	1,000	1,000	1,000
83. Lake	Beaumont	1,000	1,000	1,000
84. Lake	Beaumont	1,000	1,000	1,000
85. Lake	Beaumont	1,000	1,000	1,000
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87. Lake	Beaumont	1,000	1,000	1,000
88. Lake	Beaumont	1,000	1,000	1,000
89. Lake	Beaumont	1,000	1,000	1,000
90. Lake	Beaumont	1,000	1,000	1,000
91. Lake	Beaumont	1,000	1,000	1,000
92. Lake	Beaumont	1,000	1,000	1,000
93. Lake	Beaumont	1,000	1,000	1,000
94. Lake	Beaumont	1,000	1,000	1,000
95. Lake	Beaumont	1,000	1,000	1,000
96. Lake	Beaumont	1,000	1,000	1,000
97. Lake	Beaumont	1,000	1,000	1,000
98. Lake	Beaumont	1,000	1,000	1,000
99. Lake	Beaumont	1,000	1,000	1,000
100. Lake	Beaumont	1,000	1,000	1,000

The above figures are the most recent figures in the program as of July 1, 1988. All acreage figures are rounded to the nearest whole acre. The acreage figures are from the July 1, 1985, annual summary of lands controlled by the DFWP with the addition of the Upper Ranch in Paradise Valley, which was added in 1986.

These areas do not have an active management program at this time. Managed in part of the Bonanza National Wildlife Refuge in cooperation with the U.S. Fish and Wildlife Service.

more and more traditional elk winter range. The answer is just as direct: the only way to maintain present numbers of elk and, potentially, increase them in the future is to guarantee that their winter range will be preserved and managed properly.

Current estimates place about 100,000 wintering elk in Montana, but only 10 percent of these majestic animals winter on public WMAs. If the winter ranges on private land become developed, chances are the displaced elk herds will never be recovered. That is why it is essential that winter range areas remain intact, and to keep them intact, more Wildlife Management Areas will have to be secured through easement, lease, or purchase. For if there are not enough winter ranges with sufficient forage to supply wintering elk herds with the food they need, the result will be fewer and fewer elk.

To illustrate the effectiveness of establishing a wildlife management area on a traditional elk winter range, the 7,066-acre Wall Creek WMA is a good case in point. When it was acquired by the Department in 1960, the Wall Creek area supported a population of less than 150 wintering elk. With management directed specifically to toward elk and gradual improvement of the range conditions, biologists estimate that area presently supports approximately 1,000 elk through the winter.

WATERFOWL

Some 20,900 acres within the Department's system of WMAs are being specifically managed for waterfowl. Within these 16 WMAs — from Ninepipe (2,983 acres) and Pablo (416 acres) on the Flathead Indian Reservation near Polson, to Fox Lake (1,361 acres) near Sidney — the Department's management objectives are threefold:

- 1) to preserve these wetlands and improve them for production of waterfowl, shore birds, upland game birds and other game and nongame wildlife;
- 2) to provide hunting and other recreational opportunities;
- 3) to minimize crop depredation on surrounding agricultural lands.

Many of the WMAs designed for waterfowl habitat are among the most intensively managed sites under Department of Fish, Wildlife and Parks control. Water control structures, man-

made nesting sites, dikes and shelterbelts are common improvements.

In addition to attracting hunters in the fall and winter, many of the WMAs set aside specifically for waterfowl have become popular destinations for bird-watchers and wildlife photographers as a direct result of the attractive wildlife habitat they offer.

DEER AND UPLAND GAME

Popular for the same reasons, but managed for different species, are the remaining 12 WMAs. These areas have been set aside by the Department primarily to help deer and upland game bird populations by protecting and developing habitat in streamside environments. Listed among the 9,300 acres set aside for deer and upland game is the 1,622-acre Ray Kuhns WMA in the upper reaches of the Flathead Valley and the 320-acre Bridger Mountain WMA near Bozeman. In eastern Montana, Elk Island (1,046 acres) and Seven Sisters (957 acres) are providing superb white-tailed deer habitat and pheasant production areas. The colorful wood duck is establishing residence in the areas' cottonwood overstory, and fishermen there can find easy public access to the Yellowstone River.

LAND STEWARDSHIP

It is a simple equation: the survival of wildlife is a function of habitat maintenance. But on most of Montana's WMAs, the survival of wildlife and the preservation of vital habitat hasn't precluded other beneficial uses of these lands or the Department's desire to maintain its stature as a "good neighbor" in areas where WMAs are required.

For example, the implementation of cooperative grazing programs on some of Montana's WMAs allows adjoining landowners to graze their cattle on the areas at certain times of the year. Carefully managed livestock grazing has been shown, in some cases, to actually improve forage conditions for wildlife and help maintain healthy winter ranges. Similarly, hay is grown at the Beartooth WMA 30 miles north of Helena and at Freezeout Lake. Sharecroppers grow grain on the Seven Sisters and Elk Island WMAs on the Yellowstone River bottoms in eastern Montana. Well planned and managed agricultural uses of our WMAs are the rule, rather than the exception.

With the interests of Montana's agricultural community as well as its own interests in maintaining quality wildlife habitat in mind, the Department also has implemented extensive programs to control the spread of noxious weeds on several WMAs and is a cooperator in local weed control programs. Further, once an area is acquired, the Department makes in-lieu-of-tax payments to the county in which a WMA is located. These payments are the same as the county would gain in tax revenues if the land were put to another use.

MULTIPLE VALUES

As valuable as Montana's WMAs are to wildlife, they are also of great value to people. WMAs are places that offer solitude to those who seek it, access to those who partake of the many recreational opportunities these areas afford, beauty to those who find it in a totally natural setting. They also are places where school children can learn about the "intricacies" of nature, places where more advanced students can research the complexities of our environment, and, in some cases, places where those with an interest in the past can probe to the roots of Montana's history. WMAs, indeed, are also for those who will enjoy them and learn from them.

NEED FOR RESTRICTIONS

All of Montana's WMAs are for public use from hunting, fishing and trapping, to horseback riding, hiking and picnicking. However, in order to reduce stress to animals during critical periods, some portions of Montana's big game wintering areas are closed to public access from the end of the "general hunting" season until May. Similarly, some of our WMA-wetlands are closed during the spring nesting season, which begins in April and ends in July.

MONTANA'S WILDLIFE HERITAGE SERVED BY WMAS

Because the future of elk, waterfowl and other forms of wildlife is so delicately tied to protecting and improving critical habitats, the maintenance and growth of Montana's WMAs is essential. When we acquire and manage these special areas for the enjoyment of present and future generations of Montanans, we are also ensuring that Montana's priceless wildlife heritage will continue to prosper.

Montana's WILDLIFE MANAGEMENT AREAS Dedicated to Wildlife



Montana Department of Fish, Wildlife & Parks

Why are recreation values important?

In the past, the primary indicator of the economic value of fish and wildlife in Montana has been dollars spent by sportsmen. Although economists recognize that expenditures are important to local and state economies, they also know expenditures do not reflect the total recreational value of the resource, which includes the personal benefits one receives from sport fishing and hunting.

By measuring these additional benefits, economists can determine the total recreational value of the state's fish and wildlife resource by estimating what sportsmen would be willing to pay to fish and hunt in different locations across Montana.

Why does Montana need this information?

Many of the natural resources on our public lands are being sought for use or development by a wide spectrum of interest groups that, in a sense, are in competition with each other.

Groups that seek to use fish, wildlife, water, grassland, timber, gas, oil and minerals each have a stake in the natural resources on Montana's public lands.

Federal land and water management agencies—like the U.S. Army Corps of Engineers, the U.S. Forest Service and the federal Bureau of Land Management (BLM)—rely on the market value of various resources to help determine which use of a resource is in the best public interest.

However, because there have been no economic values set for fish and wildlife that are specific to Montana, federal land and water management agencies have been obliged to use regional averages to estimate the value of fishing and hunting in Montana.

By replacing the old regional averages with specific economic values, the state's fish and wildlife resource will be more fairly represented when decisions are made that will affect the future of fishing and hunting in Montana.

How was the information obtained?

In 1985, the Montana Department of Fish, Wildlife and Parks, in cooperation with the U.S. Forest Service and the BLM, embarked on a two-year study to document the recreation value of sport fishing and hunting in Montana. Using accepted recreation analysis methodologies, professional economists surveyed stream and lake anglers as well as elk, deer and antelope hunters to determine economic values for each of these specific outdoor pursuits.

How was the project funded?

The two-year, \$270,000 project was primarily funded by state fishing and hunting license fees and federal sport fish and wildlife restoration dollars. An additional \$29,000 was donated by the BLM to help fund the study.

Does this information have any importance to the people of Montana?

The Montana Department of Fish, Wildlife and Parks believes the importance of the state's fish and wildlife resource is reflected, in part, by the high economic values it has documented for sport fishing and hunting in Montana.

Now, for the first time, Montana has accurate economic values for the state's unique fishing and hunting opportunities. These values will be used by federal land and water management agencies to ensure that the state's fish and wildlife resources are represented fairly when decisions are made that will affect their future.

In conjunction with these economic value studies, the department also conducted "attitude and preference" surveys designed to provide a more complete picture of why people value specific fishing and hunting opportunities. With the information gathered through these surveys, the department will be better equipped to determine the resource management, policy, enhancement and protection programs that are in the public's best interest.

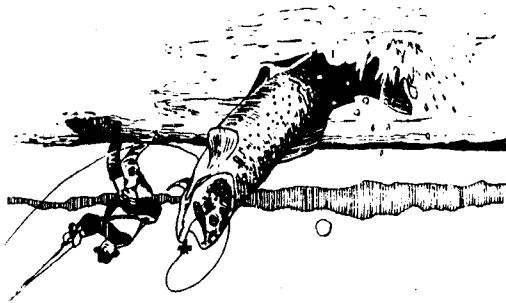
Finally, the Montana Department of Fish, Wildlife and Parks recognizes that this information does not reflect all the values associated with fish and wildlife. There are cultural, ecological, scientific, aesthetic, spiritual, social, educational and other values associated with Montana's fish and wildlife that these studies did not address.

What are the economic values of sport fishing and hunting in Montana?

Using information gathered from both resident and nonresident sportsmen, the Montana Department of Fish, Wildlife and Parks has documented the following economic values:

(over)

ON COMMON GROUND



Activity	A Measurement of Costs to Sportsmen			A Measurement of Benefits Received by Sportsmen		
	Expenditures* Per Day (The amount spent per day by individual resident/nonresident sportsmen.)	Expenditures* Per Trip (The amount spent per trip by individual resident/nonresident sportsmen.)	Annual Expenditures* (The total amount spent annually by all resident/nonresident sportsmen.)	Net Economic Value Per Day (The additional amount individual resident/nonresident sportsmen said the activity was actually worth, per day, over and above actual expenditures*)	Net Economic Value Per Trip (The additional amount individual resident/nonresident sportsmen said the activity was actually worth, for the same trip, over and above actual expenditures*)	Annual Net Economic Value (Total number of angler and hunter days multiplied by the Net Economic Value Per Day for that activity)
Sport Fishing (Streams)	\$ 48	\$ 97	\$52.4 million	\$102	\$113	\$122 million
Sport Fishing (Lakes)	\$ 38	\$ 91	\$47.3 million	\$ 70	\$ 89	\$ 93 million
Elk Hunting	\$102	\$285	\$58.4 million	\$ 66	\$184	\$ 37.6 million
Deer Hunting	\$ 73	\$149	\$63.8 million	\$ 55	\$108	\$ 51 million
Antelope Hunting	\$ 50	\$114	\$ 4.5 million	\$ 62	\$143	\$ 6 million

* Expenditures include transportation costs, lodging, food, guide fees and other purchases, excluding license fees.



**Montana Department of
Fish, Wildlife & Parks**

MONTANA DEPT. FISH, WILDLIFE, & PARKS - REGION 3 WILDLIFE MANAGEMENT AREAS

WALL CREEK
Wildlife Management Area
Madison County
Purchased 1960 - 1984

DEEDED
Acres 6,149
Purchase Price \$ 790,750.00
Cost / Acre \$ 128.59

STATE LEASED
Acres 918
Annual Cost \$ 741.84
Cost / Acre \$ 0.80

TOTAL
Acres Controlled 7,067 Acres

1989 Payment In-lieu of Taxes \$ 2058.46

FLEECER MOUNTAIN
Wildlife Management Area
Silver Bow County
Purchased 1962-1969

DEEDED
Acres 6,411
Purchase Price \$ 254,846.00
Cost / Acre \$ 39.75

STATE LEASED
Acres 87
Annual Cost \$ 738.23
Cost / Acre \$ 0.83

TOTAL
Acres Controlled 7,288 Acres

1989 Payment In-lieu of Taxes \$ 1854.43

GALLATIN
Wildlife Management Area
Gallatin County
Purchased 1951 - 1975

DEEDED
Acres 7,313
Purchase Price \$ 78,502.64
Cost / Acre \$ 10.73

STATE LEASED
Acres 3,200
Annual Cost \$ 900.00
Cost / Acre \$ 0.28

TOTAL
Acres Controlled 10,513 Acres

1989 Payment In-lieu of Taxes \$ 1989.85

ROBB CREEK
Wildlife Management Area
Beaverhead / Madison County
Purchased 1988

DEEDED
Acres 17,170
Purchase Price \$ 2,010,000.00
Cost / Acre \$ 117.06

STATE LEASED
Acres 10,817
Annual Cost \$ 10,016.54
Cost / Acre \$ 0.93

TOTAL
Acres Controlled 34,789 Acres

1989 Payment In-lieu of Taxes \$ 4,089.52

TOTAL ACRES CONTROLLED
Region 3
ACREAGE CONTROLLED
134,660

1989 Payment In-lieu of Taxes \$ 34,870.21

BLACKTAIL
Wildlife Management Area
Beaverhead County
Purchased 1972

DEEDED
Acres 11,261
Purchase Price \$ 720,000.00
Cost / Acre \$ 63.93

STATE LEASED
Acres 6,161
Annual Cost \$ 5,323.39
Cost / Acre \$ 0.86

TOTAL
Acres Controlled 17,422 Acres

1989 Payment In-lieu of Taxes \$ 4,025.03

DOMESTIC MOUNTAIN
Wildlife Management Area
Park County
Purchased 1986

DEEDED
Acres 4,789
Purchase Price \$ 2,568,075.35
Cost / Acre \$ 536.24

1989 Payment In-lieu of Taxes \$ 1,123.16

MT. HAGGIN
Wildlife Management Area
Deer Lodge / Silver Bow County
Purchased 1978

DEEDED
Acres 59,138
Purchase Price \$ 1,900,000.00
Cost / Acre \$ 35.09

1989 Payment In-lieu of Taxes \$ 18,992.91

BEAR CREEK
Wildlife Management Area
Madison County
Purchased 1954 - 1963

DEEDED
Acres 3,456
Purchase Price \$ 100,229.03
Cost / Acre \$ 29.00

1989 Payment In-lieu of Taxes \$ 729.85

2-0-93
H13-214

February 2, 1993

EXHIBIT 21
DATE 2/2/93
HB 214

Representatives:

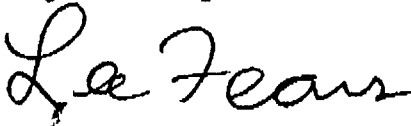
My name is Lee Fears and I reside in Red Lodge, MT. I spent many hours securing the passage of HB526 and, therefore, I would like to address HB214.

The Waples Property in Red Lodge, otherwise known as the Point of Rocks Management Area, is an example of the success of the Habitat Acquisition Act. The citizens of the area gathered donations for years to secure the lease from the Waples family, and began to feel a real sense of ownership and pride in regards to the elk herd. When the Fish and Game Commission held a public hearing in Red Lodge to hear testimony on the acquisition of this acreage, there was standing room only and not a single adverse comment to the proposal.

With the continual and constant threat to wildlife through subdivision, extractive industry, and less than satisfactory farming practices facing us, and subsequently, the wildlife of this state, the Habitat Acquisition Act has been one bright spot in the future of wildlife. To limit the acreage the state can hold with HB214 is, in essence, putting an actual cap on habitat. To consider this concept is unfuturistic and actually poses yet another threat to wildlife.

We need to keep in mind that the wildlife in Montana belongs to the people, and guaranteeing habitat is, quite simply guaranteeing wildlife. HB526 has provided essential habitat for wildlife across Montana and should continue to do so. For the future generations of this state, what a wonderful legacy to leave them!

Respectfully submitted,



Lee Fears
Box 401
Red Lodge, MT 59068

EXHIBIT 22
DATE 2/2/93
HB 281

Amendments to House Bill No. 281
Introduced Reading Copy

Requested by Ken Hoovestol
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 2, 1993

1. Page 1, line 16 through page 2 line 11.

Strike lines in their entirety

Insert: "The reporting of stolen and recovered snowmobiles must
be conducted in the same manner as the reporting of stolen
and recovered motor vehicles provided for in 61-3-106."

Amendments to House Bill No. 281
Introduced Reading Copy

Requested by Ken Hoovestol
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 2, 1993

1. Title, line 8.

Following: "REQUIREMENTS;"

Insert: "PROVIDING FOR REGISTRATION OF A SNOWMOBILE OWNED AND
OPERATED SOLELY AS A COLLECTOR'S ITEM;"

2. Page 10, line 10.

Strike: "A"

Insert: "Except for a snowmobile registered under [section 14],
a"

3. Page 22, line 14.

Following: line 13

Insert: "NEW SECTION. Section 14. Registration of a snowmobile
owned and operated solely as a collector's item. (1) An
owner of a snowmobile that is more than 25 years old and
that is used solely as a collector's item and not for
general recreational purposes may file with the county
treasurer an application for the registration of the
snowmobile. The application must be sworn to before an
officer authorized to administer oaths. The application must
state:

(a) the name and address of the owner;

(b) the name and address of the person from whom the
snowmobile was purchased;

(c) the make, the year and number of the model, and the
manufacturer's identification number and serial number of
the snowmobile; and

(d) that the snowmobile is owned and operated solely as a
collector's item and not for general recreational purposes.

(2) The registration fee for a snowmobile registered under
subsection (1) is \$10.

(3) Upon receipt of the application for registration and
payment of the registration fee, the county treasurer shall
file the application, register the snowmobile in the
manner specified in 23-2-616, and deliver to the applicant a
license plate or decal bearing the inscription "Vintage--
Montana" and the registration number.

(4) The year of issuance may not be shown on the plate or
decal.

(5) Annual renewal of the registration of a snowmobile
registered under this section is not required, and the
registration is valid as long as the snowmobile is in
existence. Upon sale of the snowmobile, the purchaser shall
renew the registration and pay the license fee required in
subsection (2)."

Renumber: subsequent section

Amendments to House Bill No. 281
First Reading Copy

Requested by Ken Hoovestol
For the Committee on Fish & Game

Prepared by Doug Sternberg
February 2, 1993

1. Title, line 7.

Following: "ALCOHOL;"

Insert: "PROVIDING ENFORCEMENT EXCEPTIONS FOR CERTAIN EX OFFICIO
WARDENS;"

2. Title, line 10.

Strike: "AND"

3. Title, line 11.

Following: "23-2-654,"

Insert: "AND 87-1-503,"

4. Page 14, line 14.

Following: "vehicles"

Insert: ", unless travel on the street, highway, or trail has
been closed to motor vehicle traffic or unless drifting snow
or snow cover has rendered travel by motor vehicles
impractical or impossible"

5. Page 19, line 14.

Strike: "\$1,000"

Insert: "\$500"

6. Page 22, following line 13.

Insert: "Section 14. Section 87-1-503, MCA, is amended to read:

"87-1-503. Ex officio wardens. All (1) Except as provided
in subsection (2), all sheriffs and their deputies, constables,
all peace officers of the state or any subdivision thereof, and
all state forest officers, other officers of the United States
forest service or agents of the United States fish and wildlife
service that are assigned to duty in this state, and field
personnel of the department, as the director may appoint, are
hereby made ex officio wardens, without pay, except that the
department may, in its discretion, allow traveling expenses as
provided for in 2-18-501 through 2-18-503, which, if allowed,
must be paid upon proper vouchers from the state fish and game
funds. Ex officio wardens shall have the same powers with
reference to the enforcement of the fish and game laws of this
state and the laws relating to parks and outdoor recreation
contained in chapters 1 and 2 of Title 23, except chapter 2, part
7, as regularly appointed wardens, and it is hereby made their
duty to assist, whenever possible, in the enforcement of those
laws.

(2) Officers of the United State forest service, agents of
the United States fish and wildlife service, and peace officers
of the bureau of land management, national park service, and

corps of engineers are not authorized to enforce the provisions
of [section 12]."

Renumber: subsequent section

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish & Game COMMITTEE BILL NO. HB 341
DATE 2/2/93 SPONSOR(S) Harph

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
RILEY JOHNSON	WALLEYES Unlimited		X
John Lamb	Walleyes Unlimited of Montana		X
Eugene Lamb	walleyes unlimited		X
EARL DORSEY	Trout Unlimited	X	
Bill Holdorf	skyline sportsmen	X	✓
Clay Landry	Trout Unlimited	X	
Glen Brice	WALLEYES Sky		X
Art Whitman	Mock A 2 \$	X	
Leroy A Mehring	sky line sportsmen	X	
Tony Schoone	Butte T-U	X	
ROBIN CUNNINGHAM	FISHING OUTFITTERS ASSN. OF MONTANA	X	
Janet Ellis	MT Audubon Leg Fund	✓	
Peter Wabner	INFWP	✓	
Larry Peterman	MT. FWP	✓	

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**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Field & Name _____ COMMITTEE _____ BILL NO. H/B 341
DATE 2/2/92 SPONSOR(S) ~~Harper~~ Harper

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[illegible]

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish & Game COMMITTEE BILL NO. HB214
DATE 2/2/93 SPONSOR(S) Johnson

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DAVE CAMPBELL	PRESIDENT OF MONTANA BOWHUNT ASSOC		X
L. F. THOMAS	ANACONDA SPORTSMAN		X
LEROY A. MAHRING	Dir Skyline sportsman		X
EDWARD J. TREGIDGA	LEWIS & CLARK ARCHERS SILVER TIP ARCHERY		X
BARRY RICE	RICE RANCHES	X	
DIANE RICE	"	X	
KNUATE HERCUM	Self	X	
DALE JOHNSON	"	X	
Ted Townsend	"	X	
STEVEN BROOKE	Stocking Wooded Lagowes	X	
KIM ENKERUD	MT Stocking Lagowes	X	
Bob Carlson	Self		X
JOE GOTHOSKI	Mont. Wildlife Federation		X
TONG SCHWANE	Skyline Sportman		X

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish & Game COMMITTEE BILL NO. 146214
DATE 2/2/93 SPONSOR(S) Danner

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Det Simmons, Bozeman	GWA		X
Joyce Grande	Self	X	
Stan Frazier	Prickly Pear		X
Lisa [unclear]	MSHA	X	
Lerna Frank	MT. Farm Bureau	X	
Orly [unclear]	Self	X	
Janet H Ellis	MT Audubon Leg Fund		X
Bob Hoffman	Ag. Res. Assoc.	X	
Pat [unclear]	DFWP		X
Kelly [unclear]	Self	X	
MICHAEL McNEILLY	Self	X	

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish & Game COMMITTEE BILL NO. HB 214
DATE 2/2/93 SPONSOR(S) Danson

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Enrol Galt, Martindale	Self	X	
Richard Anderson ^{Upper Milligan} 1st Falls	Self	X	
John Lamb ^{Glasgow} Mont.	Walleyes Unlimited		X
Eugene Lamb ^{61 Falls} mt.	Walleyes Unlimited		X
John Bloomquist	Mt. Skelegones	X	
Jim Richards	MWF		✓
LEE ROSTAD	MSGA	X	
PHIL ROSTAD SR	MSGA	X	
Phil Rostad Jr.	MSGA	X	
Bill Holdorf	Skyline Sportsmen		✓
Gene Quenemoen			X
Bob Barry	MAPP		✓
JAN HAMER	Montana Bowhunters Assoc		X
Ronald B. Stevens	Myself & Spoor + Menzies South-east Montana Sportsmen Assoc		X

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