

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON APPROPRIATIONS**

**Call to Order:** By **CHAIRMAN TOM ZOOK**, on January 27, 1995, at  
3:00 p.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Tom Zook, Chairman (R)  
Rep. Edward J. "Ed" Grady, Vice Chairman (Majority) (R)  
Rep. Joe Quilici, Vice Chairman (Minority) (D)  
Rep. Beverly Barnhart (D)  
Rep. Ernest Bergsagel (R)  
Rep. John Cobb (R)  
Rep. Roger Debruycker (R)  
Rep. Gary Feland (R)  
Rep. Marjorie I. Fisher (R)  
Rep. Don Holland (R)  
Rep. Royal C. Johnson (R)  
Rep. John Johnson (D)  
Rep. Mike Kadas (D)  
Rep. Betty Lou Kasten (R)  
Rep. Matt McCann (D)  
Rep. William T. "Red" Menahan (D)  
Rep. Steve Vick (R)  
Rep. William R. Wiseman (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Clayton Schenck, Legislative Fiscal Analyst  
Marjorie Peterson, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 172, HB 226  
Executive Action: HB 104 DO PASS, HB 124 TABLED,  
HB 222 TABLED, HB 224 TABLED

HEARING ON HB 172Opening Statement by Sponsor:

**REP. BOB RANEY, HD 26, Livingston,** opened the hearing on HB 172 which requires the Department of Fish, Wildlife and Parks (DFWP) to place the highest priority on maintenance, improvement and development of fishing access sites (FAS) or state parks for weed control and streambank restoration. He is concerned about spotted knapweed from FAS or state parks being spread across the state by cars, motorcycles, trucks and boat trailers. At times, over 100 people a day visit some of these sites and go from one to another pulling boats, etc., through weed patches. There is a tremendous invasion of weeds in eastern Montana. Knapweed also creates its own resin which is toxic and kills other plants it comes in contact with. **REP. RANEY** then noted that there were 60 signatures of representatives co-sponsoring this bill, all of whom are fully aware of the weed control problem in the state. They are all worried that DFWP is not spending enough on weed control -- only 2/10ths of one percent of their total budget -- which translates to only about \$150,000 to prevent weed control across the state. DFWP needs to be a better steward of the land. **REP. RANEY** believes that, as legislators, they are all here to do what the people of Montana want them to do and that is to take more control of the problems in our state, one of which is weed control. **EXHIBIT 1.**

*{Tape: 1; Side: A; Approx. Counter: 10.8.}*

Proponents' Testimony:

**George Oschenski, Trout Unlimited, Helena,** stated he supports this bill because there is a definite political backlash against the further requisition of land for public use. He said the bill is very straight forward. Weed control and streambank restoration should be a priority of development. This legislation would address the current problems in FAS and state parks. If we don't deal with this problem it could lead to problems between sportsmen and landowners. We need to get a handle on weed control and this legislature needs to address this as a priority.

**Candace Torgerson, Montana Cattle Women Association,** said her organization supports this bill. This issue also addresses the problem that ranchers who lease land must also try to control noxious weeds. The Department of Fish, Wildlife and Parks should be held responsible for their land also.

**Maureen Schwinden, Women Involved in Farm Economics,** stated if you are living on a piece of land, you should be a steward of that land. The major problem is not only with DFWP but also with people who don't take action to control noxious weeds in our

state. These weeds are clearly a considerable problem for our farmers and ranchers. This bill is one step in the right direction.

*{Tape: 1; Side: A; Approx. Counter: 15.2.}*

**Pat Graham, Director of Department of Fish, Wildlife and Parks, Helena,** stated that he could support the bill, but with the amendment his department feels is necessary, that of striking "streambank restoration" from the bill. As stewards of publicly owned lands, DFWP has both legal and ethical obligations to manage weed control as efficiently and effectively as possible. The agency spent \$110,000 in 1994 on direct costs, which did not include labor costs. The department works with the counties to handle applications of chemicals on DFWP's land and currently has 24 employees licensed to handle these chemicals. Exhibit 5 shows some tips to use to help control noxious weeds in Montana. Some include being able to identify various types of weeds, keeping the underside of vehicles washed before going in fields, and traveling only on established roads and trails. **Mr. Graham** specified that the amendment eliminates "streambank restoration" from the bill since there are already many other programs that deal with that issue. He also feels that the legislature would not want to elevate streambank protection above human health and safety (referring to **REP. RANEY's** comments on controlling weeds instead of pumping out toilets and outhouses and picking up garbage). Historic preservation and handicap accessibility need to be addressed as well. Although, he noted, that with state, federal and department funds, DFWP has spent about 42¢ an acre per year on weed control in comparison to BLM and USFS at 3¢-4¢ an acre. The department is seriously addressing the noxious weed problem. **EXHIBITS 2, 3, 4 and 5.**

**Robin Cunningham, Executive Director of Fishing Outfitters Association of Montana, Helena,** supported the bill and said that there are residents and nonresidents who use our fishing access sites and state parks. He said there should be some sort of middle ground in solving this problem that wouldn't reduce the necessary work needed on other important projects.

#### Opponents' Testimony:

None.

#### Questions From Committee Members and Responses:

**REP. JOHN COBB, HD 50, Augusta,** asked **Mr. Graham** how much money would be spent if they agreed to his amendment. **Mr. Graham** said they are willing to redirect some funds in their budget. He thought there was another bill that **REP. RANEY** is sponsoring which includes other state agencies and line item budgets. He

added that DFWP would certainly work with county superintendents to solve the problems. **REP. COBB** wanted to know how many acres could be cleaned up each year and what it would cost. In that way, they would have a handle on what the agency was trying to do. If they wanted to clean up 5,000 acres one year and another 10 percent the next year, what the costs would be. Then, he said, they could take action on this bill.

*{Tape: 1; Side: A; Approx. Counter: 28.6.}*

**REP. EDWARD GRADY, HD 55, Canyon Creek**, said he had a hard time with legislation to control weeds although he feels it is important. He said that when **REP. RANEY** called him earlier and discussed this subject, **REP. GRADY** thought they were talking about all agencies, not just the Department of Fish, Wildlife and parks. He asked if there was other legislation to direct all agencies to make this a priority. **REP. RANEY** said he did have another weed bill. He's also on the weed board in his county where they wrote the other bill where all state agencies will put their weed budgets "on the table." They will have a weed coordinator in the Department of Agriculture to work with all the counties in Montana. The counties will be required to fill out forms each year and send them to the weed coordinator to review how the plan worked and how each agency responded. **REP. GRADY** agrees that they need to put more pressure on all state agencies, but DFWP does not need to be singled out on this type of bill. **REP. GRADY** also reminded **REP. RANEY** that he did not mention to him that he would be including streambank restoration in the bill. **REP. GRADY** feels this is another big issue and it doesn't tie into the noxious weed control problem. He agrees with the department to amend it out. In the Appropriations Subcommittee they set the stage where the money should be spent in each department. **REP. RANEY** said for the bill to be functional, there will have to be line items in HB 2. **REP. GRADY** has a problem setting this issue in the statutes as it should come through the proper process and be included in HB 2 with the spending authority.

**REP. WILLIAM WISEMAN, HD 41, Great Falls**, told **REP. RANEY** that State Lands owns five million acres of land. He is concerned what the weed board committee would do if State Lands said there were no more funds for education since it all had to be used on weed control. **REP. RANEY** said his major noxious weed bill does not prioritize and that each agency would have to work with the Department of Agriculture to set priorities for the counties.

**REP. ERNEST BERGSAGEL, HD 95, Malta**, asked **Mike Korn (DFWP)** how many acres of land were included in FAS and parks. **Mr. Korn** answered about 25,000 acres in parks and about 26,000 acres in FAS. **REP. BERGSAGEL** was interested on what percentage of acreage was infested by weeds. **Mr. Korn** guessed about 10 percent. **REP. BERGSAGEL** asked for figures on how many miles of streambanks had potential problems so he could make an informed decision.

REP. MIKE KADAS, HD 66, Missoula, asked REP. RANEY to address the issue of streambank restoration and why he placed it at this level of priority. REP. RANEY replied that an FAS is more than just a place to launch a boat; there are significant sites becoming eroded and washing out.

REP. WISEMAN said they keep cutting back the Parks Division because it is the only general fund in DFWP. He asked if weed control should be a priority over cleaning out the toilets and outhouses and dumping garbage. REP. RANEY said this bill should become the priority, that the department could not be stewards of the land and not take care of it. REP. WISEMAN then asked who owned the land that was discussed in subcommittee that morning and Mr. Graham said that the Bureau of Land Management owned the property along the river at that site. REP. WISEMAN then asked if they needed this bill to run the department, even taking into consideration the amendment he proposed. Mr. Graham said that line item budgeting would be a better way to take care of this problem. REP. WISEMAN was concerned what it would cost if the counties were told to do this reporting to the Department of Agriculture; it sounded like an unfunded mandate that REP. RANEY was suggesting.

REP. GRADY asked Mr. Graham if he would be able to get the figures that REP. BERGSAGEL wanted, referring to the number of acres involved. Mr. Graham also said that the two projects they had discussed in Long Range Planning Subcommittee included restoration work of \$10,000 for one site and \$25,000 for Beavertail Hill near Missoula. REP. GRADY asked if there was an assessment done on the number of acres with weed infestation. Mr. Graham said they are working on surveying their regions and he will get the results as soon as they are done.

{Tape: 1; Side: A; Approx. Counter: 46.8.}

Closing by Sponsor:

REP. RANEY closed the hearing on his bill by handing out a policy, The Good Neighbor Plan which discusses being better stewards of the land. He feels there could be an improvement in sportsman and landowner relations as well. He wants to develop priorities for the agencies and have them follow what the people and legislature want them to do. EXHIBIT 6.

{Tape: 1; Side: A; Approx. Counter: 53.9.}

HEARING ON HB 226

Opening Statement by Sponsor:

REP. STEVE VICK, HD 31, Belgrade, opened the hearing on HB 226 which grants the Department of Corrections and Human Services authority to retain and spend money forfeited under federal law for criminal justice purposes. When someone is convicted, the federal courts return assets taken under seizure to state agencies. This bill allows the probation and parole officers to use that money for their programs by giving the Department of Corrections authority to spend the funds they receive.

Proponents' Testimony:

Dave Ohler, Legal Counsel, Department of Corrections, Helena, said that this bill would give them the authority to spend the federal funds they receive from the forfeiture program. In many cases, Montana parole officers help in seizures and drug cases. He referred to a letter by Steve Heard, probation/parole officer in Billings, to his department, stating that it would be futile to spend countless hours working on cases and then be told they are unable to spend the money they receive. Each forfeiture case is unique (one culminated in a 10-year investigation and involved 54 counts). In all fairness, this agency should be able to spend the funds from the cases they work on.

{Tape: 1; Side: A; Approx. Counter: 59.0.}

Mike Batista, Administrator of Law Enforcement Division, Department of Justice, Helena, stated his division supports this bill. Parole and probation officers have become an integral part of these cases -- they put a lot of time and effort into assisting federal agencies as well as state and local law enforcement agencies. They should be able to use the money obtained through federal forfeitures.

Opponents' Testimony:

None.

{Tape: 1; Side: A; Approx. Counter: 59.7.}

Questions From Committee Members and Responses:

REP. MIKE KADAS, HD 66, Missoula, asked Mr. Ohler if this was based on a new federal law that was recently passed. The federal asset and forfeiture fund law is a number of years old. The Department has received about \$5,000 so far, but does not have the authority to spend it. The money would probably be returned to the federal government if the bill does not pass. REP. KADAS was concerned that it would go into a state special revenue account. REP. ZOOK said he had wondered where the money was going now. It would appear that it goes to the Department of Justice, but they don't know for sure.

REP. JOHN COBB, HD 50, Augusta, said that it seemed Section 1 wasn't necessary. Mr. Batista said the Department of Justice does have the authority to spend the federal forfeiture funds. This bill provides the Department of Corrections with the authority to retain the money they are responsible for. The Department of Justice was concerned with this bill and didn't want their statutes to be changed.

REP. GARY FELAND, HD 88, Shelby, asked how this would affect the local sheriff departments who receive money through this program. Mr. Ohler said the Department of Corrections only gets money through cases they are involved in and that shouldn't affect the local sheriff offices.

REP. KADAS asked for a copy of the federal restrictions on how the money could be used.

REP. BEVERLY BARNHART, HD 29, Bozeman, wanted to know if the bill specifies how the money can be used. Mr. Ohler said that federal law requires these monies be used for criminal justice programs.

{Tape: 1; Side: A; Approx. Counter: 66.6.}

Closing by Sponsor:

REP. VICK said he feels it is important to understand that the Department of Justice funds are not affected by this bill. It is also important to remember that this money is the result of convictions on cases where staff for the Department of Corrections has spent many months, sometimes years, on. Logically, this money should be spent for their programs.

{Tape: 1; Side: A; Approx. Counter: 67.7.}

EXECUTIVE ACTION ON HB 104

Motion: REP. COBB MOVED HB 104 DO PASS.

Discussion: He reminded the committee that this bill takes the sunset off the universities by allowing them to keep a special fund for long-term projects. They now use money left at the end of a fiscal year on smaller projects and this would enable them to save it for more expensive projects. REP. VICK asked if they put this money in a separate fund and REP. COBB said yes, it must also be approved by the Board of Regents.

Vote: Motion that HB 104 Do Pass carried unanimously.

As a side note on HB 197, CHAIRMAN ZOOK said he wanted to form a subcommittee of REPS. WISEMAN, R. JOHNSON AND FISHER to work with REP. EWER. They will report back to him with their findings.

{Tape: 1; Side: A; Approx. Counter: 70.6.}

EXECUTIVE ACTION ON HB 124

Motion/Vote: REP. COBB MOVED THAT HB 124 BE TABLED. Motion carried 16 - 2, with REPS. JOHN JOHNSON and DEBRUYCKER voting no.

EXECUTIVE ACTION ON HB 224

Motion/Vote: REP. WISEMAN MOVED THAT HB 224 BE TABLED. Motion carried 16 - 2, with REPS. QUILICI and VICK voting no.

EXECUTIVE ACTION ON HB 222

Motion: REP. KASTEN MOVED THAT HB 222 BE TABLED.

Discussion: REP. KADAS said he doesn't think one more license plate would make any difference. REP. ZOOK mentioned that he had just received a lengthy letter from a county treasurer about this



bill and the increased workload it could generate. **REP. BARNHART** said that the county treasurers think that any new license plate would be more work, but that this plate is the only one for children and families. **REP. GRADY** said he understood that they were determined in this session to reduce the workload they put on local communities. If there is no money with this bill, it should be tabled. **REP. JOHN JOHNSON** asked about the fee for processing plates at the county level. They do collect fees but they aren't enough.

Vote: Motion that HB 222 Be Tabled carried 12 - 6, with REPS. COBB, KADAS, BARNHART, JOHN JOHNSON, QUILICI and McCANN voting no.

ADJOURNMENT

Adjournment: 4:50 p.m.

  
TOM ZOOK, Chairman

  
MARJORIE PETERSON, Secretary

TZ/mp

# HOUSE OF REPRESENTATIVES

## Appropriations

ROLL CALL

DATE 1-27-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Tom Zook, Chairman	✓		
Rep. Ed Grady, Vice Chairman, Majority	✓		
Rep. Joe Quilici, Vice Chairman, Minority	✓		
Rep. Beverly Barnhart	✓		
Rep. Ernest Bergsagel	✓		
Rep. John Cobb	✓		
Rep. Roger DeBruycker	✓		
Rep. Gary Feland	✓		
Rep. Marj Fisher	✓		
Rep. Don Holland	✓		
Rep. John Johnson	✓		
Rep. Royal Johnson	✓		
Rep. Mike Kadas	✓		
Rep. Betty Lou Kasten	✓		
Rep. Matt McCann	✓		
Rep. Red Menahan	✓		
Rep. Steve Vick	✓		
Rep. Bill Wiseman	✓		



## HOUSE STANDING COMMITTEE REPORT

January 30, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Appropriations** report that **House Bill 104** (first reading copy -- white) **do pass**.

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

*Tom Zook*  
Tom Zook, Chair

Committee Vote:  
Yes 18, No 0.

250957SC.Hbk

Table 4  
Department of Fish, Wildlife and Parks  
Biologists and Game Warden  
Fiscal Year End FTEs Less Grade 16 or Less

<u>Position</u>	<u>Grade</u>	<u>Fiscal 1994</u>	<u>Fiscal 1993</u>	<u>Fiscal 1992</u>
<b>Biologists</b>				
F/W Biologists & Program Specialists	14	20.42	70.22	69.67
F/W Biologists & Program Specialists	15	60.89	12.00	12.00
F/W Biologists	16	<u>15.05</u>	<u>19.05</u>	<u>19.00</u>
Total		96.36	101.27	100.67
<b>Game Wardens</b>				
F&G Warden Trainee	10	1.50	1.50	2.29
F&G Warden II	13	2.00	12.00	12.26
F&G Warden III	14	61.90	51.90	50.75
F&G Warden Sergeants	15	9.00	9.00	9.00
F&G Warden Captains	16	<u>7.00</u>	<u>7.00</u>	<u>7.00</u>
Total		81.40	81.40	81.30

### Weed Control

Expenditures for weed control are shown in the following table. Funding is provided from a number of sources, such as the lodging facilities use tax, coal tax trust interest, general license account, parks miscellaneous income, motorboat fuel tax, and fishing access funds. Since there are no dedicated funding sources for weed control, these expenditures reflect the department's prioritization of available funds for weed control in relation to other uses. Please note that the department does not keep complete records of weed control expenditures in either the County or the General Weed Control categories, as neither of the expenditure groupings include personnel or equipment costs (if these costs are incurred, they are allocated among other expenditure categories). Consequently, total expenditures may be higher.

Table 5  
Department of Fish, Wildlife and Parks  
Expenditures on Weed Control

<u>Expenditure</u>	<u>Fiscal 1994</u>	<u>Fiscal 1993</u>	<u>Fiscal 1992</u>
County Weed Control *	\$4,304	\$4,348	\$4,270
General Weed Control **	33,287	23,546	31,027
Parks Statewide Weed Control	<u>45,507</u>	<u>27,094</u>	<u>79,273</u>
Total	\$83,098	\$54,988	\$114,570
Total department expenditures	\$38,967,111	\$39,180,055	\$36,599,811
Percent spent on weed control	0.21%	0.14%	0.31%
* From expenditure ID 2123 - does not include any personnel or equipment costs			
** From expenditure ID 2243 - does not include any personnel or equipment costs			

gardiner

# Taking on the weeds

## Yellowstone Park officials say weeds are the No. 1 threat

By JIM DAY  
Enterprise Staff Writer

**Y**ellowstone Park ranger and biologist Craig McClure says he often has trouble enjoying his drives around the park these days.

Rather than sitting back and enjoying the scenery or watching the wildlife grazing in the fields off the roads, he finds himself scanning the ground just off the shoulders of the winding roads.

He is searching for the leaves, shoots, petals and bristles of what are variously called non-natives, exotic plants or just plain weeds — these are the plants that the National Park Service see as the No. 1 threat to parks in the Rocky Mountain Region this year. And McClure is getting an eye full.

Dalmatian toadflax, spotted knapweed, whitetop, hounds tongue, mullein, leafy spurge — the list of Yellowstone exotics goes on, rolling through many of the most aggressive and prevalent noxious weeds in the region.

In the past 10 years, the number of non-native plant species identified in Yellowstone has grown from 85 to about 150. Although much of that growth comes from better education and people recognizing exotics when they see them, other factors such as increased traffic and roadwork are leading to greater numbers of non-native plants in the park.

"We, in the past, have been our own worst enemy," said McClure. Some of the worst infestations between Mammoth and Gardiner, such as those of spotted knapweed and Dalmatian toadflax, are believed to have been brought in by sand and gravel used for road repairs.

parks, the existence of about 150 non-native plants in Yellowstone is a serious issue.

"It's more pervasive, it's more subtle and it's more difficult to remedy," said McClure. And it can be a danger to the 1,200 plant species native to Yellowstone.

"Most of these (exotic) species have come from more arid areas of the Middle East," he said, such as Iran, Iraq and republics of the former Soviet Union. They are well adapted to arid, high elevation regions. A few have even moved into the hostile environment of thermal areas, and toadflax can even survive in travertine deposits," he said.

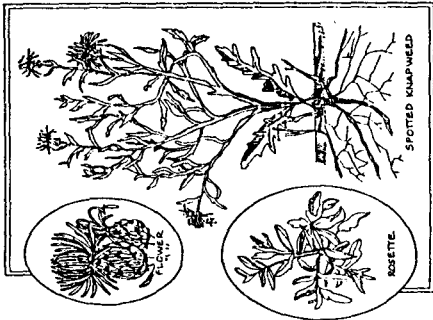
Many of the non-native plants do not have natural parasites or diseases in this environment, so the danger exists for them to out-compete native species and set up a monoculture. That danger has not been realized in Yellowstone, but one needs only to look at the prevalence of spotted knapweed in the Missoula area to see the potential, said McClure.

To fight the growing problem of exotic plants in the park, officials have been working on cooperative weed control regions and have increased the number of people fighting the weeds. In 1986, the park had five or six people

involved in noxious weed control; there are now more than 75 staff involved in some way," said McClure. There has been a 10-fold increase in staff hours devoted to exotic plant control since 1990.

"One big change in this new plan is to do much more cooperative work with other agencies," he said, adding that in the past, county governments were generally the only ones held responsible for weed control. "We don't want to export this stuff to anybody, just as we don't want to import it."

Graphic courtesy of the Park County Extension Office



SPOTTED KNAPWEED

A next step for the northern district of the park, which is the worst for weeds because of its low elevation and heavy traffic, is to develop a weed management area with the Forest Service and Park County, he said.

But with large-scale plans in the works for road construction and the less than glamorous nature of pulling weeds, McClure is apprehensive that the problem will continue to grow.

"It's a tough one. It's not as controversial as a lot of other issues are," he said. "It's a hard sell to compete with some other projects for base funding."



Park Ranger Craig McClure points out a member of one of the 150 species of non-native plants that have been found in Yellowstone National Park. Park personnel have been stepping up efforts to combat the infestation of weeds, which the Park Service has recognized as the No. 1 danger to national parks in the Rocky Mountain Region. (Enterprise photo by Jim Day)

Yellowstone had no yellow sweet clover problem until a few years ago, when workers did roadwork between Mammoth and Norris, he said. All of a sudden the plant had shot 14 miles into the park.

Maybe the weed problem is not as dramatic as the reintroduction of a howling gray wolf or bison getting shot down by the dozen, but in terms of preserving a natural environment and biodiversity in the

riefs

EXHIBIT 1DATE 1-27-95HB 172

Marty Malone  
Park County, Montana  
Extension Officer

From: Paul J. Miller, Gardiner, Montana, Citizen

Dear Mr. Malone;

In June of 1994 I called you by phone and expressed my concern about the knapweed infestation along the fishing access 1 mile North of Gardiner, and between the Gardiner dump boxes and the Yellowstone river. I told you about my conversation with the Bozeman, Montana fisheries, official who said he is in charge of their weed management. The above phone call I had made the same day, just before calling you. The fisheries gentleman had stated to me that he was aware of the weed problem, but stated some of it was off the road and was difficult to work with. He recommended calling you, which I did.

I had hoped the fisheries department had taken care of the problem as it is apparently on their land. Today, 8/8/94 I went to the area and the knapweed appears to not have been treated at all, even right on the road where it can better be picked up by vehicles and the seed spread throughout Montana. The weed growth is down to the Yellowstone River and the seed heads are forming, some even opening now. I live downstream from the above site and realize I will soon have a weed problem due to untimely weed management. Could you please contact Bozeman fisheries and help them understand the weed problem and the good neighbor policy.

If you would like you may use this letter in whatever way will assist you to encourage the Bozeman fisheries department to handle their weed problem before they further contaminate Yellowstone National Park and everything else downstream with their weeds.

Thankyou for your consideration and time.

Sincerely,



Paul J. Miller

December 28, 1993

Bob Raney  
212 South Sixth Street  
Livingston, MT 59047

Dear Bob:

As I review the past several year's weed control progress in Park County I have seen a reduction in knapweed acres in most parts of the county. Park County landowners have been preached the gospel about the threat of knapweed for many years by myself, the Park County weed supervisor, and the media. Even Ted Turner has publicly stated that he hates knapweed. Mr. Turner's sister-in-law, Becky Fonda, hates it worse. She has been fighting knapweed for a longer period of time and tells Ted to wash his car before he visits. During the past year the most effective preachers have been Park County landowners concerned with the spread of knapweed. With my assistance, landowners have formed six weed management groups to assist in the weed control effort. These groups have been very effective in prodding their neighbors to control weeds.

One landowner in Park County that has been less than cooperative is the Montana Department of Fish, Wildlife and Parks. Although this landowner has a considerable number of acres in fishing accesses in the county, they seem to be immune from state law. They do not file a weed control plan with the county weed board and do not seem to be interested in controlling the weeds without a great deal of pressure by the local board. Fishing accesses, due to their high traffic and proximity to the river should have a zero tolerance for knapweed and other noxious plants. Although this may seem unrealistic just consider the consequences. A knapweed seedhead hooks on a boat trailer. The seed head is dropped in the river, the seedhead disperses its load of seeds into the water, the seeds wash up on the river bank, ten new plants are established. You get the picture.

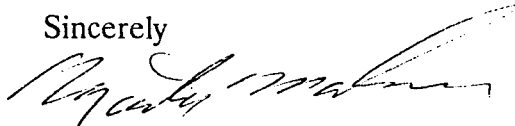
I do not know how often you float the Yellowstone, but I can assure you the knapweed population is growing along the banks. Once knapweed has established itself on the river bank, the private landowner has little enthusiasm for controlling the pest. First, the chemical weapons are very limited, second the bank belongs to the fishermen, and third there is little potential for quality range or crop ground. Therefore the knapweed plants keep spreading along the river bank destroying wildlife habitat and changing the entire ecology of the bank area.



If you ever have the opportunity to visit with FWP officials, I would appreciate your assistance on encouraging FWP to start controlling weeds and quit spending time and money writing Environmental Impact Statements. Like the song says "A little less talk and a lot more action".

The landowners of Park County would be very grateful.

Sincerely



Marty Malone  
Park County Extension Agent

EXHIBIT

1

DATE

1-27-95

HB 172

THB172P.H

Bill No. 172  
January 27, 1995  
Testimony presented by Pat Graham  
Montana Fish, Wildlife & Parks  
before the House Fish and Game Committee

We concur that weed control on all lands in this state is important, and indeed should remain a high priority of all land managers. As stewards of publicly owned lands, Montana Fish, Wildlife & Parks (FWP) has obligations, both legal and ethical which we take seriously, to do our part to assure that weed management is efficiently and effectively implemented to this end. The agency as a whole spent at least \$110,000 in 1994 on direct application costs, not counting labor, for weed control statewide on all its sites.

A few years ago the Department was challenged on its weed management program because we had not done Environmental Assessments. In the last 24 months, four out of our seven administrative regions have completed weed management plans which take an integrated approach to controlling weeds and include programmatic environmental review in compliance with the Montana Environmental Policy Act (MEPA), and we are near completion on the other three. The Department is working with county weed supervisors and now has agreements with 10 eastern counties where the counties handle all chemical applications on Department sites. We are continuing to expand this means of weed control to other counties across Montana. The Department also has 24 employees licensed as chemical applicators.

Currently, each FWP region has a staff person assigned to coordinate regional weed control efforts. FWP also has a Department Weed Coordinator in the Helena office assigned to manage statewide weed control efforts. Department representation on the Board of the Montana Weed Control Association and the Montana Weed Trust Board is provided through this position.

As evidence of our resolve to further improve FWP weed management efforts, we met in early January of this year with members of the Montana Weed Control Association to better establish lines of communication and formulate new initiatives. Three positive steps were agreed upon at this meeting:

1. The Department will meet with county weed supervisors at their spring meeting to explain Department programs and move toward improving coordination efforts with the appropriate Department personnel;
2. The MSU weed extension agent will identify problem areas that

can be addressed jointly by the Department and local weed control personnel, and;

3. Each region of the Department will initiate or enhance formal relationships with weed control personnel in counties where we manage land to better address the weed problems.

Weed management along waterways at FASSs and parks remains a challenge. The Department of Agriculture's chemical application restrictions prevent nearly all chemical uses adjacent to surface water, which leaves primarily mowing or hand pulling as the remaining alternative control methods. Sometimes the Department inherits serious weed problems when FASSs are acquired which take time to resolve. However, we feel collaborative efforts as described will lead to a better control program as we continue to improve our management.

With this basic overview of our weed management program, there are two components of HB 172 which are a concern to FWP. First the bill elevates weed control and streambank restoration, as the highest agency priorities for Fisheries and Parks above all other maintenance, improvements or developments. If taken literally, this means that these two components of our management are to be higher in priority than human health and safety, historic resource preservation, disabled accessibility, non-riparian habitat preservation, etc., and may very well put FWP in conflict with our many other state and federal legal obligations. The language provided in the amendments elevates weed control to a priority level equal to our other highest priorities, but not above them, which we feel is more reasonable and logical.

Second, you will notice that our amendments eliminate streambank restoration from the bill. This omission is not because streambank restoration is not valuable, it is because there are already programs to address these problems--the Fishing Access Site capital funds and the River Restoration Program. I am not familiar with significant problems with streambanks at FAS or state parks that we are not already addressing except those that are the result of extensive public use. Controlling access through use of barriers, designating parking areas and other developments which some people find objectionable are ways of addressing over-use and spreading of weeds by vehicles. We are systematically addressing those problems. But I find it difficult to believe that the legislature would want to elevate streambank protection above human health and safety, requirements of the Americans with Disabilities Act and historic preservation.

In particular, we question elevating streambank restoration as a top priority for state parks. The mission and purpose of state parks as stated in Section 23-1-101, MCA, focuses on ". . . the scenic, historic, archeological, scientific and recreational resources of the state and providing for their use and enjoyment,

thereby contributing to the cultural, recreational, and economic life of the people and their health . . . ."

With respect to Fishing Access Sites creating a hierarchy of priorities as proposed in this bill, it will likely create a chain reaction in future legislatures. If toilets do not get pumped because of weed control or if the garbage is not picked up, one of you may be asked to carry a bill to make it a top priority. The issue is more one of providing adequate resources to address all the priorities not to do a poor job on some maintenance so we can do a great job on others.

With these amendments, we can support HB 172.

Attachment

Proposed Amendments to House Bill No. 172  
First Reading Copy

For the House Committee on Appropriations

Prepared by Fish, Wildlife & Parks  
January 18, 1995

1. Title, line 5.  
Following: "PLACE"  
Strike: "THE HIGHEST"  
Insert: "A HIGH"
2. Title, lines 7 and 9.  
Following: "CONTROL"  
Strike: "AND STREAMBANK RESTORATION"
3. Page 1, lines 16 through 17.  
Following: "the" on line 16.  
Strike: "highest priority for maintenance, improvement, or development of a fishing access site or a state park on weed control and streambank restoration for the site or park."  
Insert: "same level of high priority on weed control as the other highest priority Department management actions in the maintenance, improvement and development of fishing access sites or state parks."
4. Page 1, line 20.  
Following: "control"  
Strike: "and streambank restoration"

## Stillwater Weed Control

EXHIBIT 3  
DATE 1-27-95  
HB 172

Box 344  
Absarokee, Montana 59001  
ph. 406/328-4165

County Extension Office  
Columbus, Montana 59019  
ph. 406/322-5334



August 16, 1994

Rick,

Just wanted to say thanks for all your help with the tours last month. The extra tables, porta potties and just being there were really appreciated. Also the cash contribution last spring for weed control in your sites and all the excellent cooperation we get from your department. We really do appreciate it and hope to continue our good working relationship for many years to come. We all come out ahead.

Sincerely,

*Wayne*

Wayne Pearson

# WEED AND MOSQUITO MANAGEMENT DISTRICT

521 - 1st Avenue N.W.  
Great Falls, Montana 59404  
(406) 454-6920

EXHIBIT 4  
DATE 1-27-95  
HB 172

## BOARD MEMBERS

*Ron Lee, Chairman*  
*North of Great Falls*  
*Bob Malisani, Vice Chairman*  
*Cascade*  
*Mark Barrett*  
*Fort Shaw*  
*Willie Cleveland*  
*Great Falls*  
*Ed Nevala*  
*Belt*

DOUGLAS L. JOHNSON  
ADMINISTRATOR

January 24, 1995

Mike Aderhold  
MT Dept of Fish, Wildlife and Parks  
4600 Giant Springs Road  
Great Falls, MT 59406

Dear Mike:

I would like to take this opportunity to thank you for the continuing cooperation we have had with your Department in our effort to manage noxious weeds in Cascade County. Through Department weed control activities, we have seen major reductions in spotted knapweed in the Giant Springs/Heritage Park area and at the Pelican Point fishing access. We have also seen significant reductions of leafy spurge infestations along traffic areas and property borders on Department lands in the Ulm area. Departmental activities in noxious weed management are apparent and appreciated at the many department controlled lands where our paths cross.

Your on-going assistance in our attempt to eradicate purple lythrum from the Missouri River shores and islands in the Great Falls area is crucial if this project is to be a success.

We also appreciate your efforts in conjunction with ARS to introduce *Aphthona nigriscutis* a biological control of leafy spurge to Cascade County, as well as your cooperation with APHIS and the County Weed Management Dist. in the establishment of other biological control organisms in Cascade County. If next summer proves to be as we expect it will, we will probably be able to harvest insects from one or two of these initial release sites for planting in other areas.

We look forward to working with you this coming season as we continue our battle against noxious weeds in Cascade County.

Sincerely;

  
James S. Freeman, Weed Supervisor

# HELP CONTROL NOXIOUS WEEDS IN MONTANA

EXHIBIT 5  
DATE 1-27-95  
FILE # 172

Montana is being invaded by noxious weeds accidentally brought here from other parts of the country and around the world. The natural enemies of these plants - diseases and insects - that normally keep these weeds under control in their native homeland didn't make the trip over. Due to lack of natural controls, combined with aggressive growth characteristics, controlling noxious weeds is very difficult once they've gained a foothold. In Montana, noxious weeds are affecting rangelands and in some cases reducing the quality and quantity of wildlife habitat. Every year the costs associated with controlling weeds in Montana increases for private landowners, towns, state and federal agencies.

## *HOW CAN HUNTERS HELP?*

- ◀ Learn to identify the types of noxious weeds. Helpful information is available at county weed and extension offices.
- ◀ Thoroughly wash your vehicle, especially the underside, before going afield.
- ◀ Avoid soil disturbance by traveling only on established roads and trails.
- ◀ Hunters using packstock in the hills should use only certified weed-free hay. County extension offices can provide a list of local producers.
- ◀ Avoid driving or riding through weed patches and limit your use of weed-infested areas.
- ◀ Notify private, state or federal landowners if you encounter weeds on their property.

## *NOXIOUS WEEDS ARE EVERYBODY'S PROBLEM*

# TIP

TURN IN POACHERS

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.



**CALL:**



**1-800-TIP-MONT (847-6668)**



# **The Good Neighbor Plan**

## ***Changing Policy for a Better Montana***

Several bills are requested that would significantly change the policy of the state in regard to expenditures by DFWP on fisheries, fishing access sites, and state parks.

1. **HB 172: Weed control and streambank restoration** receives priority over development at Fishing Access Sites and State Parks.
2. **HB 349: Future Fisheries Improvement Program** - changes goal of state fisheries program to shift expenditures from expanded building programs to "on the land" actions to promote natural fisheries reproduction program in concert with landowners.
3. **LC 828: Revise goals DFWP** - Instead of entering into expanded building programs for fish hatcheries, LC 828 would require investigation of the potential to privatize some state hatcheries, close others, and purchase the necessary fish from private or federal hatcheries. LC 828 would redirect funds to initiate enhanced disease & species inspection program in response to the discovery of "Whirling Disease" in the upper Madison River.

These bills would shift the state's policies in a positive direction for several reasons:

- Shifts department priorities to stewardship and good neighbor policy -- not development and increased fees to support more development. Weed control and streambank restoration of fishing access sites and parks is absolutely necessary to answer a growing dissatisfaction with the condition of publicly owned recreational lands and the negative impact they have on adjoining landowners
- The natural reproduction of our cold water fisheries makes **good fiscal** and biological sense as opposed to expensive, disease-prone hatcheries. In tight fiscal times, hatcheries require continually rising maintenance and improvement costs, but natural reproduction programs can be funded to whatever level the current budget cycle can sustain
- Changing the distribution of license fees and federal dollars from expensive state installations to landowners for maintenance and enhancements of natural spawning areas is a good, long-term investment that produces **better sportsman/landowner relations** and healthy, genetically **stronger fisheries**.
- Sets achievable goals for DFWP by prioritizing department actions while allowing maximum flexibility within the department for management options.

## IMPACTS ON EXISTING BUDGET & DEPARTMENT PRIORITIES

HB 172 would use existing budgets for parks and fishing access sites, but would shift the department's priorities to maintenance and restoration of the sites rather than development. This would require some development proposals to be canceled or postponed until the required weed control and streambank restoration is achieved. However, these new priorities can be accomplished with no significant alteration of employee structure, simply a re-tasking to attain the policy goals.

HB 349 would require a more significant shift in existing department funds. The following funds are required to be spent to implement the program:

- 50% in state special revenue fund 87-1-601 (license fees)
- 50% of federal funds for sportfish restoration
- 50% of river restoration funds
- 50% of any other funds allocated to the department for the conservation of fish that are not statutorily mandated for other purposes.

The key issue here is one of state policy and long-term stability of Montana's coldwater fisheries. As envisioned, much of the same work that goes on now would continue, but the goals would be changed. For instance, the same biologists that now count fish, work with landowners and do coldwater fisheries studies would continue to be employed by the department and continue to work with landowners.

The focus of the studies and work with landowners would be, by legislative policy, directed toward promoting functioning spawning streams and key fisheries habitats.

Under HB 349, DFWP would be required to:

- Respect existing water rights
- Respect rights of property owners of streambeds and property adjacent to streambeds and streambanks
- Work with landowners to promote flows during "critical periods" for spawning
- Work with landowners to enhance condition of streams and streambanks via restoration, stabilization, riparian enhancement, or other cooperative efforts using the funds dedicated to this program.

The benefits would be numerous:

- better landowner/sportsman relations
- maintenance of family agricultural operations
- better overall water quality
- stronger, more genetically diverse & disease-free fisheries
- healthier rivers and streams
- more wild fish
- increased outdoor economic activity

EXHIBIT 6  
DATE 1-27-95  
HB 172

LC 828 would significantly alter short and long term budget for DFWP and would free up millions of dollars to be redirected toward the goals of HB 349 - "natural reproduction" of cold-water fisheries.

The state should buy fish from the abundant federal and private hatcheries instead of running its own increasingly expensive hatchery program. Everything that is being done now could be done through contracts and increased use of private sector, tax-paying entities.

Further, such a move would make available significant resources for a species and disease inspection, treatment, and mitigation effort to combat the spread of "Whirling Disease" in the state. At present time, the resources to combat this disease are insufficient, unfocused and unavailable.

## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

Appropriations

COMMITTEE

BILL NO. HB 172DATE 1-27-95 SPONSOR(S) \_\_\_\_\_HB 226

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<u>Margaret Cleary-Schwinden</u>	WIFE	172		X
<u>Carla Torgerson</u>	<u>Mont. Stock Growers Assoc.</u>			X
	<u>Mont. Cattlemen's Assoc.</u>	HB 172		X
ROBIN CUNNINGHAM	FISHING OUTFITTERS	HB		
	ASSOC. OF MT (FOAM)	172		X
D'AVE OHLER	DEPT. OF CORRECTIONS	HB 226		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.