

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on February 14, 1995, at
1:00 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

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

Committee Business Summary:

Hearing: SB 367, SB 303 & SB 304
Executive Action: SB 285, HJR 8

{Tape: 1; Side: A}

EXECUTIVE ACTION ON SB 285

Motion: SENATOR MIKE SPRAGUE, SD #6, BILLINGS, MOVED THE BILL.

Motion/Vote: ALL VOTED AYE ON THE MOTION TO PASS SB 285 AND IT
CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HJR 8

Motion: SENATOR BOB PIPINICH, SD #29, MISSOULA, MOVED THE BILL.

Discussion:

SENATOR JOHN HERTEL, SD #47, MOORE, said he understood the intent of the bill, but was concerned because the legislature has been criticized in the past for this type of bill.

SENATOR PIPINICH agreed with SENATOR HERTEL'S comment.

SENATOR BRUCE CRIPPEN, SD #10, BILLINGS, also agreed, and said he thought there were other bills addressing wolves that might pass.

SENATOR SPRAGUE concurred, but thought some value might have been received from this bill as it made a statement heard by people across the country. He thought the intent of the bill was to give a message.

SENATOR PIPINICH stated that there was a bill in the Agricultural Committee that would make the wolf a predator, and that bill would do more for the State of Montana.

SENATOR AL BISHOP, SD #9, BILLINGS, commented that he agreed with SENATOR PIPINICH, but thought the House was looking at the Senate on this bill; REPRESENTATIVE HANSON is Speaker Pro Tem.

CHAIRMAN MESAROS stated that he couldn't disagree with what had been said, but the bill did make a statement and he personally liked it. He asked the committee how far they wanted to take the bill to make a statement, since there had already been publicity on it.

SENATOR SPRAGUE commented that he was sure some senators would vote for the bill if it went to the floor.

Motion/Vote: SENATOR PIPINICH MOVED TO TABLE THE BILL.

Vote: ALL VOTED AYE ON THE MOTION TO TABLE HJR 8 EXCEPT CHAIRMAN MESAROS AND THE MOTION CARRIED.

HEARING ON SB 367

Opening Statement by Sponsor:

SENATOR CHARLES SWYSGOOD, SD #17, DILLON, told the committee his bill addressed the Habitat Montana Program, established in 1987 under HB 526 by increasing nonresident license fees. SB 367 would change the structure and allocation of funding, as well as methods of acquisition and purchase of land under that program.

The bill would allow the department to protect habitat by conservation easement, lease, agreement or gift but not by fee title acquisition. Funding would be allocated 70% for habitat protection, 10% for weed control; 10% for game damage reimbursements to landowners who allow hunting and 10% for law enforcement. He said he tried to keep the distribution related to areas of concern.

Proponents' Testimony:

CHRIS MEHUS, Montana Stockgrowers, supported SB 367 and its redistribution of funds.

JOHN YOUNG, Montana Farm Bureau, supported the bill for the same reasons, as it was his belief DFWP needed funds for weed control and game damage.

Opponents' Testimony:

SAM BABICH, Skyline Sportsmen, said funding obtained under the 526 program was intended to purchase land for wildlife habitat. Sportsmen intended this money to be used solely for protection of habitat.

JIM RICHARD, Montana Wildlife Federation, told the committee his organization was concerned because the purchase of land is often good business and better than leases or conservation easements. When HB 526 was passed, Montana sportsmen asked the legislature to set aside a certain percentage of resident and nonresident license fees. Montana residents were willing to pay their fair share.

STAN FRASIER, Helena, stated that this program was something sportsmen wanted and put their own money into it. He saw SB 367 as nothing more than theft. Funding comes from a specific source and is intended for a specific purpose. SB 367 was a good example of why people don't trust the legislature to do what is right with their money.

JIM BRADFORD, Montana Bowhunters, was also opposed to the bill. Sportsmen agreed to raise license fees to acquire wildlife habitat and that was the way they intended the money to be used. The ability to purchase land should be left intact. Maintenance is always necessary and to be proper stewards of the land, the land must be maintained. The Private Land/Public Wildlife Advisory Council already addressed the issues in this bill. Enforcement has been a problem for many years. He said he would like to see a bill specifically designed to hire more wardens; it would receive support from the sporting community.

TONY SCHOONEN, Skyline Sportsmen, stated that a majority of Montanans support an increase in wildlife habitat. This bill would fracture landowner/sportsman relationships already achieved. It would not be fair to ask sportsmen to give up their

money for other purposes. The acquisition of big game habitat is critical; good wildlife populations support Montana's hunting heritage and provide recreational opportunities for Montanans as well as nonresidents. DFWP pays in-lieu-of-taxes. Currently one-third of the wildlife management areas are used for grazing.

STEVE KILEEN, Ravalli County Wildlife Association, said no sportsmen would testify for this bill. His organization was adamantly opposed to SB 367. Wildlife range will always be needed. Nature Conservancy holds a conservation easement on a large ranch in the Bitterroot that was recently sold; it has been necessary to defend this conservation easement in court for the last three years.

NOEL ROSETTA, Helena, opposed SB 367 because it denies sportsmen the right to purchase wildlife habitat, particularly big game habitat. Wildlife ranges reduce the pressure on private land. Tourism is second only to agriculture in value to Montana. People from outside the United States can purchase land and post it; the State of Montana should also be able to purchase land and protect it.

STEVEN WILSON, Ravalli County Fish & Wildlife Association, said taking this money was stealing. He commented that he couldn't wait to see what DFWP's compromise would be. Critical habitat is defined as winter range, the factor limiting big game numbers in Montana.

PAT GRAHAM, Director, DFWP, presented an amendment to the bill, commenting that he had discussed the amendment with the Private Land/Public Wildlife Council (**EXHIBIT #1**).

JANET ELLIS, Montana Audubon, opposed the bill because the 526 program was set up to buy wildlife habitat. Acquisition is an important tool that must remain available. All purchases are made from willing sellers. As Montana continues to grow the program will be more important.

L. F. THOMAS, Anaconda Sportsmen, asked the committee to vote against the bill.

GARY STURM, Prickly Pear Sportsmen, said he had worked long and hard to get HB 526 passed. He asked the committee to please leave the program as it stands. He opposed SB 367.

Questions From Committee Members and Responses:

SENATOR CRIPPEN asked if the money for the 526 program came from Montana residents as well as nonresidents. **Mr. Graham** responded that \$7 from a resident sportsman's license goes to the 526 fund. The sportsman's license is equivalent to the nonresident big game license.

SENATOR SPRAGUE asked **Mr. Graham** how he thought his amendment would fix the bill. **Mr. Graham** said he wasn't planning to fix the bill, but was trying to address **SENATOR SWYSGOOD'S** concerns. Land acquired under the 526 program cannot be sold, but only exchanged and that can be very difficult to do. Also, some conservation easements are overpriced. Fee title acquisitions can be sold, putting the department in a better negotiating position with the next buyer.

Mr. Graham told the committee he had been testifying as an opponent, and he was not endorsing other aspects of the bill.

SENATOR TERRY KLAMPE, SD #31, FLORENCE, asked if there were other programs addressing game damage and weed control. **Mr. Graham** replied that the department's Operations & Maintenance budget allocates a percentage to weed control; it includes maintenance of roads and fences as well.

SENATOR KLAMPE asked if money were available now to fund additional game wardens without passage of this bill. **Mr. Graham** said HB 195 addresses some additional enforcement plus several additional FTE's.

SENATOR GARY FORRESTER, SD #8, BILLINGS, commented that during the committee's trip to DFWP headquarters, **SENATOR BISHOP** had stated that a conservation easement can't ever be removed, and asked why it had been necessary to go to court over the Bitterroot conservation easement. **Mr. Graham** replied that the conservation easement in question belonged to The Nature Conservancy and he wasn't sure of the specifics, but thought the new owner of the property disagreed on interpretation of the agreement.

SENATOR FORRESTER asked how DFWP wrote conservation easements to avoid the type of problem being experienced in the Bitterroot and if the department would attempt to enforce a conservation easement. **Mr. Graham** said the department would enforce an easement and they do require a certain amount of monitoring. The department attempts to write them as closely as possible.

SENATOR CRIPPEN asked when the 526 program would sunset. **Mr. Graham** responded March 1, 2006.

SENATOR CRIPPEN asked why hunting license dollars would be allocated to weed control programs. **SENATOR SWYSGOOD** replied that hunting activities have an effect on the spread of weeds. Weeds are a definite problem, especially knapweed.

SENATOR PIPINICH commented that he had been going through the DFWP testimony that stated quite a bit of money was already being spent on roads and weed control. **SENATOR SWYSGOOD** responded that weed control is an on-going battle and the cost is tremendous.

SENATOR KLAMPE stated that he thought parts of HB 195 were being duplicated by this bill. **Mr. Graham** said HB 195 did not specifically address habitat acquisition or weed control on department lands but did address weed control on private lands. It did not directly address game damage or law enforcement. The fiscal note, however, anticipated providing additional resources - two more game wardens and some conservation specialists.

Closing by Sponsor:

SENATOR SWYSGOOD said he didn't support HB 526 in 1987. He had expected the department to oppose this bill. He didn't mind DFWP entering conservation easements but did object to land being purchased for wildlife management. Wildlife cause damage in his area all winter. Wardens are the biggest link between the department and private landowners; more are needed. The money for the 526 program comes from nonresidents. He wondered how many of the opponents of the bill came from outside Montana.

{Tape: 1; Side: B}

HEARING ON SB 303

Opening Statement by Sponsor:

SENATOR PIPINICH told the committee some of his constituents from the Georgetown Lake area and sportsmen from the Flathead asked for restrictions on water skiers and personal watercraft. Purpose of SB 303 was not to prohibit these devices but to restrict their use in some places for public safety. The bill was changed seven times. As presently written, the bill prohibits operation of a personal watercraft at greater than no-wake speed within 150 feet of a dock, swimmer, swimming raft, nonmotorized boat, anchored vessel or buoy displaying a "diver down" symbol.

His constituents from Georgetown reported jet skis coming so close to a diver that it was necessary to take a rowboat out and anchor it above their diving area. **SENATOR PIPINICH** said he knew personal watercraft were fun to operate, but they should be used out in the middle of lakes. Jet skis were not included in the no-wake restriction because they need a certain amount of speed to stay afloat. The department prepared an amendment covering this exemption (**EXHIBIT #2**).

ANDREA MERRILL, Legislative Council Staff, explained that the amendment referenced by **SENATOR PIPINICH** was a clarification furnished by enforcement personnel from DFWP. A second amendment concerned operation of watercraft by persons under 15 years of age (**EXHIBIT #3**).

SENATOR PIPINICH remarked that the bill received more publicity than he had expected, as he had received over 200 letters in its support. The Chain of Lakes Homeowners Association sent him a petition with 55 names. Petitions were also received from the

Flathead down through Silver Lake, Echo Lake and around Missoula. The bill was patterned after existing legislation from three different states. North Dakota reported accidents were cut in half following passage of a similar bill. Montana has been lucky, but personal watercraft should be operated a safe distance from people.

Proponents' Testimony:

KEN HOOVESTAL, Montana Boating Association, supported the bill and concurred with the amendments presented. He felt that personal watercraft should be restricted because they generated 80 percent of the complaints about motorized water recreation. People should take responsibility for their own actions and be self-policing. His organization appreciated **SENATOR PIPINICH'S** offer to carry this bill.

JOAN TOOLE, Helena, said she lives on Flathead Lake during the summer and frequently observes near-accidents. She supported age restrictions because while teenagers may be old enough to be licensed, their judgment is not always the best.

BOB GILBERT, Sidney, said personal watercraft on Fort Peck Lake come too close to sailboats and people swimming. The Rock Creek Homeowners Association supports this bill. Perhaps if there were a law people would begin to police themselves.

L. F. THOMAS, Anaconda Sportsmen's Association, agreed there was a problem on Georgetown and some regulations were necessary.

ROBIN CUNNINGHAM, Fly Fishing Association, welcomed the bill and hoped it would be supported by the committee.

BILL HOLDORF, Skyline Sportsmen's Association, also supported the bill but was concerned that there could be a conflict between anchored fishermen and trolling fishermen on Clark Canyon and in the narrow channel near Cemetery Island on Canyon Ferry.

PAT GRAHAM, DFWP, supported the bill and said the department receives many complaints on personal watercraft (**EXHIBIT #3A**).

SAM BABICH commented that people trolling within 25 feet of each other would not cause a problem.

BILL ALLEN, Montana Audubon Legislative Fund, supported SB 303. As numbers of recreationists increase so do the number of accidents. This bill should begin to address the problem.

TONY SCHOONEN, Anaconda, supported the bill and amendments.

Opponents' Testimony:

DON PAINTER, Dr. Zoom's Auto Parts and Motorsports, Helena, opposed the bill because he thought it was unfair to personal watercraft operators (**EXHIBIT #4**).

FARREN FLYNN, Norstar Rentals, opposed the bill, partly because it mandates 150 feet for personal watercraft and only 100 feet for boats. Personal watercraft turn easily; there is no reason to have more stringent restrictions on personal watercraft than boats. Also, it is difficult to travel upstream at no wake speed. SB 303 threatens his ability to make a living. He asked where DFWP would find the money to enforce this bill. He voted last November to reduce government regulations. Motorboats also travel too close to fishermen.

Questions From Committee Members and Responses:

SENATOR SPRAGUE asked if personal watercraft were required to display their numbers in the same manner as boats. **Mr. Graham** replied yes.

SENATOR KLAMPE asked if hovercraft are included in this legislation. **SENATOR PIPINICH** responded that they were not.

SENATOR CRIPPEN asked for a definition of no wake speed. **Mr. Graham** said he didn't believe miles-per-hour were set, but the intent is to not leave a white-water wake, regardless of the size of the craft.

CHAIRMAN MESAROS asked if the 150 ft-100 ft discrepancy could be eliminated to standardize enforcement. **SENATOR PIPINICH** responded that when he requested the bill he had started out with the 100 ft distance, the same as boats. As the bill progressed, people indicated that when boats are required to come in at 100 ft they come in at 75, and he wanted to keep personal watercraft at least 100 ft away from swimmers and other watercraft.

CHAIRMAN MESAROS commented that he thought some confusion would be eliminated if the distance were standardized.

SENATOR SPRAGUE said he knew snowmobilers had received the same type of complaints, and asked for advice. **Mr. Hoovestad** said he would be happy to work with the personal watercraft people, but the dealers' help was also necessary.

GREG RUTSCHKE, Yellowstone Polaris, opposed the bill because he thought it was unfair to personal watercraft operators and small business (**EXHIBIT #5**).

Closing by Sponsor:

SENATOR PIPINICH thanked people for coming in to testify and said he had nothing to add.

{Tape: 2; Side A}

HEARING ON SB 304

Opening Statement by Sponsor:

SENATOR PIPINICH told the committee SB 304 was requested by the timber industry and asked **Gordon Sanders, Plum Creek Timber Company**, to explain the need for the bill.

Proponents' Testimony:

Mr. Sanders said Plum Creek's fisheries biologist, Greg Watson, had asked for the bill because the timber industry conducts research on fish and wildlife populations, water quality, etc. Presently, private industry is required to contract with DFWP for an employee to collect biological data. This legislation would enable DFWP to permit qualified private entities to conduct their own research.

BILL ALLEN, Montana Audubon Legislative Fund, supported the bill because it would allow DFWP to know who was taking specimens and whether or not the research was justified.

PAT GRAHAM, DFWP, also supported the bill because private entities have a legitimate need to collect biological information for scientific purposes (**EXHIBIT #6**).

STEVE GILBERT, OEA Research, Helena, supported the bill. His organization has been doing environmental studies for 20 years. They are often required to collect specimens. As the law reads now, they cannot do this without assistance of a DFWP employee. As long as the department has the right to determine to whom the permits are issued, there should be no problem.

TONY SCHOONEN, Anaconda, said the bill was a good idea.

BILL HOLDORF, Skyline Sportsmen, also supported the bill.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR SPRAGUE asked **Mr. Gilbert** how much his company would save if the bill were passed. **Mr. Gilbert** responded that it was difficult to say, but probably about \$50,000. He has frequently been unable to bid because of the difficulty in scheduling a DFWP employee to do necessary work.

SENATOR SPRAGUE asked **Pat Graham** if he felt the \$5 permit fee was sufficient. **Mr. Graham** said he was sure it cost more than \$5 to administer.

SENATOR MESAROS asked if permits were issued to transport brucellosis-infected bison for scientific purposes. Mr. Graham said the Department of Livestock is in charge of that type of permit. SENATOR MESAROS commented that the bill mentions "unprotected animals" and asked if that language would allow transporting bison. Mr. Graham responded that it does in context, but when Texas A&M wanted to transport bison they were required to get permission from the Department of Livestock.

Closing by Sponsor:

SENATOR PIPINICH said he had no further comments.

EXECUTIVE ACTION ON SB 304

Motion: SENATOR CRIPPEN MOVED THE BILL.

Discussion: SENATOR SPRAGUE suggested the permit fee be raised from \$5 to \$50. CHAIRMAN MESAROS asked if SENATOR SPRAGUE moved to amend the bill. SENATOR SPRAGUE said he did. SENATOR KLAMPE suggested that SENATOR SPRAGUE move to make the fee commensurate with the cost of administering the program. CHAIRMAN MESAROS said the motion stood at raising the fee to \$50.

MOTION/Vote: THE MOTION TO AMEND SB 304 BY RAISING THE PERMIT FEE TO \$50 PASSED UNANIMOUSLY. SENATOR CRIPPEN MOVED THE BILL DO PASS AS AMENDED.

SENATOR MILLER asked Mr. Graham if he felt \$50 was a reasonable fee. Mr. Graham said it was closer to the real cost. SENATOR MILLER asked how many permits were usually issued in a year. Mr. Graham responded, "About 30."

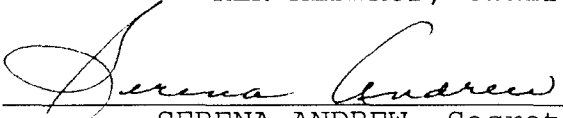
Vote: THE DO PASS AS AMENDED MOTION ON SB 304 CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: The meeting adjourned at 2:45 p.m.

{This meeting is recorded on Sides A & B of Tape 1 and Side A of Tape 2}


KEN MESAROS, Chairman


SERENA ANDREW, Secretary

KM/sa

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL

DATE _____

2/14/95

[illegible]

SEN:1995

wp.rollcall.man

CS - 09

SENATE STANDING COMMITTEE REPORT


Page 1 of 1
February 14, 1995


MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration SB.285 (first reading copy -- white), respectfully report that SB 285 do pass.

Signed:


Senator Ken Mesaros, Chair

 Amd. Coord.

 Sec. of Senate

381541SC.SPV

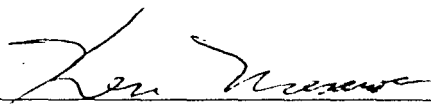
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 15, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration SB 304 (first reading copy -- white), respectfully report that SB 304 be amended as follows and as so amended do pass.

Signed: _____


Senator Ken Mesaros, Chair

That such amendments read:

1. Title, line 6.

Following: "PURPOSES;"

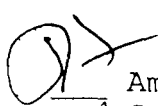
Insert: "INCREASING THE PERMIT FEE FOR THE TAKING OF FISH OR GAME
FOR SCIENTIFIC PURPOSES;"

2. Page 2, line 11.

Strike: "\$5"

Insert: "\$50"

-END-

 Amd. Coord.

57^d Sec. of Senate

391406SC.SRF

Amendments to Senate Bill No. 367 BILL NO. SB 367
First Reading Copy

Requested by Department of Fish, Wildlife & Parks
For the Senate Committee on Fish & Game

Prepared by Department of Fish, Wildlife & Parks
February 14, 1995

1. Page 2, line 19.

Following: "87-1-209."

Insert: "Proceeds from the sale or exchange of real property used primarily for wildlife habitat shall be used by the department to secure other real property for wildlife habitat pursuant to 87-1-209, subject to appropriation by the legislature. The provisions of 87-1-601(5) shall not apply to such proceeds."

Senate Bill No. 367

February 14, 1995

Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the Senate Fish and Game Committee

Protection of threatened wildlife habitat through acquisition of an interest in land is an important and sometimes controversial activity for the Department of Fish, Wildlife & Parks. The FWP Commission is charged by law with making decisions on Department land acquisition, disposals or related matters.

During the 1993 Legislature I and members of the Commission discussed with the Long Range Planning and House Fish and Game Committee the desire by the legislature to emphasize conservation easements over fee title acquisition. I am pleased to report that during the last biennium the Commission acquired an interest in 50,117 acres, only 155 of those acres were fee title acquisition (Attachment 1).

I also promised the Legislature that we would involve the public in development of goals and policy for the program. Once again I am pleased to report that the FWP Commission has adopted policy and goals for the program which is now referred to as Habitat Montana (Attachment 2). Note that section "g" on page 3 states the Commission preference for conservation easements.

The Commission also directed the Department to develop a comprehensive plan to lay out the priorities, procedures and criteria for the habitat program. This will provide both landowners and hunters a clearer understanding of what the program is and is not.

The 1991 Legislature debated this "threatened Habitat Protection Program" and came to the conclusion that more money was needed for the maintenance and upkeep of wildlife management areas. As a result, the law was changed. The original legislation provided a trust fund for operation and maintenance of these lands. It was funded by dedicating 20 percent of the revenues to a trust fund and only the interest could be spent on maintenance. The law was amended so that only 10 percent went into the trust fund and the remaining 10 percent would be available in the current biennium.

Ongoing maintenance needs are documented in Attachment 3. These include road maintenance, fencing, weed control and more. We also have grazing leases and sharecrop agreements on many WMAs producing 18,000 AUMs and 4,500 acres of farmland. In some cases we exchange services such as fence maintenance as payment for grazing.

The Department currently spends \$72,650 per year on weed control on WMAs. Our former Commission Chairman Errol Galt made weed control

and good land management a priority during his tenure, and we continue to make it a priority.

The Department has a game damage program authorized by law. These activities include hazing wildlife, fencing of hay stacks or other means to reduce or eliminate game damage to agricultural crops. In order for a landowner to receive these services they must provide reasonable hunting opportunity. The annual cost varies significantly depending on the type of winter, condition of range and size of the wildlife population. In recent years material costs ranged from \$175,000 to \$250,000. We have requested and received approval from our joint subcommittee for an increase of \$45,000 in FY96 and \$55,000 in FY97.

I believe the Commission and Department have made a good faith effort to seek conservation easements instead of fee title acquisition. Not every landowner is willing or interested in a conservation easement. It is like talking someone who wants to sell their house into renting it to you.

The demand has dramatically increased for property in Montana that is in turn often locked up or chopped up into subdivisions. This land is often important wildlife habitat. Neighboring landowners are often adversely affected when game seek refuge on land closed to hunting or are pushed out after subdivision.

The legislature passed HJR-24 last session asking Governor Racicot to appoint a citizens' group to address five goals. One of the goals was "habitat protection." Governor Racicot appointed the Private Lands/Public Wildlife Advisory Council. It was made up of landowners, hunters and outfitters. After review of the Habitat Montana Program, they endorsed conservation easements but specifically recognized that fee title may be utilized when preferred by the landowner (Attachment 4).

That Council brought forth HB 195 which has passed the House. It addresses some important issues that have divided landowners, hunters and outfitters in the past.

We appreciate the issues raised by Senator Swysgood. I believe we are addressing his concerns. I encourage you to retain Habitat Montana in its current form.

Attachments

HABITAT MONTANA FACT SHEET
WILDLIFE HABITAT ACQUISITION/LEASE/EASEMENT (HB 526)
 Inception to Date

<u>PROJECT</u>	<u>LOCATION</u>	<u>YEAR</u>	<u>COST</u>	<u>ACRES</u>	<u>METHOD</u>
Robb Ledford WMA	Sheridan	1988	\$1,820,000 20,000 12,020/yr	17,170.66 120.00 10,657.90	Fee Title Fee Title Lease (DSL)
Blackfoot-Clearwater WMA (Dreyer)	Ovando	1989	\$1,480,000 2,698/yr	2,960.00 18,650.00	Fee Title Lease (DSL, Champion Intl. & Plum Creek)
Dome Mtn. WMA (Nelson)	Gardiner	1989	\$1,478,925 90,000	2,098.05 160.00	Fee Title Conservation Easement
Brewer WMA	Powderville	1990	\$1,100,000 4,506/yr	<17,845.50> 4,265.65	Fee Title ¹ Lease (DSL)
Mt. Silcox WMA (Wilson) TNC Donation	Thompson Falls	1990	\$ 690,000 10,000	1,552.30	Fee Title
Point of Rocks (Waples)	Red Lodge	1992	\$ 457,150	639.0	Fee Title
Grady Ranches	Canyon Creek	1992	\$ 350,000	16,317.00	5 Yr. Agreement
Rogers	Utica	1992	\$ 785,650	1,893.00	Fee Title
Allen Property	Allentown	1993	\$ 176,500	155.00	Fee Title
Page/Whitham-Brewer	Glasgow/Powderville	1994	Brewer Property 40,804.00 title w/easements attached plus \$575,000 exchanged for easement on Page/Whitham properties.		Land Exchange/ Conservation Easement
Mannix Property	Helmville	1994	\$ 350,000	3,000.00	Conservation Easement
Maher Property	Bozeman	1994	\$ 276,016	880.00	Conservation Easement
Bear Creek Angus	Ennis	1994	\$1,658,000	5,278.00	Conservation Easement
TOTALS			\$11,307,241 19,224/yr	126,601.00	

HABITAT MONTANA1940 - 1994 Wildlife Management Areas - 65

Conservation Easement: 50,122 acres (40%)
 Lease: 33,574 acres (27%)
 Fee Title: 26,588 acres (21%)
 Mgmt. Agreement: 16,317 acres (12%)
 126,601

Conservation Easement: 50,122 acres (11%)
 Lease: 142,553 acres (33%)
 Fee Title: 223,521 acres (52%)
 Mgmt. Agreement: 16,317 acres (4%)
 432,513

Presently - 46 leases on 24 WMA's (29 grazing leases and 17 sharecropping). This produces 18,000 AUMs and 4,500 acres farmland.

1993 Taxes: \$154,954.

¹ Exchanged for easements on additional private land.

BEFORE THE FISH, WILDLIFE, & PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the)
adoption of new rules I)
through V and the repeal of)
ARM 12.9.501 through)
12.9.507 relating to)
wildlife habitat)

RULE I (12.9.508) MISSION (1) These rules establish the policy of the fish, wildlife and parks commission for the acquisition of wildlife habitat by the department of fish, wildlife and parks. This policy is popularly known as Habitat Montana. Habitat Montana is a key tool in achieving the department's mission as stated in the vision document adopted by the commission in November, 1992:

(a) The Montana department of fish, wildlife and parks, and fish, wildlife and parks commission provide for the stewardship of the fish, wildlife, parks and recreational resources of Montana, while contributing to the quality of life for present and future generations.

(2) Through Habitat Montana, the commission and department will establish a statewide wildlife habitat system which will conserve our wildlife resources and pass them intact to future generations.

AUTH: 87-1-241, MCA IMP: 87-1-241, 87-1-242, MCA

RULE II (12.9.509) GOALS (1) The goals for Habitat Montana are:

(a) conservation of Montana's wildlife populations and natural communities via management strategies that keep them intact and viable for present and future generations; maintain wildlife population levels that sustain or enhance current recreational opportunities; and maintain diverse geographic distribution of native wildlife populations and their habitats;

(b) conservation of Montana's land and water resources in adequate quantity and quality to sustain ecological systems;

(c) implementation of habitat management systems that are compatible with and minimize conflicts between wildlife values and traditional agricultural, economic and cultural values. Habitat Montana will enhance Montana's quality of life and be compatible with the conservation of soil, water and existing biological communities.

AUTH: 87-1-241, MCA IMP: 87-1-241, 87-1-242, MCA

RULE III (12.9.510) BENEFITS (1) The commission intends

Habitat Montana to deliver the following services and benefits:

- (a) conserve and enhance land, water and wildlife;
- (b) contribute to hunting and fishing opportunities;
- (c) provide incentives for habitat conservation on private land;
- (d) contribute to non-hunting recreation;
- (e) protect open space and scenic areas;
- (f) promote habitat-friendly agriculture; and
- (g) maintain the local tax base, through payments in lieu of taxes for real estate, while demonstrating that productive wildlife habitat is compatible with agriculture and other land uses.

AUTH: 87-1-241, MCA IMP: 87-1-241, 87-1-242, MCA

RULE IV (12.9.511) APPLICATION (1) While this Habitat Montana policy specifically relates to funds acquired under 87-1-241 and -242, MCA, the Montana fish, wildlife and parks commission directs that these guidelines also apply, where appropriate, to all of the department's wildlife habitat acquisition programs. These include:

- (a) moose and bighorn sheep habitat acquired with license auction funds;
- (b) properties acquired in mitigation for habitat lost as a result of construction projects conducted by the Bonneville power administration and other agencies;
- (c) waterfowl habitat.

AUTH: 87-1-241, MCA IMP: 87-1-241, 87-1-242, MCA

RULE V (12.9.512) IMPLEMENTATION (1) The commission directs the department to complete a comprehensive statewide habitat plan and to execute that plan within the following parameters:

(a) The department will identify specific staff responsible for implementation of Habitat Montana and establish procedures for accomplishing program goals.

(b) The department will develop draft criteria for identifying important habitats that are seriously threatened. The commission will adopt these criteria through a process that includes public review and comment.

(c) Utilizing the natural heritage database and information from other government agencies and cooperators, the department will identify habitat protection priorities within each eco-region. This analysis will recognize the contribution of habitat protected by other agencies and organizations. Regional habitat priorities will then be compiled into a consolidated statewide plan.

(d) The department will develop uniform guidelines for the preparation of site-specific management plans. These criteria will be applicable to management of lands in which the department acquires an interest and to cooperative habitat projects located on lands in other ownership.

(e) Prior to acquiring any interest in land for the

primary purpose of securing wildlife habitat, the department will comply with the requirements of 87-1-241, MCA, by conducting an environmental assessment analyzing:

(i) the wildlife populations and use currently associated with the property;

(ii) the potential value of the land for protection, preservation, and propagation of wildlife;

(iii) management goals proposed for the land and wildlife populations and, where feasible, any additional uses of the land such as livestock grazing or timber harvest;

(iv) any potential impacts to adjacent private land resulting from proposed management goals and plans to address such impacts;

(v) any significant potential social and economic impacts to affected local governments and the state, including but not limited to impacts on:

(A) tax revenue available for the operation of taxing jurisdictions within the county;

(B) services required to be provided by local governments;

(C) employment opportunities within the counties;

(D) local schools; and

(E) private businesses supplying goods and services to the community.

(vi) a land maintenance program to control weeds and maintain roads and fences; and

(vii) any other matter considered necessary or appropriate by the commission.

(f) The department will develop monitoring and evaluation systems to track program success as well as the public's changing desires.

(g) It is preferable to acquire interests in habitat through conservation easement or lease. However, the legislature has acknowledged that the willing seller will determine the manner by which such interest is obtained and thus has provided for acquisition by fee title as well. The most effective use of capital and operational funds must be determined on a case by case basis. The commission encourages the department to utilize other methods such as land exchanges, conservation buyers and easement exchanges to meet the Habitat Montana program objectives.

(h) The department will use certified appraisals or other appropriate analysis performed by department staff to determine the value of land or interest in land to be acquired.

(i) Funds for wildlife habitat acquisition shall be invested in habitat in a timely manner, as accrued.

(j) In some cases the mission of Habitat Montana may be most efficiently accomplished through actions of non-profit organizations, landowners, other government agencies, or through partnerships with such entities. To gain the greatest value from partnership opportunities, the department will establish procedures for working cooperatively and non-competitively with them.

(k) The department will establish procedures to account for Habitat Montana income and expenditures through the state budget and account system (SBAS). In addition to project expenditures for which accounting reports are currently available, the department will account for administrative costs associated with implementation of this policy.

(l) The commission directs the department to emphasize continuing communication with the legislature, state land board and the public to maintain awareness of, and support for, Habitat Montana.

(m) The commission expects to adopt a comprehensive statewide habitat plan, incorporating each of the above elements, prior to October, 1994. The review process for this draft plan will include a public comment period of at least 60 days in length.

AUTH: 87-1-241, MCA IMP: 87-1-241, 87-1-242, MCA

STATEWIDE WILDLIFE MANAGEMENT AREA O & M FOR FY95

Paid expenses - July 1, 1994 through January 31, 1995

1. Vandalia WMA fencing: \$1,228.
2. Brewer conservation easement fencing: \$730. This is part of a much larger capital project.
3. Sun River WMA, surveying administrative site: \$1,367.
4. Grady Ranch management agreement aerial photos: \$597.
5. Judith WMA spring development for grazing system : \$1,813.
6. Blackfoot-Clearwater WMA plumbing: \$551.
7. Mt. Haggin road repair: \$1,200.
8. Fleecer WMA road repair: \$2,500.
9. Legal notices for hearings on land projects: \$182.
10. Mt. Haggin weed control: \$4,998.
11. Brewer aerial photos, second set: \$310.
12. Isaac Homestead WMA, ditch assessment: \$897.
13. Warm Springs WMA, repair Hough loader, hydraulic pump: \$1,486.
14. Color copies for HB 526 legislative report: \$27.
15. HB 526 Legislative Report: \$2,025.
16. Brewer Water Development: \$6,782.

Expected expenses - February 1, 1995 - June 30, 1995

17. Big Lake WMA fence: \$6,000
18. Blackfoot-Clearwater weed control: \$10,000
19. Blackfoot-Clearwater headgate repair for bull trout passage: \$10,000
20. Calf Creek fence: \$15,000
21. Canyon Ferry irrigation pipe realignment: \$10,500.
22. Fox Lake WMA road repair: \$10,000
23. Property proposal of WMAs with LWCF funding: \$12,000
24. MONTANA OUTDOORS reprints: \$4,500.
25. Ninepipes gas tank upgrade requirements: \$6,000.
26. Ninepipes WMA farming contracts (grass planting): \$3,000
27. Mt. Silcox WMA - MT Conservation Corps contract (fencing): \$1,300.
28. DeRozier WMA weir: \$3,000
29. Brewer water development: \$9,000
31. Lake Helena weed control: \$3,000
32. Elk Island WMA cattleguards: \$2,000

213.4

STATEWIDE WILDLIFE MANAGEMENT AREA O & M FOR FY95

Paid expenses - July 1, 1994 through January 31, 1995

1. Fencing: \$3,325
2. Water development for grazing systems: \$8,595
3. Weed control: \$4,998
4. Road Repair: \$3,700
5. Legislative report: \$2,052
6. General repair/maintenance: \$4,023

Expected expenses: February 1, 1995 - June 30, 1995

1. Fencing: \$22,300
2. Water development: \$19,500
3. Weed control: \$13,000
4. Road repair: \$16,000
5. Bull trout passage: \$10,000
6. Property survey: \$12,000
7. Farming: \$3,000
8. Operations and maintenance: \$13,500

SUMMARY OF 526 CAPITAL PROJECTS

As of February 1, 1995

1. Road repair: \$179,000
2. Fencing: \$138,000

213.7

WILDLIFE MANAGEMENT AREAS

Summary of 526 Capital Projects as of February 1, 1995

526 capital is directed toward costs such as roads, fences and major habitat enhancement.

Augusta

Sun River WMA: \$35,000 (25% state share). Twenty miles of reshaping roads. Seven new culverts. Specifications being setup.

Bynum

Ear Mountain WMA: \$17,000 (25% state share). One mile of major road reconstructions. Specifications being setup.

Fairfield

Freezout WMA: \$7,500 (25% state share). Eight and one-half miles of road blading. Specifications being setup.

Dillon

Blacktail WMA: \$24,000 (25% state share). Four miles road repair. Replace wooden bridge. Specifications being setup.

Ennis

Wall Creek WMA: \$15,500 (25% state share). Two and one-half miles of road repair; three new cattleguards.

Wolf Creek

Beartooth WMA: \$50,000 road repair. Partnership with county. Waiting for county schedule.

Sheridan

Robb/Ledford WMA: \$30,000. Three miles road repair.

Seeley Lake

Nevada Lake WMA: \$8,000. One mile of boundary fence replacement. Completed.

Utica

Judith WMA: \$35,000. Five miles of boundary fence replacement. Specifications are printed, ready for bid. To bid March 9.

Ovando

Aunt Molly WMA: \$45,000. Seven miles of new boundary fence. Specifications being drawn up. To bid March 16.

White Sulphur Springs

Smith River WMA: \$20,000. Two miles of boundary fence. Project not started.

Ovando

Blackfoot; Clearwater WMA: \$30,000. Three miles of internal fence for a grazing system. Specifications drawn, ready for bid March 16.

213.5

Section from HJR24 - Recommendations to Governor March Racicot, December 6, 1994 (pages 10 and 11)

II. RECOMMENDATIONS FOR IMPROVING HABITAT PROTECTION

The Governor's Private Land/Public Wildlife Advisory Council must address the issue of habitat protection in Montana. With advice from local working groups, agencies and non-profit organizations involved in conservation, and with assistance from FWP, the Council has developed four approaches for habitat protection: (1) **technical assistance to landowners**; (2) **land management and protection projects**; (3) **consolidating isolated parcels of state and federal lands**; and (4) **education outreach efforts**.

1) TECHNICAL ASSISTANCE TO LANDOWNERS

The Private Land/Public Wildlife Advisory Council recognizes that a closer partnership with private, state and federal natural-resource and conservation agencies is needed to assist in providing technical assistance to landowners. FWP must work to develop relationships to provide a better direction for a proactive wildlife habitat program that will benefit private landowners, sportpersons, and recreationists on private and public lands.

The Council recommends that FWP work with other agencies to ensure that landowners have easy access to information on technical-assistance programs. In an effort to encourage dissemination of technical assistance concerning wildlife management practices, the Council supports the cooperative project between FWP and the MSU Extension Service which established a Wildlife Specialist position within the Extension Service. The network of County Extension Agents provides opportunities to landowners for educational assistance on matters related to wildlife habitat improvements, hunter/landowner relationships, animal damage control and other issues related to wildlife management

2) LAND MANAGEMENT AND PROTECTION PROJECTS

Habitat Montana

Habitat for healthy wildlife populations remains critical. Hunting and fishing license-fee monies, as well as federal excise taxes on the purchase of sporting goods, have been utilized to promote various land-management and land-protection strategies. State tax revenues are seldom, if ever, used. **Habitat Montana**, the program which administers funds acquired under HB 526, also incorporates all of FWP's wildlife habitat acquisition programs including moose and bighorn sheep habitat, BPA mitigation funds for habitat loss, and waterfowl habitat. The Council supports **Habitat Montana** programs. The Council encourages strong adherence to several principles of **Habitat Montana** programs:

- * Conservation easements are the preferred approach for

protecting habitat. Leasing can be an effective tool if long term protection for key areas can be assured and value for the lease compares well with that of an easement or fee title acquisition. Fee title acquisition may be utilized when preferred by the individual landowner.

* Other methods of land habitat protection such as land exchanges, cooperative projects, conservation buyers and easement exchanges should be utilized to meet **Habitat Montana** program objectives.

* Real property taxes will continue to be paid in all methods of habitat protection.

* Partnership opportunities with non-profit organizations or other government agencies should be used when they enhance accomplishment of the mission of **Habitat Montana**.

3) **CONSOLIDATING ISOLATED PARCELS OF STATE AND FEDERAL LANDS**

There is limited opportunity, and in some cases limited value, in accessing isolated state and federal land holdings for recreation. Blocking up these sections in areas where there is important wildlife habitat could enhance recreational access and reduce landowner conflicts. In addition, grazing or other management systems may be better implemented on larger blocks of land. Larger tracts of land should be more valuable due to increased efficiencies and greater potential for resource use or flexibility for the federal, state and private landowners. The Council urges support at the federal, state and local levels to facilitate land adjustment through exchange. **Such consolidation efforts involving state lands, however, would have to result in lands of equal or higher value for generating revenue to the school trust.** Currently, administrative costs of individual, small-parcel exchanges are high and often prohibitive. The Council recommends that the State Land Board and the State Legislature seek creative means through the public and private sector to fund administrative costs of such consolidation efforts.

4) **EDUCATION AND OUTREACH EFFORTS**

The Council feels strongly that education and outreach efforts are essential to the success of our recommendations. To encourage a better understanding about these programs, their benefits and administration, the Council suggests two approaches in each region: **(A) where appropriate add FWP staff position entitled "Access Program Administrator"; and (B) the continuance of local working groups.** The Council offers the following outline for these approaches:

EXHIBIT 1
DATE 2-14-95
5B 367

(end of attachments)

SENATE FISH AND GAME
EXHIBIT NO. 2
DATE 2/14/95
BILL NO. SB 303

Amendments to Senate Bill No. 303
1st Reading Copy

Requested by Senator Pipinich
For the Committee on Fish and Game

Prepared by Andrea Merrill
February 13, 1995

1. Page 2, line 11.

Following: "(3)"

Insert: "(a) except as provided for standup personal watercraft
in subsection (3)(b),"

2. Page 2, line 14.

Following: line 13

Insert: "(b) at greater than minimum maneuvering speed for a
standup personal watercraft when leaving or returning
directly from or to a dock or shore for the purpose of
launching or docking; or"

Amendments to Senate Bill No. 303
1st Reading Copy

Requested by Senator Pipinich
For the Committee on Fish and Game

Prepared by Andrea Merrill
February 13, 1995

1. Title, line 7.

Following: "SYMBOL;"

Insert: "CLARIFYING THE AGE REQUIREMENTS FOR OPERATION OF A
MOTORBOAT OR PERSONAL WATERCRAFT;"

Following: "SECTIONS"

Insert: "23-2-523,"

Following: "23-2-525"

Insert: ", "

2. Page 1, line 12.

Following: line 11

Insert: "Section 1. Section 23-2-523, MCA, is amended to read:

"23-2-523. Prohibited operation and mooring -- enforcement.

(1) A person may not operate or knowingly permit a person to operate a motorboat or vessel or manipulate any water skis, a surfboard, or a similar device or other contrivance in a reckless or negligent manner so as to endanger the life, limb, or property of any a person by:

(a) engaging in maneuvers that unreasonably or unnecessarily endanger life, limb, or property, including but not limited to weaving through congested vessel traffic or jumping the wake of another vessel unreasonably or unnecessarily close to the other vessel or when visibility around the other vessel is obstructed and including swerving at the last possible moment to avoid collision, following directly behind a waterskier, speeding in confined or restricted areas, and buzzing or wetting down others, which constitute reckless operation of a vessel;

(b) crossing or jumping the wake of another vessel when within 100 yards of the vessel or within 100 yards of a waterskier being towed by the vessel, except when directly entering or leaving a public or private marina, waterski facility, or other watercraft docking or loading area.

(2) A person may not operate any a motorboat, including a sailboat propelled by a motor of any kind, or manipulate any water skis, a surfboard, or a similar device attached to a motorboat while under the influence of alcohol, drugs, or a combination of the two.

(3) It is unlawful for the owner of a motorboat or vessel or a person having the motorboat or vessel in charge or in control to authorize or knowingly permit the same to be operated by a person who by reason of physical or mental disability is incapable of operating the watercraft under the prevailing circumstances.

(4) A person may not operate or knowingly permit a person

to operate a motorboat or vessel at a rate of speed greater than will permit the person, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead. However, nothing in this part is intended to prevent the operator of a vessel actually competing in a regatta that is sanctioned by an appropriate governmental unit from attempting to attain high speeds on a marked racing course.

(5) A person may not make a reckless approach to, departure from, or passage by a dock, ramp, diving board, or float.

(6) Skiers being pulled by motorboats must have on their person a United States coast guard approved personal flotation device in good and serviceable condition.

(7) A person may not moor a vessel to buoys or beacons placed in any waters of this state by the authority of the United States, an agency of the United States, or the department or in any manner hang on with a vessel to ~~such a~~ a buoy or beacon, except in the act of maintenance work on the buoy or beacon, nor may any person deface, remove, or destroy a buoy, beacon, or other authorized navigational marker maintained in the waters of this state.

(8) If an officer whose duty it is to enforce the sections of this law observes a vessel being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition and in ~~his~~ the officer's judgment ~~such the~~ the use creates an especially hazardous condition, ~~he the officer~~ the officer may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to a mooring or launching site and to remain there until the situation creating the hazard is corrected or ended.

(9) The population density and heavy recreational use of certain lakes require a noise standard more restrictive than the standard set in 23-2-526, in order to protect the public health and safety. Unless operated on a river or stream in compliance with a commission rule adopted under 23-2-521(9), a person may not operate a motorboat or personal watercraft on Flathead Lake, situated in Lake and Flathead Counties, Echo Lake, situated in Flathead County, or Swan Lake, situated in Lake County, in proximity to the shoreline if the noise emitted is greater than 75 dbA measured at the shoreline in accordance with the shoreline sound level measurement procedure (SAE J1970).

(10) Unless accompanied by a person 18 years of age or older, a person 12 years of age or younger may not operate a motorboat or a personal watercraft that is powered by a motor rated at more than 10 horsepower. ~~After December 31, 1993, a A person under 15 years of age~~ 13 or 14 years of age may not operate a vessel or personal watercraft powered by a motor rated at more than 10 horsepower without possessing a valid Montana motorboat operator's safety certificate or evidence of completion of a Montana-approved water safety course or unless accompanied by a person 18 years of age or older.

(11) A person who owns or has charge or control of a motorboat or personal watercraft powered by a motor rated at more than 10 horsepower may not authorize or knowingly permit the motorboat or personal watercraft to be operated:

(a) by a person 12 years of age or younger unless accompanied by a person 18 years of age or older; or

(b) ~~after December 31, 1993,~~ by a person ~~under 15 years of age~~ 13 or 14 years of age unless the person possesses a valid Montana motorboat operator's safety certificate or evidence of completion of a Montana-approved water safety course or is accompanied by a person 18 years of age or older.

(12) A person may not rent a motorboat or a personal watercraft powered by a motor rated at more than 10 horsepower to a person under 18 years of age."

{Internal References to 23-2-523:

23-2-526	23-2-531	23-2-535	23-2-535
23-2-535	23-2-535	23-2-535	23-2-535}

Renumber: subsequent sections

Senate Bill No. 303
February 14, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the Senate Fish and Game Committee

Senate Bill 303 addresses some of the problems we have in water safety. Many of the complaints we receive involve the use of personal watercraft, an activity that has increased significantly in recent years. Motor boats also cause safety problems.

Many of the complaints we receive concern personal watercraft users scaring or harassing other recreational water users by passing them at high speeds too close for comfort. Last summer a fatality occurred on Echo Lake when a personal watercraft, which was purposefully splashing a raft pulled by a paddle boat, accidentally bounced the watercraft against the head of a passenger in the raft. There was also an incidence of discharging a firearm in the direction of a personal watercraft on Bean Lake by a disgruntled person.

The bill will not solve all of the problems associated with motorized watercraft use, but with the 150-foot restriction, personal watercraft violators could be stopped and warned or cited for using excessive speed near other water users. In areas with lots of docks, the bill might also help reduce complaints about personal watercraft use. Many of the complaints we receive are from landowners, recreationalists, and anglers on shore.

We are aware of other proposals that were considered by a working group in Northwest Montana to address these problems. If you conclude that this bill is the appropriate way to address water user conflicts, we suggest amendments to retain the 100-foot distance from divers required under section 23-2-525. Current law forbids approach by any motorized watercraft any closer than 100 feet from a diver or the diver's equipment. This bill as written liberalizes the law to allow approach by a personal watercraft at any distance so long as no-wake speed is maintained within 150 feet. Because of the possibility of injury to a diver or interference with the diver's equipment, we believe it is safer to retain the requirement that all boats, including personal watercraft, stay at least 100 feet from the diver and his or her raft or buoy.

Attachment

DR. ZOOM'S AUTO PARTS AND MOTORSPORTS

EXHIBIT NO. 4
DATE 2/14/95
BILL NO. SB 303

2800 North Montana Avenue
Helena, MT 59601
(406) 443-1981

February 14, 1995

Talking Paper Opposing Senate Bill 303

Mr. Chairman, Members of the Committee.

For the record, my name is Dan Painter. I am here today to oppose passage of this bill. My family owns Dr. Zoom's Auto Parts and Motorsports here in Helena. One of our product lines is Tigershark personal watercraft manufactured by Arctic Cat.

I heard of this bill only late last week and was mildly upset with its intent and scope. This bill not only unfairly singles out and encroaches on the rights of the watercraft users who enjoy the many lakes and rivers available, it is also opposed by boat dealers who may or may not be selling watercraft in addition to traditional boats. I have called across the state and have received support from dealers in Billings, Great Falls, Missoula, Butte, Helena, and the Flathead area. I have these names available for those interested in speaking to them. Fred Zauner of Kalispell specifically gave me the support of a group he speaks for: The Flathead Valley Recreation Dealers Association which represents 5 dealerships in the Flathead Valley.

The N.W. Water Recreation Users Committee looked into the issues surrounding boating and the use of personal watercraft this past January. There were some individuals involved who felt watercraft operators were wreaking havoc on our lakes and riversthis is simply not true. My entire family rides, from my 63 year old father to my 2 year old daughter. I have many friends who ride both standup and sit down type of watercraft. Even though we ride safely and courteously, we are being targeted in the same manner as a few renegade riders who consistently violate the law. This same situation occurs in many areas of recreation: boating, motorcycling, hunting and fishing to name but a few. Every day we meet these same characters on the streets and highways as we travel about. Common sense prevails in our daily routines and is enough guidance for the majority of recreational users regardless of activity. Let's enforce the laws we have and make the lawbreakers responsible for their actions! I sincerely hope it is not the intent of this committee to single out personal watercraft riders as being defiant or disobedient with respect to existing or potential legislation. Ours is a relatively new sport and we only want to be treated fairly.

Since safety is being used as one of the reasons for this additional legislation, I would like to point out a problem peculiar only to stand up watercraft. These watercraft must be ridden laying down when travelling at slow speeds due to their inherent low speed instability. In this position the rider puts himself at risk to other craft because his silhouette is only about 18 inches out of the water. The craft are easily ridden under full control at speeds moderately above "no wake" speeds and for safety purposes should be ridden as close to a dock or beaching area in this manner.

I feel the 150 foot "no wake" zone around the objects specified in the bill selectively targets the watercraft users, since boaters are only held to a 100 foot zone for the same objects. Docking is even more lopsided, 150 feet for a personal watercraft and no limit for a boat. Many people ride personal watercraft on small lakes and rivers that this regulation would effectively rule out as riding areas simply because of their size.

Small business is being smothered by regulations. Even though this one doesn't specifically target a business, the fallout of this legislation would probably result in lower sales and rental opportunities because of these increased restrictions. From as far back as our childhood we have been conditioned that too many rules can ruin the fun. Fun and relaxation are the major reasons personal watercraft are purchased or rented.

Last November I, as well as many other Montanans, voted for less government and fewer regulations. The Department of Fish, Wildlife, and Parks has estimated that 3.5 FTE positions will be needed to properly enforce these new regulations. How much will this cost? Any additional cost flies in the face of the majority of the voters' wants and wishes.

I appreciate the opportunity to speak before you today. I encourage you to view all sides of this issue before making a decision.

Thank You

From : Yellowstone Polaris

PHONE No. : 406 259 9162

SENATE FISH AND GAME

EXHIBIT NO. ⁵
FEB. 14 1995 11:41AM P02

DATE 2/14/95

BILL NO. SB 303



YELLOWSTONE POLARIS RECREATION

5179 Midland Rd., Billings, MT 59101
(406) 259-7777 (800) 407-2292 FAX (406) 259-7777

POLARIS Believe it.



FEB 11, 1995

DEAR KEN,

THIS IS IN REGARDS TO THE SENATE BILL NO. 303. BILL NO. 303 WOULD BE A GRAVE INJUSTICE TO THE PERSONAL WATERCRAFT INDUSTRY. CURRENTLY, PERSONAL WATERCRAFT (PWC) IS GOVERNED UNDER THE SAME LAWS AS MOTORIZED BOATS. THIS BILL PROPOSES STRICTER LAWS FOR PWC ENTHUSISTS THAN BOATERS.

IT IS OUR UNDERSTANDING THAT THE POSSIBLE REASONING BEHIND BILL NO. 303 IS TO "CURB" THE VERY FEW PWC USERS WHO TEND TO SHOW DISREGARD FOR OTHERS. THIS IS FOUND IN EVERYTHING FROM LEAVING CAMPGROUNDS IN DISARRAY TO DRIVING CARS IRRATICALLY DO YOU SEE SPECIAL LAWS ON AGE REQUIREMENTS FOR CAMPING OR PEOPLE WHO DRIVE CORVETTS?

THE ONLY THING BILL NO. 303 WILL ACCOMPLISH IS MORE RESTRICTIONS ON OUR RECREATION AND VERY IMPORTANTLY THE SMALL BUSINESS WHICH IS WHAT KEEPS MONTANA OPERATING.

SINCERELY,

Laurie A. Pedersen

Todd Loomis

Sammy D. Loomis

Alta Lorman

Greg Rutschke

Cliff Rutschke

TSB304.SP

Senate Bill No. 304
February 14, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the Senate Fish and Game Committee

Private parties have legitimate needs to collect fish and wildlife information for scientific purposes. In order to obtain permits for a variety of projects, from hydropower to mining, private industry must provide basic biological information. If the information is not available, the private parties must collect it. This is generally accomplished by retaining a private consultant to collect the information.

Current Montana state law does not have a provision for the issuance of collectors permits to private parties. As a consequence the Department has developed an administrative process to meet the needs of private individuals and the current statute. The private party must be accompanied in the field by a Department employee under whose authority the collections are made.

This process is difficult for both parties. Many of the collection efforts are long term. The Department cannot afford to "rent" its employees for extended periods because normal responsibilities will not be accomplished. We must then recruit and hire employees for this specific purpose. This can be very time consuming and an administrative burden for the Department. By the same token the private party ends up paying for an additional field person that may not have been necessary.

This bill will provide a mechanism by which the Department can review the need for the collection and the qualifications of the party desiring to make the collections. If the need is legitimate, the party is well qualified and proposes to utilize accepted collection methods, the collection will not jeopardize the fish and wildlife resource, or unreasonably interfere with recreational activity, the Department may issue a permit.

This should be more efficient for both the private parties and the Department while still providing the Department the necessary ability to regulate the collection of Montana's fish and wildlife resource. The Department supports this bill.

DATE 2/14/95
 SENATE COMMITTEE ON Fish & Game
 BILLS BEING HEARD TODAY: SB 367, SB 303
& SB 304

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Jim Bradford	Montana Bowhunters Assoc.	SB 367		X
John Tode	Self	SB 304	X	
SAM BABICH	SKI JUMPING SPORTSMAN ASS SELF	367		X
Farren Flynn	Norstar Rentals	303		X
DAN PAINTER	DR. ZAK'S MOTORSPORTS	303		X
Jim Rechar	MWF	367		X
GORDON SANDERS	Pleun Creek Timber Co.	SB 304	X	/
Noel Rosetta	self	367		X
Pat Graham	FW 3	367 304	x	x
Stan Fresier	SELF FWF	367		X
Chris Melus	M Stockgrowers	367	✓	
Gary L. Sturm	Pricklypear Sportsmen Ass.	367		X
Stephen Kenley	Law Co Fish & Wildlife	367		X
Steve Wilson	RCF&W Ravalli	367		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/14

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Janet Ellis	MT Audubon	SB 367		X
ROBIN CUNNINGHAM	F.O.A.M.	SB 303	X	
Bob Kuhlert	Self	303	X	
Bill Allen	MT Audubon	SB 303	X	
		SB 304	X	
Tony Schooner	SKYLINE	SB 367		X
Bill Holdorf	SKYLINE 367	SB 303 SB 304		✓
Bill Holdorf	SKYLINE	SB 303 SB 304	✓	
Tony Schooner	SKYLINE	SB 303 SB 304	✓	
L.F. Thomas	ANACONDA SPORTS	303 304	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY