

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN ROGER DEBRUYCKER**, on January 31, 1995, at 8:00 a.m. in Room 402 of the State Capitol.

ROLL CALL

Members Present:

Rep. Roger DeBruycker, Chairman (R)
Sen. Thomas F. Keating, Vice Chairman (R)
Sen. Judy H. Jacobson (D)
Sen. Loren Jenkins (R)
Rep. John Johnson (D)
Rep. William R. Wiseman (R)

Members Excused: none

Members Absent: none

Staff Present: Roger Lloyd, Legislative Fiscal Analyst
Florine Smith, Office of Budget & Program
Planning
Debbie Rostocki, Committee Secretary

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

Committee Business Summary:

Hearing: Department of Fish, Wildlife & Parks
- Fisheries Division
- Administration & Finance Division
Executive Action: Department of Fish, Wildlife and Parks
- Fisheries Division

Mr. Roger Lloyd, Legislative Fiscal Analyst (LFA), passed out the current week's fiscal status sheet for this subcommittee **EXHIBIT 1** and a summary of all the subcommittees' budgets. **EXHIBIT 2**

HEARING ON DEPARTMENT OF FISH, WILDLIFE AND PARKS **Fisheries Division**

Mr. Lloyd gave an overview of the division's budget. Approximately \$2 million per year in adjustments has been made to the base of this budget, primarily to be funded from federal Dingell-Johnson and Corps of Engineers revenues. Fully funding the operating budget will compensate for the early retirement costs which were paid out of that budget in the current biennium. Contracted services (Present Law (PL) Adjustment No. 7) and

grants (PL No. 11) requests, if considered as one, would indicate a 90% increase over FY 94. He announced the executive had requested Present Law (PL) Adjustment No. 13 on p. C-20 be reduced by \$300,000 each year.

Mr. Larry Peterman, Administrator of the Fisheries Division, then gave his overview. The emphasis of the division is on wild trout and wild fish habitat management. 98% of the fish from the division's hatcheries go to about 500 bodies of water, mostly lakes and farm ponds where there is limited or no natural reproduction. The division also works to provide access to public water for fishing. Habitat management activities include stream alteration review, administration of the Stream Protection Act and participation with the Conservation Districts in administering the Streambed and Land Preservation Act ("310 Act"). They participate in 1,000-1,200 310 projects per year under that act. They work with the Department of Health's Water Quality Division regarding pollution, fish kills and pollution abatement activities.

Regarding river restoration, there is a program funded by fifty cents from each fishing license dollar, about \$110,000 per year. The program has been involved in over 56 stream bank fencing projects. Several other funding sources are also utilized for river restoration activities. **EXHIBITS 3 and 4**

The division is also involved in hydropower mitigation. Much of their Legislative Contract Authority (LCA) funding is used in this area.

The division works closely with the Conservation Districts and the Department of Natural Resources and Conservation (DNRC) to educate the public about riparian management, fisheries habitat and how to stabilize stream banks and build irrigation diversions so as to not harm habitat.

For over 20 years the division has had an instream flow program aimed at maintaining sufficient flows for fisheries. Unfortunately the division has had to get into drought management as well, for the past ten to eleven years. In the past summer these efforts have resulted in closing the entire Big Hole to fishing to protect the Arctic Greyling population.

The division is also involved in restoring streams affected by dewatering. Users are paid to leave part of their water rights in the stream. Presently there are about five of these water lease contracts.

The division is also becoming more involved in native fish management in order to prevent endangered species listing. Many of the state's native species have low population levels at present. These include Yellowstone cutthroat, West Slope Cutthroat, Bull Trout, Arctic Greyling, Paddlefish, and sturgeon.

Tape No. 1:B:000

Extraordinary efforts in the division's River Restoration Program have saved the Arctic Greyling from becoming listed as endangered in the current biennium. The U.S. Fish and Wildlife Service is currently considering putting an endangered species listing package together for the bull trout. The other aspect of the division's management efforts has to do with Montana Environmental Protection Act (MEPA) compliance.

The division operates eight cold water fish hatcheries and one warm water hatchery. The warm water hatchery is located in Miles City and produces about 15-30 million fish annually, primarily walleye. The cold water hatcheries produce fewer, but larger, fish. One of the cold water hatcheries is a Corps of Engineers mitigation hatchery on Libby Reservoir which FWP is paid to operate.

The Fishing Access Site program currently has about 313 sites, mostly on rivers. They try to provide stream floating access for every five to six hours of floating time. In order to complete the Floating Access Site program they need about 40 additional sites. The Parks Division maintains the sites and Fisheries improves the sites according to the location and level of use they have. As a result of this program, about 380,000 anglers spend about 2.6 million angler days in the state: in 1993 they spent about \$150,000,000 in the state.

About 38% of the division's \$7.2 million budget request will be funded from general license dollars. Federal dollars comprise about 40% of the budget and are primarily Dingell-Johnson (D-J) monies, which come from a federal excise tax on fishing equipment. The Wallop-Breaux amendment to the D-J legislation increased the excise tax to include small fishing boats and motors. A portion of the federal fuel tax that was allocated to motor boat use was also included in the funding from this amendment but this revenue is restricted for use only on fishing access sites with boat access.

LCA funding is derived primarily from federal and private sources. The small fraction of the division's revenue from state special is related to Glendive's Paddlefish Roe (caviar) program. Revenue from this source has been going down due to the drought situation.

Mr. Peterman then went over some of the new issues the Division is facing. There has been a major increase in division workload regarding private fishing pond licensing. In the last two years they have issued over 400 private pond permits, including inspections and Environmental Assessments (EA's). Illegal fish introductions are increasing, which is another big problem. Over the last 10 years there have been 160 documented instances of illegal introductions. Because of this activity, there is now walleye at Canyon Ferry and Noxon Reservoir, perch in Lake Mary Ronan, northern pike in Salmon Lake and small-mouth bass and lake

trout in Yellowstone Lake. Illegal introductions either eliminate the fishery being managed for or require chemical treatments. River use conflict, primarily on the wild trout streams, is another area which has recently become a major issue.

Regarding fish health, historically FWP has used six or seven therapeutic drugs in its hatcheries to treat disease but three years ago the Food and Drug Administration (FDA) banned the use of most of these drugs. Getting these drugs re-registered is a difficult job. In addition, the state's one fish health biologist is losing the assistance of the U.S. Fish and Wildlife Service for the testing for bacteria or parasites in fish. The state has been given two years to take over its own testing. The capital budget is allocating money for the Great Falls hatchery to build a fish health lab. He stressed that not testing for disease was not an option.

A major issue which has very recently arisen is the arrival of Whirling Disease, which manifests as a parasite, in some of the rainbow trout from the West Fork of the Madison River. **EXHIBIT 5** Prior to December 20, 1994 Montana was considered disease-free for the major trout and salmon diseases. From a management standpoint the loss of disease-free status is a major issue.

Tape No. 2:A:000

There has been a 90-95% reduction in the Upper Madison rainbow trout population, most likely the result of whirling disease. When the disease occurs in a hatchery the fish are spoon-fed and chemically treated until they can mature.

Whirling Disease on the Upper Madison will significantly impact the \$31 million annual economy of that area. The Big Hole fishery is about 50% rainbow trout, the East Gallatin is 90%, the West Gallatin 95% and the Missouri below Holter is about 85% rainbow trout. These areas could be impacted as well if the disease is discovered there. The degree of susceptibility to this disease by other kinds of fish is largely unknown at this point. Resources have been redirected to determine the extent of the problem.

Mr. Peterman then reviewed the PL Adjustments and New Proposals for the Fisheries Division (pp. C-20-23).

Angler harvest surveys (PL No. 4) involves about 120,000 mailings. The increase in this budget is related to postage costs and a proposed increase in the number of telephone follow-ups. PL No. 5 provides for spending authority on federal money which has been secured and will be providing for the increased costs of doing this.

Regarding PL No. 6, \$45,028 is the amount of money which was redirected from the travel and supplies accounts for early

retirement. The remainder of the increase is due to inflation of FWP Motor Pool costs.

The increase in contracted services is slightly less than the requested amount for the current biennium. The budget has been underspent because some anticipated contracts did not materialize. Approximately \$50,000 in each year of university funding has been transferred to PL No. 11. The rationale is that it will be easier to administer a long-term grant than an annual contract. The increase in contracted services is related to several new contracts related to therapeutic drug and endangered species issues. **Mr. Peterman** detailed the contracts FWP proposes to pursue in the coming biennium.

Tape No. 2:B:000

Combining replacement and new equipment, their total equipment budget request is about \$218,937, which is almost identical to the 1994 level.

Regarding the Programmatic Environmental Impact Statement (PEIS) for the Fisheries Division, they are requesting to contract for personnel assistance. This departure from the department's using FTE to do PEIS's is being tested out to see if it is a viable option.

The Fisheries new equipment request includes funding for two boats and motors for a new fishery project in the Lewistown area which was approved by the 1993 Legislature. The request for a forklift is related in part to the fact that in 1994 a FWP employee lost part of his thumb trying to lift something manually. The request for scientific equipment is related in large part to what will be needed to take over expanded fish health testing duties which the federal government is no longer going to perform. The division would prefer the funding for this new equipment proposal to come entirely from general license fees because it is a much simpler process to go through when small pieces of equipment are being purchased. Federal funds could be used elsewhere in the division.

Regarding New Proposal No. 4, the reductions would be one FTE fish culturist at the Big Springs Fish Hatchery near Lewistown and a .5 FTE fishery biologist in the Livingston area. These are serious reductions because services in the Livingston area would be reduced by half and this is right across the divide from where whirling disease has been found. Eliminating a fish culturist from the hatchery system precludes FWP's ability to redirect efforts from the hatchery system to the fish health area. He asked the committee to consider cutting the biologist in lieu of the fish culturist.

Mr. Robin Cunningham, Executive Director of the Fishing Outfitters Association of Montana, then rose in support of adequate funding for research on whirling disease.

Tape No. 3:A:000

Mr. Paul Roos, a member of the Board of Outfitters and Blackfoot Trout Unlimited, spoke up in support of continued funding for the Fisheries Division and expressed concern about whirling disease.

Questions: **SEN. JACOBSON** questioned the division's choice of FTE for personal services reductions. **Mr. Peterman** pointed out that when the budget was finalized whirling disease had not been discovered and this had changed their priorities.

SEN. KEATING wanted to know why EA's were required for fishing access sites. **Mr. Peterman** said the \$10,000 being requested was the cumulative total for all EA's, which include areas other than fishing access sites. The State Historic Preservation Office requires a cultural and historic survey. **Mr. Pat Graham**, FWP Director, added that several years ago the passage of **HB 495** had added about seven additional requirements to the department. In addition, there are several requirements under MEPA.

SEN. KEATING wanted to know why the expenses for the Clark Fork River investigation could not be funded from the Department of Health and Environmental Sciences' Superfund account. **Mr. Graham** replied that New Proposal No. 1 was specifically tied to getting supplemental fishery information and providing for FWP's data bases to be compatible for the ones used in the lawsuit. He added that this was a cost-reimbursable item.

In response to **SEN. KEATING**, **Mr. Peterman** said the historic level of spending for LCA's has been about \$1 million. The requested increase in LCA is related to contracts from the EPA which FWP has just received.

REP. WISEMAN wanted to know the status of the Kerr mitigation. **Mr. Peterman** said the license has been issued but the fish and wildlife mitigation aspect has not been settled. About six months ago the Federal Energy Regulatory Commission (FERC) came out with a proposed order quite different from what had been recommended by the state and other entities and it is "back in FERC's lap" now.

CHAIRMAN DEBRUYCKER questioned the importance of transferring fish species to new waters (PL No. 9). **Mr. Peterman** said some of the state's waters have been so altered that the native fish no longer live there and new species are sometimes introduced in these cases. In addition there is a great public demand to introduce fish all over the state.

EXECUTIVE ACTION ON FWP Fisheries Division

Motion/vote: **SEN. JACOBSON** moved to accept PL Adjustments No. 5, 6, 7 and 8 on p. C-20; **REP. JOHNSON** seconded the motion. The motion carried with **CHAIRMAN DEBRUYCKER** and **SEN. JENKINS** opposed.

Motion/vote: SEN. JACOBSON moved to accept PL No. 13 at the level of \$1 million for each year, and to accept PL No. 14. REP. WISEMAN seconded the motion. The motion carried unanimously.

Tape No. 3:B:000

Motion/vote: REP. JOHNSON moved to accept PL Adjustments No. 9, 10, 11 and 12; REP. WISEMAN seconded the motion. The motion carried with SEN. JENKINS opposed.

Motion: REP. WISEMAN moved to accept PL No. 4. REP. JOHNSON seconded the motion.

Discussion: SEN. JENKINS objected to the level of funding for angler harvest survey.

Vote: The motion failed with SEN. JACOBSON, CHAIRMAN DEBRUYCKER and SEN. JENKINS opposed.

Motion: SEN. JENKINS moved to accept PL No. 4, but only the reduction in FY 97.

Discussion: Mr. Peterman said the net increase in the budget for fishing regulations was about \$6,000 and the angler harvest surveys amounted to a net \$40,000 increase. He said in FY 95 \$23,580 has been spent on fishing regulations. For the coming biennium, they are asking for more money in the first year and less in the second year. There is no figure for the angler harvest survey analysis for FY 95 as yet. In response to SEN. JACOBSON, he stated surveys are done every other year to find what the fishing pressure is on given bodies of water. This is related back to population surveys and is used for a variety of things. He said the surveys were necessary to provide documentation for federal funding.

Amended motion/vote: SEN. JENKINS amended his motion to accept PL No. 4 at the levels of \$50,000 for fishing regulations and \$66,000 for angler harvest surveys in FY 96 and \$20,000 for regulations and \$30,000 for surveys in FY 97; REP. WISEMAN seconded the motion. The motion carried unanimously.

Motion: REP. WISEMAN moved to accept New Proposals No. 3 and 4 on p. C-22, amending No. 4 to a .5 FTE reduction, so the fish culturist position could be retained.

Discussion: SEN. JACOBSON questioned why personnel were being removed from the field rather than from the office. Mr. Peterman said several office staff had already been removed. Only seventeen of the division's 106 FTE are located in the office.

Tape No. 4:A:000

Substitute motion/vote: SEN. JENKINS moved to accept New Proposals No. 3 and 4, amending No. 4 to remove one FTE from

either the Helena or the Bozeman office in lieu of removing the fish culturist but at a comparable rate of pay. SEN. JACOBSON seconded the motion. The question was called for and the motion carried with REP. JOHNSON and SEN. KEATING opposed.

Discussion: SEN. JENKINS brought up the possibility of drafting a committee bill to do away with the requirement for EA's on fishing access sites (initiated under HB 495, 1991 Legislature). Mr. Peterman said FWP would still have to comply with MEPA regulations. Mr. Graham told the committee the department would respond to this the following day.

SEN. JACOBSON wanted to know how much of the work of the FTE in New Proposal No. 1 had been accomplished. Mr. Peterman said the baseline data-gathering portion of the work was to have lasted two years. This second two-year period is designed to study the mitigation options and this work is not complete yet. If the case goes on for too long FWP may have to regather biological data.

Motion/vote: SEN. JACOBSON moved to accept New Proposal No. 1, but as a one-time-only appropriation; REP. JOHNSON seconded the motion. The motion carried with REP. WISEMAN and SEN. KEATING opposed.

Motion: REP. JOHNSON moved to accept New Proposal No. 2, as a one-time-only appropriation. SEN. JACOBSON seconded the motion.

Discussion: SEN. KEATING expressed opposition to doing programmatic EIS's.

Vote: The question was called for and the motion failed with SEN. JACOBSON and REP. JOHNSON voting "yes."

HEARING ON FWP Administration and Finance Division

Mr. Lloyd gave an overview of the division (pp. C-10-14).

Mr. Graham introduced three regional field supervisors that were at the hearing for educational purposes: Dick Ellis, Region 5 (Billings) Supervisor; Steve Lewis, Region 3 (Bozeman) Supervisor and Tom Hinz, Region 6 (Glasgow) Supervisor.

Mr. Dave Mott, Administrator of the Administration and Finance Division, then gave an overview. The division is involved in the licensing of hunters and anglers. Nearly 450,000 license sales from about 400 retail outlets as well as applications for limited licenses drawings are administered yearly. The Office of the Legislative Auditor (OLA) has given favorable audits of the accounting and financial reporting functions of the division, which are done out of the Helena office.

This division also prepares and allocates the FWP budget and handles the integration of all staff regarding computer

processing. Finally, the division coordinates the two collective bargaining units' (wardens and biologists) activities within FWP.

The department manages its vehicle fleet centrally. One effect of this is the budget for this division is inflated. Almost 60% of the division's funding is from state special revenue from the general license account. 32.9% is proprietary and there is some double-counting of monies in this area.

Tape No. 4:B:000

Mr. Mott reviewed the Present Law Adjustments and New Proposals. In FY 94 about \$7,300 was spent for contracted services. Part of the requested increase, about \$5,000 per year, is related to drug testing. **EXHIBIT 6** FWP's hatchery and park maintenance personnel fall under the requirements for testing.

FWP was directed by the Legislature to develop a more comprehensive budget allocation system. This has been a successful effort and the system which has been developed is being used as a model for other agencies. \$4,000 in FY 96 and \$2,000 in FY 97 has been requested to do the maintenance on the system. Once this maintenance is done the system will be made available to all interested parties. He pointed out that the costs of maintaining the old system had been higher.

\$5,000 in FY 96 is requested in contracted services for automating personnel files. \$1,500 worth of software has been purchased out of the current budget and the PL increase will provide for entering the data to use with the new software.

License dealers receive 50 cents for each license they sell. The historic average has been about a 3.5% per year growth in over-the-counter license sales.

Regarding PL No. 6, the U.S. Postal Service has switched to a highly automated system of processing mail. FWP has some licenses, which if not used in 1994, would have had to been discarded. **Mr. Mott** used up the stock on hand and as a result a reduced level of money was spent. The Post Office will no longer accept the old licenses **EXHIBIT 7** so a new format was developed once the old licenses were used up. **EXHIBIT 8**

PL No. 6 has to do with the licenses which the agents sell. FWP's vendors have estimated the cost of the paper the licenses are printed on will be going up about 15%, about \$6,000 per year.

A better title for PL No. 7 would be "transfer to the general fund." FWP adds an overhead rate to all its federal programs, mostly to fund support services. A part of it is also used to recover costs of other general funded agencies that provide services to FWP. Part of the increase is tied to an expected increase in the expenditure of federal funds. Also, it is estimated that more support services will be put into FWP's rate. FWP collects the money from the federal government but an

appropriation has to be charged to get the money into the general fund. The additional \$27,000 being requested is a transfer of sorts.

PL No. 8 is a proprietary fund increase. The main inventory item is uniforms and game damage materials. The division buys these items through the state purchasing process and charges the costs out to the divisions who receive the inventory. Over time this inventory has increased. In an effort to lower the inventory and reduce cash expenditures this adjustment puts the funding back to the "middle of the road" between what was budgeted and what was spent in FY 94. They were budgeted \$188,000 and expenditures totaled \$81,000 in FY 94.

The vehicle replacement differential adjustment was detailed in a handout. **EXHIBIT 9** The federal government refuses to allow for inflation when setting rates. FWP has to transfer dollars from the license account to the proprietary account to make up for this.

Tape No. 5:A:000

The increase is driven by the number of vehicles FWP wishes to replace. The base was about \$175,000.

The original LCA request was \$60,000 and this has been reduced to \$30,000 at the direction of the committee. These dollars are used to provide support services to the federal programs on the LCA list. If necessary FWP could use their budget amendment authority to get additional authority.

The bulk of the equipment request is for vehicles. **EXHIBIT 10** Eighty-two vehicles have about 100,000 miles on them. When the vehicles are replaced they will be publicly auctioned. The last sale returned 59% of the original value to FWP.

Since the beginning of FWP's involvement in the computer business they have been replacing 12-13% of their computers each year. The department has about 380 computers in all. The request is to start phasing out their "XT's."

Mr. Mott then spoke to the New Proposals. New Proposal No. 1 is for about three computers each per year in the regional offices.

Regarding New Proposal No. 2, the federal Fish and Wildlife Service manages the nation's migratory game birds. It is being required that all states do a uniform survey of all migratory bird hunters and all licensed bird hunters. **SB 70**, which has passed the Senate, minimizes the number of persons FWP will be surveying by dramatically narrowing the definition of waterfowl license. This saves about \$55,000 from this request. The survey would be implemented in the second year of the coming biennium and all waterfowl hunters will be surveyed. License agents will fill out the paperwork for the survey when licenses are purchased and send it to the Fish and Wildlife Service. The costs in the New Proposal are based on the agents' feeling that fifty cents

per survey would be adequate compensation for performing the work. In addition, there will be postage costs.

New Proposal No. 3 is also a case of double budgeting. If the committee accepts the proposal it should have the LFA and FWP compute the dollar amount, using the travel figures approved in the other divisions.

The funding for New Proposal No. 4 is split 50/50 between the license account and proprietary funds. **Mr. Mott** asked for flexibility in choosing which account to use.

Questions: In response to **SEN. JENKINS**, **Mr. Mott** went into further detail about the funding for the mainframe/personal computer system (PL No. 4). The Legislature gave him spending authority to develop the system but maintenance costs hadn't been included and this is where money from other sources had to be redirected, to make up the difference.

SEN. JENKINS felt the small businesses which had sold licenses for many years needed a higher commission and more recognition. **Mr. Mott** said these people were very much appreciated. Regarding compensation, they sell licenses for the department pretty cheaply compared to other states. In 1991 the commission was increased from \$.35 to \$.50. He said he would pass on **SEN. JENKINS'** comments and consider possibilities for giving recognition for service.

In response to **CHAIRMAN DEBRUYCKER**, **Mr. Graham** said migratory bird numbers have declined over the past decade. There was a fair amount of concern regarding the effects of the harvest on populations and the U.S. Fish and Wildlife Service felt they needed to have a complete harvest assessment. Joint meetings of the International Association of Fish and Wildlife agencies and the U.S. Fish and Wildlife Service resulted in a decision that the states should try to do the surveys. Information will help determine whether or not waterfowl hunting for some species can be sustained in the future.

CHAIRMAN DEBRUYCKER pointed out the past decade had been some of the driest years on record in eastern Montana. When there isn't water the waterfowl doesn't show up. He questioned the need for a survey when there isn't anything to hunt. **Mr. Graham** said the net effect of surveys from all the states can help fill in the bigger picture of migratory bird activities. **CHAIRMAN DEBRUYCKER** wanted to know if the survey approach was being used outside the borders of the U.S. **Mr. Graham** said Mexico does not have a survey and Canada is working cooperatively with them. Montana has two different migratory corridors: the Pacific Flyway and the Central Flyway.

Tape No. 5:B:000

SEN. JENKINS stated that he had been told harvests had less effect on population levels than habitat did. **Mr. Graham** agreed

but the harvest is the only one they can control and even if hunting was stopped the population couldn't come back up like it was ten years ago. **SEN. JENKINS** pointed out that predators were also a significant problem.

ADJOURNMENT

Adjournment: 12:00 p.m.



ROGER DEBRUYCKER, Chairman



DEBBIE ROSTOCKI, Secretary

RD/dr

This meeting was recorded on five 60-minute audiocassette tapes.

EXHIBIT
DATE 1/31/95

Office of Legislative Fiscal Analyst General Fund Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:34 PM

Clayton Schenck
Director, Rm 105

Present Law & New Proposals	Executive		Base		Legislative		Legislative		Executive		Base		Legislative		Legislative	
	Total Budget	Fiscal 1996	Budget	Fiscal 1994	Action	Fiscal 1996	Over(Under)	Base	Total Budget	Fiscal 1997	Budget	Fiscal 1994	Action	Fiscal 1997	Over(Under)	Base
Chairperson Rep. DeBruycker																
4201 Public Service Regulation																
5201 Dept Of Fish, Wildlife & Parks	285,777		288,024		288,024				284,840		288,024		288,024			
5301 Department Of State Lands	9,192,288		8,175,664		9,112,232			936,568	8,920,701		8,175,664		9,060,745		885,081	1,821,649
5603 Department Of Livestock	456,397		357,963		456,397			98,434	459,057		357,963		459,020		101,057	199,491
5706 Dept Nat Resource/Conservation	4,728,534		3,072,825		3,072,825				4,688,574		3,072,825		3,072,825			
6201 Department Of Agriculture	467,120		467,821		498,258			30,437	450,282		467,821		480,151		12,330	42,767
6501 Department Of Commerce	1,722,770		1,429,263		1,429,263				1,698,449		1,429,263		1,429,263			
Totals	16,852,886		13,791,560		14,856,999			1,065,439	16,501,903		13,791,560		14,790,028		998,468	2,063,907
Percent of Total General Fund	3.24%		3.05%		3.21%			9.44%	3.09%		3.05%		3.25%		27.08%	13.79%

Office of Legislative Fiscal Analyst

All Funds Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:37 PM

Present Law & New Proposals	Executive	Base	Legislative	Legislative	Executive	Base	Legislative	Legislative	Legislative
	Total Budget Fiscal 1996	Budget Fiscal 1994	Action Fiscal 1996	Over(Under) Base Fiscal 1996	Total Budget Fiscal 1997	Budget Fiscal 1994	Action Fiscal 1997	Over(Under) Base Fiscal 1997	Legislative Over(Under) Base 97 Biennium
Natural Resources & Commerce									
Chairperson Rep. DeBruycker									
4201 Public Service Regulation	2,272,407	2,099,407	2,132,478	33,071	2,108,959	2,099,407	1,967,069	(132,338)	(99,267)
5201 Dept Of Fish, Wildlife & Parks	40,144,036	32,085,892	32,085,892		37,948,110	32,085,892	32,085,892		
5501 Department Of State Lands	26,640,502	19,628,217	22,625,427	2,997,210	22,374,624	19,628,217	21,772,391	2,144,174	5,141,384
5603 Department Of Livestock	5,762,510	5,387,924	5,762,510	374,586	5,693,733	5,387,924	5,689,287	301,363	675,949
5706 Dept Nat Resource/Conservation	13,603,252	11,244,829	11,244,829		13,018,392	11,244,829	11,244,829		
6201 Department Of Agriculture	8,374,974	8,142,139	8,314,974	172,835	8,466,616	8,142,139	8,403,566	261,427	434,262
6501 Department Of Commerce	72,453,835	57,157,633	57,157,633		64,094,569	57,157,633	57,157,633		
Totals	169,251,516	135,746,041	139,323,743	3,577,702	153,705,003	135,746,041	138,320,667	2,574,626	6,152,328
Percent of Total Funds	8.67%	8.35%	8.08%	3.58%	7.84%	8.35%	8.69%	-7.89%	9.13%

Run Date and Time: 01/28/95 01:32 PM

Clayton Schenck
Director, Rm 1055

Present Law Only *	Executive	Base	Legislative	Legislative	Executive	Base	Legislative	Legislative	Legislative
	Present Law Fiscal 1996	Budget Fiscal 1994	Action Fiscal 1996	Over(Under) Fiscal 1996	Present Law Fiscal 1997	Budget Fiscal 1994	Action Fiscal 1997	Over(Under) Fiscal 1997	Over(Under) 97 Biennium
Natural Resources & Conservation									
	Chairperson Rep. DeBruycker								
4201 Public Service Regulation									
5201 Dept Of Fish, Wildlife & Parks	273,777	288,024	288,024		264,840	288,024	288,024		
5501 Department Of State Lands	9,313,345	8,175,664	9,348,352	1,172,688	9,228,183	8,175,664	9,252,102	1,076,438	2,249,126
5603 Department Of Livestock	485,004	357,963	485,004	127,041	487,673	357,963	487,636	129,673	256,714
5706 Dept Nat Resource/Conservation	4,868,027	3,072,825	3,072,825		4,855,201	3,072,825	3,072,825		
6201 Department Of Agriculture	467,120	467,821	498,258	30,437	450,282	467,821	480,151	12,330	42,767
6501 Department Of Commerce	1,723,216	1,429,263	1,429,263		1,699,112	1,429,263	1,429,263		
Totals	17,130,489	13,791,560	15,121,726	1,330,166	16,985,291	13,791,560	15,010,001	1,218,441	2,548,607
Percent of Total General Fund	3.40%	3.05%	3.26%	11.44%	3.31%	3.05%	3.29%	30.39%	16.30%

Office of Legislative Fiscal Analyst

All Funds Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:35 PM

Present Law Only *	Executive		Base		Legislative		Legislative		Executive		Base		Legislative		Legislative		Legislative	
	Present Law	Fiscal 1996	Budget	Fiscal 1994	Action	Fiscal 1996	Ov(Un) Base	Fiscal 1996	Present Law	Fiscal 1997	Budget	Fiscal 1994	Action	Fiscal 1997	Ov(Un) Base	97	Ov(Un) Base	Legislative
Natural Resources & Commerce																		
Chairperson Rep. DeBruycker																		
4201 Public Service Regulation		2,334,371	2,099,407		2,128,478		29,071		2,175,415		2,099,407		1,967,069		(132,338)		(103,267)	
5201 Dept Of Fish, Wildlife & Parks		38,342,994	32,085,892		32,085,892				36,200,975		32,085,892		32,085,892					
5501 Department Of State Lands		26,286,955	19,628,217		22,710,255		3,082,038		22,367,879		19,628,217		21,762,026		2,133,809		5,215,847	
5603 Department Of Livestock		5,815,311	5,387,924		5,815,311		427,387		5,829,863		5,387,924		5,825,417		437,493		864,880	
5706 Dept Nat Resource/Conservation		13,411,663	11,244,829		11,244,829				13,341,173		11,244,829		11,244,829					
6201 Department Of Agriculture		8,154,123	8,142,139		8,244,123		101,984		8,155,912		8,142,139		8,242,862		100,723		202,707	
6501 Department Of Commerce		71,631,135	57,157,633		57,157,633				63,723,193		57,157,633		57,157,633					
Totals		165,976,552	135,746,041		139,386,521		3,640,480		151,794,410		135,746,041		138,285,728		2,539,687		6,180,167	
Percent of Total Funds		8.87%	8.35%		8.12%		3.94%		8.14%		8.35%		8.72%		-6.41%		11.70%	

Office of Legislative Fiscal Analyst General Fund Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:34 PM

Clayton Schenck
Director, Rm 105

New Proposals Only *

Executive New Proposal Fiscal 1996	Base Budget Fiscal 1994	Legislative Action Fiscal 1996	Legislative Ov(Un) Base Fiscal 1996	Executive New Proposal Fiscal 1997	Base Budget Fiscal 1994	Legislative Action Fiscal 1997	Legislative Ov(Un) Base Fiscal 1997	Legislative Ov(Un) Base 97 Biennium
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Natural Resources & Commerce

Chairperson Rep. DeBruycker

4201 Public Service Regulation	12,000			20,000				
5201 Dept Of Fish, Wildlife & Parks	(121,057)	(236,120)	(236,120)	(307,482)		(191,357)	(191,357)	(427,477)
5501 Department Of State Lands	(28,607)	(28,607)	(28,607)	(28,616)		(28,616)	(28,616)	(57,223)
5603 Department Of Livestock	(139,493)			(166,627)				
5706 Dept Nat Resource/Conservation								
6201 Department Of Agriculture	(446)			(663)				
6501 Department Of Commerce								

Totals	(277,603)	(264,727)	(264,727)	(483,388)		(219,973)	(219,973)	(484,700)
Percent of Total General Fund	-1.64%	ERR	77.82%	-2.30%	ERR	68.21%	68.21%	73.14%

EXHIBIT 1
DATE 1-31-95

Office of Legislative Fiscal Analyst

All Funds Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:36 PM

New Proposals Only *	Executive New Proposal Fiscal 1996	Base Budget Fiscal 1994	Legislative Action Fiscal 1996	Legislative Ov(Un) Base Fiscal 1996	Executive New Proposal Fiscal 1997	Base Budget Fiscal 1994	Legislative Action Fiscal 1997	Legislative Ov(Un) Base Fiscal 1997	Legislative Ov(Un) Base 97 Biennium
Mineral Resources & Commerce									
5201 Public Service Regulation	(61,964)		4,000	4,000	(66,456)				4,000
5201 Dept Of Fish, Wildlife & Parks	1,801,042				1,747,135				
5501 Department Of State Lands	353,547		(84,828)	(84,828)	6,745				(74,463)
5603 Department Of Livestock	(52,801)		(52,801)	(52,801)	(136,130)		10,365	10,365	(188,931)
5706 Dept Nat Resource/Conservation	191,589				(322,781)				
6201 Department Of Agriculture	220,851		70,851	70,851	310,704		160,704	160,704	231,555
6501 Department Of Commerce	822,700				371,376				
Totals	3,274,964		(62,778)	(62,778)	1,910,593		34,939	34,939	(27,839)
Percent of Total Funds	4.09%		-0.82%	-0.82%	1.96%		0.50%	0.50%	-0.19%

Chairperson Rep. DeBruycker

Office of Legislative Fiscal Analyst General Fund Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:34 PM

Clayton Schenck
Director, Rm 105

Present Law & New Proposals	Executive	Base	Legislative	Legislative	Executive	Base	Legislative	Legislative	
	Total Budget Fiscal 1996	Budget Fiscal 1994	Action Fiscal 1996	Ov(Un) Base Fiscal 1996	Total Budget Fiscal 1997	Budget Fiscal 1994	Action Fiscal 1997	Ov(Un) Base Fiscal 1997	Ov(Un) Base 97 Biennium
Summary									
General Government & Transportation	41,944,115	37,397,072	39,639,579	2,242,507	42,491,927	37,397,072	39,528,885	2,131,813	4,374,320
Human Services	179,555,921	148,865,156	149,273,654	408,498	196,738,905	148,865,156	149,260,800	395,644	804,142
Natural Resources & Commerce	16,852,886	13,791,560	14,856,999	1,065,439	16,501,903	13,791,560	14,790,028	998,468	2,063,907
Institutions & Public Safety	119,878,802	94,424,951	96,879,704	2,454,753	119,525,516	94,424,951	96,168,110	1,743,159	4,197,912
Education	162,464,717	157,343,263	162,456,522	5,113,259	158,763,460	157,343,263	155,760,793	(1,582,470)	3,530,789
All Committees	520,696,441	451,822,002	463,106,458	11,284,456	534,021,711	451,822,002	455,508,616	3,686,614	14,971,070

Office of Legislative Fiscal Analyst All Funds Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:37 PM

Present Law & New Proposals	Executive		Legislative		Executive		Legislative		Executive		Legislative		Legislative	
	Total Budget Fiscal 1996	Base Budget Fiscal 1994	Action Fiscal 1996	Ov(Un) Fiscal 1996	Total Budget Fiscal 1997	Base Budget Fiscal 1994	Action Fiscal 1997	Ov(Un) Fiscal 1997	Total Budget Fiscal 1997	Base Budget Fiscal 1994	Action Fiscal 1997	Ov(Un) Fiscal 1997	Ov(Un) 97 Biennium	
Summary														
General Government & Transportation	511,209,989	415,326,291	420,191,975	4,865,684	498,834,171	415,326,291	418,749,987	3,423,696					8,289,380	
Human Services	721,938,987	606,785,884	608,920,864	2,134,980	770,348,077	606,785,884	608,705,570	1,919,686					4,054,666	
Natural Resources & Commerce	169,251,516	135,746,041	139,323,743	3,577,702	153,705,003	135,746,041	138,320,667	2,574,626					6,152,328	
Institutions & Public Safety	184,145,314	140,891,009	153,459,592	12,568,583	181,368,015	140,891,009	150,703,438	9,812,429					22,381,012	
Education	365,264,451	326,364,242	403,268,436	76,904,194	357,141,906	326,364,242	275,983,282	(50,380,960)					26,523,234	
All Committees	1,951,810,257	1,625,113,467	1,725,164,610	100,051,143	1,961,397,172	1,625,113,467	1,592,462,944	(32,650,523)					67,400,620	

DATE 1/31/95

Office of Legislative Fiscal Analyst

General Fund Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:32 PM

Clayton Schenck
Director, Rm 105

Present Law Only *	Executive	Base	Legislative	Legislative	Executive	Base	Legislative	Legislative	Legislative
	Present Law Fiscal 1996	Budget Fiscal 1994	Action Fiscal 1996	Ov(Un) Base Fiscal 1996	Present Law Fiscal 1997	Budget Fiscal 1994	Action Fiscal 1997	Ov(Un) Base Fiscal 1997	
Summary									
General Government & Transportation	41,305,715	37,397,072	40,001,759	2,604,687	41,779,128	37,397,072	40,072,391	2,675,319	5,280,006
Human Services	173,194,517	148,865,156	149,252,882	387,726	187,416,241	148,865,156	149,240,119	374,963	762,689
Natural Resources & Commerce	17,130,489	13,791,560	15,121,726	1,330,166	16,985,291	13,791,560	15,010,001	1,218,441	2,548,607
Institutions & Public Safety	109,542,426	94,424,951	96,646,536	2,221,585	109,791,686	94,424,951	95,619,911	1,194,960	3,416,545
Education	162,623,608	157,343,263	162,423,745	5,080,482	156,997,200	157,343,263	155,888,693	(1,454,570)	3,625,912
All Committees	503,796,755	451,822,002	463,446,648	11,624,646	512,969,546	451,822,002	455,831,115	4,009,113	15,633,759

* A present law budget is defined as the level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature.

Office of Legislative Fiscal Analyst

All Funds Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:35 PM

Present Law Only *	Executive	Base	Legislative	Legislative	Executive	Base	Legislative	Legislative	Legislative
	Present Law Fiscal 1996	Budget Fiscal 1994	Action Fiscal 1996	Ov(Un) Base Fiscal 1996	Present Law Fiscal 1997	Budget Fiscal 1994	Action Fiscal 1997	Ov(Un) Base Fiscal 1997	Ov(Un) Base 97 Biennium
Summary									
General Government & Transportation	487,187,276	415,326,291	418,569,562	3,243,271	472,127,415	415,326,291	418,364,459	3,038,168	6,281,439
Human Services	696,396,115	606,785,884	609,397,728	2,611,844	732,723,309	606,785,884	609,283,074	2,497,190	5,109,034
Natural Resources & Commerce	165,976,552	135,746,041	139,386,521	3,640,480	151,794,410	135,746,041	138,285,728	2,539,687	6,180,167
Institutions & Public Safety	165,080,832	140,891,009	149,988,264	9,097,255	164,138,291	140,891,009	147,291,421	6,400,412	15,497,667
Education	357,026,941	326,364,242	400,180,770	73,816,528	343,194,245	326,364,242	272,288,876	(54,075,366)	19,741,162
All Committees	1,871,667,716	1,625,113,467	1,717,522,845	92,409,378	1,863,977,670	1,625,113,467	1,585,513,558	(39,599,909)	52,809,469

* A present law budget is defined as the level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature.

Office of Legislative Fiscal Analyst General Fund Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:34 PM

Clayton Schenck
Director, Rm 105

New Proposals Only *	Executive New Proposal Fiscal 1996	Base Budget Fiscal 1994	Legislative Action Fiscal 1996	Legislative Ov(Un) Base Fiscal 1996	Executive New Proposal Fiscal 1997	Base Budget Fiscal 1994	Legislative Action Fiscal 1997	Legislative Ov(Un) Base Fiscal 1997	Legislative Ov(Un) Base 97 Biennium
Summary									
General Government & Transportation	638,400		(362,180)	(362,180)	712,799		(543,506)	(543,506)	(905,686)
Human Services	6,361,404		20,772	20,772	9,322,664		20,681	20,681	41,453
Natural Resources & Commerce	(277,603)		(264,727)	(264,727)	(483,388)		(219,973)	(219,973)	(484,700)
Institutions & Public Safety	10,336,376		233,168	233,168	9,733,830		548,199	548,199	781,367
Education	(158,891)		32,777	32,777	1,766,260		(127,900)	(127,900)	(95,123)
All Committees	16,899,686		(340,190)	(340,190)	21,052,165		(322,492)	(322,492)	(662,689)

* A new proposal is defined as a request to provide new non-mandated services, change or eliminate existing services, or to change sources of funding.

EXHIBIT 2
DATE 1/31/95

Office of Legislative Fiscal Analyst All Funds Appropriation Summary By Agency

Run Date and Time : 01/28/95 01:36 PM

New Proposals Only *	Executive New Proposal Fiscal 1996	Base Budget Fiscal 1994	Legislative Action Fiscal 1996	Legislative Ov(Un) Base Fiscal 1996	Executive New Proposal Fiscal 1997	Base Budget Fiscal 1994	Legislative Action Fiscal 1997	Legislative Ov(Un) Base Fiscal 1997	Legislative Ov(Un) Base 97 Biennium
Summary									
General Government & Transportation	24,022,713		1,622,413	1,622,413	26,706,756		385,528	385,528	2,007,941
Human Services	25,542,872		(476,864)	(476,864)	37,624,768		(577,504)	(577,504)	(1,054,368)
Natural Resources & Commerce	3,274,964		(62,778)	(62,778)	1,910,593		34,939	34,939	(27,839)
Institutions & Public Safety	19,064,482		3,471,328	3,471,328	17,229,724		3,412,017	3,412,017	6,883,345
Education	8,237,510		3,087,666	3,087,666	13,947,661		3,694,406	3,694,406	6,782,072
All Committees	80,142,541		7,641,765	7,641,765	97,419,502		6,949,386	6,949,386	14,591,151

* A new proposal is defined as a request to provide new non-mandated services, change or eliminate existing services, or to change sources of funding.

NAT. RESOURCES
SUBCOMMITTEE

EXHIBIT 3
DATE 1/31/95
HB

**SUMMARY OF
RIVER RESTORATION PROGRAM PROJECTS
MONTANA FISH, WILDLIFE & PARKS
1990 - 1994**

Fisheries Division
1420 East 6th Avenue
Helena, MT 59620

Prepared by:

ALCON Ecological Consulting
713 Tower
Helena, MT 59607

November 1994

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.

NAT. RESOURCES ADMIN.

EXH. #1

DATE 1/31/95

HB

**FISH HABITAT PROTECTION AND RESTORATION
ACTIVITIES IN ADDITION TO THE RIVER
RESTORATION PROGRAM**

Montana Fish, Wildlife & Parks
1420 E 6th Avenue
Helena, MT 59620

Prepared by:
Habitat Protection Bureau
Fishery Division

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.

December 1994



Fish · Wildlife · Parks

NEWS

Montana Department of Fish, Wildlife and Parks · 1420 E. 6th. Ave. · Helena, Montana 59620

FOR IMMEDIATE RELEASE--DECEMBER 21, 1994

DISEASE SUSPECTED IN UPPER MADISON RIVER RAINBOW TROUT DECLINE

Montana Fish, Wildlife & Parks officials said today that a dramatic decline in the number of wild rainbow trout in the upper Madison River may be due to a non-native disease that affects the fishes' nervous systems.

Dick Vincent, FWP regional fish manager, said the U.S. Fish and Wildlife Service's Fish Technology Center in Bozeman confirmed Tuesday that whirling disease was present in young rainbow trout that were collected near the West Fork of the Madison River.

The rainbow trout population in the 50-mile stretch of the Madison River above Ennis Lake has declined more than 90 percent since 1991, from about 3,300 fish per mile to about 300 per mile, Vincent said. The river's popular brown trout do not appear to have been affected, he said.

"We began suspecting disease could be responsible for the wild-rainbow trout decline when we ruled out most environmental factors, such as water flow fluctuations, pollution, habitat destruction, and the affects of angling," Vincent said.

FWP researchers gathered adult fish for the initial disease sampling from the Norris area in November and found no evidence of disease. An additional 28 juvenile fish were gathered from the West Fork area earlier this month. Of eight fish examined so far,

News Release
Page -2-
December 21, 1994

five have been confirmed to have whirling disease, Vincent said.

Whirling disease occurs in much of Europe, where it probably originated. It was accidentally introduced into the United States in 1956, and has subsequently been detected in at least 18 states, including California, Colorado, Idaho, and Utah. In these states, whirling disease incidents in the wild have been associated with hatchery-bred fish and stream-stocking programs.

"Because this disease has never been detected in Montana, and because we: (1) don't stock the Madison River with hatchery-bred fish, and (2) don't have a whirling-disease problem within our hatchery system, we suspect the likely source is an illegal fish introduction," Vincent said. He said the illegal introduction could have occurred in the late 1980s and may have taken place on the upper Madison River near the West Fork.

Whirling disease is a parasitic infection of trout and salmon. The parasite attacks the cartilage of young trout. Rainbow trout appear to be most susceptible to contracting the disease. While the parasite may not directly kill the fish, it does make them more vulnerable to disease and other environmental stress. The disease is named for the erratic, tail-chasing, "whirling" in young fish, which makes these infected fish susceptible to predation. The whirling also causes the fish to be unable to feed normally, which can result in starvation and death.

"We're taking this disease discovery very seriously," Vincent said "We're going to expand our sampling to determine the downstream movement of the disease. At this time, all we know for sure is that the rainbow population has declined and that whirling disease is present. We have to conduct further studies to establish a connection."

Vincent said FWP will hold public meetings beginning in January to discuss whirling disease and the status of the Madison River rainbow trout fishery.

-- FWP --

FACT SHEET
December, 1994

WHIRLING DISEASE IN THE UPPER MADISON RIVER

WHO Montana Fish, Wildlife & Parks suspects that a dramatic decline in the wild rainbow trout population in the upper Madison River may be the result of a non-native disease known as "whirling disease."

WHAT Whirling disease is a parasitic infection of trout and salmon. The parasite attacks the cartilage of young trout. Rainbow trout appear to be most susceptible to contracting the disease. While the parasite may not directly kill the fish, it does make them more vulnerable to other diseases and environmental stress, and thus, increased mortalities. The disease is named for the erratic, tail-chasing, "whirling" in young fish, which makes these infected fish susceptible to predation. The whirling also causes the fish to be unable to feed normally, which can result in starvation and death. In addition, the disease causes skin and skeletal deformities, but these deformities are often difficult to discern.

WHEN FWP researchers gathered adult fish for the initial disease sampling from the Norris area in November and found no evidence of disease. An additional 28 juvenile fish were gathered from the West Fork area earlier this month. Of eight fish examined as of Dec. 20, 1994, five have been confirmed to have whirling disease.

The U.S. Fish and Wildlife Service's Fish Technology Center in Bozeman, nationally known experts in the minute structure of fish and fish disease, confirmed on Dec. 20, 1994 that whirling disease was present in some young rainbow trout that were collected near the West Fork of the Madison River.

WHERE The disease appears to be presently confined to a 50-mile stretch of the Madison River above Ennis Lake to below Quake Lake.

WHY The wild rainbow trout population in this stretch of the upper Madison River has declined more than 90 percent since 1991, from about 3,300 fish per mile to about 300 per mile. No other fish populations in the Madison River, including the river's popular brown trout, appear to have been affected

HOW Disease was suspected as the cause for the wild-rainbow trout decline when most environmental factors, such as water flow fluctuations, pollution, habitat destruction, and the affects of angling, were ruled out.

Because: 1) whirling disease has never been detected in Montana, 2) Montana does not stock the Madison River with hatchery-bred fish, and 3) Montana has never experienced a whirling-disease problem within FWP's hatchery system, the suspected source is an illegal fish introduction.

The illegal introduction could have occurred in the late 1980s and may have taken place on the upper Madison River near the West Fork.

However, it is possible that the parasite was transmitted to Madison River rainbow trout via predacious birds, mud on boats and trailers, or water from boats, bait buckets and other sources.

PLANNED

ACTIONS FWP will immediately begin to evaluate other sections of the Madison River to determine the downstream movement of the disease, and the extent of the infection in all age classes of fish. In addition, FWP is aggressively researching the disease and how to contain its spread and control infections. FWP will

News Release
Page -5-
December 21, 1994

also begin immediately to evaluate susceptibility of other species, such as grayling and cutthroat trout.

FWP is in the process of evaluating potential sources of the disease in an attempt to determine how it arrived in the Madison and prevent its spread to other basins.

FWP's primary objective will be to control the disease in the Madison and prevent its spread to other basins in the state. But there is no cure for the disease and no way to remove it from the river.

FWP will hold public meetings beginning in January to discuss whirling disease and the status of the Madison River rainbow trout fishery.

-- FWP --

QUESTIONS AND ANSWERS

WHIRLING DISEASE IN THE UPPER MADISON RIVER

Q: How is the disease detected?

A: Sections of cartilage are examined for abnormalities. The U.S. Fish and Wildlife Service Technical Center in Bozeman verified the disease in the trout taken from the Madison.

Q: How is the disease transmitted?

A: Trout contract whirling disease in two ways: (1) by contact with water-borne parasites that have been released from infected aquatic worms; and (2) by ingesting aquatic worms that harbor the parasite.

The whirling disease protozoan has a two-host life cycle involving a fish and the aquatic worm, tubifex.

Parasites are released into the aquatic environment when infected fish die and decompose or are consumed by predators or scavengers. The parasites are then ingested by worms and the life cycle is continued until they are released in the aquatic environment after several months of development.

Q: What are implications to the fishery?

A: In the Madison, assuming whirling disease is the cause of the infection, we've noticed a 90 percent reduction in the population of rainbow trout. Most other species of trout and salmon are susceptible, but brown trout appear to be resistant.

Significant reductions in trout populations, in some circumstances, can be expected.

Q: Is there a cure?

A: At this time, there is no known cure for whirling disease in the wild. Prevention is the best protection.

News Release
Page -7-
December 21, 1994

EXHIBIT 5
DATE 1-31-95
1

Q: Are other species in the environment affected?

A: It does not appear that scavengers or other animals that come into contact with the parasites suffer any ill effects.

Q: Should anglers or other river users be concerned -- what are the human health risks?

A: There have been no known cases of humans suffering any ill effects from ingestion of infected fish or contact with the parasite.

Q: Where did the disease come from?

A: Because this disease is not indigenous to Montana, and in fact has never been detected in the state, we suspect the likely source is an illegal fish introduction. There is the potential that the disease could have been transmitted in other ways; i.e., in water contained in a fishing boat that moved from a contaminated source in another state to Montana or feces of a scavenger.

Q: Where else has the disease been found?

A: Whirling disease occurs in much of Europe where it probably originated. It was accidentally introduced into New Zealand and the United States where it has been detected in at least 18 states, including California, Colorado, Idaho and Utah.

Q: How is the disease recognizable by an angler?

A: In all probability, anglers would not notice the disease in fish that they would catch. The disease primarily affects young trout three to four inches in length. Older trout could exhibit some deformity in the skeletal structure and/or the head area.

Q: Who is responsible for fish health in Montana?

A: Montana Fish, Wildlife & Parks is responsible for the regulation of all fisheries in Montana. That includes wild trout and hatchery fish.

In that capacity, FWP monitors diseases, licenses hatcheries, authorizes importation and movement of fish.

Q: Is it legal to move fish from one body of water to another in Montana?

A: No.

Q: Who can we contact for more information?

A: With Montana Fish, Wildlife & Parks, Jim Peterson, Fish Health Biologist in Great Falls, 452-6181. Dick Vincent, Regional Fisheries

News Release
Page -8-
December 21, 1994

Manager in Bozeman; Larry Peterman, Fisheries Division Administrator
in Helena; Ron Aasheim, Conservation Education Division Administrator
in Helena.

EXHIBIT 5
DATE 1-31-95
TUESDAY JAN 31 1995

No More Pot of Gold for Rainbow Trout Fans

Experts Fear Parasite Found in Montana's Once-Abundant Madison River Could Spread



A fisherman casts over the Madison River, where the once-teeming rainbow trout have been decimated by a parasite.

By Tom Kenworthy
Washington Post Staff Writer

To trout fishermen, Montana's Madison River is an almost-biblical place, a shrine to the delicate sport of fly fishing. Every year, tens of thousands of anglers descend on the river, which rumbles out of Yellowstone National Park and runs for more than 100 miles in a picturesque valley between the Tobacco Root and Madison ranges to Three Forks, where it joins with the Gallatin and Jefferson rivers to form the mighty Missouri.

Cold and mineral rich, the Madison boasts one of the nation's best wild trout fisheries—for every mile of river there are several thousand brown and rainbow trout, none of them hatchery-bred.

But in the past few years there has been a precipitous decline in the rainbow population on the upper Madison above Ennis, Mont. A few days before Christmas, officials from the Montana Department of Fish, Wildlife and Parks announced they had found a likely culprit: a deadly parasitic disease for which there is no known cure.

The discovery of what is known as whirling disease among the Madison's rainbows has alarmed fishermen, conservationists and fly-fishing guides who revere the stoned river and depend on it for their livelihood. They fear not just for the Madison, but for the rivers to which it is connected as a principal tributary of the Missouri.

"Through carelessness of some kind or another, one of America's premier trout fisheries has been badly trashed," said Pete Radtke, a spokesman for the national conservation group Trout Unlimited. "There are

oudfitters and shop owners literally weeping over this."

Potentially it's a disaster," agreed Dave Kumblein, a Bozeman, Mont., fishing guide. "If it moves throughout the Missouri River drainage, you've covered some of the best trout waters in the world. If it moves upstream as it can, all the great trout rivers in Montana east of the Continental Divide could be affected—the Big Hole, the Gallatin, the Jefferson, the Beavertail, the Ruby. It's a who's who list of world-class trout streams."

Whirling disease—named for the characteristic tail-chasing of young fish whose cartilage is attacked by parasitic protozoa—is a relatively new

phenomenon in the United States. Accidentally introduced into the country in 1956, whirling disease has been detected in 18 states and has been associated mostly with hatcheries.

The disease twists the spines of young fish and makes it very difficult for them to feed and more susceptible to predation. It is suspected of causing a sharp dropoff in rainbow trout in the upper Colorado River, said Peter Walker, a fish pathologist with the Colorado Division of Wildlife.

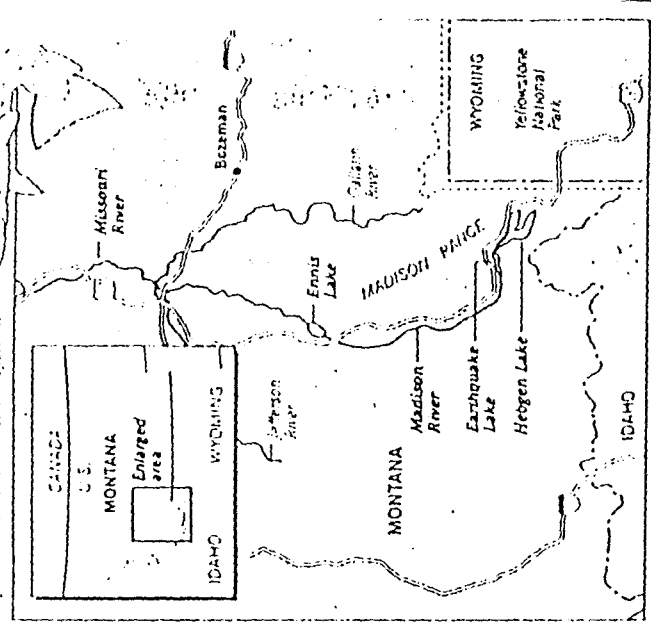
Because aquatic worms called tubifex worms also serve as hosts for the parasite, the disease is unusually persistent. "No one's figured a way to get rid of it," said Walker.

Glenn Hoffman, a retired fish parasitology researcher with the U.S. Fish and Wildlife Service and an expert on the outbreak in the Madison. "If I had my choices, I'd prefer not to have it in any river or anyone else's river," said Hoffman. "But I don't know of any documentation showing how much damage it does in the wild."

But Montana officials believe the disease may be responsible for a 90 percent decline in rainbow trout along a 50-mile stretch of the Madison. "We're taking this disease very seriously," said Dick Vincent, the regional fish manager for the state's Fish, Wildlife and Parks department.

THREATENED MECCA IN MONTANA

A disease that destroys cartilage among rainbow trout has been detected in the Madison River and could spread to fish in the Missouri River system.



Because the Madison is not stocked with hatchery fish, the appearance of whirling disease is a puzzle. Montana officials think someone may have illegally put infected trout into the river. Whatever the cause, conservationists and biologists say the implications for such a premier wild fishery could be enormous. Though the Madison's brown trout are unaffected by the disease, cutthroat trout and landlocked sockeye salmon in other rivers connected to the Madison ultimately could be infected.

Guides like Kumblein fret that with the river's rainbows all but gone, the multimillion dollar sport fishing industry will suffer. With the river still loaded with brown trout, said Kumblein, "there's still a ton of good fishing," but browns are harder to catch than rainbows.

"The implications are pretty severe," said Walker, the Colorado fish pathologist. "It will either mean giving up on the rainbow trout fishery in favor of resistant species, or simply pursue it."

Disease confirmed in Madison trout

By Perry Backus
Standard Staff Writer

ENNIS — A dramatic decline in the number of wild rainbow trout in the upper Madison River may be due to a rare, non-native disease that affects the nervous system of fish, state Department of Fish, Wildlife and Parks officials announced Wednesday.

The first case of whirling disease in Montana was confirmed Monday by the U.S. Fish and Wildlife Service's Fish Technology Center in Bozeman, said Dick Vincent, the agency's regional fish manager.

Whirling disease was found in eight juvenile fish that were gathered from the Madison River near where the West Fork of the Madison joins the main river, he said.

The rainbow trout population in the 50-mile stretch of the Madison River above Ennis Lake has declined more than 90 percent since 1991, from about 3,300 fish per mile to about 300 per mile, Vincent said. No other fish populations, including the river's popular brown trout, appear to have been affected, he said.

Whirling disease is a parasitic infection of trout and salmon. The parasite attacks the cartilage of young trout. Rainbow trout appear to be more susceptible to contracting the disease.

Outfitter says fishing good in summer '94

By Perry Backus
Standard Staff Writer

ENNIS — Fishing on the upper Madison River was pretty good last summer, by Jim Allison's standards.

Allison, an Ennis outfitter, spent more than 100 days on the river during the summer. He said Wednesday that his clients caught their share of rainbow trout.

With Wednesday's news that the river's rainbow population might be in trouble, he plans to stay guardedly optimistic.

Allison knows the importance of the river's fishery to Madison Valley residents.

"It feeds the valley. It feeds the town ... the river is the blood of this place," Allison said. "Without fishing, it would be real tough around here."

The river has had to absorb more and more fishermen over the last 10 years, Allison said. He estimates there are 80 to 100 percent more fishermen on the river than a decade ago.

Ennis Mayor Richard Barr, who also owns a local motel, said people don't seem too

See FISHING Page A6

which can result in starvation or death.

As the fish mature and the cartilage turns to bone, the parasite's effect is lessened. But the fish continues to carry the parasite, and spores are released into the water after the fish dies and rots.

Biologists do not know of a way to control the disease, Vincent said.

The state will do whatever it can to keep the disease from spreading, he said.

"It's so new that we're not sure what we can do," Vincent said.

This is the first confirmed case of whirling disease in the state, he said. Montana has maintained a strict policy against allowing the importation of rainbow trout for hatchery use that were infected with the disease. A number of other western states have been infected and the disease has played havoc with wild populations of rainbow trout elsewhere.

In Colorado, the disease is believed to be responsible for the disappearance of young, wild, rainbow trout in the Colorado River.

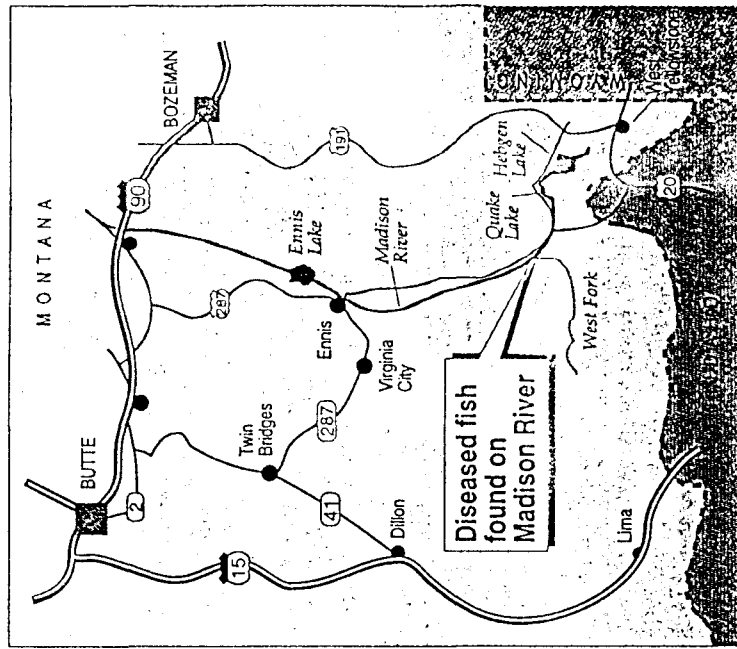
"We're taking this disease discovery very seriously," Vincent said.

"We're going to expand our sampling to determine the downstream movement of the disease. At this time, all we know for sure is that the rainbow population has declined and that whirling disease is present."

"We have to conduct further studies to establish a connection," he said.

Biologists first noticed a decline in rainbow trout numbers in the Madison near the West Fork in 1991. By 1993 the reduction in rainbow numbers had reached the Varney

See DISEASE Page A6



isease

Continued from Page A1

Dr. Vincent:

Vincent said the state has yet to determine to what extent rainbow trout are being affected in the river from Quake Lake to the West Fork.

Whirling disease occurs in much of Europe, where it probably originated. It was accidentally introduced into the United States in 1956 and has since been found in at least 18 states. In those states, whirling disease incidents in the wild have been associated with hatchery-bred fish and stream-stocking programs.

Since this is the first case of the disease in the state and because the Madison isn't stocked with hatchery-bred fish, the agency believes the likely source of the disease is somebody illegally planting a fish from elsewhere, Vincent said.

The department received reports in the late 1980s of hatchery-raised fish being caught in the West Fork area, he said. Hatchery-raised fish are easy to recognize. They tend to be missing fins and bear ugly scars from the abuse they withstand while in the hatchery, Vincent said.

So far, not many fishermen have complained about lower numbers of fish being caught in the river, he said. That may be because 80 to 85 percent of the fishermen on the

Madison are non-residents who only fish the river two to three days at a time, he said.

And the brown trout fishery has been unaffected, Vincent said.

"There are some very nice brown trout in the Madison River," he said. "They don't appear to be in jeopardy at all."

Fishing on the Madison River is important to the area's economy. Vincent said it is estimated the 96-mile-long river pumps about \$31 million into the state's economy. A little more than half of the river may be affected by the disease, he said.

The Madison River is perhaps the most heavily fished river in the state. In 1992 there were an estimated 140,000 angler fishing days on the Madison. By comparison, the Big Hole River had somewhere between 60,000 and 70,000 angler days.

Rainbow trout make up about 80 percent of the river's fishery on the upper river just below Quake Lake. Closer to Ennis, brown trout begin to take over. The rainbow population is about 20 to 30 percent of the fishery near Ennis Lake.

The state will begin holding public hearings in January to discuss whirling disease and the status of the Madison River rainbow fishery.

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See FISHING Page A6

The parasite may not directly kill the fish, but makes the trout more susceptible to disease and other environmental stress. The disease is named for the erratic, tail-chasing, "whirling" it causes in young fish, which makes them more susceptible to being attacked by predators.

The whirling also causes the fish to be unable to feed normally,

which can result in starvation or death.

As the fish mature and the cartilage turns to bone, the parasite's effect is lessened. But the fish continues to carry the parasite, and spores are released into the water after the fish dies and rots.

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MONTANA

INSIDE:

Obituaries 2

Statistics 2

Across the Big Sky 2

Marketplace

Page 3-4B

Classified

Pages 5-10B

Questions or news tips? Call City Editor Tom Kotynski, 791-1477 or 1-800-438-6600.

State will try to dam trout disease

The Associated Press

HELENA — There's no known cure for whirling disease, so Montana wildlife officials can only try to contain it in the upper reaches of the Madison River, where the parasitic affliction has decimated the rainbow trout population.

Meanwhile, they'll said this week that they would try to learn as much as they can in hopes of a breakthrough.

Also, a 6-mile reach of the upper Madison River south of Ennis — from Squaw Creek to Wolf Creek — is recommended for being closed to fishing so it can be used as a control to test the impact anglers have on any recovery the river might make from the disease.

That three-pronged approach summarizes the counterattack that state wildlife officials developed in two days of urgent meetings this week.

"At this point, once whirling disease gets established in the river system, we don't know of anything

that can be done to eradicate it," said Larry Peterman, fisheries chief for the Department of Fish, Wildlife and Parks.

The disease has hit 17 other states since it appeared in this country in the 1950s, and it devastated their rainbow trout populations. It was discovered in Montana only last month.

In portions of a 50-mile stretch of the upper Madison, the rainbow population has dropped 90 percent since 1991, from 3,300 per mile to 300 per mile.

Expanded testing has found whirling disease spores from Raynolds Pass, just west of West Yellowstone, northward to Ennis Lake, Peterman said. Researchers have begun an intensive monitoring program to check the movement of the disease

in the Madison's main stem and the West Fork, O'Dell Creek and Blaine Spring Creek tributaries, he said.

"We're taking a short and long view of this problem," Peterman said. "Right now, we want to know how the disease got here and how it moves from place to place in the wild."

"In the wild" may be the most promising aspect of the problem, said Beth MacConnell, an expert in fish diseases at the federal Fish Technology Center in Bozeman.

"We stand to learn a tremendous amount from this situation, mainly because Fish, Wildlife and Parks has such great population data," MacConnell said.

Peterman agreed that Montana has better data than other states. The disease is usually associated with hatchery fish, but Montana does not stock that part of the Madison, so the rainbow population is wild fish.

Peterman said Colorado, Utah and New York also have had infestations among wild rainbows and are shar-

ing information that may help.

"We learned from the Colorado experience how better to detect the disease," he said.

Dick Vincent, regional fisheries manager at Bozeman, says there is no way to stop the disease from spreading.

"Our best hope is to pinpoint the source of the infection in the upper Madison River and learn as much as we can, as fast as we can, about the relationship between the fish and the parasite," Vincent said.

He said the intensified monitoring and testing may find some fish that are resistant to the parasite, or a weak link in its life cycle.

"In any case, we hope a solution will come from our investigations," he said. "We can't point to a solution now, but that's how solutions are devised."

MacConnell said the parasite is not passed from fish to fish, but from fish to a small, common worm that lives in riverbeds, and then back to fish.

The disease

Whirling disease has hit 17 other states since it appeared in this country in the 1950s, and it devastated their rainbow trout populations. It was discovered in Montana only last month.

The parasite that causes the disease is not passed from fish to fish, but from fish to a small, common worm that lives in riverbeds, and then back to fish.

The parasite attacks the cartilage of young rainbow trout, making them more susceptible to disease and predators. The characteristic tail-chasing behavior that gives it its popular name interferes with feeding and sometimes leads to starvation.



**MADISON RIVER
SNOBALL - RAINBOW TROUT
AGE II & OLDER**

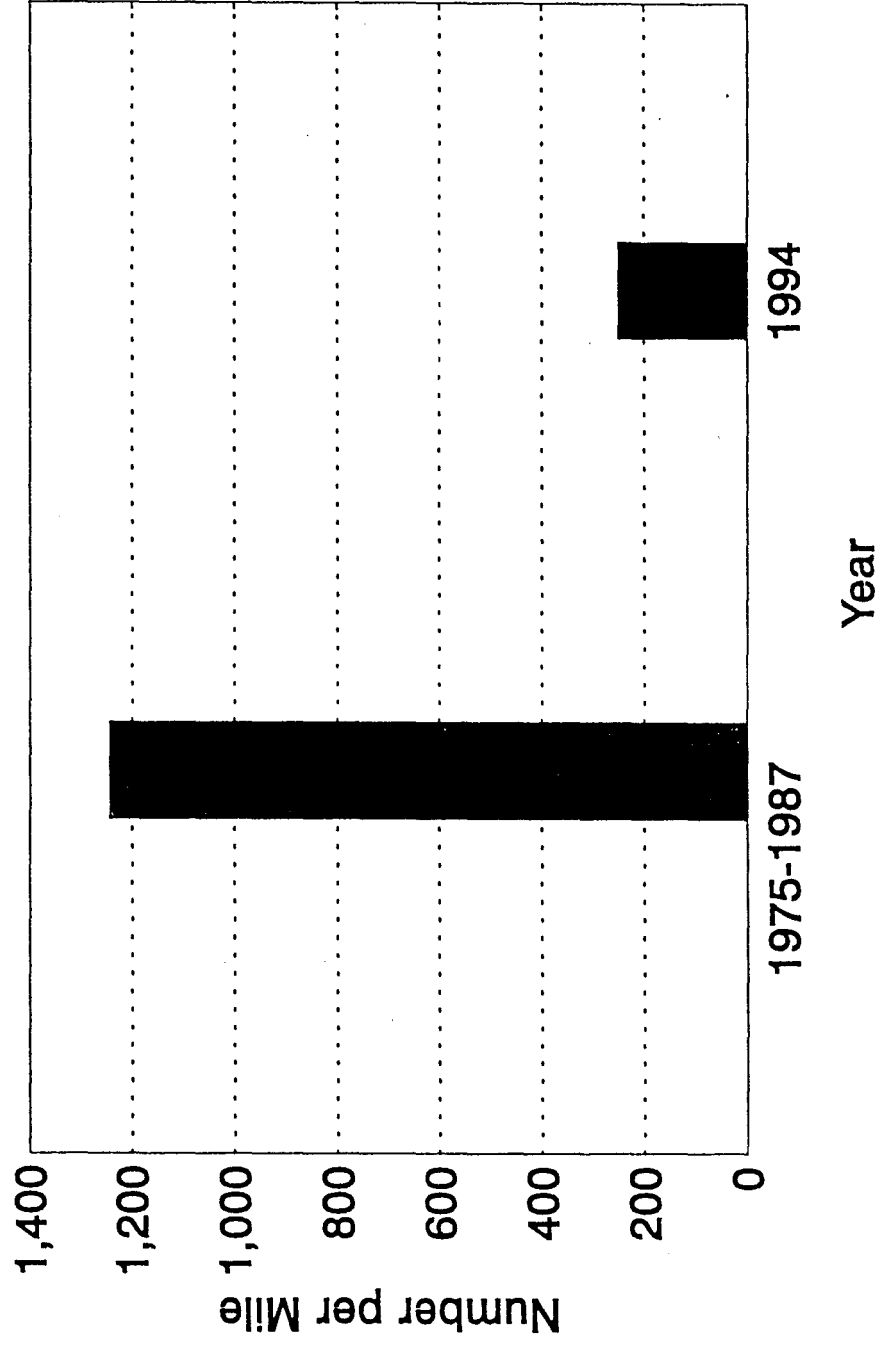
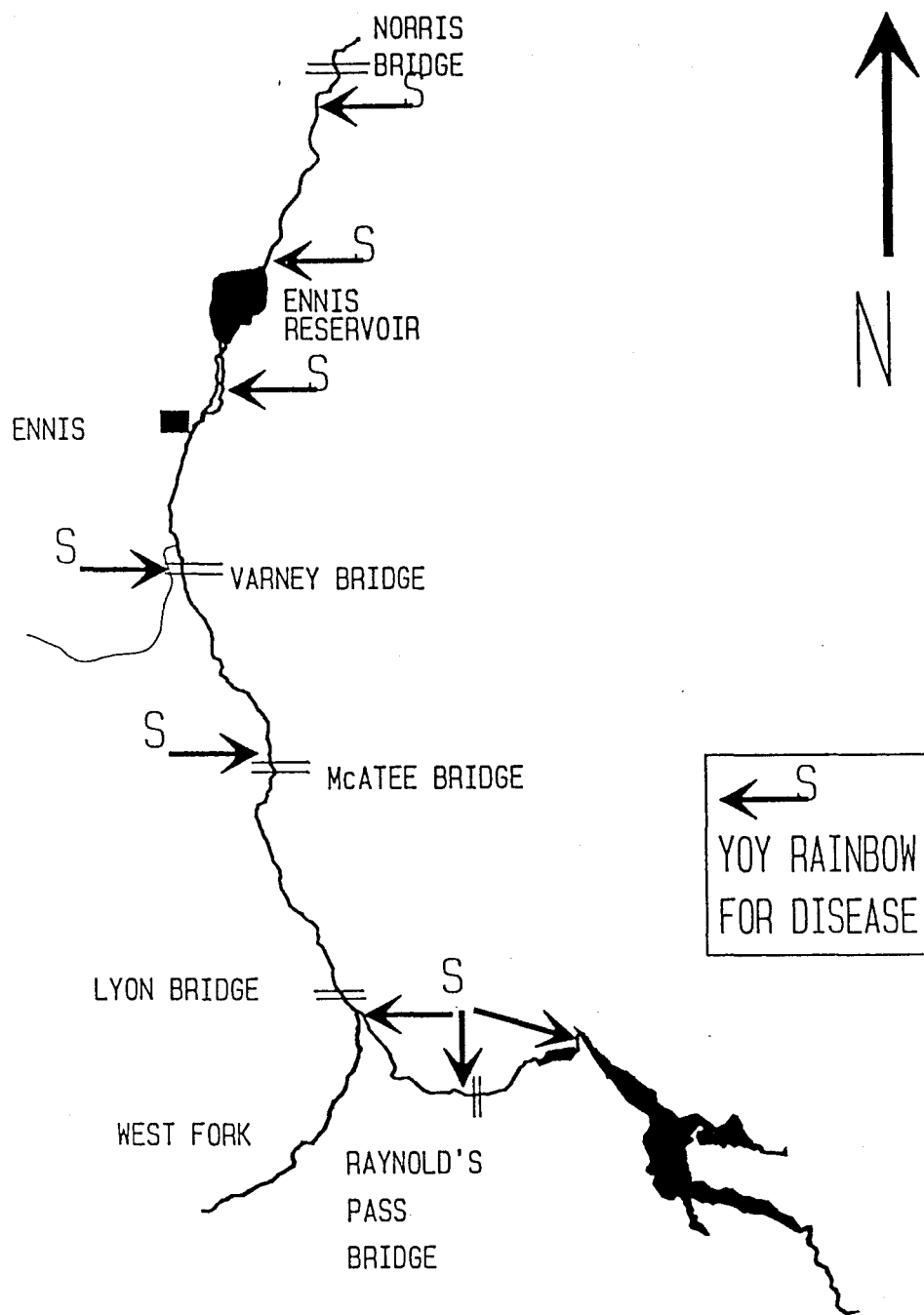


EXHIBIT 5

DATE 1-31-95



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YOY RAINBOW SAMPLES
FOR DISEASE TESTING

Madison River
Pine Butte Section
Age 2 & Older Rainbow Trout Estimate

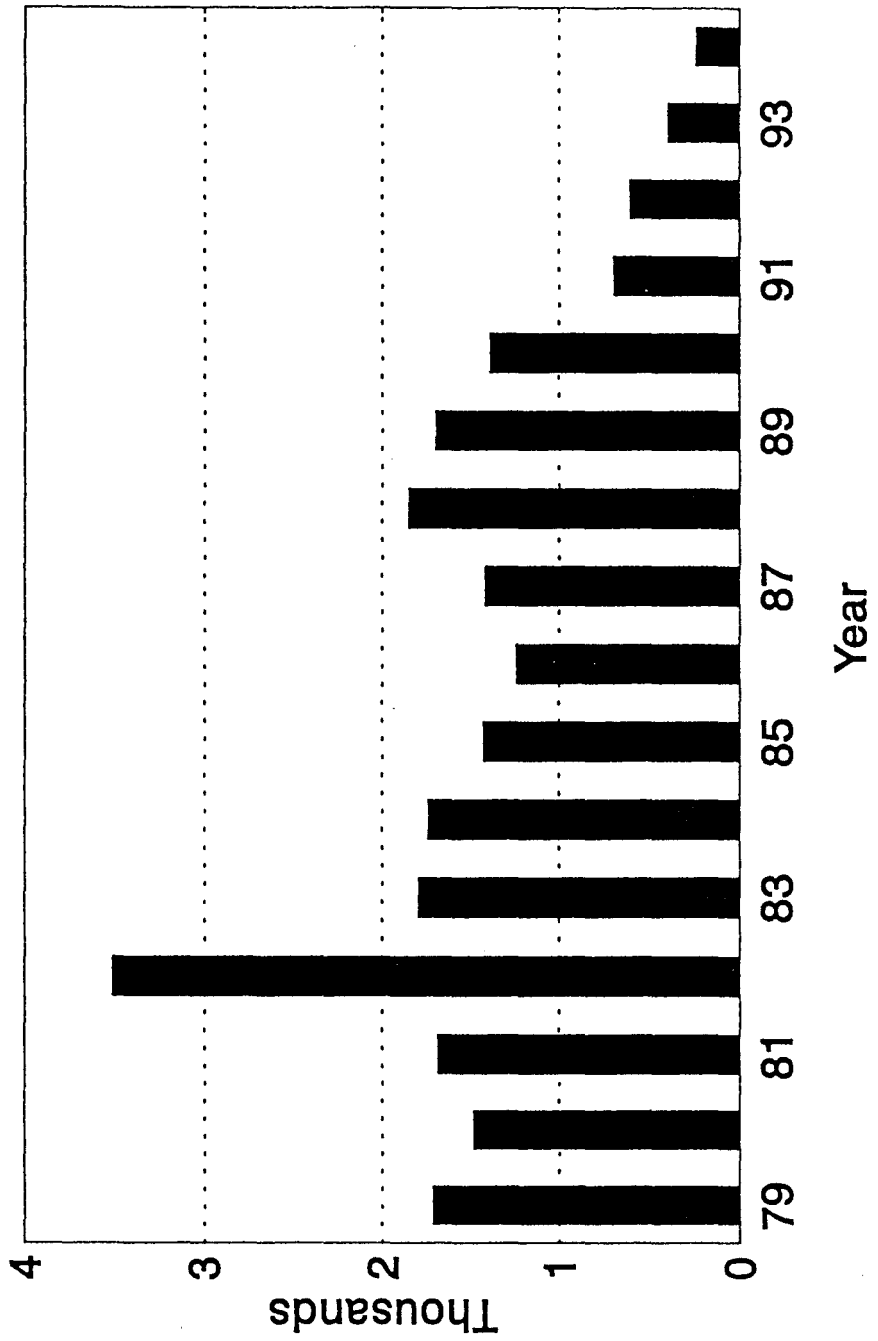


EXHIBIT 6
DATE 1-31-95

EXHIBIT 6
DATE 1-31-95
HB

CONTRACTED SERVICES - DRUG TESTING

FEDERAL REGULATIONS - Controlled Substances and Alcohol Use and Testing

- * Each employer with fifty (50) or more drivers on March 17, 1994, shall implement these requirements beginning on January 1, 1995. The State of Montana is considered one employer.
- * State agencies are going to piggyback onto DOT's contract.
- * Drug testing applies to drivers operating commercial motor vehicles with a gross vehicle weight rating of over 26,000 lbs. FWP's Hatchery and Parks maintenance personnel fall into this category.
- * Tests Required:
 - Pre-Employment Testing
 - Post-Accident Testing
 - Random Testing
 - Reasonable Suspicion Testing
 - Return to Duty Testing
 - Follow-up Testing

PART 382—CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING

SUBPART A—GENERAL

- Sec.
382.101 Purpose.
382.103 Applicability.
382.105 Testing procedures.
382.107 Definitions.
382.109 Preemption of State and local laws.
382.111 Other requirements imposed by employers.
382.113 Requirement for notice.
382.115 Starting date for testing programs.

SUBPART B—PROHIBITIONS

- 382.201 Alcohol concentration.
382.204 Alcohol possession.
382.205 On-duty use.
382.207 Pre-duty use.
382.209 Use following an accident.
382.211 Refusal to submit to a required alcohol or controlled substances test.
382.213 Controlled substances use.
382.215 Controlled substances testing.

SUBPART C—TESTS REQUIRED

- 382.301 Pre-employment testing.
382.303 Post-accident testing.
382.305 Random testing.
382.307 Reasonable suspicion testing.
382.309 Return-to-duty testing.
382.311 Follow-up testing.

SUBPART D—HANDLING OF TEST RESULTS, RECORD RETENTION, AND CONFIDENTIALITY

- 382.401 Retention of records.
382.403 Reporting of results in a management information system.
382.405 Access to facilities and records.
382.407 Medical review officer notifications to the employer.
382.409 Medical review officer record retention for controlled substances.
382.411 Employer notifications.
382.413 Release of alcohol and controlled substances test information by previous employers.

SUBPART E—CONSEQUENCES FOR DRIVERS ENGAGING IN SUBSTANCE USE- RELATED CONDUCT

- 382.501 Removal from safety-sensitive function.
382.503 Required evaluation and testing.
382.505 Other alcohol-related conduct.
382.507 Penalties.

SUBPART F—ALCOHOL MISUSE AND CONTROLLED SUBSTANCES USE INFORMATION, TRAINING, AND REFERRAL

- 382.601 Motor carrier obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.
382.603 Training for supervisors.
382.605 Referral, evaluation, and treatment.

Authority: 49 U.S.C. app.2505; 49 U.S.C. app. 2701 *et seq.*; 49 U.S.C. 3102; 49 CFR 1.48.

SUBPART A—GENERAL

§382.101 Purpose.

The purpose of this part is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

§382.103 Applicability.

(a) This part applies to every person who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver's license requirements of part 383 of this subchapter.

(b) An employer who employs himself/herself as a driver must comply with both the requirements in this part that apply to employers and the requirements in this part that apply to drivers. An employer who employs only himself/herself as a driver shall implement an alcohol and controlled substances testing program that includes more persons than himself/herself as covered employees in the random testing pool.

(c) The part shall not apply to employers and their drivers:

(1) Required to comply with the alcohol and/or controlled substances testing requirements of parts 653 and 654 of this title; or

(2) Granted a full waiver from the requirements of the commercial driver's license program; or

(3) Granted an optional State waiver from the requirements of part 383 of this subchapter; or

(4) Of foreign domiciled operations, with respect to any driver whose place of reporting for duty (home terminal) for commercial motor vehicle transportation services is located outside the territory of the United States.

§382.105 Testing procedures.

Each employer shall ensure that all alcohol or controlled substances testing conducted under this part complies with the procedures set forth in part 40 of this title. The provisions of part 40 of this title that address alcohol or controlled substances testing are made applicable to employers by this part.

§382.107 Definitions.

Words or phrases used in this part are defined in §§386.2 and 390.5 of this subchapter, and §40.3 or §40.73 of this title, except as provided herein—

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

of employers, or the rights of drivers, with respect to the use or possession of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

§382.113 Requirement for notice.

Before performing an alcohol or controlled substances test under this part, each employer shall notify a driver that the alcohol or controlled substances test is required by this part. No employer shall falsely represent that a test is administered under this part.

§382.115 Starting date for testing programs:

(a) *Large employers.* Each employer with fifty or more drivers on March 17, 1994, shall implement the requirements of this part beginning on January 1, 1995.

(b) *Small employers.* Each employer with fewer than fifty drivers on March 17, 1994, shall implement the requirements of this part beginning on January 1, 1996.

(c) All employers shall have alcohol and controlled substances programs that conform to this part by the date in paragraph (a) or (b) of this section, whichever is applicable, or by the date an employer begins commercial motor vehicle operations, whichever is later.

SUBPART B: PROHIBITIONS

§382.201 Alcohol concentration.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

§382.204 Alcohol possession.

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. No employer having actual knowledge that a driver possesses unmanifested alcohol may permit the driver to drive or continue to drive a commercial motor vehicle.

§382.205 On-duty use.

No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

§382.207 Pre-duty use.

No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that such a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

§382.209 Use following an accident.

No driver required to take a post-accident alcohol test under §382.303 of this part shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

§382.211 Refusal to submit to a required alcohol or controlled substances test.

No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under §382.303, a random alcohol or controlled substances test required under §382.305, a reasonable suspicion alcohol or controlled substances test required under §382.307, or a follow-up alcohol or controlled substances test required under §382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

§382.213 Controlled substances use.

(a) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

(b) No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

(c) An employer may require a driver to inform the employer of any therapeutic drug use.

§382.215 Controlled substances testing.

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances. No employer having actual knowledge that a driver has tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

SUBPART C: TESTS REQUIRED

§382.301 Pre-employment testing.

(a) Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for alcohol and controlled substances. No employer shall allow a driver to perform safety-sensitive functions unless the driver has been administered an alcohol test with a result indicating an alcohol concentration less than 0.04, and has received a controlled substances test result from the medical review officer indicating a verified negative test result. If a pre-employment alcohol test result under this section indicates an alcohol content of 0.02 or greater but less than 0.04, the provisions of §382.505 shall apply.

(b) *Exception for pre-employment alcohol testing.* An employer is not required to administer an alcohol test required by paragraph (a) of this section if:

(1) The driver has undergone an alcohol test required by this section or the alcohol misuse rule of another DOT agency under part 40 of this title within the previous six months, with a result indicating an alcohol concentration less than 0.04; and

(2) The employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of this part or the alcohol misuse rule of another DOT agency within the previous six months.

(c) *Exception for pre-employment controlled substances testing.* An employer is not required to admin-

OLD FORMATS

EXHIBIT 67
DATE 1/31/95

MONTANA DEPARTMENT OF FISH WILDLIFE & PARKS
1994 SPECIAL ELK PERMIT

THIS ELK PERMIT & YOUR VALID 1994 ELK LICENSE MUST BE IN YOUR POSSESSION TO HUNT, TAKE, OR KILL AN ELK AS STATED UNDER THE LIMITATIONS HEREON. HUNTING MUST BE DONE IN ACCORDANCE WITH THE 1994 SEASON HUNTING REGULATIONS. AS REQUIRED BY LAW, YOUR ELK CARCASS MUST BE TAGGED WITH YOUR VALID 1994 ELK LICENSE AND NOT THIS SPECIAL ELK PERMIT.

46178

VALID ONLY IN
DISTRICT(S)

FROM
MO DAY

TO
MO DAY

SPECIES
ELK

SEX/DESCRIPTION

VOID

DATE OF ISSUE:
PREREQUISITE

MONTANA NONRESIDENT BIG GAME COMBINATION

MONTANA NONRESIDENT BIG GAME COMBINATION
ELK, DEER, CONSERVATION, FISHING AND BIRD LICENSE
VALID MARCH 1, 19 THROUGH FEBRUARY 28, 19

LIC. AND CONSERVATION NO.

DATE ISSUED

NAME
STREET
CITY & STATE

VOID

AGE 12 thru 17 - Fire Arm

Safety Cert. No.

NO.

NO.

MONTANA NONRESIDENT BIG GAME COMBINATION

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NAME
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Signature of licensee **X**
I HEREBY AFFIRM THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT

MONTANA DEPT. OF FISH, WILDLIFE AND PARKS

DIRECTOR

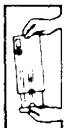
STATE OF MONTANA
DEPT. OF FISH, WILDLIFE AND PARKS
HELENA, MONTANA 59620

FIRST CLASS



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Permit



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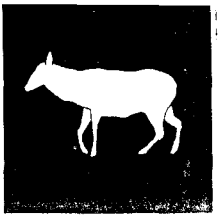
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A-7 ELK LICENSE

NON TRANSFERABLE-NON REFUNDABLE

DISTRICT DESIGNATED CANNOT BE CHANGED



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JOHN DOE

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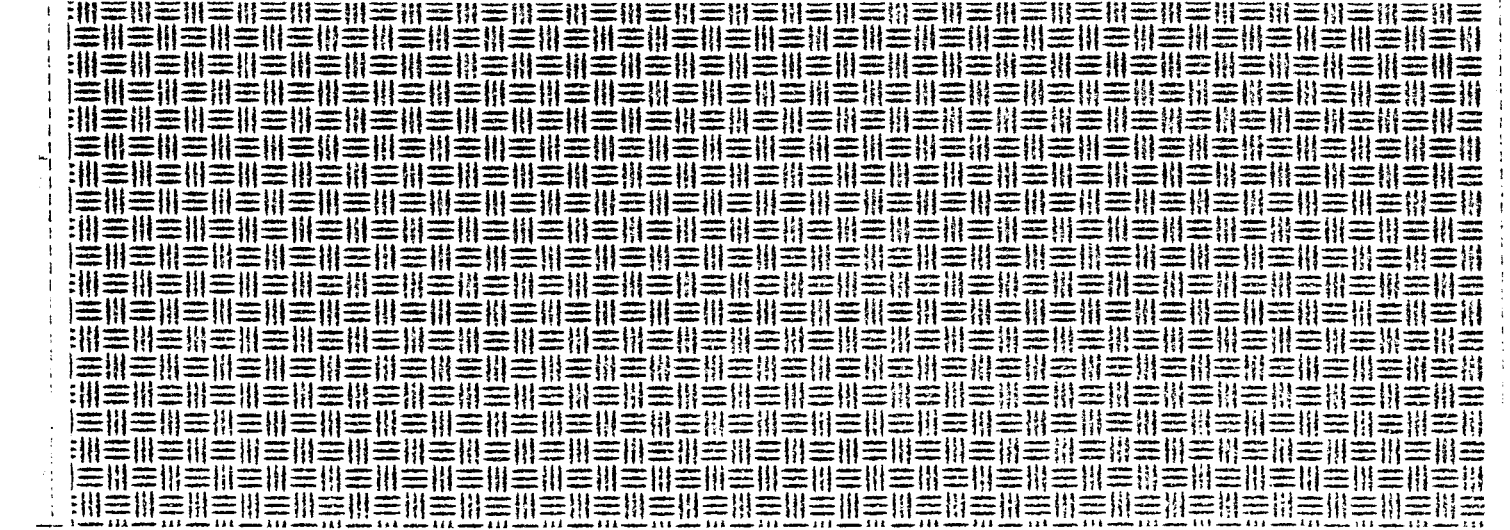
Signature of License holder

MONTANA DEPARTMENT OF
FISH, WILDLIFE AND PARKS

DIRECTOR

SPECIAL REGULATIONS

004920



WP RETURN

EXHIBIT

8

DATE

1/31/95

HB

New Format

JOHN DOE

ADDRESS

CITY STATE ZIP

VEHICLE DIFFERENTIAL TRANSFER

- » DEPARTMENT PURCHASES ABOUT 45 VEHICLES EACH YEAR.
- » DEPARTMENT CHARGES USER A PER MILE RATE.
- » RATE RECOVERS MAINTENANCE, REPAIR, INSURANCE AND DEPRECIATION OF VEHICLES.
- » FEDERAL REGULATIONS PROHIBITS US FROM INCLUDING IN OUR RATES THE "REPLACEMENT VALUE" OF THE VEHICLE.
- » WITH VEHICLE COSTS INCREASING ANNUALLY, WE DO NOT RECOVER SUFFICIENT CASH THROUGH OUR RATES TO REPLACE OUR VEHICLES.
- » THE VEHICLE DIFFERENTIAL TRANSFER IS THE ACCUMULATED DIFFERENCE IN PRICE BETWEEN THE ESTIMATED COST OF THE NEW VEHICLE AND THE PRICE WE PAID FOR THE ORIGINAL VEHICLE.

EXAMPLE - AVERAGE COST OF 3/4 TON 4X4 MED. DUTY PICKUP IN FY91 WAS \$13,248. WE ESTIMATE THAT TO REPLACE THAT VEHICLE IT WILL COST US \$18,576 IN FY96.

EXHIBIT

2 / 0

DATE

1/31/95

HB

**Vehicle Replacements
Replaced at 100,000 Miles**

<u>Type of Vehicle</u>	FY96		FY97	
	<u>Number</u>	<u>Amount</u>	<u>Number</u>	<u>Amount</u>
Pickups	42	\$720,634	30	\$528,821
Utility	3	\$62,367	2	\$42,733
Vans	1	\$15,565	1	\$15,997
Sedans	2	\$24,938	1	\$12,754
Total	48	\$823,504	34	\$600,305

Miles Driven In FY94

Enforcement	1,519,782
Wildlife	937,031
Fisheries	881,152
Parks	490,571
Field Services	330,165
Other	<u>264,965</u>
Total	4,423,666

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

NAT. Resources Sub COMMITTEE

BILL NO. _____

DATE 1/31/95 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DAVE MOTT	FWP		
LARRY Peterman	FWP		
Tim Gallagher	FWP		
PAT GRAHAM	FWP		
Bill HALLGAS	FWP		
Ed Gay	FWP		
ROBIN CUNNINGHAM	FISHING OUTRITTERS ASSN. OF MONTANA		
Paul S. Reed	SLK, BBLTU, MBOG		

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