

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN BILL TASH**, on March 8, 1995, at 7:00 a.m.

ROLL CALL

Members Present:

Rep. Bill Tash (R)
Rep. Hal Harper (D)
Rep. Dick Knox (R)
Rep. Bob Raney (D)
Rep. Paul Sliter (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Patti Borneman, Subcommittee Secretary

Please Note: These are summary minutes. Discussion is paraphrased and condensed.

Committee Business Summary:

Discussion on amendments for HB 349.

Tape 1 - Side A

Discussion:

REP. RANEY said they discussed the changes as they looked at the amendments to the bill. They added "and thereafter" to the April 1, 1996 date. On page 5, sub (c), they added experience with commercial agriculture to the two new FTE's qualifications and asked **Mr. Graham** if both new employees should have this background or only one of them. **EXHIBIT 1**

Mr. Graham replied that it was unusual for legislation to specify the detailed qualifications of a job, and preferred that they didn't do that.

CHAIRMAN TASH said the language could be modified to read that the individuals have as part of their background experience in commercial agriculture.

REP. HARPER asked **CHAIRMAN TASH** if he'd qualify if he had put himself through college turning water and stacking hay, and he said in his opinion he would qualify.

CHAIRMAN TASH said that they would discuss **John Bloomquist's** amendments concerning the agricultural community.

Mr. Bloomquist (MSA) said he made some suggested language changes and stated that their view is that the intent of the bill is to provide a funding mechanism for voluntary programs for water users to enhance fisheries. He said they took issue with language that would give the Department power to prescribe management measures and wanted to pull out language such as that having to do with "functioning" spawning areas, etc. He thinks the bill could still be reworded to stress that it's a voluntary program for landowners who have available habitat and water rights to cooperatively participate with the Department. As he read the bill, he saw opportunities for private groups to bring the project to the review panel and he said one of the requirements for considering programs by the review panel should be that the landowners have already been consulted and have committed to participate. He was also concerned about how funds would be spent besides leasing water and on administrative costs. He was wondering if they are going to create another Habitat Montana Program because it looked to him like the fisheries equivalent of that program or if it will be a voluntary program for on-the-ground improvements, etc. He said language should more specifically describe how funding will be spent and focus on the project itself, not on the functionality of the resource.

Mr. Ochenski commented on the amendments. **SEN. LORENTS GROSFIELD** joined the group. **Mr. Ochenski** said that the land acquisition issue was not a concern of their's, but didn't like removing from the title that the project is to "protect and enhance the natural reproduction of fish," because that is the bill's intent. He asked if taking one of the two anglers off the review committee was wise because fishing license fees will fund the project and having two anglers would ensure that their input is considered as they spend anglers' money. A member of irrigated agriculture would replace one angler and he suggested the review panel be increased to ten members.

Mr. Bloomquist said it was okay with him to have two anglers on the panel.

CHAIRMAN TASH said the purpose of the review panel was to provide collaboration and a balanced approach. He liked having a high school angler on the panel.

REP. RANEY said that in thinking about this, recruitment of the high school student to serve on this panel could be a project of the Governor's, and they could invite someone who is in 4-H, or who might not be a fisherman but might be interested in river restoration. He didn't think they should require an ag or fishing

background for the high school student. He suggested they increase the membership of the panel to 10 and add an irrigated ag member. The subcommittee agreed to do this. He said that in discussing the qualifications of the two new employees, they not require working experience in agriculture, but just say they should have some background.

Mr. Graham asked if they were referring to both employees or just the person "on the ground." If this person is hired on contract, they might have some flexibility in this area. The Department person would be working on grants and administration and might not need to have an ag background.

REP. KNOX said it was vital that the landowner contact person have the same background as the landowners.

CHAIRMAN TASH agreed that they must have good rapport with the landowners.

Mr. Graham said he disagreed that this was necessary for both employees. He said the other person would be more a contract administrator and would handle project oversight. He suggested the bill say that only one employee have the ag background.

REP. KNOX said that was okay as long as he's assured the contact person would be the one with the ag background.

Doug Sternberg asked if the wording should read "for up to two additional full time employees, one of whom has experience in commercial agriculture." (page 5)

Mr. Graham said that this level of qualification is not usually put in a bill, but is determined later on by the Department.

CHAIRMAN TASH suggested conceptual language, and not be so definitive.

Mr. Graham suggested they stipulate the people working on the ground have the ag background.

SEN. GROSFIELD asked if it was necessary to say irrigated rather than commercial agriculture and both **CHAIRMAN TASH** and **REP. KNOX** said that was important. **SEN. GROSFIELD** suggested that it was more important to have a knowledge of irrigated agriculture.

Discussion among the subcommittee members continued on the wording necessary to make sure the employee or contracted person working with landowners would have background in irrigated or commercial agriculture.

CHAIRMAN TASH said changes regarding the submission of proposals reflected the basic criteria reinforcing the voluntary nature of landowner participation.

Mr. Ochenski asked about going through the change process in water rights. **CHAIRMAN TASH** replied that it wouldn't necessitate a formal change of use that voluntary involvement would be compromised if they did that. He said this legislation should establish a multiple use resulting in multiple benefits on a cooperative agreement basis. "We can irrigate and recreate with the same water." He thought it was better to keep it out of the formal review change, better to stay away from an "either/or" situation. **Mr. Ochenski** agreed and said that everyone involved should sign off that they want to do it, but asked about the legal mechanism of water leasing and wasn't sure they have a way to agree without some legal considerations.

Mr. Bloomquist commented that the approval will not come from the panel, but will get a recommendation that would take them through the process to get authorization for change. The process would ensure that proposals will have the approval of the water owner. He described the process as he envisioned it.

Mr. Ochenski said he was concerned if everyone in the area of the stream reach had to approve the project, "probably nothing will get done."

REP. HARPER said exact language would be important to address these concerns.

Mr. Bloomquist suggested language to this effect and **CHAIRMAN TASH** read subsection (a) on page 6. **REP. HARPER** said the language doesn't cover the issue.

Tape 1 - Side B

REP. HARPER said they only need the voluntary cooperation of someone who is considering leasing their water. **Mr. Bloomquist** said the language says "which involves a particular property owner's interest in land or water, the panel must find that the projects are being proposed with the voluntary approval of the affected property owner," and suggested replacing "affected" with "participating." The subcommittee agreed.

Mr. Bloomquist further explained the rationale behind their amendment. They want the assurance that the landowners have been consulted in a systematic way and their participation encouraged.

REP. HARPER commented on the section of the bill where language regarding participating landowners should be included.

Mr. Sternberg clarified the changes discussed and how to incorporate them into the bill.

CHAIRMAN TASH said the other suggested change was in section 5 that said there would be a 10-year sunset. **REP. RANEY** spoke against sunset because there is already language that essentially says until the legislature says enough is enough. He

said he intended this project to continue indefinitely and be tied in with **REP. KNOX'S** bill and asked if his bill has a sunset in 10 years. **REP. KNOX** replied yes.

CHAIRMAN TASH said the intention was to "parallel" **REP. KNOX'S** bill. He asked **Mr. Bloomquist** to discuss a section of the bill that addressed the legislature deciding the termination date based on the evaluation of sufficient spawning areas and wondered if the legislature could or should do this; he feared that there may never be a termination date in that case.

REP. RANEY said that he didn't feel the goals of the project would be fully realized, because the condition of the rivers are going downhill and won't improve unless they do something about it.

REP. PAUL SLITER asked what would happen if someone determines it's not working and wondered if the funding would still continue.

Mr. Bloomquist said that's why they suggested a sunset to tie in with **REP. KNOX'S** bill. At the end of 10 years they could evaluate the progress they've made.

REP. HARPER asked, in response to **REP. SLITER**, should they take that out?

REP. SLITER suggested they look at the project in 10 years and the language does not guarantee anything.

Mr. Ochenski said **SEN. GROSFIELD** wanted the legislature to have the ability to set a termination date.

SEN. GROSFIELD commented that he wanted a 10-year sunset to give them a timeline to work with. **Mr. Graham** added that multiple-year obligations must match available guaranteed funding, and suggested they actually sunset it earlier than they intend the project to run.

Mr. Ochenski said he agreed with the premise of the sunset and wanted it to be clear that this was not a big water leasing bill.

SEN. GROSFIELD said that after the project got underway, he could see them wanting to make it a permanent project. He said he was expecting a lot of good to come out of this bill, but felt a sunset was good to give them a chance to look at it again in the future.

Mr. Bloomquist said he was concerned about specifying how funds are actually spent.

REP. RANEY said he wanted to keep it open and give the Department the opportunity to work with the intent of the legislation, which is to obtain the maximum amount of wild fish and wild fishing

opportunities. He suggested that the Department develop the methodology and procedures that would fulfill the goals of the project and funds would then be allocated accordingly.

Mr. Graham questioned wording that said the Department implements projects, but rather would implement the program that oversees the projects. He also had two primary questions: 1) River restoration project that now exists could be utilized, to amend that program, change its name, and broaden it to include these other goals. FWP doesn't want to manage two separate programs if they can be consolidated. 2) Funding source and implications, need to be discussed more at length. FWP won't endorse that section of the bill until funding sources are clarified.

The subcommittee agreed to meet again the next morning to discuss **Mr. Graham's** funding concerns.

REP. RANEY quickly summarized the amendments that were discussed at this meeting: wording changed to say FWP will implement program, not projects; strike all language that legislature will determine sufficient spawning streams, and add "the following amounts will be expended" (the following amounts to be discussed at the next meeting); and then at the end of the bill, they add sunset language.

Mr. Bloomquist asked about language that there would not be any acquisition of land and was assured that was not in the bill, that they did not want to buy land with this bill.

REP. RANEY reiterated the language that would reflect the irrigation and/or commercial ag background necessary for one employee, the addition of a panel member, and the Bloomquist language.

CHAIRMAN TASH said the next meeting would address funding and the bill's title to be reworked, which **REP. RANEY** said would be extremely important to the anglers funding the project.

Mr. Graham asked if **Mr. Sternberg** could research the existing river restoration project to see if it could be consolidated and he said that he's found there to be a lot of compatible language in the bill already. He appreciated their concern about not disrupting the existing program, but thought it would be all right not to implement the program until April 1, 1996.

The meeting ended at 7:50 a.m.

ADJOURNMENT

Adjournment: 7:50 a.m.

Bill Tash

REP. BILL TASH, Chairman

P. Borneman

PATTI BORNEMAN, Secretary

BT/pb

HOUSE OF REPRESENTATIVES

Fish and Game Subcommittee

ROLL CALL

DATE 3/8/95

| NAME | PRESENT | ABSENT | EXCUSED |
|--------------------------|---------|--------|---------|
| Rep. Bill Tash, Chairman | ✓ | | |
| Rep. Hal Harper | ✓ | | |
| Rep. Dick Knox | ✓ | | |
| Rep. Bob Raney | ✓ | | |
| Rep. Paul Sliter | ✓ | | |

FOR REFERENCE ONLY

(INCLUDES SUBCOMMITTEE REVISIONS OF 3/6/95 AS REVISED BY STAFF)

HB0349.01

House Bill No. 349

Introduced By

A Bill for an Act entitled: "An Act creating the future fisheries improvement program; providing for the protection and enhancement of Montana fisheries by requiring enhancement of spawning streams and other habitats for the natural reproduction of fish and growth of populations of wild fish; directing a portion of state ~~and federal~~ fisheries money to fund the future fisheries improvement program; AUTHORIZING THE GOVERNOR TO APPOINT A FUTURE FISHERIES REVIEW PANEL AND ESTABLISHING THE DUTIES OF THE PANEL; directing the department of fish, wildlife, and parks to establish and administer the program; requiring the department to submit regular program progress reports to the fish, wildlife, and parks commission and to submit a progress report and the anticipated budget and related projections to the legislature; and providing an effective date DATES."

WHEREAS, the rivers and streams of Montana hold one of the state's most important and economically valuable resources--wild fish; and

WHEREAS, the loss of spawning areas and other crucial habitats is one of the greatest threats to the natural reproduction and propagation of the fish resource; and

WHEREAS, the state is presently in a position to address the key issue of these aquatic habitats in order to promote the future viability of Montana's wild fisheries before the continued loss of spawning areas and other habitats diminishes or destroys the resource; and

WHEREAS, it is a fiscally sound state policy to develop natural spawning areas and other habitats in anticipation of being able to reduce future funding that would otherwise be necessary to cover the ever-increasing costs of the fish hatchery program; and

WHEREAS, a wild fisheries enhancement program will immensely benefit landowner-sportsperson relations; and

WHEREAS, a wild fisheries enhancement program will benefit Montana's economy; and

WHEREAS, it is fiscally sound state policy to enhance natural habitats to improve fishing opportunities now and preserve fishing opportunities for future generations; and

WHEREAS, voluntary cooperation between landowners, interested citizens, public and private organizations, and the department of fish, wildlife, and parks will help accomplish the purposes of the future fisheries improvement program.

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. Section 1. Future fisheries improvement program -- funding priority -- reports required. (1) In order to enhance future fisheries through natural reproduction, the department shall establish and implement a statewide voluntary program that ensures that functioning promotes fishery habitats

and spawning tributaries are available for each 10 river miles and each 10 stream miles areas for the rivers, streams, and lakes of Montana's cold water fisheries.

(2) The department shall by April 1, 1996, and thereafter when projects are suggested by the future fisheries review panel, through a public hearing process and with the approval of the commission, prioritize projects that have been suggested by the review panel to be funded. The department shall fund and implement projects regarding the long-term enhancement of streams and streambanks, instream flows, water leasing, lease or purchase of stored water, and other programs that deal with wild fish and aquatic habitats to ensure that the future fisheries improvement program established in this section receives full funding and prioritized department administration. In prioritizing its efforts and implementing the future fisheries improvement program, the department shall respect all existing water rights and the property rights of the owners of streambeds and property adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on private property does not create any right of public access to the private property unless that right is granted voluntarily by the property owner.

(3) The department shall work closely with private landowners, conservation districts, irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement program. The department shall encourage the use of volunteer labor and grants, matching grants, and private donations to accomplish program purposes. The department may use contracted services:

(a) for negotiations with landowners, local officials,

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citizens, and others;

(b) for coordination with other agencies that may be involved in projects conducted under this section; and

(c) to perform and supervise project work.

(4) The following amounts must be expended by the department to enhance future fisheries, as directed by subsection ~~(1)~~ this section, until the required number of legislature determines that sufficient spawning streams areas or other identified key habitats are established and enhanced for the rivers, streams, and lakes of Montana's fisheries:

(a) not less than 50% \$1.5 million of the amount unexpended fund balance in the state special revenue fund in 87-1-601 composed of fishing license fees;

(b) not less than 50% of federal funds allocated to the state for the conservation of fish; \$1.75 million redirected from the Blue Water hatchery phase II project for the 1996-97 biennium.

~~(c) not less than 50% of the funds in the river restoration account; and~~

~~(d) not less than 50% of any other funds allocated to the department for the conservation of fish, which funds are not statutorily mandated for other purposes.~~

~~(3) The department shall prioritize its efforts regarding the enhancement of streams and streambanks, instream flows, water leasing and purchase, fish hatcheries, and other programs that deal with wild fish and aquatic habitats to ensure that the future fisheries improvement program established in this section receives full funding and prioritized department administration.~~

~~(4)~~ (5) (a) The department shall report to the commission on

the progress of the future fisheries improvement program every 6 12 months and post a copy of the report on the state electronic bulletin board to ensure public access to the report.

(b) The department shall also present a detailed report to each regular session of the legislature on the progress of the future fisheries improvement program. The legislative report must include the department's program activities and expenses since the last report and the project schedule schedules and budget schedule anticipated expenses for the ensuing 10 years' implementation of the future fisheries improvement program.

(c) In order to implement [sections 1 and 2], the department may expend revenue from the future fisheries improvement program for up to two additional full-time employees who are qualified to work in commercial agriculture.

NEW SECTION. Section 2. Future fisheries review panel -- purpose -- appointment and duties. (1) The governor shall call for nominees for, accept and review recommendations for, and, by August 1, 1995, appoint a future fisheries review panel. The panel must consist of at least nine members, including but not limited to:

(a) one member who is a representative of conservation districts;

(b) one member with expertise in commercial agriculture;

(c) one member from the private sector who is a fisheries restoration professional;

(d) two members who are licensed Montana anglers;

(e) one member of the house of representatives, chosen by the speaker of the house;

(f) one member of the senate, chosen by the president of the

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senate;

(g) one member who is a representative of the governor's office; and

(h) one member who is a Montana high school student.

(2) A member appointed to the review panel shall serve a 2-year term and may be reappointed.

(3) The purpose of the review panel is to:

(a) review, at least every 6 months, proposed projects that have been submitted by public or private entities for funding;

(b) determine what projects are eligible for inclusion in the future fisheries improvement program;

(c) approve or reject proposed projects; and

(d) forward a list of approved projects to the department.

(4) To be eligible for funding, a project may be generated at the local level or may be developed and presented to the review panel by the department, local landowners, conservation districts, or other interested citizens.

NEW SECTION. Section 3. Codification instruction.

[~~Section 1~~ Sections 1 and 2] ~~is~~ are intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [~~section 1~~ sections 1 and 2].

NEW SECTION. Section 4. Effective date dates. (1) [~~This act Section 1~~] is effective July 1, 1995.

(2) [Sections 2, 3, and this section] are effective on passage and approval.

-END-

Amendments to House Bill No. 349
Introduced Reading Copy

Requested by Rep. Raney
For the Committee on Fish & Game

Prepared by Doug Sternberg, Legislative Council
March 6, 1995

1. Title, lines 7 and 8.
Following: "STATE" on line 7
Strike: "AND" through "FEDERAL" on line 8
2. Title, line 8.
Following: "PROGRAM;"
Insert: "AUTHORIZING THE GOVERNOR TO APPOINT A FUTURE FISHERIES
REVIEW PANEL AND ESTABLISHING THE DUTIES OF THE PANEL;"
3. Title, line 12.
Following: "PROVIDING"
Strike: "AN"
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"
4. Page 1, line 23.
Following: "program"
Insert: "; and
WHEREAS, a wild fisheries enhancement program will immensely
benefit landowner-sportsperson relations; and
WHEREAS, a wild fisheries enhancement program will benefit
Montana's economy; and
WHEREAS, it is fiscally sound state policy to enhance
natural habitats to improve fishing opportunities now and
preserve fishing opportunities for future generations; and
WHEREAS, voluntary cooperation between landowners,
interested citizens, public and private organizations, and the
department of fish, wildlife, and parks will help accomplish the
purposes of the future fisheries improvement program"
5. Page 1, lines 29 and 30.
Following: "establish" on line 29
Insert: "and implement"
Following: "a" on line 29
Insert: "statewide voluntary"
Following: "program that" on line 29
Strike: "ensures that functioning"
Insert: "promotes fishery habitats and"
Following: "spawning" on line 29
Strike: remainder of line 29 through "miles" on line 30
Insert: "areas for the rivers, streams, and lakes"
6. Page 1, line 30.
Following: "Montana's"
Strike: "cold water"

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7. Page 2, line 1.

Following: "(2)"

Insert: "The department shall by April 1, 1996, and thereafter when projects are suggested by the future fisheries review panel, through a public hearing process and with the approval of the commission, prioritize projects that have been suggested by the review panel to be funded. The department shall fund and implement projects regarding the long-term enhancement of streams and streambanks, instream flows, water leasing, lease or purchase of stored water, and other programs that deal with wild fish and aquatic habitats to ensure that the future fisheries improvement program established in this section receives full funding and prioritized department administration. In prioritizing its efforts and implementing the future fisheries improvement program, the department shall respect all existing water rights and the property rights of the owners of streambeds and property adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on private property does not create any right of public access to the private property unless that right is granted voluntarily by the property owner.

(3) The department shall work closely with private landowners, conservation districts, irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement program. The department shall encourage the use of volunteer labor and grants, matching grants, and private donations to accomplish program purposes. The department may use contracted services:

(a) for negotiations with landowners, local officials, citizens, and others;

(b) for coordination with other agencies that may be involved in projects conducted under this section; and

(c) to perform and supervise project work.

(4)"

Renumber: subsequent subsections

8. Page 2, line 2.

Strike: "subsection (1)"

Insert: "this section"

Following: "until the"

Strike: "required number of"

Insert: "legislature determines that sufficient"

Following: "spawning"

Strike: "streams"

Insert: "areas"

9. Page 2, line 3.

Following: "enhanced"

Insert: "for the rivers, streams, and lakes of Montana's fisheries"

10. Page 2, line 4.

Following: "(a)"

Strike: "not less than 50%"

Insert: "\$1.5 million"
Following: "of the"
Strike: "amount"
Insert: "unexpended fund balance"

11. Page 2, lines 4 and 5.
Following: "87-1-601" on line 4
Strike: remainder of line 4 through "fees" on line 5

12. Page 2, line 6.
Following: "(b)"
Strike: remainder of line 6 through "fish;"
Insert: "\$1.75 million redirected from the Blue Water hatchery
phase II project for the 1996-97 biennium."

13. Page 2, lines 7 through 9.
Strike: subsections (c) and (d) in their entirety

14. Page 2, lines 10 through 13.
Strike: (3) in its entirety
Renummer: subsequent subsections

15. Page 2, line 15.
Strike: "6"
Insert: "12"

16. Page 2, line 17.
Following: "also"
Insert: "present a detailed"

17. Page 2, line 18.
Following: "department's"
Insert: "program activities and expenses since the last report
and the"
Following: "project"
Strike: "schedule"
Insert: "schedules"

18. Page 2, line 19.
Following: "and"
Strike: "budget schedule"
Insert: "anticipated expenses"

19. Page 2, line 20.
Insert: "(c) In order to implement [sections 1 and 2], the
department may expend revenue from the future fisheries
improvement program for up to two additional full-time
employees who are qualified to work in commercial
agriculture.

NEW SECTION. Section 2. Future fisheries review panel -
- purpose -- appointment and duties. (1) The governor shall
call for nominees for, accept and review recommendations
for, and, by August 1, 1995, appoint a future fisheries
review panel. The panel must consist of at least nine
members, including but not limited to:

- (a) one member who is a representative of conservation districts;
 - (b) one member with expertise in commercial agriculture;
 - (c) one member from the private sector who is a fisheries restoration professional;
 - (d) two members who are licensed Montana anglers;
 - (e) one member of the house of representatives, chosen by the speaker of the house;
 - (f) one member of the senate, chosen by the president of the senate;
 - (g) one member who is a representative of the governor's office; and
 - (h) one member who is a Montana high school student.
- (2) A member appointed to the review panel shall serve a 2-year term and may be reappointed.
- (3) The purpose of the review panel is to:
- (a) review, at least every 6 months, proposed projects that have been submitted by public or private entities for funding;
 - (b) determine what projects are eligible for inclusion in the future fisheries improvement program;
 - (c) approve or reject proposed projects; and
 - (d) forward a list of approved projects to the department.
- (4) To be eligible for funding, a project may be generated at the local level or may be developed and presented to the review panel by the department, local landowners, conservation districts, or other interested citizens."

Renumber: subsequent sections

20. Page 2, line 21.

Strike: "Section 1"

Insert: "Sections 1 and 2"

Strike: "is"

Insert: "are"

21. Page 2, line 23.

Strike: "section 1"

Insert: "sections 1 and 2"

22. Page 2, line 25.

Strike: "date."

Insert: "dates. (1)"

Strike: "This act"

Insert: "Section 1"

Following: "1995."

Insert: "(2) [Sections 2, 3, and this section] are effective on passage and approval."

Amendments to House Bill No. 349
Introduced Reading Copy

Requested by Rep. Raney
For the Committee on Fish & Game

Prepared by Doug Sternberg, Legislative Council
March 8, 1995

1. Title, line 5.
Strike: "BY REQUIRING"
Insert: "THROUGH VOLUNTARY"
2. Title, lines 7 and 8.
Following: "STATE" on line 7
Strike: "AND" through "FEDERAL" on line 8
3. Title, line 8.
Following: "PROGRAM;"
Insert: "AUTHORIZING THE GOVERNOR TO APPOINT A FUTURE FISHERIES
REVIEW PANEL AND ESTABLISHING THE DUTIES OF THE PANEL;"
4. Title, line 12.
Strike: "BUDGET"
Insert: "EXPENSES"
Following: "PROVIDING"
Strike: "AN"
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES AND TERMINATION DATES"
5. Page 1, line 16.
Following: "loss of"
Insert: "historic"
Following: "habitats"
Insert: "of native fish species"
6. Page 1, lines 21 through 23.
Strike: lines 21 through 23 in their entirety
7. Page 1, line 24.
Insert: "WHEREAS, a wild fisheries enhancement program will
immensely benefit landowner-sportsperson relations; and
WHEREAS, a wild fisheries enhancement program will benefit
Montana's economy; and
WHEREAS, it is fiscally sound state policy to enhance
natural habitats and spawning areas to improve fishing
opportunities now and preserve fishing opportunities for future
generations; and
WHEREAS, voluntary cooperation between landowners,
interested citizens, public and private organizations, and the
Department of Fish, Wildlife, and Parks will help accomplish the
purposes of the future fisheries improvement program."
8. Page 1, lines 29 and 30.

Following: "establish" on line 29
Insert: "and implement"
Following: "a" on line 29
Insert: "statewide voluntary"
Following: "program that" on line 29
Strike: "ensures that functioning"
Insert: "promotes fishery habitats and"
Following: "spawning" on line 29
Strike: remainder of line 29 through "miles" on line 30
Insert: "areas for the rivers, streams, and lakes"

9. Page 1, line 30.
Following: "Montana's"
Strike: "cold water"

10. Page 2, lines 1 through 13.
Following: "(2)" on line 1
Strike: remainder of line 1 through "administration." on line 13
Insert: "The department shall by April 1, 1996, and thereafter when projects are suggested by the future fisheries review panel, through a public hearing process and with the approval of the commission, prioritize projects that have been recommended by the review panel to be funded. Emphasis must be given to projects that enhance the historic habitat of native fish species. The department shall fund and implement the program regarding the long-term enhancement of streams and streambanks, instream flows, water leasing, lease or purchase of stored water, and other voluntary programs that deal with wild fish and aquatic habitats. A project conducted under the future fisheries improvement program may not restrict or interfere with the exercise of any water rights or property rights of the owners of streambeds and property adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on private property does not create any right of public access to the private property unless that right is granted voluntarily by the property owner."

(3) The department shall work in cooperation with private landowners, conservation districts, irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement program. Any department employee who is employed under this section to facilitate contact with landowners must have experience in commercial or irrigated agriculture. The department shall encourage the use of volunteer labor and grants, matching grants, and private donations to accomplish program purposes. The department may use contracted services:

(a) for negotiations with landowners, local officials, citizens, and others;

(b) for coordination with other agencies that may be involved in projects conducted under this section; and

(c) to perform and supervise project work.

(4) Funds expended under this section may be used only for projects for the protection of the fisheries resource that have been identified by the review panel established in

[section 2] and approved by the commission and may not be used for the acquisition of any interest in land."

Renumber: subsequent subsection

11. Page 2, line 15.

Strike: "6"

Insert: "12"

12. Page 2, line 17.

Following: "also"

Insert: "present a detailed"

13. Page 2, line 18.

Following: "department's"

Insert: "program activities and expenses since the last report and the"

Following: "project"

Strike: "schedule"

Insert: "schedules"

14. Page 2, line 19.

Following: "and"

Strike: "budget schedule"

Insert: "anticipated expenses"

15. Page 2, line 20.

Insert: "(c) In order to implement [sections 1 and 2], the department may expend revenue from the future fisheries improvement program for up to two additional full-time employees.

NEW SECTION. Section 2. Future fisheries review panel -- purpose -- appointment and duties. (1) The governor shall call for nominees for, accept and review recommendations for, and, by August 1, 1995, appoint a future fisheries review panel. The panel must consist of at least 10 members, including but not limited to:

(a) one member who is a representative of conservation districts;

(b) one member with expertise in commercial agriculture or silviculture;

(c) one member with expertise in irrigated agriculture;

(d) one member from the private sector who is a fisheries restoration professional;

(e) two members who are licensed Montana anglers;

(f) one member of the house of representatives, chosen by the speaker of the house;

(g) one member of the senate, chosen by the president of the senate;

(h) one member who is a representative of the governor's office; and

(i) one member who is a Montana high school student.

(2) A member appointed to the review panel shall serve a 2-year term and may be reappointed.

(3) The purpose of the review panel is to:

(a) review, at least every 6 months, proposed projects

that have been submitted by public or private entities for funding;

(b) determine what projects are eligible for inclusion in the future fisheries improvement program;

(c) approve or reject proposed projects; and

(d) forward a list of approved projects to the department.

(4) To be eligible for funding, a project must be generated at the local level and must be developed and presented to the review panel by the department, local landowners, conservation districts, or other interested citizens. Before consideration of any project that involves streambed or streambank restoration, a change in the use of water, or any other purpose that affects a particular property owner's interest in land or water, the review panel is required to find that the project is being proposed for funding with the voluntary approval of the participating property owner.

NEW SECTION. Section 3. Funding of future fisheries

program. The following amounts must be expended by the department to enhance future fisheries, as directed by [section 1]:

(1) \$290,000 redirected from the river restoration program;

(2) \$1.5 million redirected from the Blue Water hatchery phase II project for the 1996-97 biennium; and

(3) \$510,000 redirected from the Tongue River restoration project, to be used in the Tongue River basin for the purposes of [section 1]."

Renumber: subsequent sections

16. Page 2, line 21.

Strike: "Section 1"

Insert: "Sections 1 and 2"

Strike: "is"

Insert: "are"

17. Page 2, line 23.

Strike: "section 1"

Insert: "sections 1 and 2"

18. Page 2, line 24.

Insert: " **NEW SECTION. Section 5. Termination.** (1) [Sections 1 and 2] terminate July 1, 2005.

(2) [Section 3] terminates July 1, 1997."

Renumber: subsequent section

19. Page 2, line 25.

Strike: "date."

Insert: "dates. (1)"

Strike: "This act"

Insert: "Section 3"

Following: "1995."

Insert: "(2) [Sections 1, 2, 4, and 5 and this section] are effective on passage and approval."