

MINUTES

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

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on March 27, 1995, at 3:30 p.m.

ROLL CALL

Members Present:

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

Members Excused: None

Members Absent: Senator Bob Pipinich

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

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

Committee Business Summary:

Hearing: HB 349, HB 600
Executive Action: HB 349, HB 600

{Tape: 1; Side: A}

HEARING ON HB 349

Opening Statement by Sponsor:

REPRESENTATIVE BOB RANEY, HD #26, LIVINGSTON, told the committee fishing was extremely important to the citizens of Montana and to the state economy. Purpose of his bill was to assure that Montana's wild fishery lasts into the future through citizen participation (**EXHIBIT #1**).

Funding for the Future Fisheries Improvement Program would be acquired as follows:

- (1) \$290,000 redirected from the River Restoration Program;
- (2) \$1.5 million redirected from Phase II of the Blue Water Hatchery Project; and
- (3) \$510,000 redirected from the Tongue River Restoration Project.

Voluntary projects with private funding could be used for fencing, labor, etc., but the Department of Fish, Wildlife & Parks (DFWP) would determine where the most fisheries habitat could be obtained with the least amount of money.

Proposed projects would be taken to the Fish, Wildlife & Parks Commission (FWPC) and money dispersed.

The bill would terminate in 10 years. It was designed to improve fisheries habitat, but the department and commission could approve some expenditures for leasing water and/or instream flows to improve habitat.

Proponents' Testimony:

GEORGE OCHENSKI, Trout Unlimited, said he had worked with **REPRESENTATIVE RANEY** on this bill, and it had come a long way and gained strong support. The agricultural community and Western Environmental Trade Association also support the bill.

The review panel should be composed of virtually every segment of the population that could be interested in doing a river restoration project.

ROBIN CUNNINGHAM, FISHING OUTFITTERS ASSOCIATION, commented that he thought the bill was a great idea.

MAUREEN CLEARY-SCHWINDEN, Women in Farm Economics, expressed appreciation for the protection afforded private property rights by HB 349. She said she thought the concerns of the organization she represented had been addressed.

JEAN JOHNSON, Executive Director, Montana Outfitters & Guides Association, stated that she was not as involved as the fishing outfitters, but supported the concept of the bill.

PAT GRAHAM, Director, DFWP, said his department had been opposed to the bill at first, but supported the current version. The Montana Legislature passed the first stream protection act in 1963; in 1989 the River Restoration Program passed; the current bill would expand that protection (**EXHIBIT #2**).

ART WHITNEY, Montana Chapter, American Fisheries Society, (AFS), said his chapter of the AFS did not support some of the provisions of HB 349, but thought the bill's concept was

admirable. Basis of their concern was the fact that only one member of the review panel would be a fisheries restoration professional and that person might be a hydrologist rather than a biologist (EXHIBIT #3).

CARY HEGREBERG, Montana Wood Products Association, was also concerned about the members of the review panel, but his concern differed from that of the AFS. His organization would like to see a nonindustrial private forest landowner included on the panel. Much of the proposed work would probably fall to owners of this type of property and he would like to see them represented.

The Montana Logging Association has developed a similar program and they have practical experience.

Mr. Hegreberg said his organization was also concerned about protection for private landowners. The Wood Products Association would like to see private landowners initiate projects, as they were concerned people would be looking for projects on private lands.

Opponents' Testimony:

LARRY BROWN, Agricultural Preservation Association and Montana Stockgrowers, said neither of the organizations he represented would support the bill. They had never supported the bill in any of the hearings where it was discussed. As the bill moved forward, more problems have surfaced.

On line 21 (historic spawning areas) the bill seems to say Montana fisheries habitat is deteriorating rapidly. Past programs have changed the species of fish rather than the type of habitat.

Line 24 references continued loss of spawning areas, explaining how they should look. He thought there were situations on all land that could be addressed, but the problems probably weren't serious.

Lines 29-30 state the wild fisheries enhancement program would benefit landowner-sportsman relations. He was not sure that was true.

On page 3, lines 3 through 7 should be deleted entirely as they refer to long-term changes. This sounded good but he wasn't sure it was really needed. Line 6 refers to leasing water. He was sure there wouldn't be any funding available at DFWP for leasing water rights.

He was also concerned about the review panel, as he thought it was stacked against agriculture.

Questions From Committee Members and Responses:

SENATOR TERRY KLAMPE, SD #31, FLORENCE, commented that he thought Mr. Brown was concerned because the organizations he represented didn't want DFWP involved in leasing of stored water. He asked Mr. Brown if his objection were limited to instream flows.

MR. BROWN said he had been thinking of mechanical work in streams. SENATOR KLAMPE asked what he meant. Mr. Brown said a permitting process for streambed work was in existing law. His reference was to permitting processes that might be in addition to those already in the law.

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, said he was unsure from listening to Mr. Graham's testimony what benefits would accrue from the program outlined in the bill over the program currently in place.

MR. GRAHAM said the bill would expand the River Restoration Program to lakes, it would provide more public input through the advisory committee established in Section 2, and would increase funding for the program.

SENATOR CRISMORE commented that he had received letters from western Montana stating that 42 groups are already available to provide input on all the different areas that need work. He thought the bill was a duplication. He asked if input were being received from these groups at the present time.

MR. GRAHAM replied that the present process is a grant program. Twice a year the department solicits projects from private entities that would qualify under the River Restoration Program.

SENATOR JUDY JACOBSON, SD #18, BUTTE, said Mr. Graham had stated the Governor would be unnecessarily burdened with setting up the review panel. She asked if the "Governor's designee" could be substituted.

REPRESENTATIVE RANEY agreed that it was hard for the Governor to make all the necessary appointments to boards and panels.

SENATOR CRISMORE commented that the fiscal note said \$200,000 would come from the Thompson Chain of Lakes project.

REPRESENTATIVE RANEY replied that the fiscal note was worthless; all monies to be spent were listed in Section 3, page 5 of the bill.

SENATOR KLAMPE said he was also concerned about the review panel as he didn't think it would continue to exist. He asked if they would be paid.

REPRESENTATIVE RANEY said REPRESENTATIVES TASH and KNOX were adamant about citizens being involved. He thought most agricultural people were afraid of DFWP. Once a project was in

place and people were no longer fearful, the council would be abolished.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked if **Mr. Brown's** concerns had been addressed.

REPRESENTATIVE RANEY stated that he had been surprised to hear the Stockgrowers didn't approve of the bill, since most of its language came from **SENATOR GROSFIELD**. The remainder of the bill came from the subcommittee and the Governor's office. He said he had expected the Stockgrowers to testify for the bill.

SENATOR SPRAGUE asked **Mr. Brown** why his objections were being voiced at that late hour.

MR. BROWN said he had opposed the bill since its inception. The Stockgrowers sat in on the subcommittee, but didn't take a position. They have never been comfortable with the bill.

SENATOR SPRAGUE commented that since they had been involved in the committee, it seemed strange they had not taken a position against the bill until the present hearing.

MR. BROWN repeated that they had always voiced opposition. **SENATOR SPRAGUE** asked him to clarify that statement.

REPRESENTATIVE RANEY said there had been three hearings, six subcommittee meetings and three executive actions and **Mr. Brown** hadn't been at any of the meetings. The Stockgrowers were at the original hearing but he hadn't heard that they were opposed.

Closing by Sponsor:

REPRESENTATIVE RANEY stated that the steering committee was put in at the request of agricultural interests and they had approved all of its members. The high school student was included because the bill was aimed at the future of Montana fisheries.

He said habitat was being destroyed by subdivisions. Also, if bull trout should become an endangered species, timber, mining and agriculture would experience problems. The cutthroat trout, paddlefish, and white sturgeon are all in trouble.

HB 349 would increase the value of private land where money could be used on habitat protection without conveying the right of trespass. No one would be required to participate in the program if he didn't want to.

HEARING ON HB 600

Opening Statement by Sponsor:

REPRESENTATIVE PAUL SLITER, HD #76, KALISPELL, told the committee his bill would create a mechanism for counties to voluntarily

enter into agreements with DFWP to make county funds eligible to match U.S. Coast Guard funds for boat safety and boating related enforcement work. He gave the committee a fact sheet on the bill (EXHIBIT #4).

The bill would also remove Lake Mary Ronan from the Primitive Parks List and replace it with the Big Pine Management Area.

{Tape: 1; Side: B}

Proponents' Testimony:

PAT GRAHAM told the committee federal money cannot be used by local governments - only by state government. He supported the bill because it would allow county government to assume many of the boat safety functions currently performed by DFWP (EXHIBIT #5).

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR SPRAGUE asked how fishermen and sportsmen could be assured that the revenue would continue to do the type of repairs and upgrading of facilities currently being accomplished with the federal funds.

MR. GRAHAM said the money would be spent by counties where it was collected; if boat use occurred in northwestern Montana the facilities would be developed there. An advisory committee would review projects to ensure money was being used appropriately.

SENATOR SPRAGUE commented that county governments had tight budgets. He asked what would assure sportsmen that their money went where it was intended and didn't become part of a general county budget.

MR. GRAHAM assured SENATOR SPRAGUE that the money would be earmarked. The counties would not spend money for facilities, only for enforcement. The department would fund facility development. The department could allocate boating money back to the counties, but it adds Wallop-Breaux dollars to make the money go farther.

SENATOR GARY FORRESTER, SD #8, BILLINGS, asked how funds have been allocated in the past.

REPRESENTATIVE SLITER said he believed the money for boat ramp improvements stayed where it was collected; he didn't believe DFWP region 5 collected a great deal of boating money. There were more boat registrations in region 1 than in region 5.

SENATOR FORRESTER commented that Billings and Yellowstone County have about 130,000 people.

PAT GRAHAM stated that people who license boats are surveyed about a year later to find out where their boats were used. Fort Peck Lake received a great deal of boating use without a large resident population. The money was allocated on use reported to the department. Cooney Reservoir receives several hundred thousand dollars each year.

SENATOR FORRESTER commented that HB 600 was what he called the "Flathead Lake Relief Bill." Cooney and Deadman don't receive much money.

MR. GRAHAM responded that this bill was one way of getting money to those sites. The Wallop-Breaux Act stated that money had to be spent on motorboat facilities.

Closing by Sponsor:

REPRESENTATIVE SLITER said he hoped the committee would pass his bill.

EXECUTIVE ACTION ON HB 600

Motion/Vote:

SENATOR FORRESTER MOVED TO CONCUR IN HB 600. THE MOTION CARRIED.

EXECUTIVE ACTION ON HB 349

Motion:

SENATOR KLAMPE MOVED TO CONCUR IN HB 349.

Discussion:

CHAIRMAN MESAROS told the committee **SENATOR JACOBSON** had suggested some simple amendments, and he would concur in those amendments:

On page 4, line 12, following "Governor" add "or Governor's designee"

On page 4, line 23, delete "President" and insert "Committee on Committees"

Motion/Vote:

CHAIRMAN MESAROS MOVED THE AMENDMENTS AND THE MOTION CARRIED.

SENATOR CRISMORE commented that he had received many letters and phone calls asking him to look into or cancel this bill but he was not prepared to argue at that time.

SENATOR FORRESTER said everyone was concerned when something was listed as threatened or endangered, but thought the committee should listen to the sponsor. He thought the legislature should do anything it could to improve fisheries habitat, and he thought HB 349 was a workable bill.

Vote:

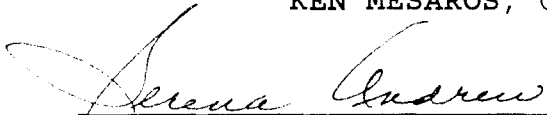
SENATOR CRISMORE VOTED NAY ON THE MOTION TO CONCUR ON HB 349; THE REMAINDER OF THE COMMITTEE VOTED AYE AND THE MOTION CARRIED.

{This meeting is recorded on both sides of one 60-minute tape.}

ADJOURNMENT

Adjournment: The meeting adjourned at 5:05 p.m.


KEN MESAROS, Chairman


SERENA ANDREW, Secretary

KM/sa

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL

DATE _____

3/27/95

[illegible]

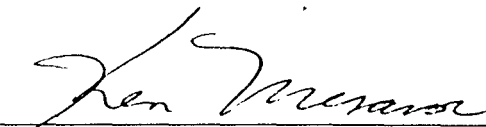
SEN:1995
wp.rollcall.man
CS-09

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 28, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration HB 349 (third reading copy -- blue), respectfully report that HB 349 be amended as follows and as so amended be concurred in.

Signed: 

Senator Ken Mesaros, Chair

That such amendments read:

1. Page 4, line 12.

Following: "GOVERNOR"


Insert: "or governor's designee"


2. Page 4, line 23.

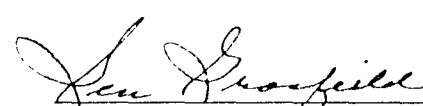
Strike: "PRESIDENT OF THE SENATE"

Insert: "committee on committees"

-END-

 Amd. Coord.

 Sec. of Senate

 Senator Carrying Bill

711044SC.SPV

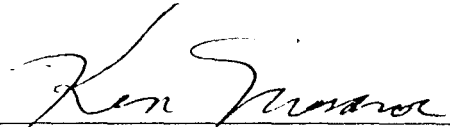
SENATE STANDING COMMITTEE REPORT

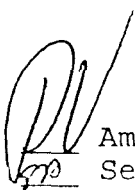
Page 1 of 1
March 28, 1995

MR. PRESIDENT:

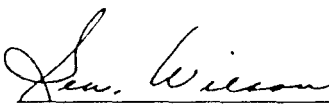
We, your committee on Fish and Game having had under consideration HB 600 (third reading copy -- blue), respectfully report that HB 600 be concurred in.

Signed: _____


Senator Ken Mesaros, Chair


Amd. Coord.

Sec. of Senate


Senator Carrying Bill

711041SC.SPV

HB 349: Improving Fisheries by Working Together

SENATE FISH AND GAME
EXHIBIT NO. 1
DATE 3/27/95
BILL NO. 26 349

What Does HB 349 Do?

HB 349, the Future Fisheries Improvement Act is based upon a simple concept -- work cooperatively with landowners to maintain, restore and enhance fisheries habitat for the natural propagation of wild fish. How? Through on-the-land actions that benefit both landowners and anglers for generations to come.

Unlike "command and control" regulatory programs, HB 349 achieves improved fisheries through "good neighbor" cooperative efforts with landowners, conservation districts, public and private groups and individuals. The program is designed to achieve maximum long-term results with minimum bureaucracy.

How Does HB 349 Work?

The legislation is designed to encourage restoration and enhancement projects that are generated at the local level and brought to a citizen review panel with a wide diversity of experience -- ranchers, foresters, anglers, and stream rehabilitation professionals. The panel approves the projects and sends them to DFWP for prioritization and funding.

How Much Money Will Be Available?

HB 349 uses \$2.5 million dollars of current license revenues in the next biennium. Of this amount, \$1.5 million is redirected from a proposed hatchery rebuilding project, \$510,000 is part of the Tongue River Dam Rehabilitation project and \$290,000 comes from the current River Restoration fund. There will be **no reduction** in fish hatchery production or capacity.

What Will Be Accomplished?

HB 349 addresses a wide variety of fisheries improvements including enhancing spawning areas for wild fish, restoration of historic habitat for native fish, and long-term enhancement of streams, streambanks and lakes. Additionally, it has been coordinated with Rep. Knox's instream flow bill and sunsets at the same time.

What Landowner Protections Are In the Bill?

HB 349 includes numerous landowner protections including:

- All projects must be voluntary and may not interfere with the exercise of any water or property rights
- Projects on private land **do not** create right of public access
- DFWP employees that facilitate landowner contact must have experience in agriculture
- Project funds **may not** be used to acquire land

Conclusion

HB 349 is a big step in the right direction that enjoys wide support from agriculture, conservation and business groups -- a common sense approach that benefits everyone.

LARRY GRINDS

House Bill No. 349

March 27, 1995

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

HB 349 as it coursed its way through its evolution during this legislative process has presented an interesting dilemma for FWP. As it has evolved and been amended, our position has changed from one of strong opposition to where we can now support the bill. We have long supported the notion of habitat conservation and enhancement. In fact, the Montana legislature passed the nation's first stream protection law in 1963.

FWP is active in instream flow efforts, streambank protection, reservoir operation and many other activities that influence the quality of fish habitat. Habitat is the cornerstone of river and stream fisheries. Nearly all of our stream trout fisheries reproduce naturally. If they had to be maintained by hatcheries, as many of our lakes and reservoirs are, the expense would be enormous. The same is true for our warmwater stream fisheries.

The dilemma we faced was that this bill proposed to take money to enhance fish habitat from existing revenues. When the legislature created programs ~~were created~~ to enhance wildlife habitat over the past decade, they came from new revenue--waterfowl stamp, sheep tag auction, upland bird license, etc.

A similar program was initiated for fisheries in 1989 when the legislature created the River Restoration Program. HB 349 expands that program. In order to provide the funding for an expanded program, there are three options--1) raise new revenue, 2) spend down cash balances, and 3) redirect existing expenditures. Option one was not considered a viable option currently. Option two, while having the least immediate impact on current programs was of concern to FWP for reasons I will describe. The third option was proposed by the sponsor and negotiated with FWP.

Option two, spending down cash balances, does one of two things. It either forces a license increase sooner or it will result in not funding other activities in the future. When the 1991 legislature agreed to raise fees, we informed them we believed they would adequately fund the Department until 1997 or possibly 1999. It is now clear that we are able to sustain current programs, with modest growth until 1999.

Option three, redirecting funds out of the capital account has been the one incorporated in this bill. The primary impact will be delaying funding of a portion of Bluewater Hatchery. We would anticipate completing the project in the next biennium. Our evaluation concludes reconstruction is cost effective and necessary. A more complete analysis will be done.

If Bluewater is completed and our other assumptions about the budget hold true, we will not be able to sustain the same level of

funding for this program into the next biennium without additional revenue. Since the money is in the capital budget, unspent money would be available in the next biennium.

We will commit to working very hard to make a fish habitat enhancement program work. It will be a priority. I am sure you understand we have other priorities as well--whirling disease, another impending drought, illegal fish introductions and endangered species work to name a few. I also believe it is important that we encourage, as this bill does, interested parties to contribute money and time to these projects both to stretch the dollars and ensure the projects are truly important.

We see benefits to an advisory committee to build awareness and comfort with the program initially. I do not believe it is necessary to burden the Governor with this responsibility in the future and would suggest the legislature consider delegating the authority to appoint the council to the director sometime in the future. Another option would be to sunset statutory appointment of the council after the program gets up and running. We would then incorporate public advisors into the process much as we do with other programs. This would streamline the expenditure of funds.

I do not have any idea if the \$2.5 million requested in this bill can be expended on worthy projects in the next biennium. By agreeing to this amount of money, I believe the priority will be to fund good projects that are initiated at the local level. Failure to spend all the money should not be a primary criterion for evaluating the success of this program. If it is, we would likely be reluctant to fund projects that require complex negotiations, additional design and planning, or where there is any uncertainty.

Fish habitat is extremely important. We work hard to conserve it as our first priority, to mitigate impacts as a second and third to enhance habitat. This bill provides a broader base for enhancement to take place.

HB 349

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

March 27, 1995

Mr. Chairman and members of the committee, my name is Art Whitney and I am here on behalf of the Montana Chapter of the American Fisheries Society. The American Fisheries Society is an international organization of fisheries and aquatic professionals that promotes the wise use and management of fisheries and aquatic habitat. AFS is the oldest professional conservation society in North America and the Montana Chapter has about 160 active members.

The Montana Chapter does not support some of the provisions of HB 349. The bill's concept of restoring Montana's streams and rivers is admirable. However, certain of the bill's provisions will make the administration of river restoration activities unwieldy and time consuming.

Montana has been a leader in the nation in its efforts to maintain and restore the integrity of streams and the fisheries they support. The river restoration program being implemented by Fish, Wildlife and Parks is already working. FWP has produced and distributed two reports documenting stream habitat restoration activities. The current River Restoration Program is described in one of those reports. This report describes 52 projects that have been approved for funding in the last four years. Others are pending. Well over half a million dollars of River Restoration funds have been spent on these projects and over 1 million additional dollars was obtained from other sources to help pay for them.

Currently, FWP solicits applications from private and public sources twice per year, in March and September, for projects that will improve stream habitat. A small, informal evaluation committee evaluates each project and makes recommendations to the River Restoration Program supervisor about their practical and economic feasibility. Those projects approved are prioritized and funded. The whole process takes about two weeks to complete. It is simple and efficient and has resulted in improved stream habitat in Montana.

Some of the requirements in NEW SECTION 1 (3) and NEW SECTION 2 (4) of the bill are already being done in the River Restoration Program. FWP already works with private landowners, conservation districts, irrigation districts, local officials, anglers and other citizens to implement the program. It is a necessary part of getting a project planned and funded. Virtually all of the projects funded originated at the local level and all have the

voluntary approval of the participating landowner. No projects have been forced down anyone's throats.

One feature of the bill the Montana Chapter opposes is the requirement in NEW SECTION 1 (3) that any department employee taking part in the program have experience in commercial or irrigated agriculture before being allowed to make contact with landowners. We fail to see how such experience, alone, will make the employees more acceptable to landowners or more effective in dealing with them. FWP already has many personnel who are effectively dealing with landowners that do not necessarily meet this strict requirement. Again, this is just another burden on an already successful program.

The most bothersome part of the bill, as passed by the house, is NEW SECTION 2 that sets up a Future Fisheries Review Panel composed of at least 10 members. Of the 10 members, only three would represent the fisheries resource; two anglers and one professional in fisheries restoration. The remaining members are primarily from agriculture and the legislature. Professional restorationists may be hydrologists by training and may not necessarily have a proper fisheries background. We are also confounded by the inclusion of a high school student on the panel. Can you envision the position and effectiveness of one high school student on a panel of older, experienced ranchers and politicians?

The Montana Chapter believes the review panel is unnecessary and will be a time-consuming, bureaucratic bottleneck to getting river restoration projects reviewed, prioritized and approved in a timely manner. With the current emphasis on reducing government regulations and government's intrusion into the public's lives, it seem incongruous to burden the system with yet another bureaucratic review panel. What's good for the goose should be good for the gander.

If the review panel is approved, the Montana Chapter believes its membership should include at least one person whose primary expertise is in fisheries. After all, the sole purpose of the program is to improve conditions for fisheries.

The Montana Chapter appreciates being able to comment on this bill and hopes the committee will seriously consider our comments so that HB 349, if approved, will be a bill that is reasonable and allows river restoration activities to go, not backward, but forward in a manner that will steadily improve the fisheries resource.

HOUSE BILL 600
(A bill to improve boat facilities and water safety.)

SENATE FISH AND GAME

EXHIBIT NO. 4
DATE 3/27/95
BILL NO. hb 600

Section 1

- This legislation would create a mechanism for Counties to voluntarily enter into an agreements with FWP to make county funds eligible to match U.S. Coast Guard funds to do boat safety and boating related enforcement work. This program would fund county boat safety officers to do recreational boating safety and enforcement.
- This legislation is necessary because Coast Guard funds may only be matched with state funds. Local funds are ineligible for matching.
- Counties expressing interest in this program include Flathead, Lake, Cascade, Yellowstone, and Missoula.

Section 2

- In 1993 House Bill 463 was enacted at the request of motorboaters who were unhappy with the fact that counties were not using any of the fees in lieu of tax paid on motorboats for improvements to boating facilities.
- This program would only redirect 20% of boat fees to FWP, the remaining 80% of fees collected would remain with the counties for their use.
- This legislation has been endorsed by Flathead, Lewis and Clark, Cascade, Yellowstone, Missoula and Carbon Counties.
- All of the funds redirected go directly to boating facilities such as boat ramps, courtesy docks, and latrines which directly impact boaters who pay the fee in lieu of taxes, in effect this is user fees going to user designated projects.
- 20% of the funds would generate about \$130,000 per year to be used for boating facilities.
- During fiscal years 1994/95 this same funding was used to match approximately \$260,000 of federal funds also used for boating improvements. The leveraging of (Dingell-Johnson) federal funds would continue.
- When boats are registered, owners designate which area of the state they do the majority of their boating in, funds would be allocated accordingly.
- The Boating Advisory Council created by the 1993 legislation would be continued under this legislation to advise FWP on the expenditure of funds generated.

Section 3

- Lake Mary Ronan is being removed from the Primitive Park designation because the current state law disallows the County from improving the county road through the park. It is the desire of the county and local residents to improve the road however state law will not allow the improvement. This change would replace Lake Mary Ronan on the Primitive Park list with another FWP area.

House Bill No. 600
March 27, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the Senate Fish and Game Committee

Because of limited personnel and budgets, the Department has not been able to keep pace with the expanding recreational use of Montana's lakes and rivers. Public demand continues to increase for boat safety and law enforcement and is putting increase pressure for facilities by boaters.

Section (1) of HB 600 will allow FWP to enter into cooperative agreements with willing counties to help with enforcement of boating laws. This is strictly a voluntary program. The House Appropriations Committee in HB 2 eliminated two water safety FTEs but left the federal funding to allow us to explore the potential of entering into agreements with local governments. Under this program a county may designate fees collected in lieu of taxes on boats to be matched by FWP using federal Coast Guard funds. These funds would be used by counties to provide for boat safety and enforcement.

This law is necessary because federal requirements specify that only state funds may be used to match Coast Guard money. This will allow us to return the money to the country with a like amount of federal money under an approved state grant. Coast Guard funds are matched one-to-one.

Cascade, Flathead, Big Horn, Lake, and Missoula Counties to date have expressed an interest in participating in such a program. The level of participation will be determined by the counties and the available funding.

Section 2 revises action by the 1993 Legislature. They passed HB 463, which temporarily allocated 25 percent of the fees paid in lieu of tax to FWP to provide boating facilities. This bill was passed at the request of boaters who desired that the fees they paid for boats be put into boating improvements. The remaining 75 percent of fees collected by counties remain with the counties for their use. HB 463 also created the Boating Advisory Council.

HB 600 continues the efforts started in 1993 but reduces the temporary allocation to 20 percent. The remaining 80 percent stays with the counties, a portion of which may be used as described in Section 1 for water safety grants. During the last two years FWP has been very successful working with the Boating Advisory Council and Montana boaters to put these funds to beneficial use. Unfortunately, the need for boating improvements and maintenance far outstrips our ability to respond to the needs of boaters. I have two attachments which show the projects we have accomplished

as well as some existing boat facility needs. HB 600 can help provide for these needed improvements putting boaters fees into boating projects.

HB 600 also removes Lake Mary Ronan State Park from the Primitive Parks designation. This redesignation will allow Lake County to pave the county road through the park which serves the park as well as area cabins and residences. The Primitive Parks law currently prohibits the county from paving its own road. Lake Mary Ronan would be replaced on the Primitive Parks list by Greycliff Prairie Dog Town State Park, which is located near Big Timber on Interstate 90. The prairie dog town is by its nature a primitive park.

I urge your support and passage of House Bill 600.

Attachments

BOATING IN-LIEU PROJECTS
BIENNIUM 94/95

EXHIBIT 5
DATE 3-27-95
HB 600

Region 1 Kalispell \$129,752

Flathead State Park

Big Arm

West Shore

Wayfarers

Somers FAS

boat ramp, courtesy docks, access road, parking, accessible toilet

access road, ramp repair

dock repair and extension, piling removal

dock tie up points, navigation lights, hazard warnings

Whitefish Lake S.P.

boat ramp repair, courtesy dock

Region 2 Missoula \$52,242

Salmon Lake S.P.

boat ramp and dock replacement

Tarkio FAS

boat launch, latrine, road repair, signing

Region 3 Bozeman \$81,267

Black Sandy

Ramp repair, Courtesy dock

Deep Dale FAS

Ramp work, road repair

York Bridge FAS

Courtesy dock, gravel

Region 4 Great Falls \$55,923

Pelican Point FAS

latrine, road work, gravel

Bynum FAS

latrine

Bean Lake FAS

latrine

Mid Canon FAS

latrine, road work

Region 5 Billings \$25,344

Cooney State Park

Red Lodge Bay

Marshall Cove

ramp extension, courtesy dock

boat ramp replacement, courtesy dock, road repair, graveling

Region 6 Glasgow \$40,496

Rock Creek FAS

new boat ramp, courtesy dock, latrine, road work

Region 7 Miles City \$14,876

Tongue Reservoir

two courtesy docks

Priority Needed Boating Improvement

Region 1, Kalispell

Whitefish Lake S.P.	hazard markings, overnight moorings
Lake Mary Ronan	roadway repair, toilets, docks
Yellowbay S.P.	boat ramp repair, courtesy dock, accessible toilets
Logan State Park	boat ramp repair,
Multiple FASs	ramp repair or replacement, courtesy docks, accessible latrines

Region 2, Missoula

Salmon Lake S.P.	shoreline docks, accessibility modifications, road and parking repairs
Placid Lake S.P.	boat ramp extension, buoys, accessibility modifications, latrine replacement
Dry Creek FAS	relocate boat ramp, road repair, latrine
Big Eddy FAS	site protection, ramp installation, latrine
Forest Grove	replace latrine, fencing
St. Regis	install boat ramp

Region 3, Bozeman

York Bridge FAS	courtesy docks, accessible ramp gravel
Hauser State Park	Black Sandy: toilet replacement, landscaping
Harrison Lake FAS	fencing, toilet replacement

Region 4, Great Falls

Miscellaneous FASs	boat ramp repair or replacement, accessible toilets, road repairs
--------------------	---

Region 5, Billings

Cooney State Park	road and parking area graveling, safety buoys, signing, boat docks
Arrow Island FAS	new boat ramp, parking, access road, fencing
Deadman's Basin FAS	latrine replacement, courtesy dock
River Sites	boat ramps, roads, river mileage and directional signing

Region 6, Glasgow

Rock Creek FAS	parking, boat docks
Dredge Cuts FAS	boat dock
Culbertson Brdg FAS	boat ramp, access road, parking,

Region 7, Miles City

Tongue Res. S.P.	additional boat ramp, courtesy docks, mooring docks, road repairs, accessible toilets, drinking water
Sidney Bridge FAS	boat ramp, road work, latrine
Miscellaneous FAS's	road repair, parking repair
Myers Bridge FAS	replacement boat ramp
Powder River FAS	boat ramp, road, parking, latrine
Roche Juan FAS	ramp repairs
Diamond Willow FAS	ramp repair
Fallon Bridge FAS	ramp repair

DATE 3/27/95

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: 21B 349 21B 600

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Peggy Trew	WETA	349	X	
GEORGE OCHENSKI	TROUT UNLIMITED	349	X	
Pat Whitney	mt Chapter Am. Fishers Soc	349	X	
Jim Burns	SD #12	349	X	
Maureen Cleary-Schwinden	WIFE	349	X	
Larry Brown	Ag Pms. Assoc	349		X
ROBIN CUNNINGHAM	F.O.A.M.	349	X	
Gary Hegreberg	MT Wood Prod. Assn.	349	X	
Wally Johnson	MT Outfitters Assoc	349	X	
Ken Hoovestol	MT Boating Assn.	600	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY