

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN AL BISHOP, on February 18, 1997, at
3:00 p.m., in Room 402.

ROLL CALL

Members Present:

Sen. Al Bishop, Chairman (R)
Sen. Loren Jenkins, Vice Chairman (R)
Sen. Vivian Brooke (D)
Sen. William S. Crismore (R)
Sen. Steve Doherty (D)
Sen. Kenneth "Ken" Mesaros (R)
Sen. Ken Miller (R)
Sen. Mike Taylor (R)
Sen. Daryl Toews (R)

Members Excused: Senator Bea McCarthy

Members Absent: None

Staff Present: Leanne Kurtz, Legislative Services Division
Serena Andrew, Committee Secretary

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

Committee Business Summary:

HEARING(S) & DATE(S) POSTED: HB 212, POSTED 2/11/97
Executive Action: None

HEARING ON HB 212

Sponsor: REPRESENTATIVE BOB RANEY, HD #26, Livingston

Proponents: REPRESENTATIVE JOHN MERCER, HD #74, Polson
SENATOR BRUCE CRIPPEN, SD #10, Billings
James S. Kembel, City of Billings
George Ochenski, Montana State Parks
Foundation
Brett Brownscombe, Montana Wildlife Federation

Opponents: Roger Bergmeier, MonTRUST
Larry Brown, Agricultural Preservation Association

{Tape: 1; Side: A; Approx. Time Count: 3:11}

Opening Statement by Sponsor:

REPRESENTATIVE BOB RANEY, HD #26, Livingston, said Montana has 400 islands that belong to the people of the state. A few are administered by the Department of Fish, Wildlife & Parks (DFWP) but the majority are the responsibility of the Department of Natural Resources & Conservation.

HB 212 says these 400 islands shall be left in their natural state and used for grazing and recreation.

It is the intent of the bill that money will not be spent on these islands where there is always the risk of flooding.

Proponents' Testimony:

REPRESENTATIVE JOHN MERCER urged support of the bill, as he believed islands, especially those in lakes, should be left undeveloped.

SENATOR BRUCE CRIPPEN said he was the co-sponsor of HB 212 and urged its support.

{Tape: 1; Side: A; Approx. Time Count: 3:16}

James Kembel, City of Billings, said passage of the bill would add to the Billings trail system, and requested the committee's concurrence.

George Ochenski, Montana State Parks Foundation, said last summer he spent a night on an island in the Missouri and was surprised at the quantity and variety of wildlife. If these islands are left alone there will be no problem with flood damage.

Brett Brownscombe, Montana Wildlife Federation, thought preserving these islands and leaving them as parks would protect their wildlife naturally.

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Count: 3:18}

Roger Bergmeier, MonTRUST, said his organization was interested in maintaining the productivity of lands held in the public trust. He thought the bill was in conflict with the Montana Constitution that states public lands must be in the highest and best use. Keeping islands undeveloped would take away the opportunity to make money for the trust.

Larry Brown, Agricultural Preservation Association, opposed the bill because it set a bad precedent for managing state school trust lands. If someone held a lease on these lands, could they

be used for grazing in the future? Some islands are currently being farmed. Timber production was also a concern. The Stone Container Company in Missoula uses the cottonwoods. There is also placer mining. State lands must be used for maximum revenue to the trust. He wondered if hunting would be allowed if islands were designated as state parks.

Questions from Committee Members & Responses:

SENATOR STEVE DOHERTY asked if the bill restricted the right to hunt ducks on islands. **REPRESENTATIVE RANEY** replied "absolutely not." Islands will not receive the state park designation through this bill. The bill stipulates recreational use, which includes hunting. Placer mining could not be done on an island, but could be done off shore. The only thing prohibited would be timber harvest.

SENATOR DOHERTY commented that the bill would allow recreation and grazing, and asked what would happen to people farming on islands. **REPRESENTATIVE RANEY** said they would be grandfathered in.

{Tape: 1; Side: A; Approx. Time Count: 3:24}

SENATOR KEN MESAROS asked what would be done about islands covered with leafy spurge and knapweed. **REPRESENTATIVE RANEY** said weed control would continue. The bill merely stipulates no development. People would still have to pay the state lands access fee to go onto these islands.

SENATOR MESAROS asked **George Ochenski** who was in charge of the State Parks Foundation. **Mr. Ochenski** said the foundation is comprised of only one man - Wayne Hirst of Libby. He established the foundation in 1988 after visiting state parks and writing a report on what was needed. In 1991 he tried to bring about some policy changes for those improvements. In 1993 he obtained some bed tax money that went into state park and fishing access site maintenance through a bill carried by **REPRESENTATIVE RANEY**.

SENATOR VIVIAN BROOKE said she had helped the Missoula City Council get some islands in the Clark Fork designated as natural areas. She asked if that was the type of thing lines 29 and 30 on page 1 referred to. **REPRESENTATIVE RANEY** said the only island in the state that is designated a natural area is in Flathead Lake near Polson. Both Missoula and Billings have leased islands from the state and may want to put in a foot bridge to these islands. That would be allowed under the bill.

SENATOR BROOKE asked if the island in Flathead Lake was the one referred to on lines 29 and 30 of the bill. **REPRESENTATIVE RANEY** said Audubon leased that island and called it a natural area. This bill would not prevent Missoula from giving its islands the natural area designation.

{Tape: 1; Side: A; Approx. Time Count: 3:31}

SENATOR MIKE TAYLOR asked if the bill would affect Wildhorse Island. REPRESENTATIVE RANEY said Wildhorse Island was designated a primitive park through another statute.

SENATOR KEN MILLER asked where farming was referenced in the bill. REPRESENTATIVE RANEY said that if an island has been used for farming it was his understanding that was an improvement.

SENATOR MILLER commented that to him an improvement was something built; farming was an activity. REPRESENTATIVE RANEY promised to find out and amend the bill if farming weren't considered an improvement.

Informational Testimony:

Arnie Olsen, Administrator, Parks Division, DFWP, said DFWP's primary interest in islands is protection of wildlife habitat. HB 212 appeared to have little effect on his department's island property. EXHIBIT #1

{Tape: 1; Side: A; Approx. Time Count: 3:36}

Closing by Sponsor:

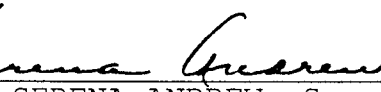
REPRESENTATIVE RANEY said HB 212 was a simple bill; its purpose was to ensure that islands are left undeveloped. It does not make them part of the State Park System. Current recreational and agricultural pursuits would continue, and he promised to make sure farming could also continue.

ADJOURNMENT

Adjournment: 3:38 p.m.



SEN. AL BISHOP, Chairman



SERENA ANDREW, Secretary