

1 SENATE BILL NO. 235
 2 INTRODUCED BY GALT, FASBENDER, THOMAS
 3
 4 A BILL FOR AN ACT ENTITLED: "THE SMITH RIVER PRESERVATION
 5 ACT, TO PRESERVE THE SMITH RIVER IN ITS PRESENT NATURAL AND
 6 SCENIC CONDITION AND PROTECT ITS WATER QUALITY AND ADJACENT
 7 LANDS."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Purpose. The Smith River possesses
 11 outstanding scenic recreational, geological, fish and
 12 wildlife, botanical, historical, archeological, and other
 13 values that should be protected for present and future
 14 Montanans. It is not the intent of this act to require or
 15 authorize acquisition of land within the exterior boundaries
 16 of Smith River, but to assure preservation of scenic,
 17 ecological, and other values and to provide proper
 18 management of the recreational, wildlife, and other land
 19 resources. The ranchers and other landowners along the river
 20 are assured that the river and the adjoining land will
 21 continue to be used for present agriculture and grazing uses
 22 and that they will maintain their trespass rights.

23 Section 2. Definitions. Except as otherwise required
 24 by content, the following definitions apply:

25 (1) "Commission" means the state fish and game

1 commission.
 2 (2) "Director" means director of state fish and game.
 3 (3) "Smith River Canyon" means the Smith River between
 4 the Camp Baker access below Fort Logan and its confluence
 5 with Hound Creek.
 6 (4) "Road" means a highway, a hard-surfaced road, or
 7 an improved or unimproved dirt road.
 8 (5) "Scenic view" means the view in all directions
 9 from any or all parts of the river.
 10 (6) "Access point" means an area along the river under
 11 public ownership available for public recreational use
 12 including the launching and debarking of boats, picnicking,
 13 and camping.
 14 (7) "Interior boundaries" means one-quarter mile from
 15 the centerline of the river in all directions in which there
 16 will be no subdivision and which will be protected by the
 17 commission and the landowner.
 18 (8) "Float permit" means a form filled out by a boat's
 19 owner at least 1 week in advance of a float trip by the
 20 boat's owner or user, stating this information:
 21 (a) boater's name and address;
 22 (b) passenger's name and address;
 23 (c) date on which boat is to be launched;
 24 (d) date on which float trip is to end; and
 25 (e) access points where boater is to launch, camp, and

1 disembark.

2 (9) "Maps" means maps to be given with every permit
3 showing fish and game access points, campgrounds, forest
4 service land, state land, and private land.

5 (10) "Decal" means each boat owner or user will receive
6 a number decal with his permit and map that shall be
7 displayed on his or her boat in a visible manner.

8 (11) "Permit fee" means if deemed necessary by the
9 commission, a fee may be charged to provide money for
10 administrative costs.

11 (12) "Float season" means due to low water conditions
12 after the spring runoff, possible fire hazards, and
13 conservation of the river from over-use, Smith River shall
14 not be floated before May 1 and after July 10. If deemed
15 necessary by the commission, the season could be shortened
16 due to low water or over-use on a temporary or permanent
17 basis.

18 (13) "Boat" means canoes, rubber rafts, or any other
19 type craft used to float 5 or more miles of the river.

20 (14) "Boat gate" means a gate in the river or on the
21 bank at least 8 feet in width which would allow boats to
22 pass through or go around stock fences. This gate must be
23 installed and maintained on a yearly basis by the
24 commission.

25 (15) "Signs" means the commission in cooperation with

1 the forest service and the private landowner will furnish,
2 install and maintain signs, i.e., one at least one-quarter
3 mile upstream from boatgates, access points and boat camps.

4 (16) "Boat camps" means a fish and game access point or
5 forest service camp along the river. These camps must have
6 bear-proof refuge containers and "men's" and "women's"
7 outdoor sanitary facilities. During the float season these
8 facilities must be maintained on a weekly basis by the
9 commission.

10 (17) "Air boat" means a prop driven boat. This type of
11 boat would be used on a weekly basis during the float season
12 to maintain camp sites and access sites and to insure that
13 other provisions of the act are being administered.

14 (18) "Smith River preservation committee" means a group
15 made up of head of region four fish and game district and
16 forest ranger region cochairman, two representatives from
17 area wildlife group, two representatives from landowners
18 along Smith River elected by them, representative from
19 department of natural resources and conservation,
20 representative from Cascade and Meagher County, and county
21 commissioners. This committee must meet at least once a
22 year. This committee's recommendations must be taken into
23 consideration by the administrative authority.

24 Section 3. Building and subdividing restricted. The
25 sections of land along Smith River are both private and

1 publicly owned lands existing at the present time in a state
 2 of harmony and stability with the present agricultural and
 3 grazing uses. The exterior boundaries of this act shall
 4 extend from the centerline of the river 440 yards or
 5 one-quarter mile in every direction. There may be no
 6 subdivision of any nature that does not exist at the time
 7 this act becomes law. Buildings within the one-quarter mile
 8 or within the scenic view, other than those accommodating
 9 existing land uses, must be constructed and designed to
 10 conform to the existing surroundings. Access to the river
 11 shall be limited to roads in existence at the time this act
 12 becomes law, other than additional roads required by the
 13 landowner to accommodate his agricultural or grazing use.

14 Section 4. Floater requirements. Floaters using the
 15 river will be required to pick up a permit, map, and decal
 16 at least one week in advance of float trip.

17 Section 5. Commission duties -- facilities. The
 18 commission will be responsible for installing and
 19 maintaining boat gates, signs, fish and game access sites,
 20 and campgrounds.

21 Section 6. Commission duties -- permits, maps, and
 22 decals. The commission will be responsible for issuing float
 23 permits, maps, and decals.

24 Section 7. Enforcement of float season. The commission
 25 will be responsible for enforcing a float season and if

1 necessary establish a quota on the number of boats that may
 2 use the river per day, per week, and per float season.

3 Section 8. Campground patrol. The commission will be
 4 responsible for patrolling and maintaining campgrounds and
 5 access sites along river with an airboat on a weekly basis
 6 during the float season.

7 Section 9. Annual meetings. The commission will be
 8 responsible for calling at least one meeting a year with the
 9 Smith River preservation committee.

10 Section 10. Authorization to use nonstate moneys. The
 11 commission is authorized to use moneys if made available to
 12 it for administration of this act by federal, private, or
 13 other sources.

14 Section 11. State agency responsibility. Nothing in
 15 this act affects the jurisdiction or responsibility of other
 16 state agencies except that such state agencies shall
 17 endeavor to perform their responsibilities in a manner
 18 consistent with the purposes of this act.

19 Section 12. Severability. If a part of this act is
 20 invalid, all valid parts that are severable from the invalid
 21 part remain in effect. If a part of this act is invalid in
 22 one or more of its applications, the part remains in effect
 23 in all valid applications that are severable from the
 24 invalid applications.