

*3*  
House BILL NO. 387

1  
2 INTRODUCED BY *[Signature]*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS  
5 TO ANNUALLY, BEFORE HATCHERY FISH STOCKING OCCURS, ISSUE FOR PUBLIC COMMENT  
6 INFORMATION ON ALL HATCHERY FISH STOCKING ACTIVITIES THAT THE DEPARTMENT PLANS TO  
7 CONDUCT; AND AMENDING SECTION 87-3-201, MCA."

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

10  
11 **Section 1.** Section 87-3-201, MCA, is amended to read:

12 **"87-3-201. Department control over fish hatcheries -- annual public notification of stocking. (1)**

13 The department has full control of all state fish hatcheries and is responsible for their construction,  
14 maintenance, and operation. All ~~that~~ construction work done under contract or otherwise ~~shall~~ must be  
15 done under control and supervision of the director. The department shall administer the taking and  
16 collecting of all spawn, the hatching of all spawn and eggs, and the rearing, propagation, and distribution  
17 of fry, fingerlings, and fish. The department may purchase as many eyed eggs as are necessary to keep  
18 the hatcheries of the state supplied with eggs and in full operation. The department shall make every  
19 reasonable effort to collect sufficient eggs from the public streams or lakes of this state to supply the  
20 hatcheries and for that purpose may build, equip, and use fish traps and nets at any time of the year in all  
21 public waters. The department may purchase the eyed eggs of fish not propagated in this state for the  
22 purpose of stocking the waters of this state.

23 (2) The department shall annually, before hatchery fish stocking occurs, issue for public comment  
24 information on all hatchery fish stocking activities that the department plans to conduct. The information  
25 must include:

26 (a) all bodies of water in which the department plans to stock fish;

27 (b) the fish species to be planted in each body of water;

28 (c) the existing fish species in the body of water to be stocked and the number of fish per mile of  
29 each species;

30 (d) the reason for the stocking;

- 1 (e) the expected result and supporting documentation, including impacts on the fishery; and  
2 (f) the history of the planted fish, including:  
3 (i) where the eggs originated;  
4 (ii) the hatchery in which the fish were raised; and  
5 (iii) any hatcheries where the fish lived prior to introduction into the fishery."

6 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0387, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act requiring the Department of Fish, Wildlife and Parks to annually, before hatchery fish stocking occurs, issue for public comment information on all hatchery fish stocking activities that the department plans to conduct.

ASSUMPTIONS:

1. Fish, Wildlife and Parks (FWP) currently stocks approximately 750 bodies of water. Approximately 500 of these are stocked on an annual basis.
2. Population estimates are available for only a few waters. It is estimated that at least 90% of waters being stocked would require population estimates for all species present to comply with this legislation.
3. Costs of conducting population estimates for all species in waters stocked by FWP would vary, depending on water type (river, lake, reservoir, pond, and creek) and the number of fish species present (some waters have only one species present, while others hold 10-20 species). In some waters, total population estimates may be impossible due to the complexity and size of the water bodies and associated fish communities. Estimated costs would be \$500 for small creeks, \$1,000 for medium rivers and small lakes (less than 1,000 acres), \$6,000 for large rivers, \$15,000 for medium lakes (between 500 and 1000 acres) and \$35,000 for large lakes. The estimated costs include the personal services in assumption #4 to perform the work.
4. It would take a team of 1.00 FTE fish biologist, grade 15, and 1.00 FTE fish technician, grade 8, an average of 30 hours to complete one survey. In order to complete the surveys, seven fish biologists and seven technicians would be needed. A 0.25 FTE program specialist, grade 16, would be needed to coordinate the program.
5. The proposed legislation requires issuance of survey information for public comment. FWP estimates the document would be at least 150 pages thick and cost approximately \$3.50 per copy to print. A mailing list similar to FWP's cooperator mailing list used for fishing regulations would need to be developed and copies of this document sent to them and other interested parties. The estimated mailing cost is \$2.50 per document. Approximately 1,000 of these documents would be mailed per year. The cost for printing and distribution is estimated to be \$6,000.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	14.25	14.25
Personal Services	393,872	393,872
Population Surveys	1,482,628	1,482,628
Printing and Postage	<u>6,000</u>	<u>6,000</u>
Total	1,882,500	1,882,500
 <u>Funding:</u>		
State special (02)	1,882,500	1,882,500
 <u>Net Impact on Fund Balance:</u> (Revenue minus expense)		
State special (02)	(1,882,500)	(1,882,500)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

It is unclear at this time if this level of survey work will be needed every year thereafter.

Technical Notes

HB 387 specifies information on waters proposed for stocking must include the number of fish per mile for each species present. "Fish per mile" is a measure of density for stream and river habitat only. Density of fish in lakes, ponds and reservoirs is normally expressed as fish per surface area.

*Dave Lewis* 2-4-97  
 DAVE LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

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 BRUCE SIMON, PRIMARY SPONSOR DATE

Fiscal Note for HB0387, as introduced

**HB 387**

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29 of fish per mile of each species;

30 (d) the reason for the stocking;

1 (e) the expected result and REFERENCING OF supporting documentation, including impacts on the  
 2 fishery; and  
 3 ~~(f) the history of the planted fish, including:~~  
 4 ~~(i) where the eggs originated;~~  
 5 ~~(ii) the hatchery in which the fish were raised; and~~  
 6 ~~(iii) any hatcheries where the fish lived prior to introduction into the fishery.~~  
 7 (F) THE SOURCE OF THE FISH OR EGGS; AND  
 8 (G) THE HATCHERIES IN WHICH THE FISH WERE OR ARE EXPECTED TO BE RAISED."

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8           (G) THE HATCHERIES IN WHICH THE FISH WERE OR ARE EXPECTED TO BE RAISED."
- 9   -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0387, third reading

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act requiring the Department of Fish, Wildlife and Parks to annually, before hatchery fish stocking occurs, issue for public comment information on all hatchery fish stocking activities that the department plans to conduct.

ASSUMPTIONS:

1. The Department of Fish, Wildlife and Parks (FWP) currently stocks approximately 750 bodies of water. Approximately 500 of these are stocked on an annual basis.
2. The predominate fish species composition is available for all waters stocked by FWP and is sufficient to meet the intent of the legislation. If additional information is required then the cost would be significantly greater.
3. The existing five-year stocking plan would be modified to meet the requirements of HB 387. This would require a contractor to design and prepare a suitable document that would be acceptable to the public. This expense would be only for the first year after HB 387 is enacted.
4. A contractor would be needed on an annual basis to coordinate this program, including annual updating of the stocking plan, compilation of stocking results from the previous year, and development of the annual public involvement process.
5. The proposed legislation requires issuance of a stocking summary for public comment. FWP estimates this document would be 50 pages and would cost \$1.50 per copy to print. A mailing list similar to FWP cooperators list used for fishing regulations would be developed for document distribution. The stocking plan would also be distributed to any interested parties requesting a copy. Estimated mailing cost is \$1.00 and approximately 1,000 copies of this document would be mailed per year. Total cost for printing and distribution is estimated to be \$2,500 per year.
6. There would be additional new work in each FWP administrative region related to providing information to the public regarding fish stocking. It is difficult to quantify at the present time since it would be dependent upon the number of inquiries received.

FISCAL IMPACT:

Expenditures:

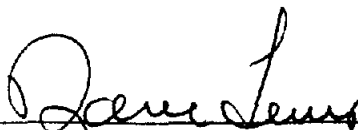
	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
Contracted Services	25,000	5,000
Printing and Postage	<u>2,500</u>	<u>2,500</u>
Total	27,500	7,500

Funding

State Special (02)	27,500	7,500
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NET IMPACT ON FUND BALANCE: (Revenue minus expense)

State Special (02)	(27,500)	(7,500)
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 3-12-97

DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

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BRUCE SIMON, PRIMARY SPONSOR      DATE

Fiscal Note for HB0387, third reading

Am HB 387-#2



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INTRODUCED BY SIMON

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(d) the reason for the stocking;

1 (e) the expected result and REFERENCING OF EXISTING supporting documentation, including  
2 impacts on the fishery; and  
3 (f) the history of the planted fish, including:  
4 (i) where the eggs originated;  
5 (ii) the hatchery in which the fish were raised; and  
6 (iii) any hatcheries where the fish lived prior to introduction into the fishery;  
7 (F) THE SOURCE OF THE FISH OR EGGS; AND  
8 (G) THE HATCHERIES IN WHICH THE FISH WERE OR ARE EXPECTED TO BE RAISED.  
9 (3) VARIANCES FROM THE PROPOSED ANNUAL STOCKING PLAN MUST BE LISTED AND  
10 EXPLAINED IN THE FOLLOWING YEAR'S FISH STOCKING PLAN."

11 -END-