

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By Bob Pipinich, Chair, on February 2, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Bob Pipinich, Chair (D)
Sen. Gary Forrester, Vice Chair (D)
Sen. Don Bianchi (D)
Sen. Chris Christiaens (D)
Sen. Bruce Crippen (R)
Sen. Gerry Devlin (R)
Sen. Judy Jacobson (D)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. Dennis Nathe (R)

Members Excused: None.

Members Absent: Senator Tom Beck

Staff Present: Andrea Merrill, Legislative Council
Kathy Collins, Committee Secretary

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

Committee Business Summary:

Hearing: SB 199, SB 201
Executive Action: SB 81, SB 26

HEARING ON SB 199

Opening Statement by Sponsor:

Senator Don Bianchi, Senate District 39, stated SB 199 would remove the sunset clause from HB 526, which was passed 6 years ago. Senator Bianchi stated at the time the bill was passed, there was some apprehension as to how it would work but it has proven to be a valuable tool in wildlife management. Senator Bianchi stated by removing the sunset clause, the management plan would become a permanent program.

Proponents' Testimony:

Jim Richard, Montana Wildlife Federation, spoke from prepared testimony in support of SB 199 (Exhibit #1).

Pat Simmons, Bozeman, spoke from prepared testimony in support of SB 199 (Exhibit #2).

Ron Stevens, Bozeman, stated he supports SB 199 for reasons stated by Jim Richard and Pat Simmons.

Stan Bradshaw, representing the Montana Bowhunters Association (MBA), stated by allowing the purchase and lease of lands SB 199 provides one more tool for dealing with some of the problems faced by landowners. Mr. Bradshaw stated for that reason alone, it is time to remove the sunset clause from HB 526.

The following people spoke from prepared testimony in support of SB 199:

Joe Gutkoski, President, Montana Wildlife Federation (Exhibit #3).

Jan Hamer, Helena (Exhibit #4).

Bob Bugni, Prickly Pear Sportsman Association (Exhibit #5).

Janet Ellis, Montana Audubon Legislative Fund (Exhibit #6).

Pat Graham, Director, Department of Fish, Wildlife & Parks (DFWP) (Exhibit #7).

Dave Campbell, President, MBA, stated the 526 program is a mandate for Montana sportspersons and Montana's wildlife is dependent on all of us. Mr. Campbell stated MBA strongly supports SB 199.

Edward Tregidga, representing Silvertip Archery, stated he supports SB 199 for reasons previously stated.

Bill Holdorf, representing Skyline Sportsmen Association, stated he would like to see the sunset clause taken off for the purpose of taking care of local Montanans, and he supports SB 199.

L.F. Thomas, Anaconda, stated SB 199 is good for the sportspersons, landowners, and the state of Montana, and he supports SB 199.

Bob Barry, representing the Montana Alliance for Progressive Policy, stated he supports SB 199 for reasons previously stated.

Tony Schoonen, Skyline Sportsmen, spoke from testimony in support of SB 199 (Exhibit #8).

Opponents' Testimony:

Kim Enkerud, representing the Montana Stockgrowers Association, spoke from prepared testimony in opposition to SB 199 (Exhibit #9).

Jim Peterson, stated Montana is already one-third public land, and the deer and elk populations have gone up over 700% since the early 1990s in 16 western states. Citing a recent study released by the state, Mr. Peterson stated the elk population in Montana has reached an optimum level. Regarding noxious weeds, Mr. Peterson said, "the BLM is losing today approximately 2000 acres of productive land per day to noxious weeds." Mr. Peterson stated public ownership of lands does not appear to be the correct answer, and this program needs to be studied with more administrative management planning. Mr. Peterson related a personal experience where approximately 1893 acres of land came up for sale that he was interested in purchasing. Mr. Peterson said land in the area was being appraised for approximately \$200 to \$250 an acre, and this property was purchased through HB 526 last fall for a total of \$785,000, which is approximately \$415 an acre. The owner then leased the land back for 50 years. Mr. Peterson stated he did not feel this was fair market value, and landowners were completely taken out of the transaction. Mr. Peterson said he felt the sunset clause is appropriate, and he urged a do not pass on SB 199.

Lorna Frank, representing the Montana Farm Bureau Federation, spoke from prepared testimony in opposition to SB 199 (Exhibit #10).

Phil Rostad spoke from prepared testimony in opposition to SB 199 (Exhibit #11).

Kelly Flynn, Broadwater County, stated 95.6% of the wildlife habitat fund was funded by the non-resident, of the ear-marked funds it was 89% non-resident.

Richard Anderson, Stockgrowers and Woolgrowers Association, stated DFWP have more property than they can properly manage now. Mr. Anderson said he is in opposition to SB 199.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Devlin asked Pat Graham if he could give the Committee a breakdown of how much out-of-state and in-state money funds this program. Mr. Graham replied that he did not have that information with him.

Senator Devlin asked Pat Graham who makes the assessment of the value of property purchased by DFWP through this program. Mr. Graham stated licensed appraisers do the assessment. Senator Devlin asked Mr. Graham if an appraiser could appraise property higher than its market value. Mr. Graham stated all the property purchased by DFWP has gone through legal appraisal. Senator Devlin asked Mr. Graham if the Roger's property in Judith Basin was appraised. Mr. Graham stated it was. Senator Devlin asked Mr. Graham if the Department has an appraiser who does the appraisals. Mr. Graham said the Department does not have an appraiser; the appraisers are contracted. Senator Devlin asked Mr. Graham who makes the final determination on a piece of property whether it is a critical habitat area. Mr. Graham stated the parcels coming into the Department are referred by the regional staff, then it goes to the Department staff in Helena to be reviewed against the criteria the Department has, then a proposal is presented as a preliminary proposal to the DFWP Commission. At that time, the Commission determines if the property is worth pursuing. Once the Department gets the go ahead, an economic study is done, an appraisal is done, a management plan is prepared, public hearings are conducted; and then their Commission makes the decision. Mr. Graham stated almost all the parcels of land then are presented to the State Land Board for their approval.

Senator Devlin asked Mr. Graham how many hunter days there are on the land purchased by the Department. Mr. Graham said he could get that information for the Committee.

Senator Mesaros asked Mr. Graham what the correct figure was for the amount of land purchased by the Department. Mr. Graham stated there are 44,000 acres in fee title and 62,000 acres that are primarily leases.

Senator Mesaros, referring to the tax impact of \$2694, which covers livestock and equipment assessment, asked Mr. Graham if that figure came from the Department of Revenue. Mr. Graham referred the question to Jim Richards. Mr. Richards stated the information came directly from the individual county assessors.

Senator Nathe, referring to the copy of written testimony, commented to Jim Richards that he feels something is skewed in the tax information. Senator Nathe said the Dreyer Ranch, which has 20,000 acres, is being shown to have "other" taxes of \$2210. Senator Nathe commented that he pays that much on a small operation in eastern Montana. Mr. Richards replied that he relied on a telephone call to the assessor, and that was the figure he was given.

Senator Nathe asked Mr. Richards, as part of the Montana Wildlife Federation, if he kept track of other lands being purchased by federal agencies. Mr. Richards stated he does not keep track of other land purchases to the degree that he does for those concerning this particular legislation; he is, however, aware

that there is a considerable amount of land and efforts to purchase wetlands in Montana.

Senator Nathe asked Don Childress, DFWP, what the Department's policy is with regard to building county roads on the purchased lands. Mr. Childress stated the Department typically provides easements to the county and private citizens for construction of roads; there is no stipulation that it has to be half and half.

Senator Nathe asked Mr. Childress what the Department's policy is with regard to buildings on the property. Mr. Childress said there are some cases where the outbuildings are destroyed but typically the buildings are used by DFWP.

Senator Crippen asked Pat Graham what is done with the land once DFWP receives it. Referring to the 50-year lease mentioned by Mr. Peterson, Senator Crippen asked if that was standard practice. Mr. Graham stated typically each property is viewed as unique depending on its value and habitat use. Mr. Graham said the Department felt the management plan was included in the decision making process before the purchase, both for the benefit of the landowner and the public. The intent for the land is decided at that time. Don Childress stated the property referred to by Mr. Peterson was a little different than normal since the Department negotiated on the land and a management system for that land. In that particular lease there is permission for a 25-year lease with a renewal option.

Senator Crippen asked Mr. Childress what the Department bases the lease on--the market value or what the Department paid. Mr. Childress said the Department has a leasing policy which details several options. One is the current market rate of the state. When asked by Senator Crippen if the Department provides the right to satellite in the lease agreements, Mr. Childress replied no. When asked by Senator Crippen why, Mr. Childress stated subleasing from the person the Department initiates the lease with is not done in most cases. If the current lessee does not wish to entertain the option, there are generally other people interested in leasing from the Department.

Senator Mesaros commented to Don Childress that historically, the state's purchase price has been considerably more than agriculture purchases of a similar nature and wondered how the Department justified that. Mr. Childress stated he was not an appraiser and could only relate his experiences. The appraiser bases the value of the land on what he or she considers to be the best use of the land. The exception is agricultural land.

Closing by Sponsor:

Senator Bianchi, referring to the issue of weed control, stated he could assure the Committee that DFWP does not just go out and control weeds on a one-time basis, but rather, it is a continuing operation. Referring to the comment that one-third of Montana is public lands, Senator Bianchi stated that was true, but what we're talking about here are opportunities for DFWP to acquire critical wildlife habitat. DFWP owns approximately one-tenth of 1% of the land in Montana, which is not a large amount. With reference to the concern that the appraisals seem high, Senator Bianchi pointed out that the Department has to pay the appraised value, and often times higher prices have to be paid. Senator Bianchi stated 95.6% of the program is being funded by non-residents but it benefits the residents of Montana. Senator Bianchi said the program provides an economic benefit for the state of Montana; putting these lands in public ownership is a good investment. In closing, Senator Bianchi stated the average sportsman in Montana is in favor of SB 199.

HEARING ON SB 201**Opening Statement by Sponsor:**

Senator Bianchi, Senate District 39, stated SB 201 would require a permit for the artificial feeding of ungulate wildlife in Montana. Senator Bianchi said SB 201 is brought before the Committee because there are problems such as the one described in the letter that was handed out (Exhibit #12). Senator Bianchi stated that based on sound wildlife principles, feeding is not a good program. It is one that tends to perpetuate overpopulation artificially and can be expensive. It also has some negative impacts on the actual wildlife habitat itself. SB 201 is proposing that before a feeding permit can be acquired, evaluations will be made by DFWP. One example would be the evaluation of whether or not weed-free hay should be used. Senator Bianchi state another consideration in the feeding of ungulate wildlife is the perpetuation of disease. This should be another of the Department's evaluations before issuing a feeding permit. Senator Bianchi said the feeding location should be another consideration.

Proponents' Testimony:

Joe Gutkoski, Montana Wildlife Federation, stated he supports SB 201.

Bob Bugni, Prickly Pear Sportsman, stated while his organization did not have an official statement on this issue, most sportsman would agree that feeding wildlife poses some risk to human and wildlife populations. Mr. Bugni said he felt the biologists' recommendations should be followed.

Stan Bradshaw, representing MBA, stated artificial feeding grounds should be prohibited, but lacking that, SB 201 is a start down the right road. Mr. Bradshaw said his only reservation with SB 201 is that it sets unwieldy requirements of DFWP; the Department will have to do a lot of work in regulating and issuing the permits. Mr. Bradshaw stated, once again, that artificial feeding is a bad idea and should be prohibited, and he urged the Committee's support of SB 201.

Tony Schoonen, Skyline Sportsmen, Butte, stated he supports SB 201.

Pat Simmons, Bozeman, stated she supports SB 201.

Opponents' Testimony:

Pat Graham, Director, DFWP, spoke from prepared testimony in opposition to SB 201 (Exhibit #13).

Janet Ellis, Montana Audubon Legislative Fund, spoke from prepared testimony in opposition to SB 201 (Exhibit #14).

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Devlin asked Senator Bianchi why he did not bring in a bill that would simply prohibit the artificial feeding of ungulate wildlife. Senator Bianchi stated there are times when throwing out bales of hay will help certain wildlife pull through a particularly hard winter. While it may not be the best thing to do, Senator Bianchi said there is a general feeling that sometimes it is appropriate. Senator Bianchi stated if the Committee feels that banning of artificial feeding is more appropriate, he would certainly go along with it.

Senator Devlin asked Don Childress if the Department has looked into prohibiting artificial feeding and where the feedings are taking place now. Mr. Childress stated there are a number of areas where feedings occur on a fairly regular basis--individuals doing it as an attraction for business or tourists, individuals who simply like wildlife, etc.

Senator Mesaros asked Senator Bianchi if a person is in violation when wildlife feed on hay not intended for artificial feeding purposes. Senator Bianchi said there is a section of law that addresses that situation. Andrea Merrill stated page 2, line 11, deals directly with feed that is available to ungulate wildlife "through the normal feeding of domestic livestock."

Closing by Sponsor:

Senator Bianchi stated there are many areas in Montana where the artificial feeding of ungulate wildlife is currently causing problems. Senator Bianchi said there will be more work for DFWP for the first year or two, but once the situation is under control, there will not be a great burden on the Department.

EXECUTIVE ACTION ON SB 81**Motion/Vote:**

Senator Crippen moved SB 81 be taken from the table for the Committee's consideration. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Crippen moved the amendments to SB 81 (Exhibit #15). MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Crippen moved SB 81 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 26**Discussion:**

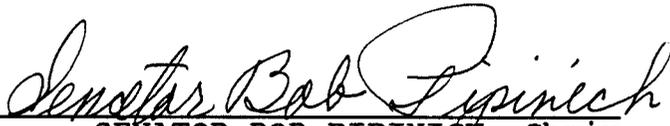
Senator Pipinich directed the Committee's attention to the letter from Pat Graham to Senator Kennedy (Exhibit # 16). It is Senator Kennedy's wish to table SB 26.

Motion/Vote:

Senator Devlin moved SB 26 be TABLED. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 2:30 p.m.



SENATOR BOB PIPINICH, Chair



KATHY COLLINS, Secretary

BP/kc

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 3, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 81 (first reading copy -- white), respectfully report that Senate Bill No. 81 be amended as follows and as so amended do pass.

Signed: 
Senator Bob Pipinich, Chair

That such amendments read:

1. Title, line 5.

Following: "DISTRIBUTION"

Insert: "EXCEPT FROM PRIVATE PONDS"

2. Page 1, line 11.

Following: "state"

Insert: ", except from private fish ponds regulated under 87-4-603,"

3. Page 1, line 21.

Following: "~~crayfish,~~"

Insert: "crayfish from private fish ponds regulated under 87-4-603,"

Following: "~~shrimp,~~"

Insert: ",,"

-END-

MONTANA WILDLIFE HABITAT PROTECTION PROGRAM

● **OVERVIEW:** A portion of sportsmen's hunting license dollars are placed in a trust fund, administered by the Department of Fish, Wildlife and Parks, for use in leasing or purchasing land or acquiring easements for wildlife habitat. The program operates within the free market system, in which a willing buyer and willing seller reach an agreement on a lease, easement or purchase.

● **BENEFITS TO WILDLIFE AND SPORTSMEN:** Throughout Montana, private properties provide habitats that are essential as security, wintering, and calving areas. Many of these crucial private properties face threats from land development, logging, mineral extraction and other activities that would diminish the land's value as wildlife habitat. Securing habitat through leases, easements or purchases helps ensure protection of habitat into the future. Also, in most cases, secured habitat offers the opportunity for public hunting and recreation access.

● **BENEFITS TO LANDOWNERS:**

- Land available for public hunting relieves private landowners of some pressure from hunters seeking access;
- The program enhances property values, both because the market is expanded and because the presence of wildlife makes land more attractive and valuable.
- Unlike the situations with foreign, celebrity or out-of-state buyers, landowners have some control over the management of wildlife management areas because of they can participate in Fish, Wildlife and Parks policy setting.

● **EXAMINING ARGUMENTS OPPOSING THE PROGRAM:**

The agriculture community historically has held an ideological opposition to public agencies owning land. In particular, ranchers and farmers have stridently objected to DFWP owning land. The common arguments against this program include:

- Tax revenues are lost as private land becomes public;
- Adjacent landowners suffer loss and damage by wildlife;

Loss of Property Tax Revenues is Negligible. Each year, the DFWP makes payments in lieu of property taxes equal to the assessments by the county and local school districts on land and improvements. The only potential for lost tax revenues is the assessments on livestock and machinery. Because of reductions on taxation on livestock, a cow represents a total tax payment to the county and school districts of approximately \$5 per head. Most farm machinery and equipment has been depreciated and represents little taxable value.

Adjacent Landowners May Suffer Loss or Damage. Forage loss and property damage by wildlife can be real problems for landowners adjacent to or near wildlife areas. **These impacts can, and should be, dealt with on a case-by-case basis, using applicable management measures or easements.** The potential for these problems is not sufficient reason to undermine or discontinue the wildlife habitat program.

The following page shows a list of the projects that have been protected under the wildlife habitat program. **A total of 106,000 acres are involved, and of those less than 45,000 total acres have been purchased. The net loss in tax revenues to counties and school districts totals only \$2,700.**

**MONTANA'S WILDLIFE HABITAT
PROTECTION PROGRAM**



The Montana Wildlife Habitat Protection Program is a unique program developed and advocated by Montana sportsmen and conservationists.

The Habitat Program is a means for sportsmen and women to make long term investments in wildlife habitat, and thus to help secure the future of wildlife and hunting in Montana.

Montana Wildlife Federation

EXHIBIT 1

DATE 2-2-93

SP. 199

WILDLIFE HABITAT PROJECTS

<u>PROJECT</u>	<u>ACRES</u>		<u>COST</u>	<u>TAX IMPACT*</u>		<u>COUNTY</u>
	<u>Purchase</u>	<u>Lease/Ease</u>		<u>DFWP</u>	<u>Other</u>	
Dreyer	2,960	18,650	\$1,471,000	\$3,100	\$2,210	Powell
Brewer	17,845	16,416	\$1,119,100	\$7,135	\$ 484	Cu/PR/Car
Mt Silcox (Wilson)	1,552		\$ 687,465	\$1,274		Sanders
Dome Mtn (Nelson)	2,098	160	\$1,630,310	\$ 441		Park
Waples	656		\$ 457,150	\$ 383		Carbon
Grady Ranches		16,317	\$ 350,000			Lew/Clark
Rogers	1,893		\$ 785,650	\$ 363		Jud Basin
Robb Ledford	17,290	10,657	\$2,042,000	Not Avail		Madison
TOTAL	44,294	62,200	\$8,572,675	\$12,696	\$2,694	

* DFWP makes payments to the county and school districts in lieu of taxes on land and improvements. "Other" represents property taxes that would have been paid on livestock and machinery if the property had remained as private agricultural.

MONTANA WILDLIFE FEDERATION
Testimony on SB 199

SENATE FISH AND GAME

EXHIBIT NO. 1

DATE 2-2-93

BILL NO. SB 199

- The Wildlife Habitat Protection Program is a vehicle that allows sportsmen to make long term investment in wildlife habitat. That investment helps secure the future the future of wildlife and hunting in Montana.

- Sound investments are tied to stable sources of revenues. The benefit of SB 199 is that by making the Wildlife Habitat Program permanent, the program will provide a dependable long term source of funding.

- A reliable source of long term funding becomes even more important as the Department places more emphasis on easements and leases, which often require on-going payments.

- I want to emphasize that the Wildlife Habitat Program is an outgrowth of interest by citizen sportsmen who are willing to put our own money into fostering wildlife habitat. This is not a case of a government agency seeking to expand. Motivation for this program is driven by hunters, and the DFWP is the vehicle through which we can secure habitat.

- The program offers benefits to landowners:

- Land available for public hunting relieves private landowners of some pressure from hunters seeking access;

- The program enhances property values, both because the market is expanded and because the presence of wildlife makes land more attractive and valuable.

- Unlike the situations with foreign, celebrity or out-of-state buyers, landowners have some control over the management of wildlife management areas because of they can participate in Fish, Wildlife and Parks policy setting.

- Historically, the agriculture community has had an ideological opposition to public agencies, especially the DFWP, owning land. The reasons usually cited include:

- Tax revenues are lost as private land becomes public;
- Loss of private sector employment and income;
- Adjacent landowners suffer loss and damage by wildlife;

- Loss of Property Tax Revenues is Negligible. Each year, the DFWP makes payments in lieu of property taxes equal to the assessments by the county and local school districts on land and improvements. The only potential for lost tax revenues is the assessments on livestock and machinery. Because of reductions on taxation on livestock, a cow represents a total tax payment to the county and school districts of approximately \$5 per head. Most farm machinery and equipment has been depreciated and represents little taxable value. As can be seen from the list of Wildlife Habitat projects, an annual total of only \$2,700 in taxes have been "lost" because of the of the Wildlife Habitat Program.

- Negligible Net Loss of Jobs and Income. Some minimal level of agricultural employment might be lost by purchase of an agricultural operation, provided the ranch would have remained in operation. Often, willing sellers interested in the program have made a decision to sell, and crucial big game habitat faces threats of land development, logging, mining and other activities. The economic benefit to the private sector would have been lost anyway.

- Adjacent Landowners May Suffer Loss or Damage. Forage loss and property damage by wildlife can be real problems for landowners adjacent to or near wildlife areas. These impacts can, and should be, dealt with on a case-by-case basis, using applicable management measures or easements. The potential for these problems is not sufficient reason to undermine or discontinue the wildlife habitat program.

SENATE FISH AND GAME

EXHIBIT NO. 2

DATE 2-2-93

BILL NO. SB 199

FEBRUARY 2, 1993

I AM PAT SIMMONS, FROM BOZEMAN. I HUNT AND FISH, AND AM AN ACTIVE SUPPORTER OF THE GALLATIN WILDLIFE ASSOCIATION AND THE MONTANA WILDLIFE FEDERATION. I TOOK VACATION LEAVE TODAY TO TESTIFY IN FAVOR OF SB 199, BECAUSE PROTECTION OF WILDLIFE HABITAT IS SO IMPORTANT TO ME. IT IS MONTANA'S HERITAGE FOR OUR YOUNG PEOPLE. OUR ABUNDANCE AND VARIETY OF WILDLIFE IN MONTANA, ESPECIALLY BIG GAME, IS A NATIONAL TREASURE.

AS YOU MAY KNOW, THE DEPT OF FISH, WILDLIFE AND PARKS HAS HAD AN ACTIVE WILDLIFE HABITAT MANAGEMENT ACQUISITION PROGRAM BEGINNING IN 1940, HOWEVER PROGRAM RESULTS HAVE BEEN SPORADIC, DEPENDING ON THE AVAILABILITY OF FUNDS AND OTHER DEPARTMENT PRIORITIES. IN THE 1980'S, SPORTSMEN AND WOMEN BECAME CONCERNED OVER THE DECLINE IN THE NUMBER OF ACQUISITIONS. AT THE SAME TIME, OUT-OF-STATERS BEGAN COMING IN AND BUYING UP PRIME HABITAT FOR SUBDIVISION AND PROFITS, DRIVING GAME ONTO AGRICULTURAL LAND AND GENERATING COMPLAINTS ABOUT WILDLIFE DAMAGING THEIR CROPS.

SPORTSMEN FRIENDS OF MINE IN BOZEMAN, RED LODGE, BILLINGS AND I STARTED DEVELOPING IDEAS FOR A PERMANENT ELK WINTER RANGE ACQUISITION PROGRAM OF 3 MILLION DOLLARS PER YEAR. ELK USE MOUNTAINOUS PUBLIC LANDS, BUT ARE FORCED TO THE LOWER WINTER RANGES, MANY TIMES ONTO PRIVATE LANDS, TO FIND AVAILABLE FORAGE. IF THE MONEY WAS NOT AVAILABLE IN THE FWP DEPARTMENT OPERATING AND CAPITAL BUDGETS, WE WOULD AGREE TO ASSESS OURSELVES - RESIDENTS AND NON-RESIDENTS - LICENSE FEE INCREASES. WE AGREED THAT IN ADDITION TO MONEY TO BE SPENT ON ACQUISITION, MONIES FOR

OPERATIONS AND MAINTENANCE OF THESE LANDS WAS ALSO NECESSARY, TO BE GOOD NEIGHBORS TO THE AGRICULTURALISTS AND TO IMPROVE FORAGE FOR ELK. WE WERE COPYING THE SUCCESSFUL FISHING ACCESS SITE PROGRAM.

WE BROUGHT THESE IDEAS TO THE MONTANA WILDLIFE FEDERATION IN THE FORM OF RESOLUTIONS IN 1985 AND 1986, GAINING OVERWHELMING SUPPORT AND LISTING AS HIGH PRIORITY FOR THE 5,000 MEMBER SPORTSMEN AND WOMEN'S ORGANIZATION. FOR THE 1987 LEGISLATURE, WE WERE SUCCESSFUL IN DRAFTING LEGISLATION, HB 526, AND GAINING SUPPORT FROM 26 LEGISLATORS TO CO-SPONSOR THE BILL. THE SCOPE WAS WIDENED TO ALL WILDLIFE, AND CONSERVATION EASEMENTS AND LEASES WERE ADDED TO FEE TITLE PURCHASES, AS OPTIONS, DEPENDING ON THE NEEDS OF THE SELLER.

THE POINT OF MY HISTORICAL PERSPECTIVE HERE, IS THAT THIS HIGHLY SUCCESSFUL HABITAT PROGRAM, THE RESULT OF A LOT OF HARD WORK ON THE PART OF SPORTSMEN AND WOMEN, AND ON TOP OF THAT, WE ASSESSED OURSELVES, NOT THE GENERAL TAXPAYER. MOST SPORTSMEN AND WOMEN REALIZE THAT TO CONTINUE TO HAVE SOME OF THE FINEST HUNTING IN AMERICA, WE NEED TO PROVIDE PLACES FOR ANIMALS TO EAT, SLEEP AND SOCIALIZE. THE IMPACT ON AGRICULTURALISTS IS TO DISPLACE WILDLIFE ONTO PUBLIC OWNED LANDS WHERE THE FORAGE IS GOOD AND HUNTERS HAVE ACCESS TOO. WE'RE GOOD NEIGHBORS TOO - WE SPRAY WEEDS, INSTALL AND MAINTAIN FENCES, AND ALLOW HUNTING TO MANAGE THE NUMBER OF WILDLIFE. WE EVEN WORKED WITH A WORLD RENOWNED SCIENTIST TO IMPLEMENT THE REST ROTATION SYSTEM WITH CATTLE ON OUR LANDS, SOMETIMES INCLUDING PRIVATE AND FEDERAL ADJACENT LANDS

EXHIBIT 2
DATE 2-2-93
SB 199

IN COOPERATIVE AGREEMENTS. I'VE BEEN ON TOURS IN WALL CREEK, DOME MOUNTAIN, MT. HAGGIN AND OTHERS WHERE I'VE LEARNED ABOUT THE MANAGEMENT PLANS TO TAKE CARE OF THESE LANDS AND COOPERATE WITH ADJACENT LANDOWNERS. I THINK IF YOU TALKED WITH THESE NEIGHBORS YOU WOULD FIND US SPORTSMEN AND WOMEN HAVE IMPROVED OUR LANDS AND OUR RELATIONSHIPS WITH THE LANDOWNERS. THE PERCENTAGE OF LAND ACQUIRED SO FAR IS SMALL, ONLY .4%, WITH ONLY 279,628 ACRES BETWEEN 1940 AND 1992.

WE WOULD LIKE ALL OUR EFFORTS AND SUCCESSES TO BE CONTINUED INTO THE NEXT CENTURY AND WANT YOU TO VOTE YES ON SB 199. LAST SESSION THE LEGISLATURE REQUESTED US SPORTSMEN AND WOMEN TO SPEND \$100,000 OF OUR LICENSE DOLLARS TO STUDY AND MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO OUR PROGRAMS. WE HIRED 2 CONSULTANTS TO STUDY THE PROGRAM AND THE PUBLIC'S VIEW TOWARD THE PROGRAM. THE CANYON SURVEY RESULTS SHOWED THAT PEOPLE SUPPORT THE HABITAT PROGRAM AND EXPECT IT TO:

- 1- CONSERVE MONTANA'S LAND, WATER AND DIVERSITY OF WILDLIFE RESOURCES AS A WHOLE, PRODUCTIVE SYSTEM
- 2- PROTECT THAT SYSTEM AGAINST EMERGING THREATS SO IT REMAINS INTACT FOR FUTURE GENERATIONS, ESPECIALLY SUBDIVISIONS
- 3- PROVIDE HUNTING AND FISHING OPPORTUNITIES, AND OTHERS.

BOTH CONSULTANTS RECOMMENDED HB 526 BE A PERMANENT PROGRAM. AND AS A RESULT OF THE REPORTS, FISH, WILDLIFE & PARKS WILL CONTINUE TO IMPROVE THE PROGRAM BY ADOPTING POLICIES AND RULES, DEVELOPING A COMPREHENSIVE STATEWIDE HABITAT PROGRAM, ACCOUNTING FOR ADMIN-

ISTRATION AND MANAGEMENT COSTS, AND IMPLEMENTING A DATA MANAGEMENT SYSTEM, ALL WITH FULL PUBLIC INPUT.

WE ARE ALL LUCKY TO BE LIVING IN MONTANA AND PARTICIPATE IN A UNIQUE WILDLIFE HABITAT PROGRAM DEVELOPED BY SOME OF ITS PEOPLE FOR THE BENEFIT OF ALL. WOULDN'T MONTANANS RATHER HAVE EACH OTHER, THAT IS, THE SPORTSMEN AND WOMEN, AS NEIGHBORS, THAN OUT-OF-STATE INVESTORS AND DEVELOPERS? THANK YOU FOR HELPING TO MAKE HB 526 PERMANENT THROUGH PASSING SB 199.

SENATE JOHN AND GAYNE

EXHIBIT NO. 3

DATE 2-2-93

BILL NO. SE 199

NAME Joe Gutkoski

ADDRESS 304 N. 18th. Av. Bozeman Mt. 59715

HOME PHONE 587-3242 WORK PHONE 587-3242

REPRESENTING Montana Wildlife Federation

APPEARING ON WHICH PROPOSAL? Senate Bill - 199

DO YOU: SUPPORT OPPOSE AMEND

COMMENTS:

Hunting Big Game is an important activity in Mont.
49% of Mont. males hunt. 19% of Montana women hunt
50,000 resident big game licenses are sold annually in
23,000 non resident big game licenses are sold annually in Mont.
103,000 big game licenses sold in Mont. annually.
31,765 elk taken in Montana in 1991

HE 526 was passed as a result of legislative compromise by which
the state was to provide land to winter elk herds.
Wildlife winter range areas are a precious resource to keep them
from becoming subdivided and taken from wildlife. Making HE-526 a
permanent piece of legislation is in the economic & environmental
best interest of all Montanans.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE FISH AND GAME

EXHIBIT NO. 4

DATE 2-2-93

BILL NO. SB 199

Good afternoon. •

Mr, Chairman, members of the committee, my name is Jan Hamer and I live in Helena, Montana...I am a sportsman. I am here to Support Senate Bill 199. The bill to remove the sunset provision of the Wildlife habitat acquisition program.

Removing the 1996 sunset date will give the legislature, the Dept. of Fish, Wildlife and Parks, and all Montanas a chance to evaluate this important program.

As it stands now, we seem to debate each and every land proposal. We haven't given this program the time it needs to be properly evaluated. We are talking about the importance of places for wildlife and places for people to be able to enjoy the wildlife. We are talking about of way of life, and integral part of Montana lifestyle that is slowing disappearing.

If you decided to reject this bill, please consider, at the very least extending the sunset date to allow the proper amount of time to evaluate an entire program.

Let's see if the program works. Let's put the political squabbles on the back burner and focus on discovering if this program benefits wildlife and the Montana lifestyle that we all enjoy.

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE 2-2-93

BILL NO. SB 199

NAME BUB BUGAI

ADDRESS 3865 REMINGTON ST. EAST
INDIANA

HOME PHONE 227-8749 WORK PHONE 444-0001

REPRESENTING RICKY PEAR SPORTSMAN ASSN

APPEARING ON WHICH PROPOSAL? SB 199

DO YOU: SUPPORT OPPOSE AMEND

COMMENTS:

STRONGLY SUPPORT THIS CHANGE FOR
LONG TERM BENEFIT OF WILDLIFE AND
HABITAT, CONCUR WITH MT WILDLIFE TESTIMONY

MAJOR BENEFITS

- FOR "CRITICAL HABITAT" ONLY
- SUPPORT EXISTING WILDLIFE POPULATIONS
- FWP & SPORTSMEN ARE GOOD NEIGHBORS
& GOOD LAND MANAGERS. CONCERN OF
RANGER MANAGEMENT & NEED CONTACT.
- WILLING BUYERS & SELLERS
- \$4 MILLION A YEAR AT PRESENT TIME
- SPORTSMAN DOLLARS
- MULTIPLE USE

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXHIBIT NO. 6DATE 2-2-93BILL NO. SB 199NAME Janet H Ellis

ADDRESS _____

HOME PHONE _____ WORK PHONE _____

REPRESENTING MT Audubon Legislative FundAPPEARING ON WHICH PROPOSAL? SB 199DO YOU: SUPPORT OPPOSE _____ AMEND _____

COMMENTS:

Many of our members hunt and fish and all of our members are closely tied to Montana's wildlife resource. SB 199 will continue, indefinitely, the wildlife habitat program within the MT Dept of Fish, Wildlife and Parks. All wildlife ~~are~~ benefit from this program — and the program allows us to keep the best of what we have as Montana continues to grow.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE FISH AND GAME

FILE NO. 7
DATE 2-2-93
BILL NO. 35 199

SB 199
February 2, 1993

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
before the Senate Fish and Game Committee**

SB 199 removes the sunset provision of the wildlife habitat acquisition program. This issue has been debated in the legislature before. In fact, this debate in the 52nd legislature resulted in the passage of SB 252.

SB 252 required a comprehensive study of the wildlife habitat program with a report to this legislative body - which we provided you earlier. In addition, it moved the sunset provision from 1994 to 1996.

As part of the comprehensive study, both consultants - Econ, Inc. and Canyon Consulting, Inc. - addressed many components of the legislation, including the sunset provision, and provided recommendations to the department. Both consultants recommended that it either be eliminated or its term extended to at least ten years.

The department and commission reviewed all the proposed amendments to the habitat program recommended by the consultants. Other potential amendments included combining the habitat acquisition and upland bird programs and changing funding allocations. The department and the commission determined it was more important to

SENATE FISH AND GAME

EXHIBIT NO. 8

DATE 2-2-93

BILL NO. SB 199

Committee members -

Here is a rundown of economic benefits to the state of Montana.

Please note the amount of money paid in lieu of taxes.

These are all sportsmen's dollars - not tax dollars from the general fund.

Please give SB 199 a do - pass -

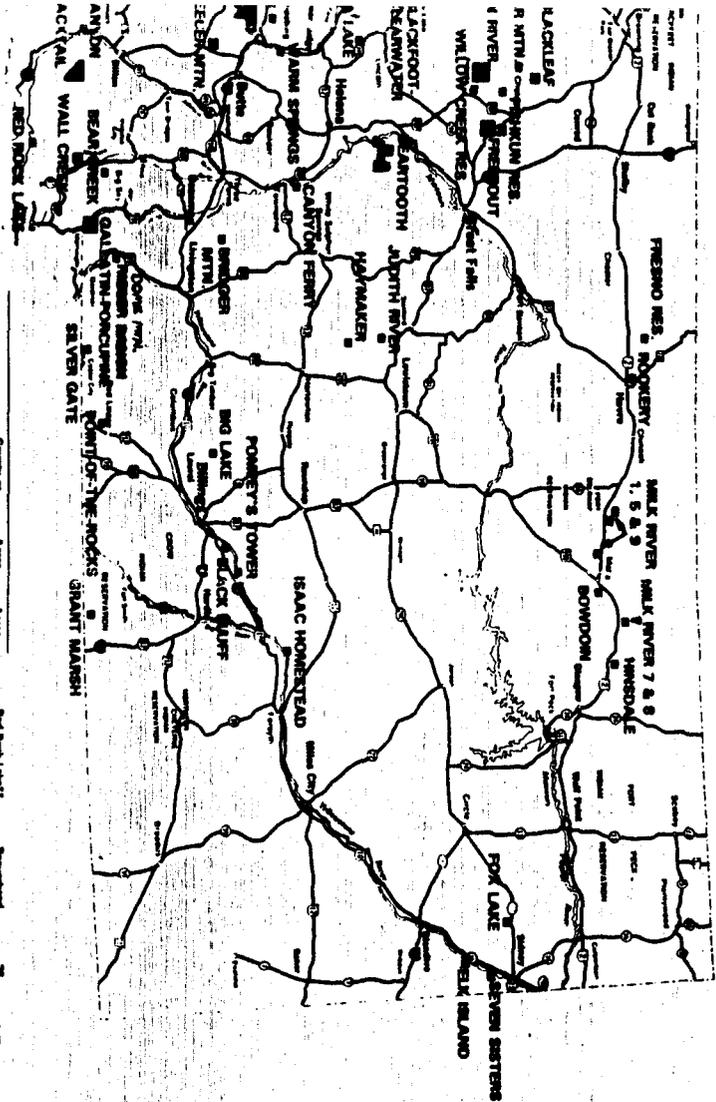
Thanks, Tony Schooner
Skyline Sportsmen

administrative changes to its habitat program through rule making and public involvement prior to proposing amendments to the law.

Once the new commission members have been appointed, we will develop a policy for public review that provides overall direction for the department's habitat program. In addition, the department is developing clearer objectives for the program and the necessary management structure to accomplish those objectives. These key elements will provide a sound basis for evaluation of the program.

If this committee does not decide to eliminate the sunset date, it should be extended to allow us to complete implementation of the policy and evaluation criteria and consider further amendments to the program.

EXHIBIT 8
 DATE 2-2-93
 SIB 199



Area	County or Division	Acres Owned	Acres Leased
Great Falls	Big Horn	1,460	—
Montrose	Yellowstone	1,380	—
North Fork	Yellowstone	1,320	—
North	Yellowstone	4,830	234
North	Yellowstone	2,443	—
North	Yellowstone	379	1,303
North	Yellowstone	54,137	440
North	Yellowstone	728	—
North	Yellowstone	293	—
North	Yellowstone	718	—
North	Yellowstone	1,370	—
North	Yellowstone	980	—
North	Yellowstone	53	—
North	Yellowstone	79	—

MONTANA'S WILDLIFE MANAGEMENT AREAS

Montana's Wildlife Management Areas (WMA) — from the 2-acre Silver Gate WMA near Cooke City to the 54,137-acre Mount Haggin WMA near Anaconda — provide vital habitat for elk and deer, ducks and geese, pheasants, grouse and many other forms of wildlife. Each of these areas protects important wildlife habitat that might otherwise disappear from the Montana landscape.

The Department of Fish, Wildlife and Parks manages Montana's WMAs with the needs of wildlife and the maintenance of this important habitat as its foremost concern. Many of these areas also provide opportunities for hiking, outdoor photography, hunting, fishing, bird-watching and other recreational pursuits.

Since 1937, when the state acquired 237 acres of prime elk country near the historic Judith River, the Department has continued its efforts to protect vital habitats for an array of wildlife species. The wildlife management area program has proven to be a successful way to ensure that these special lands will remain available for use by wildlife for generations to come.

Still, the special wildlife habitats that have been carved from the Montana wood block over the past 50 years would amount to only a few stragglers from a whittler's knife when compared to Montana's vast expanse. Consider that the state's WMAs presently encompass just over 280,000 acres, or less than 1/4 of 1 percent of all the land within Montana's borders.

VITAL ELK WINTER RANGE

Since 1937, only 19 WMAs have been specifically acquired to provide elk with vital winter habitat. These areas, comprising 234,995 acres, were acquired because elk generally seek out the same winter range year after year.

There is no question that Montana's elk winter ranges are the vehicles that make or break a healthy elk herd. That's because the amount of available winter range, more than any other single factor, dictates the number of elk that can live in a healthy population. There is also no question that many landowners are becoming less tolerant of agricultural damage caused by wildlife or that residential and consumptive development of vital habitat continue to claim

more and more traditional elk winter range. The answer is just as direct: the only way to maintain present numbers of elk and, potentially, increase them in the future is to guarantee that their winter range will be preserved and managed properly.

Current estimates place about 100,000 wintering elk in Montana, but only 10 percent of these majestic animals winter on public WMAs. If the winter ranges on private land become developed, chances are the displaced elk herds will never be recovered. That is why it is essential that winter range areas remain intact; and to keep them intact, more Wildlife Management Areas will have to be secured through easement, lease, or purchase. For if there are not enough winter ranges with sufficient forage to supply elk herds with the food they need, the result will be fewer and fewer elk.

To illustrate the effectiveness of establishing a wildlife management area on a traditional elk winter range, the 7,066-acre Wall Creek WMA is a good case in point. When it was acquired by the Department in 1960, the Wall Creek area supported a population of less than 150 wintering elk. With management directed specifically toward elk and gradual improvement of the range conditions, biologists estimate that area presently supports approximately 1,000 elk through the winter.

WATERFOWL

Some 20,900 acres within the Department's system of WMAs are being specifically managed for waterfowl. Within these 16 WMAs — from Ninepipe (2,963 acres) and Pablo (416 acres) on the Flathead Indian Reservation near Polson, to Fox Lake (1,361 acres) near Sidney — the Department's management objectives are threefold:

- 1) to preserve these wetlands and improve them for production of waterfowl, shorebirds, upland game birds and other game and nongame wildlife;
- 2) to provide hunting and other recreational opportunities;
- 3) to minimize crop degradation on surrounding agricultural lands.

Many of the WMAs designed for waterfowl habitat are among the most intensively managed sites under Department of Fish, Wildlife and Parks control. Water control structures, man-

made nesting sites, dikes and shelterbelts are common improvements.

In addition to attracting hunters in the fall and winter, many of the WMAs set aside specifically for waterfowl have become popular destinations for bird-watchers and wildlife photographers as a direct result of the attractive wildlife habitat they offer.

DEER AND UPLAND GAME

Popular for the same reasons, but managed for different species, are the remaining 12 WMAs. These areas have been set aside by the Department primarily to help deer and upland game bird populations by protecting and developing habitat in streamside environments. Listed among the 9,300 acres set aside for deer and upland game is the 1,622-acre Ray Kuhns WMA in the upper reaches of the Flathead Valley and the 320-acre Bridger Mountain WMA near Bozeman. In eastern Montana, Elk Island (1,046 acres) and Seven Sisters (557 acres) are providing superb white-tailed deer habitat and pheasant production areas. The colorful wood duck is establishing residence in the areas' cottonwood overstory, and fishermen there can find easy public access to the Yellowstone River.

LAND STEWARDSHIP

It is a simple equation: the survival of wildlife is a function of habitat maintenance. But on most of Montana's WMAs, the survival of wildlife and the preservation of vital habitat hasn't precluded other beneficial uses of these lands or the Department's desire to maintain its stature as a "good neighbor." In areas where WMAs are acquired.

For example, the implementation of cooperative grazing programs on some of Montana's WMAs allows adjoining landowners to graze their cattle on the areas at certain times of the year. Carefully managed livestock grazing has been shown, in some cases, to actually improve forage conditions for wildlife and help maintain healthy winter ranges. Similarly, hay is grown at the Beartooth WMA 30 miles north of Helena and at Freezeout Lake. Sharecroppers grow grain on the Seven Sisters and Elk Island WMAs on the Yellowstone River bottoms in eastern Montana. Well planned and managed agricultural uses of our WMAs are the rule, rather than the exception.

With the interests of Montana's agricultural community as well as its own interests in maintaining quality wildlife habitat in mind, the Department also has implemented extensive programs to control the spread of noxious weeds on several WMAs and is a cooperator in local weed control programs. Further, once an area is acquired the Department makes in-lieu-of-tax payments to the county in which a WMA is located. These payments are the same as the county would gain in tax revenues if the land were put to another use.

MULTIPLE VALUES

As valuable as Montana's WMAs are to wildlife, they are also of great value to people. WMAs are places that offer solitude to those who seek it, access to those who partake of the many recreational opportunities these areas afford, beauty to those who find it in a totally natural setting. They also are places where school children can learn about the intricacies of nature, places where more advanced students can research the complexities of our environment, and, in some cases, places where those with an interest in the past can probe to the roots of Montana's history. WMAs, indeed, are also for those who will enjoy them and learn from them.

NEED FOR RESTRICTIONS

All of Montana's WMAs are for public use — from hunting, fishing and trapping, to horseback riding, hiking and picnicking. However, in order to reduce stress to animals during critical periods, some portions of Montana's big game wintering areas are closed to public access from the end of the general hunting season until May. Similarly, some of our WMA-wetlands are closed during the spring nesting season, which begins in April and ends in July.

MONTANA'S WILDLIFE HERITAGE SERVED BY WMAS

Because the future of elk, waterfowl and other forms of wildlife is so delicately tied to protecting and improving critical habitats, the maintenance and growth of Montana's WMAs is essential. When we acquire and manage these special areas for the enjoyment of present and future generations of Montanans, we are also ensuring that Montana's priceless wildlife heritage will continue to prosper.

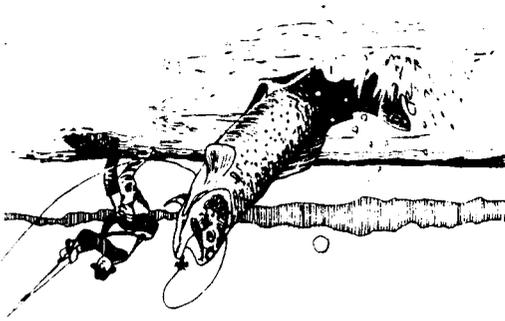
Montana's WILDLIFE MANAGEMENT AREAS

Dedicated to
Wildlife



Montana Department of
Fish, Wildlife & Parks

NO COMMON GROUND



Activity	A Measurement of Costs to Sportsmen			A Measurement of Benefits Received by Sportsmen		
	Expenditures* Per Day (The amount spent per day by individual resident/nonresident sportsmen.)	Expenditures* Per Trip (The amount spent per trip by individual resident/nonresident sportsmen.)	Annual Expenditures* (The total amount spent annually by all resident/nonresident sportsmen.)	Net Economic Value Per Day (The additional amount individual resident/nonresident sportsmen said the activity was actually worth, per day, over and above actual expenditures*.)	Net Economic Value Per Trip (The additional amount individual resident/nonresident sportsmen said the activity was actually worth, for the same trip, over and above actual expenditures*.)	Annual Net Economic Value (Total number of angler and hunter days multiplied by the Net Economic Value Per Day for that activity.)
Sport Fishing (Streams)	\$ 48	\$ 97	\$52.4 million	\$102	\$113	\$122 million
Sport Fishing (Lakes)	\$ 38	\$ 91	\$47.3 million	\$ 70	\$ 89	\$ 93 million
Elk Hunting	\$102	\$285	\$58.4 million	\$ 66	\$184	\$ 37.6 million
Deer Hunting	\$ 73	\$149	\$63.8 million	\$ 55	\$108	\$ 51 million
Antelope Hunting	\$ 50	\$114	\$ 4.5 million	\$ 62	\$143	\$ 6 million

* Expenditures include transportation costs, lodging, food, guide fees and other purchases, excluding license fees.



**Montana Department of
Fish, Wildlife & Parks**

Why are recreation values important?

In the past, the primary indicator of the economic value of fish and wildlife in Montana has been dollars spent by sportsmen. Although economists recognize that expenditures are important to local and state economies, they also know expenditures do not reflect the total recreational value of the resource, which includes the personal benefits one receives from sport fishing and hunting.

By measuring these additional benefits, economists can determine the total recreational value of the state's fish and wildlife resource by estimating what sportsmen would be willing to pay to fish and hunt in different locations across Montana.

Why does Montana need this information?

Many of the natural resources on our public lands are being sought for use or development by a wide spectrum of interest groups that, in a sense, are in competition with each other.

Groups that seek to use fish, wildlife, water, grassland, timber, gas, oil and minerals each have a stake in the natural resources on Montana's public lands.

Federal land and water management agencies—like the U.S. Army Corps of Engineers, the U.S. Forest Service and the federal Bureau of Land Management (BLM)—rely on the market value of various resources to help determine which use of a resource is in the best public interest.

However, because there have been no economic values set for fish and wildlife that are specific to Montana, federal land and water management agencies have been obliged to use regional averages to estimate the value of fishing and hunting in Montana.

By replacing the old regional averages with specific economic values, the state's fish and wildlife resource will be more fairly represented when decisions are made that will affect the future of fishing and hunting in Montana.

How was the information obtained?

In 1985, the Montana Department of Fish, Wildlife and Parks, in cooperation with the U.S. Forest Service and the BLM, embarked on a two-year study to document the recreation value of sport fishing and hunting in Montana. Using accepted recreation analysis methodologies, professional economists surveyed stream and lake anglers as well as elk, deer and antelope hunters to determine economic values for each of these specific outdoor pursuits.

How was the project funded?

The two-year, \$270,000 project was primarily funded by state fishing and hunting license fees and federal sport fish and wildlife restoration dollars. An additional \$29,000 was donated by the BLM to help fund the study.

Does this information have any importance to the people of Montana?

The Montana Department of Fish, Wildlife and Parks believes the importance of the state's fish and wildlife resource is reflected, in part, by the high economic values it has documented for sport fishing and hunting in Montana.

Now, for the first time, Montana has accurate economic values for the state's unique fishing and hunting opportunities. These values will be used by federal land and water management agencies to ensure that the state's fish and wildlife resources are represented fairly when decisions are made that will affect their future.

In conjunction with these economic value studies, the department also conducted "attitude and preference" surveys designed to provide a more complete picture of why people value specific fishing and hunting opportunities. With the information gathered through these surveys, the department will be better equipped to determine the resource management, policy, enhancement and protection programs that are in the public's best interest.

Finally, the Montana Department of Fish, Wildlife and Parks recognizes that this information does not reflect all the values associated with fish and wildlife. There are cultural, ecological, scientific, aesthetic, spiritual, social, educational and other values associated with Montana's fish and wildlife that these studies did not address.

What are the economic values of sport fishing and hunting in Montana?

Using information gathered from both resident and nonresident sportsmen, the Montana Department of Fish, Wildlife and Parks has documented the following economic values:

(over)

EXHIBIT 8
DATE 2-2-93
SB 199

MONTANA DEPT. FISH, WILDLIFE, & PARKS - REGION 3
WILDLIFE MANAGEMENT AREAS

WALL CREEK
Wildlife Management Area
Madison County
Purchased 1960 - 1984

DEEDED
Acres 6,149
Purchase Price \$ 790,750.00
Cost / Acre \$ 128.59

STATE LEASED
Acres 919
Annual Cost \$ 741.94
Cost / Acre \$ 0.80

TOTAL
Acreage Controlled
7,067 Acres

1989 Payment
In-lieu of Taxes
\$ 2058.46

ROBB CREEK
Wildlife Management Area
Beaverhead / Madison County.
Purchased 1988

DEEDED
Acres 17,170
Purchase Price \$ 2,010,000.00
Cost / Acre \$ 117.06

STATE LEASED
Acres 10,817
Annual Cost \$ 10,016.54
Cost / Acre \$ 0.93

TOTAL
Acreage Controlled
34,789 Acres

1989 Payment
In-lieu of Taxes
\$ 4,089.52

BEAR CREEK
Wildlife Management Area
Madison County
Purchased 1954 - 1963

DEEDED
Acres 3,456
Purchase Price \$ 100,229.03
Cost / Acre \$ 29.00

1989 Payment
In-lieu of Taxes
\$ 729.85

FLEECER MOUNTAIN
Wildlife Management Area
Silver Bow County
Purchased 1962-1969

DEEDED
Acres 6,411
Purchase Price \$ 254,846.00
Cost / Acre \$ 39.75

STATE LEASED
Acres 877
Annual Cost \$ 736.23
Cost / Acre \$ 0.83

TOTAL
Acreage Controlled
7,288 Acres

1989 Payment
In-lieu of Taxes
\$ 1854.43

GALLATIN

Wildlife Management Area
Gallatin County
Purchased 1951 - 1975

DEEDED
Acres 7,313
Purchase Price \$ 76,502.64
Cost / Acre \$ 10.73

BN LEASED
Acres 3,200
Annual Cost \$ 900.00
Cost / Acre \$ 0.28

TOTAL
Acreage Controlled
10,513 Acres

1989 Payment
In-lieu of Taxes
\$ 1989.85

TOTAL ACRES CONTROLLED
Region 3

DEEDED
Acres 112,687
Purchase Price \$ 8,894,327.77
Cost / Acre \$ 62.94

STATE LEASED
Acres 18,773
Annual Cost \$ 16,818.00
Cost / Acre \$ 0.89

BN LEASED
Acres 3,200
Annual Cost \$ 900.00
Cost / Acre \$ 0.28

ACREAGE CONTROLLED
134,660

1989 Payment
In-lieu of Taxes
\$ 34,870.21

BLACKTAIL
Wildlife Management Area
Beaverhead County
Purchased 1972

DEEDED
Acres 11,261
Purchase Price \$ 720,000.00
Cost / Acre \$ 63.93

STATE LEASED
Acres 6,161
Annual Cost \$ 5,323.39
Cost / Acre \$ 0.86

TOTAL
Acreage Controlled
17,422 Acres

1989 Payment
In-lieu of Taxes
\$ 4,025.03

MT. HAGGIN
Wildlife Management Area
Deer Lodge / Silver Bow County
Purchased 1975

DEEDED
Acres 56,136
Purchase Price \$ 1,900,000.00
Cost / Acre \$ 35.09

1989 Payment
In-lieu of Taxes
\$ 18,999.91

DOME MOUNTAIN
Wildlife Management Area
Park County
Purchased 1986

DEEDED
Acres 4,789
Purchase Price \$ 2,566,075.35
Cost / Acre \$ 536.24

1989 Payment
In-lieu of Taxes
\$ 1,123.16

SENATE FISH AND GAME

EXHIBIT NO. 9

DATE 2-2-93

BILL NO. SB 199

TESTIMONY

SENATE BILL 199

AN ACT REMOVING THE TERMINATION DATE OF THE WILDLIFE HABITAT
ACQUISITION PROGRAM

TUESDAY, FEBRUARY 2, 1993

SENATE FISH AND GAME COMMITTEE

BY KIM ENKERUD, MONTANA STOCKGROWERS ASSOCIATION

Mr. Chairman, members of the committee, for the record my name is Kim Enkerud and I am representing the Montana Stockgrowers Association. The Montana Stockgrowers have been involved with HB 526 since its passage in 1987. In the legislative sessions since we have risen in opposition to any attempt to make HB 526 permanent and I must do so again today.

My reasoning is as follows:

In the 1991 legislature SB 252 was passed which required a study of the issue. The study has been completed and has identified management concerns which need to be resolved to make the programs more effective and efficient.

The program has been an opportunistic, big game habitat program instead of a proactive, wildlife habitat program. Jim Peterson will visit with you regarding this observation.

HB 526 was also to focus on leases and easements. Instead, most of the projects have been fee title acquisition. I have heard the argument that the land owner would not even consider leases and easements. However, I feel there is a great opportunity for easements and leases in the country and these need to be pursued a little harder by the Department. Of the 92,073 acres the Department has acquired since 1987 with this program, 16,317 acres are a 5-year lease on the Grady Property and a 160 acre conservation easement with the Dome Mountain property, the remainder or 75,596 acres are fee title and the leases associated with this property (i.e. state lands, private and BLM leases).

There are serious administrative problems with the administration of the program. The costs associated with administration are not recoverable as there is no budget for these activities. The revenue must be used to secure, develop and maintain habitat.

While the report did solicit public participation and the Montana Stockgrowers did participate, we are still concerned with the program in regard to operation and maintenance of its properties. Expenditures have taken place regarding maintenance of property, reseeding fields, implementing rest rotation grazing programs, weed control etc. However, in every case where weed control was identified and measures were taken to contain and reduce this acreage, the report states the project is completed. Most of you know that weed control is never completed and I am concerned that continued weed control and property

Page 2
SB 199

maintenance will not continue. Every rancher must constantly expend funds for operation and maintenance. The Department must also continue to do so.

We feel there is a need for the recommendations as are identified by the SB 252 study to be evaluated and implemented. Changes are needed in the program, especially in the areas of leases and easements, habitat identification and administration funding, and Department goals and objectives. After you hear Jim Peterson's testimony, I hope you will question the way the Department has purchased property and negatively affected ranchers interested in the same property.

Removing the sunset in this legislature is premature. We will have another session between now and 1996 to evaluate this program after the recommendations suggested by the study are implemented. We are concerned if this program is made permanent, the only arena for problem solving will be to buy more and more land. There are many options being considered to provide habitat for Montana's wildlife, both big and small. We need to look at these options in addition to the opportunity provided for in HB 526.

For these reasons, we ask the termination date regarding the wildlife habitat acquisition program remain at 1996. We request a do not pass on SB 199.

Thank you.



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

BILL # SB-199 ; TESTIMONY BY: Lorna Frank :

DATE Feb. 2, 1993 ; SUPPORT _____ ; OPPOSE YES :

Mr. Chairman, members of the committee, for the record, I am Lorna Frank representing the largest general farm organization in the state with over 4500 Farm Bureau members.

Farm Bureau has to oppose SB 199 since we have policy that opposes any further land acquisition of private property by the state and or federal government unless it sells or trades of equal value within the area involved. ^{land}

Land owned by private individuals, rather than the state or federal government has been proven to be a sound system. After all isn't that one of the reasons we have seen such changes in the Soviet Union in the past couple years. They are moving more toward our system of land ownership and management while the United States is moving toward the system they abandoned.

For these reasons we urge you to do not pass SB 199. ~~However if you feel you must Farm Bureau would support the amendment submitted by the Montana Stockgrowers which would make the wildlife habitat acquisition program effective until the year 2005.~~

SENATE FISH AND GAME
EMMET NO. 10
DATE 2-2-93
BILL NO. SB 199

SIGNED: Lorna Frank

Mr. Chairman, members of the committee, for the record my name is Phil Rostad.

I am opposed to continued acquisition of lands by the Department of Fish, Wildlife and Parks which will be allowed with Senate Bill 199. The competition with private sector for the land and lack of funds to properly manage these lands are serious problems with this program. Five million dollars every biennium and only 10% used for management of these lands does not allow for proper management of the lands. Any time land is taken out of the private sector by the state, the county tax base is reduced, adjacent landowner problems increase and the noxious weeds tend to increase because of inadequate and unresponsive management.

The efforts to increase wildlife habitat is a worthy goal but this program has failed because too much emphasis has been put on fee acquisition and not enough on conservation easements and leases.

Respectfully submitted,

Phil Rostad

SENATE FISH AND GAME
EXHIBIT NO. 11
DATE 2-2-93
BILL NO. SB 199

DRYSDALE, McLEAN, NELLEN & NELLEN

ATTORNEYS AT LAW

DOUGLAS R. DRYSDALE
RETIRED

JAMES A. McLEAN
A. SUZANNE NELLEN *
RICHARD C. NELLEN

1800 WEST KOCH, SUITE 5
WESTBROOK CENTER
BOZEMAN, MONTANA 59715
FAX (406) 587-9291
TELEPHONE (406) 587-4426

* ADMITTED IN WASHINGTON

January 26, 1993

State Highway Commission
2701 Prospect Ave.
P.O. Box 201001
Helena, Montana 59620-1001

SENATE FISH AND GAME
CHECK NO. 12
DATE 2-2-93
BILL NO. SB 301

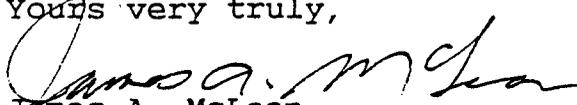
Montana Fish, Wildlife and Parks
1400 South 19th Ave.
Bozeman, Montana 59715

Dear Sir or Madam:

My client, Alvin Thompson, was involved in a serious accident approximately one-half mile south of the entrance to Big Sky in the area where the Big Horn sheep are being fed in the Winter. The cause of the accident was a car in front of Mr. Thompson which stopped to avoid hitting sheep crossing the road. Although Mr. Thompson was not seriously injured, he wrecked his car. The accident happened on November 29, 1992.

This letter serves as a warning that the area where the sheep are being fed is a hazard and somebody may eventually get seriously injured or killed because of people stopping to watch the sheep or stopping to avoid hitting the sheep. My client strongly feels that a fence or a widened pull off place would greatly improve the safety of the area. Of course, preventing the feeding of the sheep in the Winter time probably will prevent the concentration of the sheep in this area. My client, Mr. Thompson encourages the Highway Commission and the Fish and Game to take steps to correct this dangerous situation.

Yours very truly,


James A. McLean

JAM:ble

cc: First West Insurance
Don Bianchi
Alvin Thompson

COPY FOR YOUR INFORMATION

SENATE FISH AND GAME

EXHIBIT NO. 13

DATE 2-2-93

BILL NO. SB 201

SB 201
February 2, 1993

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
to the Senate Fish and Game Committee**

This bill gives the Department of Fish, Wildlife & Parks authority to adopt administrative rules for licensing artificial ungulate feeding grounds. I have discussed this measure in depth with my staff. The intent of the sponsors is to evaluate feeding grounds to determine the potential negative effects of such activities.

We believe such feeding grounds are generally detrimental. The question is whether this activity can be addressed better through education or regulation. We reluctantly oppose this legislation. We do so because we believe education is more practical than regulation at this point in time.

An attachment to my testimony outlines the detrimental impacts of artificial feeding of ungulates. They include increased potential for disease, land degradation, interruption of migrations, and encouraging animals to seek out feed from landowners' haystacks, etc.

Winter supplemental feeding of ungulates is usually prompted by a desire to help wildlife survive hard winter conditions or lure wildlife for viewing. The Fish, Wildlife & Parks Commission adopted a Big Game Winter Feeding Policy which outlines our concerns with artificial feeding.

Our concerns with this bill center around two areas:

1) Permitting these activities will require additional time and resources to develop and administer rules, complete environmental assessments or EIS's and monitor compliance with conditions imposed.

2) The emergency nature of most feeding activities would not allow adequate time to complete the analysis and public comment that would be associated with this process.

Issuing such permits might imply that feeding is an activity the department and commission condone. As a rule, we do not. We believe education about the problems associated with feeding is the preferred approach at this time.

Detrimental Effects of Artificial Feeding

- 1) Promote dependency on artificial feeds, to the point of interfering with normal migratory behavior or encouraging animals to remain at the site year-round.
- 2) Concentration of wildlife can degrade soil and vegetation. Feed can also introduce noxious weeds.
- 3) Maintain artificially high wildlife populations that will ultimately "crash" if feeding is interrupted (i.e. once initiated, feeding becomes a long-term commitment because a population "crash" is not socially acceptable).
- 4) Encourage wildlife to seek out hay yards or other agricultural products.
- 5) Enormous expenses of feeding, which could be used for long-term solutions, including protection or enhancement of traditional winter ranges.
- 6) To be effective, feeding must be initiated prior to onset of stress (to allow digestion to adapt) and then continued until spring to maintain effective digestion.
- 7) Concentration of animals in a confined area promotes disease outbreak and transmission. Brucellosis is a good example: The incidence of brucellosis in the portion of the Yellowstone elk herd that winters on Wyoming's feeding grounds is as high as 50%.

MONTANA FISH AND GAME COMMISSION

Big Game Winter Feeding Policy

THE MONTANA FISH AND GAME COMMISSION RECOGNIZES THAT:

1. The big game resources of Montana are managed by the Montana Department of Fish, Wildlife & Parks for the benefit of the hunting and nonhunting public, and artificial or supplemental feeding of big game animals during winter is rarely, if ever, necessary to maintain populations of those species;
2. Winter feeding programs may be to the biological and ecological detriment, rather than the benefit of wild, free-ranging big game populations, and they may generate dependency of big game animals on artificial food, thereby promoting increased depredation of agricultural crops and transmission of diseases; and
3. Costs of winter feeding programs can be very high, and subsequently can seriously jeopardize the entire ongoing wildlife program of the department.

THE POLICY OF THE COMMISSION, THEREFORE, IS:

1. To avoid feeding big game animals during winter, except in extreme emergencies, and to include contingencies for emergency winter feeding only in those management plans developed for high priority areas or in response to special land use situations;
2. To encourage the department to continue developing predictive capabilities for big game population trends and to establish appropriate fall harvests of these species;
3. To encourage the department to continue identifying key big game winter ranges for preservation through acquisition, leasing, changes in land use practices, or conservation easements; and
4. To encourage department personnel to actively participate in federal, state and local planning processes through which key big game winter ranges may be preserved.

SENATE FISH AND GAME
EXHIBIT NO. 14
DATE 2-2-93
BILL NO. SB 201

NAME Janet Ellis

ADDRESS _____

HOME PHONE _____ WORK PHONE _____

REPRESENTING MT Audubon Legislative Fund

APPEARING ON WHICH PROPOSAL? SB 201

DO YOU: SUPPORT _____ OPPOSE AMEND _____

COMMENTS:

1. Pandora's box: once you open it, it will be difficult (impossible?) to close.

2. Artificial feeding stations are a short term solution to a bigger problem - loss of habitat
→ We would rather see DFWP concentrate its resources on habitat

3. Other problems:
A) Feeding concentrates wildlife in a natural way. As a result, such diseases as brucellosis and Tb are more easily transmitted between individuals. In Wyoming, brucellosis has been detected in elk from 15 of the state's 23 elk feeding stations. The disease occurs in 50% of the elk at feeding stations. That compares with a 1-2% incidence of brucellosis in Montana, where no elk feeding stations exist.

WITNESS STATEMENT

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B) Feeding prolongs artificially high wildlife populations, which ultimately crash if feeding stops.

C) Artificial feeding can create a long-term dependency on feed yards, while stopping a natural migration to the winter range.

4. It is our understanding that the DFWP can begin ~~emergency~~ artificially feeding wildlife in emergency situations. That's ~~the~~ ^{artificial} the way we would like ~~to~~ feeding programs to stay — as an emergency, short term solution.

DATE 2-2-93
ST. NO. 15
BILL NO. SB 81
FISH AND GAME

from private ponds

SENATE BILL NO. 81
INTRODUCED BY CRIPPEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE TAKING OF CRAYFISH FOR SALE OR COMMERCIAL DISTRIBUTION PROVIDING A PENALTY; AND AMENDING SECTION 87-4-609, MCA."

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

NEW SECTION. Section 1. Unlawful taking of crayfish --

penalty. (1) It is unlawful for a person to take crayfish from the waters of the state for sale or commercial distribution.

(2) A person who violates this section is guilty of a misdemeanor and, if convicted, may be fined not less than \$50 or more than \$500 or may be imprisoned in the county jail for not more than 6 months, or both.

Section 2. Section 87-4-609, MCA, is amended to read:

"87-4-609. Regulation of commercial taking of aquatic fish food organisms -- permit -- rulemaking authority. (1) The department shall regulate the taking, for sale or commercial distribution, of crayfish, mysids, shrimp and other aquatic organisms that provide a food source for fish.

(2) It is unlawful for a person to take aquatic fish food organisms for commercial purposes without obtaining a permit from the department. A permit applicant shall provide

crayfish from private fish ponds regulated under 87-4-603,

the department with sufficient details of the proposed operation to take any aquatic fish food organism for sale or commercial distribution to enable the department to evaluate any potential overharvest or conflict with existing fishing and recreational uses of the waters.

(3) The department may:

(a) deny a permit if it determines that there is substantial potential that the proposed operation may harm a fishery or conflict with existing recreational uses of the waters;

(b) condition a permit to restrict the method of taking, the location of the taking, and the quality and quantity of harvest, to prevent overharvest or conflict with existing fishing and recreational uses of the waters; or

(c) require a permittee to submit harvest data to the department.

(4) A permit may be revoked for a violation of the conditions of the permit.

(5) The department may adopt rules for the regulation of commercial taking of aquatic fish food organisms, including but not limited to the setting of seasons, methods of taking, quantities of harvest, size limitations, and reporting requirements for a particular aquatic fish food organism, in order to prevent overharvest or conflict with fishing and recreational uses of the waters."

**Montana Department
of
Fish, Wildlife & Parks**



Helena, MT 59620
February 2, 1993

SENATE FISH AND GAME
EXHIBIT NO. 16
DATE 2-2-93
BILL NO. SB 24

Senator Ed Kennedy
Capitol Station
Helena, MT 59620

Dear Senator Kennedy:

I want to reaffirm the department's intent with regard to implementing earlier moose, sheep and goat license drawings.

The department supports earlier moose, sheep and goat drawings. Also, we believe we can handle these earlier drawings without additional legislation.

We will present our proposal at budget hearings beginning this week before the Natural Resources Subcommittee. There is a specific budget item that this committee needs to approve related to the earlier drawings. There is sufficient revenue in our license account to fund this request. It is simply a matter of obtaining budget authority to spend the cash.

We would convert to earlier drawings in 1994. It would be impractical to convert sooner. The drawing application forms have already been ordered, the computer system must be reprogrammed and the public informed of the earlier application deadline.

If you have any further questions, please contact me.

Sincerely,

Patrick J. Graham
Director

PJG/sa

cc: Senator Bob Pipinich
Jim Richard, Montana Wildlife Federation
Warren Illi, Flathead Wildlife, Inc.



MONTANA STATE SENATE

SENATOR JOHN "ED" KENNEDY, JR.
SENATE DISTRICT 3
5567 MONTANA HWY. 35
KALISPELL, MONTANA 59901

COMMITTEES:
LOCAL GOVERNMENT—CHAIRMAN
BUSINESS AND INDUSTRY
NATURAL RESOURCES

January 28, 1993

Senator Bob Pipinich, Chairman
Senate Fish and Game Committee

Re: Senate Bill 26

Dear Chairman Pipinich:

I would appreciate it very much if you would include these comments in your executive action session on Senate Bill 26.

You know the whole purpose of Senate Bill 26 was to move the drawing dates up on our big game license so that hunters, both resident and non-resident would have more time to plan their hunt.

I realize the Fish and Game have valid concerns about earlier deer, elk, and antelope license drawings. I have looked at the amendments that would move the moose, sheep and goat licenses up to July 1st. I concur with these amendments as a first step in getting these license drawing results to the hunting public at an earlier date. Hopefully in the future we can accomplish this with the the rest of the licenses. The Director of Montana Fish, Wildlife and Parks made the statement that he did not feel we need this in law. I always appreciate not having any more laws than we need. I would concur with his wish that this bill may not be necessary but I would like to have some assurance such as a letter to your committee with a copy to me, the Montana Wildlife Federation and to the Flathead Wildlife Incorporated stating these things, he put into his amendments, will definitely be done, and with a time table when this will be accomplished be included in this letter. If this is agreed upon by The Department of Fish, Wildlife and Parks, I will agree maybe this bill is not necessary, when we can accomplish things by rules and to the satisfaction of both parties I would much rather do it that way, than by statute.

Thank you very much for your consideration of this bill.

Senator John "Ed" Kennedy

JK/mk

A handwritten signature in dark ink, appearing to be "Ed", written over the typed name.

DATE 2/2/93

Please Print

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: SB 199 - SB 201

Name	Representing	Bill No.	Support	Oppose
Stan Bradshaw	Montana Bowhunters Assn	199 201	✓	
BARRY RICE	RICE RANCHES	199		✓
DIANE RICE	"	199		✓
Ronald B. Stevens	Beeman, MT 59715 myself	199 201	✓	
Steven Brooke	Stockgrowers	11		
Jim Richard	MWF	SB 199	✓	
Richard Anderson	self	SB 199		✓
Kim Enkerud	MT Stockgrowers	SB 199		✓
L.F. THOMAS	IRNA CONDA MT SPORTSMAN	SB 199 201	✓	
LeRoy A. McBRINE	SKYLINE SPORTSMAN CLUB	SB 199 201	✓	
EDWARD J. TREGIDGA	SILVER TIP ARCHERY MONTANA BOWHUNTERS ASSN.	SB 199 199	✓	
JAN HAMER	MBA			
Jan Hamer	MDA	SB 199	✓	
BILL HOLDORF	SKYLINE SPORTSMEN	SB 199 201	✓	
Pat Simmons	GWA Gallatin Wildlife Assoc	SB 199	✓	
Joe Gutzkoski	Mont. Wildlife Federation	SB 199	✓	

DAVE CAMPBELL - PRESIDENT OF MONTANA BOWHUNTERS ASSOC SB 199 ✓
VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-2-93

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: SB 199 - SB 201

Name	Representing	Bill No.	Check One	
			Support	Oppose
Bob Bugni	PRICKLY PEAR CACTUS	201	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pat Graham	DFWP	199 201	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phil Rostad	MT Stockgrowers	199	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Phil Rostad, Jr.	MSG	199	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Rostad	MSGA	199	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Janet H Ellis	MT Audubon	199 201	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lorna Drank	MT. Farm Bureau	SB199	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JIM PETERSON	MT STOCKGROWERS	SB199	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Barry	MAPP	SB199	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kelly Flynn	MT Self	SB 199	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tony Schosser	Styline	SB199	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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