

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN FOSTER, on February 9, 1993, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Mike Foster, Chair (R)
Rep. Chase Hibbard, Vice Chair (R)
Rep. Bob Ream, Minority Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Bob Clark (R)
Rep. Fritz Daily (D)
Rep. Jim Elliott (D)
Rep. Duane Grimes (R)
Rep. Marian Hanson (R)
Rep. Dick Knox (R)
Rep. Bea McCarthy (D)
Rep. Brad Molnar (R)
Rep. Scott Orr (R)
Rep. Bill Ryan (D)
Rep. Emily Swanson (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

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

Committee Business Summary:

Hearing: HB 314, HB 354, HB 369, HB 381
Executive Action: None.

HEARING ON HB 381

Opening Statement by Sponsor:

REP. RYAN, House District 38, Great Falls, stated HB 381 was "An act requiring proof of firearms competency or completion of a hunter safety course by certain members of the armed forces and their dependents prior to issuance of a hunting license under the armed forces' 30-day residency exception." He explained that

many out-of-state military personnel are unfamiliar with Montana laws, climate, and the procedures involved in field dressing. He felt that ignorance of the laws led to mistakes. HB 381 will have no fiscal impact. REP. RYAN urged passage of HB 381.

Proponents' Testimony:

Mr. Alfred Elwell, Citizen, felt that hunting in Montana posed a unique problem for out-of-state military personnel. They should learn about Montana hunting laws, hunting safety, and the unique aspects of hunting in Montana through a hunter safety course.

Mr. Bill Holdorf, Skyline Sportsman Association, stated he was a hunter safety instructor. He felt people should take the course to become aware of Montana laws and learn about Montana wildlife.

Mr. Tony Schoonen, Anaconda Sportsman Association, declared his organization's support of HB 381.

Opponents' Testimony: None.

Informational Testimony:

Mr. Pat Graham, Director of Fish, Wildlife, and Parks Department distributed written testimony (EXHIBIT 1).

Questions From Committee Members and Responses:

REP. MOLNAR asked Mr. Graham if the Department had contacted the Malmstrom Air Force Base in Great Falls. Mr. Graham said yes.

REP. MOLNAR asked what their response was. Mr. Graham said that they were interested in incorporating the hunter safety program.

REP. MOLNAR asked if there was a written agreement. Mr. Graham said no; however, they had expressed interest in the concept.

REP. REAM asked Mr. Graham if the program would be required by all military personnel arriving at the base. Mr. Graham said it could be incorporated into the orientation process.

REP. WAGNER asked Mr. Graham why it was necessary to make the program part of the orientation. Mr. Graham stated that the Department does not oppose the bill; however, he presented testimony to offer an alternative.

REP. BARNHART asked Mr. Elwell how long the course was. Mr. Elwell replied that it was a 16-hour course, which covered wildlife education, hunter regulations, tags, and Montana weather.

CHAIRMAN FOSTER asked Mr. Elwell what the cost was for attending the course. Mr. Elwell reported that there was no charge at the present time.

Closing by Sponsor:

REP. RYAN reported that in his conversation with the colonel at the base, he was reluctant to make it a mandatory part of orientation. REP. RYAN supported the concept of requiring those who would like to hunt to attend the hunter safety course. REP. RYAN felt that HB 381 will help educate military people on Montana hunting. He thanked the committee for their time.

HEARING ON HB 314**Opening Statement by Sponsor:**

REP. RANEY, House District 82, Livingston, stated much thought and study has gone into the preparation of HB 314. He felt this bill will take Montana parks into the future. REP. RANEY distributed a Montana map with the targeted parks highlighted (EXHIBIT 2). He distributed a list which contained a description of each park (EXHIBIT 3). He distributed information sheets regarding primitive parks (EXHIBIT 4). REP. RANEY circulated two amendments (EXHIBIT 5 and EXHIBIT 6). He distributed a fiscal note that he had prepared (EXHIBIT 7). He distributed a 1993 Comprehensive Parks Plan (EXHIBIT 8).

Proponents' Testimony:

Mr. George Ochenski, Montana Parks Foundation Action Fund, explained that the parks plan was put together by using Department information. HB 480 sets up a long-range parks maintenance trust. LC 1384 proposes using a percentage of the bed tax to fund park operations until the HB 480 becomes effective. HB 354 insures that the public has a voice in park decisions. A recent study indicates that half of the public does not want park facilities developed more. Currently this is the only plan available. No new taxes will be needed for this project. Mr. Ochenski felt that it is a comprehensive plan that involves the public.

Mr. Wayne Hirst, Montana State Park Foundation, asserted that parks are for protecting historical and cultural resources and for recreation. He felt there should be a recreation mix of developed and less developed parks. He believed that the limited resources should be applied to the parks that are developed.

Mr. Bob Barry, Montana Alliance of Progressive Policy, declared their support for HB 314. For low income people, recreational opportunities are limited. He felt the parks should provide a spectrum of opportunities for all people. There is a need for parks in which people can just pitch a tent. In smaller parks, the fees that are collected do not cover administrative costs. He urged passage of HB 314.

Mr. Tony Schoonen, Anaconda Sportsman's Club and Skyline Sportmen's Club, declared both organizations' support of HB 314

because it emphasizes opportunities for low-income people and tourists.

Mr. Mike Finnegan, Citizen, expressed his support of HB 314.

Mr. Clyde Daily, Executive Director for the Senior Citizen Organization, said that there are approximately 6,000 low- to middle-income senior citizens involved in the organization. He explained that there is an access problem for low income senior citizens. **Mr. Daily** pointed out that not all senior citizens are RV users. Many enjoy camping in a tent and experiencing the outdoors. He felt HB 314 was a good bill.

Mr. Pat Graham, Director of Fish, Wildlife, and Parks, distributed written testimony and two graphs regarding Montana's parks (EXHIBITS 9, 10, and 11).

Opponents' Testimony:

Ms. Evelyn Kerns, Montana State Good Sams RV Organization, declared that the majority of the members do not own 40 foot vehicles nor do they require amenities such as electricity, running water, etc. Many of them would like to go to primitive parks. She stated that she was unaware Montana had a tourist problem.

Ms. Jo Brunner, Executive Director of the Montana Water Resources Association, stated that three of the parks being considered for the project include irrigation storage facilities. There is no indication in the bill that the facilities will continue to be maintained. She felt that there should be language in the bill to include this concern.

Mr. Mark Daspit, presented a letter written by **Mr. Ed Zaidlicz** (EXHIBIT 12).

Ms. Janet Ellis, Montana Audubon Legislative Fund, distributed written testimony (EXHIBIT 13).

Mr. Clint Blackwood, Travel Montana Department of Commerce, stated their opposition to one section of HB 314 and that is the split in the resident and nonresident fees. He felt it may send a negative message to those wanting to visit our state parks. In speaking with other states, those that have tried instituting split fees have not had good results.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. RANEY said that most of the opponents addressed the tourists and the fees, but the Montana citizens were overlooked. He

wondered how much more study would be done before money was put into the parks system. The comprehensive plan by the Parks Futures Committee proposes 30 new FTE's and \$6 million in expenditures per year. **REP. RANEY** felt that the government should recognize Montana citizens' right to have a place to recreate. Some parks belong to Montanans. Sixteen recreational parks are being proposed to have fees eliminated. There are no resources available for further study. He stated that there would be no change to the irrigation storage facilities located at some of the proposed park sites. He believes HB 314 is a well thought out bill and urged its passage.

HEARING ON HB 354

Opening Statement by Sponsor:

REP. HARPER, House District 44, Helena, explained that HB 354 aids in developing a long-range plan to implement the parks policy. It also ensures public involvement in the process. He stated that Spring Meadow Lake Park in Helena was bought by coal tax money. The park used to be undeveloped. The park was developed and fees were charged, and the public became upset. He stated this was one example where public involvement is vital. The fiscal note amounts to approximately \$10,000 to \$12,000 for the cost of the program.

Proponents' Testimony:

Mr. George Ochenski, Montana State Parks (MSP), stated HB 354 amends a bill passed last session. He believed it is important to put parks development policy in statute. The relationship between the MSP and the Department is good. He declared the public should be involved in many of the decisions having to do with the state parks. He urged passage of the bill.

Mr. Wayne Hirst, Montana State Parks, declared his support of HB 354.

Ms. Janet Ellis, Montana Audubon Legislative Fund, expressed the organization's support of HB 354.

Mr. Stan Bradshaw, Trout Unlimited, stated his support of HB 354.

Mr. Bill Holdorf, Skyline Sportsman Club, declared the organization's support of HB 354.

Opponents' Testimony:

Mr. Pat Graham, Director of Fish, Wildlife, and Parks Department, distributed written testimony (EXHIBIT 14).

CHAIRMAN FOSTER read a letter from **Mr. Ted & Ms. Dalyce Flynn** (EXHIBIT 15). Both opposed HB 354.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. HIBBARD asked REP. HARPER what the threshold was that would require the public process. REP. HARPER said that on page 1, line 14, it states, "The Fish, Wildlife, and Parks Commission shall adopt rules establishing a policy whereby any proposed improvement or development of a state park or fishing access site that significantly changes park or fishing access site features or use patterns is subject to notice." He stated a public report is to be completed after the process.

CHAIRMAN FOSTER asked Mr. Graham if HB 354 would have a significant impact on Canyon Ferry Lake. Mr. Graham referred the question to Mr. Arnie Olson, Fish, Wildlife, and Parks Department. Mr. Olson said that it would have an impact on the proposed cooperative partnership with the Bureau of Land Management. CHAIRMAN FOSTER asked if this would be a redundant procedure. Mr. Olson replied that there may be some overlap in the planning processes.

REP. WAGNER asked Mr. Graham what type of public notifications were used. Mr. Graham said a news release was issued through the newspapers. He stated that the Department doesn't want to give the impression of not desiring public input. People get interested when it is their park that is being considered for changes.

Closing by Sponsor:

REP. HARPER stated that the Fish, Wildlife, and Parks Department is a difficult department to get along with. He respects the emphasis Mr. Graham places on public involvement. HB 354 guarantees every citizen a right to be involved in park planning. He stated that people get concerned when they observe what is happening in their local parks. REP. HARPER felt decisions that will affect the public should be open for public involvement.

HEARING ON 369

Opening Statement by Sponsor:

REP. HANSON, House District 100, Ashland, distributed proposed amendments (EXHIBIT 16). She stated that HB 369 allows landowners who allow free hunting on their deeded properties to apply for grants. Recently, hunters have been losing their ability to find places to hunt. Rewarding landowners for leaving their land open might give sportsmen more places to hunt.

Proponents' Testimony:

Mr. Keith Bales, Citizen, distributed copies of a portion of the proceedings of the 1986 Montana Landowner/Sportsman Conference

(EXHIBIT 17). He also distributed written testimony (EXHIBIT 18).

Mr. Kelly Flynn, Rancher and Outfitter, circulated written testimony (EXHIBIT 19).

Ms. Jamie Doggett, Montana Cattlemen and Stockgrowers Association, stated both organizations' support of HB 369. They feel that HB 369 provides much needed access to private property for hunting. She said that HB 369 provides incentive to landowners to make their land available for hunting access by providing compensation for allowing access. It is hoped this legislation will help reestablish the sportsman and landowner relationship.

Mr. Bob Hoffman, Agricultural Preservation Society, declared the organization's support of HB 369.

Ms. Jean Johnson, Executive Director of Montana Outfitters Association, distributed written testimony (EXHIBIT 20).

Mr. Todd Townsend, Rancher, circulated written testimony (EXHIBIT 21).

Mr. Knute Hereim, Rancher, presented written testimony (EXHIBIT 22).

Mr. Phil Rostad, Citizen, declared his support of HB 369 and distributed written testimony (EXHIBIT 23).

Mr. Larry Filster, Montana Wool Growers Association, stated his support of HB 369. He has a ranch which contains abundant wildlife. He urged passage of the bill.

Ms. Loren Frank, Citizen, declared her support of HB 369.

Opponents' Testimony:

Mr. Stan Frasier, Prickley Pear Sportsman Club, stated that the purpose of HB 526 was to have money set aside for wildlife habitat acquisition. He felt a separate program designed to pay landowners for access should be set up. He believes that the issue is not access, but habitat. He urged the committee to defeat the bill.

Mr. Stan Bradshaw, Montana Bowhunters Association, stated that the landowners expressed a legitimate concern. He felt, however, HB 369 is the wrong approach. He stated HB 369 is a unilaterally imposed attempt to solve a complicated problem. At this point, most of the participants have been landowners. He believed that if HB 369 is passed, one side will lose. He urged the committee to defeat the bill.

Mr. Ron Stevens, Landowners and Sportsman Council, stated that landowners have been generous with invitations to attend their conferences. Compensation is the major issue for landowners. Access is the major issue for sportsmen. Wyoming has a coupon system where a hunter is issued a coupon when he buys a license. Once he obtains his game animal, he tears out the coupon and gives it to the landowner. The landowner redeems the coupon at the Fish and Game Department for \$9 per coupon. HB 369 is counterproductive against HB 526, the land acquisition program. He stated the need for both groups to work together to compromise.

Mr. Pat Graham, Director of the Fish, Wildlife, and Parks Department, distributed written testimony (EXHIBIT 24).

Mr. Jim Richard, Montana Wildlife Federation, stated that the land acquisition program is sponsored by sportsmen. He felt that HB 369 did not properly address the problem. It was introduced without sportsmen's contribution. He urged a do not pass.

Mr. Bill Holdorf, Skyline Sportsmen Club, declared the organization's opposition to HB 369.

Ms. Janet Ellis, Montana Audubon Legislative Fund, stated that the organization supported HB 526. The solution needs to be contributed from both sportsmen and landowners. She declared the organization's opposition to HB 369.

Mr. Tony Shoonen, Skyline Sportsmen Club, declared his opposition to HB 369.

Mr. L.F. Thomas, Anaconda Sportsmen Club, strongly opposed HB 369.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. SWANSON asked **Mr. Childress** for a copy of the statemnt of intent that indicates what the priority is between leases, easements, and fee title acquisitions. VICE CHAIRMAN HIBBARD stated that he had a copy.

REP. ELLIOTT asked **Mr. Townsend** if he opened his land for hunting. **Mr. Townsend** replied that his land is managed two different ways. One parcel of land is available for hunters to walk in only. He had tried it with the other parcel, but it was unsuccessful and he hired an outfitter to control the hunting flow. REP. ELLIOTT asked if the compensation was for the increased number of wildlife or hunter damage. **Mr. Townsend** believed that philosophically he should be reimbursed. The game must be harvested because of high population. He felt that compensation is fair, but would rather have game numbers reduced.

REP. ELLIOTT stated wildlife is enjoying record high population. It is his opinion that the mild weather is one of the causes of the high population. He asked Mr. Childress, Fish, Wildlife, and Parks Department, to address this possibility. Mr. Childress said the weather is the largest factor in the higher population of wildlife and in hunter success. REP. ELLIOTT asked if hunting pressure can mitigate the growth of the wildlife population. Mr. Childress replied that it could.

REP. WAGNER stated that the Department of State Lands reports that outfitters pay approximately 11 cents per acre for access. The Department of State Lands would like them to pay 66 cents per acre. He asked Mr. Bales to comment on this. Mr. Bales stated on private land, an outfitter controls who can be there. On state lands, the general public has access, so it is not an exclusive situation. There is greater value in being able to control access and who can be there.

REP. MOLNAR asked what the tax and liabilities differences were between compensatory payment and grants. Mr. Sternberg replied that HB 369 was drafted in the "grant" context partly for liability reasons. Anyone may apply provided they show proof of allowing hunter access on their land. REP. MOLNAR asked if money is granted for access as opposed to being paid for access, are the liabilities waived. Mr. Sternberg said the question of liability is specifically addressed in HB 369 subsection (5) on page 5. He referenced MCA 70-16-302, which reads "A person who makes recreational use of any property in the possession or under the control of another with or without permission and without giving valuable consideration therefore, does so without any assurance from the landowner, his agent, or his tenant that the property is safe for any purpose. The landowner, his agent, or his tenant owes the person no duty of care with respect to condition of the property, except that the landowner, his agent, or his tenant is liable to such person for any injury to person or property or for an act or omission that constitutes willful or wanton misconduct." Subsection (5) limits the landowner liability if he participates in the grant program for the recreational use of property. Tax provisions are not addressed specifically in HB 369. It would be set up and administered as a grant program.

REP. GRIMES asked REP. HANSON if the landowner relinquishes the right of access. REP. HANSON said the people who will be helped with this legislation are people who are already granting free access and hunting. REP. HANSON referred the question to Mr. Bales. Mr. Bales said the matter would be specified in the Department rules and regulations. He said that it would be a good policy for the Department to have a committee of sportsmen and landowners appointed to address these issues.

Closing by Sponsor:

REP. HANSON said that this issue has been discussed for seven years. She felt leases and easements should be the first choice by the Department when considering wildlife habitat. The present system, in her opinion, is not working. Ninety-six percent of the funds used in the land acquisition program comes from out-of-state hunting licenses. She envisions a landowner submitting an application to the Department. The Department would send them back a form which had to be notarized and signed by an adjoining landowner. She does not want to see any more land locked up. REP. HANSON urged passage of the bill.

ADJOURNMENT

Adjournment: 6:05 p.m.



REP. MIKE FOSTER, Chair



MARY RIITANO, Secretary

ML/MR

HB 381
February 9, 1993

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

I appear today not to take a position on this bill, but to suggest an alternative for your consideration.

Senator Mesaros contacted our regional office in Great Falls late last year to express concerns similar to those that apparently prompted HB 381. Those concerns had to do with the lack of experience and training among military personnel who are new residents of our state, specific to Montana's:

- terrain
- weather
- general hunter/landowner relations and associated issues including ethics.

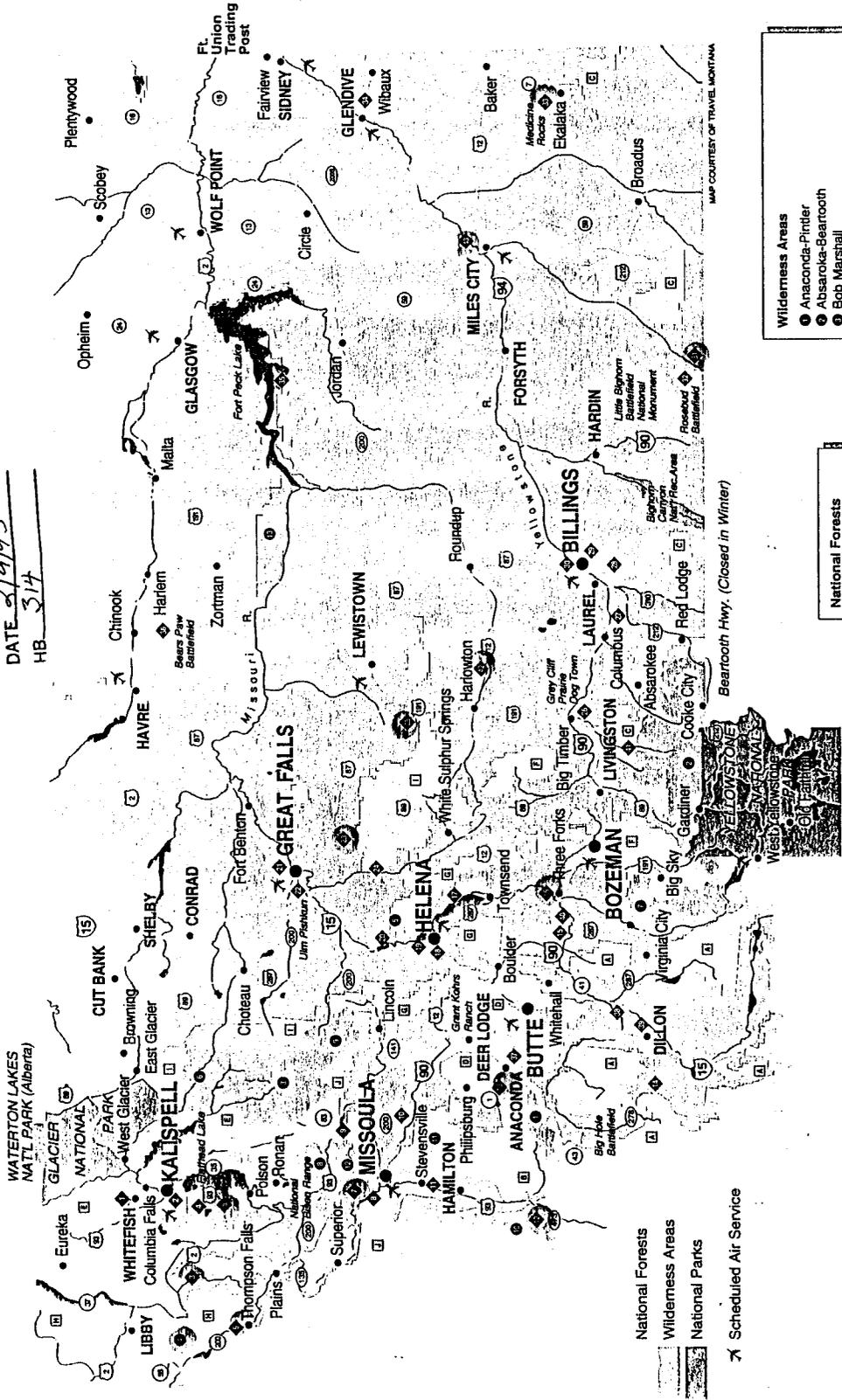
For the past few years, in cooperation with Malstrom Air Force Base, we have presented a modified hunter education class as a part of the base's orientation program. Although the class is not mandatory, participation has been good. In that class, we talk about respecting landowners, regulations, ethics, proper use of firearms, survival in Montana's unpredictable environment and many other things.

We would be willing to expand our efforts with the base. Our suggestion would be to encourage the base to be more aggressive as

For detailed information, write or call Montana Parks Division 1420 East 6th Ave. Helena, MT 59620 406-444-3750



EXHIBIT 2
DATE 2/19/93
HB 314



- State Parks**
- ◆ Whitefish Lake
 - ◆ Lone Pine
 - ◆ Thompson Lakes (Logan)
 - ◆ Lake Mary Roman
 - ◆ Flathead Lake
 - ◆ West Shore
 - ◆ Elmo
 - ◆ Big Arm
 - ◆ Wild Horse Islands
 - ◆ Yellow Bay
 - ◆ Finley Point
 - ◆ Wayfarers
 - ◆ Thompson Falls
 - ◆ Frenchtown Pond
 - ◆ Council Grove
 - ◆ Placid Lake
 - ◆ Salmon Lake
 - ◆ Beaverhill Hill
 - ◆ Fort Owen
 - ◆ Painted Rocks
 - ◆ Lost Creek
 - ◆ Bannack
 - ◆ Lewis & Clark Caverns
 - ◆ Missouri Headwaters
 - ◆ Madison Buffalo Jump
 - ◆ Canyon Ferry
 - ◆ Spring Meadow Lake
 - ◆ Hauser Lake (Black Sandy)
 - ◆ Hofer Lake
 - ◆ Giant Springs
 - ◆ Jim Plushun
 - ◆ Shick's Boquet
 - ◆ Smith River
 - ◆ Abbey Lake
 - ◆ Greycliff Prairie Dog Town
 - ◆ Cooney
 - ◆ Chief Plenty Coups
 - ◆ Pictograph Cave
 - ◆ Lake Elmo
 - ◆ Tongue River Reservoir
 - ◆ Rosebud Battlefield
 - ◆ Medicine Rocks
 - ◆ Makoshika
 - ◆ Hell Creek
 - ◆ Bears Paw Battlefield
 - ◆ Anaconda Smeiter Stack
 - ◆ Beaverhead Rock
 - ◆ Clark's Lookout
 - ◆ Parker Homestead
 - ◆ Natural Bridge
 - ◆ Beechtree Basin
 - ◆ Prairie Island

- Wilderness Areas**
- ① Anaconda-Pintler
 - ② Absaroka-Beartooth
 - ③ Bob Marshall
 - ④ Cabinet Mountain
 - ⑤ Gates of the Mountains
 - ⑥ Great Bear
 - ⑦ Lee Metcalf
 - ⑧ Mission Mountains
 - ⑨ Scapagoat
 - ⑩ Selway-Bitterroot
 - ⑪ Welcome Creek
 - ⑫ Flatheads Wilderness
 - ⑬ Charles M. Russell National Wildlife Refuge

- National Forests**
- ☐ Beaverhead
 - ☐ Bitterroot
 - ☐ Custer
 - ☐ Deerledge
 - ☐ Flathead
 - ☐ Gallatin
 - ☐ Helena
 - ☐ Kootenai
 - ☐ Lewis & Clark
 - ☐ Lolo

Montana

Reference Map

National Forests
Wilderness Areas
National Parks
✈ Scheduled Air Service

MAP COURTESY OF TRAVEL MONTANA

MONTANA STATE PARKS SYSTEM

Proposed "Primitive" Parks - a brief description of each:

Note that all of these Parks were visited in 1989, and that some improvements may have been made to them since that time, but would have been minor.

The noted Parks are grouped by the Regions they are located in.

Region #1, Kalispell:

Thompson Falls State Park:

A wooded area along the Clark Fork River, west of Thompson Falls, with 33 designated campsites, and two picnic sites. It is rocky along the river, and there was no boat ramp there in 1989.

FY 93 budget - 16,053

CY 92 Fee income - 7,694

Logan State Park (Thompson Lakes):

A wooded area on the lake off Hwy. #2 between Kalispell and Libby, with two camping loops, and a good boat ramp, with a small dock. Has flush toilets, and is well used on the weekends, as well as by travelers on Hwy. #2.

FY 93 budget - 35,173

CY 92 Fee income - 15,984

Chain of Lakes:

This large area between Kalispell and Libby contains many lakes, and was donated by Champion International. It is currently leased by the State from the Conservation Fund, who owns the property until an EA and management plan is completed to satisfy the terms of the donation. It is currently being managed by the State as a fishing access site and citizen input shows the most support to be for keeping the area "as it is", with limited development. If this area is developed, it could be very expensive, but it could also be an ideal location for long term Conservation Corps projects.

Lambeth State Park (Lake Mary Ronan):

This is a "fisherman's" park located on Lake Mary Ronan, 7 miles west of Flathead Lake. The road is paved to within 1.5 miles of the Park, and there are 27 designated campsites there, and alot of private land surrounding it, with cabins and "resorts". The entire area is wooded, and the boat ramp was in fair shape, although it ended 6 feet into the lake (with a warning sign). There was a small dock, and the roads within the park were a little rough.

FY 93 budget - 15,744

CY 92 Fee income - 9,399

Westshore Flathead Lake State Park:

This is a fairly large, wooded area on the hillside overlooking Flathead Lake. The hillside is somewhat steep going down to the lake, and the camping areas and sites are dispersed. The roads within the Park are "oiled", and there is really no beach areas available. The boat ramp was in poor shape, and the Park was not a well used, as the campsites are located away from the water. Boat ramp parking was very limited near the ramp, due to the hillside. There were 30 designated campsites, and 3 identified campsites, along with a picnic area with an old "change house".

(Budget information not isolated)

Wild Horse Island:

This is a large island in Flathead Lake, accessable only by boat, and was not visited. It is largely natural, with some private cabins on the island, and had no overnite camping facilities.

Region #2, Missoula:

Lost Creek State Park:

This is a nice park located in a canyon near Anaconda, with a paved road to within a couple miles. There are 24 designated campsites, which are not very well used (on an August saturday night, only one other party was camped there). There is a waterfall right above the park, which is accessable by wheelchair on a short paved trail. The water available here is by hand pump only.

FY 93 budget - 10,572

CY 92 Fee income - 5,787

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Frenchtown Pond:

This is an old gravel pit off I-15, west of Missoula, and is used a a day use area, with no camping allowed, when visited. There were 24 designated sites, with 14 of them being just a "pull-in", with nothing else there. There are flush toilets here. The "pond" has a problem with moss growing in it later in the summer. There could be more shade

FY 93 budget - 20,762

CY 92 Fee income - 9,590

Painted Rocks State Park:

Located on the Painted Rocks Reservoir (a DNRC irrigation reservoir) about 43 miles south of Hamilton, near the Idaho border. There are 30 designated campsites, and 3 identified campsites, and it is not very well used. The reservoir is subject to severe drawdowns, leaving this area high and dry later in the summer. It is a wooded area, with private cabins around, two picnic shelters, and a good boat ramp. (many campsites were not "completed").

FY93 budget - 9,485

CY92 Fee income - 1,621

Region #3, Bozeman:

Headwaters State Park:

This is a beautiful area at Three Forks, the starting point of the Missouri River and rich in history. It is off I-90 and the highway goes through it to the Trident cement plant located about 1 mile downstream. There is a campground with 17 designated sites that can be overrun with mosquitoes, and a picnic and display area. The display area has historical interpretive signs, flush toilets and drinking fountain. The picnic area is perhaps the nicest one in the State, with a beautiful lawn under large cottonwood trees next to the Gallatin River (there was some "winter kill" of these cottonwoods, and the spot has not been visited since the "winter kill" by this author). The boat access area has a few camping spots there (with less mosquitoes), and the boat ramp is in fair shape.

There is excellent hiking on "Fort Rock", with excellent views, the remains of the old Gallatin City Hotel are here, along with some pictographs, and some old "pioneer" graves.

FY 93 budget - 32,954

CY 92 Fee income - 21,404

Region #4, Great Falls:

Sluice Boxes State Park:

Located south of Belt heading towards Kings Hill, this park is undeveloped, and consists of a parking area to go hiking up the river, where the canyon gets narrow. There is an old railroad grade going up the canyon, but the trail is not developed, and the creek must be forded further up. There was no information on this trail, or the history of the area when visited. Overall, undeveloped, and a beautiful hike.

FY 93 budget - 6,389

No fee income

Ackley Lake State Park:

A small, nice reservoir in the Judith Basin 6 miles south of Hobson. It was in good shape, with 18 designated campsites, and 17 picnic shelters, and 2 hand pumps for water. It's not very big, but alot of people use it, as there are few other lakes in the area. There are few trees, and no inflow to the lake could be seen. The lakeshore was gravel, not mud. (Appeared to be mainly day use).

FY 93 budget - 18,876

CY 92 Fee income - 4,888

Region #5, Billings:

Deadman's Basin State Park:

A fairly large reservoir near Harlowton, with 31 designated campsites, two picnic shelters, and no water available when visited. There are 5 "main" camping areas, and many people camp on the beach. There are private cabins located here, and it can be very windy. In past full pool years, erosion washed away part of the camping areas, and some previous roads. It's mostly used for fishing and water skiing, and the long boat ramp was very muddy when visited. All in all, it's a pretty "bleak" spot.

FY 93 budget - 16,175

No Fee income (no water).

Exhibit 3
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Region #7, Miles City:

Tounge River State Park:

This is a large area located on the Tounge River Reservoir right north of the Wyoming border near Sheridan. There are 5 different camping areas, with 63 identified campsites, but most people camp on the beach, with few using identified sites when visited. There is good crappie fishing with a marina, and only one water hydrant, along with 7 picnic shelters. This can have heavy use at times, with many Wyoming users. There is a camping site below the dam along the river that showed little use, which had two picnic shelters, and a fee sign .

FY 93 budget - 30,208

CY 92 Fee income - 37,903

Medicine Rocks State Park:

A beautiful wooded area of unique geological formations located between Ekalaka and Baker. There are 13 identified campsites, and one group use area. The hand pump by the entrance has some of the best water in the area. This area was used alot by locals, and hunters in the fall. (Note that there were many complaints by locals on entrance fees here). There is currently a proposal to turn this area back to the county, due to the fee complaints. This area has burned since it was visited, and the effects of that are unknown to this author.

Pirouge Island:

This is a beautiful island in the Yellowstone River across from Miles City, and is undeveloped, used mainly for hiking. It can be prone to flooding, and is full of large cottonwood trees.

Note the two above parks are grouped together in budgets.

FY 93 budgets - 8,025

CY 92 fee income - 1,088

- B. We have been unable to develop a partnership with the Department of Transportation. Road related needs are over 40% of our total park improvements needs.
- C. Despite progress in our relationship with Department of Commerce and the Tourism Division, there remains an imbalance in favor of promotion over maintaining and enhancing the park system facilities. Each year, we get more and more letters from non-residents who threaten never to return to Montana for vacations due to bad experiences in State Parks with poorly maintained facilities despite the quality natural and cultural resources.
- D. The dichotomy between the attitudes of Montanans remains a challenge. Half of the residents seem to want much better facilities, as do our non-resident visitors. The other half want primitive facilities and seem not to support better quality.
- E. There remain some parks which are threatened by inholdings or lack of protection from conflicting uses and we have no resources to combat the threats.
- F. We have had a continued array of unexpected financial setbacks which thwart our progress.
1. Comp time pay out to non-exempt employees.
 2. Cuts of our general fund in both special legislative sessions.
 3. An over-payment of motorboat fuel tax to Parks by the Dept. of Revenue which had to be paid back after it was spent.
 4. Low water in 1992 affecting fee collections from users of the Smith River, other water-based sites and some concessionaires.

IV. CURRENT FUNDING CRISIS

PROBLEM

As of summer 1992, Parks was projected to be about \$900,000 in the red in operations by the end of the next biennium if no new funding was forthcoming. There was an additional deficit of several million dollars for the capital program. The shortfall was primarily in the Coal Tax, Motor Boat Fuel Tax, General Fund and Earned Revenue sources. With an internal adjustment in overhead rate calculations and more optimistic coal tax projections, the total deficit for two bienniums of \$6.5 million may be \$600,000 less. The implications of this would vary depending on whether the additional revenue is used for operations or capital.

IMPLICATIONS

Montana is on the verge of whether or not it will have a viable State Park System. This deficit will mean we can't meet our payroll next biennium and needed improvements and resource protection will not occur. We are spending more than we are taking in (the same problem as the rest of state government). If we don't get funding relief, it could mean the following next biennium:

- 1) Layoff permanent and seasonal personnel
- 2) Walk-in only at some state parks
- 3) Termination of camping at some parks
- 4) Shortening of full service season to July/August only
- 5) Other service reductions
- 6) Failure to preserve historic resources and improve sites

WHY ARE WE IN THIS POSITION?

- 1) Declining interest rates nation-wide affecting Coal Trust earnings.
- 2) Inflation at 4% minimum annually with no adjustment in funding sources.
- 3) Dept. of Revenue error in allocating too much Motor Boat Fuel Tax money and now they want the over-payment back.
- 4) Increased public demand on most sites with visitation increasing 10% per year.
- 5) Declining facility condition resulting in more maintenance costs to provide the same service.
- 6) Most account surpluses have been depleted in an attempt to provide consistent public service.
- 7) The 1991 Legislature provided only half of what was we needed to keep from going backwards.

WHAT WE HAVE DONE IS NOT ENOUGH

We have transferred several sites, formed public and private partnerships, had private fund-raising projects, adjusted our fee system and raised fees, increased our marketing efforts, sold goods for revenue, adjusted concession fees, worked on our profile and image, surveyed the public, conducted supporting research, and reviewed internal department funding sources, but these efforts are not enough. We must have new revenue, or our Parks and historical heritage will continue to deteriorate.

OTHER OPTIONS

- 1) Closing Parks - Parks which have used federal Land and Water Conservation Fund (LWCF) dollars are required to remain open or we face federal penalties including paying the full value of the site to the Feds (almost all have LWCF).
- 2) Selling Parks - We can't legally sell parks which have used federal dollars without replacing them at current full market value. Therefore a large financial investment would need to be made before we could further reduce the size of the Park System.
- 3) Reduce spending on low priority parks - Currently, ten parks have no development or budgets and another seven have only minimal services. We spend about 50% of our budget on five parks, 43% on another 20 parks, and only 7% is spent on the 27 lower priority parks. We have already exercised our options to reduce spending on all state parks without significantly cutting services.

WHAT ABOUT THE NEW RECREATION MONEY WE HAVE BEEN HEARING ABOUT?

Montana may receive \$500,000 in federal trails funds and has received an equivalent one-time amount in federal Conservation Corps dollars. None of these funds can be used to help bail out the shortfall in the parks base programs because they are earmarked for other specific purposes by federal law. They can, however, enhance recreational opportunities in Montana.

WHAT CAN YOU DO?

- 1) Spread the word with people you know or have influence with concerning the values, needs and opportunities facing State Parks and the implications if funding is not obtained.
- 2) Encourage those you know to make their feelings known to their legislators.
- 3) Invite a parks person, a Park Futures Committee member, or someone else from FWP to speak to a group you are involved with or can influence to tell the Parks story.

Amendments to House Bill No. 314
White Reading Copy

Requested by Rep. Raney
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 5, 1993

1. Title, line 6.
Following: "PARKS;"
Insert: "AND"

2. Title, lines 7 through 10.
Strike: ";" on line 7 through "MCA" on line 10.

3. Page 4, lines 16 and 17.
Strike: "and" on line 16 through "charges" on line 17

4. Page 4, line 18 through page 6, line 3.
Strike: section 5 in its entirety
Renumber: subsequent section

EXHIBIT 6
DATE 2/9/93
HB 314

Amendments to House Bill No. 314
White Reading Copy

Requested by Rep. Raney
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 5, 1993

1. Page 3, line 2.
Following: "park;"
Insert: "and"

2. Page 3, lines 3 and 4.
Strike: subsection (16) in its entirety
Renumber: subsequent subsection

DESCRIPTION OF PROPOSED LEGISLATION: Legislation establishing the Montana Primitive Parks Act. Maintaining certain State Parks at their current level of development, allowing improvements to meet health, safety, access and use needs; removing user fees for the citizens of Montana.

ASSUMPTIONS:

1. Approximately 60 % of state park visitors and park revenue is generated by resident visitors, with some exceptions.
2. Userfees would include both entrance and camping fees. The fee concept is a regressive tax; it discriminates against low income citizens of Montana.
3. Earned revenue at the parks listed in section 2 of the bill was approximately \$130,000 in CY92.
4. In the long term, money saved on development of the sites listed in this act would be redirected to the development of higher priority sites.

FISCAL IMPACT:

See attachment

Revenues:

| | FY '94 | | | FY '95 | | |
|--------------------|--------------------|---------------------|-------------------|--------------------|---------------------|-------------------|
| | <u>Current Law</u> | <u>Proposed Law</u> | <u>Difference</u> | <u>Current Law</u> | <u>Proposed Law</u> | <u>Difference</u> |
| Resident User Fees | 59,304 | 0 | (59,304) | 59,304 | 0 | (59,304) |

Costs:

It is difficult to estimate long term improvement savings due to the unpredictability of available future resources. However, savings could be substantial, as the 6 year capital project needs of Montana State Parks generated on a computer matrix several years ago (total capital needs were approximately \$60 million) listed Road/Trail/Parking needs at the Westshore Flathead Lake Park only, at \$728,640.

Wayne Hirst
WAYNE HIRST
DATE 2-8-93

Bob Raney
BOB RANEY, PRIMARY SPONSOR-
DATE

Attachment to Fiscal Note for HB 0314

Potential loss of fee income with passage of HB 0314:

| <u>Park</u> | <u>CY92 Fee Income</u> | <u>Assumed % Residents</u> | <u>Loss</u> |
|---|------------------------|----------------------------|-------------|
| Thompson Falls | 7,694 | 60 | 4,616 |
| Wild Horse Island | 1,714 | 60 | 1,028 |
| West Shore Flathead Lake - N/A - Income was grouped | | | |
| Logan (Thompson Lakes) | 15,984 | 60 | 9,590 |
| Lake Mary Ronan(Lambeth) | 9,399 | 60 | 5,639 |
| Lost Creek | 5,787 | 60 | 3,472 |
| Frenchtown Pond | 9,590 | 80 | 7,672 |
| Painted Rocks | 1,621 | 60 | 973 |
| Sluice Boxes | 0 | - | 0 |
| Ackley Lake | 4,888 | 80 | 3,910 |
| Headwaters | 21,404 | 40 | 8,562 |
| Deadman's Basin | 0 | - | 0 |
| Toungue R. Reservoir | 37,903 | 20 | 7,581 |
| Medicine Rocks & Pirouge Island | 1,088 | 80 | 870 |
| Total Fee Reduction | | | 53,913 |
| Plus 10% for West Shore Park (not included) | | | 5,391 |
| Net Fee Reduction | | | 59,304 |

Assumptions: Frenchtown Pond and Ackley Lake are mainly used by residents.
 Headwaters is visited more by non-residents, as it's on I-90.
 Toungue R. Reservoir is used predominately by Wyoming residents, as it's right north of Sheridan, Wyoming.

COMPREHENSIVE PARKS PLAN - 1993

Fund

linked legislation, carefully crafted in response to
Montana's state parks.

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creasing spiral

Funding & Comprehensive Planning - HB 480

Current Maintenance Requirements - LC 1384

term expenditures - HB 314

apped at \$100
ish the Parks
stments.

public involvement in future actions - HB 354

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range plan is
k users,

, this package of bills provides a comprehensive
Montana's state parks system that ensures:

ng that does not rely on an ever-increasing
fees

in effect,

ending on parks needs, not administration

ition; and,

ent work force - Montana Conservation Corps

ce with the

n public desires for recreational opportunities

riate sources of funding - No New Taxes!!

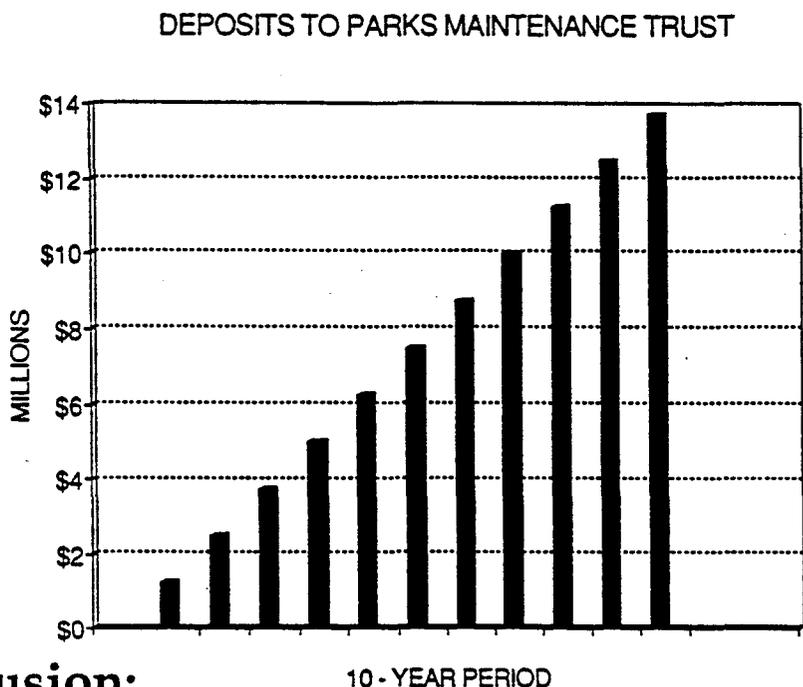
Policy for Present & Future Needs!

The Numbers:

LFA estimates Resource Indemnity Trust revenue income to be approximately \$5 million per year. At this rate, the Resource Indemnity Trust will be capped in 1995 or 1996.

HB 480 allocates 25 percent or \$1.25 million per year in the Parks Maintenance Trust.

Existing interest rates on Board of Investments-managed Trust funds is about 8-10 percent return.



Conclusion:

Establishing the Parks Maintenance Trust provides a continuous, long-term source of reliable funding for parks maintenance needs.

The development of the mandatory Long-Range Comprehensive Plan ensures appropriate spending with full public oversight and involvement.

LC 1384 - Meeting Maintenance Requirements Using the Montana Conservation Corps

The Need:

Park use is growing at 10 percent per year. Urgent maintenance is required to protect the resources of Montana's State Park System.

The Proposal:

Use \$500,000 per year of Bed Tax revenues (approx. 7 percent) to fund **parks maintenance** requirements.

This revenue can only be spent by the Montana Conservation Corps for **maintenance of state parks**. Parks improvements may be funded once all maintenance projects are completed.

The Numbers:

The Lodging Facility Tax (Bed Tax) has grown significantly since its establishment. The projected revenues from this source of funding are estimated to be approximately \$7 million per year in the next biennium.

Tourism is growing at an average rate of 10 percent a year. Park use closely parallels this rate. Given a static Montana population, it is reasonable to expect a portion of the increased park use pressure is being generated by tourists.

The bed tax, which is used to advertise Montana and bring more tourists to the state is an appropriate source of funding for the maintenance of the "advertised product" - state parks.

HB 314 - Primitive Parks Act: Long-term Savings by Meeting the Public's Recreational Desires

The Need:

The Parks Division's 1992 Status Report notes:

"The dichotomy between attitudes of Montanans remains a challenge. Half of the residents seem to want much better facilities, as do our non-resident visitors. The other half want primitive facilities and seem not to support better quality."

Montanans want a recreational "mix."

The state's fiscal condition demands that scarce resource dollars be spent in the most efficient manner possible.

The Proposal:

Put sixteen of the least developed parks into a developmental freeze. Allow on-going maintenance and improvements necessary for health & safety.

Remove access and camping fees for Montana residents. Maintain user fees for non-residents and increase fine to \$100 for non-resident violations.

Re-direct scarce resources to more developed sites; realize long-term savings through limiting development; Provide recreational "mix"; remove economic access barrier to low or fixed income Montana citizens.

The Numbers:

The Department's own recommendation to meet current spending requirements on limited revenue includes the following option:

"Reduce spending on low priority parks - Currently, ten parks have no development or budgets and another seven have only minimal services. We spend about 50% of our budget on five parks, 43% on another 20 parks, and only 7% is spent on the 27 lower priority parks."

Long-term savings through developmental "freeze" at these parks is estimated at approximately \$6 million.

Estimated "costs" of removing access and camping fees for Montana residents is \$59,304.

This so-called "lost revenue" would be compensated for by the short-term funding available through LC 1384, which provides \$500,000 per year to be used on parks maintenance to be performed by the Montana Conservation Corps.

In the long term, all such "losses" incurred by the removal of economic access barriers to state parks would be compensated from the Parks Maintenance Trust contained in HB 480.

Conclusion

The Primitive Parks bill accomplishes more by doing less. In meeting the recreational demands of citizens, we save money and remove economic access barriers for Montana residents. Positive positioning for Parks is likely to result with concurrent support for both the division and the department as a whole.

HB 354 - Interactive Citizen Involvement in Parks Development Decisions

The Need:

Parks developmental needs can best be determined through close contact with the citizens of Montana.

Citizen involvement in parks development strengthens the process and builds support and credibility for the division and the department as a whole.

The Proposal:

Amend the Parks Development Policy Act to involve citizens in decisions resulting in acquisition, divestiture, management exchanges, imposition or increases in fees, limitation of access through physical barriers, or construction of toll booths at state parks and fishing access sites.

The Numbers

The small additional costs estimated to comply with the citizen notification and involvement provisions of the bill are likely to be offset by good ideas from citizens, and perhaps a need for less development than the department planned for.

Conclusion:

Involving citizens in parks decision-making will strengthen the process, add credibility and build support for the division and the department.

HB 314
February 9, 1993

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

The Department of Fish, Wildlife & Parks endorses the concept of providing a diversity of opportunities in our state park system, including the opportunity for a primitive experience. We currently manage a number of sites in primitive condition. Therefore, we support the intent of this bill.

I would like to review two issues we believe the committee should consider: First, whether this is the appropriate means to identify and classify primitive parks, and the second issue includes revenue and fees.

One question you need to consider is whether or not this bill is the appropriate way to address designation and management of primitive parks. We believe an alternative approach could be taken to achieve the same result. It could be done through development of a comprehensive plan for the state park system during the coming biennium.

The Fish, Wildlife & Parks Commission has sufficient authority to designate parks under 23-1-102 MCA, which gives them discretion to:

"designate land under its control as state parks, state historic sites, state monuments, or by any other designation it considers appropriate, remove or change the designation of any area or portion, and name or change the name of any area as designated."

The principal advantage of a comprehensive plan is involvement of the public in decisions which involve potential changes in park use and development.

Many state parks fulfill a role between totally primitive sites like those found on much of the state's federal land and totally developed sites like those provided by private businesses with services such as laundromats and satellite TV hook-ups. Of the total 22,400 designated campsites in the state, 63% are private, 30% are federal, 1% are state Fishing Access Sites, and 6% are in state parks. Most USFS and BLM lands provide free and primitive opportunities to Montanans. Also, the majority of our state park system remains in a primitive condition. A total of 87% of park improvements are considered primitive or relate to developments needed to protect resources, provide visitor safety, or reduce maintenance and vandalism.

We have not have not yet developed a comprehensive plan because we have directed all our energies the past two years into activities to cut costs, increase efficiency, enter partnership agreements, turn sites over to the federal government, build volunteer programs and many other self-help measures. Unfortunately, these efforts alone cannot make up the deficit and stop the deterioration of our parks.

2-9-93
HB-314

We recognize the concern many Montanans have about the potential overdevelopment of some state parks. We do not intend to overdevelop these sites, nor do we have the money. But some of our publics want assurance. We believe a comprehensive plan can provide that assurance. The State Parks Futures Committee formed by Governor Stephens recognized this need, along with the need for a more sound funding base for state parks.

Development of a comprehensive plan would require redirection of administrative staff unless alternative funding is forthcoming this session. We are prepared to take that step.

If, however, the committee chooses to move ahead with this bill we would suggest several amendments that would: 1) assure compliance with the Federal Americans Disabilities Act, 2) provide for historic and cultural preservation, 3) amend the sites on the list, and 4) sunset in two years.

The first and second amendments are to ensure we can provide facilities for disabled visitors required by federal law and to perform needed preservation work at selected sites if funding is available. For the third amendment, we would develop a list of sites in truly primitive or semi-primitive condition. The attached table indicates that several of these sites are semi-developed or developed. The fourth amendment would sunset the bill in two years following development of a comprehensive plan.

The other issue addresses the removal of resident fees at the sites designated in this bill. First, the commission currently has the authority (23-1-105 MCA) to set park fees. Second, the result of this bill would be to reduce income. We recognize this is part of the sponsors overall plan to fund parks. Our concern is that we do not end up losing much needed funds if the companion bills do not become law. Third, although we do not charge fees at all of our sites now, we do feel there is an added benefit of fees in addition to revenue. People who pay fees may be less likely to vandalize the park site. Also, not charging resident fees may increase use, and thus increase operating costs if the proper sites are not selected. Why use the restroom and garbage facilities at a site where fees are collected if you can use a site where they are free.

HB 314

| Site | Average | Earned Revenue (CY92) | Projected Revenue (FY92) | Operations | | # of Volunteers/ Interns (92) | Visitation** Number (Yr) | Fees Charged | | Level of Development | Pack In/ Pack out |
|----------------------------|---------------|-----------------------|--------------------------|------------------|-------------------|-------------------------------|--------------------------|--------------|---------|----------------------|-------------------|
| | | | | Budget (FY92) | FTEs | | | Day Use | Camping | | |
| Ackley Lake | 160 | \$4,888 | \$1,955 | \$8,080 | 0.56 | 0 | n/a | \$3 | \$8 | SP | y |
| Canyon Ferry (Indian Road) | 15 | \$1,957 | \$782 | \$3,000 | 0 | 0 | 45,926 (1992) | \$3 | \$7 | SD | n |
| Canyon Ferry (WMA) | 5,000 | \$0 | \$0 | \$55,000 | 1.75* | 0 | n/a | -- | -- | P | y |
| Deadman's Basin | 618 | \$0 | \$0 | \$17,682 | 0.48 | 0 | n/a | -- | -- | SP | n |
| Frenchtown Pond | 40 | \$9,590 | \$3,836 | \$20,219 | 0.7 | 0 | 20,000 (1992) | \$3 | -- | SD | n |
| Lake Mary Ronan | 76 | \$9,399 | \$3,759 | \$9,739 | 0.46 | 2 | n/a | \$3 | \$8 | SP | n |
| Logan | 18 | \$15,984 | \$6,393 | \$43,700 | 1.23 | 2 | n/a | \$3 | \$9 | SD | n |
| Lost Creek | 25 | \$5,787 | \$2,314 | \$9,765 | 0.39 | 0 | 9,373 (1992) | \$3 | \$8 | SD | n |
| Medicine Rocks | 360 | \$1,088 | \$435 | \$8,710 | 0.26 | 0 | n/a | \$3 | \$7 | SP | y |
| Missouri Headwaters | 526 | \$21,404 | \$8,561 | \$24,070 | 1.12 | 1 | 184,367 (1992) | \$3 | \$8 | D | n |
| Painted Rocks | 293 | \$1,621 | \$648 | \$7,415 | 0.2 | 3 | n/a | \$3 | \$8 | SD | n |
| Pirouette Island | 210 | \$0 | \$0 | \$400 | 0 | 0 | n/a | -- | -- | P | y |
| Sluice Boxes | 1,404 | \$0 | \$0 | \$1,992 | 0.11 | 0 | n/a | -- | -- | P | y |
| Thompson Chain Lks (FAS) | 4,028 | \$0 | \$0 | \$0 | included in Logan | n/a | n/a | -- | -- | P | y |
| Thompson Falls | 36 | \$7,694 | \$3,077 | \$10,627 | 0.53 | 1 | n/a | \$3 | \$8 | SD | n |
| Tongue River Reservoir | 642 | \$37,903 | \$15,161 | \$23,284 | 1.18 | 0 | n/a | \$3 | \$7 | SP | n |
| West Shore | 146 | \$16,411 | \$9,834 | \$4,000 | 0.7 | 1 | 15,433 (1992) | \$3 | \$8 | SD | n |
| Wildhorse Island | 2,163 | \$1,714 | \$585 | \$9,245 | 0.54 | 1 | n/a | \$3 | -- | P | y |
| TOTALS | 15,760 | \$135,440 | \$57,440 | \$261,928 | 10 | 11 | 275,099 | | | | |

* Operations costs may increase 10-15% under HB 354 due to an increase in visitation. This is an assumption based on the fact that people will seek out free recreation if given a choice (i.e. Why camp at Big Arm and pay \$9.00 if I can go to West Shore only 18 miles away and camp for free?).

** Can use earned revenue a relative measure of visitation

*** P = Primitive - no roads or dirt roads, pit toilet
 SP = Semi-primitive - Campsites, gravel roads, pit toilet
 SD = Semi-developed - Campsites, boat ramp, pit toilet
 D = Developed - Paved roads, flush toilets, campground

The interpretation of level of development was done by staff based on our knowledge of the sites. We also attached a survey done by the University of Montana on level of development.

2-7-95
HB-314

State Parks Inventory

EXHIBIT 10
 DATE 2/9/93
 HB 314

Development Index

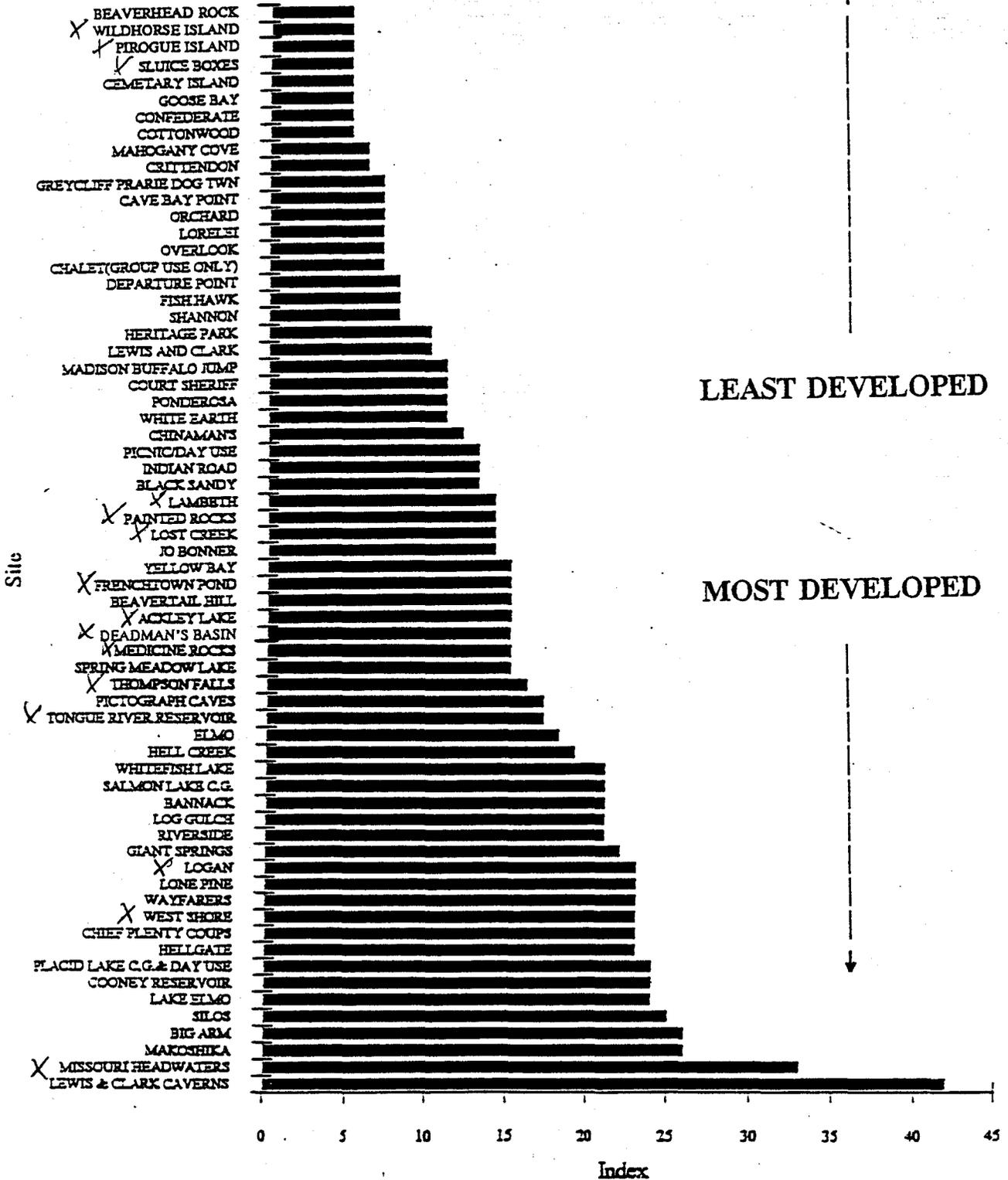
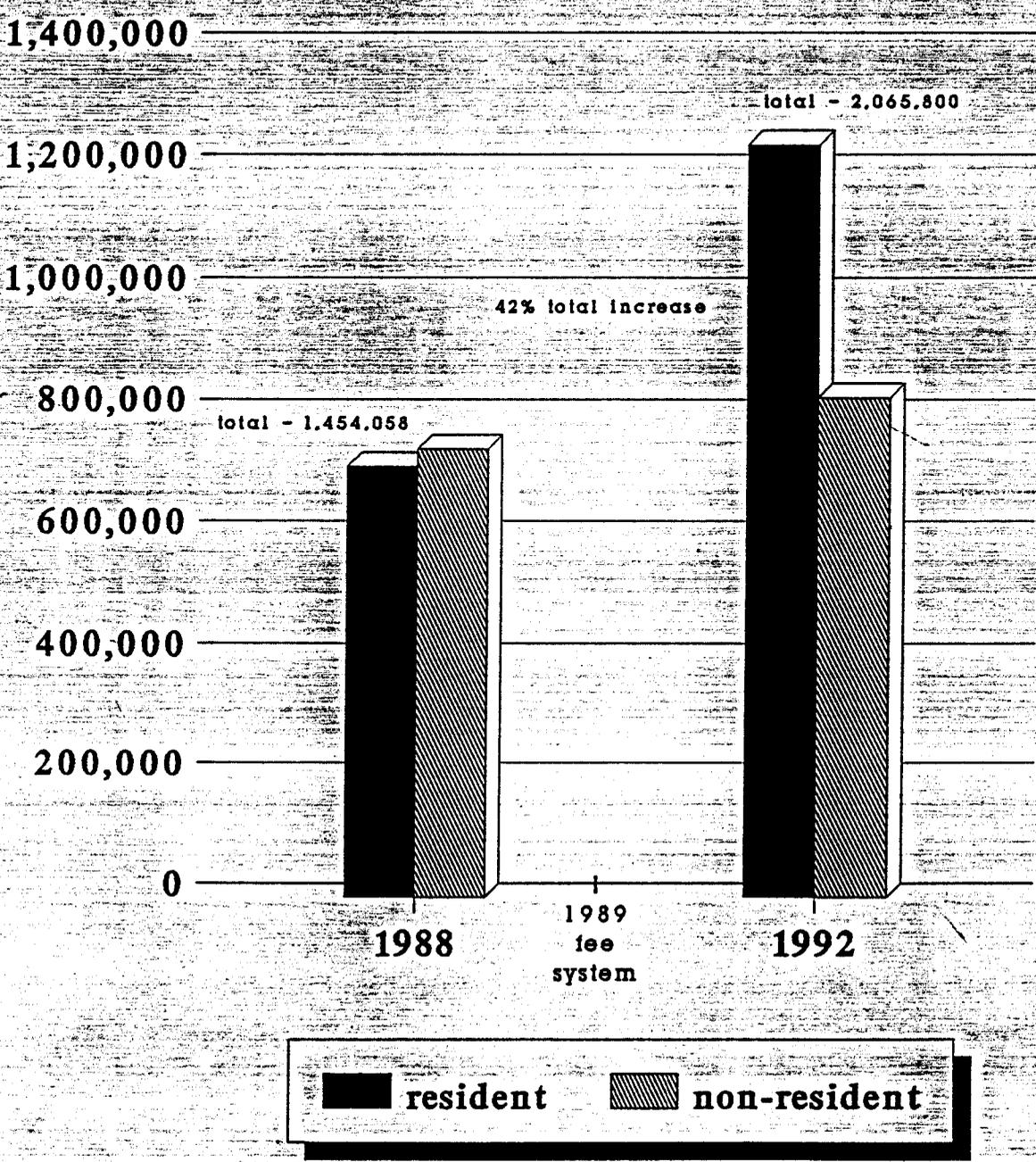


Figure 2

Visitation Montana State Parks





from the desk of
Edwin Zaidlicz

EXHIBIT 12
DATE 2/9/93
HB 314

724 Park Lane
Billings - 59102

Feb - 4, 1993

Hearing Tues. Feb 9, 1993
3pm - Rm 312

Representative Mike Foster - Chairman
House - Fish and Game Committee

Chairman Foster - & Committee members

My name is Ed Zaidlicz - reside at 724
Park Lane - Billings.

Having served on the Montana State Parks
Features Committee, which produced the report on our
state parks system for the 52nd Legislature on Nov. 1, 1990,
I wish to go on record as opposing passage of H.B. #314.

After a year of well attended public meetings
across Montana, we identified many areas of significant
concern for our S.P. system. This expression of public
need was reported to the Legislature and Gov. Stephens.

I find H.B. #314 incorporates many ideas
inconsistent with our findings. To name several, I
respectfully ask that you consider the following:

1) Many of the "cat & dog parks" in our system were placed
there by ill-conceived, parochial legislative action. In many
instances, despite objections raised by professional parks
employees. We know the public recognizes this and also of
their strong desire to be involved in any park designation
or status change.

2) We found only a minority of participants who championed
the primitive - undeveloped status for parks in general. Montanans
recognize the imperative need for long range in-depth
evolution by professional public servants of F&G, consistent
with comprehensive planning reflecting full public participation.

3) We know there is strong support for long term development
for several of the 16 candidate parks identified in Sec. 2
of H.B. #314 - i.e. Headwaters (potentially an international
destination park), Tongue River (Interstate) and Flathead
Lake (Interagency/International)

4) H.B. #314 appears to circumvent and dominate chief to Montana's demand for direct, hands-on involvement in S.P. planning, retention/disposal, and designation of "their system".

5) Our past failures in the stewardship of our S.P.s rested on our indifference to developing and supporting an adequate professional body of park employees. H.B. #314 would appear to further emasculate S.P. planning - management responsibility. Significant gains earned by a committed cadre of S.P. professionals over the last 2 years could be jeopardized.

6) Under our current system we have flexibility to permit indigent or financially disadvantaged Montanans to enjoy their parks. We explored the suggested resident/non resident fee structure suggested in Sec. 4 of H.B. #314 and found it unworkable and counterproductive to the overall Montana Tourism thrust.

We quickly learned that a non resident backlash for what would be perceived to be unfair discrimination in user fees could be significant and not in Montana's economic interest.

7) The enforcement demands of H.B. #314 are complex, difficult to administer and ignore the limited capabilities of S.P. budgeted staff.

In summary, H.B. #314 largely ignores our committee's recognition of critical problems that have historically plagued our State's unparalleled natural resource treasures - which should provide economic benefits and recreational opportunities for all Montanans and our neighbors.

In my opinion, H.B. #314 would only compound the deficiencies of our already inadequate State Park system.

Respectfully,
Ed Dardick

Chairman Foster & Committee members.

My name is Ed Zaidlicz- I reside at 724 Park Lane, Billings.

Having served on the Montana State Parks Futures Committee, which produced the report on our state parks system for the 52nd Legislature on November 1, 1990. I wish to go on record as opposing passage of House Bill 314.

After a year of well attended public meetings across Montana, we identified many areas of significant concern for our State Parks system. This expression of public need was reported to the Legislature and Governor Stephens.

I find House Bill 314 incorporates many ideas inconsistent with our findings, to name several, I respectfully ask that you consider the following:

1) Many of the "cat & dog parks" in our system were placed there by ill conceived parochial legislative action. In many instances, despite objections raised by professional parks employees. We know the public recognizes this and also of their strong desire to be involved in any park designations or status change.

2) We found only a minority of participants who championed the primitive, undeveloped status for parks in general. Montanans recognize the imperative need for long range, in depth evaluation by professional public servants of Fish, Wildlife and Parks, consistent with comprehensive planning reflecting full public participation.

3) We know there is strong support for long term development for several of the 16 candidate parks identified in Section 2 of House Bill 314 ie. Headwaters (potentially an international destination park), Tongue River (interstate) and Flathead Lake (Interagency/International.)

4) House Bill 314 appears to circumvent and do mischief to Montanans' demand for direct, hands on involvement in State Parks planning, retain/disposal, and designations of "their system".

5) Our past failures in the stewardship of our State Parks rested on our indifference to developing and supporting an adequate professional body of park employees. House Bill 314 would appear to further emasculate State Park planning, management and responsibility. Significant gains earned by a committed cadre of State Park professionals over the last 2 years could be jeopardized .

6) Under our current system we have flexibility to permit our indigent or financially disadvantaged Montanans to enjoy their parks. We explored the suggested resident/nonresident fee structure suggested in Section 4 of House Bill 314 and found it unworkable and counterproductive

2-9-93
HB-314

to the overall Montana Tourism interest.

7) The enforcement demands of House Bill 314 are complex, difficult to administer and ignore the limited capabilities of State Parks budgeted staff.

In summary, House Bill 314 largely ignores our communities recognition of critical problems that have historically plagued our States' unparalleled natural resource treasures- which should provide economic benefits and recreational opportunities for all Montanans and our neighbors.

In my opinion, House Bill 314 would only compound the difficulties of our already inadequate State Parks system.

Respectfully,

Ed Zaidlicz

Montana Audubon Legislative Fund

Testimony on HB 314
House Fish & Game Committee
February 9, 1993

Mr. Chairman and Members of the Committee.

My name is Janet Ellis and I appear before you representing the Montana Audubon Legislative Fund. MALF is the lobbying organization of the 2,500 members of the National Audubon Society in our state.

We rise in opposition to this bill for several reasons. In addressing the bill, I will address two components of the bill: 1) the primitive parks concept and 2) the elimination of resident user fees.

Primitive Parks. We like this concept of primitive parks. Instead of statutorily listing the parks in section two, what we would like to see is a process for the Department of Fish, Wildlife and Parks to designate primitive parks. We're not sure how the list in Section 2 was arrived at. We think that there should potentially be other parks in the system, such as Rosebud Battlefield and Beaverhead Rock. We would prefer to see the decision of what qualifies as a "primitive park" rest with the Fish, Wildlife and Parks Commission.

Elimination of Resident User Fees. Our park system is in poor financial shape. We lack adequate resources to maintain basic services such as maintenance of restrooms and garbage removal. Fees were initiated by the 1989 Montana Legislature. We supported those fees - and continue to support those fees - as a way to have users contribute to the park system, a park system that is desperately in need of funding. We will continue to support those fees until other funding of our parks can be found for basic maintenance of our parks. There are two additional reasons we oppose elimination of resident user fees:

1) If people are forced to pay for something, they are more careful users of that resource. As a result, park fees help cut down on vandalism. \$12 \$15

2) If the purpose of this section is to allow low income people the opportunity to use our park system, we would rather use a "low income" park pass system established.

3) We're concerned about the concept of primitive park being tied to having no user fees. In some cases we would like to see a park be classified as "primitive", but fees could potentially be charged (such as Rosebud Battlefield).

If we could afford to allow people to use parks for free, that would be wonderful. We do not feel that Montana can afford this right now.

Thank you very much for listening to our concerns.

4) Another option might be to use coordinating language with any other bills that might fund parks this session

HB 354
February 9, 1993

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

During the 1991 session, HB 495 was passed requiring an environmental assessment process for every improvement at a park or fishing access site where significant changes in land use or development occurred. This bill, which we supported, required an ARM rule-making process to implement provisions of the law. The process was completed. Extensive public notification of the opportunity to comment was undertaken. Only seven people came to the public meeting and six of them were at the wrong meeting. Only one person offered substantive comments. Additional written comments were received. We incorporated many of the comments. Rules were adopted by the Montana Fish, Wildlife & Parks Commission in the fall of 1992.

The first 8 of the 14 provisions in HB 354 were adopted as part of the ARM rule process.

The remaining six provisions of this bill were offered by the commentor during the ARM rule-making process. They were considered by the commission and determined to be inappropriate for inclusion because they did not constitute a significant change in parks or FAS feature or use patterns and went beyond the limits of reasonable management. To require a public hearing, written

analysis and statewide involvement for every management decision would hinder the department's ability to fulfill its obligations in a timely way and increase our costs. We support the actions of the Fish, Wildlife and Parks Commission. This process has not been given adequate time to work and legislation seems premature or inappropriate at this time.

The attached list indicates the steps we must now go through before any construction can occur. Most projects take two to four years between funding and the start of construction. Any action to add to this list adds to time delays while the public waits for benefits and services they have paid for. It also adds costs and additional bureaucracy to an already complicated and arduous process. We respectfully request that you give the existing process time to work.

Construction Project Procedure

- PROJECT NAME
- PROJECT NUMBER
- TARGET DATE FOR COMPLETION
- ORIGINAL SITE VISIT
- COST ESTIMATE PREPARED
- LAND ENCUMBRANCES CHECKED
- MASTER SITE PLAN PREPARED
- DETERMINATION OF SIGNIFICANCE OF SITE CHANGE AS PER HB495
- ENVIRONMENTAL STATEMENT PREPARED
- ENVIRONMENTAL STATEMENT DISTRIBUTED
- HB495 PUBLIC COMMENT SOLICITED BY REGION
- HB495 REPORT PREPARED AND DISTRIBUTED BY REGION
- REGIONAL APPROVAL OF PLAN
- DIVISION ADMINISTRATOR APPROVAL OF PLAN
- SITE SURVEY COMPLETED
- SITE SURVEY PLOTTED
- STREAM PRESERVATION PERMIT APPLICATION
- STREAM PRESERVATION PERMIT RECEIVED
- CORPS OF ENGINEERS PERMIT APPLICATION
- CORPS OF ENGINEERS PERMIT RECEIVED
- LAKE SHORE PROTECTION PERMIT APPLICATION
- LAKE SHORE PROTECTION PERMIT RECEIVED
- FLOOD PLAIN PERMIT APPLICATION
- FLOOD PLAIN PERMIT APPLICATION RECEIVED
- HEALTH DEPARTMENT TURBIDITY PERMIT APPLICATION
- HEALTH DEPARTMENT TURBIDITY PERMIT RECEIVED
- STORM RUNOFF PERMIT APPLICATION
- STORM RUNOFF PERMIT RECEIVED
- PRIME LAND INFORMATION RECEIVED
- WETLANDS PERMIT
- OPEN MINE PERMIT
- HEALTH AND SANITATION REVIEWS OR PERMITS
- SIGN REQUISITIONS PREPARED
- ROAD APPROACH PERMIT
- SIGN ERECTION PERMIT
- SUBDIVISION REVIEW
- ZONING REVIEW OR CHANGE
- COUNTY WEED BOARD PERMIT
- ARCHAEOLOGICAL INVESTIGATION
- HISTORIC PRESERVATION OFFICE CLEARANCE
- CONSULTANT APPOINTED
- HYDROGEOLOGIST
- FEDERAL PROJECT APPLICATION
- FEDERAL PROJECT APPROVED
- INTERNAL REVIEW OF PLANS AND SPECIFICATIONS
- A/E REVIEW OF PLANS AND SPECIFICATIONS
- A/E APPROVAL OF PLANS AND SPECIFICATIONS
- ADVERTISE FOR BIDS
- PRE BID CONFERENCE
- BID OPENING
- NOTICE TO PROCEED
- SUCCESSFUL CONTRACTOR
- PRE CONSTRUCTION CONFERENCE
- CONSTRUCTION STAKING COMPLETED
- MATERIALS APPROVAL
- SUBSTANTIAL COMPLETION
- FINAL PAY
- PROJECT FINAL
- AS BUILT PLANS



EXHIBIT 15
DATE 2/19/93
HB 354

February 8, 1993

Rep. Mike Foster,

As we indicated to you earlier by phone, Ted and I oppose Rep. Hal Harper's proposed bill to require local and statewide public notice and hearings on improvements at state parks or fishing access sites.

Broadwater County development organizations hold community wide public meetings every two years to gather public comment to establish goals and objectives. In addition, we are now in the process of identifying goals beyond the year 2000. These meetings are in addition to any public meetings we may have to convey information and gather community input on specific proposed development projects. There is no need to duplicate this process. In addition, environmental and/or economic impact studies could greatly increase project costs. We do not have the money to finance these government mandated studies. Therefore, these restrictions would have the net effect of curtailing or stopping development projects.

This proposal concerning Canyon Ferry Lake is definitely not in the best interest of Broadwater County residents. We oppose Rep. Harper's proposal.

Sincerely,



Ted Flynn

669 Flynn Lane

Townsend, MT 5964



Dalcyce Flynn

HB 354

EXHIBIT 16
DATE 2/9/93
HB 309

Amendments to House Bill No. 369
White Reading Copy

Requested by Rep. Hibbard
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 5, 1993

1. Page 3, line 8.
Strike: "(a)"
Following: "Eighty"
Strike: "Forty"
Insert: "Eighty"

2. Page 3, line 9.
Following: "section"
Strike: ", "
Insert: "must be divided in the following manner:
 (a) one-third,"

3. Page 3, line 11.
Following: "87-1-209"
Strike: "."
Insert: ";

4. Page 3, lines 12 and 13.
Strike: "Forty percent of the money allocated by this section"
Insert: "one-third"

5. Page 3, line 15.
Strike: "."
Insert: "; and
 (c) one-third, together with the interest and income from
 the money, must be used for leases, cooperative management
 agreements, and conservation easements on wildlife habitat."

1986

Ideas concerning landowner/sportsmen relations, compensation to landowners and access issues on government lands were, by far, the most frequent issues discussed by the groups.

After the groups had developed their complete list of ideas they were instructed to review it and clarify any ideas that weren't entirely clear. They were then instructed to prioritize the list through an individual voting process to determine which ideas were of higher priority. Finally, they were asked to review their high-priority ideas and determine those that they could as a group, reach consensus on. (i.e., everyone supports it).

SMALL GROUP CONSENSUS IDEAS

Each small group brought forward a list of 4 to 8 ideas in which they had full support of all their group members. A review and qualitative analysis of these lists indicates that many of the same ideas were brought forth by many of the groups. The consensus ideas and number of groups supporting the ideas are listed below.

Compensation

Nine of the eleven groups brought forward some ideas on the issue of compensation. These included:

- * Investigate government programs to compensate landowners.
- * Develop a high hunter number - low fee system to provide compensation to landowners providing hunting.
- * Compensate landowners for game damage only if they allow public hunting.
- * Compensate landowners for access, forage and management.
- * Develop a FWP program that compensates landowners based on a habitat formula and limits the number of hunters on any given day by use of a check-in board.
- * Create incentives to landowners who voluntarily participate in recreational access programs.
- * Mechanisms for providing compensation to landowners for recreation could be license fees, tax checkoffs, sportsmens clubs lease, fee hunting and conservation easements.
- * Develop lucrative tax credits for landowners who allow public hunting.

EXHIBIT 18
DATE 2/9/93
HB 3109

TESTIMONY FOR HOUSE BILL 369
AN ACT ESTABLISHING A PROGRAM OF GRANTS FOR LANDOWNERS
WHO PROVIDE HUNTING ACCESS TO THEIR PRIVATE PROPERTY
HOUSE FISH AND GAME COMMITTEE
FEBRUARY 9, 1993

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS KEITH BALES AND I RISE IN SUPPORT OF H.B. 369. I ASKED REP. MARION HANSON TO INTRODUCE THIS LEGISLATION FOR ME. IT COULD BE CALLED THE SPORTSMAN'S ACCESS BILL BECAUSE IT HAS THE POTENTIAL OF OPENING MILLIONS OF ACRES FOR SPORTSMEN IN THE STATE AND AT THE SAME TIME COMPENSATE LANDOWNERS FOR SOME OF THE COSTS THEY INCUR BECAUSE OF WILDLIFE AND HUNTERS.

I WOULD LIKE TO GIVE YOU A LITTLE HISTORY ON WHY I AM ASKING FOR THIS LEGISLATION. IN APRIL OF 1986, THERE WAS A MONTANA LANDOWNER/SPORTSMEN'S CONFERENCE HELD AT FAIRMONT HOT SPRINGS. IT WAS WELL ATTENDED BY SPORTSMEN, LANDOWNERS, STATE AND U.S. GOVERNMENT EMPLOYEES, AND OUTFITTERS. THE PURPOSE OF THE CONFERENCE WAS TO FIND MUTUAL CONCERNS AND TO FIND WAYS WE COULD WORK TOGETHER FOR THE BENEFIT OF SPORTSMEN AND LANDOWNERS.

ONE OF THE MAIN CONSENSUS IDEAS WHICH HAD AS MUCH OR MORE SUPPORT THAN ANYTHING ELSE WAS WHAT WAS TERMED COMPENSATION. I HAVE ATTACHED A COPY OF THAT PAGE. AS YOU CAN SEE, IT COULD JUST AS WELL BEEN ENTITLED "HUNTER ACCESS". A LANDOWNER/SPORTSMEN STEERING COMMITTEE WAS FORMED TO TRY AND FOLLOW-UP ON THE PROGRESS THAT HAD BEEN MADE AT THE CONFERENCE. I JOINED THAT COMMITTEE IN AUGUST OF 1986 REPLACING STUART DOGGETT FOR THE MONTANA STOCKGROWERS ASSOCIATION. AT THAT TIME, THE COMMITTEE WAS DISCUSSING WAYS TO COMPENSATE LANDOWNERS WHO PROVIDED ACCESS.

THAT FALL, IN OCTOBER, A PLAN WAS PRESENTED BY THE SPORTSMEN ON THE COMMITTEE WHICH THEY SAID ADDRESSED THE COMPENSATION ISSUE. THAT PROPOSAL LATER BECAME H.B. 526. THE HABITAT ACQUISITION BILL. I TOLD THE COMMITTEE THAT I DID NOT FEEL THAT THE PROPOSAL WAS IN LINE WITH THE INTENT OF THE CONFERENCE IDEAS

OR PROPOSALS. I FELT THAT IT WAS AN ACQUISITION BILL AND NOT AN ACCESS OR COMPENSATION BILL. AS YOU KNOW, H.B. 526 WAS PASSED BY THE LEGISLATURE IN 1987. IT WAS NOT SUPPORTED BY THE LANDOWNERS AT THAT TIME. IT WAS PRESENTED AS A LANDOWNER COMPENSATION BILL.

A SECOND LANDOWNER CONFERENCE WAS HELD IN LEWISTOWN IN 1988. HOWEVER, BECAUSE OF THE HABITAT ACQUISITION BILL AND BECAUSE OF THE STATE LANDS ACCESS LAWSUIT, IT WAS NOT A SUCCESS.

I THOUGHT WITH THE PASSAGE OF THE STATE LANDS ACCESS BILL IN 1991 THAT THIS MIGHT BE A GOOD TIME TO ONCE AGAIN ADDRESS THE ISSUE OF ACCESS AND COMPENSATION.

I FEEL THAT THIS BILL WILL OFFER AN OPPORTUNITY FOR THE LANDOWNERS AND SPORTSMENS OF THIS STATE TO DO SOMETHING WHICH IS MUTUALLY BENEFICIAL. I URGE YOU TO PASS THIS BILL IN HOPES OF IT BEING THE FIRST STEP IN IMPROVING LANDOWNER/SPORTMEN'S RELATIONSHIPS.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY.

34 W. Sixth, Suite 2 E • P.O. Box 9070 • Helena, MT 59604 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

TESTIMONY ON HOUSE BILL 369



Mr. Chairman, members of this committee. My name is Kelly Flynn and I am a 4th generation rancher and an outfitter from Broadwater County. I am here also representing the Montana Outfitter and Guides Association.

We stand in support of HB 369.

For many decades, sportspeople, landowners, agencies, outfitters, and Fish, Wildlife, and Parks have worked progressively in Montana toward providing some of the finest wildlife hunting and watching found anywhere in the world. Those groups have helped establish wildlife in habitat where little or no wildlife existed prior to those conservation efforts.

We all enjoy hunting success levels for both deer and elk hunting unmatched in the past years. Elk and deer numbers in that habitat have risen to at or over record levels. Habitat for that wildlife in Montana relies in great part to the around 60 million private acres in Montana. As the years have passed, we have watched some landowners choose to address this increase in wildlife numbers on this privately owned habitat by getting some form of compensation . . . This compensation somewhat addresses the fence damages caused by wildlife occupying that habitat, weed control problems brought to that habitat by wildlife and hunters, and erosion concerns added by increased numbers of hunters. This compensation helps offset loss of habitat due to tolerance of wildlife numbers far above landowner tolerance and to the inconveniences added by hosting hunters.

Additionally, this helps compensate for the habitat that landowner provides not just for the wildlife, but for the hunters. When we as recreationalists go to a ski run, we have to pay for this "habitat". When we golf at a golf course, swim at a swimming pool, or exercise at a health club, we pay for that habitat. Why is this different for a landowner who has this similar recreational area that recreationalists wish to habitate in?

Through it all, many landowners continue to offer public hunting during the general season for the general sportsperson. . . This bill is for them. We need those landowners staying on those places and cooperatively providing those many millions of acres of habitat to wildlife and hunters. It is these landowners that offer multiple use and multiple benefit for whom we need to extend this offer of an alternative form of compensation.

We fully recognize that these grants will provide direct competition to outfitters, hunting clubs, and individuals ----- but we believe it will offer another alternative of compensation to the landowners who currently have few alternative ways for compensation. ----- Let's give those landowners who are providing that habitat for both the wildlife and and hunters at considerable expense and no current compensation the chance to apply for these grants.

We urge you to pass HB 369.

Thank you very much for allowing me this opportunity to testify.



34 W. Sixth, Suite 2 E • P.O. Box 9070 • Helena, MT 59604 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

EXHIBIT 20
DATE 2/9/93
HB 369

HB 369 — February 9, 1993

House Fish and Game Committee
Jean D. Johnson, Executive Director/Lobbyist

On this 32nd day into the legislative process, we are discussing a bill that speaks to an issue that underlies the greatest share of fish and game issues — access.

Outfitters are getting hammered about access. In some cases, I'm sure it's somewhat deserved. In most cases, however, hammering on 360 packing outfitters is simply easier than hammering on 35,000 stockgrowers. It's the landowner/stockgrower who makes the decision about leasing to an outfitter or opening up to the general public. The landowner is in the driver's seat and if he chooses the outfitter, you can bet he is motivated by such things as respect, accountability, ethics, obedience, and compensation.

The outfitter is one individual who is regulated, licensed, and insured, who obeys the landowner's directives, and who pays the landowner something for feeding the deer and elk. The outfitter understands compensation, and believes the landowner deserves compensation.

Once the resident hunter had practically unrestricted access and he wants that again. Efforts to gain access go by such names as "Stream Access", "Public Access to State Lands", and HB 526 — Habitat Acquisition.

HB 526 provides the funding for HB 369 and because that fund is seen as a sacred trust to provide habitat to the wildlife and access to the hunter, sportsmen will come unraveled with this bill.

That's unfortunate, because this bill would actually provide access, and at the same time, leave the accessible land in the hands of private owners, all the time leaving a significant amount of "526" funds available for the more restrictive conservation easements, leases, or purchases.

Outfitters support the habitat acquisition program, despite the fact that some conservation easements and perhaps even some purchases shut outfitters out forever, and despite the fact that 95% of the funding comes from the nonresident sportsman — many of whom are outfitters' clients and many of whom are sensitive to the fact that a few very vocal Montana hunters just wish the nonresident hunter would stay home.

But outfitters also support landowners. We totally understand their need for incentives to open their land. Those incentives may be nothing more than respect, accountability and obedience. Where the incentive is money, we respect that, too, and believe they should have it.

Let's go back to restrictions. Once the outfitter could book a client and deliver the hunt. Then came restrictions — testing, licensing, insurance, permits on Forest Service, BLM, and now Dept. of State Lands. We have to adapt or go under, so we adapt. Landowners and stockgrowers are constantly having to adapt to regulations, too. Sportsmen need to learn to adapt and compromise. Yes, the resource belongs to all Montanans, but the land does not. Yes, sportsmen have a right to hunt, and yes, the outfitter has a right to do business. And it's just possible all three factions can have a portion of what they want if all sides just begin to recognize the rights of the others.

Landowners have a right to expect compensation. We urge your support for HB 369.

Mr. Chairman, members of the committee, my name is Tod Townsend and I am a rancher from White Sulphur Springs. I am testifying in favor of H.B. 365. First I would like to address why this concept is philosophically correct. This comparison was made by a United States Supreme Court Justice with regard to predators but I would like to make the analogy with wildlife. If society elects to accept the responsibility for a less fortunate individual by placing him on the welfare rolls, society as a whole picks up the tab for this expense. This person can not walk into a grocery store and fill up his food basket with the expense being borne solely by the grocery store owner. Likewise, the responsibility for this wildlife rests with the State of Montana, and the expense of raising the wildlife can not be unjustly borne by the landowner. As vice-Chairman Hibbard can confirm, all a rancher has for sale is his grass. Cattle are just a means of harvesting this grass.

As for the practical effect of this bill, if I could be compensated for the grass removed and the damage done by wildlife, and either get assistance or compensation from the Fish and Game for handling the increasing number of sportsmen, I would gladly open land up for hunting. I need these sportsmen and their good will as consumers of what I produce and to communicate the sound ecological practices that I employ on my ranch to others. We need each other to manage the game and on other fronts such as animal rights. The sportsmen need me for access to the wildlife, and there

is no court in the land that will stand for trespass on private property without compensation. It will be interesting to see if the sportsmen will contribute more than lip service to good landowner-sportsman relations.

In conclusion I would like to emphasize that there is a real problem out there. The money from H.B. 525 was meant to be used for conservation easements and arrangements such as provided in this bill, first, and to purchase land last. In a state where one third of the land is already public land, not that much private land trades hands each year. The Department of Fish and Game in that market with a lot of money severely distorts that market and people having to bid against the Fish and Game are really being hurt. This is not free enterprise. The bill that mandates no net gain of land by the Fish and Game, H.B. 214, and this bill, are major pieces of legislation for agriculture, the largest industry in Montana, and sportsmen, a major special interest group. Even if you have problems with the bills as presented, I believe you should move some form of them forward for exposure to more legislators. Thank you.

EXHIBIT 28
DATE 2/9/93
HB 369

TESTIMONY

HOUSE BILL 369

AN ACT ESTABLISHING A PROGRAM OF GRANTS FOR LANDOWNERS WHO PROVIDE
HUNTING ACCESS TO THEIR PRIVATE PROPERTY

WEDNESDAY, FEBRUARY 9, 1993

BY KNUTE HEREIM

Mr. Chairman, members of the committee, for the record my name is Knute Hereim and I am a rancher from Martinsdale, MT.

I rise in support of H.B. 369 which will provide grants for landowners who provide hunting access to their private property.

This bill provides an excellent mechanism to open thousands of acres to Montana sportsmen. Landowners would welcome a compensatory payment for allowing hunter access for the following reasons: (1) With wildlife numbers at an all time high, the tolerance level for wildlife has been reached in many areas of this state; however, in the past landowners would prefer to tolerate the wildlife rather than have the hunters. If H.B. 369 is approved grants to landowners turns the wildlife into an asset rather than a liability. (2) The creation of this program will open more acres for sportsmen because the money will be spread over a greater number of acres vs the fee title acquisition program which has a very high cost per acre and in some instances a very limited hunter access.

Please consider the positive effects this bill provides for Montana sportsmen and landowners.

I urge a do pass vote for H.B. 369.

DATE 2/9/93
HB 369

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

I am here in support of House Bill 369.

This bill allows the state to compensate landowners for the damage the wildlife cause. This would allow the public sector to compete with private outfitters in leasing hunting rights. Landowners have found that hunting rights on their property has value. They can't be blamed for wanting to capture that value. By compensating private landowners for the impacts of public hunting, this bill would ensure more public hunting than fee purchase arrangements.

This bill upholds the original intent of House Bill 526, which was to provide conservation easements and leases, rather than fee purchase.

Respectfully submitted,



Phil Rostad

EXHIBIT 24
DATE 2/9/93
HB 369

HB 369
February 9, 1993

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

This bill would redirect a portion of the money set aside to acquire threatened wildlife habitat and direct its use as payment to landowners who provide access. The department supports working with landowners to allow public access for hunting.

The department's current block management program was designed to address public access to private land. The block management program allows the department to contract with landowners for services or provide services to manage controlled hunting on their property. Contracts are negotiated individually on an annual basis. The program was initiated in 1985 and has grown each year with over 521 landowners enrolled in the program in 1992. The total acreage involved in the program has also increased each year with a total of 5.2 million acres in 1992 at a cost of less than 7 cents per acre.

The department's block management program and this bill both deal with access; however, block management provides services or pays for services, and HB 369 calls for cash compensation. This raises several questions or issues relative to compensation:

* HB 369 places the department between the private landowner and the sportsman in the free market system. Currently each landowner has a choice as to whether to charge and how much to charge and the sportsman has the option to pay or go elsewhere.

* Does this create an expectation of unlimited access rights for sportsmen since their funds are being spent to pay for the access program?

* Are landowners relinquishing their right to choose who gains access to their property, since a government agency is assuming the responsibility of the program and cannot discriminate?

* Do the provisions of the bill create a conflict with the public ownership of wildlife by basing payments upon the species of animal harvested?

* What will be the criteria for choosing one landowner over another, since the competition for enrollment will be beyond the limit of the program? Do we compensate those who do not currently provide access, or do we also compensate those who now provide access at no charge?

* Compensation programs are very costly to administer when compared to other programs.

* Will this undermine the block management program which currently affects 5.2 million acres of land? Block management provides access at less than 7 cents per acre. The Department of State Lands study found that outfitters pay over 60 cents an acre to control access.

There are a number of issues before this session of the legislature that are interrelated. Finding a solution is not easy and will not be simple. We are committed to working with landowners, sportsmen and outfitters to find a workable solution that can resolve the conflicts and provide a united effort to the real issues facing the future of hunting.

We will work with the Landowner-Sportsman Council to explore problems and options that address the concerns of landowners and sportspersons. There is also a study proposal in the Senate to look at conflict between outfitters and sportsmen.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

FISH & GAME

COMMITTEE

BILL NO. **314**

DATE **2/9/93**

SPONSOR(S)

Randy

PLEASE PRINT

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| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|--------------------------------------|---------|--------|
| Janet Ellis | MT Audubon | | ✓ |
| Mark Daspit | Ed Zaidlicz | | ✓ |
| Steve Frazier | Prichard Sportsman | | X |
| Jeffrey Tibbitt | FWP | | |
| Erlyn Keene | Mont. State Fish & Game | | X |
| Tom Lamer | Mont. State Fish & Game | | X |
| Clint Blackwood | Travel Market | | X |
| Pat Halpern | FWP | | |
| Melvin [unclear] | Mont. State | ✓ | |
| Bob [unclear] | Mont. State | ✓ | |
| Donna Liberman | FWP | | |
| Al [unclear] | FWP | | |
| Tom [unclear] | Mont. State Fish & Game | X | |
| George Ochenski | MT - ST. PKS. FOUNDATION ACTION FUND | X | |

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

FISH & GAME

COMMITTEE

BILL NO.

354

DATE 2/9/93

SPONSOR(S) Harper

PLEASE PRINT

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| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|-----------------------------------|---------|--------|
| Janet Ellis | MT Audubon | ✓ | |
| St. Foster | P. Fish. Serv. | x | |
| Puthaben | F&P | | |
| Robert Wiegman | himself | ✓ | X |
| GEORGE CICHENSKI | MT. ST. PIKS, FISHING ACTION FUND | X | |
| Bill Holdorf | Skyline | ✓ | |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

FISH & GAME COMMITTEE BILL NO. 381
DATE 2/9/93 SPONSOR(S) RYAN

PLEASE PRINT PLEASE PRINT PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|--------------------|--------------------|---------|--------|
| L. F. THOMAS | ANDERSON SPORTSMEN | ✓ | |
| Bill Holdorf | Skyline Sportsmen | ✓ | |
| Tony Schwane | Skyline Sportsmen | ✓ | |
| Mick Feniger | myself | ✓ | |
| Pat Baker | DWP | | |
| H. M. (Bud) Elwell | WCSM - NOWS | ✓ | |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

FISH & GAME

COMMITTEE

BILL NO.

369

DATE 2/9/93

SPONSOR(S)

HANSON

PLEASE PRINT

PLEASE PRINT

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| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|-------------------|-------------------------|---------|--------|
| Janet Ellis | MT Audubon Council | | ✓ |
| Stacy Frazier | Kirchly Pond Sportsmen | | X |
| Jan Hamers | Montana Duckhunter | | X |
| Tony Schonen | Skyline Sportsmen | | A |
| Ronald B. Stevens | Myself | | ✓ |
| L.F. THOMAS | ANACONDA SPORTSMEN | | X |
| Bill Holdorf | Skyline sportsmen | | ✓ |
| Kathy Baker | | ✓ | |
| Robert Fouby | Land Management Council | ✓ | |
| Tam Lefsgaard | " " " | ✓ | |
| Mike Finneyer | Myself | | ✓ |
| Pat Crabtree | D F W D | | |
| Kristie Herwin | Self | ✓ | |
| Phil Kortel | self | ✓ | |

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

COMMITTEE _____

BILL NO. 369

DATE _____

SPONSOR(S) Hanson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|-------------------|---|--------------|--------|
| Bob Barry | MAPP | ✓ | ✓ |
| John Blomquist | Mt. Stockgrowers Assoc | ✓ | |
| Jim Cochran | MWF | | ✓ |
| Tod Townsend | self | ✓ | |
| Kelly Flynn | MOWA ^{Montana Woolgrowers} ^{and} ^{Wool} ^{Processors} ^{Association} | ✓ | |
| Gordon Darlington | Montana Woolgrowers | ✓ | |
| Larry Pilster | MOWA | ✓ | |
| Jamie Doggett | MT Cattlewomen Stockgrowers | ✓ | |
| Paul Johnson | MT Cattlewomen & Guides | ✓ | |
| | | | |
| | | | |
| | | | |
| | | | |

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.