MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND COMMERCE

Call to Order: By **CHAIRMAN RICK RIPLEY,** on February 7, 2005 at 8:00 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:
Rep. Rick Ripley, Chairman (R)
Sen. Ken (Kim) Hansen, Vice Chairman (D)
Sen. Gregory D. Barkus (R)
Sen. Bob Hawks (D)
Rep. Walter McNutt (R)
Rep. John L. Musgrove (D)

Members Excused: Rep. Rosalie (Rosie) Buzzas (D)

Members Absent: None.

Staff Present: Britt Nelson, Committee Secretary
Eileen Rose, OBPP Representative
Barbara Smith, Legislative Branch

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

Committee Business Summary:
Hearing & Date Posted: HB 2
Executive Action:

HEARING ON THE DEPARTMENT OF FISH, WILDLIFE AND PARKS

Chris Smith, Chief of Staff of the Director's Office of Fish, Wildlife and Parks(FWP), readdressed questions from the previous meeting which he had not been able to answer. The first question he answered was posed by SEN. BARKUS and was concerning where the FWP statute books were printed. Mr. Smith discovered that they were printed in Atlanta, Georgia. The second question he answered was posed by CHAIRMAN RIPLEY concerning how many fishing access sites existed on the Blackfoot River. Mr. Smith informed the committee members that there were 29 access sites.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2}

SEN. BARKUS inquired whether General Services had a formal procedure for contracting out services and if FWP was able to see all of the bids.

Mr. Smith replied that it was all handled through General Services.

Don Childress, Administrator of the Wildlife Division, introduced his Division and presented a PowerPoint slide show to the committee.

The first topic he addressed was the Major Wildlife Program Areas: Species Management,

{Tape: 1; Side: A; Approx. Time Counter: 2 - 12.6}

Habitat Enhancement and Conservation,

{Tape: 1; Side: A; Approx. Time Counter: 12.6 - 15.4}

Research and Technical Services,

{Tape: 1; Side: A; Approx. Time Counter: 15.4 - 21}

Funding Sources,

{Tape: 1; Side: A; Approx. Time Counter: 21 - 23}

and Expenditure Types.

CHAIRMAN RIPELY asked if they received any private donations.

Mr. Childress responded that they did not receive any donations of consequence.

REP. MUSGROVE wanted to know what progress they were making on the deer populations in urban areas.

Mr. Childress explained that Field Services handled those issues and they were not dealt with in the Wildlife Division.

REP. MUSGROVE wanted to know where samples were sent to be tested for Chronic Wasting Disease(CWD).

Mr. Childress noted that there had been federal laboratories established, mostly in Iowa, that were authorized to do CWD testing.

SEN. BARKUS asked what the percentage of the total budget was composed of Pitman-Robertson Funds.

Don Childress was unsure but he noted that the Wildlife Division was not the only Division to use Pitman-Robertson Funds. He informed the committee that there were funds in the Field Services Program and Conservation and Education.

{Tape: 1; Side: A; Approx. Time Counter: 23 - 31.4}

The next section of the Division which he covered was the Present Law Adjustments.

DP 501 -- Moose, Elk, Mule Deer Auction Funds

{Tape: 1; Side: A; Approx. Time Counter: 31.4 - 36.5}

DP 502 -- Survey and Inventory Adjustments

{Tape: 1; Side: A; Approx. Time Counter: 36.5 - 48.9}

SEN. HAWKS indicated the areas where trend studies were conducted on mule deer. He wanted to know if they had similar studies and how they were done for white-tailed deer.

Mr. Childress explained that the white-tailed deer were more difficult to study because of their habitat. He indicated that there were studies conducted on the white-tailed deer along riparian areas in the eastern half of the state and on the ground during spring in the western half of the state.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.4}

DP 507 -- Increase for Migratory Bird Program Funds

CHAIRMAN RIPLEY asked if the increase was out of the Licensing Account.

Mr. Childress claimed that they had thought of the Licensing Account but it was earmarked and could only be expended for wetland activities.

SEN. BARKUS commented that he did not understand why there was an increase of 100%.

Mr. Childress reported that they had not spent the full authority that was allowed last year for the base so the DP was picking up part of the unspent authority.

{Tape: 1; Side: B; Approx. Time Counter: 3.4 - 7.5}

DP 510 -- Internal Service Rate Adjustment

{Tape: 1; Side: B; Approx. Time Counter: 7.5 - 8.3}

The next topic which Mr. Childress introduced was the New Proposals for the Division.

DP 503 -- Restore OTO for Wildlife Conflict Specialist R-1

REP. MUSGROVE asked if the Department was looking to remove the one-time-only (OTO) designation.

Mr. Childress indicated that they would like to remove the OTO designation. He asserted they had no problems reporting back to the committee but the position was ongoing. He noted that the position had originally been contracted out but because of the level of supervision needed it was requested to be turned into a full-time equivalent(FTE) position.

CHAIRMAN RIPLEY asked if the statistic indicating the capture of 53 to 100 black bears was from the last year only.

Mr. Childress explained that the statistics were from the time the position was contracted through the current season.

SEN. BARKUS wanted to know why grizzly bears were not included in the duties of the Conflict Specialist.

Don Childress replied that they had a full-time grizzly specialist. He alleged that the black bear specialist would have to deal with grizzly bears inadvertently.

{Tape: 1; Side: B; Approx. Time Counter: 8.3 - 16.4}

CHAIRMAN RIPLEY wanted to know how many bears they had tried to capture.

Mr. Childress was unsure of the numbers. He informed the committee that the procedure was to respond to a call, discover the issues which caused the conflict, and then find a way to resolve the problem.

{Tape: 1; Side: B; Approx. Time Counter: 16.4 - 17.9}

DP 504 -- Restore OTO for Mountain Lion Research

SEN. HAWKS needed a clarification on the number of licensed hunters. He cited that Mr. Childress had stated that there was a restriction on hunters from out of state. He wanted to know if the 6,000 included both in-state and out-of-state hunters.

Mr. Childress responded that the restriction only applied to nonresidents. He clarified that the restriction on nonresidents is that they can not release dogs, which is the primary means of hunting.

SEN. BARKUS asked if they still allowed a chase season.

Don Childress replied that they still allow a chase season although most of the lion hunting occurs on a quarterly basis. He informed the committee of the different dates for the hunting seasons.

SEN. BARKUS asked what the trend was of the quota in region one.

Mr. Childress answered that the number of animals in the quotas have decreased.

SEN. BARKUS inquired if they used the information from houndsmen during the chase season that would allow them to have a more accurate count of the lion population.

Mr. Childress expressed that they did utilize the numbers provided by houndsmen.

{Tape: 1; Side: B; Approx. Time Counter: 17.9 - 33.5}

CHAIRMAN RIPLEY followed up on SEN. BARKUS' question, asking if they required houndsmen to fill out the same surveys which the guides and outfitters have to fill out.

Mr. Childress reported that they try and get as much information from the houndsmen although they do not require them to fill out surveys.

CHAIRMAN RIPLEY asked if the two conflict specialist positions would be reconsidered if the Department did not receive an increase in the license fees.

Mr. Childress indicated that they were maxed out with federal funding so they would have to reevaluate the positions if the general licensing funds became an issue.

{Tape: 1; Side: B; Approx. Time Counter: 33.5 - 39}

Non-Game Wildlife Tax Check-Off Program Revenue

CHAIRMAN RIPLEY reiterated his question on private donations. He wanted to know how they would be able to find out how much the Department received in donated funds.

Mr. Childress was not sure. He promised to find out for the committee.

{Tape: 1; Side: B; Approx. Time Counter: 39 - 46.7}

DP 506 -- Equipment OTO

{Tape: 1; Side: B; Approx. Time Counter: 46.7 - 49.2}

DP 508 -- Restore OTO Short-Term Contract Authority

{Tape: 2; Side: A; Approx. Time Counter: 0 - 3.4}

DP 520 -- Black Bear Population and Harvest Assessment (Exhibit 3 from February 4)

{Tape: 2; Side: A; Approx. Time Counter: 3.4 - 11.2}

SEN. HANSEN referenced the lab expenses associated with DP 520. He wanted to know if there was a crossover now or if they would be able to do some research at the lab currently.

Mr. Childress replied that they did not have the capability to do Deoxyribonucleic Acid(DNA) analysis.

SEN. BARKUS commented that there had been $11 million spent on a grizzly bear DNA study in Glacier.

Mr. Childress responded that the study was not contained to Glacier but included the whole northern continental divide ecosystem. He asserted that the study had been very significant and was the only way that a total population estimate could have been discovered. He mentioned that start-up costs had been $3 million and the complete amount spent was $6 million.

{Tape: 2; Side: A; Approx. Time Counter: 11.2 - 14.5}

SEN. BARKUS asked if there were any quotas on black bear populations.

Don Childress replied that the only region with a quota is region five.

SEN. BARKUS wondered if there was any data related to the baiting stations showing that they may have an affect on the bears behavior.

Mr. Childress commented that he had not seen anything specifically. The issue was not the total number of samples but the number of individual bears that visited the site. He admitted that there may be some bias but none that would affect the sampling.

Chris Smith informed the committee that the attractant used was a lure and not a bait. The substance used to attract the bears was a liquid composed of fermented fish guts and cow's blood. The concoction has a strong odor but there is no food reward present; therefore, the bears are attracted to the site but finding no reward move away.

SEN. BARKUS followed up by asking about the Department's estimate of numbers. He wondered if they felt there was a need to study the black bear.

Mr. Childress indicated that he could not provide an exact number. He reported that there was a mixture of increasing and decreasing populations across the state. He expressed the need to allow the Department a way to determine the population so they could better manage the harvest.

{Tape: 2; Side: A; Approx. Time Counter: 14.5 - 21.7}

SEN. BARKUS requested the data from the black bear study PowerPoint presentation.

SEN. HAWKS wanted to know what the future prospects were for hunting given the human population increases and the need for higher caliber weapons in order to hunt bears.

Mr. Childress replied that it was an issue which would continue to grow. He noted that it would end with a change in traditional hunting but, looking at eastern states, it would be possible to deal with.

CHAIRMAN RIPLEY inquired if these types of studies would be increasing for other animals.

Mr. Childress mentioned that the Division had made changes with respect to the types of research they do. He explained that research was classified into a couple of different arenas: 'nice things to know' and studies which would answer management questions. The Division focuses on studies which would provide information needed in order to effectively manage the situation.

{Tape: 2; Side: A; Approx. Time Counter: 21.7 - 28.8}

CHAIRMAN RIPLEY asked if the Division would be able to provide the committee with potential outcome of the study.

Mr. Childress reported that they would have identified mortality, hunting or natural, factors associated with black bear deaths, and the impact of hunting. He also explained that they would have a point estimate of the bear population and a good comparison of the various impacts of hunting. With this information they would be able to look at and rewrite their management plans.

EXHIBIT(jnh30a01)

{Tape: 2; Side: A; Approx. Time Counter: 28.8 - 33.4}

Doug Monger, Administrator of the Parks Division, was the next to give an overview of his Division. He began the PowerPoint presentation with a discussion of the State Parks Program.

{Tape: 2; Side: A; Approx. Time Counter: 33.4 - 37.6}

He then discussed the Parks Division Priorities.

SEN. HAWKS wondered if there was any overlapping with Virginia and Nevada City.

Mr. Monger answered that Virginia and Nevada City were both managed through the Historical Society and have an independent commission, the Montana Heritage Commission, which monitored their activities. There is no daily overview or interaction with the cities. He mentioned that there was a $4 optional fee placed on license plates which provided a percentage of funds to the cities. However, there is cooperation among the staff.

{Tape: 2; Side: A; Approx. Time Counter: 37.6 - 47.2}

He presented a slide which portrayed the funding sources for the Parks Division operation budget.

{Tape: 2; Side: A; Approx. Time Counter: 47.2 - 49.9}
{Tape: 2; Side: B; Approx. Time Counter: 0 - 2.9}

Then he addressed the amount of funding per program.

{Tape: 2; Side: B; Approx. Time Counter: 2.9 - 3.4}

He discussed visitor satisfaction next.

{Tape: 2; Side: B; Approx. Time Counter: 3.4 - 8.2}

He moved on to discuss the Division's accomplishments.

SEN. BARKUS asked what the cost to the Department was for the 1100 volunteers.

Mr. Monger replied that typically the volunteers were thanked with a coffee cup, hat or t-shirt, all of which would not cost more than $15. He noted that there was workers compensation coverage for all volunteers.

{Tape: 2; Side: B; Approx. Time Counter: 8.2 - 16.9}

The next section Mr. Monger discussed was the Montana State Parks.

SEN. BARKUS wanted to know what the numbers were between non-resident visitors and resident visitors.

Mr. Monger responded that there were 1.6 million visitors to state parks: 480,000 non-resident and 1.2 million resident. He noted that the park system had not grown significantly. He said there was a 2% to 4% increase per year. He felt that the numbers would change when Montanans learned that they could use their license plates to get into the park system for free.

{Tape: 2; Side: B; Approx. Time Counter: 16.9 - 23.6}

He discussed the State Parks Operations Funding Sources.

SEN. BARKUS inquired whether the fee addition to license plate costs had to be opted out of every time the license plate was renewed.

Mr. Monger replied that it was an annual charge.

{Tape: 2; Side: B; Approx. Time Counter: 23.6 - 28}

The next slide was concerned with the State Parks Fee to Free Program.

{Tape: 2; Side: B; Approx. Time Counter: 28 - 30}

The next topic he covered was the Fishing Access Program.

SEN. HAWKS asked if there was a differential in the amount resident and non-resident visitors had to pay for overnight use.

Mr. Monger explained that the fee structure mandated that anyone with a fishing license had to pay $7 a night and those without had to pay $12 a night.

{Tape: 2; Side: B; Approx. Time Counter: 30 - 37.3}

After discussing the Fishing Access Program Mr. Monger proceeded to cover the Community Recreation Program.

{Tape: 2; Side: B; Approx. Time Counter: 37.3 - 43.5}

Mr. Monger then began to discuss the DPs associated with the Parks Division.

DP 601 -- Equipment Reduction

{Tape: 2; Side: B; Approx. Time Counter: 43.5 - 47}

DP 602 -- Restore Land Water Conservation Program Grant Base

{Tape: 2; Side: B; Approx. Time Counter: 47 - 50.5}

DP 604 -- Restore Park Maintenance and Operations

{Tape: 3; Side: A; Approx. Time Counter: 0 - 4.2}

DP 605 -- Restore Park Maintenance and **DP 605 Fishing Access Maintenance**

SEN. HANSEN wondered why there were two DPs instead of one.

Mr. Monger responded that there were two DPs so that they could separate the fishing license part of the package from the Parks Program so the funds would not mingle and the Department could keep them going in the right directions.

CHAIRMAN RIPLEY mentioned that in several of the DPs there had been mention of the Weed Control Program and he wanted to know what the Program consisted of.

Mr. Monger informed the committee that on each of the seven regions there were Weed Plans that encompassed all of the Park lands within the region. Each site would have a Weed Plan specific to the site. They work with the County Weed Supervisor on eradication plans. He expressed that 90% of fishing access sites were controlled via contractors. He indicated that $70,350 had been spent for weed control in state parks. In the Fishing Access Program they spent $82,500.

CHAIRMAN RIPLEY asked who was responsible for following up with the contractors.

Mr. Monger reported that the maintenance supervisors within any given region would be the ones who acted as direct liaisons with the counties.

{Tape: 3; Side: A; Approx. Time Counter: 4.2 - 9.5}

DP 606 -- Community Service

CHAIRMAN RIPLEY asked if the funding came out of the General Licensing Account.

Mr. Monger replied that the funding source was State Parks State Special Revenue.

{Tape: 3; Side: A; Approx. Time Counter: 9.5 - 14.1}

DP 607 -- Snowmobile Equipment

SEN. BARKUS wondered why it was not a one-time-only fund.

Mr. Monger explained that the machines were replaced every two-years.

CHAIRMAN RIPLEY inquired about cost savings.

Mr. Monger replied that a used machine costs approximately $110-130,000 as opposed to a new snowmobile groomer that would cost $200,000.

{Tape: 3; Side: A; Approx. Time Counter: 14.1 - 22.7}

DP 607 -- Snowmobile Grants and Operations

SEN. HAWKS wanted to know if there was an impact due to the snow status.

Mr. Monger affirmed that there was an impact. He expected there would be savings because it had been such a slow year and these saved funds would roll back into the earmarked accounts specific to snowmobiles.

{Tape: 3; Side: A; Approx. Time Counter: 22.7 - 28.1}

DP 610 -- Internal Service Rate Adjustments

{Tape: 3; Side: A; Approx. Time Counter: 28.1 - 29.2}

After introducing these proposals he began to discuss the New Proposals.

DP 603 -- Short Term Federal Contracts

{Tape: 3; Side: A; Approx. Time Counter: 29.2 - 30.8}

DP 603 -- Short Term Federal Authority

REP. MUSGROVE asked if the weed control along the corridors was contained within the requested authority.

Mr. Monger answered that it was included to some degree but much of the weed control was done by private property owners.

{Tape: 3; Side: A; Approx. Time Counter: 30.8 - 33.9}

Mr. Monger then moved on to the topic of Capitol Grounds. He noted that HB 109 carried by REP. JENT would transfer maintenance of Capitol Grounds to the Department of Administration.

CHAIRMAN RIPLEY inquired if the transfer had been a request last session also.

Mr. Monger did not believe it had been.

Ms. Smith noted that if the committee voted to pass HB 109 the rate would go to the Department of Administration.

Mr. Monger believed that the budget rate was built into the budget of other agencies.

Ms. Smith affirmed that it was a fixed cost to all other agencies. If the committee chose to change the rate then they would have to adjust statewide fixed costs.

{Tape: 3; Side: A; Approx. Time Counter: 33.9 - 45.1}

DP 620 -- Department of Natural Resources and Conservation Land Management

{Tape: 3; Side: A; Approx. Time Counter: 45.1 - 49.7}
{Tape: 3; Side: B; Approx. Time Counter: 0 - 3}

EXHIBIT(jnh30a02)

There was a map of the Department of Natural Resources and Conservation (DNRC) sites proposed for recreational use management by FWP.

EXHIBIT(jnh30a03)

SEN. BARKUS inquired if there was currently fishing access on Echo Lake.

Mr. Monger explained that before they had started negotiating with DNRC there had been a small strip of land which entered into private land, forcing vehicles to back across the county road. The proposal they worked out with the Trust was to have an isolated site of approximately five acres as the access site.

SEN. BARKUS followed up by asking if they were proposing to put a boat launch on the site.

Mr. Monger affirmed this assumption although he mentioned that it would be a limited site.

SEN. BARKUS wondered if they expected much reluctance from the public.

Mr. Monger was unsure of what the reaction would be. He reiterated that the site would be basic. He felt that there would be some response from landowners who wanted to keep the lake from becoming more easily accessible. He also predicted that there would be a response from individuals who had historically used more than the five acres that would be allowed.

SEN. BARKUS cited that the five acres was only a section of the 24 acres available. He was confused as to why they didn't utilize more of the acreage when they termed the site limited and hard to access.

Mr. Monger charged that it would take substantial roadwork to make the site accessible.

{Tape: 3; Side: B; Approx. Time Counter: 3 - 7.6}

SEN. HAWKS asked if Cherry Creek would have fish.

Doug Monger replied that the main access connected with Cherry Creek was on the Madison River. He indicated that there was no correlation with the Cut Throat Project.

CHAIRMAN RIPLEY was concerned with the General License Account. He was curious whether it would be necessary to revisit some of the DPs if the bill does not pass.

Mr. Monger answered that all proposals except for the last one were considered within the existing License Account dollars and within the existing reserve. DP 620 however, was tied to HB 172 which was the Resident Fee Increase. If HB 172 did not pass then DP 620 would not move forward and none of the sites, except Echo Lake, would be managed by FWP.

CHAIRMAN RIPLEY inferred that the funding for Echo Lake was not coming out of the General Licensing Account.

Mr. Monger noted that it was part of DP 620 but if HB 172 did not pass then they would have to find funding in the existing reserves.

{Tape: 3; Side: B; Approx. Time Counter: 7.6 - 11}

Barbara Smith discussed the handouts she provided to the committee members. The first handout was a budget change document.

EXHIBIT(jnh30a04)

The second handout which Ms. Smith addressed was detailed budget for the Fisheries Division.

EXHIBIT(jnh30a05)

{Tape: 3; Side: B; Approx. Time Counter: 11 - 15}

CHAIRMAN RIPLEY wanted to know how many of the budget amendments were denied out of the nineteen requests for the Wildlife Division.

Sue Daly, Budget Development and Analysis of the Administration and Finance Division of FWP, replied that there had been no budget amendments denied over the last biennium.

{Tape: 3; Side: B; Approx. Time Counter: 15 - 16.9}

There was a booklet that addressed fishing access sites which was not discussed.

EXHIBIT(jnh30a06)

ADJOURNMENT

Adjournment: 10:30 A.M.

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REP. RICK RIPLEY, Chairman

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BRITT NELSON, Secretary

RR/bn

Additional Exhibits:

EXHIBIT(jnh30aad0.PDF)