MEETING SUMMARY

FWP R5 CAC Legislative Open House October 10, 2006

CAC MEMBERS IN ATTENDANCE

Daniel Dutton

Lee Gustafson

Doug Haake

Doug Dreeszen

Gregory Keller

Mike Whittington

Barb Beck

Robert Willems

Shawn Todd

FWP STAFF IN ATTENDANCE

Jim Darling

Jenny Pelej

Harold Guse

Ray Mule'

Doug Habermann

Ken Frazer

Chris Smith

Chris Hunter

Gary Hammond

Dianne Stiff

I. FEEDBACK

Dan Dutton

Concerned about the lack of uniformity with Block Management. Said most like how R5 does it.

Lee Gustafson

Access issue (to be discussed later on agenda)

Doug Haake

Issues on agenda

Doug Dreeszen

Question concerning Yellowstone River being low, access for hunting, what's legal. Does stream access law allow access to islands? Landowners think they are private. The issue has never come up because the river's never been so low. (Some are private some are public. Access is allowed for different uses. No easy answer. Need to research what's allowed, who owns, etc. Islands are above the high water mark. So can't use stream access law to justify on private/restricted land. Cannot hunt below high water mark for big game without landowner permission. Can use for waterfowl hunting. Brochures available.)

Gregory Keller

No issues

Mike Whittington

Bighorn River issue is the biggest concern amongst the people he represents. Impacts recreation, economy, etc.

Shawn Todd

Heard rumors about affects of fires. Is it going to increase pressure in local areas? How will it affect hunting seasons? How will block management be affected? (Still assessing. Habitat carrying capacity reduced. Long term is yet to be seen. Thinking of making hunting season adjustments to address issues.)

Barb Beck

Heard grumbling about fishing closures, though understood reasons why happened. Gazette coverage of fire impacts has been good, shows we are in the middle of it. Wants to know how to support us during legislative session.

Robert Willems

Access. So many people going over to paid hunting. Has quite an impact on the few in block management. Half private leasing, half outfitted. Charging for bulls early, begging for people to come shoot cows late in season. Mixed emotions about situation. Hunters run antelope off his property onto someone else's.

Also concerned about DNRC land swap program. Feels they are more interested in money than in public access.

II. ACCESS UPDATE - GARY HAMMOND, FWP

Overview of Governor's proposal for \$15 million to go to public access. We have rated all streams and rivers for importance so we can recommend projects. Parks are developing criteria to prioritize for funding too. (Dan Dutton – Are criteria/rank/proposals ready to go, because legislators will want to earmark money for their district? Mike Whittington – how would money for parks be used? Intent is for money to be used for new acquisition, especially in eastern and northeastern Montana.)

III. OVERVIEW OF FWP PROPOSED LEGISLATION – CHRIS SMITH, FWP

LEGISLATORS PRESENT

Dave Anderson - Constitution Party, HD 43 Daniel Dutton - SD 30 Elsie Arntzen - HD 53 Doug Harper - HD 46 Don Reed- HD 44 candidate Roy Brown - SD 25

Legislative packet review:

Fee increase passed in last session. Intent was to make new revenue flow sustain FWP thru 2011. Wanted another fee proposal in 2009 session. Instead formed more structurally balanced approach. Smaller increases, incremental in fees. No fee increase proposals again until 2011, change in 2013.

Current session will emphasize enhancing access, block management, Habitat MT, and FAS program.

Staff expansion - asking for a few positions. Parks (interpretive), enforcement (investigator). Need to limit growth to sustain budget until 2013.

(Mike W – locals working on access issues sees lack of dedicated staff support being an issue that limits progress. Need positions in regions to do leg work, researching for easements, along with volunteer groups. More progress could be made. Need to be in regions, not Helena. Doug D. – Is there room in \$15 million for staff? Will have money, but won't have people to do leg work.) Acquiring land is one cost, but then there will be ongoing expenditures. Governor's proposal is just for acquisition, one time spending. (Dan Dutton – what will the greatest impact be on operations? Millions or thousands? What is governor's rationale for that? Governor wants us to use existing means during first term. Will need to balance impacts on operations and capital side. \$20 million adjustment over entire period of time. (Lee G. – income from parks is lower than expenditures. Are sportsmen's dollars paying for parks?) Parks funding sources are bed tax, coal trust, motorboat fuel, and \$4 optional fee. Parks division also does all maintenance for FASs. Parks uses license money on FASs maintenance. (Shawn – Does restitution go back into enforcement? Fines go to county (half) and general fund (half). Restitution goes into general fund (first \$60K goes to Law Enforcement the rest goes into general fund. Recent totals \$180-300,000 in restitution. Proposed change for all restitution to go back to Law Enforcement but rejected because agencies shouldn't benefit from restitutions. But we can request funds from general funds for Law Enforcement.) (Doug –does this include commercial use fees? May generate up to \$250,000 in commercial use fees. Have request for using that funding.)

Review of proposals (handout)

Comments:

Doug – Can you let us know when you do find sponsors on bills? Sponsor may carry bill and constituents aren't aware.

Shawn – state site for bills are really good for updates and tracking.

(FWP maintains Web pages on legislation agency is involved in.)

Lee – In addition to legislation of interest to department, there is other legislation of interest for sportsmen's groups. For example, the bridge access partnership bill.

Mike – bridges on public roads are right of ways, but no way to access rivers from bridges. (Handout). What's needed now is statute that provides mechanism to make it happen. Last legislative session, bill was considered but stalled. Sportsmen's groups have been working on rectifying concerns present in previous bill. Bullets on handout highlight provisions being drafted. Addresses concerns of livestock industry. No extra fees to ranchers. Provides funding. Protects from liability. (Asked legislators present to give considerable consideration.) (Looked at by agency to be sure practical and meets needs of sportsmen and landowners.) Lee G. - clarified bill. County commissioners will be involved.

Legislative response to discussions:

Dave Anderson – fishing in irrigation ditch. How far can people come on to private land? What is reasonable access? (Ditches are not included in stream access law. Man made waterway.) Elsie Arntzen – Glad it is concert bill. Glad some work was done on it. Not enough people at the table previously. (Doug – took landowners as partners with this vs. others which demanded right) Roy Brown – Much more reasonable approach. Issues addressed are the ones brought up in committee. Glad to see collaboration.

IV. FORT PECK HATCHERY - CHRIS HUNTER, FWP

Statewide Walleyes Unlimited (legislative session 1999) came in with need for warm water hatchery. Trout Unlimited and others presented opposition. What emerged was legislation allowing hatchery at Fort Peck with funding for operations and management through the warm water stamp at \$5. No other funding could be used, unlike all other hatcheries. No general license dollars go into hatchery. Warm water stamp doesn't generate enough money. Went into operation less than a year ago. Cost \$500,000 per year to operate at full production. At minimum (walleye and Chinook salmon only) would be \$400,000. Utilities highest cost (pumping and heating water), greater than \$100,000 a year. Warm water stamp has brought in \$225,000 per year over past five years. Balance of \$1 million in account. Can operate through end of fiscal year 2011. All statewide angling groups meet once per year to talk about angling issues. Only solution Trout Unlimited and Walleye Unlimited could agree on is raising warm water stamp fee to \$7.50. Mark Henckel suggested dropping stamp and raising fishing license fee. Then met with R6 CAC to talk about funding shortfall. They recommended all anglers in eastern and central districts required to buy warm water stamp and on 10 additional lakes.

Three options suggested: R7 and R4 CACs support raising license fee and dropping stamp. Mail survey completed. 36% raise cost, 42% raise license fee, 21% eastern/central district. (Results are still in draft form.)

Dan Dutton – Respondents (400 on one, 35 on another = 95% confidence)

Mike W – Miles City hatchery produces warm water too? Miles City funded with general license dollars? Warm water anglers should not have to pay a premium – support increase in license fee (Yes, just the two. Miles City is funded through general fund, just Fort Peck is not.)

Barb Beck – can we produce for Saskatchewan? (Can't sell fish. We do trade. But can't produce to sell.)

Doug Haake – Raise license fee, get rid of warm water stamp. Would like CAC to vote and put out statement.

Shawn – Though a cold-water angler, feels the hatchery benefits him too. Charging for districts isn't fair. Pits areas of state against each other.

Member of public suggested converting to solar and leaving fees alone.

Lee – Department didn't really want hatchery right? Elected officials wanted it for economic development. Are they going to step up to the plate with funding? Miles City was adequate (at that time it was FWP's position – Miles City adequate – but Fort Peck had good production and was put to use. Miles City now needs some repair too.)

Jim Darling – getting more difficult to meet managers' demands for fish. Pushed present capacity on all existing hatcheries. Benefit of making Fort Peck meet needs of system. (Hatchery has capability of raising trout without affecting walleye production. But can't use it right now. Legislation and agreement doesn't allow us to raise trout right now.)

Doug – anticipating any drafts for this legislative session (Yes. Decision needs to be made soon but we need to consider other strong viewpoints with fishing groups.)

Lee - Are there ramifications politically for raising license fees? (Yes. Keep in mind, resident fee bill that passed last session put cost at \$20. Governor line itemed it and reduced to \$18.) Harold Guse – Loud small groups drive things, but vast majority are confused. This system is more confusing with no known benefit.

V. BIG HORN RIVER TROUT HARVEST

No official proposal on this. But in past few years at Magic City Fly Fishers concerns were raised on regulations on Bighorn River, which are designed to protect rainbow trout (regarding limits, they don't match regulations statewide.). We (FWP) would support proposal from outside

to change regulations, though we won't propose ourselves. Restrictions aren't for biological reasons. Trout production is determined by flows. There are no angler impacts on fish population in the Bighorn River. There is a natural mortality rate of 40 percent per year. 1.9 percent fish caught (1992) were kept. Catch and release mortality figured in, rate is at 10 percent at highest, totals 12 percent. This is way below natural mortality of 40 percent. If a biological need to protect rainbows once existed, it has now shifted. FWP has data to support standardized regulations.

Doug Dreeszen – How do you estimate natural mortality? (We look at same year class in consecutive years to see how many are gone. Many die by the time they are 3 years old. Rarely see any of the 4-year-old fish. There is natural attrition in population. Many studies have been done on hooking mortality in catch and release. Cold water fishing and barbless hooks used in Bighorn reduces mortality. 10 percent is a high estimate.)

Doug – If flows determine populations of fish, do flows affect mortality (on yearly basis they would. 40% is average over time – drought and no drought years averaged.) How would that affect law enforcement, in standardizing regulations (Bighorn River is sort of self policing, easier than other rivers. But it would simplify.) Bighorn River is known as catch and release, though it is not. Used as an advertising tool – seems like more fish. Could promoting keeping fish cause problems with outfitters, fly shops, etc? (We've always promoted taking more fish. Need balance. Right now smaller fish have the advantage. We could anticipate backlash from out of state anglers. We look at fish by whole population. Anglers can look at things fish by fish – pro catch and release.) What is next step to getting it to Commission (need proposal from outside trout group; need issues worked out by March for new regulations forming cycle.)?

Mike Whittington – Provides brief update on Bighorn River/Lake issue Montana is working through with Wyoming. Encouraged attendance at upcoming BOR meeting.

VI. PUBLIC ACCESS UPDATE

We have developed a collective voice in community on access. Anyone on CAC is more than welcome to join the "sub group." Over a week ago, the unnamed coalition of supporters went to County Commissioners with roads mapped out, asking about public rights of way to Yellowstone River. Concerned about encroachment on public right of ways.

Yellowstone Commissioners agree upon:

Creating GIS layers of publicly owned land and roads with access to that land.

Memorandum of understanding for County Park, turning management over to FWP as a FAS. Looking at Alexander Road as an access.

Looking into Sandough Road as an access.

State sections near Pompey's Pillar only accessible by river. Looking into a land exchange. Long range project.

VII. WRAP UP AND NEXT MEETING

Brief update on Poaching: Enough is Enough campaign. CAC members distributing posters and bumper stickers in their communities. Much appreciated.

Next Meeting

January 16th 5:30-9:30

Request made to revisit original list for agenda items.