

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
57th LEGISLATURE - REGULAR SESSION  
JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG RANGE PLANNING**

**Call to Order:** By **CHAIRMAN MATT MCCANN**, on February 6, 2001 at 8:00 A.M., in Room 350 Capitol.

**ROLL CALL**

**Members Present:**

Rep. Matt McCann, Chairman (D)  
Sen. Bob Keenan, Vice Chairman (R)  
Rep. Dave Kasten (R)  
Sen. Jon Tester (D)  
Rep. Steve Vick (R)

**Members Excused:** Sen. Tom A. Beck (R)

**Members Absent:** None.

**Staff Present:** Jane Hamman, OBPP  
Andrea Hyatt, Committee Secretary  
Brian McCullough, Legislative Branch  
Christi Tyson, OBPP

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 5, 2/2/2001; HB 14,  
2/2/2001

Executive Action:

**CHAIRMAN MCCANN** opened the hearing on **Fish, Wildlife and Parks (FWP)**.

**NOTE:** Reference book is Governor's Budget State of Montana Fiscal Years 2002-2003 Long Range Building Program Volume 2

*{Tape : 1; Side : A; Approx. Time Counter : 38}*

**Jeff Hagener, Director, FWP**, presented an overview explaining their general program and certain specific projects. Other people in the audience were: **Dave Mott, Division Administrator, Administration of Finance; Don Childress, Administrator, Wildlife Division; Larry Peterman, Administrator, Fisheries Division; and Doug Monger, Administrator, Parks Division.** He provided a copy of their power point presentation. **EXHIBIT(jlh30a01)** On the bottom of each page is an index where to find the project in the Governor's Budget Volume 2 book.

*{Tape : 1; Side : A; Approx. Time Counter : 78}*

**Mr. Hagener** discussed the Fisheries Projects explaining the projects and funding sources.

*{Tape : 1; Side : A; Approx. Time Counter : 103}*

Fishing Access Site Maintenance, page 84.

*{Tape : 1; Side : A; Approx. Time Counter : 119}*

Fishing Access Site Protection, page 86.

*{Tape : 1; Side : A; Approx. Time Counter : 140}*

Fishing Access Site Acquisition, page 89.

*{Tape : 1; Side : A; Approx. Time Counter : 185}*

Hatchery Maintenance, page 91. **REP. MCCANN** questioned the funding sources. **Dave Mott** responded.

*{Tape : 1; Side : A; Approx. Time Counter : 259}*

Dam Maintenance Projects, page 93.

*{Tape : 1; Side : A; Approx. Time Counter : 305}*

Future Fisheries Improvements, page 96.

*{Tape : 1; Side : A; Approx. Time Counter : 350}*

Valier Boat Ramp, page 99.

*{Tape : 1; Side : A; Approx. Time Counter : 367}*

**Mr. Hagener** continued his presentation under the next major section of Wildlife Projects discussing the projects and funding sources.

**{Tape : 1; Side : A; Approx. Time Counter : 385}**

Wildlife Habitat Maintenance, page 102.

**{Tape : 1; Side : A; Approx. Time Counter : 433-516}**

Habitat Montana, page 104. Lease/Easements were also discussed.

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

Migratory Bird, page 106.

**{Tape : 1; Side : B; Approx. Time Counter : 17}**

Upland Gamebird, page 108.

**{Tape : 1; Side : B; Approx. Time Counter : 40}**

Bighorn Sheep Habitat, page 111.

**{Tape : 1; Side : B; Approx. Time Counter : 67}**

CARA-Wildlife, page 113. **Mr. Hagener** stated they are withdrawing the request because of the Conservation Re-investment Act funding for that program did not come through.

**{Tape : 1; Side : B; Approx. Time Counter : 73}**

**Mr. Hagener** introduced the next major section of Parks Projects; explaining the breakdowns, projects and funding sources.

**{Tape : 1; Side : B; Approx. Time Counter : 92}**

Cultural & Historic, page 115. **REP. KASTEN** questioned the source of funding. **Dave Mott, FWP**, provided a five page handout entitled "Status Report-Long Range Building Projects".

**EXHIBIT (j1h30a02)**; which is a quick summary of the projects and a second handout entitled "Department of Fish, Wildlife and Parks Funding Sources Summary" which provides more detail.

**EXHIBIT (j1h30a03)**

**{Tape : 1; Side : B; Approx. Time Counter : 143}**

Motorboat/Recreational Parks, page 119.

**{Tape : 1; Side : B; Approx. Time Counter : 196}**

Federal Wallop-Breaux, page 122.

**{Tape : 1; Side : B; Approx. Time Counter : 244}**

Lewis & Clark Bicentennial, page 124.

**{Tape : 1; Side : B; Approx. Time Counter : 296}**

State Park Roads, page 127.

**{Tape : 1; Side : B; Approx. Time Counter : 346}**

Capitol Irrigation & Landscaping, page 130.

**{Tape : 1; Side : B; Approx. Time Counter : 378}**

Land and Water Conservation Fund (LWCF) Grants, page 133.  
Due to funds not being received from the Conservation Re-  
investment Act, they are withdrawing their request on page 133.  
He did discuss page 143, agency priority 24.

**{Tape : 1; Side : B; Approx. Time Counter : 482-516}**

Federal Trails Grants, page 136.

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

Mr. Hagener continued the Federal Trails Grants project.

**{Tape : 2; Side : A; Approx. Time Counter : 19}**

OHV (Off Highway Vehicle) Trails Grants, page 140.

**{Tape : 2; Side : A; Approx. Time Counter : 58}**

Statewide Building Maintenance, page 146.

**{Tape : 2; Side : A; Approx. Time Counter : 103}**

Mr. Hagener stated that he would review past biennium projects. Before doing that presentation, he offered a proposed amendment to HB 5 that would withdraw those projects that did not receive funding. **EXHIBIT (j1h30a04) CHAIRMAN MCCANN** questioned that some projects reviewed did not include a reference to the funding sources and requested that he address the projects now and to later go to the past projects.

*{Tape : 2; Side : A; Approx. Time Counter : 133}*

**Dave Mott**, FWP, provided a handout entitled "Montana Fish, Wildlife & Parks FY 02/03 Capital Program". **EXHIBIT (j1h30a05)**  
**Mr. Mott** explained how to read the handout. Discussion followed.  
**Mr. Mott** responded to questions.

*{Tape : 2; Side : A; Approx. Time Counter : 258}*

**Larry Peterman**, discussed the Fisheries projects and funding sources, page 84. **REP. KASTEN** questioned if there were roads being created for one time use only. **CHAIRMAN MCCANN** questioned how they approach their weed program; how they are killed, handpicked, chemical spray, controlled for fishing access sites and if they could provide that information. **Doug Monger** responded and provided a handout entitled "FAS Site Maintenance Statewide". **EXHIBIT (j1h30a06)**. **REP. KASTEN** questioned if they were coordinating with BLM on the fishing sites' weed control. **Doug Monger** responded.

*{Tape : 2; Side : A; Approx. Time Counter : 409}*

**Larry Peterman** discussed the Fishing Access Site Acquisition, page 89.

*{Tape : 2; Side : A; Approx. Time Counter : 467-516}*

**Larry Peterman** discussed the Hatchery Maintenance, page 91.

*{Tape : 2; Side : B; Approx. Time Counter : 0}*

**REP. KASTEN** questioned what standards are used. **CHAIRMAN MCCANN** questioned the whirling disease. **Mr. Peterman** responded.

**Larry Peterman** continued the discussion of the hatchery maintenance and repair, page 91-92. **Brian McCullough** questioned if the hatchery is year-round usage; **Mr. Peterman** responded yes.

*{Tape : 2; Side : B; Approx. Time Counter : 41}*

**Larry Peterman** discussed the Park/Bearpaw Lakes Dam Repair, page 93. **REP. KASTEN** questioned the re-direction of funds from the South Sandstone Project near Baker. **SEN. TESTER** questioned if it had a high hazard status. **CHAIRMAN MCCANN** questioned who classifies a dam as high hazard. **Mr. Peterman** responded. **SEN. TESTER** questioned the funding that was originally for a high hazard dam that was not used for that project and that they now request to roll it over to another project and why the high hazard dam has not been addressed. **Paul Hagener** provided the

definition of high hazard as not the condition of the dam but that there is a home or road downstream and that should it be breached there is a potential for loss of life. **Jane Hamman** added further clarification that there were conditions put on the expenditure of these funds and more detail needs to be provided. She believed that there was a period of negotiation with the landowners and some of those conditions and the language that was put in the bill were not able to be met.

*{Tape : 2; Side : B; Approx. Time Counter : 112}*

**Larry Peterman** discussed the Future Fisheries Improvements, page 96. He handed out their report "Future Fisheries Improvement Program". **EXHIBIT(jlh30a07)** **CHAIRMAN MCCANN** questioned the RIT funding. **Mr. Peterman** responded.

*{Tape : 2; Side : B; Approx. Time Counter : 194}*

**Larry Peterman** discussed the Valier Boat Ramp, page 99. He stated this was a joint project with Walleyes Unlimited, the City of Valier, and FWP. **REP. VICK** questioned the purpose of a fish screen. **CHAIRMAN MCCANN** questioned if the lake water ever reaches the boat ramp.

*{Tape : 2; Side : B; Approx. Time Counter : 247}*

**Don Childress, Administrator, Wildlife Division**, discussed the Wildlife Projects and funding sources. He reviewed the Wildlife Habitat Maintenance project, page 102.

*{Tape : 2; Side : B; Approx. Time Counter : 282}*

**Don Childress** discussed the Habitat Montana program, page 104. **SEN. TESTER** requested a report on the acreage, amount paid per lot, distribution and the length of the easement. **Mr. Childress** responded that he had the report prepared and would get it to the committee members. **EXHIBIT(jlh30a19)** **CHAIRMAN MCCANN** questioned if there are any easements that are not in perpetuity and his concern for no other choice and the possibility of offering easements for specific time spans; 75 years or 100 years. **SEN. TESTER** stated his concern that many ranchers are up against the wall and do not have a choice. **REP. KASTEN** also stated his concern and that people do not fully realize the effect on their land title. **Don Childress** stated that they have three new commissioners coming on board and he is sure there will be a discussion on easements. **Don Childress** explained to the committee that they do take time to discuss and negotiate with the landowners, often six to nine months.

*{Tape : 2; Side : B; Approx. Time Counter : 427}*

**Don Childress** discussed the Migratory Bird (Waterfowl Stamp), page 106. **SEN. TESTER** questioned if the \$230,000.00 reflected his bill. **Don Childress** stated this did not reflect his bill.

*{Tape : 2; Side : B; Approx. Time Counter : 482}*

**Don Childress** discussed the Upland Game Bird project, page 108. He will send a summary report of their contracts to the committee.

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

**Don Childress continued his discussion.**

**SEN. TESTER** questioned if the report will show how funds were spent, number of acres involved, who received the funds and project location. **Brian McCullough** questioned if the pheasant habitat was funded through this project. **REP. KASTEN** stated he is getting questions regarding HB 304 and could he get information on that. **Mr. Childress** stated he would provide that information.

*{Tape : 3; Side : A; Approx. Time Counter : 44}*

**Don Childress** discussed the Bighorn Sheep Habitat, page 111. This is the last project under the Fisheries section.

**Jane Hamman** clarified that page 113, CARA Wildlife, is zeroed out.

*{Tape : 3; Side : A; Approx. Time Counter : 78}*

**CHAIRMAN MCCANN** introduced a member of his community, **Miles Hutton**, who wanted to provide testimony on conservation easements.

**Miles Hutton, Turner, Montana, former Landowner, Rec and Wildlife Vice Chair for Montana Stockgrowers Association, farmer/rancher, guide outfit and runs a gun business.** He was asked by some of his local stockgrowers association to make comments on conservation easements and wetland easements. He provided history background. He read portions of an easement contract. He stated he was not against the easements but the idea of perpetuity. He also provided a letter from the North Central Montana Stockgrowers Association discussing conservation

easements. **EXHIBIT(jlh30a08) Don Childress** mentioned that he looked at **Mr. Hutton's** contract and that it was not a FWP contract.

*{Tape : 3; Side : A; Approx. Time Counter : 263}*

**Doug Monger, Parks Division, FWP**, discussed being approached regarding the Pompeys Pillar, a part of the Lewis & Clark Bicentennial celebration, and introduced **Jack Light** who would do a presentation on the project and how it relates to the bonding program.

*{Tape : 3; Side : A; Approx. Time Counter : 275}*

**Jack Light, Development Director, Pompeys Pillar Historical Association**, described the association and its partnership with Bureau of Land Management and the interpretive center being built. The center is a \$9.4 million project; \$7.4 million is federal funds. Senator Burns and Senator Baucus originally passed a \$2 million appropriation through Congress with the understanding that Pompeys Pillar Historical Association would raise \$2 million in non-federal money to match the federal source of funds. They are requesting \$2 million in state bonds that they would pay back over a ten or twenty year period. He discussed the project further. He provided a four page copy of his testimony. **EXHIBIT(jlh30a09) REP. KASTEN** questioned other sources they were pursuing to raise funds. **Mr. Light** responded.

*{Tape : 3; Side : A; Approx. Time Counter : 388-513}*

**CHAIRMAN MCCANN** provided a handout on General Obligation Bonds. **EXHIBIT(jlh30a10) Jane Hamman** explained the details of the handout.

Discussion followed. **Mr. Light** responded to questions from the committee.

**SEN. TESTER** questioned the amount of funds brought in at this point, their need to borrow \$2 million, and other funding.

**Mr. Light** provided a handout of the architectural layout of the Interpretive Center. **EXHIBIT(jlh30a11)**

*{Tape : 3; Side : B; Approx. Time Counter : 0}*

**SEN. TESTER** questioned their fund raising plans. **CHAIRMAN MCCANN** questioned how they feel making the plan contingent on other funding and debt service. **Mr. Light and Jane Hamman** responded. **CHAIRMAN MCCANN** questioned **Mr. Monger** how the revenues derived at

the interpretive center are passed on to FWP. **Mr. Monger** responded that State Parks had never bonded a program before and he did not know the answer. This program is similar to the Lewis & Clark Interpretive Center in Great Falls. **REP. KASTEN** questioned why the community cannot raise the funds. **CHAIRMAN MCCANN** questioned if there was opposition to the short debt service. **Mr. Light** responded.

*{Tape : 3; Side : B; Approx. Time Counter : 95}*

**SEN. MACK COLE, SD 4**, spoke in favor of the funding and provided historical background on the area and the importance of the only physical evidence left of the Lewis & Clark Expedition.

*{Tape : 3; Side : B; Approx. Time Counter : 130}*

**REP. MONICA J. LINDEEN, HD 7**, spoke in favor of the funding and provided historical background. She also provided a letter from the Bureau of Land Management (BLM) indicating they would be responsible for the operation and maintenance of the new interpretive center for Pompeys Pillar National Monument.

**EXHIBIT (j1h30a12)**

*{Tape : 3; Side : B; Approx. Time Counter : 177}*

**Doug Monger** introduced **Kelly Kuntz** who would update the committee on the FWP Spring Meadow Animal Rehabilitation Center fund raiser and project.

**Kelly Kuntz, Vice President & Branch Manager, D. A. Davidson**, and has served as the Chairman of the Michael Kelner Foundation for Animals since 1986. He discussed the project, their funding sources, upgrading the site, and spending the foundation funds before using the State's funding.

*{Tape : 3; Side : B; Approx. Time Counter : 311}*

**Doug Monger** discussed the Cultural & Historic project, page 115. He provided a handout summary sheet covering the various projects. **EXHIBIT (j1h30a13)** **CHAIRMAN MCCANN** questioned the in-holdings and if there is controversy on any of the acquisitions. **Mr. Monger** responded.

*{Tape : 3; Side : B; Approx. Time Counter : 396}*

**Doug Monger** discussed the Motorboat/Recreational, page 119. He provided a summary sheet handout listing the various projects. **EXHIBIT (j1h30a14)** No questions from the committee.

**{Tape : 3; Side : B; Approx. Time Counter : 447}**

**Doug Monger** discussed the Federal Wallop-Breaux project, page 122. **CHAIRMAN MCCANN** questioned that for federal dollars to come in, that a match is needed from the local people. **Doug Monger** responded.

**{Tape : 3; Side : B; Approx. Time Counter : 480}**

**Doug Monger** discussed the Lewis & Clark Bicentennial, page 124. He stated that the original funding was from the Racicot budget using general funds and that the Martz budget did allow them to continue the project within the capital program but with a yet-to-be-determined funding source. They have been researching for other funding sources and are working with OBPP.

**{Tape : 4; Side : A; Approx. Time Counter : 0}**

**Doug Monger continued his discussion.**

**REP. KASTEN** commented the use of bed tax. **Doug Monger** responded that they receive 6.5% of the bed tax that is dedicated to maintenance; that it must be spent on maintenance and only maintenance of our park facilities. There is a separate and distinct proposal within HB 16 for a \$6.5 million coal trust loan and that would be paid back with a one cent increase on the bed tax. Within that \$6.5 million, there are Lewis & Clark related projects. The difference between the projects within HB 16 and these projects, is that this is instantaneous need between today and when HB 16 could come on-line within 18 months to two years. **SEN. TESTER** questioned the amount of funding dedicated through Travel Montana or other funding sources to cover this project. **Doug Monger** responded. **Jane Hamman** informed the committee that Travel Montana donates \$400,000.00 per year.

**{Tape : 4; Side : A; Approx. Time Counter : 51}**

**Doug Monger** discussed State Park Roads, page 127. He provided a summary of projects from the last three bienniums. **EXHIBIT (j1h30a15)** He explained the summary in detail. No questions from the committee.

**{Tape : 4; Side : A; Approx. Time Counter : 77}**

**Doug Monger** discussed the Capitol Complex Ground Improvements/Capitol Irrigation & Landscaping, page 130. **EXHIBIT (j1h30a16)** **CHAIRMAN MCCANN** questioned the houses located on sixth and eighth avenue. **Doug Monger** responded.

*{Tape : 4; Side : A; Approx. Time Counter : 110}*

**Doug Monger** requested the Land Water Conservation Fund Grants, page 133, be withdrawn from the request list.

*{Tape : 4; Side : A; Approx. Time Counter : 112}*

**Doug Monger** discussed the Federal Trails Grants, page 136. They request to redirect this project and the next project from HB 2 in to HB 5. He discussed the funding sources and how spent. The reason to bring this in to HB 5 is purely for the economics of the bureaucracy. The federal money typically comes in April or May, they have to get contracts signed, sealed and appropriated by the end of the fiscal year, and they never get that deadline accomplished.

*{Tape : 4; Side : A; Approx. Time Counter : 137}*

**Doug Monger** discussed the Off Highway Vehicle (OHV) Trails Grants, page 140. This is the same federal funding problems as above. **CHAIRMAN MCCANN** questioned if half of the funding goes towards erosion and weed needs. **REP. KASTEN** questioned local/private funds if that would be a match or in kind and if the federal funding was ongoing.

*{Tape : 4; Side : A; Approx. Time Counter : 176}*

**Doug Monger** discussed the CARA-LWCF project, page 143. He discussed the funding sources and uses. They lowered their request from \$6.5 million to \$2.25 million. Fifty percent goes to local communities and the other fifty percent goes to state park and fishing access projects. **REP. KASTEN** questioned if the land acquisition was expanding. **Brian McCullough** questioned if, in the past, 100% went to the federal projects. **CHAIRMAN MCCANN** questioned how communities learn of these funds and how long the program has existed. **Doug Monger** responded and provided a handout of projects that have been funded through LWCF. **EXHIBIT (j1h30a17)**

*{Tape : 4; Side : A; Approx. Time Counter : 273-310}*

**Jeff Hagener** discussed the Statewide Building Maintenance projects, page 146. **Brian McCullough** requested that metal roofs be discussed. **Tom O'Connell** responded.

**CHAIRMAN MCCANN** requested the update on projects from past bienniums. **Doug Monger** referred the committee to the binder entitled "Project Status Report - Long Range Building Program - As of FYE 00", page C-8. (See February 2, 2001 Minutes, **EXHIBIT 2**) He

explained the details of line items, sub-projects and grant requests. **CHAIRMAN MCCANN** questioned if it was common to have outstanding projects and how the reversions are handled. **Mr. Monger** responded.

*{Tape : 4; Side : B; Approx. Time Counter : 0-184}*

**Doug Monger** continued his update of past projects.

**Doug Monger** discussed the Makoshika Oil & Gas bill that was passed by **REP. LENHART** during the 1999 session. The department was given the authority to pursue the purchase of private land with mineral holdings within the park. He provided a map indicating those lands within the park that are privately owned and those owned by Dawson County. **EXHIBIT (j1h30a18)** The department would like to purchase land from the county since the private landowners do not want to sell. **SEN. TESTER** why have to buy land from the county. **Doug Monger** responded. **CHAIRMAN MCCANN** commented that the committee would work on this further since there is a different use of the funds than originally intended.

*{Tape : 4; Side : B; Approx. Time Counter : 270}*

**Larry Peterman** updated the committee on the South Sandstone dam that had been rated as a high hazard dam. He had contacted Rob Kingery who is the dam engineer at DNRC and who inspects their dams. The South Sandstone was previously classified high hazard because failure of the dam would washout a high bridge downstream. He provided further details of the classification and the contingent language. **CHAIRMAN MCCANN** questioned the location of South Sandstone; **Mr. Peterman** responded it was near Baker.

*{Tape : 4; Side : B; Approx. Time Counter : 296-321}*

**Doug Monger** discussed an outstanding item regarding the 01 request of arts and bed tax dollars. The department wanted to disclose their plans under HB 5 for capital construction. Bed tax is statutorily appropriated and does not need to come to this committee, but he wanted the committee to see the full effect of those projects. He was not sure whether to do that similar to Makoshika, through an amendment or through some enabling language and they will bring that to the committee during the executive action.

**CHAIRMAN MCCANN** stated that the committee will probably have further questions during executive action.

**CHAIRMAN MCCANN** closed the hearing on Fish, Wildlife and Parks.

The meeting adjourned.

**ADJOURNMENT**

Adjournment: 12:15 P.M.

---

REP. MATT MCCANN, Chairman

---

ANDREA HYATT, Secretary

MM/AH

**EXHIBIT** (j1h30aad)