

House Bill 734  
February 17, 2005  
Presented by Chris Smith  
House Agriculture Committee

Mr. Chairman and committee members, for the record I am Chris Smith, Chief of Staff of Montana Department of Fish, Wildlife & Parks (FWP).

FWP asked Rep. Witt to carry HB 174 to address a number of problems with the statutes governing private pond licenses. During debate on HB 174 in the Fish, Wildlife and Parks Committee, Rep. Koopman raised the possibility of exempting certain private ponds from licensing requirements. FWP agreed that under some circumstances it may be reasonable to relieve both the landowner and FWP of the burden of licensing. Unfortunately, the title of HB 174 was not broad enough to address this idea in an amendment to that bill.

HB 734 presents the same concept as the amendment we worked with Rep. Koopman to develop for HB 174. Under this bill, if a private pond is isolated from any natural waters and – with the sponsor's amendment to correct the typographical error – outside a natural floodplain, in most cases, we would agree the pond does not need to be licensed. This bill will not only help landowners with small stock ponds, it will also us to exempt ornamental ponds in backyards or golf courses that under current law technically must be licensed.

Other statutes will continue to regulate the species of fish that can be imported to the state and planted in an unlicensed private pond to prevent the spread of undesirable species.