

SENATE NATURAL RESOURCES  
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HB 174

House Bill 174  
March 16, 2005  
Presented by Jim Kropp  
Senate Natural Resources Committee

Mr. Chairman and members of the Committee, for the record my name is Jim Kropp, Chief of Enforcement for Montana Fish, Wildlife & Parks (FWP). House Bill 174 establishes a \$10 fee for a 10-year fish pond stocking permit with renewal options. House Bill 174 also allows for the transfer of a fish pond stocking permit to another landowner for the remaining life of the permit. This bill is before you at the request of FWP.

Under current law (87-4-603 MCA) a person wishing to stock fish in an artificial pond must obtain a permit from FWP. FWP may designate the species of fish that may be released in the pond and otherwise condition the license if there is a possibility of fish escaping from the pond into adjacent streams or lakes. Conditions attached to a permit include the species of fish appropriate for the drainage and usually require the outlet to be screened. The permit is issued to the individual for life or as long as he/she owns the property and there is no provision in current law providing for the transfer of the permit to a new owner of the pond. FWP maintains a list of permits issued. That list is now approaching 6,000 individuals. FWP has issued an average of approximately 150 permits per year for the last five years.

Last year, FWP attempted to contact all private fish pond owners to provide information about problems with unauthorized importation of fish for use in ponds. FWP wanted to alert pond owners to some potentially serious problems, such as whirling disease, associated with fish imported from other states. The distribution of this letter proved to be problematic: hundreds of letters were undeliverable because the permit holders no longer owned the property or were deceased. FWP is still trying to establish the status of hundreds of pond permits.

In the course of this effort, it has become obvious that there are problems with the current system:

- The current permits are non-transferable, so a new owner of the pond, or the descendants of a deceased former owner may not be aware that a permit is required to stock the pond or that they need to obtain a new permit.
- FWP has a bookkeeping nightmare in that there is no way of knowing if a pond has changed ownership or the owner is deceased. In addition, there are literally hundreds of permits issued for ponds that are no longer stocked or even in existence. In addition, many people may be stocking their ponds illegally because they do not have a valid permit.

FWP can improve this situation by putting a limit on the life of a pond permit and give pond owners a simple process to renew their permit. This allows FWP to keep accurate records with greater efficiency and limited additional work, and does not create a huge burden on pond owners interested in maintaining a healthy fish pond. An added benefit to the pond owner is the ability to transfer a permit to a new landowner if the land ownership is transferred.

In addition to providing a mechanism to transfer the pond permit, the department is proposing to move the deadline for renewal from January 31 to February 28 thus giving the pond owner additional time in the new year to renew the permit.

This legislation is good for Montana fish and it's good for Montana's private fish pond owners, because it provides a long-term permit for a minimal fee -- \$10 for 10 years; a buck a year -- while providing important safeguards for waters adjacent to private ponds. The department urges your support.