



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

| | | | |
|-------------------------|----------------|----------------|---------------------------------------------------------------------------|
| Bill # | HB0424 | Title: | Revise law on rec use of water/comm'n duty re marking, impact, leg report |
| Primary Sponsor: | Barrett, Debby | Status: | As Introduced |

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

| | <u>FY 2008 Difference</u> | <u>FY 2009 Difference</u> | <u>FY 2010 Difference</u> | <u>FY 2011 Difference</u> |
|----------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Expenditures: | | | | |
| State Special Revenue | \$416,764 | \$401,764 | \$411,808 | \$422,103 |
| Revenue: | | | | |
| State Special Revenue | \$0 | \$0 | \$0 | \$0 |
| Net Impact-General Fund Balance | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

Description of fiscal impact:

This bill requires the Fish, Wildlife, and Parks Commission to identify and mark all public access sites to surface waters. This will require 7.00 FTE in addition to operating costs and contracted services. The bill also requires a Montana Environmental Policy Act assessment of the impact of recreational use on fish and water quality which will cost \$15,000 in FY 2008.

FISCAL ANALYSIS

Assumptions:

Department of Fish, Wildlife and Parks (FWP)

Section 23-2-302(6)(a), MCA:

- Public access points to streams and rivers will include all locations where the public may legally gain access to streams or rivers from county, state, or other public roads or rights of way, legally accessible state or federal land, or other legally accessible streams or rivers.
- The actual number of such public access sites is impossible to estimate, but the assumption is made that there will be thousands, if not tens of thousands, of such sites.
- While the legal status of access and ownership for many sites may be readily determined through available public documents, the department assumes that for at least 10% of the total sites, more complex research will be required.

4. While it is uncertain how many sites may be involved, it is estimated that 500 hours per year at a cost of \$125/hour will be required for contracted services to conduct surveys and contract with title companies and legal professionals skilled in public road law. (\$125 x 500 hours = \$62,500)
5. Each access point will be documented in a database and signed or marked in some manner at the individual sites. A minimum of four years will be required to complete this effort.
6. Seven FTE distributed statewide will be required to develop the database, research the access points, put up the signs, and monitor the sites. The estimated cost for salary and benefits is \$239,264 annually.
7. Annual operating costs for signs, mileage, tools, etc. will be \$100,000.
8. General license dollars will be used as hunters and anglers will be receiving the most benefit.
9. A 2.5% inflation factor has been applied for FY 2010 and FY 2011.

Section 23-2-302(6)(b), MCA:

10. 23-2-302(6)(b), MCA, requires a Montana Environmental Policy Act (MEPA) assessment of the impact of recreational use on fish and water quality.
11. FWP currently monitors fish populations in the most important recreation areas, so there will not be a need to collect additional fish population data to prepare an Environmental Assessment (EA) of recreation related impacts on fish populations.
12. Department of Environmental Quality (DEQ) currently has a program to monitor water quality and identify impaired waters. The FWP assumes there will not be a need to collect additional water quality data to prepare an EA of recreation related impacts on water quality.
13. Preparation of a statewide EA of the impact of recreational use on fish and water quality pursuant to MEPA will cost approximately \$15,000 one time in FY 2008.

Section 23-2-302(6)(c), MCA:

14. FWP game wardens are currently mandated to keep track of daily activities, which includes stream access contacts and incidents. No additional fiscal impact will occur.

| | <u>FY 2008</u> <u>Difference</u> | <u>FY 2009</u> <u>Difference</u> | <u>FY 2010</u> <u>Difference</u> | <u>FY 2011</u> <u>Difference</u> |
|-----------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------|
| <u>Fiscal Impact:</u> | | | | |
| FTE | 7.00 | 7.00 | 7.00 | 7.00 |
| <u>Expenditures:</u> | | | | |
| Personal Services | \$239,264 | \$239,264 | \$245,246 | \$251,377 |
| Operating Expenses | \$177,500 | \$162,500 | \$166,563 | \$170,727 |
| TOTAL Expenditures | <u>\$416,764</u> | <u>\$401,764</u> | <u>\$411,808</u> | <u>\$422,103</u> |
| <u>Funding of Expenditures:</u> | | | | |
| State Special Revenue (02) | \$416,764 | \$401,764 | \$411,808 | \$422,103 |
| <u>Revenues:</u> | | | | |
| State Special Revenue (02) | \$0 | \$0 | \$0 | \$0 |
| <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u> | | | | |
| State Special Revenue (02) | (\$416,764) | (\$401,764) | (\$411,808) | (\$422,103) |

Sponsor's Initials

Date

Budget Director's Initials

Date