

EXHIBIT 2
DATE 4/12/09
SB 435

Senate Bill 435
April 2, 2009
Presented by Paul Sihler
House Fish, Wildlife and Parks Committee

Mr. Chairman and committee members, for the record I am Paul Sihler, Field Services Division Administrator of Montana Department of Fish, Wildlife & Parks (FWP). FWP opposes SB 435.

FWP's mission includes the conservation of fish and wildlife habitat and the acquisition of sites for public recreation. To achieve these objectives, the Montana Legislature, over a period of several decades, has provided FWP and the FWP Commission with both the authority and funding to acquire land. For example:

- Habitat Montana provides earmarked funding that "... must be used exclusively by the commission to secure, develop and maintain wildlife habitat ..." (87-1-242 (1), MCA).
- 87-1-209 (1), MCA authorizes FWP to "develop, operate and maintain acquired lands or waters" for "public hunting, fishing or trapping areas" and for "state parks and outdoor recreation."
- And on an annual basis, the Montana Legislature appropriates funding through HB 5 for FWP to purchase state parks, fishing access sites and wildlife management areas.

SB 435 presents a direct conflict with this existing legislative direction.

FWP goes through an extensive public decision making process in order to purchase land. Under current law, FWP must solicit and respond to public comment on an environmental review, hold a public hearing in some instances, receive approval from the FWP Commission, which provides a second opportunity for public comment and in most instances, receive approval from the Land Board, which provides a third opportunity for public comment. These steps ensure that the public interest is protected whenever FWP acquires an interest in land, and as a general statement, FWP has received strong public support for our acquisition of fishing access sites, state parks and wildlife management areas.

FWP is required by law to pay property taxes to counties on most of the land it owns "in a sum equal to the amount of taxes which would be payable ... on the property if it were it taxable to a private citizen" (87-1-603, MCA). Last year, we paid a total of over \$500,000 in property taxes to 38 counties.

SB 435, even with the Senate amendments, will not allow FWP to purchase new land in fee title for habitat or for public hunting, fishing, trapping, and recreation. This certainly would seem to be the goal of SB 435, and for all practical purposes, this is what the "no net gain" restriction accomplishes. One of the Senate amendments provides an exception from the "no net gain" requirement for a cumulative total of 3,000 acres of fishing access sites. This is a meaningless amendment, however, because FWP already owns 16,000 acres of fishing access sites in fee title. The second amendment provides an exception to the "no net gain" requirement for land

“acquired for the purpose of economic development or maintaining historical land use” (emphasis added). However, this amendment is very limited because it applies only to the acquisition of land for state parks, state recreational areas, state monuments, or state historical sites. This exemption does not apply to all other acquisitions of land, such as land acquired for wildlife management areas.

As I stated earlier, by statute, FWP’s authority for acquiring land is for the purpose of “wildlife habitat”, “public hunting, fishing or trapping areas” and for “state parks and outdoor recreation.” Neither of these amendments mitigates the impacts of the bill on hunters, anglers, park users and other outdoor recreational users.

FWP urges you to kill this bill.