

The Outlet



**A publication of the Montana Chapter American Fisheries Society
June 2007**

PRESIDENT'S CORNER

The following summary was provided by Janet Ellis, who works for Montana Audubon and served as our lobbyist in 2007. I have edited it a bit to focus on the bills and issues that MCAFS asked Janet to track. I did leave in information on bills that we did not track, but that I thought might be of interest to MCAFS members. Since this is a pretty lengthy summary and is probably more important than my personal ramblings, I thought it best to substitute this for the president's address.

The tables at the end of the review summarize bills that were considered in the 2007 legislature, and their outcomes. The first table lists bills that MCAFS took a position on, and that we directed MT Audubon to lobby in our stead. The second table is a list of other bills that may be of interest to MCAFS members, but that we did not officially take a position. When deciding on which bills to lobby, the ExComm considered our Chapter's bylaws and objective to "Support local, state, and federal legislation that is in the interest of fishery resources" as well as to be "an advocate for the unbiased collection of fish resource information; the conservation and restoration of native fishes; the importance of high quality aquatic habitats; and wise management of land, water, and fish resources in the state of Montana." This year I served on the Legislative Committee and would welcome any assistance and willing recruits to this critical committee for the next session. I learned quite a bit this year in this capacity, but unfortunately I believe a lot of my education came after it would have been most useful. I was energized to be more in touch with what was going on in our State government, but depressed at my ignorance at how the system works and lack of ideas for how MCAFS could be more influential. I hope to continue on the Legislative Committee, but also hope to have other members step forward to assist in the process next session. The ExComm submitted testimony on four bills this session and I hope that our comments helped to bring about our desired outcomes (most of the time). I extend a hearty thank you to the ExComm members for their assistance in drafting those letters, and to Janet and MT Audubon for making sure we were heard on the hill.

Enjoy,

Leanne Roulson

Challenging 2007 Montana Legislature Comes to a Close

The Montana Legislature has been in the news—from the special session focused on the state's budget to the political wrangling caused by party politics. Missing from this discussion has been a summary of what wildlife and environmental legislation passed and died.

This article summarizes the conservation successes and failures of the 2007 Montana Legislature—from Audubon's point of view—for both the regular session ending in April and the special session held in May. Janet Ellis led our lobbying effort, and we shared her time with Montana Audubon. Janet was ably assisted by intern Molly Immen, who kept things organized, conducted much needed background research, sent out alerts to MCAFS, and helped with testimony.

So how did Montana's aquatic resources do at the 2007 Montana Legislature? The numbers make this session look successful: Montana AFS opposed 7 bills—and all but one of these were defeated. We supported 6 pieces of legislation, with 4 of these bills passing and 2 defeated. However, a closer look at the details reveal that the efforts of Audubon in conjunction with MCAFS and other conservation groups could be characterized as a lot of hard work just to keep existing environmental laws and programs intact—with little success passing significant conservation legislation.

Fish & Wildlife and their Habitats

Several pieces of legislation were introduced to increase protection of Montana's fish & wildlife. The main bills that passed with Audubon's support included legislation: (1) funding wildlife programs focused on rare fish and wildlife (specifically, State Wildlife Grants and the Montana Natural Heritage Program); (2) establishing a state program that will compensate livestock owners for known wolf kills that should help make landowners more tolerant of these predators (HB 364, Sponsor: Representative Malclom, R-Emigrant); and (3) ending the termination date of both the Future Fisheries program, focused on stream restoration (SB 126, Sponsor: Senator Gallus, D-Butte), and the instream flow program that allows Montana Fish, Wildlife & Parks to lease water rights so streams are not de-watered (SB 128, Sponsor: Senator Laslovich, D-Anaconda).

The most significant anti-wildlife bill that Audubon played a leadership role in defeating sought to have the state pay for an anti-wolf groups' lawsuit against the U.S. Fish & Wildlife Service (HB 343, Sponsor: Rep. Rice, R-Harrison). This bill stayed alive until the bitter end of the session. Additionally, another bill would have eliminated the license requirement for certain fish ponds (HB 439, Sponsor: Rep. Koopman, R-Bozeman). Audubon opposed this measure because exotic wildlife introduced into fish ponds can significantly impact native aquatic species—and the only way to educate landowners about this threat is through the licensing program. Although HB 439 passed the legislature (on a very close vote), it was thankfully vetoed by the Governor. MCAFS wrote a letter submitted as testimony opposing this bill.

An important pro-wildlife bill that was defeated involved Audubon-initiated legislation that would have allowed conservation easements on school trust land (SB 391, Sponsor: Senator Weinberg, D-Whitefish). The purpose of school trust land is to provide income for Montana's schools, which is generally done by charging fees for grazing, timber, oil and gas, and recreational use. However, in recent years, the state has been interested in developing parcels to increase revenue for schools. As an example, a Lowe's Home Improvement store was built on school trust land near Kalispell. By allowing conservation easements to be purchased, the state could raise significant revenue for schools, but protect traditional revenue-making uses (grazing, timber harvest, etc.)—that is better wildlife habitat than buildings and parking lots. Although this bill passed the Senate, it was killed in the House on a close (49 - 51) vote. Consequently, the legislature committed to conducting an interim study to determine if a consensus could be reached on this issue.

Clean Water

Our biggest disappointment of the legislature came with the defeat of Audubon-initiated legislation that would have protected wildlife habitat, water quality, and property by establishing new buildings to be setback 250 feet from the high-water mark of major rivers (SB 345, Sponsor: Senator Bob Hawks, D-Bozeman). The coalition to pass this legislation grew substantially this session, with numerous realtors, floodplain administrators, the Governor, and 3 county governments joining conservation groups in supporting the bill's passage. Passing landmark legislation takes lots of work, political will, and a strong coalition of supporters. Although we made progress this session on several of these fronts, the 2007 Montana Legislature ultimately killed our bill. MCAFS wrote a letter submitted as testimony supporting this bill. MCAFS also testified against SB407 that would have allowed emergency discharge of Coal Bed Methane water. It passed both the House and the Senate, but was vetoed by the Governor (Whew). *It should be noted that the text of this bill was modified after introduction to allow basically any discharge of CBM water - the term "emergency" was struck from the original text (LHR).*

Montana Environmental Policy Act (MEPA)

MEPA is the law that requires state agencies to examine the potential environmental effects of projects—*prior* to issuing a permit. In its simplest terms, MEPA institutes a "look before you leap" policy by requiring state agencies to consider the environmental, social, cultural, and economic impacts of proposals like mines, power plants, subdivisions, and timber sales before the project is approved. Audubon was instrumental in defeating two very damaging MEPA bills: (1) HB 405 (Sponsor: Rep. Lange, R-Billings) would have exempted all energy projects from review under MEPA—everything from large power plants to pipelines; and (2) HB 610 (Sponsor: Keane, D-Butte) would have prohibited lawsuits under MEPA, removing all accountability for agencies when they review projects for environmental impacts. Both of these bills had 9

lives, and it took lots of work to ultimately defeat them. MCAFS did not take a position on these bills, but their defeat is good news for fisheries.

Recreation & the Environment

Audubon is an advocate for conservation of our resources by all recreational users. In spite of the lobbying efforts spearheaded by Montana Trout Unlimited, the biggest loss came with the defeat of SB 78. This bill would have provided certainty for recreationists, county government officials, and landowners by clarifying public access at bridges to streams and rivers, thereby reducing the potential for litigation. MCAFS did not take a position on this bill.

American Fisheries - 2007 Priority Legislation			
Bill/ Sponsor	Description	Status	AFS Position (T)=testimony submitted
HB 189/ Rep. Doug Cordier	Establish Baseline Data for Flathead River - With an open-pit coal mine proposed in British Columbia, HB 189 would help protect the water quality of the Flathead River system by obtaining baseline water quality information.	DEFEATED in House Committee However, this money was added to the state budget bill	Support
HB 383/ Rep. Krayton Kerns	Revise Water Discharge Laws for Coal Bed Methane - HB 383 weakens current water disposal regulations for Coal Bed Methane producers, allowing water high in salinity to be discharged into ephemeral streams.	Passed House 51 - 49 DEFEATED in Senate Committee	Oppose (T)
HB 405/ Rep. Mike Lange	Exempt Energy Projects from MEPA - This bill would exempt all energy projects from review under the Montana Environmental Policy Act (MEPA) - everything from large power plants to pipelines. For More Information: See HB 405 Fact Sheet on Audubon website	Passed House 50 - 49 DEFEATED in Senate Committee	Oppose
HB 439/ Rep. Roger Koopman	Exempt Fish Ponds from Licensure - Exotic wildlife introduced into fish ponds can significantly impact native aquatic ecosystems. This bill would eliminate licenses for some of these ponds, removing the ability to educate landowners about problems with exotic species.	Passed House 50 - 49 Amended and Passed Senate 27 - 23 VETOED by Governor	Oppose (T)
HB 610/ Rep. Jim Keane	Revise Laws Relating to Challenges to Agency Actions - This bill would prohibit lawsuits under MEPA, removing all accountability for agencies when they review projects for environmental impacts. For More Information: See HB 610 Fact Sheet on Audubon website	Passed House 59 - 40 DEFEATED in Senate Committee	Oppose
HB 754/ Rep. Debby Barrett	Generally Revise MEPA - This bill would have companies write their own environmental impact analysis for projects (currently state agencies do this work). Having companies - who are more interested in stockholders than our constitutional right to a clean and healthful environment - oversee environmental review makes no sense.	DEFEATED in House Committee	Oppose
SB 126/ Sen. Steve Gallus	Eliminate Termination of Future Fisheries Program Funding - The state's Future Fisheries program works on stream restoration projects; this bill eliminates a termination date for that program.	Passed Senate 47 - 3 Passed House 78 - 21 Signed by Governor	Support
SB 128/ Sen. Jesse Laslovich	Eliminate Termination of FWP Instream Flow - MT Fish, Wildlife and Parks currently purchases water rights to keep them in our streams, so streams are not de-watered. This bill removes the termination date for this program.	Passed Senate 37 - 13 Passed House 57 - 42 Signed by Governor	Support
SB 248/ Sen. Bob Story	USFS Water Compact - SB 248 ratifies the negotiated USFS water compact with the State of Montana, granting the USFS instream flow rights on only 77 out of thousands of potential streams.	Passed Senate 50 - 0 Passed House 85 - 14 Signed by Governor	Oppose
HJR 34/ Rep. Kendall Van Dyk	Big Horn River Flows - Resolution urging Congress to maintain minimum flows in the Big Horn River.	Passed House 82-17 Passed Senate 42-8	Support

SB 345/ Sen. Bob Hawks	Streamside Setbacks – SB 345 prohibits new buildings within 250 feet from the edge of the high water mark for rivers and 150 feet from major streams; vegetative buffers are also specified. A variance process ensures that no one loses the ability to build on an existing lot. For More Information: See SB 345 Fact Sheet on Audubon Website	DEFEATED in Senate 30 - 20	Support (T)
SB 370/ Sen. Bill Tash	Protect Big Hole Water Rights - SB 370 would protect water rights in the Big Hole valley from abandonment if they comply with the CCAA.	Passed Senate 50-0 Passed House 99-0 Signed by Governor	Support
SB 407/ Sen. Keith Bales	Authorize Emergency Discharges of Coal Bed Methane Water - SB 407 allows emergency discharge of Coal Bed Methane water into surface impoundments.	Passed Senate 30-20 Passed House 62-38 VETOED by Governor	Oppose (T)

Bills that MCAFS did not take a position, but that MT Audubon did lobby.

Bill/ Sponsor	Description	Status	Audubon Position
HB 2/ Rep. John Sinrud	Funding for State Agencies - MT Audubon specifically works to fund wildlife and wildlife habitat programs (MT Fish Wildlife and Parks and the Montana Natural Heritage Program). This is Governor Schweitzer's budget.	This bill was divided into HB 805 and HB 809	Amend
HB 304/ Rep. Kevin Furey	Authorize Water Policy Committee - HB 304 creates an interim legislative committee to examine water policy and develop solutions for water use issues facing Montana.	Passed House 79-21 Passed Senate 32-18 Signed by Governor	No position
HB 805/ Rep. Rick Ripley	Biennial Funding for Certain Natural Resources Agencies - Republican House leadership recently divided up HB 2 (<i>see above</i>) into 6 bills. This bill contains MT Fish, Wildlife and Parks' funding that has been severely cut from Governor's budget levels.	This bill died in the regular session. It became HB 2 in the Special Session	Amend
HB 809/ Rep. Bill Glaser	Funding for Education-Related Agencies - Republican House leadership recently divided up HB 2 (<i>see above</i>) into 6 bills. This bill contains MT Natural Heritage Program funding, which has been severely cut from Governor's budget levels.	This bill died in the regular session. It became HB 2 in the Special Session	Amend
SB 78/ Sen. Lane Larson	Bridge Access - SB 78 provides certainty for recreationists, counties, and landowners by clarifying public access at bridges to streams and rivers, thereby reducing the potential for litigation.	Passed Senate 31 -16 DEFEATED in House Committee	Support
SB 200/ Sen. Dave Lewis	Authorize Litigation to Cleanup Mike Horse Dam - SB 200 will move cleanup of the toxic mining pollution associated with a dam located at the headwaters of the Blackfoot River.	Passed Senate 46 - 3 Passed House 100 - 0 Signed by Governor	Support
SB 77/ Sen. Rick Laible	FWP Future Fisheries Reporting - SB 77 revises financial reporting of FWP Future Fisheries Improvement Program, bringing it in compliance with state accounting procedures.	Passed Senate 49-0 Passed House 97-3 Signed by Governor	No position
SB 314/ Sen. Don Steinbeisser	Warm Water Fishing Stamp - SB 314 requires all anglers fishing on any water on FWP's designated warm water list - irrespective of whether they are targeting warm water or coldwater species - to have a Warm Water Fishing Stamp.	Passed Senate 48-2 Passed House 86-13 Signed by Governor	Support
SB 391/ Sen. Dan Weinberg	Allow conservation easements on any and all school trust land. Currently conservation easements can be placed on a small number of school trust lands. For More Information: See SB 391 Fact Sheet on Audubon Website	Passed Senate 26 - 24 DEFEATED in House 49 - 51	Support
SB 452/ Sen. Carol Williams	Working Forests, Ranches, and Watersheds Program - SB 452 sets up a program to buy interest in land for long-term protection.	Passed Senate 31 - 19 DEFEATED in House Committee	Support

FYI: Legislative Report Available

How did your legislators vote during the 2007 Montana Legislature? Following each legislature, Audubon compiles a report and voting record on the issues we have worked on during the legislature. If you would like to receive this information, we can mail you a copy, or you can obtain a copy from the Montana Audubon website at:
http://mtaudubon.org/html/take_action_montana_legislature1.htm

2007 MCAFS Summer Workshop

Milltown Dam Removal, Restoration, and Redevelopment

Join us for a one and half day workshop to view the progress of removing Milltown Dam and the reservoir sediments. This workshop will feature a tour of the powerhouse, a site visit to see construction and sediment removal activities in the reservoir area, and a half day float down the Clark Fork River to tour the restoration work. This is a huge project involving many people and agencies. As a result, we will have a combination of local, state, and federal representatives, Northwestern Energy staff, members of the community and consultants leading the tours and answering questions. This will be a great opportunity to see the dam and the construction work and hear from the experts. Because of the nature of the construction site and the float, **we will have to limit the group size to 15, also due to construction schedules, we do not have a firm date for the workshop, but it will be during the week of August 20.**

Please contact David Schmetterling (dschmetterling@mt.gov) for more information and to reserve a spot for the workshop.

MCAFS 2007 Annual Meeting

Summary and Awards

The Montana Chapter pulled off another successful meeting (our 40th) in February 2007, in Missoula. The meeting theme: "Revisiting and Reinvigorating the Source of Our Passion and Professionalism" generated great participation and discussion. Nearly 250 people attended the meeting, and a record number (over 50) of presentations were given—15 by student presenters (also a record). The meeting began with inspiring talks in the plenary session by former nine-term Congressman Pat Williams and Montana Fish, Wildlife and Parks biologist Chris Clancy that covered the challenges we face as natural resource managers and praise for those committed to protecting and enhancing the fisheries in our state and beyond. The general meeting had provoking symposia ranging from lake trout status and management, to installing or removing barriers, to the conservation of Arctic grayling, as well as outstanding contributed paper sessions on fish management, ecology and techniques.

Preceding the conference was an outstanding continuing education workshop organized by Continuing Education Chair Lisa Eby and Past President Kate Walker—How to Move Fish, Water and Wood Through Culverts—that was attended by

over 100 professionals from diverse backgrounds, including hydrologists, fish biologists, and engineers. This workshop demonstrated tremendous potential for outreach by the Montana Chapter to professionals working with Montana's natural resources that do not normally attend AFS meetings.

At the business meeting, Carter Kruse, Turner Enterprises, was elected to serve as the President Elect of the Montana Chapter. Carter begins his term in September.

Being able to acknowledge and honor the work done by individuals across the state is unique and important role of MCAFS, and this year was no exception. In addition to awards we acknowledged the contributions by outgoing EXCOM officers, Past President Kate Walker and Secretary Treasurer Matt Jaeger, both will be missed on the EXCOM. We provided 10 individuals and a group with the following awards:

- **Kiza Gates** (Montana State University) was awarded the "Best Student Presentation" for her talk "Movement of Anglers and Sediment Transport: Implications for Moving Aquatic Nuisance Species."
- **Eric Roberts** (Montana Fish, Wildlife & Parks) was the first recipient of the new "Best Professional Presentation Award" for his paper "Changes in Angler Use Following an Unauthorized Walleye Introduction in Canyon Ferry Reservoir."
- **Dale Koelzer** and **Roger Nelson** were awarded Outstanding Landowner Awards.
- **Tom Pruitt and Staff** from the Ennis National Fish Hatchery were awarded the Outstanding Group Achievement Award
- **Greg Tollefson**, Five Valleys Land Trust, was awarded the 2006 Natural Resource Professional Award.
- **Dr. Lisa Eby**, University of Montana, was awarded the 2006 Educator Award.
- **Michael Howell** from the Bitterroot Star was awarded the 2006 Outdoor Writer Award.
- **Dr. Rick Barrows**, USDA, and **John Vincent**, Gallatin County Commissioner, were awarded Outstanding Individual Achievement Awards.
- **Steve Leathe**, PPL Montana, was awarded the 2006 Outstanding Fishery Professional Award
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Awards Chair Travis Horton presents **Steve Leathe** with the coveted "2006 Outstanding Fishery Professional Award."

MCAFS *Assets and Finances*

Over the past few years total MCAFS assets have increased to their highest levels and are currently about \$69,613.51. Accordingly, several members have expressed concern about the amount of money the Chapter has accumulated and uncertainty regarding the purpose of the different accounts the Chapter holds. To try to alleviate some of this confusion a brief description of chapter assets and how MCAFS finances work follows.

MCAFS assets are distributed among three accounts: the checking account (\$13,444.66), PAX World Fund (\$34,495.17), and the Wally McClure Scholarship Fund (\$21,673.68).

The checking account is used to finance Resource Action Fund (RAF) and other funding requests as well as routine day-to-day operations such as maintaining the Chapter web page, offering annual meetings, summer workshops, continuing

education opportunities, travel reimbursement for EXCOM and other Chapter members, tax preparation, and lobbying. Last year these expenses totaled \$19,305.16 with the majority being allocated towards RAF and other funding requests (\$14,700). To address these annual needs, previous EXCOM members have recommended that a minimum balance of \$15,000 be maintained in the checking account on or near January 1 each year.

To increase the rate of return on Chapter assets and to buffer the checking account, money is also invested in the PAX World Fund, which is a socially responsible mutual fund. This account is used to supplement the checking account if the aforementioned expenses draw the balance below \$15,000 at the start of each year. Conversely, if the checking account balance is above \$15,000 at the start of the year, the difference is deposited into the PAX World Fund account. EXCOM and the membership have recommended that a combined minimum balance of \$20,000 be maintained in the PAX World Fund and checking account.

Chapter income is derived almost entirely from annual meetings and membership dues. The target amount of income generated by annual meetings has been dependent on the state of chapter assets; when the combined minimum balance drops below \$20,000 meetings are planned to generate income and when balances are above this amount they are budgeted to break even as we spend down our "excess" balance. The recent increase in Chapter assets is primarily due to a series of meetings that generated considerable profit culminating with the 2006 Western Division Meeting that unexpectedly netted MCAFS \$26,743.57. Because Chapter assets are in good standing the 2007 annual meeting was successfully budgeted to break even.

The Wally McClure Scholarship Fund was established with MCAFS assets to provide a \$500 scholarship award to one outstanding graduate and one outstanding undergraduate fisheries student each year. These awards are financed using the interest generated by the Wally McClure Scholarship Fund, which is the sole purpose of this account.

I hope this helps to clarify the state and use of chapter assets. For more detailed information on income, expenses, and treasurer's reports, the MCAFS annual financial statements are posted on the Chapter web page (<http://www.fisheries.org/units/AFSmontana/>).

CUTTHROAT DVD

If you are doing any outreach or salmonid education there is an excellent cutthroat DVD available for distribution. Folks should get their requests in and help us get the film widely distributed! Send an email to **kstromberg@montana.edu** and the Wild Fish Habitat Initiative will sponsor the shipping costs.

Kajsa Stromberg
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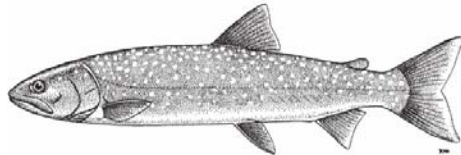
Chapter Notes

The MSU Subunit had a busy spring. Early this spring, we hosted a presentation by John Zelazney, the Executive Director of Montana Trout. He described the goals and work funded by his new organization that is helping to conserve Montana's trout. We also co-hosted a "field day" with the student subunit of the Wildlife Society as classes finished and students got ready for the field season. The event kicked off the beginning of our monitoring campaign on Mandeville Creek. Mandeville Creek is a small spring creek that flows through MSU and Bozeman. We suspected that years of neglect and stormwater discharges have substantially impacted the biota. Preliminary results show this is indeed the case. There are no fish in the section of creek running through campus and only a few white suckers and longnose dace found in the greater Bozeman section downstream of campus. However, there is a brook trout population that seems to be thriving upstream of campus. We have installed staff gauges to assess the stormwater outflow and are having invertebrate samples analyzed this summer. We will also be establishing an information campaign to describe the potential restoration and conservation of Mandeville Creek to MSU students and Bozeman residents. Thank you to many AFS Members for employment opportunities and cooperation with our research. We really appreciate the assistance. Go Cats.

Peter Brown

Other Conference News:

Salvelinus confluentus Curiosity Society



2007 Annual Meeting – August 22-24
Perkins Lake (Sawtooth Valley), Idaho

In addition to presentations on bull trout research and management, we are planning electrofishing, snorkeling, and redd survey field work for the meeting participants. Perkins Lake is one of the glacial moraine lakes at the head of the Salmon River in the Stanley Basin, at the foot of the spectacular Sawtooth Mountains. Activities outside of the meeting can include just about any outdoor activity you can think of plus the attractions of the resort community of Sun Valley. The registration fee (which includes five meals and camping) will be in the neighborhood of \$75; lodging in multiple-bunk cabins will be available at a modest additional charge, and motel rooms are available in the area.

Contact Dan Kenney (208-622-0094,
dkenney@fs.fed.us) for more information

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