EXHIBIT 1
DATE 1-12-11
HB 2

Montana Department of Agriculture
and
Montana Fish, Wildlife & Parks

Aquatic Invasive Species Act Cooperative Agreement

Agreement # 11-30-027

Invasive species have the potential to damage the economy, environment, recreational opportunities and human health of Montana. The 2009 Montana Legislature created the Montana Aquatic Invasive Species Act ("Act") as a cost-effective and proactive means to help prevent aquatic invasive species infestations in Montana. Montana must take concerted actions to prevent, detect, control and manage invasive species. The best strategy for preventing the introduction, importation and infestation of invasive species is through coordinated educational and management activities. The Act acknowledges that there are no changes in the legal jurisdiction of either department for the prevention and control of invasive species. Montana Department of Agriculture (MDA) has lead jurisdictional authority on aquatic invasive plants, insects, and plant pests. Montana Fish, Wildlife & Parks (FWP) has the lead jurisdictional authority for all other zoological aquatic invasive species.

The Act supports and enhances the aquatic invasive species (AIS) efforts of both departments and seeks to ensure coordination of agency roles/responsibilities when there may be overlapping jurisdiction. However, the overall AIS coordinating authority is shared between MDA and FWP based on each department's jurisdictional authorities. The Act also recognizes that the departments may share concerns and responsibilities over some aquatic invasive species and seeks to provide collaboration and coordination between them whenever possible. To achieve this objective, the Act directs the agencies to develop cooperative agreements that further clarify agency roles/responsibilities if there are questions about which agency has lead jurisdiction or when there is overlapping interest in a specific aquatic invasive species. Cooperative agreements may also be used to transfer funding from MDA to FWP (or other parties) for implementing AIS priority activities with funding authorized through the AIS Act.

Purpose and Goals

The purpose of this agreement is to establish a mechanism for Montana to take concerted action to prevent, detect, control and manage invasive species. This agreement is intended to clarify each agency's specific roles and responsibilities relative to management of aquatic invasive species in Montana, to communicate those responsibilities to other interested agencies/organizations, and to ensure the use of limited funding for maximum effectiveness. Another important purpose of this agreement is to clarify how the Act fits into the existing authorities of both agencies.

The departments seek to:

- Work together to prevent, detect, control and manage aquatic invasive species;
- Enhance department and public program cooperation;
- Seek and distribute additional funding to support AIS programs;

- Improve efficiency and consistency;
- Increase public, industry and other government agency awareness and participation;
- Increase speed and availability of data and information sharing between departments and other agencies;
- Prevent the introduction and spread of aquatic invasive species; and
- Collaborate on emergency responses.

Department Commitments:

Department Roles and Responsibilities for Collaboration/Cooperation

Department cooperation is intended to provide an efficient and effective partnership based on a common goal of protecting Montana from damages caused by aquatic invasive species. The departments will work together to implement their respective responsibilities to protect Montana against the threat of aquatic invasive species.

The Act recognizes the existing jurisdictional authorities of both departments and acknowledges each agency's responsibility for coordinating the prevention and control of invasive species according to their existing authorities and duties. While each department will use their existing authority and jurisdiction to address issues, each department recognizes that other departments and agencies may also have interests, concerns and a role or responsibility. The departments, in recognizing those other concerns and roles, will work toward a cooperative approach that allows the departments to address issues associated with the aquatic invasive species of concern. The Act directs MDA to take the lead in coordinating development of cooperative agreements with other agencies to clarify their respective responsibilities.

To aid in collaboration of aquatic invasive species issues, the departments will:

- Share information related to travel, public outreach, and planned aquatic invasive species activities, both before and after the activity to provide awareness by both departments (see attachment)
- Implement specific responsibilities identified under the Act, e.g., aquatic invasive species list, Montana AIS Strategic Plan, check stations, and public education and awareness;
- Whenever possible, use uniform concepts and messaging;
- Share data and information regarding all aquatic invasive species;
- Provide each other with quarterly summary information on AIS issues so that each agency is fully aware and adequately informed. Exchange of information should occur more frequently when issues arise;
- Collaborate on preparation and presentation of a joint report to the Montana Legislature on FY10 and 11 accomplishments as a result of the Montana AIS Act;
- Collaborate on the designation of invasive species management areas; and
- Collaborate on requests for a declaration of an aquatic invasive species emergency from the Governor.

Invasive Species Strategic Plan
The departments will jointly prepare an executive level Aquatic Invasive Species Strategic Plan. MDA will prepare an overall introduction to the AIS Strategic Plan with input/review from FWP. The strategy will include prevention, detection, control, and emergency response.

Both departments will cooperatively develop a strategic plan annually that will not only reference other long term plans but provide a framework and guide for the next 12 months of planned activities. Initial drafts of each department's portions of the strategic plan will be provided to the other department by January 1st and finalized and made available to the public by March 15th. Draft reports of actions completed under the plan will be prepared and shared with the other agency by October 15th.

Invasive Species Notification
Each department agrees to notify the other department within three business days of the discovery of any suspected AIS within the jurisdiction of the other agency, and to notify the other department within three business days upon confirmation of any aquatic invasive species within the department's jurisdiction. The primary contact at MDA is the MDA invasive species coordinator and secondarily the MDA noxious weed coordinator. The primary contact at FWP is the FWP aquatic nuisance species coordinator. Each department will treat the notification as preliminary and confidential until otherwise notified that the information may be released. The agency with primary jurisdiction will be the lead in public notification and dissemination of information.

Public Education and Awareness
The departments will jointly develop and implement a public education and awareness strategy. The FWP Communications and Education Bureau will serve as the lead. MDA will provide additional details and identify specific actions and approaches for the nursery and pet trade industries as it relates to AIS responsibilities and will collaborate with FWP on implementation. Because public education and awareness is an on-going element of AIS, the agencies will meet periodically to discuss current and future needs and modify the strategy as needed.

Aquatic Invasive Species List(s)
The departments will each prepare and maintain a list of aquatic invasive species within their jurisdiction and will identify other departments and other public agencies with overlapping jurisdiction or interests in each species. These lists will be shared whenever updated or changed.

Invasive Species Management Areas
The departments will collaborate with one another and other key stakeholders when proposing an aquatic invasive species management area designation. An Invasive Species Management Area form will be used to formally notify the other department of the proposal and to provide the necessary information for review. The department proposing the management area will receive and consider input provided before finalizing a management area designation. MDA will consult with FWP on Fishing Access Site (FAS) signage and bait issues. FWP must take affirmative action on bait issues that will require processing through the FWP Commission and which may take up to 90 days to complete unless an emergency exists. Both departments will seek as much

public, private, and governmental input as practical when pursuing establishment of a management area.

Permits for Possession and/or Transfer of Aquatic Invasive Species
The departments will work together to develop a permit process and form(s) that meets both department's needs. A copy of any permit issued will be provided to the other department.

Enforcement, penalties and regulatory authorities
The departments will inform each other of any enforcement or regulatory action pending or imposed. The MDA Invasive Species Coordinator will use regulatory information, in addition to other information, to prepare legislative reports.

In addition, MDA will:

- Provide statewide, regional and national coordination for Montana on aquatic invasive plants, insects, and plant pests. Coordination will be through the designated MDA invasive species coordinator in collaboration with FWP;
- Coordinate primarily with the FWP Aquatic Nuisance Species Coordinator and secondarily with the Fish Hatchery Section Supervisor to provide updated information on invasive species issues so that FWP is aware of and informed about important invasive species issues as they arise;
- Sponsor meetings to bring together departments, agencies, organizations and other interested parties to facilitate communication, public input, and information exchange;
- Prepare Invasive Species, Noxious Weed and Pest Management Plans and provide executive summaries for inclusion in a statewide AIS Strategic Plan;
- Conduct education and awareness outreach on invasive species to groups traditionally associated with MDA, including: irrigators, Farm Bureau, and other agriculture-based organizations;
- Provide funding, authorized by the Montana Legislature or deposited in the "Invasive Species Account" established by the Legislature for aquatic invasive species work, to FWP or other groups/organizations to supplement ongoing aquatic invasive species work;
- Conduct invasive species check stations at borders and along major transportation corridors to educate and inspect boaters, recreational users and the general public on invasive species;
- Expand the number of invasive species check stations as funding becomes available;
- Continue to implement MDA actions under the Montana ANS Management Plan; and
- Coordinate the development of a joint legislative aquatic invasive species report addressing the FY10 and 11 accomplishments of the AIS Act.

In addition, FWP will:

- Provide statewide, regional and national coordination for Montana on aquatic nuisance species (ANS) by the FWP aquatic nuisance species coordinator in collaboration with MDA;
- Coordinate primarily with the MDA Invasive Species Coordinator and secondarily with the Noxious Weed Coordinator to provide updated information on ANS issues so that MDA is aware of and informed about important ANS issues as they arise;
- Provide an executive summary for the FWP ANS program to MDA for inclusion in a statewide AIS Strategic Plan;

- Expand the statewide early detection and surveillance monitoring program for quagga/zebra mussels and other aquatic invasive species under the jurisdiction of FWP as funding becomes available;
- Continue to operate the regional veliger mussel lab for early detection;
- Conduct boat inspections at high profile waters to educate anglers/boaters on aquatic invasive species;
- Expand the number of boat inspection sites as funding becomes available;
- Continue to implement FWP actions under the Montana ANS Management Plan. The FWP ANS Coordinator will lead the coordination and preparation of plan updates and annual progress reports. Annual progress reports will be prepared, disseminated and made available to the general public and to local, state and federal decision makers; and
- Revise and update the ANS Plan as needed in collaboration with MDA, other state, federal, tribal and local agencies and interested parties.

Terms of Cooperative Agreement:
This cooperative agreement shall be effective upon the last signature date. This agreement may be modified only in writing by mutual agreement of both department directors. This agreement will remain in effect through June 30, 2011 unless terminated in writing by signature of one or both department directors.

Signature Approvals:

Director, Montana Department of Agriculture

10/18/10
Date

Director, Montana Fish, Wildlife & Parks

10/15/10
Date