

Senate Bill 343
Thursday, February 17, 2011
Presented by Bruce Rich
Senate Agriculture, Livestock and Irrigation Committee

Mr. Chairman and committee members, I am Bruce Rich, Fisheries Bureau Chief of Montana Department of Fish, Wildlife & Parks (FWP). I am here to provide information on Senate Bill 343.

FWP supports the Montana AIS Act passed in 2009. The Act as it currently stands provides the necessary authority for FWP to manage AIS. FWP and Montana Department of Agriculture (MDA) have worked closely on implementing the Act; during 2010 the two departments worked closely on developing a Cooperative Agreement outlining the department jurisdictional authorities for AIS. Both FWP and MDA are working cooperatively on implementing the Act. The one area within the Act where FWP has had issue is with 80-7-1005 (4) "The overall coordinating authority is the department of agriculture". Since the authorities of both departments have been clearly identified within the Cooperative Agreement, eliminating the language in 80-7-1005 (4) or providing clarification could reduce a lot of confusion and misunderstanding.

FWP has some minor concerns with proposed changes in SB343 which, if addressed, could make us a proponent of the bill:

1. The proposed definition change for "invasive species" provides a clearer description of what an aquatic invasive species is; however, under this definition there are about 60 aquatic animal species currently in Montana that would be considered invasive. Within Section 3, the "Department responsibilities", FWP may be required to maintain lists of every aquatic animal invasive species present in every water body in the state which may become unmanageable and the benefit of maintaining such a list is questionable. Additionally, FWP may be required to provide public notice on all infested waters; this also may become unmanageable with questionable benefits.
2. Invasive species management area authorization has been expanded to include when larvae of an invasive species are discovered or suspected to be present in a water. More clarification as to the definition of "suspected" would be useful. For many aquatic invasive species with microscopic life stages there are no definitive identification tools available, all available techniques have a certain degree of uncertainty. Limiting the use of management area authority to cases when an invasive species has been proven to be present within a waterbody would avoid a lot of confusion with the public, and potentially wasted effort and resources.
3. Within the proposed changes to 80-7-1011 language has been proposed allowing the departments to "impound" vessels for decontamination. Clarification is necessary on who would be liable for any damages incurred to the vessel during towing and impounding, secondly, an impounded vessel would need to be towed by a commercial wrecker service and to a commercial storage facility; FWP would suggest that these costs would be incurred by the owner of the vessel.
4. Section 6 on check station authority within management areas should, but does not address penalties for failure of vessels to stop at designated check stations.