

HOUSE BILL NO. 837  
INTRODUCED BY B. MCCHESENEY

A BILL FOR AN ACT ENTITLED: "AN ACT ENHANCING MONTANA WARM-WATER FISH SPECIES BY APPROPRIATING MONEY FOR THE REMOVAL OR MODIFICATION OF CERTAIN TONGUE RIVER DIVERSION DAMS TO ENHANCE BOTH THE MIGRATION AND SPAWNING OF WARM-WATER SPECIES AND IRRIGATION IN THE YELLOWSTONE RIVER DRAINAGE AND BY APPROPRIATING MONEY FOR A CONTINGENCY FEASIBILITY STUDY TO ASSESS THE REMOVAL OR MODIFICATION OF THE CARTERSVILLE DIVERSION DAM TO ALLOW FISH PASSAGE ON THE YELLOWSTONE RIVER; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the presence of irrigation dams and diversions hinder or prevent the migration of native warm-water fish species that live in the Yellowstone River and its tributaries, including the pallid sturgeon and species of special concern, such as the blue sucker, sturgeon chub, sicklefin chub, paddlefish, and sauger; and

WHEREAS, removal or modification of three water diversion projects on the Tongue River would add 177 miles of critical, unimpeded spawning and rearing habitat for several native warm-water fish species that have disappeared in the Tongue River and that are declining throughout their range in eastern Montana; and

WHEREAS, a contingency feasibility study conducted in cooperation with affected federal agencies is timely to assess the modification or removal of the Cartersville diversion dam at Forsyth, the last remaining diversion dam on the Yellowstone River below its headwaters, to address fish passage problems that, when rectified, would allow unimpeded fish access to an additional 59 miles to the mouth of the Bighorn River; and

WHEREAS, funding of these projects provides an opportunity for dramatic improvements in a declining and, in some cases, imperiled warm-water fishery while providing a corresponding opportunity for Montana irrigators to improve or modernize their facilities for diverting water for agricultural benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Appropriation.** The following amounts are appropriated from the general fund to the department of fish, wildlife, and parks for the 2009 biennium for projects to enhance migration and spawning of warm-water fish species and irrigation in the Yellowstone River drainage:

1. Completion of fish passage around T & Y irrigation district diversion dam on Tongue River \$45,000

2. Removal of S & H diversion dam on Tongue River	\$225,000
3. Removal of Mobley diversion dam on Tongue River	\$50,000
4. Contingency feasibility study of Cartersville diversion dam on Yellowstone River	\$55,000

NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2007.

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