

HOUSE BILL NO. 533

INTRODUCED BY R. COOK

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A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE SCOPE OF THE BULL TROUT AND CUTTHROAT TROUT SPECIES ENHANCEMENT PROGRAM TO INCLUDE NATIVE MONTANA FISH SPECIES; CLARIFYING A REFERENCE TO FUNDING FOR EMERGENCY INSTREAM FLOWS; AND AMENDING SECTIONS 87-1-283 AND 87-1-274, MCA."

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

Section 1. Section 87-1-283, MCA, is amended to read:

"87-1-283. ~~Bull trout and cutthroat trout~~ Native Montana fish species enhancement program. (1)

In order to enhance ~~bull trout and cutthroat trout~~ populations of native Montana fish species through habitat restoration, reductions in species competition, and natural reproduction, the department shall, through its future fisheries improvement program, restore habitats and spawning areas and reduce species competition in rivers, lakes, and streams for Montana's ~~bull trout and cutthroat trout~~ native fish species.

(2) In order to implement this section, the department may expend revenue from the ~~bull trout and cutthroat trout~~ native Montana fish species enhancement program for one additional full-time employee and one contractor to assist the review panel.

(3) The department shall also work with the department of transportation to implement ~~bull trout and cutthroat trout~~ enhancement of native Montana fish species by providing annual updates to the state transportation improvement program regarding possible additions to projects that will benefit the enhancement effort. State transportation improvement plan funds expended for ~~bull trout and cutthroat trout~~ native Montana fish species must be accounted for separately and reported annually."

Section 2. Section 87-1-274, MCA, is amended to read:

"87-1-274. Emergency instream flows -- funding. (1) The legislature recognizes the propriety of establishing voluntary leases or other authorized water augmentation measures for instream flows so that mechanisms will be in place to maintain streamflows sufficient for fisheries and aquatic resources during emergency low-flow conditions.



1 (2) Funding for voluntary leases and other water augmentation measures authorized under subsection
2 (1) may come from any uncommitted funds allocated to the state under the U.S. fish and wildlife service state
3 wildlife grant program or other available federal funds, matched by the department with up to \$500,000 from the
4 future fisheries improvement program provided for in 87-1-272, from the ~~bull trout and cutthroat trout~~ native
5 Montana fish species enhancement program provided for in 87-1-283, from the river restoration program provided
6 for in 87-1-257, from a combination of funds from these programs, or from any other department funds available
7 for voluntary leases or other water augmentation measures.

8 (3) All leasing or other authorized water augmentation measures for instream flow must comply with all
9 requirements provided in Title 85, chapter 2, parts 3 and 4."

10 - END -