

## HOUSE BILL NO. 214

INTRODUCED BY B. BROWN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PRODUCTION OF FISH AT  
5 THE FORT PECK HATCHERY; ELIMINATING THE REQUIREMENT TO USE WATER FROM THE DREDGE  
6 CUT; ELIMINATING THE LIMITATION ON THE PRODUCTION OF COLD WATER FISH; AMENDING SECTION  
7 87-3-235, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 87-3-235, MCA, is amended to read:

12 **"87-3-235. Fort Peck multispecies fish hatchery established.** (1) There is a multispecies fish hatchery  
13 near Fort Peck dam. The purpose of the hatchery is to provide healthy warm water game fish to improve the warm  
14 water fishing opportunities in Montana with minimal impact on cold water fish populations. Administration of the  
15 hatchery must be by the department, consistent with the department's authority provided for in 87-3-201.

16 (2) The multispecies hatchery is intended to use 96 acres of rearing ponds to produce warm water  
17 species. The hatchery is to employ land available through long-term lease from the U.S. army corps of engineers.  
18 ~~It is intended that the hatchery use free, high-quality water from the dredge cut adjacent to Fort Peck dam.~~ Electric  
19 power for the hatchery may be purchased from Fort Peck dam at the lowest available rate.

20 (3) Propagation of warm water species, including but not limited to largemouth bass (*Micropterus*  
21 *salmoides*), smallmouth bass (*Micropterus dolomieu*), walleye (*Sander vitreus*), sauger (*Sander canadensis*),  
22 black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus punctatus*),  
23 yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), pallid sturgeon (*Scaphirhynchus albus*), paddlefish  
24 (*Polyodon spathula*), tiger muskellunge, other warm water species classified as species of special concern,  
25 threatened, or endangered, and bait fish, including cisco (*Coregonus artedii*), must be given priority over the  
26 propagation of any cold water species at the hatchery. To the greatest extent possible, the department shall  
27 maximize the production of warm water species at the hatchery. The propagation of cold water species may not  
28 displace or reduce the propagation of warm water species at the hatchery. ~~The department may not produce~~  
29 ~~more than 750,000 cold water fish at the hatchery each year.~~

30 (4) Costs for hatchery operation, maintenance, and personnel are to be funded with revenue in the

1 general license account or any federal funding available to the department."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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