

1 HOUSE BILL NO. 520
2 INTRODUCED BY D. LOGE
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A STUDY ON THE EFFECTS OF PRIVATE PONDS
5 ON THE STATE, PERMITTING, AND OPTIONS TO MITIGATE NEGATIVE IMPACTS, INCLUDING INVASIVE
6 SPECIES AND THREATS TO WILD FISH AND AQUATIC RESOURCES; ASSIGNING THE STUDY TO THE
7 ENVIRONMENTAL QUALITY COUNCIL WATER POLICY INTERIM COMMITTEE; ESTABLISHING
8 REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; PROVIDING FOR CONTINGENT
9 VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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11 WHEREAS, Montana's world-class fisheries are rooted in a philosophy of wild fish management; and
12 WHEREAS, high-quality fisheries that rely on self-sustaining wild fish and high-quality aquatic habitat
13 may be negatively impacted by private ponds; and

14 WHEREAS, often touted to increase property values, more than 10,000 pond permits have been
15 issued—most of which remain active; and

16 WHEREAS, the department of fish, wildlife, and parks issues about 200 pond permits annually to stock
17 fish, and the permit review is complex and burdensome leading to inconsistent administration statewide; and

18 WHEREAS, the department cost of managing private pond issues far outweighs the cost of the
19 permit—\$10 for a 10-year permit or \$10 annually for a commercial production pond permit; and

20 WHEREAS, private ponds can provide optimal environments for invasive species and pathogen
21 introduction and propagation; and

22 WHEREAS, the number of permitted in-state commercial hatcheries providing fish for private pond
23 stocking declined over the last decade, and four of the remaining five commercial hatcheries are on limited
24 quarantine due to invasive species or pathogen detection; and

25 WHEREAS, applications for importing stocked fish have increased fivefold because of limited in-state
26 sources, increasing the risk of introducing nontarget species that could damage aquatic resources; and

27 WHEREAS, stocking private ponds illegally from nonpermitted out-of-state commercial hatcheries is

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1 also on the rise due in part to easy access to fish purchased online and from other sources; and

2 WHEREAS, frequent and severe drought years in southwest Montana harm agriculture and fisheries,
3 yet pond development continues, bringing with it increased water temperature and water loss from evaporation.

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

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7 NEW SECTION. Section 1. Study of private ponds. (1) The ~~environmental quality council, provided~~
8 ~~for in 5-16-101 water policy interim committee, provided for in 5-5-231~~, shall study issues related to private
9 ponds.

10 (2) The study must examine:

11 (a) private pond policies, including permitting and protocols;

12 ~~(b) costs of regulating private ponds, including for permitting, enforcement, fines, fees, and~~
13 ~~restitution;~~

14 ~~(b)(c)~~ impacts of private ponds on aquatic resources as well as water quality and quantity related to
15 drought, high water temperatures, and evaporation and options to mitigate these impacts; and

16 ~~(e)(d)~~ options to provide in-state certified fish to stock private ponds.

17 (3) The ~~environmental quality council water policy interim committee~~ shall complete the study by
18 September 15, 2024, and report its findings and recommendations, including legislation, to the 69th legislature.

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20 NEW SECTION. Section 2. Appropriation. There is appropriated \$100,000 from the general fund to
21 the legislative services division for the biennium beginning July 1, 2023, to pay for costs associated with the
22 study required by [section 1].

23

24 NEW SECTION. Section 3. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does
25 not include an appropriation prior to being transmitted to the governor, then [this act] is void.

26 (2) If the appropriation in [section 2] is vetoed, then [this act] is void.

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