

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January 9, 2014

Agenda Item: Rules regarding the Placement of Fish into Montana Waters without Authorization

Division: Fisheries **Action Needed:** Proposed

Time Needed on Agenda for this Presentation: 15 minutes

Background

The department has a policy entitled *Illegal and Unauthorized Introduction of Aquatic Wildlife* that was approved by the Director in 2002. The department is recommending that the Commission propose new rules that would outline how the department responds to the placement of fish species into the waters of Montana without authorization from the department. The new rules, which would replace the department's policy, recognize that the placement of unauthorized species into a waterbody is a significant concern and is likely to have many adverse impacts on existing fish species, aquatic habitat, angling opportunities, and the economy. The department is recommending five new rules:

- 1) The *General Purpose* rule describes the intent of the rule, the ecological, social and financial problems associated with unauthorized fish species, and the commitment by the department to suppress or eradicate unauthorized fish.
- 2) The *Department's Initial Response and Action Plan* rule describes considerations that will be taken into account when establishing management objectives for unauthorized species.
- 3) The *Management Actions* rule provides a list of management actions that may be considered in response to unauthorized species.
- 4) The *Adaptive Management Approach for Illegally Introduced Species* rule describes the process whereby the department may modify its action plan for an unauthorized species.
- 5) The *Reporting Requirements* rule describes the documentation that must be provided with regard to actions taken for each unauthorized species.

Public Involvement Process & Results

Following a proposal by the Commission, the department will conduct a public involvement process according to the requirements of the Montana Administrative Procedures Act.

Alternatives and Analysis

The Commission could revise the rules recommended by the department. The rules drafted by the department prioritize the removal and suppression of unauthorized species and take into account the risk and feasibility of each situation. Altering this approach could hinder the department's effectiveness.

Agency Recommendation & Rationale

The department recommends that the Commission propose the rules drafted by the department and seek public comment. The rules incorporate many changes to the existing policy, including a strengthened commitment to responding to the placement of unauthorized species, the rationale and process the department shall use to develop management objectives and actions in response to the unauthorized species, and the development of an electronic repository for documenting all unauthorized species events and the response actions taken.

Proposed Motion

I move that the Commission propose the rules recommended by the department for responding to the placement of fish into Montana waters without authorization.