

TROUT LINE

WINTER
2015



Newsletter from the Montana Council of Trout Unlimited

Legislature chugs into halftime

The first 45 days of the Montana Legislature were a scramble, though the number of measures – and the amount of controversy – affecting coldwater fisheries, water quality, instream flows and stream access, seems less than previous sessions. The second 45 days will be more telling. Here's a rundown on some of Montana TU's priorities as of March 3:



Bills we support

HB 140 – Sponsored by Rep. Jeff Wellborn (R-Dillon). This bill increases resident hunting and fishing fees modestly (\$3 for fishing) while shifting FWP income planning to a 4-year cycle instead of 10 years. Montana TU supports this so that FWP can avoid major cutbacks. Still needs House and Senate approval.

SB 262 – Sponsored by Sen. Chas Vincent (R-Libby). This bill ratifies the water compact between the State of Montana and the Confederated Salish and Kootenai Tribes. The Compact settles forever the water right claims of the tribes, while protecting existing water users and modestly benefitting flows for fish in some streams of western Montana. It passed the Senate, but the House debate will be contentious. If the bill fails, the tribes, like any legitimate water right claimant, will file their claims for instream flows in Montana Water Court, potentially delaying final adjudication of most water rights in the state for decades.

HB 525 – Sponsored by Rep. Mark Noland (R-Bigfork). Creates a permanent trust fund for combatting aquatic invasive species. Passed House, now in the Senate.

Bills we oppose

HB 519 – Rep. Carl Glimm (R-Kila). This torturous, hard-to-understand measure, developed by the state's homebuilders association, does not comport with a recent court decision affecting unregulated "exempt" wells. It undermines Montana TU's efforts to reduce impacts to streams and senior water rights from water development. Passed House, now in Senate.

HB 427 – Rep. Bob Brown (R-Thompson Falls). This bill, which is probably unconstitutional, appropriates state funds to defend individuals with water rights should the CSKT water compact fail and the tribes take their claims to water court. It requires taxpayers to shell out if the Legislature rejects an accord the State's Compact Commission negotiated and agreed to – even though the

see *LEGISLATURE*, page 2

Hire a guide on Friday, July 24!

First Annual Montana TU Tip of the Hat Day

Support select fishing guides who will donate their tips for one day only to Montana TU.

For more information, contact Kelley Willett at kelly@montanatu.org or 406.543.0054.



courtesy Amy Jimmerson

Legislators nix necessary mining bonding bill

by Bruce Farling

Talk abounds at the current legislative session about Montanans taking personal responsibility and not depending on help from government. Unfortunately, many lawmakers refuse to apply this standard to the state's hard-rock mining industry.

Sen. Mary Sheehy Moe (D-Great Falls) introduced SB 218, a modest measure requiring some hard-rock mines – those with potential to generate highly damaging acid-mine drainage – to post performance bonds representing 100 percent of the estimated cost of reclamation plus 50 percent. Today, large mines are required to post only amounts equal to the estimated costs of reclamation, with no significant buffer if the estimate is wrong. SB 218 was intended to help rectify a long-standing problem: Bonds calculated by Montana's Department of Environmental Quality and the mining industry have consistently proven far too small. The result is that mining companies continue to close their modern operations, leaving taxpayers with multi-million dollar cleanup and pollution treatment costs.

For instance, state and federal agencies have so far spent nearly \$13 million to stabilize and reduce pollution from the shuttered Beal Mountain Mine near Anaconda. Permanent closure could cost \$39 million in public money. Further, agencies have spent nearly \$24 million for reclamation and water treatment of the Zortman-Landusky mine near Malta. This mine will require public funding in perpetuity to deal with the pollution it generates. The bonds posted for these and other still-polluting operations have long been exhausted.

see *BONDING*, page 3

MONTANA TU'S MISSION

is to conserve, protect and restore Montana's world-class coldwater fisheries and their watersheds.

Founded in 1964, Montana Trout Unlimited is a statewide grassroots organization comprised of 13 chapters and approximately 3,900 TU members.

www.montanatu.org

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EDITING AND DESIGN.....BRUCE FARLING & KATE GRANT

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Montana TU plates are available at your county motor vehicle office.



Every March I find myself thinking about replenishing my stock of preferred flies for fishing my home river before runoff, the Flathead and its forks. This March, however, I am thinking about how pallid sturgeon, aquatic insects, and habitat on the Yellowstone River downstream from Glendive will fare in the aftermath of the recent pipeline break that spilled 39,000 gallons of oil into the frozen river.

Clean, Clear, Cold. We TU members use these words often in our efforts to keep our rivers, lakes and riparian areas pristine for watershed health and our native fishes and wild trout. With increased oil transport across Montana and two recent oil pipeline breaks that have, and likely will, continue to affect native species such as the endangered pallid sturgeon, our work to keep Montana waters clean, clear, and cold is more important than ever.

Clean, clear, cold

For instance, the potential for acid mine drainage from a proposed copper mine in the headwaters of the Smith River is something all Montanans should be concerned with. The public must demand that claims by the mining company that it will not harm this popular and important watershed for fish and wildlife and agriculture be validated with sound science and adequate financial guarantees. So far that hasn't occurred.

I'm confident that Montana TU's capable staff, local partners and volunteers in chapters across the state, especially the Missouri River Fly Fishers and Pat Barnes-Missouri River TU Chapter, will ensure the Smith, Yellowstone and other vital waters remain clean, clear and cold for future generations. Thanks for supporting their efforts.

LEGISLATURE, from page 1

Legislature created the commission, which includes state lawmakers, to negotiate these deals. In first House committee.

Bills we opposed and helped kill

HB 171 – Rep. Doc Moore (R-Missoula). Would have made anglers felons when they cross any railroad tracks.

HB 149 – Mike Cuffe (R-Eureka). Sponsored on behalf of one individual, this bill would have automatically allowed large fishing derbies on wild trout rivers and streams.

SB 203 – Sen. Brad Hamlett (D-Cascade). This measure would have heavily-permitted unreasonable use of unregulated exempt wells.

SB 362 – Sen. Brad Hamlett (D-Cascade). Would have created an appeals court for the water court, further gumming up statewide water adjudication. Currently appeals go to the Montana Supreme Court.

HB 182 – Rep. Forest Mandeville (R-Columbus). Required zoning before land uses could be regulated, limiting the use of local regulations to protect streams.

Montana TU staff and volunteers are working to pass additional measures, including bills that fund FWP programs such as the Future Fisheries Improvement Program, or, state funded projects to address river problems, such as a grant to help fix the dangerous diversion structure near Woodside on the Bitterroot River. A number of bills affecting water quality rules as well as one that might improve state regulation of tailings dams at mine sites are still in the works. Confirmation of new or current FWP Commissioners and members of the board for state parks is also pending. Stay tuned.

Check montanatu.org for updates, as well as information on how to contact your House and Senate members.



Goodbye, Friends

Though Montana TU's mission focuses on fish and what they need, our organization runs on people, and awfully good people at that. We were reminded of that again recently when we lost two very good friends.



Carolyn Laws-Roos passed away February 10 at her home in the Blackfoot Valley after a two-year battle with an aggressive form of brain cancer. Carolyn was a dedicated and revered board member of the

Big Blackfoot Chapter of TU. She was the consummate volunteer. If it needed to be done, she did it and she did it well. Carolyn worked closely with her husband Paul Roos, a long-time TU stalwart, on various initiatives aimed at making the upper Blackfoot community, both civic and natural, a better place for all of us. She will be sorely missed.



Gary Nelson courtesy Dusan Smetana

In late November Gary Nelson, the founding and only chairman of the Jefferson River Watershed Council, passed on from complications brought on by a stroke. He was 69. A Whitehall native, Gary eschewed out-of-state careers in engineering and teaching and returned to the family ranch in the late 1970s. His leadership of the watershed group was pivotal in building bridges between anglers and irrigators. His fingerprints are on the improvements we have seen in the Jefferson River's fishery in recent years. He was an uncommon Montanan and a good friend of TU.



BONDING, from page 1

At the prodding of industry and DEQ, the Senate Natural Resources Committee rejected SB 218 10-2. The Montana Mining Association spokesperson testified it was impossible for insurance companies to offer surety bonds of this size, and thus the proposed bonding requirement could not be met. She omitted telling lawmakers that the law allows companies to also post bonds using letters of credit, certificates of deposits and real property.

Canyon Resources' lawyer, which once proposed a huge mine along the upper Blackfoot River, testified the bill was ridiculous. He neglected to mention his client still hasn't reclaimed its Kendall Mine near Lewistown, closed since 1997. Local ranchers whose water sources the miners disrupted are still waiting for DEQ to finalize reclamation and water management plans, and a new bond.

The lobbyist for Tintina Resources, which seeks approval for a mine that could produce acid mine drainage in the sensitive headwaters of the Smith River, joined the chorus. She said everything is just fine and SB 218 is not needed.

Industry representatives never mentioned that, according to recent agency memos, the Troy Mine, a recently closed, large underground copper operation, has been bonded for less than 50 percent of what it could cost to button up the site. If the mine's



courtesy Earthworks

Zortman-Landusky Mine in Eastern Montana

owners go bankrupt, taxpayers could pay millions for reclamation and water management.

When asked whether the agency was adequately bonding mines, DEQ's spokesman said unequivocally, yes. The record says otherwise. He didn't mention the agency's miscalculations at Troy, Beal Mountain, Kendall, the closed Basin Creek mine south of Helena, and, only obliquely, Zortman-Landusky.

The record is clear: The industry doesn't want to be responsible for the impacts it creates. And the record shows DEQ can't nudge responsibility. And so when the industry seeks a new mine in the sensitive headwaters of Smith River, and DEQ tells us not to worry, the public should be forgiven for not believing them.

TU members should thank Sen. Sheehy Moe, as well as Senators Mike Phillips (D-Bozeman) and Christine Kauffman (D-Helena) for voting for the bill and demonstrating support for clean water and a more responsible mining industry. Contact Montana TU if you want to know who voted against SB 218.



MONTANA COUNCIL OF TROUT UNLIMITED

OFFICERS

CHRIS SCHUSTROM, CHAIRMAN

Whitefish
862-3440

chris@gardenwallinn.com

SHARON SWEENEY FEE, VICE CHAIRWOMAN

Livingston
579-7735

ssf123@yahoo.com

BRIAN NEILSEN, TREASURER

Great Falls
240-3715

brian@finfetchers.com

LYLE COURTNAGE, SECRETARY

Billings
671-0572

lyle.courtamage@gmail.com

DAN SHORT, NLC DIRECTOR

Kalispell
257-0069

dan_short@ml.com

DOUG HAACKE, PAST CHAIRMAN

Billings
656-4072

dhaacke@gmail.com

DAN VERMILLION, NATIONAL TRUSTEE

Livingston
222-0624

dan@sweetwatertravel.com

MONTANA TU STAFF

111 N. Higgins Ave., Suite 500
Missoula, MT 59802

Office phone: (406) 543-0054

BRUCE FARLING

EXECUTIVE DIRECTOR
bruce@montanatu.org

MARK AAGENS

CONSERVATION DIRECTOR
mark@montanatu.org

KELLEY WILLET

DIRECTOR OF DEVELOPMENT
kelley@montanatu.org

KATE GRANT

PROGRAM ADMINISTRATOR
kate@montanatu.org

Montana TU's 2014 Annual Report

Montana Trout Unlimited's volunteers and staff attended to the many challenges rivers and wild trout faced in 2014. Our financial health remains strong, and we now have nearly 3,900 TU members in the state. While Montana TU celebrated its 50th year, we also celebrated another victory: Our legal and financial assistance contributed to the Montana Supreme Court's decision affirming everyone's right to access streams from public bridges.

CONSERVE

We've worked hard to help ensure the 2015 Montana Legislature ratifies the state's proposed water compact with the Confederated Salish and Kootenai Tribes – an accord that promises significant fishery benefits for streams in Northwest Montana and the Clark Fork watershed. TU members volunteered hundreds of hours – and Montana TU invested thousands of dollars – in successful native fish conservation projects in the Swan and Yellowstone River watersheds. We also organized another first-rate Conservation and Fly-fishing Camp at Georgetown Lake. TU volunteers shared five days with 20 young anglers to help foster their passions for trout conservation.

PROTECT

Employing technical review and grassroots organizing, Montana TU mobilized to oppose a proposed copper mine threatening the Smith River's iconic fishery. We launched SmithRiverWatch.org to share information and updates. Members and staff helped prevent the Parks Division of Montana's Fish, Wildlife

& Parks from adapting its plan to heavily develop land in the Fish Creek drainage, one of the Clark Fork's most important tributaries. We weighed in with state and federal agencies with comments, alternatives and support for fisheries protection in the Flathead, Yellowstone, Clark Fork, Jefferson and Missouri River watersheds.

RESTORE

Montana TU continued our partnership with a local land trust to restore critical habitat at the mouth of Rock Creek, and we contributed thousands of restoration dollars for habitat improvement projects in the Bitterroot, Blackfoot, Clark Fork, Shields and Madison River drainages. We also learned that wild trout numbers in the upper Jefferson River have increased by about 400 percent, resulting largely from the collaborative efforts of our 10-year Jefferson River Restoration Project partnership with TU National.

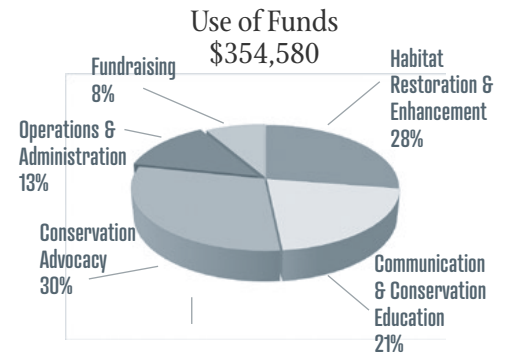
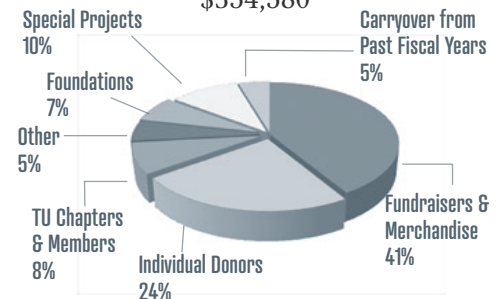


courtesy, Matt Mendelsohn

Thanks to all the dedicated volunteers and supporters whose generosity led to Montana TU's conservation successes in 2014. Let's hear it for another 50 years of conserving, protecting and restoring Montana's extraordinary wild trout fisheries!

FINANCIAL REPORT

2014 OCT. 1, 2013 – SEPT. 30, 2014
Source of Funds
\$354,580



HOW YOU CAN HELP

Montana TU counts on the generosity of individuals, foundations and businesses and gratefully welcomes cash gifts, as well as stocks, securities and estate gifts.

- Cash and checks can be sent via post to Montana TU, P.O. Box 7186, Missoula, MT 59807.
- Credit card donations, either one-time or recurring, can be made online at www.montanatu.org.

Contributions to Montana TU are tax deductible and are used in Montana. For more information, to discuss designating a gift to a specific project or for planned gift assistance, please contact Kelley Willett at 406-543-0054.

Montana TU's financial statements are reviewed annually by Boyle, Deveny & Meyer PC, an independent CPA firm in Missoula, Montana.

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Gifts in Memorium

Douglas P. Beighle
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John Dale Linduska
The Stevens Family

Montana Trout Unlimited: 50-plus Years



George Grant

1962-63

Dan Bailey, Bud Lilly, Bud Morris and others begin forming the Montana Chapter of Trout Unlimited.

1964

Trout Unlimited national formally charters the Montana Chapter of TU.

1975

TU leaders Tony Schoonen, George Grant and others convince the Montana Legislature to pass the landmark "310 law," which requires conservation district approval for stream modifications.

1984

Declaring that the public can use all natural streams in the state for recreation, irrespective of who owns the beds and banks, the Montana Supreme Court rules in favor of the Montana Coalition for Stream Access.

1994

Montana TU hires its first full-time executive director.

1995

Montana Legislature approves a TU-spawned bill allowing conservation organizations to lease water rights for instream flows.

1985

The WestSlope Chapter helps prevent siting of 500-kilovolt BPA power line in upper Rock Creek, resulting in a \$1.6 million trust fund for conservation of Rock Creek.

1998

TU national names MTU its outstanding state council.

Late 1960s

TU leads opposition to dam the Yellowstone River at Allenspur. Members advocate for catch-and-release, fight to clean up the Yellowstone from wastewater discharges, and battle harmful logging on public lands.

1974

The Montana Fish and Game Commission, at the urging of state biologists and TU, halts fish stocking in the Madison River. The nation's first wild fish management policy is soon adopted for all Montana rivers.

Mid-1980s

The Bitter Root Chapter promotes an agreement to dedicate 10,000 acre-feet of stored water to instream flows in the Bitterroot River. The Kootenai Fly Fishers chapter helps defeat a proposed re-regulating dam on the Kootenai River.

1999

MTU helps negotiate a precedent-setting settlement for relicensing Avista Corp's two dams on the lower Clark Fork, resulting in tens of millions of dollars dedicated to restoring native trout populations.

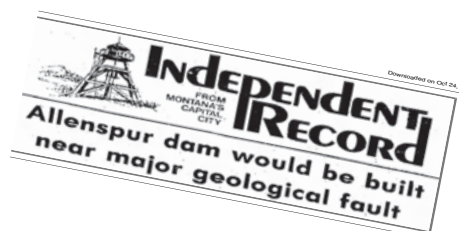
Mid / Late 1970s

Butte-based TU members lead a campaign that kills the Reichle Dam proposal on the Big Hole River.

The Allenspur Dam proposal dies. Butte-area TU members organize the Montana Coalition for Stream Access, responding to landowner attempts to prevent access to the Dearborn and Beaverhead Rivers.



Big Hole River



of Trout Conservation

2001

MTU partners with TU national to create the Jefferson River Restoration Project, leading to major improvements in the river's trout fishery.



Stream access hearing in Helena

2006

MTU prevails in a landmark Montana Supreme Court case establishing that groundwater connected to surface water is subject to basin closures on new surface-water rights.

2011

MTU's lobbying and organizing defeats the "ditch bill," which aimed to undermine the state's stream access law.



Attorney General Steve Bullock, Senator Kendall Van Dyk, Governor Brian Schweitzer and Mark Aagenes celebrate passage of the bridge access bill.

2009

MTU efforts result in legislation affirming the rights of recreationists to use county bridge right of ways to enter rivers.

2004

MTU leads the effort to defeat an industry-funded ballot initiative that would have put the Blackfoot River at risk from a huge open-pit cyanide leach mine.



TU volunteer with young anglers

2014

Cleanup and restoration begin in the mining-damaged headwaters of the Blackfoot River, the culmination of more than 25 years of MTU advocacy.

MTU celebrates 50th Anniversary.

MONTANA TROUT UNLIMITED CHAPTERS & PRESIDENTS

BITTERROOT CHAPTER #080

Ross Rademacher, Corvallis 522-9816
monkeykatet@gmail.com
www.brtu.org/blog/

BIG BLACKFOOT CHAPTER #544

Scott Gordon, Seeley Lake 546-8420
gordon.scotta@gmail.com
www.bbctu.org

FLATHEAD VALLEY CHAPTER #085

Larry Timchak, Kalispell 250-7473
ltimchak1@gmail.com
www.flatheadtu.org

GEORGE GRANT CHAPTER #183

Rich Day, Butte 723-2307
richday@bresnan.net
www.georgegranttu.org

JOE BROOKS CHAPTER #025

Amy Schilling, Livingston 223-2244
aschilling@hotmail.com
www.joebrookstu.org

KOOTENAI VALLEY CHAPTER #683

Mike Rooney, Libby 293-1947
kootfish@yahoo.com

LEWIS & CLARK CHAPTER #656

PO Box 903
Sheridan, MT 59749
www.lctu.org

MADISON-GALLATIN CHAPTER #024

Mark Peterson, Bozeman 595-1409
mgtroutunlimited@gmail.com
www.mgtu.org

MAGIC CITY FLY FISHERS #582

Lyle Courtnage, Billings 896-1824
lyle.courtnage@gmail.com
www.mcffonline.org

MISSOURI RIVER FLYFISHERS

Paul Considine, Great Falls 595-7460
paul.considine@csww.net

PAT BARNES/MISSOURI RIVER CHAPTER #055

Lee Ricks, Helena 465-7295
patbarnestu@gmail.com
www.patbarnestu.org

SNOWY MOUNTAIN CHAPTER #610

Mike Chapman, Lewistown 538-2517
bmchap@midrivers.com

WESTSLOPE CHAPTER #056

Jamie Short, Missoula 728-0630
westslopechapter.tu@gmail.com
www.WestSlopeChapterTU.org



Montana Council of Trout Unlimited
PO BOX 7186 MISSOULA, MT 59807

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THIS ISSUE:

Update: MT Legislature
Page 1

50-Year MTU Timeline
Page 6

2014 Annual Report
Pages 4-7



TROUT LINE

UPCOMING EVENTS

www.montanatu.org

3/19/15 **F3T Film Festival in Livingston**
6:30 p.m. at the Shane Lalani Theater, 415 E. Lewis St. Doors open 5:30 p.m. for social gathering and silent auction. All proceeds benefit Joe Brooks TU Chapter. Discount tickets available at Livingston-area fly shops. Contact David Young at dyoung1979@gmail.com or 406-223-7085.

3/19/15 **Bitterroot TU Public Meeting**
7 p.m. at the Elks Lodge, 203 State St. in Hamilton. Bruce Farling presents, "A Copper Mine in the Headwaters of the Smith River: Really?" Contact RossRademacher@gmail.com.

3/28/15 **MCFF Fly Fishing Expo and Banquet**
at the Bighorn Resort, 1801 Majestic Lane in Billings. Trade show 9 a.m.-3 p.m. with auction and banquet 5-9 p.m. Proceeds benefit Magic City Fly Fishers TU Chapter. Tickets at ticketriver.com.

3/28/15 **Fly Tying and Fishing Seminar in Butte**
8 a.m. - 12:30 p.m. at Perkins Restaurant, 2900 Harrison Ave. Sponsored by the George Grant Chapter of TU, featuring Kelly Galloup – famous fly fishing guide and t.v. host. Free and open to the public; donations appreciated. Contact Bob Olson at 406-560-3791 or robolson@bresnan.net.

4/8/15 **WestSlope Chapter Meeting**
6:30p.m. fly tying and socializing; 7 p.m. presentation at the DoubleTree Hotel, 100 Madison St. in Missoula. Local guides feature, "Local River Secrets." Contact westslopechapter.tu@gmail.com.

4/11/15 **George Grant TU Banquet**
5-9 p.m. at Star Lanes Event Center, 4601 Harrison Ave. in Butte. Silent & live auctions, raffles, dining and more. Contact Mike Thompson at 406-593-1058.

4/23/15 **MSU Library Lecture: Trout and Salmonid Studies**
7 p.m. at Hager Auditorium in Museum of the Rockies, 600 W. Kagy Blvd. in Bozeman. Keynote speaker is Chris Wood, president and CEO of Trout Unlimited. Free and open to public. Contact MSU Library at 406-994-3119.

4/25/15 **Pat Barnes-Missouri River TU Banquet**
6-9:30 p.m. at the Gateway Center, 1710 National Ave. in Helena. Event includes raffle tables, live and silent auctions and a catered meal. Tickets available in Helena-area fly shops. Contact patbarnestu@gmail.com.

4/25/15 **Down the Hatch Fly Fishing Festival**
3-6 p.m. at Caras Park in Missoula, with music, Big Sky Brewery beer, free swag and gear demos. \$10 tickets to Orvis Film Fest at 7 p.m. in The Wilma Theatre include raffle entry, with prizes big and small. Proceeds benefit TU's Wild Steelhead initiative and the WestSlope TU Chapter. Info and tickets at TheWilma.com.

WANT OVER 3,800 MONTANA TU MEMBERS TO HEAR ABOUT YOUR EVENT?
Please contact the Missoula office at 888-504-0054 or kate@montanatu.org to get the word out in Trout Line

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