



**Volume 4, Issue 1**

**Winter 2015**

***aáy* (pronounced "ahh-ee") is the Salish word for bull trout.**

***Our mission: To conserve, protect and restore valuable wild fish and their habitat in Northwest Montana***



## **Flathead Bull Trout Numbers Continue to Decline**

Not long ago, the North Fork of the Flathead River was the finest bull trout fishery in Montana. Bull trout to 40-inches were not uncommon. Even by the 1980s, spawning runs of 10,000 to 15,000 bull trout in the Flathead system provided unmatched angling opportunity. Today, it is illegal to fish for these magnificent native fish.

Montana Fish, Wildlife and Parks (MFWP) recently released the 2014 counts of bull trout spawning beds (redds) for Northwest Montana. The numbers are not very encouraging.

As we have seen each year, the news release accompanying announcement of the redd counts always describes the overall native bull trout population as "secure", or "stable". Those words also always show up in news coverage of the redd count numbers and can, at times, lead to the mistaken impression that all of the populations are doing fine, which may not be the case.

Since 1998, bull trout have been listed as a Threatened Species under the Endangered Species Act. To admit that that there may be problems with bull trout populations in Montana would be to risk the ugly specter of the fish becoming listed as an

*Bull Trout*

*Continued on page 5*

### **Officers**

- President..... Larry Timchak
- Vice President..... Jim Johnson
- Secretary.....Chris Schustrom
- Treasurer.....Chris Schustrom
- Banquet Chair..... Dan Short
- Conservation Chair... Lucky Sultz



[www.warriorsandquietwaters.org](http://www.warriorsandquietwaters.org)

*"Rivers and the inhabitants of the watery elements are made for wise men to contemplate" ~ Isaac Walton*

***aáy is a quarterly publication of the Flathead Valley Chapter of Trout Unlimited.***

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## From Our President



*Larry Timchak—FVTU President*

*Newsletter content does not necessarily reflect the views of Flathead Valley Trout Unlimited, it's membership or Montana Trout Unlimited.*

*FVTU welcomes submission of photos or content from our valued members. The newsletter is published quarterly throughout the year. Publication dates will be approximately Jan. 1, Apr. 1, July 1, and Oct. 1. Please send contributions at least ten days prior to publication to the newsletter editor at:*

[lucky@flatheadtu.org](mailto:lucky@flatheadtu.org)

aáy is available online at the FVTU website.  
[www.flatheadtu.org](http://www.flatheadtu.org)

*Newsletter editor: Lucky Sultz*

## Another Good Year for Flathead TU

Thanks to you and all our valued members, 2014 was another very successful year for the Flathead Valley Chapter of Trout Unlimited. Our membership continued to grow, our May banquet was a big success, our efforts to expand outreach to youth and women bore fruit, and we continue to be an effective voice for wild trout including our native westslope cutthroat and bull trout.

Our success would not be possible without the support of our members and hard work and dedication from our executive board. Our board provides conservation leadership at the local, state and national level. Chris Schustrom is just beginning his term as Chairman of the Montana Trout Unlimited Executive Committee- congratulations to Chris- well deserved and we know he will do a great job. Dan Short will serve on the TU National Leadership Council for another term and was recently selected as a member on Region 1 Montana Fish Wildlife and Parks Citizen Advisory Committee. Our voice for conservation will ring loud and true this year!

As we look ahead, 2015 will be a busy year with multiple challenges and opportunities. You can anticipate receiving many conservation alerts this year with the Montana Legislature in session. Your voice is extremely important so I hope you can find time to contact your legislators when our fishing and hunting heritage or aquatic habitat is threatened.

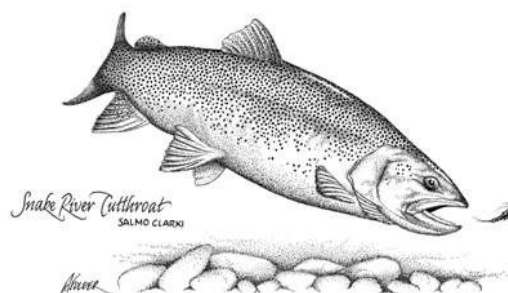
Trout Unlimited supports the Confederated Salish and Kootenai Tribes Water Rights Compact that has been negotiated in good faith between the State and Tribe over many years. From our perspective, the Compact protects private water rights while creating and strengthening in-stream flow requirements beneficial for many streams in western Montana. Hopefully the voices of reason will drown out the many myths and fears perpetuated by opponents of the Compact.

The Chapter will continue to advocate and provide support for lake trout suppression in Flathead Lake, Swan Lake and Glacier National Park. Our Chapter has, and will continue to provide volunteer and financial resources for the Swan Lake net-

ting operation. We did see a slight uptick in bull trout redd counts in the Swan this year but it's too early to attribute the increase to lake trout suppression efforts. I hope you can join us throughout the year at one of our Chapter meetings or at a volunteer event. Our events are posted on our Flathead TU webpage [Flatheadtu.org](http://Flatheadtu.org). In the meantime, the days grow longer, the snow pack looks promising, and fishing season is right around the corner!

*Larry Timchak  
President, FVTU*

See you on the river!





### Master Fly Tier Shares His Passion for Tying



*FVTU Vice President Jim Johnson sharing his fly tying knowledge*

*From the Bigfork Eagle Jan. 7, 2015.*

As the weather grows colder Jim Johnson switches from one fishing hobby to another.

While he loves to fly fish in the summer, when winter comes, Johnson retreats to an office in his basement that

overlooks Flathead Lake. One wall is covered in books, mostly about fly fishing, and shelves are filled with boxes of feathers and hooks. A magnifying glass hangs over a table in the middle of the room, and a variety of small imitation bugs are strewn about the table.

Fly fishing is Johnson's passion, and tying flies is his wintertime fishing hobby. He's been doing it for so long, he rarely fishes with a fly he didn't make himself.

He's known nationally for his skill, and through the local chapter of Trout Unlimited, shares it with others.

Johnson organizes a series of free fly-tying classes each year for the TU chapter. Johnson started the class 14 years ago to promote fly fishing and fly tying. Fishermen of any tying level are welcome to come to the free classes and learn a few tricks of the trade.

Johnson begins the beginner level class with fundamentals and builds from there. The advanced class focuses on technique and more complicated patterns. But most importantly, everyone who comes leaves with something to lure in a fish.

"We try to make sure everyone has a fly or two to take home at the end of each class," Johnson said.

Though Johnson had already fly fished for years, his father-in-law got him started tying. "I was no good," he said. "Absolutely incompetent." Then he took a few classes and practiced, and has dabbled in selling the flies he ties.

"I love giving flies away," he said. "I bet I give away half of the flies I tie"



*Local angler Dallas Eklund with two nice, near-30# mackinaw from Whitefish Lake. 04/23/1961, Kalispell Daily InterLake photo.*

*Flathead Valley Trout Unlimited holds monthly meetings on the third Tuesday of each month October through April. Meetings are held at the Montana Fish, Wildlife and Parks conference room at 490 N. Meridian in Kalispell beginning at 7pm. Please join us for our regular meetings and program*



### FVTU Calendar

- January 20, 2015—General Meeting: Jim Fredericks and Andy Dux of Idaho Fish and Game will give a program on fisheries management successes in North Idaho, including lake trout netting on Lake Pend Oreille.
- Feb. 17, 2015—Lucky Sultz will give a brief presentation on using USGS streamflow data, followed by representatives of Montana Fly Company talking about new innovations in fly tying and design.
- Feb. 27—Mar. 1, 2015 FVTU will be at the Montana Sportsman's Expo at the Flathead County Fairgrounds.



### Good For Our Waters, Good for our Fish, Good For Montana

For more than three decades, the State of Montana and the Federal Government have worked hard and long to negotiate fair and impartial water rights agreements on Native American reservations across the state. Six of seven tribal water compact agreements have been successfully negotiated and passed the Montana Legislature.

The final water rights compact with the Confederated Salish and Kootenai Tribes goes to the 2015 legislative session for ratification. Following ratification by the legislature, the compact must still overcome hurdles in the U.S. Congress, the Montana Water Court and finally by the CSKT Tribal Council.

The purpose of the negotiations and the compact is to quantify tribal reserved water rights. When a federal reserve, such as an Indian reservation, a national forest, national park, or waterfowl refuge is created, it creates a federally reserved water right for water needed to successfully operate the reserve. Those water rights exist by law, but have never been quantified. There are basically two ways to quantify the water rights; by adjudication in state or federal courts, or through negotiations between the tribes, the state and the federal government. In 1979, the State of Montana created the Reserved Water Rights Compact Commission to negotiate and re-

solve water rights on 18 federal reserves in Montana, including seven Indian reservations. All of those agreements have passed the Montana Legislature, except for the agreement on the Confederated Salish and Kootenai Reservation.

Unlike treaties for other tribes in the state, the Hellgate Treaty of 1855 contained what has been termed "Stevens language" giving tribes *"the right of taking fish at all usual and accustomed places, in common with citizens of the Territory,"*

This language, which is contained in all treaties negotiated by then Washington Governor Isaac Stevens, has been interpreted by various federal courts to give tribes the right to hunt and fish within their historical areas both on and off reservations. Courts have further defined the language to provide tribal rights to water in those streams that is sufficient to sustain fish populations.

This language gives members of the Confederated Salish and Kootenai Tribes legal rights to a limited amount of water in most streams in Western Montana and extending as far as the Yellowstone River. Through the negotiated agreement in the CSKT Compact, the tribes cede to the State of Montana all of their off-reservation water rights with the exception of a few instream-flow rights on streams west of the continental divide.

The Compact also creates a Unitary Management Ordinance along with a management board to administer water rights on the Flathead Indian Reservation. The board is composed of five members, two appointed by the Tribal Council, two appointed by the Governor from a list recommended by county commissioners and one member chosen by the other four. DOI would appoint one non-voting member to sit on the board. On-reservation water rights are subject to the same Montana water laws as all those off reservation with the same rights to contest decisions to the Montana Water Court. The CSKT Compact does not take away any existing state-based water rights.

There has been a lot of contention about this final compact along with a lot of misinformation. Much of the

*Compact, continued on page 6*



**Montana Bull Trout**



*Bull Trout—From page 1*

Endangered Species which could warrant newer and more strict regulation on the populations and on the managing agency by USFWS. So, no matter what the data say, you can always count on a depiction of the counts being described as “stable”. This representation of the data ignores the inconvenient fact that MFWP has agreed in several signed agreements to work toward a goal of increasing native fish populations, not merely to stabilize them at very low levels.

If we take a closer look at this year’s redd count data, it is plain to see that most of the remaining populations face problems. The single overriding problem in the Flathead is predation and competition due to a growing population of lake trout.

Most everybody knows the story of the release of Mysis shrimp into the Flathead watershed in the 1960s and 1970s which caused an upheaval in the ecosystem of the entire Flathead Lake drainage. Addition of Mysis to the biological mix in Flathead Lake precipitated what has rightfully been termed a “*trophic cascade*” of changes to the lake ecosystem. Nonnative lake trout boomed to unheard of levels with an associated increase in predation on other native and nonnative fish. Introduced Lake Superior whitefish became 70% of the lake biomass. Once abundant kokanee salmon entirely disappeared and native westslope cutthroat and bull trout began a decline that continues to this day.

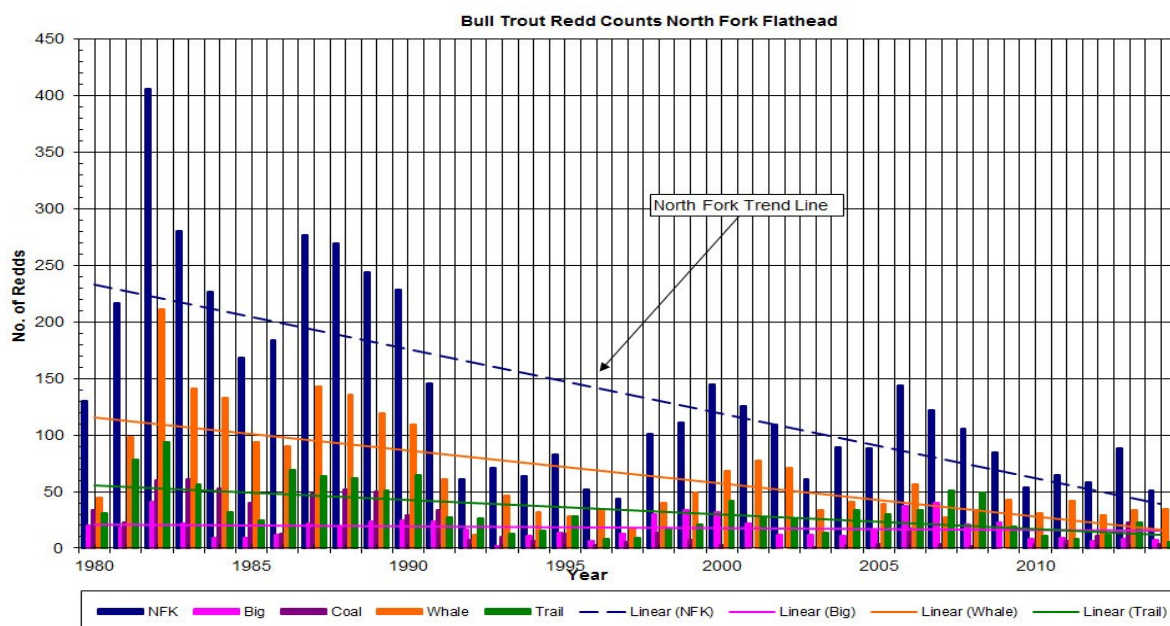
The redd count for the North Fork Flathead (below) this year was only 51 redds in the four index reaches counted each year. This is the second lowest redd count rec-

orded for this population since the counts began back in the 1980s and it continues a long-term declining trend. Bull trout populations in the Flathead have dropped by more than half since the introduction of Mysis.

Reasons for the North Fork decline, according to the MFWP press release, include “stream habitat changes”, “research handling of juvenile bull trout” and “other factors”. No mention is made of the extremely large population of predatory lake trout which are the main cause of the decline, or pike populations in the lower river..

Redd counts in the Middle Fork Flathead have shown some resiliency in the last few years, but continue to exhibit a long-term decline. About the only good news seems to be in the Swan drainage. Following the lake trout invasion in the 1990s, the native bull trout population there underwent a rapid decline to less than half of the existing population. An experimental netting program was initiated in 2010. The Swan bull trout population seems to have stabilized at the lower level and we may even be seeing some slight gains. Lake trout netting in Flathead Lake by the Confederated Salish and Kootenai Tribes began last year at very low levels, but it will be a long time before its effectiveness can be evaluated.

From illegal walleye introduction and dams in the Lower Clark Fork, to coal mine pollution in the Kootenai, habitat alteration, and of course an expanding population of lake trout throughout many of our rivers and lakes, to say that these native fish populations are “stable” by lumping together all populations to show only small declines ignores dire problems threatening individual populations





*Compact, from page 4*

objection to this compact is based on misunderstanding of the treaty or the compact language along with some intentionally misleading statements and fear of change.

The Compact does not create any new water rights. Tribal rights already exist in settled law and would actually shrink under the Compact. All state-based water rights, both on and off-reservation are completely protected.

The Compact does not change jurisdiction over anything off the Reservation – the Tribes get no new say over water rights, water quality, species management or anything else off the Reservation.

The Tribes cannot call water rights for stock water, municipal use, domestic use, industrial use, or other non-irrigation uses either on, or off the reservation.

The Water Management Board will have no jurisdiction off the Flathead Reservation. Due to a Montana Supreme Court decision, there has been no way since 1996 to legally file for a water right on the Flathead Reservation. The Unitary Management Ordinance will rectify that situation and allow for common sense regulation of on-reservation water rights by an entity controlled jointly by the State and Tribes.

Non-Indian irrigators on the Flathead Indian Reservation who receive an allotment from the Flathead Indian Irrigation Project (FIIP) do not have a compensable property right to the water they receive. They have a legal agreement to their water allotment, but that is not the same as a state-issued water right. So, no property rights are being taken by the compact.

If the CSKT Water Compact is not ratified by the Montana Legislature, the Tribes have a deadline of June 30, 2015 to file for their water rights through state courts. In the event that the Tribes have to follow the adjudication process through the courts, it is likely that they will file for far more water rights than they would receive via the negotiated compact. This process will require that existing state water rights holders will have to file lawsuits to defend their legal water rights. They will be defending their water right against a senior water rights holder with a date of “time immemorial” as outlined in the Hellgate Treaty and upheld by several federal courts. At best, this legal process will take decades to wend its way through the Montana Water Court and likely through state and federal courts. The process will involve hundreds, if not thousands, of court cases costing water users millions of dollars and making property rights attorneys millionaires and the final outcome will benefit nobody.

Flathead Valley Trout Unlimited urges you to follow this process very carefully as it moves through the Legislature and make your views known to your local representatives.

For more information:

The Montana DNRC website has all the Compact documents and a good overview of the Compact process:  
<http://dnrc.mt.gov/rwrcc/Compacts/CSKT/>

The CSKT website has many good documents:  
[http://www.cskt.org/tr/nrd\\_waternegotiations.htm](http://www.cskt.org/tr/nrd_waternegotiations.htm)

[Montana Water Stewards](#) is a non-profit, bipartisan group following the Compact process very carefully and they have lots of excellent information and explanations on the Compact.

## FVTU News Briefs



### [Fish Virus Detected in Kootenai River Kokanee](#)

In November, the hematopoietic necrosis, or IHN virus was detected in a kokanee population in the upper Kootenai River. IHN occurs naturally in Pacific Coast salmon and steelhead populations and can be passed to other fish populations. While the virus has not been a problem is wild

fish populations, it can cause severe problems in hatchery settings.

According to MFWP, “Montana’s best defense against the destruction caused by invasive species and fish diseases is for anglers and others to get into the ‘inspect, clean, and dry habit’,”

### [Keystone XL oil pipeline bill clears Senate](#)

After a bill supporting construction of the Keystone XL pipeline passed the House of Representatives for the 10th time, the U.S. Senate passed the measure on a 63-32 vote.

*“The White House has repeatedly threatened a veto. If Obama follows through, it will become the first of what are expected to be numerous clashes with the Republican majorities now in control of both houses of Congress.”*

### [Smith River Permits Available Now](#)

You have until Feb. 19th to get your application in for a permit on the Smith River in central Montana.

The Smith River is one of the finest rivers in Montana. It is currently under threat from a proposed mine in the headwaters.