



Water Policy Interim Committee

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64th Montana Legislature

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HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary

(as of Aug. 25)

WATER POLICY INTERIM COMMITTEE

Room 152, State Capitol Building

August 29-30, 2016

AGENDA ITEM TIMES ARE APPROXIMATE

Monday, August 29

9 a.m. **Call to Order** – Sen. Hamlett

- Roll Call
- Approval of minutes from July 2016

9:05 a.m. **Program review: Water Resources Division (Tab 1)**

- Mr. Mohr
- Tim Davis, administrator, Water Resources Division (DNRC)
- Public comment
- Committee discussion, questions

10 a.m. **Adjudication update (85-2-281, MCA) (Tab 2)**

- Mr. Davis (DNRC)
- Russ McElyea, chief water judge, Montana Water Court
- Public comment
- Committee discussion, questions
- Review of statutorily established reports: Recommendations to 2017 Legislature (5-5-215, MCA)

10:30 a.m. **Water and Wastewater Operators' Advisory Council (2-15-2105, MCA)**

- John Alston, Water and Sewer superintendent (City of Bozeman Public Works Department)
- Public comment
- Committee discussion, questions
- Review of statutorily established advisory councils: Recommendation to 2017 Legislature (5-5-215, MCA)

11 a.m. **Summary of water reservation reviews (SB330) (Tab 3)**

- Mr. Davis (DNRC)
- Public comment
- Committee discussion, questions
- Review of statutorily established reports: Recommendation to 2017 Legislature (5-5-215, MCA)

Noon **Lunch**

1 p.m. **SJ2 study of federal Section 404 permitting (Tab 4)**

- Summary of received public comments, final report – Mr. Mohr
- Related legislation
- Public comment
- Committee discussion, questions, and recommendations on final report, legislation

2 p.m. **Study of water availability and supply (Tab 5)**

- Summary of received public comments, final report – Mr. Mohr
- Related legislation
 - Define combined appropriation as “physically connected” wells (LCwp07)
 - Define combined appropriation as amount of water appropriated from entire project (LCwp20)
- Public comment
- Committee discussion, questions, and recommendations on final report, legislation

3:30 p.m. **Study of the future of the Water Court (Tab 6)**

- Summary of public comments, final report – Mr. Mohr
- Related legislation
 - Clarify water commissioner appointments (LCwp01)
 - Require education program for water commissioners (LCwp02)
 - Clarify definition of water right change and consumptive use (LCwp03)
 - Allow limit on adverse effects analysis (LCwp04)
 - Approval of water rights permit or change under certain conditions (LCwp44)
 - Allow Water Court review of DNRC decisions (LCwp06)
 - Clarify process for updating water right transfer (LCwp11)
- Public comment
- Committee discussion, questions, and recommendations on final report, legislation

5 p.m. **Recess**

Tuesday, August 30

8 a.m. **Reconvene**

8:05 a.m. **Black Butte mining project**

- Jerry Zieg, vice president for Exploration, Tintina Montana Inc.
- John Shanahan, chief executive office, Tintina Montana Inc.
- Sheep Creek TMDL
 - Jon Kenning, Water Protection Bureau chief (DEQ)
- Public comment
- Committee discussion, questions

10:30 a.m. **Safety of Painted Rocks and Lake Como dams**

- Mr. Davis
- Christopher Regilski, Pacific Northwest Region Safety of Dams coordinator (Bureau of Reclamation) (*via phone*)
- Public comment
- Committee discussion, questions

11 a.m. **Overview of proposed agency legislation**

- John Tubbs, DNRC director
- Public comment
- Committee discussion, questions

Noon **Lunch**

1 p.m. **Agency administrative rule update**

- Ms. Thigpen
- Public comment
- Committee discussion, questions

1:30 p.m. **Other committee legislation (Tab 7)**

- Mr. Mohr
- Statutory appropriation for GWIP (LCwp08)
- Statutory appropriation for SWAMP (LCwp09)
- Create advisory council for SWAMP (LCwp10)
- Combine Clark Fork watershed groups (LCwp12)
- Public comment
- Committee discussion, questions, and action on legislation

2:30 p.m. **Other business**

- Final action on committee legislation, if necessary
- Selection of committee bill sponsors
- Public comment
- Committee discussion and action

3 p.m. **Summary of *City of Missoula v. Mountain Water* (Tab 8)**

- Ms. Thigpen
- Public comment
- Committee discussion, questions

3:30 p.m. **Yellowstone River fish parasite**

- Paul Sihler, chief of state (FWP); Eileen Ryce, Fisheries Division (FWP)
- Public comment
- Committee discussion, questions

4 p.m. **Consider/propose areas for study during 2017-18 interim**

4:30 p.m. **Public Comment on any issue within the jurisdiction of the WPIC**

5 p.m. **Adjourn**

Meeting attendees who may need services or accommodations should contact Jason Mohr (406-444-1640 or jasonmohr@mt.gov) at least 5 working days before the meeting.