

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG RANGE PLANNING**

Call to Order: By **CHAIRMAN MATT MCCANN**, on January 12, 2001 at 8:00 A.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Rep. Matt McCann, Chairman (D)
Rep. Dave Kasten (R)
Sen. Jon Tester (D)
Rep. Steve Vick (R)

Members Excused: Sen. Bob Keenan, Vice Chairman (R)
Sen. Tom A. Beck (R)

Members Absent: None.

Staff Present: Jane Hamman, OBPP
Andrea Hyatt, Committee Secretary
Brian McCullough, Legislative Branch
Christi Tyson, OBPP

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 6, 1/11/2001; HB 8,
1/11/2001

Executive Action:

{Tape : 1; Side : A; Approx. Time Counter : 0 - 515}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 6}

Renewable Resource Grant Presentation HB 6:

John Tubbs, Chief of the Resource Bureau for the Department of Natural Resources and Conservation (DNRC). He introduced **Bob Fischer**, staff engineer, and **Pam Smith**, program manager. He described the purpose of the bureau and how it relates to other departments within the state.

{Tape : 2; Side : A; Approx. Time Counter : 9}

CHAIRMAN MCCANN opened the hearing on **RRGL PROJECT NO. 41, PG. 119, STILLWATER COUNTY.**

Proponents' Testimony:

Pam Smith, DNRC, reviewed the project and recommendation.

Harold Blattie, Sweetwater County, was concerned about the ranking of their project; it had been changed. He provided an 11 page handout consisting of a fact sheet letters from various people in the area. **EXHIBIT(jlh09a01)**

Dave Kelsey, producer in Sweetwater County, described the health hazard to livestock in the area.

REP. ROBERT STORY, JR., HD 24, spoke in favor of funding.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. KASTEN questioned salinity and crops raised in area. **Dave Kelsey** responded. **SEN. TESTER** questioned how the funds would be used and the area it encompasses, does everyone support the project. **Marvin Miller, Montana Bureau of Mines & Geology; Dave Kelsey** and **Harold Blattie** responded. **CHAIRMAN MCCANN** asked if the loss of livestock was documented. **Dave Kelsey** responded yes and gave details.

CHAIRMAN MCCANN closed the hearing on **RRGL PROJECT NO. 41, PG. 119, STILLWATER COUNTY.**

CHAIRMAN MCCANN opened the hearing for **CARBON CONSERVATION DISTRICT, RRGL PROJECT NO. 35, PG. 104.**

{Tape : 2; Side : A; Approx. Time Counter : 265}

Proponents' Testimony:

Bob Fischer, DNRC, described the project and the recommendation.

Garth Sherman, Whitehorse Ditch, described the project, history, soils and water use and savings. He also stated that **REP. ART PETERSON, HD 10,** not in attendance today, urges the sub-committee to grant this proposal.

Al Yeager, President of Whitehorse Ditch, in favor of funding.

John Sherman, secretary treasurer of Whitehorse Ditch, spoke in favor of funding.

SEN. ALVIN A. ELLIS, SD 12, spoke in favor of funding.

SEN. ROYAL JOHNSON, SD 5. spoke in favor of funding.

REP. JOAN ANDERSEN, HD 23, spoke in favor of funding.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. TESTER had questions on the cost. **Garth Sherman** responded.

CHAIRMAN MCCANN closed the hearing for **CARBON CONSERVATION DISTRICT, RRGL PROJECT NO. 35, PG. 104.**

CHAIRMAN MCCANN opened the hearing for **BITTERROOT IRRIGATION DISTRICT, RRGL PROJECT NO. 12, PG. 42.**

{Tape : 2; Side : A; Approx. Time Counter : 454}

Proponents' Testimony:

Pam Smith, DNRC, reviewed the project and recommendation.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

CHAIRMAN MCCANN closed the hearing for **BITTERROOT IRRIGATION DISTRICT, RRGL PROJECT NO. 12, PG. 42.**

CHAIRMAN MCCANN opened the hearing for the **CITY OF MISSOULA, RRGL PROJECT NO. 39, PG. 113.**

{Tape : 2; Side : B; Approx. Time Counter : 0}

Proponents' Testimony:

Bob Fischer, DNRC, reviewed the project and recommendation.

Mike Caddis, Mayor of Missoula, commented they were unhappy with the change in rank from 11 to 39. He provided a visual presentation of the Rattlesnake Creek project and a letter from the Department of Fish, Wildlife and Parks. **EXHIBIT(jlh09a02)** He introduced two other people in the audience who can answer

questions: **Dan Rogers, Urban Forester/Part of Parks Dept/Manager** of this project and **John Pierce, Chairman of the Grenough Advisory Committee.**

Opponents' Testimony: None.

Questions from Committee Members and Responses:

SEN. TESTER and **REP. KASTEN** had questions on funding. **Dan Rogers** and **Mayor Caddis** responded. **John Pierce** provided more information. **SEN. VICK** questioned how the residential area handled flooding. **John Pierce** responded. **Brian McCullough** questioned future plans for development in this flood plain. **Mayor Caddis** responded.

CHAIRMAN MCCANN closed the hearing for the **CITY OF MISSOULA, RRGL PROJECT NO. 39, PG. 113.**

CHAIRMAN MCCANN opened the hearing for **LEWIS & CLARK COUNTY-WILLOW CREEK, RRGL PROJECT NO. 30, PG. 90.**

{Tape : 2; Side : B; Approx. Time Counter : 156}

Proponents' Testimony:

Pam Smith, DNRC, reviewed the project and recommendation.

Stan Fraser, member of Board of Supervisors of the Lewis & Clark Conservation District, described the project and history.

Alan Rollo, coordinator of the Sun River Watershed Project and assisting the Willow Creek Task Force. He discussed the project and the other agencies contacted; the donation of various services to this project. He stated that the Greenfield Irrigation District and Bureau of Reclamation also supported this funding but were unable to attend today due to other commitments.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

REP. KASTEN questioned who was involved when this project first got started and has Fish Wildlife & Parks been approached for funding. **Mr. Rollo** responded. **REP. VICK** questioned how they keep the banks stabilized. **CHAIRMAN MCCANN** questioned the drain length and the effects of the water from the canal. **Alan Rollo** responded.

CHAIRMAN MCCANN closed the hearing for **LEWIS & CLARK COUNTY-WILLOW CREEK, RRGL PROJECT NO. 30, PG. 90.**

CHAIRMAN MCCANN opened the hearing for **LEWIS & CLARK-NILAN DAM, RRGL PG. 192.**

{Tape : 2; Side : B; Approx. Time Counter : 376}

Proponents' Testimony:

Bob Fischer, DNRC, reviewed the project and why it was not ranked.

Stan Fraser, member of **Board of Supervisors of the Lewis & Clark Conservation District,** described the project and history.

Dick Artz, President of the Nilan Water Users Association, explained the project. He provided copy of a letter from the Department of Natural Resources and Conservation from Arthur D. Taylor, P.E. **EXHIBIT(jlh09a03)**

Alan Rollo, assisted in **writing the grant request,** discussed the project.

{Tape : 3; Side : A; Approx. Time Counter : 0}

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. TESTER questioned why this was not ranked when they are being told it will fail. **John Tubbs** responded. **Jane Hamman** questioned the cost of the head gates. **Dan Rollo** responded. **REP. KASTEN** questioned if the water drained in to Willow Creek. **Dick Artz** responded. **CHAIRMAN MCCANN** questioned the assessment they are paying per acre and the number of producers. **Dick Artz** and **Dan Rollo** responded. **Mr. Tubbs** provided some clarification.

Informational Testimony:

Dan Rollo stated that **Arthur D. Taylor, Dam Safety Engineer from DNRC** could not make it to the meeting today because he had previous commitments.

CHAIRMAN MCCANN closed the hearing for **LEWIS & CLARK-NILAN DAM, RRGL PG. 192.**

CHAIRMAN MCCANN opened the hearing on **TETON COUNTY-BURTON BENCH, RRGL PROJECT NO. 33, PG. 98.**

{Tape : 3; Side : A; Approx. Time Counter : 151}

Proponents' Testimony:

Pam Smith, DNRC, reviewed the project and recommendation.

REP. LARRY R. LEHMAN, HD 87 supports the project.

Mary Saxson, Teton County Commissioner in favor of funding.

SEN. E. P. "PETE" EKEGREN, SD 44, spoke in favor of funding.

Ross Depner, farmer, discussed the history of the area and is in favor of the funding.

REP. RICK RIPLEY, HD 50, supports the grant.

Charles Crane, landowner/operator, was concerned for health hazard in the area; four out of five relatives have been diagnosed with cancer. Would like a study done; concerned that he may be contributing to the problem.

Tom Flowers, lives in area, in favor of funding.

Dan Weist, farmer in area, has farmed in the area all his life and has seen a change in the water quality; in favor of funding.

Alan Rollo, Sun River, supports this project.

Donna Rise, Montana Department of Agriculture, spoke in support of this project.

Opponents' Testimony:

Rodney Cole, self-farms in area, also member of Teton County Conservation District, is against the \$100,000.00 grant proposed by DNRC. The Teton County Conservation District provided them with a \$10,000.00 grant last year with the understanding that amount would be enough funds to have an additional reference on the water quantity and quality in the area. This was a follow-up from the 1990 extensive study done by **Tom Patton** and the **Montana Bureau of Mines.** He feels they will spend too much and that these funds should be spent elsewhere.

Informational Testimony:

Kate Miller, Montana Bureau of Mines, has been asked to be present by the Teton County Commissioners to answer questions.

Questions from Committee Members and Responses:

REP. KASTEN, questioned **Rod Cole** as to when the \$10,000.00 grant would be complete. **Rod Cole** responded. **REP. KASTEN** questioned if this grant is awarded, when would it start and finish; what is the difference between the two studies. **Kate Miller** responded. **REP. KASTEN** questioned **Rod Cole** if the local conservation district had any position on this project and if he knew if they would have a position. **Rod Cole** responded.

{Tape : 3; Side : B; Approx. Time Counter : 0}

Brian McCullough questioned the combining of the two grants. **John Tubbs** responded.

Additional Opponents' Testimony:

Rod Cole stated he would be willing to have the conservation district get back to the committee with more information. **REP. MCCANN** stated he would like to hear from the conservation district.

Additional Proponents' Testimony:

Mary Saxson, Teton County Commissioner, added that it was not a unanimous decision to pursue this because of a controversy surrounding some requests for subdivision.

CHAIRMAN MCCANN closed the hearing on **TETON COUNTY-BURTON BENCH, RRGL PROJECT NO. 33, PG. 98.**

{Tape : 3; Side : B; Approx. Time Counter : 37}

CHAIRMAN MCCANN opened the hearing on **CASCADE COUNTY CD-SUN RIVER VALLEY DITCH, RRGL PROJECT NO. 8, PG. 32.**

Proponents' Testimony:

Pam Smith, DNRC, reviewed the project and recommendation.

Alan Rollo, coordinator for the Sun River Watershed Project, spoke on behalf of **Cascade County Conservation District**; they were sorry they could not make it to this hearing. Also the **Sun River Valley Ditch Company** was unable to make it due to prior commitments. He described the project and history.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

CHAIRMAN MCCANN questioned who else pays the assessment and amounts in kind; cash and other grants. **Brian McCullough** questioned the mix of users. **Alan Rollo** responded.

CHAIRMAN MCCANN closed the hearing on **CASCADE COUNTY CD-SUN RIVER VALLEY DITCH, RRGL PROJECT NO. 8, PG. 32.**

CHAIRMAN MCCANN opened the hearing on **CITY OF COLSTRIP, RRGL PROJECT NO. WITH NO RANK, PG. 174.**

{Tape : 3; Side : B; Approx. Time Counter : 164}

Proponents' Testimony:

Bob Fischer, DNRC, reviewed the project and recommendation.

John Williams, mayor of Colstrip, was concerned that they were not informed until January that they did not pass. He provided an envelope with letters of recommendation. **EXHIBIT (j1h09a04)**

Informational Testimony:

John Tubbs apologized that the engineer did not get in touch with them sooner.

Questions from Committee Members and Responses:

REP. KASTEN questioned about water meters; approximate rate and average user. **CHAIRMAN MCCANN** questioned what they would do if they did not receive the grant. **Brian McCullough** questioned the residential rate and the effect of receiving other funding. **Jane Hamman** questioned the total engineering estimate. **John Williams** responded.

CHAIRMAN MCCANN closed the hearing on **CITY OF COLSTRIP, RRGL PROJECT NO. WITH NO RANK, PG. 174.**

CHAIRMAN MCCANN opened the hearing on **CANYON CREEK IRRIGATION DISTRICT-WYANT LAKE DAM REHABILITATION, RRGL PROJECT NO. 4, PG. 21 and CANYON CREEK IRRIGATION DISTRICT-CANYON LAKE DAM REHABILITATION, RRGL PROJECT NO. 5, PG. 24.**

{Tape : 4; Side : A; Approx. Time Counter : 33}

Proponents' Testimony:

Bob Fischer, DNRC, reviewed the next two projects and recommendations; they additionally recommend the existing HB 8 loan authorization for the combined projects be increased from \$227,000.00 at 4-1/2% to \$300,000.00 at 4-1/2% to cover the estimated cost of the project should the district choose to use it in lieu of the commercial loan currently being considered.

Ren Cleveland, President & Chairman of the Canyon Creek Irrigation District, explained the high cost of the project because it is in a remote area and need to take all supplies in by helicopter. He passed around pictures of the area.

EXHIBIT (j1h09a05)

Laurence Siroky, Montana Department of Natural Resources, Dam Safety, he is a licensed professional engineer and have seen these facilities and the problems and explained the danger to lives and property downstream.

Opponents' Testimony:

Questions from Committee Members and Responses:

REP. VICK, questioned the wilderness area and will they be allowed to fly in and work. **CHAIRMAN MCCANN** questioned the size of the dams. **Ren Cleveland** responded. **John Tubbs** provided further information.

CHAIRMAN MCCANN closed the hearing on **CANYON CREEK IRRIGATION DISTRICT-WYANT LAKE DAM REHABILITATION, RRGL PROJECT NO. 4, PG. 21** and **CANYON CREEK IRRIGATION DISTRICT-CANYON LAKE DAM REHABILITATION, RRGL PROJECT NO. 5, PG. 24.**

CHAIRMAN MCCANN opened the hearing on **BEAVERHEAD COUNTY-BIG HOLE WATERSHED, RRGL PROJECT NO. 37, PG. 108.**

{Tape : 4; Side : A; Approx. Time Counter : 212}

Proponents' Testimony:

Pam Smith, DNRC, reviewed the project and recommendation.

Garth Haugland, Chairman of Beaverhead County Commission, has been a member of the Beaverhead Watershed Group since 1996 and is in favor of this project. He stated they have other people in the audience from the Watershed that supports this project. He provided a sheet entitled "Big Hole Watershed Management Project.

EXHIBIT (j1h09a06)

Randy Smith, Chairman of the Big Hole Watershed Committee, is in support of the project and provided some history and plans for the future.

Mark Kambrich, discussed what they have accomplished and how they have come to work together for the success of everyone.

Pat Munday, works with chapter of **Trout Unlimited and Big Hole River Foundation,** was in strong support of the Big Hole Watershed Committee and this project is a good science based water resource management that they would like to see their partners in agriculture work with; it benefits tax base and keeps ranchers in business.

SEN. BILL TASH, SD 17, in favor of the program and funding.

REP. DEBBY BARRETT, HD 34, stands in support of this project.

REP. DIANE RICE, HD 33, stands in support of this project.

Opponents' Testimony: None.

Informational Testimony:

Jennifer Dwyer, coordinator for the Big Hole Watershed Committee, was in audience to answer any questions.

Ginette Abdo, Montana Bureau of Mines and Geology, and John Mest were in the audience to answer any technical questions the committee might have.

SEN. TESTER complimented the group on their cooperation and wish that more groups that were adversarial from the beginning would get together and find a common ground like they have; he respects their work and applauds their efforts.

CHAIRMAN MCCANN closed the hearing on **BEAVERHEAD COUNTY-BIG HOLE WATERSHED, RRGL PROJECT NO. 37, PG. 108.**

CHAIRMAN MCCANN opened the hearing on **PARK CONSERVATION DISTRICT, RRGL PROJECT NO. 59, PG. 164.**

{Tape : 4; Side : A; Approx. Time Counter : 508}

Proponents' Testimony:

Pam Smith, DNRC, reviewed the project and recommendation.

Pam Smith, DNRC, received a call from **Liz Gallinoble** apologizing that they would not be able to attend the hearing but are very interested in the project.

John Tubbs, DNRC, provided some background on the project and the connection with the Upper Yellowstone River.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

CHAIRMAN MCCANN closed the hearing on **PARK CONSERVATION DISTRICT, RRGL PROJECT NO. 59, PG. 164.**

The meeting was adjourned.

ADJOURNMENT

Adjournment: 11:55 A.M.

REP. MATT MCCANN, Chairman

ANDREA HYATT, Secretary

MM/AH

EXHIBIT (j1h09aad)