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HB 251

Testimony concerning H.B. 251
before the
Natural Resources Committee
59th Legislative Session

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My name is Jon Holtzman and I live in the Gallatin Canyon, three miles downstream from Big Sky. I serve as chairman of the Blue Water Task Force, a group which has been collecting and analyzing water samples on the Gallatin River and checking the health of the river's bug population since 1999.

Our Board's membership includes all local people – including some engaged in fly-fishing and rafting and kayaking businesses.

Actually there are many people in Big Sky strongly committed to protecting and preserving the Gallatin. Some, like me, moved to Big Sky to retire and want the river and its opportunities to be available to our children and grandchildren. Others depend on the Gallatin for their livelihood.

To cut to the chase, I do not support HB 251 and will get back to why in a minute.

The Blue Water Task Force was formed five years ago, under the direction of the MSU Water Center, to establish a water chemistry and invertebrate database. I was one of the volunteers who collected water samples once a month - winter, spring, summer and fall. The samples were analyzed in MSU's labs. The database exists.

The river is in good shape. It supports a healthy invertebrate population (that's bugs to the kids at Ophir School), which means a healthy trout population. The bugs include large numbers of stoneflies, the species most sensitive to pollution and the Rainbow's favorite snack. The river's waters are safe for fish, wildlife, fishermen, rafters, kayakers and even swimmers.

Our Task Force is currently working with the DEQ to sponsor a Total Maximum Daily Load (TMDL) study on the Upper Gallatin and its tributaries. The river may be safe, but more information will only help us better understand and evaluate potential threats to the Gallatin.

A year ago MSU's Water Center completed its mission of establishing a database and ended sponsorship of data collection and of the Blue Water Task Force. However residents of Big Sky continued to feel it was important to pay attention to the condition and future of the river.

With support provided by the Big Sky Resort Tax Board we re-established the Task Force, hired a director and have continued a program designed to accomplish our mission. That mission is to protect and preserve the health of the Gallatin River watershed.

You will notice we didn't limit our interest to the river alone. We are also concerned with everything that drains into the river.

The Task Force board has not yet taken a position on the need for an Environmental Impact Statement to determine whether the Gallatin would qualify for classification as an Outstanding Water Resource. I suspect they would support an EIS. I certainly do.

However, as I said before, I do not support HB 251.

It is vague, and so loose as to be threatening to many that live and work in Big Sky. I believe it is duplicative in that it will not result in any additional protection to the river that is not already present in existing law and regulation.

Even if the bill were redrafted it still has a real potential for unintended and detrimental consequences. For example, housing developments currently tend to put together cooperative waste management and water distribution systems. Doing so requires discharge permits. Should this bill be interpreted to put a moratorium on such discharge permits construction would still go forward. Only with each individual home punching its own well and sinking its own septic system.

I sympathize with the frustration obviously felt by Representative Harris and his constituents at American Wildlands at the failure of the Legislature to provide funds to the DEQ to accomplish this study.

However the way to bring attention to the issue, and pressure to the Legislature, is not to threaten construction moratoriums in someone else's legislative district. And it is particularly upsetting that this was done without contacting or even informing those who might be most affected by a moratorium.

I suggest that members of Committee drop this flawed concept and instead just talk to their colleagues on the Natural Resource and Commerce Appropriations Committee to ask why they aren't giving DEQ the necessary funds.

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