

EXHIBIT 1
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SB 138

Senate Bill 138

Testimony before House Natural Resources Committee

by

Rich Moy, Chair, Flathead Basin Commission

March 16, 2005

A Bill FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE FLATHEAD BASIN COMMISSION; INCREASING THE NUMBER OF COMMISSION MEMBERS; MAKING PERMANENT THE ATTACHMENT OF THE FLATHEAD BASIN COMMISSION TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR ADMINISTRATIVE PURPOSES; AMENDING SECTION 2-15-3330, MCA; REPEALING SECTION 4, CHAPTER 537, LAWS OF 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Background

The Flathead Basin Commission was established in 1983 by the Montana Legislature and given the purpose "to protect the existing high quality of the Flathead Lake aquatic environment; the waters that flow into, out of, or are tributary to the lake; and the natural resources and environment of the Flathead Basin." With the rapidly expanding population growth of the Flathead River Basin, the need to protect water quality in Flathead Lake and in the basin is even greater today than it was two decades ago.

Over the past twenty years, the Flathead Basin Commission was instrumental in passing the phosphorous ban in the Flathead Basin, fighting the proposed Cabin Creek Coal mine in the North Fork of the Flathead of British Columbia, establishing an extensive stream flow and lake monitoring program and initiating a *Voluntary Nutrient Reduction Strategy* in the Flathead Basin for improving water quality.

Over the last two years, the Commission raised approximately \$1.2 million from state, federal and private grants to fund improvements in water quality. The funds were used to help local water users and city and the county governments restore and mitigation water quality problems including a number of stream restoration projects. The Commission also led the effort to assess the potential impacts of a proposed reopening of the Cabin Creek Coal Mine and coalbed methane extraction in the headwaters of the North Fork Drainage in British Columbia.

What HB 138 Does

In the past, the Commission has been tied to the Governor's Office and in the last legislative session, a bill was passed that transferred the Commission to DNRC, with a sunset clause of June 2005. This bill would permanently attach the Flathead Basin Commission to DNRC for administrative purposes.

The bill also clarifies the membership on the Commission and increases the ex-officio members from 7 to 8. The voting members on the Commission stay the same at 15. The proposed changes are as follows.

1. The DNRC director will need to appoint an individual to represent the Northwest land office of DNRC as a voting member of the Commission. This addresses the recent reorganization of state agencies, as all voting members of the Commission must reside within the basin.
2. The bill would add the DNRC director or his/her designee representing water resources to the Commission as an ex-officio member. In 1993, Governor Marc Racicot created the water resource representative as an ex-officio member of the Commission through Executive Order 7-93, but not in statute.
3. The bill would add the Bonneville Power Administrator to the Commission as an ex-officio member. The BPA member can provide the regional perspective for water from Hungry Horse Reservoir and can keep the Commission apprised of the major Columbia River issues that can have an impact on the Flathead River system.

Conclusion

The Flathead Basin Commission requests your support for Senate Bill 138.