

INCREASED WATER LEVELS ON FORT PECK RESERVOIR

The Montana Association of Counties urges Congressional action to require setting minimum pool levels 2226 feet above mean sea level on Fort Peck Reservoir.

STATE NATURAL RESOURCES	
EXHIBIT NO.	8
DATE	3/4/2005
BILL NO.	HJ4

WHEREAS, due to management for downstream barge traffic by the U.S. Army Corps of Engineers, the water levels of Fort Peck Reservoir, Montana, have reached historic lows; and

WHEREAS, access to said Reservoir is severely limited; and

WHEREAS, the Reservoir levels have created an adverse impact on recreational uses of Fort Peck Reservoir waters; and

WHEREAS, declining Reservoir levels have had an adverse effect on fisheries management of Fort Peck Reservoir; and

WHEREAS, declining Reservoir levels are affecting the availability of water for irrigation and other agricultural uses; and

WHEREAS, declining Reservoir levels have exposed thousands of acres of land, resulting in an accelerated spread of noxious weeds; and

WHEREAS, the reduced water levels have caused a severe economic impact on all of Central and Eastern Montana in that marinas have closed, most boat ramps no longer reach the water and are unusable, recreational boaters and fisherman have limited use of the Reservoir, thereby causing an economic disaster to the service industries of Central and Eastern Montana that provide food, lodging, fuel, sporting goods, boats and marinas; and

WHEREAS, studies have concluded that the economic value of barge traffic is approximately \$7 million annually and the economic value of recreational uses of the upstream dams is estimated to be \$85 million annually; and

WHEREAS, the draw down of the reservoirs on the Missouri River will have an impact on the cost of electricity to customers that receive power from the Western Area Power Administration; and

WHEREAS, restoring the lake level to 2226 feet above mean sea level will restore most of the recreational uses and will still allow for future flood control.

NOW, THEREFORE, BE IT RESOLVED that the members of the Montana Association of Counties urge the Montana Congressional Delegation to introduce and support legislation requiring the U.S. Army Corps of Engineers to increase and maintain a minimum pool elevation in Fort Peck Reservoir of 2226 feet above mean sea level.

SPONSOR:	Districts 6 & 7
RECOMMENDATION:	Do Pass
PRIORITY:	High
REFERRED TO:	MACo Public Lands Committee
ADOPTED:	Annual Conference, Missoula, MT, September 29, 2004

Proposed Split Estate Select Committee

- Six legislators with equal representation from the House and Senate Agriculture, Natural Resource, and Judiciary Committees
- Two surface owners who own property subject to split estate.
- Two mineral owners whose rights are split from the surface ownership.
- Two representatives of oil and gas production.

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A Joint Resolution of the Senate and House of Representatives of the State of Montana requesting an interim study of coal bed methane regulations, with specific attention to requirements for reclamation, bonding, surface damage, surface use agreements, and water well mitigation agreements.

WHEREAS, natural gas development in the Rocky Mountain West is rapidly increasing in Montana, Wyoming, Colorado, and New Mexico;

WHEREAS, increased coal bed methane production wells in Montana would bring additional revenue to cities, counties, and the state;

WHEREAS, over half of Montana's coal bed methane reserves in the Powder River Basin are owned by the federal government and 90% of federal methane is under private land, primarily family farms and ranches;

WHEREAS, mineral rights are dominant over surface rights;

WHEREAS, mineral rights must be balanced with the protection of the inalienable rights under Section 3, Article II of the Montana Constitution including the right to a clean and healthful environment, the rights of pursuing life's basic necessities, and the right of possessing and protecting property.

WHEREAS, Section 2, Article IX of the Montana Constitution requires that all lands disturbed by the taking of natural resources shall be reclaimed and that the legislature shall provide adequate remedies to prevent unreasonable depletion and degradation of lands disturbed.

WHEREAS, an estimated 77,000 coal bed methane wells could be drilled in the Powder River Basin of Montana and Wyoming in the next decade, including 10,000 to 26,000 wells in Montana;

- (3) That the study research and quantify the extent of the split-estate problem in Montana where methane development is most likely to occur.
- (4) That the study examine, compare and contrast Surface Damage Acts including those in Oklahoma, Texas, North Dakota, South Dakota, Wyoming, Colorado, and Montana and explore approaches to balancing mineral rights with surface rights.
- (5) That the study examine surface use agreements and identify those impacts which are adequately addressed by such agreements and identify impacts which are either not addressed or not adequately addressed by existing surface use agreements.
- (6) That the Council conduct field hearings and interviews in impacted areas in Montana, focusing on split-estate lands impacted and likely to be impacted by methane development.
- (7) That the study research whether federal oil and gas laws preempts state and local laws on split estate lands.

BE IT FURTHER RESOLVED THAT:

- (1) That the study examine, compare, and contrast reclamation and bonding statutes and regulations for methane development including those in Oklahoma, Texas, North Dakota, South Dakota, Wyoming, Colorado, and Montana.
- (2) That the study identify the unique reclamation issues posed by methane development because of well density and sodic-saline discharges from methane operations.
- (3) That the study evaluate the adequacy of Montana's reclamation and bonding regulatory framework for methane development.