

SENATE NATURAL RESOURCES  
EXHIBIT NO. 10  
DATE March 6, 2009  
BILL NO. HB 41

House Bill 41  
March 6, 2009  
Presented by Robert Lane  
Senate Natural Resources Committee

Mr. Chairman and committee members, for the record I am Robert Lane, Chief Legal Counsel of Montana Department of Fish, Wildlife & Parks (FWP).

Fish Wildlife and Parks (FWP) supports HB 41. This bill would assure that new protections in water law for existing water right holders such as mitigation and ground water recharge plans are not in conflict with the state's efforts to protect water quality. The public has voiced concern that these mitigation activities could impair water quality, especially in ground water. FWP defers to the Department of Environmental Quality's expertise with respect to necessary protections for water quality, but because of the interconnected nature of ground and surface water, generally supports legislation that assures that water quality is protected, public concerns addressed, and any permitting conflicts between water allocation and water quality protection are resolved.