

DNRC comments on LCw010

Representative Connell

The Water Resources Division of the MT DNRC provides the Water Policy Interim Committee with the following comments on the Clark Fork & Kootenai River Basin Council's proposed changes to §85-2-203 – State Water Plan

Section (3) – While the department generally supports the inclusion of the Kootenai basin in 85-2-203(3) we are concerned with the fiscal impact of this change. DNRC's state water planning activities are carried out by 2-person teams consisting of a hydrologist and water resource planner. There is one team assigned to each of the four planning basins: Clark Fork, Upper Missouri, Lower Missouri, and Yellowstone. WRD does not have the resources to establish a planning team for the Kootenai basin. WRD will require additional funding for two new FTE plus operating expenses to support separate planning activities in the Kootenai basin.

Section (3)(f) – The department opposes calling out concerns with water permitting in this section. Water Resource concerns addressed in the 2014 basin plans were brought forward by the individual basin councils. Calling out water permitting in this section is in effect elevating this concern above all other water resource concerns and removing the flexibility of the basin councils to determine their own priorities. In addition, proposed legislative changes to address concerns with the water permitting process in one planning basin would by law, apply to all the other planning basins. A consequence of the proposed change could be to give a small group of 20 people in one basin the ability to draft legislation that would affect water users statewide. Finally, water permitting is a complex and contentious process guided by the Water Use Act, case law and administrative rules. WRD does not feel that basin planning councils established under §85-2-203 are the proper venue for developing proposed legislative changes that may affect water rights.

Section (3)(h) – WRD opposes adding the requirement for the basin plans to address invasive species. Through the Montana Invasive Species Council (MISC) and the Upper Columbia Conservation Commission (UC3) Montana has two robust programs for addressing the very real threat posed by invasive species. Adding invasive species to the basin planning process would be duplicative of the work being carried out by MISC and UC3.

Section (4)(d) – The requestors of this change may not be aware that the department does not implement recommendations in the individual basin plans. The department implements recommendations in the state water plan, which are drawn from the basin plans, but are not specific to an individual basin.