



# Water Policy Interim Committee

67th Montana Legislature

PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

## SENATE MEMBERS

JILL COHENOUR  
SHANE MORIGEAU  
WALT SALES  
JEFF WELBORN, presiding officer

## HOUSE MEMBERS

WILLIS CURDY, vice-presiding officer  
ROBERT FARRIS-OLSEN  
TOM FRANCE  
RHONDA KNUDSEN  
MARTY MALONE  
BOB PHALEN

## COMMITTEE STAFF

JASON MOHR, lead staff  
CORI HACH, legal staff  
NADINE SPENCER, secretary

FINAL agenda

## HJ37 Special Committee on Selenium Standards for Lake Koocanusa

Feb. 28, 2022

Room 455

Agenda times are approximate

Special committee members are: Sen. Walt Sales (presiding officer), Sen. Jill Cohenour, Rep. Willis Curdy, Rep. Steve Gunderson, Rep. Rhonda Knudsen, Rep. Marilyn Marler, Sen. Cary Smith, Sen. Mark Sweeney

### Monday, Feb. 28

8:30 a.m. Call to order

- Roll call
- Meeting overview—Mr. Mohr

8:35 a.m. Federal analysis of adoption of selenium rule (ARM 17.30.632)

- Tonya Fish, Region 8 water quality standards contact (Environmental Protection Agency)
- Jason Gildea, Region 8 Water Division policy advisor (EPA)
- John Kilpatrick, director, Wyoming-Montana Water Science Center (U.S. Geological Survey)
- Public comment
- Committee discussion

9:15 a.m. Tribal perspective on adoption of selenium rule

- Rich Janssen, Kr., department head, Natural Resources Department (CSKT)
- Genny Hoyle, aquatic biologist, Kootenai Tribe of Idaho
- Public comment
- Committee discussion

9:45 a.m. Analysis by non-Montana entities of selenium rule

- Mary Anne Nelson, administrator, Surface and Wastewater Division (Idaho Department of Environmental Quality)
- Teck Resources Ltd.:
  - Vicki Marquis, Holland & Hart
  - Samuel Luoma, research ecologist, University of California-Davis
- Public comment
- Committee discussion

10:45 a.m. Ongoing collection of fish tissue samples

- Trevor Selch, fisheries pollution control biologist (Montana Department of Fish, Wildlife and Parks)
- Public comment
- Committee discussion

11:15 a.m. Effects of Libby Dam operation on Lake Koocanusa

- Steve Barton, chief, Columbia Basin Water Management Division (U.S. Army Corps of Engineers)
- Kevin Shaffer, chief, Seattle District Water Management Section (USACE)
- Public comment
- Committee discussion

11:45 a.m. Update on rule implementation

- Montana Department of Environmental Quality
- Public comment
- Committee discussion

12:15 p.m. Update on stringency review by Board of Environmental Review

- Katherine Orr, assistant attorney general (Montana Department of Justice) and BER counsel
- Public comment
- Committee discussion

12:25 p.m. Administrative matters

- Future meeting dates
- Direction to staff

12:30 p.m. Adjourn

Note:

All meeting materials are available on the WPIC website at [leg.mt.gov/water](http://leg.mt.gov/water).

This meeting is open to the public. The meeting will be streamed live on [www.leg.mt.gov](http://www.leg.mt.gov) and broadcast on the Montana Public Affairs Network (MPAN). An archived recording of the meeting will also be made immediately available on [www.leg.mt.gov](http://www.leg.mt.gov).

Members of the public who wish to participate via Zoom may do so. Requests to comment may be made on the committee meeting information page at <https://leg.mt.gov/committees/interim/wpic/meeting-info>. You will be sent instructions for joining and participating by 5 p.m. the day before.

During times set aside for public comment on the agenda, members of the public who have joined by Zoom may "raise their hand" and participate after being recognized by the presiding officer or Zoom manager. Comments will be taken in order. Written public comment may be sent via email in advance of the meeting to [jasonmohr@mt.gov](mailto:jasonmohr@mt.gov) and will be provided to committee members. Any oral or written public comment provided to the committee is a public record that is recorded, archived, and available on the web.

The Montana Legislative Services Division will make reasonable accommodations for persons with disabilities who wish to participate in this public meeting. For questions about accessibility or to request accommodations, please contact Jason Mohr ([jasonmohr@mt.gov](mailto:jasonmohr@mt.gov), (406)444-1640) as soon as possible before the meeting date.