



WATER POLICY INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

Jill Cohenour
Shane Morigeau
Walt Sales
Jeffrey Welborn

HOUSE MEMBERS

Willis Curdy
Robert Farris-Olsen
Tom France
Rhonda Knudsen
Marty Malone
Bob Phalen

COMMITTEE STAFF

Corina Hach - Attorney
Jason Mohr - Research Analyst
Nadine Spencer - Secretary

MINUTES LOG

March 16, 2022
State Capitol Building Room 152 and Zoom
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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MEMBERS PRESENT:

Sen. Jeffrey Welborn, Presiding Officer (R)
Rep. Willis Curdy, Vice Presiding Officer (D)
Sen. Jill Cohenour (D)
Rep. Robert Farris-Olsen (D)
Rep. Rhonda Knudsen (R)
Rep. Marty Malone (R)
Sen. Shane Morigeau (D)
Rep. Bob Phalen (R)
Sen. Walt Sales (R)

MEMBERS EXCUSED:

Rep. Tom France (D)

STAFF PRESENT:

Joe Carroll, Attorney
Corina Hach, Attorney
Jason Mohr, Research Analyst
Nadine Spencer, Secretary

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

CALL TO ORDER/ROLL CALL

08:31:21 Sen. Jeffrey Welborn called the meeting to order at 8:31 AM. The committee secretary noted the roll.

IMPLEMENTATION OF STATE WATER PLAN (850-1-203, MCA)

08:32:50 Paul Azevedo, Water Management Bureau chief, Department of Natural Resources and Conservation (DNRC), provided an update. ([Exhibit 1](#))

Public comment

None

Committee questions and discussion

08:43:20 Sen. Cohenour asked Mr. Azevedo if anyone who participated in the state water plan is participating in the comprehensive review process.

08:44:25 Sen. Sales thanked Mr. Azevedo for the report and the ability to tie the state water plan into the comprehensive review.

08:46:00 Rep. Farris-Olsen entered the meeting.

UPDATE ON COMPREHENSIVE REVIEW OF WATER ADMINISTRATION AND MANAGEMENT

08:47:33 Anna Pakenham Stevenson, Water Resources Division administrator, DNRC, provided an update. ([Exhibit 2](#))

08:53:25 Ms. Pakenham Stevenson provided an overview of the key challenges.

09:05:03 Rep. Malone entered the meeting.

Public comment

09:06:31 Abigail St. Lawrence, Montana Building Industry Association

Committee questions and discussion

None

UPDATE ON STATE DROUGHT PLAN

09:13:08 Valerie Kurtz, Water Resources Division regional water planner, DNRC, provided an update. ([Exhibit 3](#))

Public comment

None

Committee questions and discussion

09:29:01 Rep. Curdy asked Ms. Kurtz how the department ensures contractors are working together.

09:31:22 Rep. Malone thanked the department and said he appreciates the work being done regionally.

09:31:57 Rep. Phalen asked Ms. Kurtz about soil health practices.

09:33:40 Sen. Welborn thanked Ms. Kurtz.

09:34:14 Recess
09:55:28 Reconvene

STUDY OF FLATHEAD RIVER EROSION (SJ28): STATEWIDE EROSION AND STATEWIDE BOATING ISSUES

Statewide Erosion Issues

09:56:04 Tenlee Atchison, Cascade Conservation District. [\(Exhibit 4\)](#)

10:04:47 Mark Siderius, Flathead Conservation District and Flathead River Commission. [\(Exhibit 5\)](#)

10:15:05 Karl Christians, Lewis and Clark Conservation District supervisor and vice-chair, Missouri River Conservation District Council.

10:21:44 Jeff Ryan, Lewis and Clark Conservation District chairman. [\(Exhibit 6\)](#)

10:29:48 Rich Janssen, Jr., Natural Resources department head, Confederated Salish and Kootenai Tribe. (CSKT)

Public comment

None

Committee questions and discussion

10:34:09 Sen. Cohenour asked Mr. Siderius if it is possible to lower lake levels to allow vegetation to take root and help stabilize streambanks.

10:39:00 Sen. Cohenour asked Mr. Siderius about a solution and what the conservation district is asking the WPIC to do.

10:41:15 Sen. Cohenour asked Mr. Christians the same question.

10:43:39 Rep. Malone asked Ms. Atchison who enforces the no-wake zone in Cascade County.

10:45:16 Rep. Malone asked Mr. Christians about the conservation district's authority to regulate use on state water.

10:46:33 Rep. Curdy asked Mr. Siderius if conservation districts use announcements on local radio and television stations to inform the public about the impact boat wakes have on rivers, streams, and lakes. He asked about providing information to boaters that stop at aquatic invasive species (AIS) inspection stations.

10:50:14 Sen. Welborn said the Department of Fish, Wildlife, and Parks (FWP) will be providing a presentation on statewide boating issues next.

Statewide Boating Issues

10:51:02 Phil Kilbreath, Law Enforcement Division, state boating law administrator, FWP, provided an overview of FWP's boating program. [\(Exhibit 7\)](#)

Public comment

None

Committee questions and discussion

- 11:10:51 Rep. Curdy asked Mr. Janssen if the CSKT would be interested in an educational program that coincides with the AIS prevention program on Flathead Lake.
- 11:12:05 Sen. Morigeau entered the meeting.
- 11:12:49 Rep. Phalen asked Mr. Kilbreath if FWP has taken any public comment on wake boats.
- 11:13:39 Rep. Phalen asked Mr. Ryan about a permanent solution to restore shorelines and the use of concrete or rock versus vegetative material.
- 11:17:09 Sen. Welborn thanked the participants. He commented on the need to protect property.

STUDY OF SELENIUM STANDARDS FOR LAKE KOOCANUSA (HJ37): UPDATE FROM SPECIAL COMMITTEE

- 11:19:10 Sen. Sales provided an update on the HJ37 special committee and discussed next steps.
- 11:23:06 Steven Rufatto, Board of Environmental Review chair (BER), said the petitions from Teck Coal and Lincoln County are pending before the BER. He discussed the decision made by the Board at its February 25 meeting.
- 11:27:48 Amy Steinmetz, Water Quality Division administrator, Department of Environmental Quality (DEQ), discussed the BER process and next steps.

Public comment

None

Committee questions and discussion

- 11:31:30 Sen. Cohenour asked Mr. Rufatto about her request that BER legal counsel be present at the WPIC meeting and provide an assessment of the February 25 meeting. She asked Mr. Rufatto why he is writing the decision rather than legal counsel tasked with supporting the efforts of the BER.
- 11:32:10 Sen. Welborn left the meeting. Rep. Curdy assumed the duties of presiding officer.
- 11:33:47 Sen. Cohenour said because legal counsel was not able to be present at the February 25 meeting, she had asked her to review the work that was done, and the votes taken. She said she is concerned that the work done at the meeting is not being considered tentative since it was not voted on by the full board.
- 11:35:13 Sen. Cohenour asked Mr. Rufatto about the decision points made in the stringency review.
- 11:38:25 Sen. Cohenour asked Mr. Rufatto about the structure of the BER.
- 11:38:53 Sen. Welborn returned to the meeting and resumed the duties of presiding officer.
- 11:39:22 Sen. Cohenour said she is concerned that the BER acted in a meeting, without legal counsel, and asked Mr. Rufatto why the Attorney General's office did not provide another attorney to staff the meeting.
- 11:40:25 Sen. Cohenour said she recommends that the DEQ provide information about the charge of the BER.
- 11:41:01 Mr. Rufatto said he is unaware of a requirement regarding the presence of legal counsel.
- 11:41:43 Sen. Welborn thanked Mr. Rufatto and Sen. Sales.
- 11:42:03 Sen. Sales commented on the efforts of the special committee.

ADMINISTRATIVE MATTERS

11:42:40 Mr. Mohr discussed next steps for the WPIC.

Future Meeting Locations, Dates

11:46:14 Mr. Mohr asked about holding the July WPIC meeting in Kalispell.

11:47:02 Sen. Cohenour asked Mr. Mohr if the meeting would be within the budget.

11:47:54 Rep. Malone thanked Mr. Mohr.

11:48:44 Sen. Welborn thanked the committee and staff.

ADJOURNMENT

11:49:36 Sen. Welborn adjourned the meeting at 11:49 a.m.