



Water Policy Interim Committee

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65th Montana Legislature

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FINAL AGENDA

WATER POLICY INTERIM COMMITTEE

Room 152, STATE CAPITOL

July 16-17, 2018

AGENDA TIMES ARE APPROXIMATE

Note: This meeting schedule may be altered in event of a special session.

Monday, July 16

1 p.m. Call to order

- Roll call
- Approval of May, 2018 minutes

1:10 p.m. Update from Environmental Quality Council

- Joe Kolman, environmental analyst, LEPO

1:30 p.m. Update from Governor's Drought and Water Supply Advisory Committee

- Michael Downey, Water Planning Section supervisor (DNRC)
- Public comment
- Committee questions and discussion

1:45 p.m. Missouri Headwater Basin Study

- Micheal Downey, Water Planning Section supervisor (DNRC)
- Public comment
- Committee questions and discussion

2 p.m. Water quality: Best Management Practices and Streamside Management Zones

- Roger Ziesak, Forest Practices Program manager (DNRC)
- Public comment
- Committee questions and discussion

2:30 p.m. Rules for small water utilities

- Sonja Nowakowski, Office of Research and Policy Analysis director (LSD)
- Public comment
- Committee questions and discussion

3 p.m. Break

3:15 p.m. **Bureau of Land Management: Overview of water issues in Montana**

- Jon Raby, director, BLM Montana-Dakotas
- Public comment
- Committee questions and discussion

3:45 p.m. **Early warning systems at Montana's high-hazard dams**

- Jan Langel, administrator, Water Resources Division
- Public comment
- Committee questions and discussion

4:30 p.m. **Hydroelectric potential report (85-1-501, MCA)**

- Mr. Langel
- Public comment
- Committee questions and discussion

5 p.m. **Recess**

Tuesday, July 17

9 a.m. **DEQ reports on water quality: NPS, TMDLs, integrated report**

- Integrated water report
 - Eric Urban, Water Quality Planning Bureau chief (DEQ)
- TMDL list update (75-5-703, MCA)
 - Jon Kenning, Water Protection Bureau chief (DEQ)
- Five-year, non-point source pollution plan
 - Mr. Kenning
- Public comment
- Committee questions and discussion

10:15 a.m. **Columbia River Treaty renegotiations**

- Jennifer Anders, vice-chair, Northwest Power and Conservation Council
- Public comment
- Committee questions and discussion

10:45 a.m. **Break**

11 a.m. **Update on SB325 rules**

- Mr. Urban
- Public comment
- Committee questions and discussion

11:30 a.m. **Update from Water Pollution Control Advisory Council**

- Earl Salley, vice chairman
- Public comment
- Committee questions and discussion

Noon **Lunch**

1 p.m. **Study of the process of changing a water right**

- Draft report—Mr. Mohr
- Public comment
- Committee questions and discussion
- Committee consideration of draft report for public comment

1:30 p.m. **Study of exempt groundwater wells**

- Draft report—Mr. Mohr
- Public comment
- Committee questions and discussion
- Committee consideration of draft report for public comment

2 p.m. **Draft legislation**

- Bills requested at May meeting—Mr. Mohr
 - Define a "supplemental notice" within the Montana Administrative Procedures Act (LCw001)
 - Revise certain water right adjudication processes, such as motion to amend a water right claim, final decree requirements for reserved water rights, and appeal deadlines to the Montana Water Court (LCw002)
 - Allow an extended response deadline for a water right permit of change application (LCw003)
 - Clarify that legal availability analysis does not determine adverse effects as criteria in a water rights change application (LCw004)
 - Clarify that a water right permit or a water right change application relying on a waiver of adverse effect does not require a legal availability determination (LCw005)
 - Study Montana's stream gauge network (LCw006)
 - Allow the DNRC to compile a distribution list of water rights holders from FWP (LCw007)
- Other proposals
 - Judge Russ McElyea, Montana Water Court
 - Ed Lieser, Flathead Basin Commission
 - Mike Koopal, Whitefish Lake Institute
- Public comment
- Committee questions and discussion
- Committee consideration of draft bills for public comment

3 p.m. **Administrative matters**

- Administrative rule review – Legal Services Office
- Letter to Interior, Congress regarding water right processes – Mr. Mohr
- September meeting preview – Mr. Mohr
- Instructions to staff
- Public comment
- Committee questions, discussion, decisions

3:15 p.m. **Public comment on any issue within the jurisdiction of the WPIC**

3:30 p.m. **Adjourn**

Meeting attendees who may need services or accommodations should contact Jason Mohr (406-444-1640 or jasonmohr@mt.gov) at least 5 working days before the meeting.