



## Water Policy Interim Committee

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### 65th Montana Legislature

#### SENATE MEMBERS

PAT CONNELL--Chair  
JILL COHENOUR  
JON SESSO  
JEFFREY WELBORN

#### HOUSE MEMBERS

ZACH BROWN--Vice Chair  
BOB BROWN  
JOHN FLEMING  
CARL GLIMM

#### COMMITTEE STAFF

JASON MOHR, Lead Staff  
NADINE SPENCER, Secretary  
ERIN BILLS, Legal Staff

# MINUTES LOG

March 5, 2018  
Room 172, Capitol Building  
Helena, Montana

Please note: This document is a Minutes Log and provides a notation 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 record 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 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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### **COMMITTEE MEMBERS PRESENT**

SEN. PAT CONNELL, Chair  
REP. ZACH BROWN, Vice Chair

SEN. JILL COHENOUR  
SEN. JON SESSO  
SEN. JEFFREY WELBORN

REP. BOB BROWN  
REP. JOHN FLEMING  
REP. CARL GLIMM

## **STAFF PRESENT**

JASON MOHR, Lead Staff  
NADINE SPENCER, Secretary  
ERIN BILLS, Legal Staff

## **VISITORS' LIST** (Attachment 1)

## **AGENDA** (Attachment 2)

### **COMMITTEE ACTIONS**

The Water Policy Interim Committee (WPIC):

- Approved the minutes log from January 8 and 9, 2018;
- Voted to draft LC0005 for public comment;
- Voted to send a letter to the U.S. Forest Service, Northern Region, regarding the water compact and concern over current forest management plans;
- Voted to hold the May meeting in Bozeman and not to tour the Sandfire Resources Black Butte Cooper Mine project.

### **CALL TO ORDER AND ROLL CALL**

00:00:01 Sen. Connell called the meeting to order at 8:07 a.m. The secretary called the roll. (Attachment 3)

### **Approval of January 2018 minutes**

#### **Motion/Vote**

00:01:22 Rep. Glimm moved to approve the minutes from January 8-9, 2018. The motion carried unanimously by voice vote of those present and voting.

### **UPDATE FROM ENVIRONMENTAL QUALITY COUNCIL**

00:02:36 Joe Kolman, environmental analyst, Legislative Services Division (LSD), presented information about the March 21- 22 Environmental Quality Council (EQC) meeting.

00:02:56 Sen. Cohenour entered the meeting at 8:09 a.m.

00:08:37 Mr. Kolman provided information on aquatic invasive species (AIS) funding and how other states fund their AIS programs by charging fees on watercraft. (Exhibit 1)

#### **Committee questions and discussion**

00:10:56 Sen. Connell said the WPIC will hear from a member of the Northwest Power and Conservation Council this afternoon in response to a letter that was sent by the committee regarding the state's AIS efforts.

00:11:26 Sen. Connell invited Rep. Walt Sales, HD 69, to join the committee at the table as a visiting legislator.

00:11:52 Rep. Z. Brown entered the meeting at 8:18 a.m.

## **STUDY OF GROUNDWATER WELLS EXEMPT FROM PERMITTING**

### **Updated Permit and Exemption Data**

00:12:33 Millie Heffner, Water Rights Bureau chief, Department of Natural Resources and Conservation (DNRC), discussed the trend data related to exempt groundwater wells that was requested by the WPIC at its last meeting. [\(Exhibit 2\)](#)

### **Update on Vision 2020**

00:16:56 Steve Candler, CEO, Gallatin Association of Realtors, provided information on a comprehensive planning process as a possible solution for exempt well issues in the state. [\(Exhibit 3\)](#)

00:24:49 Sen. Sesso entered the meeting at 8:30 a.m.

### **Application of Groundwater Policy Principals to Other Legislative Proposals**

00:25:52 Andrew Gorder, legal director, Clark Fork Coalition, presented information on applying the coalitions' groundwater policy principles to existing policy proposals in HB 339 (2017) and Trout Unlimited's buffer zone proposal. [\(Exhibit 4\)](#)

### **Follow-up on MAR 36-22-196**

00:35:02 Erin Bills, legal staff, LSD, provided an update on MAR Notice No. 36-22-196.

00:37:55 Ms. Bills said that Sen. Connell requested that staff draft a bill to amend the Montana Administrative Procedure Act (MAPA) to clarify the definition of supplemental notice. [\(Exhibit 5\)](#)

Public comment None

### **Committee questions and discussion**

00:40:56 Sen. Cohenour asked Ms. Heffner about the trend lines.

00:42:43 Sen. Cohenour asked Ms. Heffner about trend lines before 2008.

00:44:30 Rep. Glimm thanked Ms. Heffner for the data and asked about the water right permit trends for data from 2008-09.

00:47:07 Rep. Glimm asked Ms. Heffner about the trend line for exempt well approvals.

00:48:37 Sen. Connell asked Mr. Candler about his process and working within the conditions of the prior appropriation doctrine.

00:51:07 Rep. Z. Brown asked Mr. Candler about the relationship between his process and existing policy proposals.

00:52:55 Rep. Z. Brown asked Mr. Candler about the expected timeline for stakeholder meetings.

00:54:25 Sen. Connell commented on budget issues.

00:55:29 Rep. Z. Brown asked Mr. Candler to clarify funding. Mr. Candler said it will be funded through participants and stakeholders.

00:56:35 Sen. Connell said the majority of the land base in Montana is classified as a closed basin and asked Mr. Gorder if the coalition's approach implies that there can be no further population growth in areas that are closed basins.

00:59:07 Sen. Connell asked Mr. Gorder to clarify why he believes that the existing policies do not allow for property defense.

01:02:35 Sen. Connell asked Mr. Gorder about other opportunities for obtaining water permits for future developments other than exempt permits.

01:03:33 Sen. Connell asked Mr. Gorder about water mitigation and where mitigated water is recombined into the existing watershed.

01:07:16 Rep. Z. Brown said the committee received an email from a WGM Group employee commenting on the permitting process, the change process, and the exempt well issue. **(Exhibit 6)** He requested that they be invited to the WPIC meeting in May. Sen. Connell said it can be discussed during instructions to staff at the end of the day.

01:08:51 Sen. Sesso commented on the difference between policy discussions on exempt wells and the current process in place on closed basins. He said that because exempt wells do not go through a process that is what ultimately needs to be addressed. Sen. Connell agreed.

01:12:46 Rep. Z. Brown clarified his request for the committee to consider and discuss the comments made by the employee of the WGM Group.

01:14:46 Sen. Cohenour said exempt wells in closed basins is affecting other water users and there is no law in place that deals with it while allowing development to continue. She said the purpose of WPIC is to look at the issue and to find a solution.

01:16:49 Sen. Connell opened discussion on the committee bill draft.

01:19:21 Sen. Cohenour asked Ms. Bills how the bill draft will affect the rest of MAPA.

01:21:36 Sen. Cohenour asked Ms. Bills if the bill draft adequately addresses both issues. Ms. Bills said she would like input from the committee on the bill draft and how it wants to address the issues.

01:22:36 Sen. Cohenour commented on the bill draft.

01:23:10 Sen. Sesso asked Ms. Bills how often a rule notice is amended and if legislation is warranted.

01:25:24 Sen. Sesso asked Sen. Connell about the issue with the rule and if the WPIC is the appropriate committee to draft a bill dealing with MAPA.

01:30:46 Sen. Connell asked Sen. Sesso about inviting legal staff from the State Administration and Veterans Affairs Interim Committee (SAVA) to attend the WPIC meeting in July and discuss the issue before taking action on proposed legislation. Sen. Sesso said he recommends that staff communicate with SAVVA regarding the issue.

01:33:37 Sen. Connell agreed and directed staff to advise SAVVA of the proposed bill and asked Sen. Sesso about deferring action until a later meeting. Sen. Sesso agreed.

01:35:30 Sen. Cohenour said she recommends not having an agenda item until after the committee takes action and to send letters to the departments that use MAPA.

01:36:26 Jason Mohr, research analyst, LSD, commented on the process and said the committee could make a motion to approve the draft legislation that would then allow for public comment.

01:37:25 Rep. Glimm commented on the process.

### **Motion**

01:40:08 Rep. Glimm moved to draft LC0005 for public comment.

### **Discussion on the Motion**

01:40:26 Sen. Cohenour  
01:42:21 Sen. Connell  
01:43:21 Mr. Mohr  
01:44:24 Rep. Z. Brown  
01:44:50 Rep. B. Brown  
01:45:22 Sen. Cohenour  
01:45:48 Mr. Mohr restated the motion.  
01:46:02 Sen. Connell

### **Vote**

01:46:15 The motion carried unanimously by roll call vote. ([Attachment 4](#))  
  
01:47:49 Recess  
02:14:21 Reconvene

### **MONTANA FORESTS: ISSUES OF CLIMATE AND LAW**

02:14:47 Mr. Mohr said Chairman Connell requested the agenda item and that the WPIC was suppose to hear from one of the members that wrote the Montana Climate Assessment. He said the committee received an executive summary of the assessment and he reviewed the major impacts on Montana's water, forests, and agriculture. ([Exhibit 7](#))

### **Summary of Water, Forest Issues from Montana Climate Assessment**

02:16:10 Mr. Mohr discussed impacts to Montana's water.  
02:17:08 Mr. Mohr discussed impacts to Montana's forests.  
02:17:42 Mr. Mohr discussed impacts to Montana's agriculture.  
  
02:19:34 Sen. Connell commented on the agenda topic and the U.S. Forest Service (USFS) water compact. He said that representatives from the Region 1 office were unable to attend the meeting today and encouraged their participation in the future.

### **Overview of Federal Laws Related to Management of USFS Lands: Implications for Water Supplies and Water Availability in Montana**

02:23:11 John Bloomquist, attorney, Bloomquist Law Firm. P.C., discussed his experience in water law and federal land issues. He provided his perspective on the duties and obligations in managing federal lands and the implications of management on the state's water supply.  
02:37:12 Mr. Bloomquist discussed the Organic Act of 1897 and federal laws governing management of forest land.  
02:54:11 Mr. Bloomquist discussed the National Environmental Policy Act (NEPA).  
02:57:14 Mr. Bloomquist discussed propositions to consider.  
02:59:57 Mr. Bloomquist discussed implications to water availability and timing.  
03:07:54 Mr. Bloomquist provided his recommendations for the state to consider.

### Public comment

- 03:11:23 Brent Campbell, CEO, WGM Group, commented on the water compact between Canada and the U.S.
- 03:13:21 Steve Roth, 1X Ranch, commented on the Montana Climate Assessment and an expansion of powers by the Montana Water Court and the DNRC.
- 03:17:32 Jay Bodner, Montana Stockgrowers Association, commented on working with federal partners.
- 03:20:19 Mike Murphy, Montana Water Resources Association, commented on impacts to agriculture and irrigation.
- 03:22:25 Roger Raynal, Tucker Crossing Ranch, Bitterroot Valley, commented on using available data on water flow and storage to help with forest management.
- 03:23:35 Tim Burton, executive director, Montana League of Cities and Towns, commented on the connection between municipal senior water rights and the ability to use them effectively.

### Committee questions and discussion

- 03:25:07 Sen. Cohenour asked Mr. Bodner about participation by the association in watershed groups.
- 03:26:52 Sen. Cohenour asked Mr. Bodner about the association's request to the WPIC.
- 03:28:33 Sen. Cohenour asked Mr. Bodner if the association wants the WPIC to have oversight for watershed groups.
- 03:30:41 Sen. Cohenour asked Mr. Bloomquist about his recommendations for the WPIC's role.
- 03:34:34 Rep. Glimm asked Mr. Bloomquist about federal management projects that are litigated and the supremacy of the Organic Act and NEPA.
- 03:41:21 Sen. Cohenour asked Mr. Burton for his perspective on the Ten Mile Creek watershed.
- 03:44:32 Sen. Sesso asked Mr. Roth about his observations, and if he is making changes on his ranch because of earlier mountain snow melt and less moisture in the ground.
- 03:49:49 Sen. Sesso asked Mr. Roth for his opinion on any policy changes.
- 03:53:16 Sen. Welborn asked Mr. Roth about the increase in sage brush landscape and conifer encroachment and the effect on water yield. Sen. Welborn said it may be a topic the committee might want to discuss in the future.
- 03:55:34 Rep. Sales asked about the presence of a representative from the USFS in the audience. Sen. Connell said there are no representatives that have the authority to speak.
- 03:56:13 Rep. Sales asked Mr. Bloomquist about the frequency for revising forest management plans.
- 03:56:58 Rep. Sales asked Mr. Bloomquist if any management plans look at the issue of water runoff.
- 03:57:49 Rep. Sales asked Mr. Bloomquist about the USFS compact.
- 04:00:14 Rep. Z. Brown asked Mr. Bloomquist about the compact between the U.S. and Canada.
- 04:02:04 Rep. Z. Brown asked Mr. Bloomquist about the timing of water runoff, the issue of period of use, and the adjudication process.
- 04:05:38 Rep. Sales asked Mr. Bloomquist about the period of use.

- 04:07:41 Rep. Z. Brown commented on the period of use and the comparison to crop insurance and when seeding is allowed.
- 04:08:38 Sen. Connell commented on the importance of water. He said the next agenda item will be scheduled for after lunch.
- 04:09:51 Recess for lunch at 12:16 p.m.
- 05:12:34 Reconvene at 1:19 p.m.

Sen. Connell left the meeting and gave his proxy to Sen. Welborn. [\(Attachment 5\)](#) Rep. Z. Brown assumed the role as chairman.

**BIENNIAL REPORT FROM THE RENEWABLE RESOURCES GRANT AND LOAN PROGRAM (85-1-621, MCA)**

- 05:12:45 Mr. Mohr provided an introduction and said the committee received information on the Renewable Resources Grant and Loan program. [\(Exhibit 8\)](#)
- 05:13:31 Alice Stanley, chief, Resource Development Bureau, DNRC, presented the biennial report on the Renewable Resources Grant and Loan program. [\(Exhibit 9\)](#)
- 05:20:43 Ms. Stanley discussed a brochure. [\(Exhibit 10\)](#)

Public comment        None

Committee questions and discussion

- 05:22:56 Rep. Fleming asked Ms. Stanley about the active loans to public entities and the amount remaining on the loan.
- 05:25:09 Sen. Sesso asked Ms. Stanley about the status of payments on the loans.
- 05:26:07 Sen. Sesso asked Ms. Stanley about requests for 2018-19 planning grants.
- 05:27:56 Sen. Sesso asked Ms. Stanley about the watershed support grants provided in HB 6 (2015).
- 05:30:47 Sen. Sesso asked Ms. Stanley about the current biennium.
- 05:32:33 Sen. Sesso asked Ms. Stanley about the current reduction in funds coming in and if it is related to reduced revenue coming through the resource indemnity trust program (RIT).
- 05:33:21 Rep. Z. Brown asked Ms. Stanley about HB 424 (2017) and if there have been any applications received for source watershed management projects. He also asked if the change in the match requirement for private grants and loans has resulted in an increase in qualifying projects.

**PROPOSED LEGISLATION FROM THE ADJUDICATION ADVISORY COMMITTEE**

- 05:38:03 Holly Franz, member, Adjudication Advisory Committee, said the subcommittee has drafted three legislative proposals dealing with final decrees, but has not yet been able to present it to the water judge and the advisory committee as a whole. She said she will provide the draft legislation to staff once it is ready. She gave an overview of the proposed changes.
- 05:39:43 Ms. Franz discussed a proposal to eliminate the requirement that the final decree state the current use or purpose for which the water right is currently being used.

- 05:40:42 Ms. Franz discussed proposed changes regarding appeals to Water Court decisions.
- 05:43:48 Ms. Franz discussed proposed changes to amendments to statements of claim.

Public comment None

Committee questions and discussion

- 05:46:16 Rep. Glimm asked Ms. Franz about the appeal process.
- 05:47:24 Rep. Fleming asked Ms. Franz if losing the right to appeal results in losing the water right.
- 05:48:13 Sen. Cohenour asked Ms. Franz about the other concerns from the Water Court, and if they are still being considered by the advisory committee.
- 05:50:50 Rep. Z. Brown asked Ms. Franz about decoupling state-based rights from reserved rights in final decrees.
- 05:52:26 Rep. Z. Brown said he appreciates the efforts of the advisory committee and looks forward to having the proposals ready for the May meeting.

**UPDATE ON SB325 RULES**

- 05:52:41 Tim Davis, Water Quality Division administrator, Department of Environmental Quality (DEQ), provided an update on implementation of SB 325.

Public comment None

Committee questions and discussion

- 05:56:12 Sen. Sesso asked Mr. Davis when rules for part two of SB 325 will be finalized.
- 05:56:33 Sen. Sesso asked Mr. Davis if part two rules will be changed before it is finalized.
- 05:57:00 Sen. Sesso asked Mr. Davis about the public comments DEQ received on the renewal process.
- 05:58:48 Sen. Sesso asked Mr. Davis if there will be an opportunity to see DEQ's response to the public comments before the Board of Environmental Review takes action on the proposed rules.

**RESPONSE TO WPIC LETTER OF NORTHWEST POWER AND CONSERVATION COUNCIL**

- 05:59:41 Mr. Mohr said the WPIC will hear from the Northwest Power and Conservation Council regarding its response to the letter sent by the committee asking for help in Montana's efforts to combat aquatic invasive species. **(Exhibit 11)**
- 06:00:36 Tim Baker, Montana member, Northwest Power and Conservation Council (NPCC), provided information on the council and discussed its response to the letter received from the WPIC. **(Exhibit 12)**
- 06:13:46 Mr. Baker said that Kerry Berg, staff, NPCC, is present in the audience and provided information on the council's fish and wildlife plan. **(Exhibit 13)**

Public comment None



#### Committee questions and discussion

- 06:14:23 Rep. Glimm commented on the AIS problem and said the council needs to increase its efforts to find resources to combat the problem.
- 06:19:46 Sen. Welborn said AIS is everyone's problem and that the sooner it is taken care of upstream the less costly it will be downstream. He said money spent with outside resources will be a good investment. Mr. Baker said he will take the message back to the council.
- 06:22:09 Rep. Z. Brown asked Mr. Baker about the hydro fee that was passed by the legislature and how it impacted Bonneville Power Administration ratepayers. Mr. Baker said he will find out and provide the information to the committee.
- 06:23:40 Rep. Z. Brown asked Mr. Baker about the timeline for revising the fish and wildlife program. Mr. Baker redirected the question to Mr. Berg.
- 06:24:42 Rep. Z. Brown asked Mr. Baker about the additional appropriation that the council is trying to secure.
- 06:25:42 Rep. Z. Brown said the Legislative Council on River Governance will meet in August in Butte and invited the NPCC to participate.

#### **STUDY OF THE PROCESS OF CHANGING A WATER RIGHT: IMPLEMENTATION OF HB 40 (2009)**

- 06:27:20 Ms. Heffner provided information on implementation of HB 40.

#### Public comment

- 06:36:10 Abigail St. Lawrence, Montana Building Industry Association, commented on the change process and offered to help facilitate discussions between the WPIC and people that are going through the change process.

#### Committee questions and discussion

- 06:37:55 Sen. Cohenour asked Ms. Heffner about improvements at the DNRC on how long it is taking for someone to go through the change process.
- 06:39:24 Sen. Sesso asked about a relationship between the study of the process of changing a water right and the adjudication process. Rep. Z. Brown directed the question to Ms. Franz.
- 06:42:04 Rep. Z. Brown asked Ms. Franz if the change process and the adjudication process look at the same information or the same water right, but have a different level of analysis.
- 06:43:10 Sen. Sesso asked about obtaining feedback from stakeholders on ways to improve the process. Rep. Z. Brown directed the question to Mr. Mohr.
- 06:45:30 Sen. Sesso asked Ms. Heffner about administration of the program and finding a way to keep it fair while using it in a way that could decrease pressure on the use of exempt wells.
- 06:49:56 Rep. Glimm asked Ms. Heffner about the average timeline for getting through the change process. Ms. Heffner said it depends on the complexity of the application.
- 06:51:27 Rep. Glimm said he recommends having time at the next meeting to get input from people who are going through the change process. Rep. Z. Brown agreed and said an example is the letter from WGM Group.
- 06:53:11 Sen. Cohenour said that any information received by the WPIC should also be provided to the DNRC for their comments at the meeting.

06:54:18 Rep. Z. Brown requested that staff provide a copy of the memo from WGM Group (see exhibit 6) and copies of all presentations to the department at the next meeting.

06:54:30 Rep. Z. Brown commented on Jim Peterson's presentation to the WPIC during the last interim on the change process, when Peterson was chair of Governor Bullock's Mainstreet Montana Agriculture Committee.

06:55:24 Rep. Z. Brown asked Ms. Heffner about mitigation and the change process for the Grass Valley French Ditch Company and if a simulation was done on the process by the DNRC.

06:58:38 Sen. Cohenour said she suggests that the committee have a panel discussion on the change process and gave her recommendations. Rep. Sales commented on the panel discussion. Rep. Z. Brown agreed.

07:00:14 Rep. Z. Brown thanked Ms. Heffner and the committee for the discussion.

07:01:24 Recess

07:17:48 Reconvene

**UPDATE FROM GOVERNOR'S DROUGHT AND WATER SUPPLY ADVISORY COMMITTEE**

07:18:13 Mr. Mohr provided an introduction and said the committee will receive an update on the current drought and water supply.

07:18:45 Michael Downey, Water Planning Section Supervisor, Water Management Bureau, DNRC, gave a PowerPoint presentation on the 2018 water supply outlook. [\(Exhibit 14\)](#)

Public comment None

Committee questions and discussion None

**REPORT FROM UPPER CLARK FORK RIVER BASIN STEERING COMMITTEE (85-2-338, MCA)**

07:30:49 Mr. Mohr presented an introduction and provided information on the Upper Clark Fork River Basin Steering Committee.

07:31:49 Maureen Connor, committee member, Upper Clark Fork River Basin Steering Committee, discussed the steering committee and recommendations from its last report.

Public comment None

Committee questions and discussion

07:35:34 Sen. Cohenour asked Ms. Connor about future activity.

07:38:51 Sen. Cohenour asked Ms. Connor about working with local watershed groups.

07:42:16 Sen. Cohenour said the WPIC can help if there is a need for future legislation.

07:43:13 Rep. Z. Brown asked Ms. Connor about possible future legislation.

**PROGRAM EVALUATION: WATER RESOURCES DIVISION (DNRC)**

07:44:31 Mr. Mohr provided an overview of the of the Water Resources Division, DNRC. [\(Exhibit 15\)](#)

07:46:01 Mr. Mohr discussed the Water Management Bureau.

07:46:43 Mr. Mohr discussed the Water Operations Bureau.  
07:47:33 Mr. Mohr discussed the Water Projects Bureau.  
07:48:48 Mr. Mohr discussed the Water Rights Bureau.  
07:52:06 Mr. Mohr discussed the division's budget.  
07:53:18 Mr. Mohr discussed future issues for the division.

Committee questions and discussion

07:54:13 Rep. Z. Brown asked Mr. Mohr about the follow-up procedure on the recommendations that were made in the 2010 legislative audit.

**ADMINISTRATIVE MATTERS**

**Administrative Rule Review**

07:55:27 Ms. Bills provided an update on an administrative rule notice for a Department of Fish, Wildlife, and Parks pilot program on AIS in the Flathead River basin.  
**(Exhibit 16)**

Committee questions and discussion                      None

Public comment                      None

**Instructions to Staff**

07:57:03 Rep. Z. Brown opened discussion on the letter that Chairman Connell requested staff to prepare on the USFS water compact. **(Exhibit 17)**  
07:57:42 Mr. Mohr discussed the letter and said he needs direction from the WPIC on whether or not to send the letter.  
07:59:22 Sen. Cohenour said she recommends changing the language in the letter so it is more positive. Rep. Z. Brown agreed.  
08:01:26 Rep. Glimm said he recommends that the WPIC receive notification from the USFS when all land management plans are being revised.  
08:02:08 Sen. Cohenour provided her suggestions for changing language in the letter.  
08:03:10 Mr. Mohr asked for further direction on the motion.

**Motion/Vote**

08:03:58 Sen. Cohenour moved to have staff make the revisions that were discussed by the committee and send the letter to the USFS. The motion carried unanimously by vote voice of those present and voting.  
  
08:04:18 Rep. Z. Brown said that without objection staff will make the changes and send the letter. Mr. Mohr agreed.  
  
08:04:36 Sen. Welborn said he was contacted by the Big Hole Watershed Committee (BHWC) about funding concerns for stream gauging stations and requested that an agenda item be added at a future meeting to hear from stakeholders.  
08:06:23 Rep. Z. Brown agreed and commented on his conversation with Jennifer Downing, BHWC, and instructed staff to add the agenda item.  
08:07:55 Mr. Mohr said he also talked to Ms. Downing.

08:08:24 Sen. Welborn said he talked to Sen. Connell and he also supports adding the agenda item.

#### Committee discussion on May meeting

08:08:45 Rep. Z. Brown said the committee received an invitation to tour the Sandfire Resources proposed cooper mine in White Sulphur Springs during its meeting in May and that he would like to host the May meeting in Bozeman.

08:09:51 Mr. Mohr said the mine tour is only available on Monday, May 21.

08:10:44 Rep. Z. Brown asked Mr. Mohr how a meeting in Bozeman will affect the budget.

08:11:57 Sen. Cohenour asked Rep. Z. Brown if the meeting will be in Bozeman and include a tour of the mine.

08:13:23 Sen. Cohenour said she recommends having the meeting in Bozeman, but not to include a tour of the mine.

08:14:38 Rep. B. Brown commented on having the meeting in Bozeman.

08:15:19 Rep. Z. Brown said he would like to tour the subdivision in Bozeman that was permitted and now is in litigation under the Supreme Court decision.

08:16:14 Rep. Sales said Big Sky just completed their sustainable waters solution forum and that it may be an opportunity to share what came out of the plan.

08:17:18 Sen. Cohenour commented on meeting in Bozeman.

#### Motion

08:17:59 Sen. Cohenour moved to hold the May meeting in Bozeman and to not include a tour of the Sandfire Resources copper mine.

#### Discussion on the Motion

08:18:14 Rep. B. Brown

08:18:48 Rep. Glimm

#### Vote

08:20:23 The motion carried 5-3 by roll call vote. **(Attachment 6)** Rep. B. Brown, Rep. Glimm, and Sen. Connell voted no. Sen. Connell voted by proxy.

08:21:13 Rep. Z. Brown said he will inform Sandfire Resources of the committee decision not to tour the mine.

08:21:54 Rep. Z. Brown opened the discussion on other agenda items for the May meeting.

08:22:01 Sen. Cohenour asked staff about the panel discussion on change applications.

08:24:53 Rep. Z. Brown provided recommendations for panel members.

08:25:21 Rep. Glimm commented on the panel members.

08:26:45 Sen. Cohenour said she asked Ms. St. Lawrence to provide her recommendations to the DNRC for panel members.

08:28:30 Sen. Sesso gave his recommendations for information regarding stream gauging stations.

08:29:34 Mr. Mohr said he will contact the U.S. Geological Survey and the DNRC.

08:29:46 Rep. Z. Brown said he also recommends contacting Ms. Downing.

08:30:08 Rep. Z. Brown asked staff if further direction was needed for the panel discussion on the change process.

Public comment None

**PUBLIC COMMENT ON ANY ISSUE WITHIN THE JURISDICTION OF THE WPIC**

08:31:32 Lorents Grosfield, Big Timber, commented on creating a Board of Natural Resources and Conservation.

08:38:36 Brian Ohs, Montana Trout Unlimited, commented on stream gauges and budget cuts by FWP.

Committee questions and discussion

08:40:14 Rep. Z. Brown asked Mr. Ohs about the reason for FWP's budget cuts to stream gauges.

08:42:27 Rep. Z. Brown asked Mr. Mohr if he needed any further direction.

08:42:31 Sen. Cohenour asked about legislator pay for attending the Montana Water Summit. Rep. Z. Brown asked staff about hotel reimbursement.

**ADJOURN**

08:43:23 With no further business before the committee, Rep. Z. Brown adjourned the meeting at 4:50 p.m.

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