



Water Policy Interim Committee

63rd Montana Legislature

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DRAFT AGENDA

WATER POLICY INTERIM COMMITTEE

State Capitol, Room 152
Sept. 8-9, 2014

AGENDA ITEM TIMES ARE APPROXIMATE

Monday, Sept. 8

- 1 p.m. Call to Order - Sen. Vincent
- Roll Call
 - Approval of minutes from July 2013 WPIC
- 1:05 p.m. Staff legal analysis of Ballance-Regier legal, Constitutional questions of proposed Confederated Salish and Kootenai Tribes water rights settlement (*referred to WPIC, May 12, 2014*) (*Tab 1*)
- Ms. Thigpen
 - Public comment
 - Committee questions, discussion, and action, if any
- 2 p.m. Report of findings from CSKT Compact Technical Working Group (*Tab 2*)
- John Metesh, director, Montana Bureau of Mines and Geology
 - Public comment
 - Committee questions, discussion, and action, if any
- 2:45 p.m. RWRCC technical review of Water Use Agreement (*Tab 3*)
- Ethan Mace, surface water hydrologist, Reserved Water Rights Compact Commission
 - Public comment
 - Committee questions, discussion, and action, if any
- 3:30 Break
- 3:45 p.m. Update on CSKT compact renegotiations
- Melissa Hornbein, attorney, Reserved Water Rights Compact Commission
 - Public comment

- Committee questions, discussion, and action, if any
- 4:15 p.m. Additional perspectives related to CSKT water rights settlement (*Tab 4*)
- Dan Keppen, Klamath Basin water policy consultant (*via phone*)
 - Hertha Lund, attorney, Montana Water Stewards
 - John Carter, Tribal Legal Department, CSKT
 - Public comment
 - Committee questions, discussion, and action, if any
- 5 p.m. Recess for the day. Reconvene at 8 a.m.
- Tuesday, Sept. 9
- 8 a.m. Reconvene
- 8:05 p.m. HJ26 ditch easement study: Review of public comments on draft report (*Tab 5*)
- Mr. Mohr
 - Public comment
 - Committee questions, discussion
 - Revisions to report
 - Approve and adopt report
- 8:25 a.m. Adjudication update (85-2-281, MCA) (*Tab 6*)
- Tim Davis, administrator, Water Resources Division, DNRC
 - Russ McElyea, chief water judge, Montana Water Court
 - Public comment
 - Committee questions, discussion, and action, if any
 - Review of statutorily required reports: Recommendation to EQC (5-5-215, MCA)
- 8:40 a.m. Report from Upper Clark Fork River Basin Steering Committee (85-2-338, MCA)
- Maureen Conner, chairwoman
 - Public comment
 - Committee questions, discussion, and action, if any
 - Review of statutorily required reports: Recommendation to EQC (5-5-215, MCA)
- 9:00 a.m. Agency rulemaking update (*Tab 7*)
- Ms. Thigpen
 - Public comment
 - Committee questions, discussion, and action, if any
- 9:05 a.m. Biennial status report of Nutrient Work Group activity (75-5-313, MCA) (*Tab 8*)
- DEQ
 - Public comment
 - Committee questions, discussion, and action, if any

- 9:20 a.m. Hydroelectric potential report (85-1-501, MCA) (*Tab 9*)
- Tim Davis, administrator, Water Resources Division, DNRC
 - Public comment
 - Committee questions, discussion, and action, if any
 - Review of statutorily required reports: Recommendation to Energy and Telecommunications Interim Committee (5-5-215, MCA)
- 9:30 a.m. Draft State Water Plan (85-1-203, MCA) (*Tab 10*)
- Tim Davis, administrator, Water Resources Division, DNRC
 - Public comment
 - Committee questions, discussion, and action, if any
- 10:30 a.m. Break
- 10:45 a.m. Report of temporary leases of appropriation right (85-2-427, MCA)
- Tim Davis, administrator, Water Resources Division, DNRC
 - Public comment
 - Committee questions, discussion, and action, if any
 - Review of statutorily required reports (5-5-215, MCA)
- 11 a.m. Groundwater monitoring in oil fields (*Tab 11*)
- Alice Stanley, bureau chief, Resource Development Bureau, DNRC
 - Public comment
 - Committee questions, discussion, and action, if any
- 11:20 a.m. Request for committee legislation (*Tab 12*)
- Russ McElyea, chief water judge, Montana Water Court
 - Public comment
 - Committee questions, discussion
 - Direct staff to draft committee bill, if necessary
- Noon Lunch
- 1 p.m. Review of proposed agency legislation (*Tab 13*)
- John Tubbs, director, DNRC
 - Tracy Stone-Manning, director, Department of Environmental Quality
 - Committee questions, discussion
- 2 p.m. Funding for water quality improvements, economic development at abandoned mine sites
- Jenny Chambers, administrator, Remediation Division, DEQ
 - George Mathieus, administrator, Planning, Prevention and Assistance Division, DEQ
 - Tammy Johnson, Montana Mining Association
 - Public comment

- Committee questions, discussion, and action, if any
- 3 p.m. Break
- 3:15 p.m. *Water Rights in Montana*, report on legal system from University of Montana Law School
- Michelle Bryan, director, Land Use and Natural Resources Clinic, University of Montana School of Law
 - Russ McElyea, chief water judge, Montana Water Court
 - Tim Davis, administrator, Water Resources Division, DNRC
 - Public comment
 - Committee questions, discussion, and action, if any
- 4 p.m. The federal "Farm Bill" and the health of Montana's watersheds (*Tab 14*)
- Julia Altemus, Montana Wood Products Association
 - Tom Schmidt, deputy Northern Region forester, U.S. Forest Service (via phone)
 - Public comment
 - Committee questions, discussion, and action, if any
- 4:30 p.m. Discussion of proposed U.S. Forest Service directives
- Public comment
 - Committee questions, discussion, and action, if any
- 4:45 p.m. Public Comment on any issue within the jurisdiction of the WPIC
- 4:50 p.m. Other business
- 5:00 p.m. Administrative matters
- October committee meeting date
 - Revisions to work plan, if necessary
 - Budget update
 - Identification of areas where more information is needed
 - Instructions to staff
- 5:15 p.m. Adjourn

NOTE: Meeting materials available online: <http://leg.mt.gov/water>

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