



Water Policy Interim Committee

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64th Montana Legislature

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HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary

WATER POLICY INTERIM COMMITTEE

State Capitol, Room 172

Sept. 2-3, 2015

AGENDA ITEM TIMES ARE APPROXIMATE

Wednesday, Sept. 2

1 p.m. **Call to Order** – Sen. Hamlett

- Roll Call
- Approval of minutes from June 2015

1:05 p.m. **Final adoption of committee work plan** (*Tab 1*) – Mr. Mohr

- Revisions to work plan
- Committee discussion and action
- Adoption of committee work plan

1:15 p.m. **Adjudication update** (85-2-281, MCA) (*Tab 2*)

- Tim Davis, administrator, Water Resources Division, DNRC
- Russ McElyea, chief water judge, Montana Water Court

1:45 p.m. **Future of the Water Court study** (*Tab 3*)

- A short history of the Water Court – Mr. Mohr
- Public comment
- Committee discussion, questions
- Direction to staff

3:15 p.m. **Break**

3:30 p.m. **Discussion of U.S. Forest Service compact** (*Tab 4*)

- Sen. Pat Connell
- Eric Johnston, assistant regional director for renewable resources, U.S. Forest Service

4 p.m. **Water supply and/or fire update (Tab 5)**

- Gina Loss, hydrologist, National Weather Service
- Justin Derner, director, Central Plains Experimental Range Long-Term Agro-ecosystem Research Site, U.S. Department of Agriculture
- Bob Harrington, state forester, DNRC
- Public comment
- Committee discussion and questions

5 p.m. **Update on Red Mountain Flume Chessman Reservoir project**

- Mr. Harrington

Recess for day. Reconvene at 9 a.m.

Thursday, Sept. 3

9 a.m. Reconvene

9:05 a.m. **Program evaluation: Water Protection Bureau (DEQ) (Tab 6)**

- Mr. Mohr
- DEQ
- Public comment
- Committee discussion and questions
- Direction to staff

10 a.m. **Clark Fork River Basin Task Force update (85-2-350, MCA)**

- ?
- Public comment
- Committee discussion and questions

10:15 a.m. **SJ2 study: State assumption of federal Section 404 permitting program (Tab 7)**

- Regulatory program overview
 - Todd Tillinger, state program manager, Helena Regulatory Office, U.S. Army Corps of Engineers
- How dredging, filling affects waterways
 - Karin Boyd, Applied Geomorphology
- Definition of “waters of the United States”
 - EPA (invited)
 - Alan Joscelyn, chief deputy attorney general, Attorney General’s Office
 - Guy Alsentzer, executive director, Upper Missouri Water Keepers
- Public comment
- Committee discussion and questions

Noon **Lunch**

1 p.m. **Letter of support for S.338** (Land and Water Conservation Fund) (Tab 8)

- Sen. Hamlett
- Public comment
- Committee discussion and action

1:15 p.m. **Temporary leasing report (85-2-427, MCA)**

- Mr. Davis
- Committee discussion and questions

1:30 p.m. **Study of water availability and supply** (Tab 9)

- Update on implementation of State Water Plan (85-1-203, MCA)
 - Mr. Davis
- Development of water quality standards: Report on ammonia and nutrient standards for lagoons
 - Eric Urban, bureau chief, Water Quality Standards Section, DEQ
 - Public comment
 - Committee discussion and questions
- Update on legal status of exempt well
 - Effect of Judge Sherlock's Oct. 2014 ruling – Ms. Thigpen
 - DNRC guidance on exempt wells – Mr. Davis
 - Dustin Stewart, Montana Homebuilders Association
 - Barb Chilcott, Clark Fork Coalition

3 p.m. **Agency administrative rule update** – Ms. Thigpen (Tab 10)

3:15 p.m. **Administrative matters**

- Budget overview -- Mr. Mohr
- Public comment
- Committee discussion and action

3:30 p.m. **Public Comment on any issue within the jurisdiction of the WPIC**

3:40 p.m. **Other business**

3:50 p.m. **Instructions to staff**

4 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.