

Yellowstone Basin Advisory Council  
Membership &  
Report of 2013 Public Scoping Activities

Appendix A:  
Nomination Solicitation Letter and Attached Information





DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION



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STATE OF MONTANA

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HELENA, MONTANA 59620-1601

February 1, 2013

To: Water Interests through-out the Yellowstone River Basin  
From: Montana Department of Natural Resources, Water Resources Division  
Subject: Nomination of Individuals to serve on the Yellowstone River Basin Advisory Council

**Purpose and Need**

The purpose of this invitation is to solicit your involvement in DNRC's ongoing state water planning process, otherwise known as the 2015 Montana Water Supply Initiative (MWSI). DNRC is conducting the MWSI in response to instructions from the 2009 Legislature for the department to update the State Water Plan in accordance with §85-1-203 MCA (please see Attachment 1: *State Water Planning Statute*). Active water planning is necessary to ensure a secure water supply for Montana and to protect existing beneficial uses.

**Establishment of Basin Advisory Councils**

Activities associated with the MWSI, will occur in four basin planning areas: (1) **Clark Fork River Basin**; (2) **Upper Missouri Basin**; (3) **Lower Missouri Basin**; and (4) **Yellowstone River Basin** (please see Attachment 2: *Major Water Planning Basins*). A citizen council, herein known as a Basin Advisory Council (BAC), will be established in each of the major water planning basins to provide a forum for public involvement and to assist DNRC in important water planning tasks, including the identification of water resource issues and data gaps, development and screening of management alternatives, and the development of water resource planning recommendations for each of the four individual basin planning areas. These BACs must be inclusive and representative of water user interests in each of the respective basins (please see §85-1-203(4)(a) MCA). The BAC will assist DNRC in developing recommendations for submittal to the 2015 Montana Legislature.

Consistent with the objective of assembling representative, inclusive Basin Advisory Councils, DNRC is soliciting direct citizen involvement from a variety of water interests including agriculture, conservation, industry, municipal, recreation, and tribal. In the Yellowstone River Basin, there are 15 conservation districts and 9 watershed groups. Each of these organizations is being asked to supply a single nominee who is knowledgeable about water resources issues and interests within their district or watershed and who can represent those interests through a two-year water planning process. Similarly, other key water interest organizations within the Yellowstone River Basin in Montana will be asked to submit nominees. From this pool of potential members, DNRC will select a 20-member Yellowstone BAC that, to the extent possible, is geographically distributed and representative of water interests throughout the watershed. Members of the Yellowstone BAC will be asked to serve a two-year term. The BAC will be assisted by DNRC staff, DNRC-hired contractors, the Montana Watercourse, and other state and federal agency advisors.

STATE WATER PROJECTS  
BUREAU  
(406) 444-6646

WATER MANAGEMENT  
BUREAU  
(406) 444-6637

WATER OPERATIONS  
BUREAU  
(406) 444-0860

WATER RIGHTS  
BUREAU  
(406) 444-6610

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### **BAC Member Expenses**

Travel expenses for the selected 20-member BAC will be reimbursed by DNRC at the state government rate for vehicle mileage, lodging and per diem (see Attachment 3: *Yellowstone River Basin Advisory Council Operating Guidelines*).

### **Description of the Plan Development Process and Basin Planning Meetings**

The Montana Water Supply Initiative (MWSI) is a public water planning process that promotes awareness and understanding of the dynamic nature of Montana's water supply and engages Montana's citizens in planning our future water needs. The MWSI is divided into three primary phases that occur over a two-year period (see Attachment 4: *Yellowstone Basin Plan Timeline*): Phase 1 (public awareness, engagement and issue identification); Phase 2 (inventory, technical analysis and alternative development); and Phase 3 (recommendation and basin plan development). Phase 1 includes a messaging campaign that promotes public awareness of water issues and the upcoming MWSI process. It also establishes the four BACs and conducts an issue identification process for each of Montana's major river basins. Issues identified during Phase 1 may lead to additional studies or analysis of alternatives for securing future water supplies. Initial scoping and issue identification in Phase 1 will guide technical analysis projects conducted in Phase 2, including the characterization of the current supply/demand situations in each basin and the forecasting of future water demands. During Phase 3 the BACs will assist DNRC with developing recommendations for the individual basin plans that will be submitted to the 2015 Montana Legislature.

Although Yellowstone BAC members will need to collect input and receive comments from constituents within their watersheds throughout the two-year basin planning process, the primary consumer of time for BAC members will be attendance at 10-12 public meetings over the two-year term of the BAC. These public meetings will be widely advertised and take place in two sets: during Phase 1 - issue identification and scoping, and during Phase 3 - recommendation and basin plan development. It is essential that BAC members remain committed to participating in both sets of meetings to ensure consistency and continuity. The Phase 1 meetings will occur March through May of 2013, and the Phase 3 meetings will occur March through May of 2014. The meeting schedule for Phase 1 is listed below:

1. Monday, March 18, 2013: Kick-off meeting at MSU Billings downtown campus
2. Wednesday, March 27, 2013: Regional Meeting at Glendive, Dawson College
3. Friday, April 12, 2013: Regional Meeting at Big Timber Public Library
4. Wednesday, April 24, 2013: Regional Meeting at Forsyth Public Library
5. Wednesday, May 8, 2013: Final Scoping Meeting at MSU Billings downtown campus

Not all Yellowstone BAC members are expected to attend all 5 of the Phase 1 meetings; however, members will be expected to attend the initial and final meetings in Billings and at least one of the regional meetings held in Big Timber, Forsyth and Glendive. During the Phase 1 meetings, DNRC and other agency specialists will provide information on existing and historic hydrologic conditions, background on previous water planning activities, the status of water rights administration in the Yellowstone, and review the goals and objectives of the current water planning process. Results of the regional meetings will be reviewed with the full membership and the public at the final scoping meeting held May 8, 2013 in Billings. Water-related issues recognized as relevant

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and worthy of further examination by the Yellowstone BAC will be documented in a scoping report and published in the summer of 2013.

Questions and/or comments regarding the 2015 Montana Water Supply Initiative and serving on the Yellowstone River Basin Advisory Council should be directed to:

Jim Robinson, Water Planner  
MT DNRC, Water Resources Division  
PO Box 201601  
Helena, MT 59620-1601  
406-444-4247  
[jrobinson@mt.gov](mailto:jrobinson@mt.gov)

Please provide the name and contact information of your group's nominee via email no later than: March 1, 2013. In providing this information, please indicate the nominee's water user group affiliation from among the following categories: agriculture, conservation (including instream flow and habitat), industry, municipal (public and self-supplied domestic), recreation, and tribal. For further information on the 2015 Montana Water Supply Initiative and the Yellowstone River Basin Advisory Council, please see [http://www.dnrc.mt.gov/wrd/water\\_mgmt/state\\_water\\_plan/](http://www.dnrc.mt.gov/wrd/water_mgmt/state_water_plan/). Thank you for your time and consideration.

Sincerely,



Jim Robinson  
Water Resources Planner

### *Attachment "1"*

85-1-203. State water plan. (1) The department shall gather from any source reliable information relating to Montana's water resources and prepare from the information a continuing comprehensive inventory of the water resources of the state. In preparing this inventory, the department may:

- (a) conduct studies;
- (b) adopt studies made by other competent water resource groups, including federal, regional, state, or private agencies;
- (c) perform research or employ other competent agencies to perform research on a contract basis; and
- (d) hold public hearings in affected areas at which all interested parties must be given an opportunity to appear.

(2) The department shall formulate and adopt and amend, extend, or add to a comprehensive, coordinated multiple-use water resources plan known as the "state water plan". The state water plan may be formulated and adopted in sections, with some of these sections corresponding with hydrologic divisions of the state. The state water plan must set out a progressive program for the conservation, development, utilization, and sustainability of the state's water resources and propose the most effective means by which these water resources may be applied for the benefit of the people, with due consideration of alternative uses and combinations of uses.

(3) Sections of the state water plan must be completed for the Missouri, Yellowstone, and Clark Fork River basins, submitted to the 2015 legislature, and updated at least every 20 years. These basinwide plans must include:

- (a) an inventory of consumptive and nonconsumptive uses associated with existing water rights;
- (b) an estimate of the amount of surface and ground water needed to satisfy new future demands;
- (c) analysis of the effects of frequent drought and new or increased depletions on the availability of future water supplies;
- (d) proposals for the best means, such as an evaluation of opportunities for storage of water by both private and public entities, to satisfy existing water rights and new water demands;
- (e) possible sources of water to meet the needs of the state; and
- (f) any legislation necessary to address water resource concerns in these basins.

(4) (a) The department shall create a water user council in both the Yellowstone and Missouri River basins that is inclusive and representative of all water interests and interests in those basins. For the Clark Fork River basin, the department shall continue to utilize the Clark Fork River basin task force established pursuant to 85-2-350.

(b) The councils in the Missouri and Yellowstone River basins consist of representatives of existing watershed groups or councils within the basins.

(c) Each council may have up to 20 members.

(d) Each water user council shall make recommendations to the department on the basinwide plans required by subsection (3).

(5) Before adopting the state water plan or any section of the plan, the department shall hold public hearings in the state or in an area of the state encompassed by a section of the plan if adoption of a section is proposed. Notice of the hearing or hearings must be published for 2 consecutive weeks in a newspaper of general county circulation in each county encompassed by the proposed plan or section of the plan at least 30 days prior to the hearing.

(6) The department shall submit to the environmental quality council established in 5-16-101 and to the legislature at the beginning of each regular session the state water plan or any section of the plan or amendments, additions, or revisions to the plan that the department has formulated and adopted.

(7) The legislature, by joint resolution, may revise the state water plan.

(8) The department shall prepare a continuing inventory of the ground water resources of the state. The ground water inventory must be included in the comprehensive water resources inventory described in subsection (1) but must be a separate component of the inventory.

(9) The department shall publish the comprehensive inventory, the state water plan, the ground water inventory, or any part of each, and the department may assess and collect a reasonable charge for these publications.

(10) In developing and revising the state water plan as provided in this section, the department shall consult with the environmental quality council established in 5-16-101 and solicit the advice of the environmental quality council in carrying out its duties under this section.

History: En. Sec. 5, Ch. 158, L. 1967; amd. Sec. 138, Ch. 253, L. 1974; R.C.M. 1947, 89-132.1(1) thru (5); amd. Sec. 18, Ch. 573, L. 1985; amd. Sec. 1, Ch. 381, L. 1989; amd. Sec. 417, Ch. 418, L. 1995; amd. Sec. 70, Ch. 545, L. 1995; amd. Sec. 1, Ch. 404, L. 2009.



## Attachment “3”

### YELLOWSTONE BASIN ADVISORY COUNCIL GUIDELINES

#### 1.0 Introduction

- 1.1 The purpose of this document is to outline the process and ground rules to guide the activities of the participants involved in the 2015 Montana Water Supply Initiative Advisory Councils (BACs). It describes the purpose, participants, and process of the BACs.
- 1.2 Authority for establishment of the is BACs is contained in the State Water Plan Statute (85-1-203(4)(a)) which states: “The Department (DNRC) shall create a water user council in both the Yellowstone and Missouri River basins that is inclusive and representative of all water interests and interests in those basins.”

#### 2.0 Purposes

- 2.1 The purposes of the Yellowstone BAC are to:
  - 2.1.1 Provide input and recommendations to DNRC on the basin plans required by 85-1-203(3).
  - 2.1.2 Serve as advisor to DNRC and provide an avenue of communication and discourse between the various interests within the Yellowstone River basin.
  - 2.1.3 Evaluate strategies, studies and proposed actions for improving the understanding, management and conservation of water resources in the Yellowstone River basin.

#### 3.0 Duties

- 3.1 Advisory Capacity. The Yellowstone BAC will act in an advisory capacity to the DNRC for purposes of the Yellowstone River basin planning process.
- 3.2 Geographic Jurisdiction. The geographic jurisdiction of the Yellowstone BAC’s work is restricted to the Yellowstone River basin.
- 3.3 Duties and Responsibilities. Responsibilities of the BAC are as follows:
  - 3.3.1 Serve as a forum for public comment and communicating the results of technical studies pertaining to water supply and use.
  - 3.3.2 Represent their constituency and assist the DNRC in communicating with local water interests.
  - 3.3.3 Assist the DNRC in identifying Best Management Practices for the management and conservation of water resources.
  - 3.3.4 Develop recommendations for the DNRC regarding the preparation, amendment, and implementation of the State Water Plan.

#### 4.0 Member Qualifications, Selection and Service

- 4.1 Eligibility. Appointees to the BAC will be made by the DNRC, which will select from a comprehensive list of nominees. Nominations will be solicited from the conservation districts, basin watershed groups, industry groups, economic developments groups, resource interest groups, and the at large public. All of the nominees should have demonstrated interests in the economic, social and environmental sustainability of the Yellowstone River Basin. To be eligible for appointment a candidate must:
  - 4.1.1 Be qualified through education, training, knowledge, or experience to give informed and objective advice regarding an industry, discipline, or interest specified in the BAC’s guidelines (see Section 5.1); and
  - 4.1.2 Have demonstrated experience or knowledge of the geographical area under the scope of the Yellowstone River BAC.
- 4.2 Residency and Recommendation. Members must be residents of the Yellowstone River Basin and must be able to demonstrate interests in the economic, social and environmental sustainability of the Yellowstone River Basin.
- 4.3 Duration of Appointment. Members will be appointed to serve approximately a two-year term. Appointments will be effective upon written DNRC approval. In any case appointments will cease December 31, 2014.
- 4.5 Conflict of Interest. Members must disclose their direct or indirect interest in issues pertaining to water within the Yellowstone River Basin. Membership may be terminated if: 1) they no longer represent the constituency for which they were appointed, or 2) they are involved in water rights related litigation within the basin.
- 4.6 Vacancies. Vacancies occurring for reasons such as resignation, death, a change in residency through relocation outside of the Yellowstone River basin, or failure to regularly attend meetings, will be reported to DNRC, who will fill the vacated position.
- 4.7 Compensation. Members serve without salary, but will be reimbursed at the official state government rate for lodging, mileage and per diem expenses incurred in transit to and from official meetings. Reimbursement for overnight accommodations must be pre-approved by DNRC.

#### 5.0 Water Resource Advisory Committee Members

- 5.1 Membership on the BAC will be balanced with representation from the following water interests:
  - 5.1.1 Agricultural, industrial, commercial and local business. For example: agricultural producers; irrigation districts; petroleum producers and refiners; electrical generating plant operators; agricultural product processors; and real estate development interests.

### Attachment “3”

- 5.1.2 Conservation, recreation, and instream flow. For example: representatives of environmental and resource conservation groups; sportsmen and outdoor recreation advocates; commercial river recreational businesses; cultural and historical interests; the public at large; and scientists/engineers/biologists involved in water science and water-related resource inventory.
- 5.1.3 Elected and administrative. For example: local, county, federal and tribal elected officials or employees with responsibility pertaining to water use and management; conservation district supervisors; dam operators; land use planners; public water supply managers; park managers; and disaster/emergency coordinators.
- 5.1.4 Public at Large.
- 5.2 The Yellowstone River BAC may have up to 20 members §85-1-203 (4)(c). To the extent possible, membership on the BAC will be geographically distributed within the basin with individual members distributed through-out the upper, middle, and lower basin.
- 5.3 Consistent with Sections 6.4 and 11.0 of this document, the members of the BAC will actively seek input and advice of the constituencies they represent.

#### 6.0 BAC Member Responsibilities

- 6.1 Consensus. Members agree to seek consensus within the Yellowstone BAC. Consensus means that even though a voting member may not agree that a given issue or recommendation warrants inclusion in the Yellowstone River Basin Plan, he/she does not disagree enough to warrant opposition to its inclusion. Members agree to:
  - 6.1.1 participate fully and consistently in the process unless they withdraw;
  - 6.1.2 fully explore and understand all issues before the BAC;
  - 6.1.3 search for creative solutions to address the interests and concerns of all members.
- 6.2 Disagreement. Each member has the ability to disagree with any reasonable and/or legitimate proposal, but assumes a responsibility for providing constructive feedback.
  - 6.2.1 Lack of Consensus. If consensus is not achieved on any issue/recommendation, the BAC shall report to DNRC on the issue/recommendation dividing the membership, along with a voting record. Under these circumstances a minority report will be included with any recommendation arising from a split vote.
- 6.3 Member Responsibilities
  - 6.3.1 Each member agrees to candidly identify and share his or her interests.
  - 6.3.2 Each member agrees to listen carefully and respectfully to other participants and to avoid interrupting other participants.

- 6.3.3 Each member agrees to offer suggestions with respect and care.
- 6.3.4 Each member agrees to share relevant information regarding the issues under consideration.
- 6.3.5 Each member agrees to communicate with each other directly, rather than through the news media.
- 6.3.6 Each member agrees to challenge ideas, not individuals.
- 6.3.7 Each member agrees to respect the decision of any member to withdraw from the process at any time and for any reason.
- 6.3.8 Each member agrees to express to the other members the reason for their withdrawal from the process.
- 6.3.9 If a member is unable to attend a meeting, he/she can convey his/her view point to the Chair via written correspondence, which will be shared with the BAC.

#### 6.4 Responsibility to Constituencies

- 6.4.1 Each member agrees to express the interests of the constituency that they represent.
- 6.4.2 Each member agrees to seek the advice of their constituency throughout the process.
- 6.4.3 Each member agrees to make every effort to represent and speak for their constituency.
- 6.4.4 Each member agrees to objectively explain and interpret the process and its outcomes to their constituency.
- 6.4.5 Each member agrees to keep their constituency informed of the activities and ideas emerging from the process.

### 7.0 Ex Officio Membership

- 7.1 Ex officio membership is encouraged. Ex officio members provide advice, guidance and expertise as representatives of government agencies (federal, state, local) with trust responsibilities, or administrative or regulatory jurisdiction. Ex officio members will not be reimbursed for travel expenses.
- 7.2 Ex officio members do not vote, but have the option of making professional suggestions or recommendations to inform committee discussions and recommendations.
- 7.4 Ex officio members (or their designees) should participate and attend meetings on a consistent basis, as is reasonable and appropriate for the agency they represent.
- 7.5 It is incumbent upon ex officio members to share relevant information regarding the issues under consideration by the Yellowstone BAC.

- 10.1 Agenda. The Chair, in consultation with the Yellowstone BAC, will develop appropriate documents and an agenda for each meeting. The Chair will coordinate with DNRC and its contractor regarding agenda items. The Chair will distribute these materials with assistance from the Coordinator.
- 10.2 Public Comment. There will be a set time for public comment at each meeting. The Chair may allow comment at other times throughout the meeting, at their discretion.
- 10.3 Meeting Records. Minutes of each meeting will be kept by the BAC Coordinator. The minutes will contain a record of the persons present; a complete description of matters discussed and conclusions reached; and copies of all documents received, issued, or approved by the BAC. Copies of the minutes will be maintained by DNRC and be published to the DNRC MWSI website.

#### **11.0 Communication**

- 11.1 The Chair, with assistance from the Coordinator, will act as liaison to DNRC.
- 11.2 The work of the Yellowstone BAC will be reported regularly to DNRC by the Chair who will represent the consensus views, characterize deliberations, and when appropriate, express minority opinions.
- 11.3 The Coordinator, in consultation with DNRC and the Chair, will send meeting notices to the interested public and the media.
- 11.4 Communications with the media on behalf of the Yellowstone BAC shall be made only by the Chair, or the Chair's designee.
- 11.5 No BAC member shall characterize the views of other members to the news media or in other forums such as Internet blogs.

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Attachment "4"

Montana Water Supply Initiative 2015  
Yellowstone River Basin Plan

Description:		Responsible Party		JAN-2013	FEB-2013	MAR-2013	APR-2013	MAY-2013	JUN-2013	JUL-2013	AUG-2013	SEP-2013	OCT-2013	NOV-2013	DEC-2013	JAN-2014	FEB-2014	MAR-2014	APR-2014	MAY-2014	JUN-2014	JUL-2014	AUG-2014	SEP-2014	OCT-2014	NOV-2014	DEC-2014	
		Establish BACs, Public Outreach and Education Campaign, and Water Issues Identification																										
Phase 1 - Scoping and Issue Identification	1	Statewide public outreach, education and citizen engagement	DNRC and MT Watercourse																									
	2	Yellowstone BAC member recruitment	DNRC																									
	3	Compile water information for purposes of education and public scoping	DNRC/ Contractor																									
	4	Basin Advisory Council scoping meetings	DNRC/BAC																									
	5	Development and Publication of Critical Issues (Scoping) Report	DNRC and BAC																									
Technical Studies (inventories, surveys, analysis, etc.) and Alternatives Development																												
Phase 2 - Tech Studies and Feedback	1	Survey Opinions of Water Users (include results in Scoping Report)	DNRC/ Contractor																									
	2	Review water issues identified and screened through the BAC	DNRC/ Contractor																									
	3	Identify, compile and analyze existing water resource information relevant to identified issues	DNRC																									
	4	Identify data gaps, prepare alternatives, and draft recommendations for consideration by BAC	DNRC/ Contractor																									
Recommendations and Basin Plan Development																												
Phase 3 - Recommendations and Plan Development	1	Communicate technical results and present draft alternatives and recommendations	DNRC/ Contractor																									
	2	Basin Advisory Council Recommendation Development meetings	DNRC/ Contractor																									
	3	Finalize draft Yellowstone basin plan	DNRC/ Contractor																									
	4	Present draft state water plan to DNRC Director	DNRC																									
	5	Present draft state water plan to EDC and WPIC	DNRC																									
6	Present state water plan to 2015 Legislature	DNRC																										

◆ Deadline