Yellowstone Basin Advisory Council

Membership &

Report of 2013 Public Scoping Activities

Appendix L:

Regional Meeting #3 (Forsyth) Agenda and Round Table Notes

Regional Meeting #3 (Forsyth) Agenda and Round Table Discussion Notes

Welcome to the Yellowstone BAC

Prosperity in Montana depends on meeting water demands for population growth and economic development while satisfying existing beneficial uses. As directed by the Montana Legislature, DNRC-WRD is launching an initiative to update the State Water Plan (§85-1-203 MCA). The Montana Water Supply Initiative (MWSI) engages citizens in a planning process that identifies options to meet future needs, satisfy existing beneficial uses, and protect the state's water resources.

As the MWSI advisory board for the Yellowstone basin, the Yellowstone BAC is in a unique position to advise DNRC-WRD on the development of strategies and recommendations for meeting the water resource needs of the Yellowstone basin.

Thank you for your efforts.
Sincerely,
Paul Azevedo

Water Management Bureau Chief

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Yellowstone Basin Advisory Council

Regional Meeting for Public Comment
April 24, 2013

Forsyth, Montana

Session 1 10:00-12:00

- Welcome— Susan Gilbertz
- Purpose of Water Planning—Jim Robinson
- Purpose of Regional Meetings—Susan Gilbertz
  - BAC Membership-
- Yellowstone Water Budget—Jim Robinson and Chuck Dalby
- Water Rights—Kim Overcast

Short Break

- Facilitated Round Table Discussions— Collecting Insights from Public Attendees
- Data Exercise: BAC Q Sort
- Public Comment Cards
- Public Comment Statements
- Basin Identification Map

Lunch Break: 12:00-1:00

Scoping Wrap-Up Meeting

Wednesday, May 8, 2013
Final Scoping Meeting
Billings MSUB Downtown Campus

Session 2 1:00-3:00

- Welcome— Susan Gilbertz
- Purpose of Water Planning—Jim Robinson
- Purpose of Regional Meetings—Susan Gilbertz
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Q1: Pressing & Immediate Concerns

- Information is needed. We need to ensure people have access to information online; we need better (updated) information and easier access to this information
- Future **availability** of water – Will I have water down the road?
- Concern about water availability in light of regarding the Crow Compact
- Over allocation of water
- Flooding concerns and protection of land - bank stabilization permitting is challenging - why do we allow land to wash into the river?
- Maintenance of instream flows during seasonal cycles. Instream flow for fishing and recreation.
- Changing political demand for water; increased development leads to more people; More people equals more power to make and justify demands for water
- Efficient uses of water
- Irrigation ditch seepage and leakage wastes water- lining the ditches would improve system efficiencies
- Meeting new point-source regulations that continually ratchet down nutrient levels (consider nutrient trading)
- Nutrient limits- TMDLs for nutrients are too low (too stringent by EPA/DEQ). These standards are making 20% of the people to clean up 80% of the pollution. In order to meet these standards, they are almost forcing people to eliminate discharge back into the Yellowstone River altogether. This will impact the water availability for other users.
- Enforcement - Each irrigation has their own but we need a centralized one for all users
- Need a uniform administration
- Need more monitoring and regulations- need ditch riders
- Need a way to monitor how much water irrigation companies are using; Need to know water balance- how much is used vs. available
- Metering varies regionally- is not consistent; some irrigation districts meter others do not
- Water marketing- chance for off-stream storage; We are concerned about upstream users
- Municipalities have the right to sell water for hydrologic fracking- and they have sold water for (Commercial use of water- for example Sidney and Forsyth have sold water)
- Adverse impacts of water trucks on existing government infrastructure (roads; bridges; building foundations; etc.) used for fracking; These costs to municipalities are not recovered
- Ranchers/Farmers do not know that they cannot sell water to energy companies
- The negative impacts of used industrial—fracking—water (water quality)
- Federal Gov't guaranteeing and pushing Ag irrigation systems takes too much water from the river
- Future development of stock water tanks and irrigation in the ceded strip
- Drought and surface water shortages

- Excessive uses of water so people can keep their water rights
- Due to the "Use it or lose it" policy, ditch companies are trying to maximize the amount of water put into irrigation
- Eastern Montana energy boom- increasing populations place new demands on water; need to ensure that water reservations for communities match need. I heard Billings has exceeded its existing water reservation.
- Increase water demands require: "Water Accountability"- monitoring and metering water; if everyone upstream uses more than their fair share then the downstream users are negatively impacted
- We need to be certain about the assumed water savings between flood vs. sprinkler system. You have to look at who is doing the research; those selling the sprinklers vs. those selling the irrigation tubes. Not convinced that sprinklers save water. Need to account for groundwater recharge.
- Anxiety about taking water rights away
- Impacts of irrigation return flows on water quality
- If people start selling rights to oil industry uses then this will impact the amount of water in the river that would normally be returning from irrigation water
- State needs to consider who to favor in water use: oil, agriculture, or residential development.
- Salt Cedar (tamarisk) amount of water it takes from river; its impact on surface water; its impacts on native vegetation
- Strip Mining-Ground water interaction: Impacts of energy development (strip mining (colstrip) makes a confined aquifer no longer a confined aquifer. It drains out. Water becomes contaminated with saline and kills cottonwoods; impacts quality of wells and stock water- agriculture does not have much of a say in this because of the income from the mines. State's hands are often tied when these new cash cows come in.
- Protection of existing water rights
- Right of landowners to protect banks vs. the river is a public resource- there is a cumulative effect of manipulating a river with rip rap. The reason we have productive agricultural soil is because we have regular flooding;
- Ground water- surface water interaction; groundwater pumping will affect surface water that can impact rights (don't want to get into a situation like Idaho- where groundwater use impacts senior surface water users)
- In the 1980s, there was a planning document and process created for groundwater uses: State groundwater policy (did not pass)- BAC needs to know about this
- Concern that waste water requirements will end discharges into the river, which will impact water levels of surface water
- Lack of baseline data
- Future development- residential development- need water conservation with new housing development
- Price of electricity- and how that impacts irrigation choices and amount of irrigated land

- Concern about HB 37 (passed 22 April 2013) allowing a temporary change of water rights from agriculture to industrial; which will impact about the quantity (max 180 acre/feet per year) must be measured
- Cumulative effects of exempt wells (less than 35 gal./min.) on aquifers- the ability of people to game these exemptions (interim water committee)
- While it is illegal, people are using exempt wells to sell water to energy companies
- Need baseline data on water quality and quantity; need monitoring- Counties have these data (e.g, Richland County- baseline water quality data) State should establish TMDLs on all tributaries ad part of the baseline data. This way we can track the impacts of various types of development.
- Don't want t see Montana in the situation Colorado and Wyoming are in- being over allocated- due to irresponsible allocations by state government

Q2: Long-term Concerns

- What can we do ensure enough water for future needs
- Water conservation practices
- Sufficient instream flow
- Balancing water uses between drinking water and growing crops
- Temperature and other conditions (extra nutrients) of water discharged from wastewater plant and other industry into river
- Storage concerns – Billings development- we need water to fall back on in drought. Perhaps off-stream storage that can be pumped with wind energy.
- Water temperature rising- what impact does this have on the fish; The water discharged from wastewater and irrigation
- Impact of Exempt wells (35/gal minute OR 10 acre feet /year) on long-term availability
- Individual septic systems impacts
- Long-term maintenance of water quality systems- will there be funding for cleaning water from municipalities; new technology or old technology (wetlands)
- River access public access should be kept
- Not a dam; but some off-stream storage; we need lots of storage options
- Demand keeps going up
- Inefficient irrigation systems- water seepage; yet seepage recharges the aquifer and allows cold groundwater to re-enter the river
- As the land changes hands, we are going to get people from out of state with different attitudes about water and their neighbors. They are not going to have the same values as someone who has been here for generations. There is a need for education.
- How do you balance private property rights versus the needs and interests of the growing communities?
- We need to keep enough water in this river to accommodate all of the uses of it
- The DNRC's "use it or lose it" is not a good policy, as the DNRC takes all of those water rights

- Global climate change
- Climate change impacting the amount of snowpack
- Climate change creates inherent variability; we manage what we have in front of us; this may require building off-stream storage
- Need to be able to anticipate the human factor (cultural changes in using water) which can be unpredictable
- Upstream and downstream water demands – barge traffic demands
- Could use of-stream storage—such as the Manning Ditch- combined with low-head electricity generation
- We can assume that there will be change and there will be unanticipated uses

Q3: What sort of Time Horizon should BAC

- 2 to 5 year planning is more effective
- Short-term 5 years/ Intermediate 5-10 years/ Long-term >10 years
- Funding and political will; will drive this decision
- You are supposed to have something by the end of 2014?! You are under the gun!
- Long-term, you need to have some long-term plans out to 50 years
- At least determine the use demands; then we can determine the supply
- My Cheyenne neighbors talk about 7 generations

Q4: Obvious Pitfalls the BAC should avoid

- Should make issues a local concern
- Communication problems
- Make sure Helena people come here with correct information and intentions
- Politics
- Start with bite-sized pieces instead of larger issues
- Water marketing at interstate scale
- Need to be prepared for litigation
- If this turns out to be a DNRC process rather than a Basin-wide citizen-based process
- A pitfall would be if any particular faction is given particular power
- Connect with the Montana Farm Bureau
- Engage the city water departments, the ditch company administrators, and people who directly pump out of the streams,
- I don't think we need to deal with Climate Change
- I think we need to identify conditions that are changing so we can be more adaptable to these changes
- Focus on adaptation rather than drivers of climate change

Q5: How can BAC ensure a citizen-based (bottom-up) beginning?

- Consider and collect many opinions and concerns; Make understandable documents; Ensure government does follow ups with citizens

- Get more people out here- spread the word
- More networking with irrigation districts
- Follow-up email to give more opportunities for input
- Have evening meetings for public to attend
- Have Free Food
- Getting anyone off the dime is difficult; maybe have a weekend day meeting
- The way you guys are doing it; having meetings like this; getting folks input;
- I've been concerned that the participation from a broader group of people; Irrigators show up to these as they should; but many of the other users of that water have not shown up; Oh you'll hear from them after the fact.
- I'm a little skeptical about the amount of advertising that went out. It's been real quick. In Miles City, I have spoken with a bunch of people who had no clue this was going on.
- It is inherently difficult to get people to participate in these kind of meetings- where you truly try to solicit public input. It is hard to get people to show. They'll come after the fact "and by heck you guys are messing this up!" So I don't know.
- We [the BAC] can disappear for a year and come out with something and then get shot out of the saddle if we do not have public support.
- Do a mass distribution of the planning documents to the various organizations so they can look at and decide how to participate—but I don't know, I've seen that fail too.
- Advertisements need to be more specific
- Maybe the BAC can have a regular section in the Billings Gazette or weekly special series in Helena newspapers about water
- First time I heard about it was on the radio this morning. I would not be here otherwise.
- There is never a good time of the year to have these meetings
- I'd come to another meeting
- Contact "Montana Rural Water" and "Walleyes Unlimited"
- People unite against a common enemy posing an immediate threat but when the threat leaves they become apathetic. We need an "*Apathus Interruptous*" to keep people concerned over time.

<u>Q6: Ways to ensure success of BAC.</u>

- Take Everyone's use into consideration; We all have rights to that water; to fish is equal to my right to farm
- The BAC is a problem-solving organization but you are also a leadership organization; new issues will come up you guys should be prepared to face those problems as they arise
- You must have BAC members who are committed to this group; they need to speak candidly with one another
- Learn from other states
- Focus on primary issues that emerge from scoping –top 5 or top 10 issues
- Work on issues that are truly achievable- elevate those to the top of priority list
- Handle small issues first- accomplish a little at a time

- Solve some problems and build on that success
- Ensure high levels of organization
- Start with young people
- Pray for rain; Pray that water and everything keeps working and the cycle continues
- Need a way to measure the importance of water recreation on the economy
- Get a legislative leader to help carry recommendations through the legislature; and get the Montana Farm Bureau on board;
- Keep as many tools in the toolbox. Each tool is useful in a different context and according to different values. We've had a lot of stuff done in the past that were negative because we had a smaller toolbox.
- Get good information that actually goes somewhere
- Need to make people aware that water is a finite material
- We cannot single out specific users (agricultural, industry, home owners); everyone has an impact and all must be involved