



TREASURE STATE RESOURCES ASSOCIATION OF MONTANA

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TREASURE STATE RESOURCES ASSOCIATION NEWS January, 2022

Montana Department of Environmental Quality Invites Comments on Initial Nutrient Rules

Source: Montana Department of Environmental Quality, December 23, 2021

On November. 19, 2021, the Department of Environmental Quality (department) initiated rulemaking on proposed amendments to Administrative Rules of Montana 17.30.1304 and a proposed rule (New Rule 1) pertaining to implementation of narrative standards for nutrients in Montana surface waters. Nutrients, in this context, refers to total phosphorus and total nitrogen concentrations in state surface waters. The formal rule notice can be accessed here: [17-420 pro-arm.pdf](#)

In April 2021, the Montana legislature adopted Senate Bill 358 (now 75-5-321, MCA) which directs the department to adopt rules related to narrative nutrient standards by March 1, 2022. The law describes a process for implementing narrative nutrient standards in Montana Pollutant Discharge Elimination System (MPDES) permits and requires that these be developed in consultation with the advisory nutrient work group. The law includes the requirement to develop an adaptive management program which provides for an incremental, watershed approach for protecting and maintaining water quality.

On February 8, 2022 at 2:00 p.m., a public hearing will be held in room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendments and New Rule 1. You may also join the meeting virtually via Zoom.

Members of the public are invited to submit data, views, or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Loryn Johnson, Paralegal, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or emailed to: <mailto:loryn.johnson2@mt.gov> no later than 5:00 p.m. on February 8, 2022. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

Work on Next Phase of Rulemaking Continues

The rule that is currently noticed is intended to offer a basic framework, or overview, for the more detailed rules and guidance that will be needed to fully implement SB 358. TSRA supports the draft rule language. The Nutrient Work Group will meet twice a month with a goal of having a more substantive rule package ready to notice later this spring. The Montana Petroleum Association, Montana Mining Association and TSRA continue to work with the Montana League of Cities and Towns in the ongoing development of the rule language.

Beginning in January, meetings will be held from 9 to 11 a.m. the second and fourth Wednesday of each month through May 2022. The dates of those meetings are included below. Agendas with Zoom links will be provided prior to each meeting.

- January 12, 2022
- January 26, 2022
- February 9, 2022
- February 23, 2022
- March 9, 2022
- March 23, 2022
- April 13, 2022
- April 27, 2022
- May 11, 2022
- May 25, 2022

Montana Petitions to Delist Grizzly Bears in the Northern Continental Divide Ecosystem

Source: Office of the Governor

On December 6, 2021 Governor Greg Gianforte announced the state of Montana was petitioning the U.S. Fish and Wildlife Service (FWS) to delist grizzly bears in the Northern Continental Divide Ecosystem (NCDE) in northwest Montana.

The petition to delist clearly outlines that NCDE grizzly bears are within a distinct population, have far surpassed population recovery goals and that Montana Fish, Wildlife & Parks has the structure in place to successfully take over full management of this iconic native species.

“Due to the work and sacrifice of many Montanans over decades, Montana has been successful in recovering grizzly bears in the NCDE,” Gov. Gianforte said. “With the grizzly bear recovered, keeping the species listed under the Endangered Species Act will only continue to impact communities, farmers and ranchers, and recreationists around the state. It also limits Montana’s options when it comes to dealing with conflict bears.”

“We’ve achieved the goals set for us. It’s time for the state to take over management,” the governor said.

Grizzly bears were listed as threatened under the Endangered Species Act in 1975. At the time the population of grizzly bears in the lower 48 was estimated to be in the hundreds. Today the population in the NCDE alone is estimated at approximately 1,100 bears. In accordance with the NCDE Conservation Strategy and administrative rule, FWP is committed to keeping a viable and healthy population. In 2018, the Montana Fish and Wildlife Commission approved a population objective for the ecosystem to maintain a population size above 800 bears with at least 90 percent certainty. Effectively, this would mean managing for a population of approximately 1,000 grizzly bears.

As grizzly bear numbers have grown, their distribution has expanded, particularly in the prairie areas east of the Rocky Mountain Front, where they haven’t been in more than a century. This expansion has led to increased conflicts with communities, livestock producers and landowners.

“We worked on grizzly bear recovery for decades. We were successful and switched to a focus on conflict management years ago,” FWP director Hank Worsch said. “We’ve shown the ability to manage bears, protect their habitat and population numbers. It’s time for us to have full authority for grizzly bears in Montana.”

Beyond seeking to delist grizzly bears in the NCDE, the petition also asks the FWS to designate the NCDE bears as a distinct population segment (DPS.) In doing so, the petition also seeks to expand the DPS well into eastern Montana. This would allow for the delisting of grizzly bears across most of the northern half of the state.

Under federal rules, the FWS has 90 days for their initial response to Montana’s petition.

Upon delisting, state laws and administrative rules, already in place, become the primary regulatory and legal mechanisms guiding management.

FWP monitors grizzly bears in the NCDE with the best available science and a team of dedicated specialists. FWP established a monitoring program in 2004 that tracks the survival and reproductive rates of radio-marked grizzly bears throughout the ecosystem. Every known or

probable grizzly bear mortality is documented. This long-term program works in cooperation with other state, federal, and tribal agencies.

Although grizzly bears in the lower 48 states have remained under the jurisdiction of the U.S. Fish and Wildlife Service, much of the day-to-day management is done by FWP's specialists who work with landowners and the general public to address conflicts and increase safety and education in bear country.

In Case You Missed It – New EPA Region 8 Administrator Appointed

Source: US EPA

In late November, the Biden Administration announced the appointment of KC Becker to become EPA's Regional Administrator for Region 8. Becker will lead the implementation of the Biden-Harris environmental agenda in Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and with 28 Tribal Nations.

"With her background on critical climate change and environmental justice issues, KC is an excellent choice to lead our Region 8 team. She is experienced in stakeholder engagement and will ensure voices from throughout the region are heard on key issues," said EPA Administrator Michael S. Regan.

"I am so honored to have the opportunity to serve the Biden Administration as EPA Region 8 Administrator. The aggressive and critical agenda that President Biden and Administrator Regan have announced to address climate change, repair aging water infrastructure, and drive down methane emissions requires an 'all hands on deck' approach. I am ready to use my experience to help states, Tribal governments, businesses, and communities in Region 8 implement these important pieces of the Biden agenda," KC Becker said.

KC Becker recently completed four terms in the Colorado legislature, culminating as Speaker of the House. Becker led the Colorado Democrats to its biggest majority in the legislature in over 50 years, and the first majority female legislative chamber in the country. Prior to serving in the Colorado legislature, she served four years on Boulder, Colorado's city council. She worked for nearly seven years as an attorney-advisor in the Solicitor's Office at the US Department of the Interior, practicing administrative and natural resources law. While in the Colorado legislature, Becker led landmark legislation to reform Colorado's oil and gas sector, created a first in the nation Office of Just Transition, and passed nationally-leading legislation requiring the state of Colorado to put forward a plan to meet carbon reduction goals. Becker lives in Boulder with her husband and two sons.

Biden-Harris Administration Invites Public Comment on Development of New Conservation and Stewardship Tool

Date: Monday, January 3, 2022

The Department of the Interior, in coordination with the Departments of Agriculture and Commerce and the Council on Environmental Quality, is inviting public comment and announced listening sessions regarding the development of the American Conservation and Stewardship Atlas (Atlas), a new tool that will be used to reflect baseline information on the lands and waters that are conserved or restored.

The Atlas is part of the *America the Beautiful* initiative, a locally led and voluntary nationwide effort that aims to conserve, connect, and restore 30 percent of America's lands and waters by 2030. The initiative focuses on addressing the interconnected climate and biodiversity crises, advancing environmental justice and equitable access to nature, and strengthening the economy.

The Atlas is intended to be an accessible, updated, and comprehensive tool through which to measure the progress of conservation, stewardship, and restoration efforts across the United States in a manner that reflects the goals and principles of the *America the Beautiful* initiative. The 60-day comment period will provide members of the public an opportunity to inform how the Atlas can reflect a continuum of conservation actions, recognizing that many uses of lands and waters can be consistent with the long-term health of natural systems and contribute to addressing climate change and environmental injustices.

An interagency working group, co-led by the Interior Department's U.S. Geological Survey, the Department of Agriculture, and the Department of Commerce's National Oceanic and Atmospheric Administration, will use the feedback from the public, states, Tribal Nations, scientists, and a wide range of stakeholders to inform development of the Atlas with a goal to release a beta version of the Atlas by the end of the year.

Last month, the Biden-Harris administration released the [first annual progress report](#) on the *America the Beautiful* initiative. The report outlined the collective work the Administration pursued in 2021, consistent with the first-ever national conservation goal established by a President.

Funding from the Bipartisan Infrastructure Law will help support the *America the Beautiful* initiative. The law provides the largest investment in the resilience of physical and natural systems in American history, funds water management and drought resilience, addresses legacy pollution from orphan wells and abandoned mines, and makes major investments in clean drinking water.

Interested parties are invited to submit written comments to <mailto:Regulations.gov> on or before March 4, 2022.

Stream gauges tell more than just flow data

By Jason Mohr, Montana Legislative Services Division, December 31, 2021

Irrigators, recreationists, public safety officials, and other water users rely on stream gauges to measure a stream's condition. Gauges provide the basis for many water use decisions across Montana—when to turn water into fields, when to store water, when to fish or float, or when to stop using water.

Montana's streams and rivers host to hundreds of stream gauges, such as: more than 200 gauges installed and (mostly) maintained by the [U.S. Geological Survey](#), 60 real-time and seasonal gauges of the [Department of Natural Resources and Conservation](#), and 82 stations of the [Confederated Salish and Kootenai Tribes](#). Other federal agencies, power companies, and water users groups also pitch in.

But a stream gauge can measure more than flow. A gauge can also take water temperature, alerting wildlife officials when certain species are at risk. A real-time gauge can flag suddenly increasing river levels, perhaps prompting sheriff's deputies to evacuate a campground prone to flooding.

These examples are highlighted in [a story map](#) recently produced by the Montana DNRC. The story map is part of an effort of the [Stream Gauge Working Group](#), which was created by 2019 Legislature after the [Water Policy Interim Committee](#) recognized "it is in the public interest to support and encourage coordination in the collection and distribution of stream flow information."

The working group—with input from WPIC—has these priorities:

- Review the locations, uses, and funding arrangements for the USGS stream gauge network
- Review priorities, needs, and expectations of those funding the maintenance and operations of these stream gauges and those using data measured by these stream gauges
- Create an annual stream gage infrastructure work plan

Progress on these priorities will be a topic at a future WPIC meeting.

Interim Legislative Committees Will Meet in January

The current schedule for interim committees followed by TSRA is listed below. Agendas and other information is not yet available so be sure to check the committee's site to get the latest closer to the meeting date:

Energy and Telecommunications Interim Committee

January 18, 2022 9:00 am. – State Capitol or Via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/etic/meeting-info/>

Environmental Quality Council

January 24-25, 2022 State Capitol or via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/eqc/meeting-info/>

Revenue Committee

January 20-21, 2022 State Capitol or Via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/ric/>

Water Policy Committee

January 18-19, 2022 State Capitol or Via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/wpic/>

REAL Montana Class V Now Accepting Applications

Are you or someone you know passionate about the future of natural resource industries in Montana? Is there a leader in your business or local community that is ready to step into a bigger role and is looking for intense professional development? If so, REAL Montana (Resource Education and Agriculture Leadership) is now accepting applications for Class V. The application process closes on March 31, 2022.

REAL Montana builds a network of informed and engaged leaders to advance the natural resource industries in Montana. The two-year program features eight in-state seminars, a national study tour in Washington D.C., and a ten-day international experience.

To learn more:

[Click here for program information and to apply](#)

Check Your Inbox for TSRA 2022 Membership Dues Notices

TSRA membership dues invoices were sent to all members on December 17, 2021. They were sent electronically so be sure to check your email. Members also have the opportunity to be an “Early Bird Sponsor” for our 2022 Annual Meeting set for June at Fairmont Hot Springs at a reduced rate if payment is included with their dues renewal.

We truly appreciate your continued support.

TSRA Annual Meeting – Room Block is Open

TSRA will be meeting June 8-9, 2022 at Fairmont Hot Springs Resort. Registration information will be coming later, but those planning to attend are encouraged to make their room reservation before the TSRA room block is filled. June is a busy time of year for the resort so the sooner you make your arrangements the better. To make your reservation you can:

Call the reservation line at 800.332.3272 and ask for the Treasure State Resources Association block or you can make reservations on-line at www.fairmontmontana.com. Once on the website, click the book now tab which will take you to a tab for a group code which is 26237. Or use the link below to submit the group code:

<https://book.b4checkin.com/chameleon/fairmonthotsprings#groupSignIn>

Room rates are \$134 plus tax and resort fee.

Upcoming Events/Dates:

June 8-9, 2022	TSRA Annual Meeting Fairmont Hot Springs Resort
January 3, 2023	TSRA Legislative Showcase Delta Colonial Hotel, Helena, MT

If you don't want to receive the TSRA Newsletter, please let me know. If you want to share with others in your company or organization, please do so. The mission of the Treasure State Resources Association is to promote and enhance the Montana Way of Life through responsible resource development.