



To: House Natural Resource Committee
Re: Clark Fork Coalition Comments on SB 358
Date: Mar. 29, 2021

Sponsor Esp, Chairman Gunderson and Committee Members,

The Clark Fork Coalition (CFC) opposes SB 358. We appreciate that the proponents have significantly amended this bill since its introduction in the Senate. However, as of today - March 29, 2021 - these amendments are unavailable for review by the public; therefore, we do not know the precise language of the amended bill. Based on a public meeting held by DEQ last week, we are aware of the general revisions that will apparently be introduced today. The CFC remains opposed to the anticipated amended bill for the following reasons:

First, SB 358 would eliminate science-based, numeric standards for nutrient pollution in favor of less-stringent narrative standards. The CFC feels strongly that numeric nutrient criteria (NNC) play a key role important role in protecting our water resources, and we know from experience on the Clark Fork River that NNC are necessary to protect our river from chronic nutrient issues. Numeric water quality criteria were developed for a reason, i.e. to control nutrient pollution in Montana's watersheds using site-specific data. Removing NNC will result in excessive nitrogen and phosphorus pollution in Montana's rivers, streams and lakes, harming human health, ecosystems, property values and our economy.

Second, SB 358 would eliminate Montana's current non-degradation standards for nutrient pollution. As contemplated by the proponents, nutrient degradation standards will occur only when a response variable has just surpassed a harm-to-use threshold (e.g. 150 mg Chla/m²). On the ground, this statutory change throws out our existing, proactive approach to nutrient management in favor of a "crisis management" regime where we attempt to address site-specific nutrient problems only after the problem has gotten out of hand. This makes little scientific or economic sense, as it is



far cheaper to prevent nutrient pollution problems than to try to fix them after they happen.

Finally, it is difficult to accept SB 358's new "adaptive management" regime when there are few (if any) details on how this new scheme will be implemented statewide. Most of the key details of this program are either unclear or simply left to future rulemaking. In addition, because SB 358 has no fiscal note, there is no way to tell how (or if) the proposed adaptive management plans will be funded. Developing adaptive management regimes for nutrient pollution by watershed will be very expensive, and smaller, rural Montana communities will be unable to finance these changes without assistance. Without a fiscal note, SB 358's price tag is an open question.

For the above-listed reasons, we urge a 'no' vote on SB 358.

Thank you,

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