

WESTERN STATE WATER COUNCIL- MT WELCOME

DR. ANNA PAKENHAM STEVENSON- WATER DIVISION ADMINISTRATOR

8/4/2022



The Montana Department of
**Natural Resources
& Conservation**



CSKT-MONTANA WATER RIGHTS
COMPACT

U.S. Drought Monitor Montana

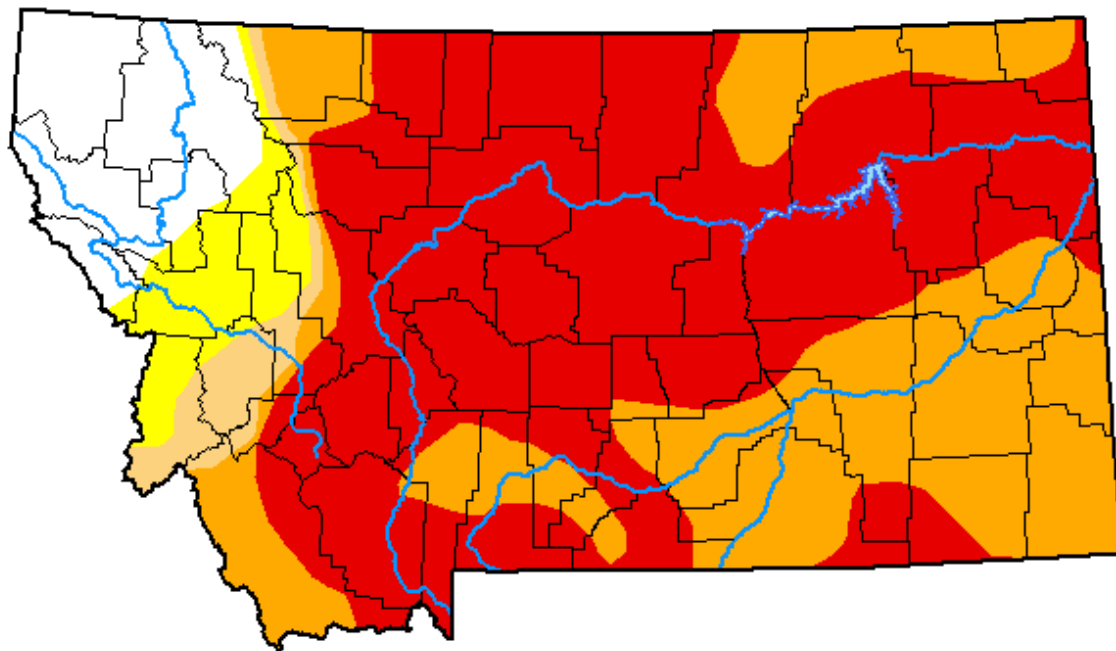
April 12, 2022

(Released Thursday, Apr. 14, 2022)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	9.45	90.55	85.40	82.49	52.50	0.00
Last Week <i>04-05-2022</i>	9.38	90.62	85.32	82.52	52.44	0.00
3 Months Ago <i>01-11-2022</i>	7.51	92.49	89.22	85.89	53.93	8.97
Start of Calendar Year <i>01-04-2022</i>	7.36	92.64	89.33	86.35	53.93	13.87
Start of Water Year <i>09-28-2021</i>	0.00	100.00	100.00	100.00	65.68	21.91
One Year Ago <i>04-13-2021</i>	13.53	86.47	44.64	18.74	8.46	0.00



Intensity:



The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

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U.S. Drought Monitor

Montana

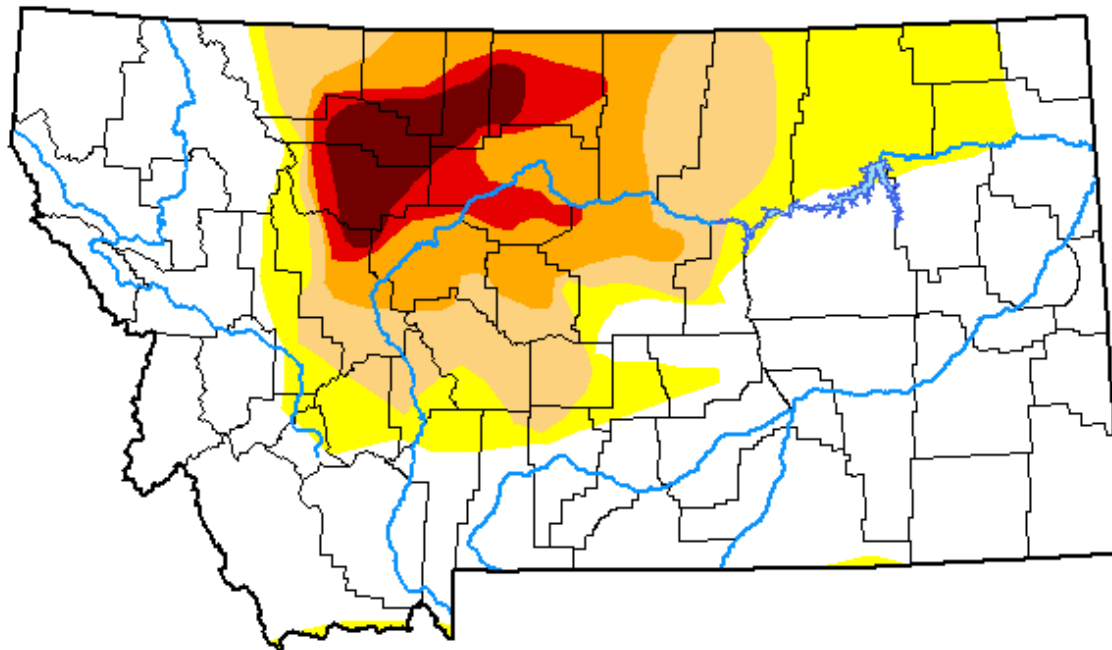
July 12, 2022

(Released Thursday, Jul. 14, 2022)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0	D1	D2	D3	D4
Current	60.19	13.30	11.16	8.90	3.45	3.01
Last Week <i>07-05-2022</i>	49.23	17.78	13.43	11.01	5.55	3.01
3 Months Ago <i>04-12-2022</i>	9.45	5.15	2.91	29.98	52.50	0.00
Start of Calendar Year <i>01-04-2022</i>	7.36	3.32	2.97	32.42	40.06	13.87
Start of Water Year <i>09-28-2021</i>	0.00	0.00	0.00	34.32	43.77	21.91
One Year Ago <i>07-13-2021</i>	0.00	8.56	19.41	35.61	36.42	0.00



Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

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Author:

Brian Fuchs
National Drought Mitigation Center

Yellowstone River Peaks of Record (Provisional Data)

Site Number	Station Name	2022 Event Peak Streamflow PROVISIONAL	Date of Peak	Previous Peak Streamflow	Year of Previous Peak	Number of Peaks	peak_years	Q _{AEP} 0.2%	Q _{AEP} 1%
06191500	Yellowstone River at Corwin Springs MT	49,400	6/13/2022	32,200	1996/1997	114	1890-1893, 1911-2020	36,900	32,600
06192500	Yellowstone River near Livingston, MT	55,200	6/13/2022	40,600	2011	96	1897-1905, 1929-1932, 1938-2020	44,900	39,200
06214500	Yellowstone River at Billings MT	84,000	6/15/2022	82,000	1997	95	1904-1905, 1918, 1929-2020	90,100	79,000

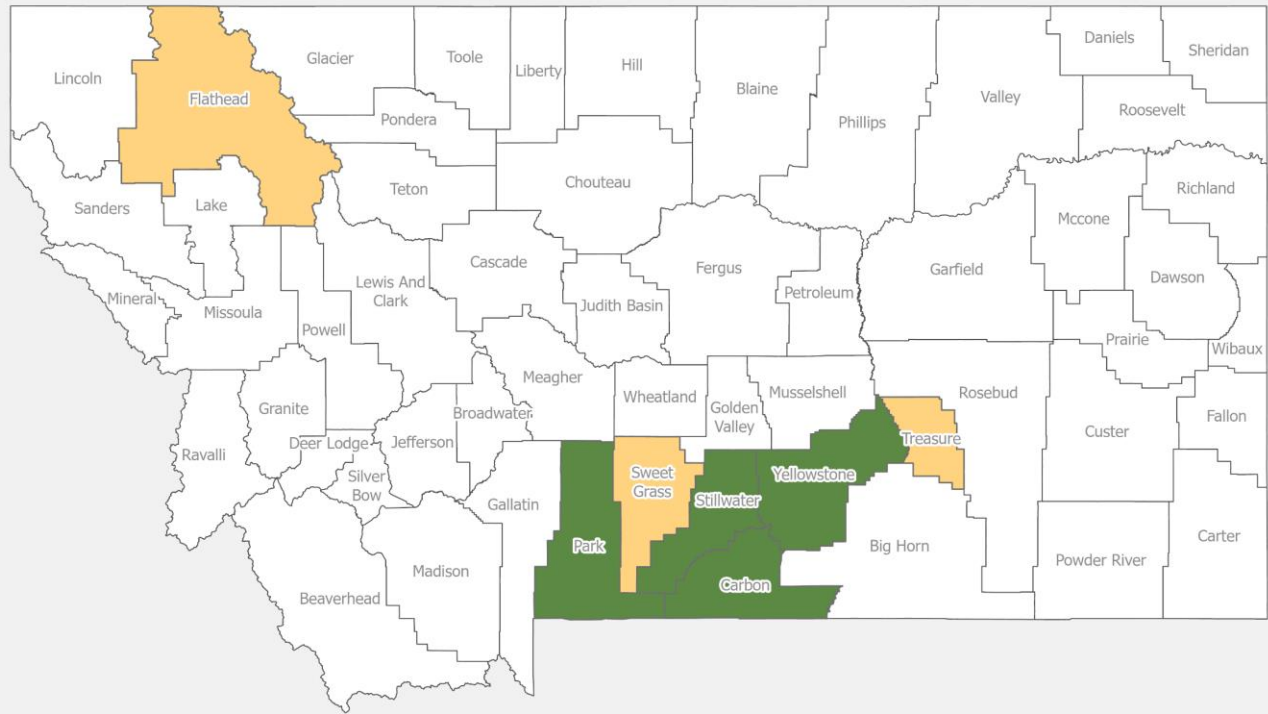
Streamflow in cubic feet per second

Q_{AEP} - Annual peak flow, in cubic feet per second, for indicated annual exceedance probability, in percent



Major Disaster Declaration (22 July 2022, 1200 MDT)

DR-4655-MT



Data Layer / Map Description:
Types of assistance designated for selected areas in the State of Montana, as well as counties under local emergency designation.

All areas in the State of Montana are eligible for assistance under the Hazard Mitigation Grant Program.

Additional designations may be made at a later date if requested by the state and warranted by the results of further damage assessments.

Amended 06/30/2022 to include Individual Assistance for counties already designated for Public Assistance.
Amended 06/30/2022 to approve Sweet Grass, Treasure, and Yellowstone counties for Public Assistance.
Amended 07/22/2022 to include Flathead county in Public Assistance and Yellowstone county for Individual Assistance

FEMA Major Disaster Declared (Both Individual Assistance & Public Assistance)

FEMA Major Disaster Declared (Public Assistance Only)

Emergency Work	Permanent Work
Address an immediate threat:	Restoration of:
A Debris removal	C Roads/bridges
B Emergency protective measures	D Water control facilities
	E Buildings/equipment
	F Utilities
	G Parks, recreational, and other facilities

Figure 6. Categories of Work



Seven Counties received Major Disaster Declarations

- Carbon
- Flathead – Just PA
- Park
- Sweet Grass-Just PA
- Stillwater
- Yellowstone
- Treasure –Just PA

(PA – Public Infrastructure)

DRNC Recovery Assistance

Floodplain Community Assistance Program (CAP)

Continued assistance with damages, permitting, insurance, training, mitigation, outreach, Individual Assistance, and Public Assistance.



Substantial Damage Assessments (SDE) were conducted on properties in and around the Special Flood Hazard Area (SFHA)

476 structures were assessed by 5 SDE teams:

- Approximately 347 were in the designated SFHA
- 62% were built prior to Flood Insurance Rate Maps (FIRMs)
- 30% were built after FIRMs
- Very few had flood insurance

Permitting Support

Documentation and permitting is critical for reimbursement, mitigating future flood losses, and decreasing insurance premiums

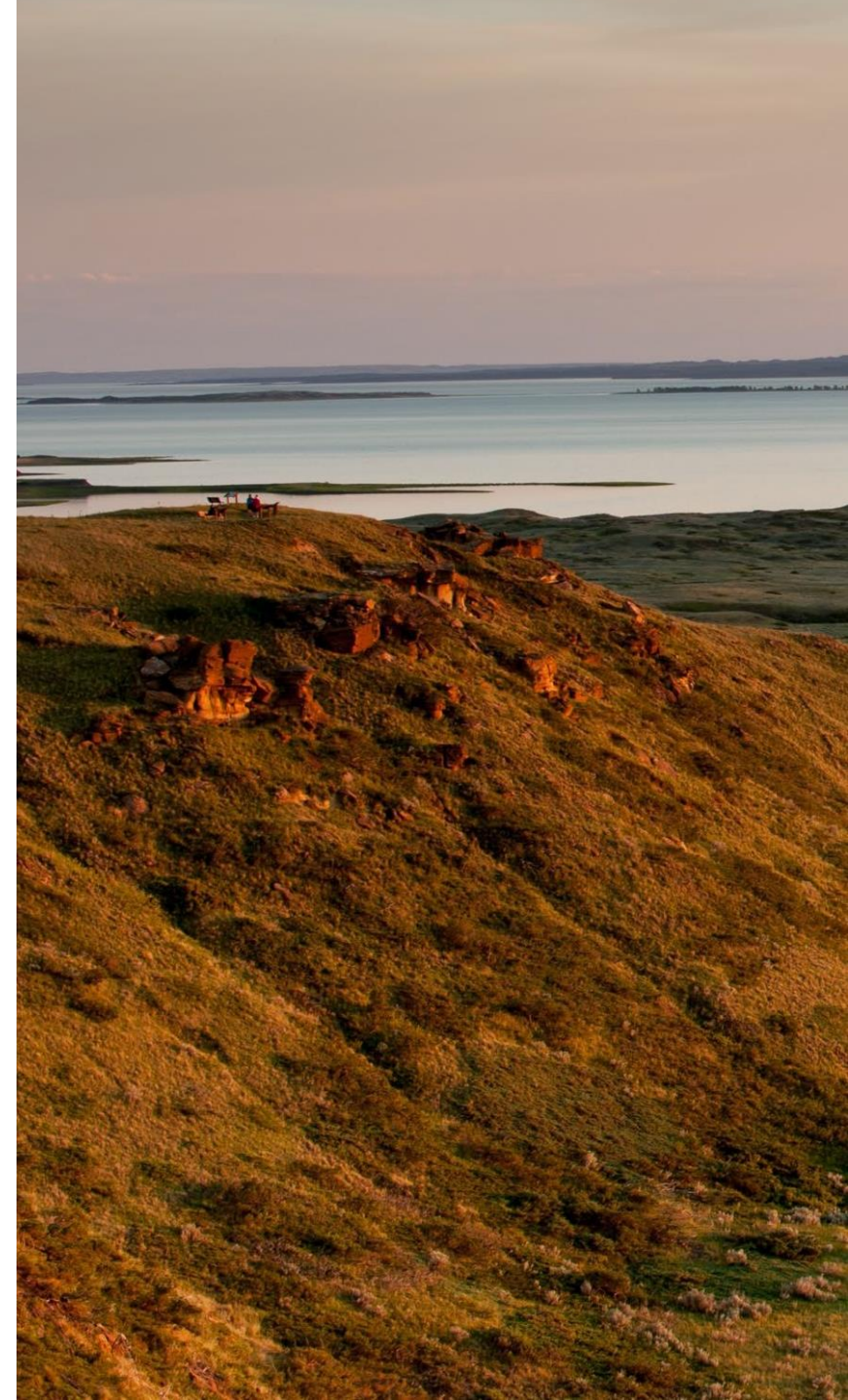
Three Floodplain Permitting personnel have been assigned by FEMA to support Carbon and Stillwater Counties. Communities have requested DNRC assistance to help train and coordinate permitting and emergency notification progress for recovery work.

COMPREHENSIVE WATER REVIEW



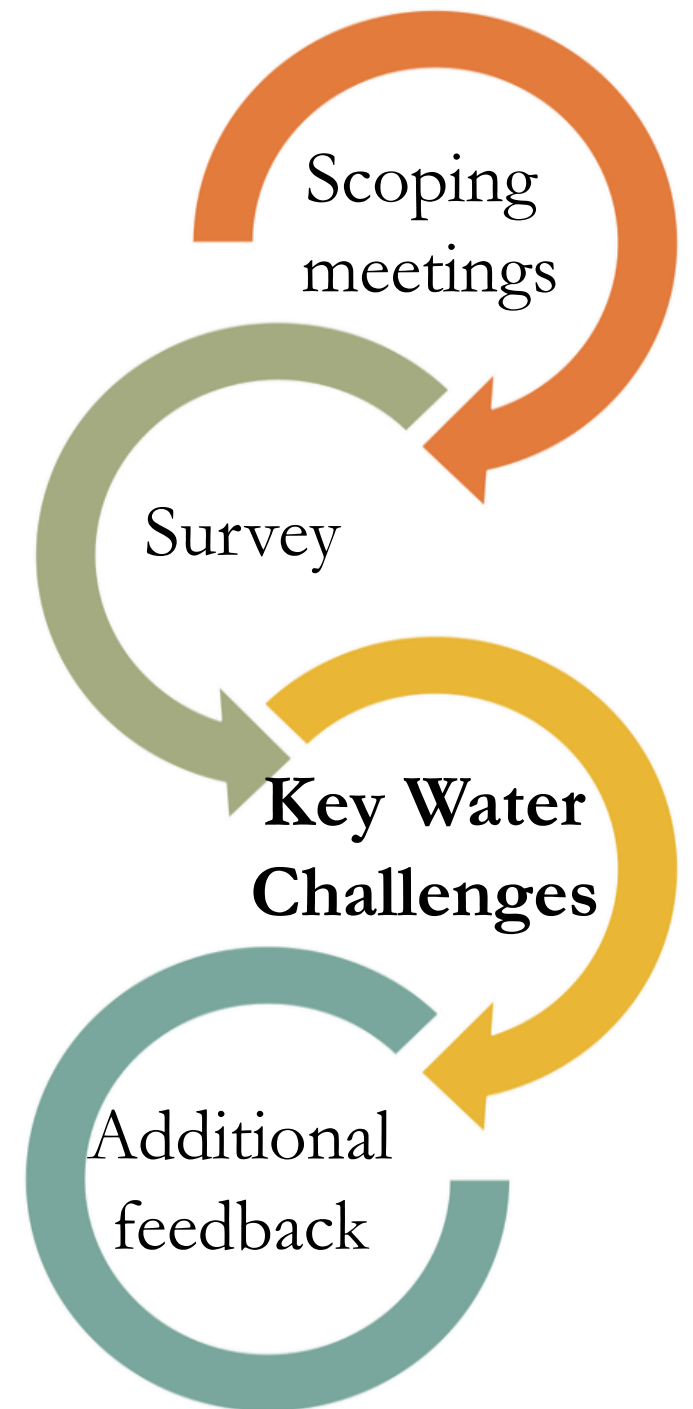
WATER USE ACT & NEEDS

- 50 years of implementation and piecemeal adjustments
- Final decrees
- Opportunity for forward thinking & innovation
- All waters of the State are property of the State; the State has an obligation to address these water use challenges through thoughtful policy development.



STAKEHOLDER DRIVEN

- Stakeholder Scoping Meetings
 - Existing Water Users, Habitat and Instream Flow, New Demands, Water Court
- Online Survey & written comments
 - >100 participants Survey
 - > 700 comments
 - > 100 comments



KEY CHALLENGES



**Final decree
transition**



**Water right
application
processes**



**Changes,
mitigation,
and
exceptions**



**Drought
management**




**Water rights
query system**



**Water
division
website**



**Stakeholder
engagement,
outreach, and
education**



STAKEHOLDER DRIVEN
POLICY CHANGES
(POTENTIAL
LEGISLATION 2023)



FINAL DECREE TRANSITION

Determine if the current statutory structure for the post final decree administration and regulation of water rights are adequate to meet future water policy objectives.

Issues addressed:

- Role of the Judiciary
- Final Decrees
- Water Distribution and Disputes
- Water Complaints and Enforcement

CHANGES, MITIGATION, AND EXCEPTIONS

Evaluate the coordination of water development, use, and protection to meet new demands in Montana.

Issues addressed:

- Permit and change process simplification
- Mitigation and Marketing for Mitigation
- Water Planning and Growth
- Permit Exceptions





ADMINISTRATIVE PROCESSES



WATER RIGHT APPLICATION PROCESSES

Evaluate and update the water right application process so that it is timely, transparent, streamlined, and consistent

Issues addressed:

- Elimination, revision, and/or necessary rulemaking; improvements to application forms, and decision documents.
- Conduct audits of internal processes to ensure consistent applications.
- Implement procedures that provide transparency to the public and timely processing of applications.



LOCAL PLANS
AND STRATEGIES

DROUGHT MANAGEMENT

Develop tools, information, and policy recommendations to support drought adaptation and mitigation efforts of Montana communities and businesses.

Areas of focus:

- Drought Taskforce,
- Drought Water Supply Advisory Committee
- Drought Management Plan
- Stream Gage Working Group





- Stakeholder involvement
- Modern, progressive plan that is accessible, engaging, and actionable
- Recommendations for programs, policies, and actions to lessen future impacts

MONTANA DROUGHT PLAN

Drought Task Force

State Agency Reps (DWSAC)

- Oversees planning process
- Facilitates communication w/ agency
- Informs state drought response and administrative framework

Technical Advisors Federal, Tribal and University Partners

- Experts to provide technical guidance as needed



Regional Stakeholders

Water Use Sector Reps

- Provide insights on impacts and adaptation through regional, facilitated meetings and individual interviews

Public

- Comments throughout plan development
- Individual interviews

Contractors

- Help with monitoring, meeting facilitation, vulnerability assessment, stakeholder interviews, writing



MEANINGFUL ENGAGEMENT



STAKEHOLDER ENGAGEMENT, OUTREACH, AND EDUCATION

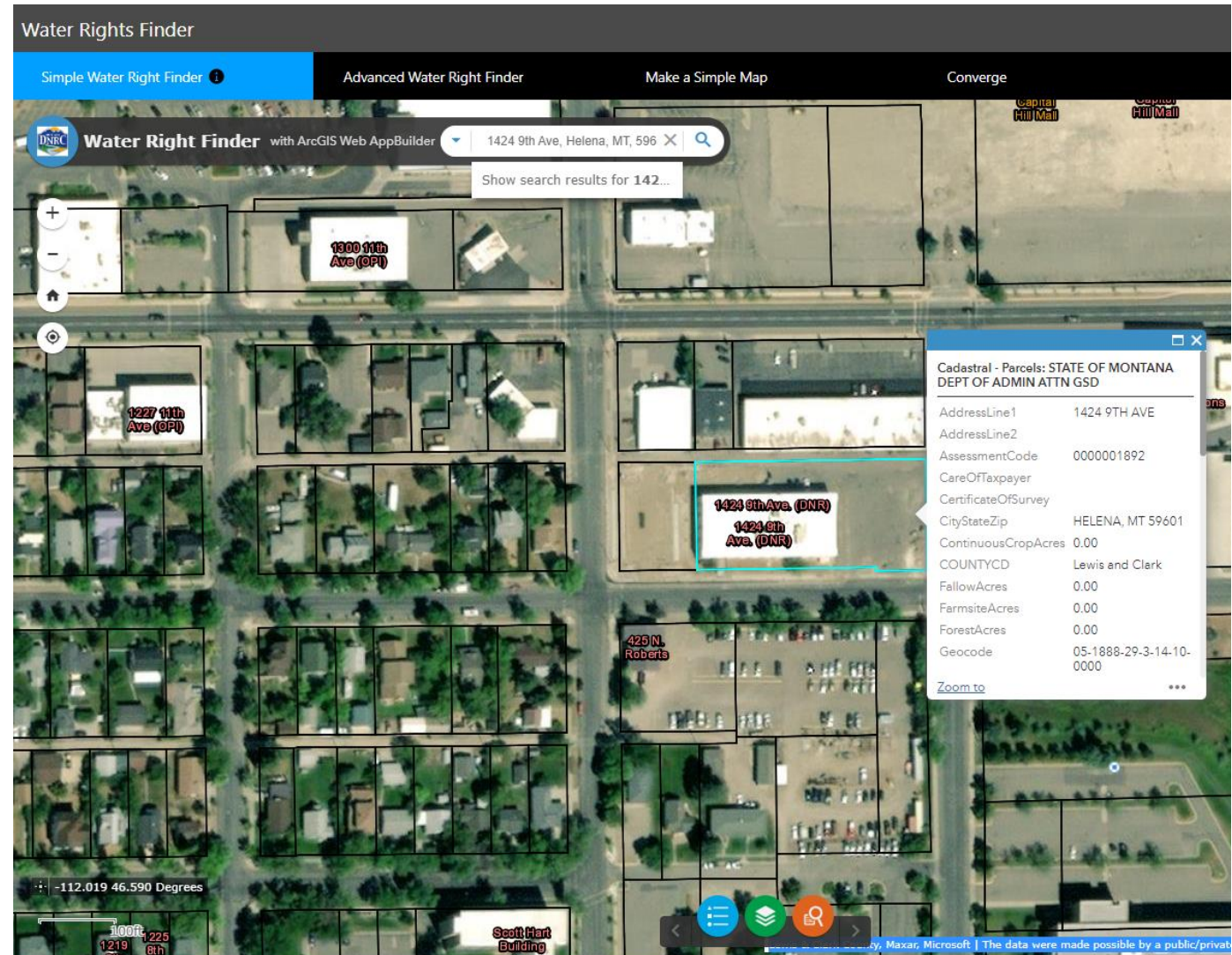
- Establish a standing Stakeholder Advisory Committee (SAC) on which policies should be formalized in administrative rule and go through the MAPA process.
- Use the SAC to gather input on policy decisions and rules or standards prior to finalization.
- Establish and Update Stakeholder Engagement Plan.



LEVERAGING TECHNOLOGIES

WATER RIGHTS QUERY SYSTEM

- Requests:
- Water Court Case files
- Water right application materials at the time of public notice
- Enhanced GIS/Mapping
- Scanned materials easier to use
- Water Right Versions
- Website overhaul



STATUS UPDATE:

- Working group legislation
- Drought plan underway
- Increase transparency & access to water rights data continues with reporting, developing new query system
- Stakeholder engagement front and center





comprehensivewaterreview.mtdnrc.gov