

**Testimony for the U.S. Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands and Forests**

**Hearing July 16, 2008**

**regarding**

**S. 3085 - The Cooperative Watershed Management Act of 2008**

Prepared by Tom Hinz, Chair; Greater Gallatin Watershed Council; Bozeman, Montana

Chairman Wyden, Distinguished Subcommittee members, my name is Tom Hinz. I'm chairman of the Greater Gallatin Watershed Council (GGWC) located in Bozeman, Montana. I'm here today representing GGWC in regard to Senate Bill 3085 titled the *Cooperative Watershed Management Act of 2008*. I also wish to convey that there are a number of other watershed groups in Montana that have or are in the process of sending letters that support the intent of this legislation.

Since I received a call last Tuesday inquiring about GGWC's ability to send someone on short notice to testify here today, I met with our Board to discuss this possibility and to request their financial support for my travel to Washington. I also talked with representatives of our parent organization, the Montana Watershed Coordination Council, other Montana watershed groups, the Montana Association of Conservation Districts, and interested individuals in regard to the future of this legislation. GGWC, in addition to its own pledge to send me here today, has received a number of other commitments, some for as little as \$50. These modest pledges not only demonstrate the limited financial resources of many of our watershed groups that can be put to this purpose, but more importantly, clearly show the hope that many of our groups have expressed for the future of this legislation as it evolves and moves forward.

Montana is the fourth largest state in the nation, covering over 145,000 square miles. Our state's population is less a million people, or roughly six people per square mile. Ours is not a wealthy state in terms of personal income, ranking 41<sup>st</sup> in the nation. What makes Montana rich though is that like our neighboring states, it has an abundance of land, open space, clean air, and an adequate supply of clean water. It's in regard to the latter that we hold some of our greatest concerns for our state's future.

The Greater Gallatin Watershed where I live encompasses 1000 square miles, an area roughly the size of the state of Rhode Island. Within that area, the Greater Gallatin Watershed Council (GGWC) works to promote the conservation and enhancement of our area's water resources while supporting the traditions of community, agriculture, and recreation. As part of this broad mission, GGWC is responsible for developing and implementing a watershed restoration plan that includes strategies to reduce Total Maximum Daily Loads (TMDLs) for nonpoint source pollutants in our streams.

The Greater Gallatin Watershed Council, like all watershed groups in Montana, struggles to gather the necessary funds not only to staff our organization but also to implement conservation projects beneficial to our surface waters and groundwater supplies. Our parent organization, the Montana Watershed Coordination Council (MWCC), is not a

lobbying organization but does provide a valuable forum for information sharing, interaction, and support for Montana's watershed conservation efforts.

GGWC and Montana's other watershed groups don't possess adequate financial resources to ensure their long-term viability without assistance from outside sources. All rely to varying degrees on: 1.) the Montana Department of Environmental Quality's TMDL and Watershed Assistance Grant programs; 2.) grants from philanthropic organizations; 3.) grants from some of Montana's 58 Conservation Districts; and 4.) private donations from Montana citizens and others concerned about water and watershed health.

GGWC and many of Montana's watershed groups were formed relatively recently, typically in response to our rapidly developing landscape. Although the state's population is small, much of the estimated 10% growth in population during the present decade is occurring on critical watershed lands, especially near our watercourses. Montana's Governor Brian Schweitzer issued a statement in March 2006 warning that development along the state's rivers and streams that destroys protective riparian areas is possibly the single most urgent ecosystem threat facing Montana today.

GGWC and other Montana watershed groups have consistently found that engaging the burgeoning number of new Montana residents in a meaningful conservation dialogue is costly. Informing our citizens and engaging them in safeguarding the environment that brought them to Montana in the first place requires both money and a lot of time. Our time investment includes not only project planning and design, but also the sometimes-slow business of involving affected stakeholders, landowners, and the public-at-large in effective watershed conservation projects.

Our collective watershed efforts, which are voluntary and nonregulatory, are carried out with very limited financial resources. Our watershed groups all have boards of dedicated, unpaid volunteers. Some have coordinators that are Conservation District employees, some raise funds on a continuing basis to pay at least a part-time coordinator, and some lack coordinators altogether. Montana's watershed groups are a diverse mix of livestock producers, farmers, mining interests, recreationists, environmental organizations, tourism interests, the real estate community, timber interests, and representatives of federal, tribal, state, and local governments. Although critics of collaborative process claim that involving stakeholders viewed as extractive may embolden such interests with even greater opportunity to wreak havoc on the environment, our TMDL process requires inviting all these stakeholders to the table. More importantly, Montana's conservation success stories written in the past decade by the Blackfoot Challenge, the O'Dell Creek Headwaters Restoration partners, and many other collaborative conservation partnerships clearly show that without all stakeholders at the table, true long-term conservation simply doesn't happen. Yes, a few limited-membership groups, agencies, or organizations may win some skirmishes, but the progress of long-term, landscape-scale conservation is best served when all those interested are welcome to participate.

I've solicited the views of many people prior to addressing you today in regard to the current version of the *Cooperative Watershed Management Act of 2008* and how it would potentially affect the functioning of Montana's watershed groups. Although primarily representing the Greater Gallatin Watershed Council here today, I also know that many if not most of our watershed partners around Montana would echo many of the following viewpoints.

GGWC resoundingly supports establishing a Cooperative Watershed Management program to complement local efforts to conserve water resources across Montana. Collectively, our watershed groups, given ample resources to organize and to plan, are without question the most appropriate foundation for delivery of watershed conservation on a landscape scale in Montana.

Specific to the language in the current version of the CWMA, GGWC would like to make the following points:

- 1.) We support the voluntary versus regulatory direction of the bill.
- 2.) While using watershed groups to deliver this program, we recommend that the focus of the legislation be water conservation, both in terms of water quality and quantity.
- 3.) We acknowledge and fully support the program's provision for funding the creation, enlargement, and project development aspects of watershed group activity. With CWMA funding available to deliver the First Phase of the program, project benefits resulting from the Second and Third Phases of the program in our state will be significant. In Montana, project funds are easier for our groups to raise than funding for coordination and administration.
- 4.) We understand that some see the CWMA as having significant overlap with *The Water for America Initiative*. We fundamentally disagree and are encouraged by the very complementary fit between the CWMA and the *Water for America Initiative*.
- 5.) We have heard the Administration's concern about budget constraints relative to the CWMA program. However, given the status of water supplies in western states like Montana, we believe that watershed conservation is appropriately among the highest environmental priorities with funding decisions made with this in mind. As the CWMA legislation moves forward, we would urge Congress to ensure that funding for the program does not come at the expense of existing Department of Interior programs which could result in a net loss of conservation program benefits in Montana.
- 6.) Eleven of the sixteen major watersheds of Montana are part of the Missouri River watershed, or more accurately, the Mississippi River Watershed, the largest watershed in North America. Fine-scale definition of watersheds eligible for funding is necessary to ensure that CWMA funds can flow to the local level at which all Montana watershed groups operate. Funding projects at a scale such as "the Missouri River watershed" in Montana has the potential for inefficient and ineffective distribution of program funding across the state.

In closing, I'd like to again express my appreciation for this opportunity as well as to acknowledge the other conservation organizations and conservation-minded individuals who have already written in support of this forward-looking legislation. The Greater Gallatin Watershed Council, the Montana Watershed Coordination Council, and our 50-plus watershed organizations across Montana will continue to engage others in gathering written comments over the coming weeks to provide you with a collective view of this legislation from our state. Thank you.

# Trip Report

## Senate Subcommittee Hearing on S.3085 - Cooperative Watershed Management Act 2008

Prepared by Tom Hinz, Chair  
Greater Gallatin Watershed Council

### Executive Summary

On June 5, 2008, Senators Tester, Baucus, Crapo (R-ID), and Craig (R-ID) introduced Senate Bill 3085 titled the *Cooperative Watershed Management Act of 2008*. The bill directs the Secretary of Interior to make funding available to local watershed groups through an application process that must be established by the Department of Interior within one year of the bill's passage. Watershed groups may use funding in one or more of three phases. **Phase 1** includes funding to establish or enlarge a management group; to develop a mission statement for the management group; and, to develop project concepts. **Phase 2** provides funds to carry out watershed management projects, while **Phase 3** provides continued funding for watershed groups capable of using additional grants to achieve appropriate increases in economic, social, or environmental benefits. The bill provides a range of federal cost-shares from 50 to 100 percent depending on the activity proposed. Funding authorization proposed begins at the \$2 million per year level and increases to \$20 million per year by 2012. Pending work between the Senators' offices and Department of Interior officials, mark-up of this bill could occur before Congress adjourns September 26<sup>th</sup>. A staffer for Senator Tester expressed the view that mark-up in 2009 may actually be better timing for the bill given the current budget climate. In either event, should this bill survive in anything resembling its current form and have funds appropriated for it, Montana's watershed groups for the first time would have access to federal funds dedicated to their specific purposes. As the legislation moves forward, all Montana watershed groups need to be heard, whether pro or con, so that our Montana delegation has a clear picture of what is needed here. Costs incurred for this trip on behalf of GGWC and partners exceeded \$1,000. Commitments to date from GGWC and partners stand at \$850. Additional donations to GGWC to offset the remaining shortfall are requested.

### Introduction

On June 5, 2008, Senators Tester, Baucus, Crapo (R-ID), and Craig (R-ID) introduced Senate Bill 3085 titled the *Cooperative Watershed Management Act of 2008*. This bill directs the U.S. Department of Interior to fund the creation, enlargement, and functioning of local watershed groups and also provides direct project funding for watershed projects. Because the Interior agency apparently most logically tied to the proposed legislation is the Bureau of Reclamation (BOR), as a BOR-administered program any funding

appropriated for this program would flow only to the 17 western states where BOR has administrative authority.

As current chair of the Greater Gallatin Watershed Council (GGWC), I submitted a letter to Senator Tester's office on May 15, 2008 in support of this legislation. I was contacted by the Senator's office on July 7 inquiring whether a representative of GGWC would be available to travel to Washington to provide testimony regarding the bill during a Senate subcommittee hearing scheduled for July 16. After discussing the matter with the GGWC Board, co-chairs and members of MWCC, the Blackfoot Challenge, MACD and others, it was agreed that I would attend the hearing and provide supporting testimony on behalf of GGWC. In addition, other watershed groups and conservation organizations that wished to help defray travel costs for me to attend the hearing were also to be represented as supporting at least the spirit and intent of the legislation.

The current version of S.3085 has been distributed via the Watershed List Serve and other electronic media. The written testimony I provided at the hearing on July 16 has also been forwarded to MWCC and partners and is available directly from me at [ggwchinz@gmail.com](mailto:ggwchinz@gmail.com).

## **The Bill**

S.3085, titled the *Cooperative Watershed Management Act of 2008*, provides funding for watershed management groups that are comprised of the diverse stakeholders within a watershed. It directs the Secretary of Interior to make funding available through an application process that must be established within one year of passage of the bill. Watershed groups may use funding in one or more of three phases. **Phase 1** includes funding to establish or enlarge a management group; to develop a mission statement for the management group; and, to develop project concepts. **Phase 2** provides funds to carry out watershed management projects, while **Phase 3** provides continued funding for watershed groups capable of using additional grants to achieve appropriate increases in economic, social, or environmental benefits.

Allowable uses of program funding as directed by the bill include: administrative costs of the watershed group; salary for not more than one full time employee; studies of the watershed; and, projects described in the group's mission statement, including demonstration projects relating to water conservation and alternative water uses.

The bill provides for a range of federal cost sharing ranging from 50 to 100 percent depending on the activity proposed for use of the funds. Funding authorization proposed in the bill begins at the \$2 million per year level and increases to \$20 million per year by 2012.

## Trip Events and Observations

I arrived in Washington on Tuesday, July 15 and was the guest that evening of Peter Fischer, Chief of Staff for Idaho Senator Mike Crapo. (Many thanks to Karin Boyd with GGWC for arranging this which saved us lodging expenses for the week!)

On Wednesday morning, I attended Senators Tester and Baucus' weekly breakfast for visiting Montanans. At that meeting, I had several opportunities to talk with Senator Tester and members of his staff including Alex Apostos, an AGU/AAAS Science Congressional Fellow. Both senators were very encouraging about the upcoming hearing and the opportunity for Montana watershed groups to be heard by those in attendance as well as for the record. Matt Jennings, Legislative Assistant for Senator Tester and Alex Apostos provided some potential questions that may be asked of Department of Interior staff (including BOR) in attendance at the hearing as well as several questions of me. As is protocol, the Q&A portion of the hearing agenda followed presentation of oral testimony by those scheduled to do so. Oral testimony was limited to five minutes for each presenter.

Six senators were in attendance at the beginning of the hearing to hear or provide testimony on not only S.3085 but several other Interior-related bills. By the end of the Q&A portion of the hearing, Senator Tester was the sole senator remaining in the room. A transcript of the full proceedings of the hearing can be viewed online at the subcommittee's website (navigate to U.S. Senate, Committee on Energy and Natural Resources, Subcommittee on Forestry and Public Lands).

During the Q&A portion of the hearing, Senator Tester was very blunt in questioning BOR officials regarding the bill, essentially taking a position that none of the current Department of Interior BOR funding is directed to watershed groups in Montana for the purposes described in the bill. BOR officials countered with reference to Challenge Grants made to local governments, state, and tribal governments for watershed conservation projects. With further questioning by Senator Tester, BOR did acknowledge that nongovernmental watershed groups were not eligible for Challenge Grant funds.

BOR's position in regard to S.3085 was in part based on their new *Water for America Initiative* which is part of the President's FY09 budget at the \$30+ million funding level. BOR believes that S.3085 and the *Water for America Initiative* overlap to such a degree that S.3085 is unnecessary. BOR also holds the position that any funding available for the CWMA program would need to be redirected from existing programs; that is, that no new funding would be made available for the program. Senator Tester ended questioning of BOR officials by confirming that they would be available to meet with his staff over the next few weeks to work out details of a subsequent version of the bill.

During my part of the Q&A portion of the hearing, Senator Tester asked if I knew how much funding GGWC or other watershed groups that I was familiar with had received from Challenge Grant programs to date. I replied that there were none that I'm aware of.

## **The Future of S.3085**

Pending work between the Senators' offices and Department of Interior officials, mark-up of this bill could occur before Congress adjourns September 26<sup>th</sup>. Alex Apostos ventured an opinion that a 2009 mark-up may be better timing given the current budget climate and the impending elections. Whatever new administration is in place after the first of the year, it will in any event be different than the current one and potentially a more positive climate for this bill to be considered. It is the Senators' and our belief that funding for this program must not come from existing DOI programs which could represent a loss of other DOI program funding already coming to Montana through BLM, BOR, USFWS, and related programs.

### **Summary**

Senators Tester and Baucus expressed appreciation to me in representing GGWC and our Montana watershed groups and conservation partners for being present to provide testimony on S.3085. It's my view that as the legislation moves forward, all Montana watershed groups need to be heard, whether pro or con, so that our Montana delegation has a clear picture of what is needed here.

This trip for me involved an investment of 3 days off work and over \$1000 in expenses for travel, meals, and related expenses. GGWC has currently committed or received commitments (or funds) for about \$850. Additional funds would be appreciated to offset my costs but in any event, I feel this hearing and time with our Montana senators and their staffs was time and money well spent on behalf of GGWC, Montana watershed groups, MACD, and our Montana conservation partners.