

HB 657 INTRODUCED BY RAPP-SVRCEK, ET AL.
REQUIRES HYDROELECTRIC DAM OWNERS TO CONSULT WITH
AGENCIES REGARDING FISHERY IMPACTS

2/07 INTRODUCED
2/07 REFERRED TO NATURAL RESOURCES
2/07 FISCAL NOTE REQUESTED
2/13 HEARING
2/13 TABLED IN COMMITTEE
2/16 FISCAL NOTE RECEIVED

1 *Waller* House BILL NO. 657
 2 INTRODUCED BY *Lippinck* *Ryan* *Cobb* *Hagan*
 3 *Edison* *Hoffman* *Caldwell* *McKrell*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING OPERATORS OF
 5 HYDROELECTRIC DAMS TO CONSULT WITH THE DEPARTMENT OF FISH,
 6 WILDLIFE, AND PARKS, DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 7 SCIENCES, AND DEPARTMENT OF NATURAL RESOURCES AND
 8 CONSERVATION CONCERNING THE EFFECTS OF DAM OPERATIONS ON
 9 FISHERIES; REQUIRING NOTICE OF RESERVOIR DRAWDOWNS THAT
 10 WOULD ADVERSELY AFFECT FISHERIES; AND PROVIDING AN IMMEDIATE
 11 EFFECTIVE DATE."

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 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Consultation required. (1) Owners of
 15 hydroelectric dams or their agents shall jointly consult
 16 with the department of fish, wildlife, and parks, department
 17 of health and environmental sciences, and department of
 18 natural resources and conservation for the purpose of
 19 reviewing the effects of dam operations on fisheries,
 20 including aspects of dam operations or procedures that
 21 enhance or mitigate adverse effects on fisheries. The
 22 consultation must identify additional procedures or
 23 modifications of existing procedures, as appropriate, that
 24 would enhance or mitigate adverse effects on fisheries.

25 (2) Whenever a change in hydroelectric dam operations

1 is contemplated after an initial consultation, as provided
 2 for in subsection (1), and the change would result in
 3 adverse effects on fisheries, the owner of a hydroelectric
 4 dam or his agent shall consult with the departments
 5 specified in subsection (1) prior to implementing the
 6 change.

7 Section 2. Notice of reservoir drawdowns. (1) At least
 8 14 days prior to drawing down a reservoir to a level, at a
 9 rate or at a time of year that would have a substantial
 10 adverse effect on fisheries, as identified in the
 11 consultation required under [section 1], the owner of a
 12 hydroelectric dam or his agent shall provide notice of the
 13 planned drawdown to the department of fish, wildlife, and
 14 parks, department of health and environmental sciences,
 15 department of natural resources and conservation, and
 16 persons residing in the vicinity of the hydroelectric dam
 17 and reservoir.

18 (2) Notice to citizens is accomplished by publication
 19 of a description of the planned drawdown in a newspaper of
 20 general circulation that will inform persons residing in the
 21 vicinity of the hydroelectric dam and reservoir.

22 (3) Drawdowns for the purpose of emergency flood
 23 control are exempt from the provisions of this section.

24 Section 3. Rulemaking authority. The department of
 25 fish, wildlife, and parks, department of health and



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1 environmental sciences, and department of natural resources
2 and conservation may adopt rules as necessary to implement
3 the purposes of this act.

4 Section 4. Effective date. This act is effective on
5 passage and approval.

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