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Monday, January 24, 2005

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Saturday, January 22, 2005

## Bill to protect Gallatin would put moratorium on some construction

By [WALT WILLIAMS](#) Chronicle  
Staff Writer

HELENA -- Any new construction that could potentially harm the clear waters of the Gallatin River would be denied the necessary permits under a bill backed by several conservation groups.

Rep. Chris Harris, D-Bozeman, is asking the state to issue a moratorium on permits for any construction the may cause "permanent, substantial degradation" of the Gallatin between Yellowstone National Park and Spanish Creek. The moratorium would be in place until the state completes an environmental impact statement, which is required to designate the river an Outstanding Resource Water, the highest level of protection under state law.

So far, however, the state hasn't coughed up the more than \$200,000 needed for the EIS.

"Until we get funding, we want to preserve the quality of the Gallatin River," Harris told the House Natural Resources Committee Friday.

But several people from Big Sky testified that his proposal would hurt the community's economy by unnecessarily restricting construction.

"The introduction of a bill without the consent of the community which it is affecting is insulting to the people it is trying to regulate," said Marne Hayes, executive director of the Big Sky Chamber of Commerce.

House Bill 251 is Harris' second attempt to put in place a moratorium. His last try died a quick death in committee in 2003.

This time around the effort gained more attention, with some 50 people attending Friday's hearing on the bill.



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Opponents included Rep. Diane Rice, R-Harrison, and Rep. Roger Koopman, R-Bozeman, whose district covers Big Sky. He said the bill had cast a "dark cloud" over the resort community.

Backing it were a variety of conservation groups, from American Wildlands to Trout Unlimited.

Scott Bosse of the Greater Yellowstone Coalition explained that residents in the area started seeking ORW protection a few years ago after the Big Sky Water and Sewer District proposed dumping treated sewage in river.

That issue was eventually resolved.

"What we don't want to happen now is we don't want to see another proposal to dump 15 million gallons of treated sewage or any similar proposal on the Gallatin River," Bosse said. "That's why we were asking for the sensible step of interim protection."

ORW status would give the Gallatin the greatest possible protection under state law. More than 2,000 people signed a petition asking for the protection, an effort backed by both the Gallatin County and Bozeman City commissions.

But the Montana Department of Environmental Quality hasn't come up with the money to conduct the necessary study to make that happen. Harris said his bill was a symbolic gesture to let the Legislature know the study was a priority.

Several opponents said what Harris doing was setting up a defacto ORW designation without first completing the necessary study.

Gallatin Canyon resident Jon Holtzman, who supports ORW status for the river, said the state needs to follow the proper process.

"The way to bring attention to the issue and pressure the Legislature isn't to threaten construction moratoriums," he said.

However, Bonnie Lovelace of the DEQ said the moratorium would only apply to permits seeking to degrade the river's water quality, and many examples used in the hearing wouldn't be effected, such as stormwater runoff.

She also said that the protections in the bill were not the same as those in a full-fledged ORW, which protects a watershed from any permanent changes.

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