

April 28, 2021

The Honorable Greg Gianforte
Office of the Governor
PO Box 200801
Helena, MT 59620-0801

RE: Veto Request - SB 358 - Repeal of Numeric Nutrient Standards in Montana

Dear Governor Gianforte,

We, the undersigned conservation organizations representing thousands of Montanans, are writing to urge you to veto SB 358 by Senator John Esp. This bill, if signed into law, would repeal the numeric nutrient standards currently in place to protect Montana's water from excessive nutrient discharges. As you know, clean water is critical to Montana's economic prosperity and environmental health. The outdoor industry is now Montana's leading economic sector, in large part because Montana offers an unparalleled opportunity for recreation on our crystal clear rivers and streams. Visitors from across the country and around the world flock to Montana's water bodies to boat, fish, swim, and camp. This bill places Montana's clean water and our \$7.1 billion outdoor recreational economy in serious jeopardy.

Numeric nutrient standards were established after a long, consensus driven process. These standards have been designed to protect and restore the designated uses of Montana's water bodies. Before the establishment of numeric nutrient standards, the effective regulation and enforcement of nutrient pollution was difficult, and our water quality suffered. Having a clear, numeric standard that is backed by science has enabled more effective monitoring of water bodies, establishes a threshold for compliance for both dischargers and the public, and facilitates the expedited development of total maximum daily loads (TMDLs) for restoring waters that do not meet the standard (and thus, their designated uses).

As an alternative to the current numeric standards, this bill directs the Montana Department of Environmental Quality (DEQ) to promulgate and adopt rules related to *narrative* nutrient standards and the development of an adaptive management program. The bill provides that this rulemaking must be completed by March of 2022. Due to the overwhelming complexity of Montana's water quality system and the myriad sources of nutrient pollution, the adoption of science-based, legally defensible rules and regulations within this timeframe is unfeasible. Presumably, after the adoption of regulations, DEQ would then approach the adaptive management program through an "incremental watershed approach," as specified in the proposed legislation. Experience in Montana has shown that the design and implementation of adaptive management processes for nutrient pollution, at a watershed scale, takes several years and a large commitment of resources. Expanding this process statewide will likely take decades and, during the interim, result in more nutrient pollution in our rivers, streams, and lakes.

The adoption of SB 358 will put Montana into a backslide in terms of controlling and addressing nutrient pollution in our cherished waterways. While the current system in place for controlling nutrient pollution is not perfect, it has resulted in economic and environmental benefits that should not be undone. We sincerely appreciate your commitment to Montana and we look forward to working with you in order to protect the state that we all love. With that in mind, we respectfully request that you veto this unnecessary and harmful legislation that is on your desk.

Thank you for your consideration of our request.

Sincerely,

Scott Bosse, Northern Rockies Director
American Rivers

Andrew Gorder, Legal Director
Clark Fork Coalition

Deirdre Coit, President
Egan Slough Community

Bruce Young, President
Flathead Lake Protection Association

Kate Sheridan, Executive Director
Flathead Lakers

Dennis Glick, Executive Director
Future West

Charles Drimal, Waters Conservation Coordinator
Greater Yellowstone Coalition

Amy Seaman, Director of Policy and Science
Montana Audubon

Whitney Tawney, Executive Director
Montana Conservation Voters

Derf Johnson, Clean Water Program Director
Montana Environmental Information Center

Liz Albers, Executive Director
Montana Public Interest Research Group (MontPIRG)

Mayre Flowers, Board Chair
Montana Smart Growth Coalition

Frank Szollosi, Executive Director
Montana Wildlife Federation

Sarah Bates, Acting Regional Executive Director
National Wildlife Federation

Jeanie Alderson, Chair
Northern Plains Resource Council

Michelle Uberagua, Executive Director
Park County Environmental Council

Summer Nelson, Director
Sierra Club Montana Chapter

Guy Alsentzer, Executive Director
Upper Missouri Waterkeeper

Steve Moore, Board Chair
Water for Flathead's Future