



# ENVIRONMENTAL QUALITY COUNCIL

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**GOVERNOR STEVE BULLOCK**  
**DESIGNATED REPRESENTATIVE**  
TIM BAKER

**HOUSE MEMBERS**  
JERRY BENNETT  
WILLIS CURDY  
JANET ELLIS  
ED LIESER  
THERESA MANZELLA  
KERRY WHITE

**SENATE MEMBERS**  
JOHN BRENDEN  
JIM KEANE  
MIKE PHILLIPS  
RICK RIPLEY  
CARY SMITH  
GENE VUCKOVICH

**PUBLIC MEMBERS**  
SCOTT ASPENLIEDER  
BROOKE ERB  
BERT LINDLER  
ROY MORRIS

**COUNCIL STAFF**  
JASON MOHR, Research Analyst  
SONJA NOWAKOWSKI, Research Analyst  
HOPE STOCKWELL, Research Analyst  
HELEN THIGPEN, Staff Attorney  
NADINE SPENCER, Secretary  
JOE KOLMAN, Legislative Environmental Analyst

## MINUTES LOG

June 3, 2015  
Room 172, Capitol Building  
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

### **COMMITTEE MEMBERS PRESENT**

SEN. JOHN BRENDEN  
SEN. JIM KEANE  
SEN. MIKE PHILLIPS  
SEN. GENE VUCKOVICH

REP. WILLIS CURDY  
REP. JANET ELLIS  
REP. ED LIESER  
REP. THERESA MANZELLA  
REP. KERRY WHITE

MR. SCOTT ASPENLIEDER  
MS. BROOKE ERB  
MR. BERT LINDLER  
MR. ROY MORRIS

## **COMMITTEE MEMBERS EXCUSED**

REP. JERRY BENNETT  
SEN. RICK RIPLEY  
SEN. CARY SMITH

## **STAFF PRESENT**

HOPE STOCKWELL, research analyst  
HELEN THIGPEN, staff attorney  
NADINE SPENCER, secretary  
JOE KOLMAN, legislative environmental analyst

## **AGENDA & VISITORS' LIST**

Agenda, [Attachment 1](#).  
Visitors' list, [Attachment 2](#).

## **COMMITTEE ACTIONS**

- The EQC approved the minutes from September 10-11, 2014.
- The EQC adopted the rules.
- The EQC voted not to include proposed member issues in the work plan.

## **CALL TO ORDER AND ROLL CALL**

00:00:01 Sen. Brenden called the meeting to order at 1:00 p.m. The secretary called the roll, [Attachment 3](#).

## **ADMINISTRATIVE MATTERS**

### **Committee Introductions**

00:01:57 The EQC members introduced themselves.

### **Staff Introductions**

00:13:52 Joe Kolman, legislative environmental analyst, Legislative Services Division, introduced the EQC staff.

### **Adoption of EQC Minutes**

00:16:34 Sen. Brenden

00:17:17 **Motion/Vote:** Sen. Keane moved to accept the September 10-11, 2014 minutes. The motion carried unanimously by voice vote.

## **EQC Budget Overview**

00:17:54 Mr. Kolman said the budget for the 2015-16 interim, which begins July 1, is \$89,000.

### **Committee questions and discussion:**

00:19:09 Sen. Phillips said the EQC budget does not include staff time.

## **Adoption of EQC Rules**

00:20:02 Mr. Kolman, discussed the rules adopted by Legislative Council, [Exhibit 1](#).

### **Committee questions and discussion:**

00:21:46 The committee discussed discouraging the use of PowerPoint presentations.

00:23:21 Rep. White requested that handouts in the manila meeting folder be available in electronic form.

00:24:22 **Motion/Vote:** Rep. Lieser moved to adopt the rules, procedures, and guidelines. The motion carried unanimously by voice vote.

## **COUNCIL AND STAFF RESPONSIBILITIES**

00:24:49 Mr. Kolman gave an overview of the EQC responsibilities.

00:28:59 Mr. Kolman gave an overview of staff responsibilities.

00:31:53 Mr. Kolman said public comment is encouraged and said the EQC will be provided copies of all public comment.

00:33:14 Mr. Kolman discussed the items in the member folders, [Exhibit 2](#).

00:34:23 Sen. Brenden commented on committee procedures.

## **WATER POLICY INTERIM COMMITTEE UPDATE**

00:35:34 Jason Mohr, research analyst, Legislative Services Division, discussed SB 82 (2015) which expanded the responsibilities of the WPIC.

00:37:42 Mr. Mohr gave an update of the WPIC meeting held on June 1 and 2, 2015.

## **ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE UPDATE**

00:40:46 Sonja Nowakowski, research analyst, Legislative Services Division, said that the ETIC will meet on June 5. She discussed the role of the committee.

00:41:16 Ms. Nowakowski gave a summary of the three studies the committee will work on during the interim.

00:42:14 Ms. Nowakowski discussed SB 396 (2015).

00:42:34 Ms. Nowakowski named the ETIC members.

00:42:49 Ms. Nowakowski discussed the EPA regulations under section 111(d) of the Clean Air Act and the formation of a subcommittee, with members from both the EQC and the ETIC, to oversee the state's development of rules to comply with federal requirements.

#### **Committee questions and discussion:**

00:46:55 Sen. Keane asked if the ETIC has a budget for the subcommittee. Ms. Nowakowski said it will wait to see how much the first couple of interim meetings cost and if it can be worked into the current ETIC budget.

00:47:49 Sen. Keane asked about money not used during the last interim and if it can be used to fund the subcommittee. Mr. Kolman said that by statute the money is rolled over and cannot not be used specifically for the subcommittee. He said Legislative Council has an allocation of money that can be used for emerging issues.

00:50:49 Sen. Brenden asked how much money was allocated in HB 2 (2015) for the subcommittee that was line item vetoed by the governor. Mr. Kolman said it was approximately \$9,000.

00:51:49 Rep. White asked about the budget for ETIC. Ms. Nowakowski said the ETIC budget is approximately \$40,000.

00:52:39 Sen. Brenden said money can be saved if the subcommittee meets before and after the EQC and ETIC meetings.

00:52:57 Rep. White asked if the subcommittee will be made up of four members from each committee. Mr. Kolman said it will. Sen. Brenden said it will be comprised of an equal number of members from each political party.

00:53:32 Recess

01:08:54 Reconvene

#### **ELECTION OF THE EQC CHAIR AND VICE CHAIR**

01:08:54 **Motion:** Sen. Brenden nominated Sen. Vuckovich for chair of the EQC.

#### **Discussion:**

01:09:59 Sen. Keane

01:10:15 **Vote:** The motion carried unanimously by voice vote.

01:11:01 Sen. Vuckovich assumed the role as chair.

01:11:16 **Motion:** Sen. Vuckovich nominated Rep. Bennett for vice chair of the EQC.

#### **Discussion:**

01:11:31 Rep. White

01:12:06 **Vote:** The motion carried unanimously by voice vote.

## **INTRODUCTION AND REVIEW OF INTERIM WORK PLAN OPTIONS**

01:12:44 Mr. Kolman gave instructions and an overview of the work plan, [Exhibit 3](#).  
01:14:18 Mr. Kolman discussed resource allocation.  
01:17:18 Mr. Kolman discussed HJ 13 (2015), interim study of federal roads and parcels access.  
01:18:56 Mr. Kolman discussed the 111(d) subcommittee.  
01:21:10 Mr. Kolman discussed the statutory duties of the EQC.  
01:22:20 Mr. Kolman discussed general oversight duties and program evaluations.  
01:26:28 Mr. Kolman explained the EQC program evaluation sheet, [Exhibit 4](#).  
01:26:58 Mr. Kolman discussed the EQC educational publication obligations.

### **Committee questions and discussion:**

01:29:45 Sen. Brenden said the EQC has a number of issues to work on during the interim.  
01:31:32 **Motion:** Sen. Brenden moved not to include any of the proposed member issues for study by the EQC.

### **Discussion:**

01:32:00 Sen. Keane said he agreed.  
01:34:43 Rep. Ellis explained why she proposed the studies.  
01:37:07 Sen. Phillips asked about the email that was sent to members of the EQC asking for ideas for the work plan. Mr. Kolman said there are a number of issues and it was an attempt to give the members time to consider each of them.  
01:38:06 Sen. Phillips commented on why he offered his ideas.  
01:39:21 Sen. Phillips asked how voting is done by the Council. Sen. Brenden explained the voting procedure.  
01:40:50 Sen. Phillips asked about the allocation of FTE. Sen. Keane responded.  
01:43:43 Rep. White asked about the EQC's statutory oversight responsibilities. Mr. Kolman said that under any of the work plan options the EQC will fulfill its statutory duties.  
01:47:15 Rep. Curdy commented on the member proposed issues.  
01:48:40 Rep. Lieser commented on the member proposed issues.  
01:50:22 Sen. Brenden restated his motion.  
01:50:44 **Vote:** The motion carried 10-6 by roll call vote, [Attachment 4](#). Rep. Curdy, Rep. Ellis, Rep. Lieser, Sen. Phillips, Mr. Lindler and Mr. Morris voted no. Rep. Bennett, Sen. Ripley, and Sen. Smith voted yes by proxy, [Attachment 5](#).

### **Committee questions and discussion:**

01:52:06 Rep. White agreed with the time allocated for HJ 13.  
01:52:25 Rep. Ellis asked Sen. Keane how the proposed member issues can be added into the work plan.

**Public comment:**

01:59:30 John Hagenruber, U.S. Forest Service liaison to the state of Montana, said the USFS is willing to work with the EQC on the HJ 13 study. He said the USFS has information on road access dating back 10 years, but he said it will be difficult to provide information over a 35-year period as required by the study.

**Committee questions and discussion:**

02:00:53 Rep. Manzella asked how long the USFS has been printing maps and if they can be made available to the EQC. Mr. Hagenruber said they have been printing maps since the USFS was established and will provide copies to the EQC.

02:01:46 Sen. Keane asked if maps are available for roads that were in existence before the formation of the USFS. Mr. Hagenruber said it could be included as a topic of the study.

**Public comment:**

02:03:22 Chuck Denowh, policy director, United Property Owners of Montana, said they support HJ 13 and are concerned about the lack of access to public land.

**Committee questions and discussion:**

02:05:07 Rep. White asked if property owners are willing to help gather information on land locked parcels for the study. Mr. Denowh said they are.

02:06:57 Sen. Vuckovich commented on problems that can be encountered on county roads.

02:08:24 Rep. White asked about the level of maintenance required for a road to be classified as a county road. Helen Thigpen, staff attorney, said she will find out and report back to the EQC.

02:09:10 Sen. Brenden said there is a process to close county roads on private land.

02:11:02 Recess

02:25:01 Reconvene

**STATUTORY ADMINISTRATIVE RULE REVIEW**

02:25:29 Ms. Thigpen, discussed administrative rulemaking, the role of the EQC, and what the EQC can expect from her going forward, [Exhibit 5](#). She provided a copy of pending administrative rules pertaining to the EQC, [Exhibit 6](#).

02:34:20 Ms. Thigpen discussed the change in oversight for rules related to water as a result of SB 82.

**Public comment:** None

**Committee questions and discussion:**

- 02:35:16 Sen. Keane asked what the EQC needs to do in order to be kept informed of rules related to water. Mr. Kolman said the EQC will get a report from the WPIC at each meeting. Ms. Thigpen said she will include detailed information on the rules for the EQC.
- 02:36:34 Rep. White asked Ms. Thigpen about the procedure to object to or change a rule.

**FOOD AND AG DEVELOPMENT CENTERS PROGRAM UPDATE**

- 02:41:26 Kim Falcon, Department of Agriculture, gave a report on the Food and Agriculture Development Centers and provided a summary of activities in the last 2 years, [Exhibit 7](#).

**Committee questions and discussion:**

- 02:46:33 Rep. Curdy asked how other communities can become part of the program. Ms. Falcon said there would need to be an appropriation from the legislature.
- 02:47:27 Rep. Curdy asked if the Department of Agriculture works with the extension service to facilitate the program. Ms. Falcon said it does.
- 02:48:52 Rep. Manzella asked where she can get more detailed information. Ms. Falcon said there is information on the department's website and she can provide a list of all of the businesses and programs that have been funded.

**Public comment:** None

**FIRE SEASON**

- 02:50:03 Bob Harrington, administrator, Forestry Division, Department of Natural Resources and Conservation, state forester, provided a summary of how meteorologists predict the fire season, [Exhibit 8](#), and gave an update on the current fire season.
- 02:54:08 Mr. Harrington discussed resources that are available for fighting fire.

**Public comment:** None

**Committee questions and discussion**

- 02:57:55 Sen. Keane asked about the remaining balance of money in the fire fund. Mr. Harrington said there is approximately \$44-45 million dollars in the fund.
- 02:58:54 Rep. Ellis asked Mr. Harrington to explain the map showing the Northern Rockies geographic area.
- 03:00:23 Rep. White asked if there are outstanding funds owed to Montana from the federal government. Mr. Harrington said they are still working on fire cost recovery from 5-10 years ago, but that it is probably \$5-10 million dollars. Rep. White asked that the committee be provided more information.

- 03:01:57 Rep. Curdy asked if local fire department communication systems are compatible with the state. Mr. Harrington said they are.
- 03:04:04 Rep. Lieser asked Mr. Harrington about incident management teams.

### **FORESTS IN FOCUS**

- 03:08:49 Mr. Harrington gave an update on the Montana Forests in Focus Initiative and provided a map and summary sheet, [Exhibit 9](#).
- 03:09:42 Mr. Harrington provided background information on the initiative.
- 03:12:35 Mr. Harrington discussed forest industry retention.
- 03:14:35 Mr. Harrington discussed tribal, state, and private forests.
- 03:18:12 Mr. Harrington discussed federal forest management.
- 03:22:20 Mr. Harrington discussed collaboration and partnerships.

**Public comment:** None

#### **Committee questions and discussion:**

- 03:23:19 Rep. Lieser asked Mr. Harrington about litigation involving the agency.
- 03:25:29 Rep. Lieser asked Mr. Harrington about the county forest advisor position created under HB 510 (2015). Mr. Harrington said they are looking at options to staff the position.
- 03:27:19 Rep. White asked if the Custer-Gallatin collaborative working group received money from the Forest in Focus Initiative and if so how much. Mr. Harrington said it did receive funding and he will find out the amount.
- 03:28:27 Rep. White asked how the USFS views collaboratives and how it is using them to be effective. Mr. Hagenruber said that working with collaboratives is the agency's new way of doing business.
- 03:30:42 Rep. White asked if the USFS has a national policy on collaborative processes as required under the Farm Bill. Mr. Hagenruber said he will find out.
- 03:32:17 Ms. Erb asked Mr. Harrington about the new liaison position that was created.

### **FORESTED TRUST LAND SUSTAINABLE YIELD CALCULATION**

- 03:33:35 Sonya Germann, Forest Management bureau chief, Trust Land Management Division, Department of Natural Resources and Conservation, explained the forested trust land sustainable yield calculation, [Exhibit 10](#).

**Public comment:** None

#### **Committee questions and discussion:**

- 03:46:24 Rep. Lieser asked Ms. Germann how much salvage volume was obtained from insect and disease mortality trees.



- 03:49:03 Rep. Lieser asked what was given up from the forest improvement account to pay for the sustained yield study and about funding in the future. Ms. Germann said they do fall behind on some of the work that they can do on the ground, but include it in timber sale contracts. She said as a result of funding they received during the last legislative session DNRC has \$250,000 per year of authority in the forest improvement account.
- 03:51:10 Rep. Lieser asked if the sustained yield calculation was done only on the 67,000 acres acquired by the state. Ms. Germann explained why the calculation was based on all of the forested land that DNRC manages.
- 03:53:37 Rep. Curdy asked about the revenue-to-cost ratio when trees are sold off of state land. Ms. Germann said it is 2:1.
- 03:55:24 Rep. Curdy asked what the ratio is now that the market is down. Ms. Germann said she did not know, but said because DNRC attracts a lot of bidders its bids are higher than the mills.
- 03:57:20 Rep. Curdy asked if the 67,000 acres of land DNRC obtained was from Plum Creek. Ms. Germann said 85% was former Plum Creek land.
- 03:58:27 Rep. Curdy said the land DNRC acquired was highly logged and asked if the sustained yield calculation included that land. Ms. Germann said it did and that the calculation is done on a 200 year planning model.
- 04:02:11 Rep. White asked about calculations for land affected by fire. Ms. Germann said it is included in the acres of mortality.
- 04:04:01 Sen. Keane asked Ms. Germann about the amount of land used for the current calculation.
- 04:06:33 Ms. Germann provided copies of the draft Executive Summary - 2015 Sustainable Yield Calculation, [Exhibit 11](#).

#### **PUBLIC COMMENT**

None

- 04:07:07 Mr. Kolman gave instructions to the EQC for the work plan and program evaluations.
- 04:10:05 Sen. Keane asked Mr. Kolman about the program evaluations.
- 04:13:13 Mr. Lindler asked Mr. Kolman about the flow of work during the interim.
- 04:15:02 Sen. Vuckovich adjourned the meeting at 5:18 p.m.

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