



ENVIRONMENTAL QUALITY COUNCIL

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HOPE STOCKWELL, Research Analyst
HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary
JOE KOLMAN, Legislative Environmental Analyst

MINUTES LOG

November 16, 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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

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

COMMITTEE MEMBERS PRESENT IN HELENA

SEN. GENE VUCKOVICH, CHAIR

REP. JANET ELLIS

COMMITTEE MEMBERS PRESENT VIA PHONE CONFERENCE

REP. JERRY BENNETT, VICE CHAIR

SEN. JIM KEANE
SEN. MIKE PHILLIPS
SEN. RICK RIPLEY
SEN. CARY SMITH

REP. WILLIS CURDY
REP. THERESA MANZELLA
REP. KERRY WHITE

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

COMMITTEE MEMBERS EXCUSED

SEN. JOHN BRENDEN
REP. ED LIESER

STAFF PRESENT IN HELENA

HOPE STOCKWELL, RESEARCH ANALYST
HELEN THIGPEN, STAFF ATTORNEY
NADINE SPENCER, SECRETARY
JOE KOLMAN, LEGISLATIVE ENVIRONMENTAL ANALYST

AGENDA AND VISITORS' LIST

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

CALL TO ORDER AND ROLL CALL

- 00:00:01 Sen. Vuckovich called the meeting to order at 11:01 a.m. The secretary called the roll, [Attachment 3](#).
- 00:01:48 Joe Kolman, legislative environmental analyst, Legislative Services Division (LSD), introduced the visitors, staff, and Council members present in the meeting room.

REVIEW OF REVISED GAME DAMAGE RULE PROPOSAL

Overview of proposed rule and changes

- 00:02:17 Alan Charles, Sportsmen Landowner Relations Bureau chief, Wildlife Division, Department of Fish, Wildlife, and Parks (FWP), provided an overview of the proposed game damage rules and the revisions made to the rules in response to public comment, [Exhibit 1](#).

Public comment None

Committee questions and discussion

- 00:12:31 Rep. Ellis asked if the Wildlife Information System database that FWP uses for the game damage hunt roster is the same database referred to in the game damage audit report. Mr. Charles said it is not.
- 00:14:04 Ms. Erb asked if there is any recourse for a landowner who has denied access to a hunter if that hunter is later selected for a game damage hunt. Mr. Charles said the landowner can continue to deny access to that hunter.

00:14:57 Mr. Aspenlieder asked under what authority the landowner has the right to deny access. Mr. Charles said it is the landowner's constitutional property right.

00:16:19 Sen. Phillips joined the meeting.

00:17:22 Mr. Aspenlieder asked how an alternate hunter is selected to replace the hunter that has been denied access. Mr. Charles said the next eligible hunter is selected from the list.

00:19:07 Rep. White asked if it is FWP's intention to force landowners to allow unrestricted or free public access during hunting season in order to receive the benefits from the game damage hunt. He also asked about the number of districts the shoulder season applies to. Mr. Charles said it is not the department's objective to force landowners to allow free hunting access. He said the shoulder season is a separate proposal through the Fish and Wildlife Commission and has nothing to do with the game damage rules.

00:23:41 Rep. White asked about the pilot program for shoulder seasons. Sen. Vuckovich said shoulder seasons are a separate issue and did not allow the question.

00:24:41 Sen. Keane said FWP has addressed some of the concerns the Environmental Quality Council (EQC) had about the game damage rules and said landowners who do not allow public access for hunting should not be able to benefit from game damage hunts. Mr. Charles said FWP has tried to be responsive to public concerns and has not proposed anything that would change the eligibility requirements that are currently in place for the landowner.

00:26:47 Rep. Curdy asked Mr. Charles to provide a report at the next EQC meeting on how the hunter selection process went and if hunters selected from the list of names provided by landowners were given priority.

00:28:17 Sen. Ripley asked that the report include whether or not the people who were selected for the game damage hunt also participated in the hunt.

00:29:08 Sen. Keane asked that the report include whether or not the department sent the requested number of hunters for each area.

00:29:51 Mr. Charles said the department can provide information for each hunt including how many hunters were selected, how many were notified, how many participated, and the letter notification process for notifying landowner and roster hunters.

00:30:17 Sen. Vuckovich asked how the department will verify that the people selected participated in the hunt. Mr. Charles said the department has a notification process and follows up to get harvest success information.

Committee action

00:30:53 Sen. Vuckovich opened discussion on any action the Council wants to take.

00:31:06 Rep. White asked if the EQC is considering the proposed rules in their entirety or only the changes. Mr. Kolman said the Council needs to consider the entire rule proposal.

00:32:28 Rep. White said he objects to the rules because landowners are forced to allow public hunting during the general hunting season in order to participate in the game damage hunt.

00:33:58 Sen. Ripley said the rules will not work to force access onto private land and that reasonable access has never been defined. He said he does not object to the rules.

00:35:06 Sen. Keane said under the rules landowners still have control over their land and agreed that the rule should move forward.

00:36:13 Rep. White said he did not make a formal motion to object to the rules.

00:36:38 Sen. Vuckovich said the EQC will take no action on the rules.

PUBLIC COMMENT ON ANY MATTER CONTAINED IN THIS AGENDA AND THAT IS WITHIN THE JURISDICTION OF THE EQC

None

00:37:11 Sen. Vuckovich adjourned the meeting at 11:38 a.m.

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