



# ENVIRONMENTAL QUALITY COUNCIL

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**GOVERNOR STEVE BULLOCK**  
**DESIGNATED REPRESENTATIVE**  
PATRICK HOLMES

**HOUSE MEMBERS**  
BRADLEY MAXON HAMLETT--  
WILLIS CURDY  
JANET ELLIS  
STEVE GUNDERSON  
THERESA MANZELLA  
KERRY WHITE

**SENATE MEMBERS**  
--CHAS VINCENT--Chair  
MIKE LANG  
MIKE PHILLIPS  
JP POMNICHOWSKI  
CARY SMITH  
GENE VUCKOVICH

**PUBLIC MEMBERS**  
SCOTT ASPENLIEDER  
JOHN C. BRENDEN  
KYLIE PAUL  
MATT VINCENT

**COUNCIL STAFF**  
TREVOR GRAFF, Research Analyst  
JASON MOHR, Research Analyst  
HOPE STOCKWELL, Research Analyst  
NADINE SPENCER, Secretary  
ERIN BILLS, Legal Staff  
JOE KOLMAN, Legislative Environmental Analyst

## MINUTES LOG

September 12, 2018  
Room 317, 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. CHAS VINCENT, Chair  
REP. BRADLEY MAXON HAMLETT, Vice Chair

SEN. MIKE LANG  
SEN. MIKE PHILLIPS  
SEN. JP POMNICHOWSKI  
SEN. CARY SMITH  
SEN. GENE VUCKOVICH

REP. WILLIS CURDY  
REP. JANET ELLIS  
REP. STEVE GUNDERSON  
REP. THERESA MANZELLA  
REP. KERRY WHITE

MR. JOHN BRENDEN  
MS. KYLIE PAUL  
MR. MATT VINCENT

**COMMITTEE MEMBERS EXCUSED**

MR. SCOTT ASPENLIEDER

**STAFF PRESENT**

HOPE STOCKWELL, Research Analyst  
NADINE SPENCER, Secretary  
ERIN BILLS, Legal Staff  
JOE KOLMAN, Legislative Environmental Analyst

**VISITORS' LIST (Attachment 1)**

**AGENDA (Attachment 2)**

**COMMITTEE ACTIONS**

The Environmental Quality Council (EQC):

- Approved the minutes from July 25-26, 2018;
- Voted to pre-introduce LCdog4 as a committee bill;
- Voted to approve the draft report on the study of bird dog regulations;
- Voted to pre-introduce LCLIB1 as a committee bill;
- Voted to approve the SJ 5 draft report.

**CALL TO ORDER AND ROLL CALL**

10:20:17 Sen. Vincent called the meeting to order at 10:02 a.m. The secretary called the roll. (Attachment 3) Mr. Aspenlieder was excused and left his proxy with Sen. Lang. (Attachment 4)

**ADMINISTRATIVE MATTERS**

**Budget Review**

10:22:02 Joe Kolman, environmental analyst, Legislative Services Division (LSD), said there is \$48,000 left in the budget for this meeting and the first meeting of the next interim.

**Adoption of EQC Minutes from July 25-26**

**Motion/Vote**

10:22:29 Rep. Ellis moved to adopt the minutes from July 25-26. The motion carried unanimously by voice vote. Mr. Aspenlieder voted aye by proxy.

**WATER POLICY INTERIM COMMITTEE UPDATE**

10:22:57 Jason Mohr, research analyst, LSD, provided an update for the Water Policy Interim Committee (WPIC) meeting on September 10.

## **ENERGY & TELECOMMUNICATIONS INTERIM COMMITTEE UPDATE**

- 10:28:21 Trevor Graff, research analyst, LSD, provided an update for the Energy and Telecommunications Interim Committee (ETIC) meeting on September 10.
- 10:33:10 Mr. Vincent entered the meeting at 10:15 a.m.
- 10:34:13 Mr. Graff said the ETIC has completed its work on the guide to *Understanding Energy in Montana*.

Public comment        None

### **EQC questions and discussion**

- 10:34:56 Sen. Phillips said he would like a copy of the energy guide. He asked Mr. Mohr about the proposed legislation from the Department of Environmental Quality (DEQ) to create a grant program to remove lead from schools and the amount of money that will be generated by doubling the connection fee for public water supplies.
- 10:35:59 Rep. Curdy asked Mr. Mohr about the legislation regarding the stream gauge network.
- 10:38:07 Rep. Curdy asked Mr. Mohr if the WPIC discussed which stream gauges to keep, decommission, or to add.
- 10:39:08 Rep. Hamlett commented on exempt wells and said he recommends reducing it from 10 acre feet to 2.5 acre feet.
- 10:39:53 Sen. Pomnichowski asked Mr. Mohr about the legislation for stream gauge monitoring and about the members of the study group.
- 10:41:11 Sen. Vincent asked Mr. Mohr about the legislation regarding adverse effects for water right applications.

### **FIRE-RELATED STUDY TOPICS**

- 10:43:48 Sen. Vincent provided an introduction.

#### **Fire Season Update**

- 10:44:11 John Tubbs, director, Department of Natural Resources and Conservation (DNRC), provided an update on funding for the fire season.
- 10:45:41 Michael DeGrosky, chief, Fire Protection Bureau, Division of Forestry, DNRC, provided an update on the fire season this year.
- 10:53:16 Ken Schmid, state fire management officer, Montana-Dakota, Bureau of Land Management (BLM), provided information on the fire season in the region.
- 10:55:46 Mr. Tubbs said there is a story map on the DNRC website about the County Assist Team. Mr. Tubbs also said that in the initial stages of the Howe Ridge fire the DNRC was the lead in the evacuation efforts and the initial response.
- 10:57:42 Sen. Vincent asked Mr. Tubbs about the story map.

### EQC questions and discussion

10:58:31 Rep. Curdy asked Mr. DeGrosky about the use of Incident Management Teams and if the state has discussed creating its own Type 2 team and how many Type 3 Incident Commanders the department has.

### Options for Landowner Assessment Fees

11:01:16 Mr. Kolman provided an overview of the bill drafts.  
11:04:55 Mr. Kolman discussed LCfpa1. [\(Exhibit 1\)](#)  
11:11:39 Mr. Kolman said the other two bill drafts differ in the way fees are assessed. [\(Exhibit 2\)](#)  
11:11:52 Mr. Kolman provided copies of suggested changes from the DNRC. [\(Exhibit 3\)](#)  
11:12:41 Mr. Kolman provided copies of language from the special session bill draft. [\(Exhibit 4\)](#)  
11:14:37 Mr. Kolman said the Council received copies of the fee schedules. [\(Exhibit 5\)](#)  
11:15:42 Ed Caplis, director, Tax Policy and Research, Department of Revenue (DOR), provided information on the fee schedules.

### Public comment

11:20:28 Tim Burton, executive director, Montana League of Cities and Towns  
11:23:51 Michael Christianson, chairman, Montana Forest Owners Association [\(Exhibit 6\)](#)  
11:31:37 Ross Morgan, Rocky Mountain Stockgrowers Association  
11:33:49 Alan Olson, representing himself  
11:36:13 Julia Altemus, Montana Wood Products Association  
11:37:11 Mr. Christianson  
11:37:43 Jay Bodner, Montana Stockgrowers Association  
11:40:40 Richard Grady  
11:43:23 Mr. DeGrosky

The EQC also received written public comment. [\(Exhibit 7\)](#)

### EQC questions and discussion

11:46:40 Mr. Brenden commented on his concerns regarding the bill draft.  
11:49:41 Mr. Brenden asked Mr. Tubbs about who is responsible for a fire that starts on state land that is caused by a lightning strike.  
11:52:23 Mr. Brenden asked Mr. Tubbs about fire suppression costs for a county when a fire starts on state land and is caused by a lightning strike.  
11:52:47 Mr. Brenden asked Mr. Tubbs about the assessment fee for fee title landowners.  
11:53:39 Rep. Curdy asked Mr. DeGrosky if municipal firefighters are part of the preparedness training the DNRC offers every year.  
11:55:10 Rep. Curdy asked Mr. DeGrosky about the requirement that the DNRC needs to provide the amount of money the state spends for preparedness, to the DOR, by September 1. Mr. DeGrosky redirected the question to Mr. Tubbs.  
11:56:44 Rep. Curdy asked Mr. DeGrosky about the fire preparedness money and if it is cut-off once the fire season starts.  
11:57:27 Rep. Curdy asked Mr. DeGrosky about costs for training fire crews from the Army or National Guard after fire season starts and if it is included in the preparedness budget or if it is charged to the specific fire.

11:58:47 Rep. Curdy asked Mr. DeGrosky about the requirement that the DNRC needs to determine the amount of the legislative appropriation for wildland protection preparedness costs to the DOR by September 1 and if it will be an issue because of late fire seasons.

11:59:46 Rep. Curdy redirected his question to Mr. Tubbs.

12:01:49 Sen. Vincent asked Mr. Tubbs about setting the fee cap.

12:04:45 Rep. Ellis asked about the account for aviation equipment replacement. Sen. Vincent said staff will find out.

12:05:33 Rep. Ellis asked Mr. Tubbs about the fire preparedness money and if it accumulates.

12:07:50 Rep. Ellis asked Mr. Burton about municipal assessments versus rural firefighter assessments.

12:10:31 Rep. Manzella asked Mr. DeGrosky about offering a discount for landowners who manage timber on their land.

12:11:44 Rep. White asked Mr. Tubbs about money appropriated into the aviation equipment replacement account.

12:17:25 Sen. Vincent said the legislature can put statutory restrictions on the appropriated money.

12:17:56 Mr. Kolman provided information on the legislative intent in the bill that preparedness assessment money could be spent on suppression.

12:18:56 Mr. Kolman answered Rep. Ellis's earlier question and said there is a preparedness account and an aviation equipment replacement account.

12:19:09 Rep. White commented on the letter from the U.S. Forest Service, that was provided at the last meeting, indicating the agency's intent was to only extinguish fire when needed. He said the state is using its aviation resources and fire replacement account on fighting fires on federal land.

12:20:33 Sen. Vincent said if the Council wants to make any changes to the bills it needs to take action today.

12:20:49 Sen. Pomnichowski asked about the need for new terminology. Mr. Kolman said it is taken from the DOR language.

12:25:11 Sen. Lang provided his recommendations on improvements to the bills.

12:25:46 Rep. Hamlett asked Mr. Burton about the amount of land owned by the city of Helena in the Tenmile Watershed.

12:28:16 Rep. Hamlett asked Mr. Burton about the cause for the recent impaired air quality around the city of Helena.

12:29:01 Rep. Hamlett asked Mr. Tubbs to provide information on private, state, and federal land ownership in the area of the Tenmile Watershed and the Hyalite Reservoir in Bozeman. Mr. Kolman said the Natural Heritage Program has a breakdown of land ownership by county.

12:31:47 Sen. Smith said he does not support any of the bill drafts.

12:33:48 Sen. Vincent said he will provide his changes to staff and directed other Council members to do the same for consideration and action tomorrow.

12:35:21 Sen. Vincent said the next topic will be heard after lunch.

12:35:32 Recess for lunch at 12:18 p.m.

01:39:46 Reconvene at 1:22 p.m.

## **ROAD CLOSURES AND RESTRICTIONS ON STATE LANDS REPORT, 77-1-820, MCA**

- 01:40:04 Shawn Thomas, division administrator, Trust Lands Management Division, DNRC, presented the report on road closures and restrictions on state land required under SB 326 (2015). **(Exhibit 8)**
- 01:42:20 Mr. Thomas provided information on recreational use restrictions.
- 01:43:11 Mr. Thomas provided information on anticipated road closures and restrictions.
- 01:44:33 Mr. Thomas provided information on travel management planning.

Public comment          None

### EQC questions and discussion

- 01:46:50 Rep. White asked Mr. Thomas about the progress being made by the Inter-Governmental Working Group on the Helena/Lewis and Clark National Forest Plan revisions and requested the contact information for the members of the working group.
- 01:49:33 Rep. White asked Mr. Thomas to provide information on connector routes and the dates when the closures and restrictions became permanent for the state trust lands in the chart he provided.
- 01:51:19 Sen. Lang asked Mr. Thomas about the range for the location of the restrictions.
- 01:51:43 Rep. Hamlett asked Mr. Thomas about parcel size and if there is an acreage limit to allow hunting.
- 01:52:30 Rep. Hamlett asked Mr. Thomas about hunting on the parcel of land on Fox Farm Road in Great Falls and about planning for the three roadway approaches.
- 01:55:28 Rep. Hamlett asked Mr. Thomas about signage used for state trust lands.

## **NATURAL HERITAGE PROGRAM FUNDING**

- 01:57:17 Sen. Vincent said the Council received a copy of the draft letter that was written to the governor regarding funding for the Natural Heritage Program (NHP). **(Exhibit 9)**
- 01:57:24 Mr. Kolman said the letter encompasses the findings in the draft report from the last EQC meeting
- 01:57:45 Mr. Kolman said the Council received a final copy of the draft report and can approve it today. **(Exhibit 10)**

### EQC discussion on the draft letter

- 01:58:03 Rep. White commented on the letter and recommended including information about the core funding being used to leverage additional funds.
- 01:58:48 Rep. Ellis asked about adding that it is a biennial appropriation. Sen. Vincent said it can be included.

### Public comment

- 01:59:47 Jenni Stapp, state librarian, said she is available for questions.
- 02:00:02 Sen. Vincent asked Mr. Kolman about including information on leveraging additional money. Mr. Kolman redirected the question to Ms. Stapp.
- 02:01:09 Sen. Vincent asked Ms. Stapp to provide the information to staff and said the Council can take action on the letter tomorrow.

## **STATE PARKS PROGRAM EVALUATION**

### **Parks In Focus Update**

02:02:03 Sen. Vincent provided an update and said there will be a meeting September 27-28 in Glendive.

### **EQC questions and discussion**

02:03:39 Mr. Brenden asked Sen. Vincent about park classification and priority for Hell Creek and Ackley Lake State Parks.

02:05:14 Angie Grove, chair, State Parks and Recreation Board, provided an update on reevaluating the parks classification system.

02:05:41 Mr. Brenden commented on Hell Creek and Ackley Lake State Parks and said there are a limited number of parks in eastern Montana. Sen. Vincent said the topic has been included in the discussions.

02:06:31 Ms. Grove introduced herself.

02:06:39 Rep. White asked Hope Stockwell, research analyst, LSD, about the Statewide Comprehensive Outdoor Recreation Plan (SCORP). Ms. Stockwell redirected the question to Beth Shumate, State Parks administrator, Department of Fish, Wildlife, and Parks (FWP).

02:08:08 Rep. White asked Ms. Shumate about the role of the Parks In Focus effort in the SCORP process.

02:09:33 Rep. White commented on the need for coordination between the different groups and implementation of a final plan. Sen. Vincent commented on the planning efforts.

02:12:11 Rep. Hamlett asked Sen. Vincent if the Parks In Focus Commission has discussed West Shore State Park.

02:14:00 Rep. Hamlett asked Sen. Vincent about acquiring new property for state parks.

02:14:41 Rep. Hamlett commented on preserving the Bear Gulch property near Lewistown. Sen. Vincent commented on the need to preserve new areas and taking care of current properties as part of the strategic vision.

02:16:47 Sen. Vuckovich asked Sen. Vincent about the Parks In Focus Commission.

### **OHV1 and Snowmobile1: Gas Tax Allocation Proposals**

02:18:12 Ms. Stockwell said the proposals to increase the gas tax revenue allocations for FWP's off-road vehicle and snowmobile programs have not changed and no additional public comment has been received.

### **Public comment**

02:18:46 Mr. Burton

### **EQC questions and discussion**

02:19:14 Rep. White asked about interest by the members of the EQC to increase funding.

02:19:41 Sen. Vincent said the Council does not need to take any action and it can be discussed tomorrow.

## **AQUATIC INVASIVE SPECIES PROGRAM EVALUATION**

### **FWP Update**

- 02:20:15 Paul Sihler, chief of staff, FWP, provided information on the Dreissena mussel rapid response exercise taking place at Flathead Lake.
- 02:21:40 Mr. Sihler provided an update on inspection stations, enforcement efforts, and monitoring for the Aquatic Invasive Species (AIS) program.
- 02:21:49 Sen. Vincent left the meeting and Rep. Hamlett took over the duties of the chair.
- 02:24:20 Mr. Sihler provided information on the outreach and education campaign.
- 02:24:24 Mr. Sihler discussed the inspection stations operated in conjunction with other partners.

### **Montana Invasive Species Council Update**

- 02:25:52 Bryce Christiaens, noxious weed coordinator, Missoula County; chair, Montana Invasive Species Council (MISC), provided an update on the law review of the invasive species statutes.
- 02:29:40 Mr. Christians discussed AIS funding.
- 02:29:57 Sen. Vincent returned to the meeting and resumed the duties of the chair.
- 02:30:19 Mr. Christiaens provided information on the AIS summit on November 15-16.
- 02:30:56 Mr. Christiaens discussed the science advisory panels.
- 02:32:14 Mr. Christiaens discussed education outreach.
- 02:32:37 Mr. Christiaens said the MISC completed its first accomplishment report.  
**(Exhibit 11)**
- 02:32:46 Mr. Christiaens said they continue to work with the NHP on data management to include information on invasive species on the NHP website.
- 02:33:10 Mr. Christiaens discussed feral horses.

### **Upper Columbia Conservation Commission Update**

- 02:33:47 Lori Curtis, Science and Education director, Whitefish Lake Institute; acting chair, Upper Columbia Conservation Commission, provided an update on commission activities. **(Exhibit 12)**

### **Program Funding Proposal (LCaisr) and comments received**

- 02:36:41 Ms. Stockwell, presented information on the EQC funding proposal.  
**(Exhibit 13)**
- 02:38:47 Ms. Stockwell provided a highlight of the public comments received. **(Exhibit 14)**
- 02:39:26 Ms. Stockwell provided an overview of LCaisr. **(Exhibit 15)**
- 02:41:49 Ms. Stockwell discussed the fiscal impact of changing the fee for a non-resident youth fishing license to half price. **(Exhibit 16)**

### **Public comment**

- 02:43:54 Gary Wiens, Montana Electric Cooperatives' Association
- 02:44:16 Liv Stavick, Montana Farm Bureau Federation



## EQC questions and discussion

- 02:45:14 Mr. Brenden said he recommends defining "non-motorized vessel" in the bill draft. Ms. Stockwell provided a copy of FWP's rule defining vessel.  
**(Exhibit 17)**
- 02:46:24 Mr. Brenden asked Ms. Stockwell if the definition includes paddleboards.
- 02:47:12 Rep. White asked Ms. Stockwell about the fees in the bill draft.
- 02:48:33 Rep. White asked Ms. Stockwell about the combination license.
- 02:48:58 Rep. White asked Ms. Stockwell about the termination date for funding.
- 02:49:55 Mr. Brenden asked about notification for non-residents regarding the fee for paddleboards. Sen. Vincent said the emphasis will be on compliance rather than enforcement.
- 02:52:10 Mr. Brenden said he recommends that the bill specify that a warning will be issued for the first offense.
- 02:52:53 Rep. Curdy said most of the education takes place at inspection stations.
- 02:53:39 Mr. Vincent said he recommends not including the migratory game bird program revenues because of the administrative cost and that he does not recommend cutting the non-resident fee by half.
- 02:55:09 Rep. Ellis asked Ms. Stockwell about the administrative cost for implementing a new set of motorized and non-motorized watercraft decals.
- 02:57:31 Sen. Lang commented on the administrative costs.
- 02:59:15 Sen. Vincent said representatives from FWP are in the audience and can answer questions about the costs.
- 03:00:14 Mr. Sihler provided information on administrative costs.
- 03:01:01 Rep. Ellis said she wanted to quantify the amount of the administrative costs and if it would decrease the amount of money going into the AIS program.
- 03:01:31 Sen. Vincent asked Mr. Sihler about an efficient way to administer decals.
- 03:02:35 Sen. Vincent asked Mr. Sihler about focusing on compliance and education rather than enforcement.
- 03:03:25 Sen. Phillips asked Sen. Vincent about the reason why hydroelectric facilities were assessed a fee for the AIS program.
- 03:06:16 Sen. Phillips asked Mr. Wiens about partial funding by hydroelectric facilities.
- 03:09:55 Rep. Ellis asked about assessing fees for utilities that own dams and not from the co-ops.
- 03:10:52 Sen. Vincent provided his comments and said he does not recommend assessing any hydroelectric fees.
- 03:11:50 Mr. Brenden asked about Kerr Dam and assessing a fee on a tribal entity.
- 03:13:11 Sen. Vincent said during its work this interim the EQC has determined that the AIS program is necessary, is a priority, and that something needs to be done. He asked Council members to provide staff with any changes before taking action tomorrow.
- 03:14:20 Rep. Curdy asked Ms. Curtis about the work the commission has done with the seaplane industry to better address seaplanes as a vector for AIS.
- 03:15:34 Rep. Curdy thanked Ms. Curtis for the commission's work with the seaplane industry.
- 03:17:16 Sen. Pomnichowski asked Mr. Sihler about a reduction in expenses if mussel larvae are not detected in Canyon Ferry and Tiber Reservoirs.
- 03:19:50 Sen. Pomnichowski asked Mr. Sihler about budget reductions if there are negative tests in the future.

- 03:20:49 Rep. Hamlett asked Mr. Sihler about the discovery of invasive faucet snails in Lake Frances. Mr. Sihler redirected the question to Eileen Ryce, Fisheries Divisions administrator, FWP.
- 03:22:54 Sen. Vincent said he recommends removing the migratory bird program revenue from the bill and replacing it with general fund money and commented on making the title of the bill broader.
- 03:23:52 Mr. Brenden said he is concerned about including paddleboards in the definition of a "non-motorized vessel". Sen. Vincent said to give any amendments or changes to staff so they can be discussed tomorrow.
- 03:26:34 Recess
- 03:48:20 Reconvene

**PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA AND THAT IS WITHIN THE JURISDICTION OF THE EQC**

None

**DOG TRAINING IN UPLAND GAME BIRD AREAS**

- 03:49:04 Sen. Vincent provided an introduction.
- 03:49:19 Mr. Kolman said the Council received copies of public comment. [\(Exhibit 18\)](#)
- 03:49:41 Mr. Kolman provided an overview of LCdog4. [\(Exhibit 19\)](#)

Public comment

- 03:50:22 Nick Gevock, conservation director, Montana Wildlife Federation
- 03:51:16 Kari Payne

EQC questions and discussion

- 03:53:26 Rep. Ellis provided a copy of an amendment to allow FWP to have oversight over waterfowl that could be a vector for disease to the wild bird population. [\(Exhibit 20\)](#)
- 03:54:42 Sen. Vincent asked Mr. Kolman to clarify the language in the rules.
- 03:55:36 Sen. Vincent asked Ken McDonald, administrator, Wildlife Division, FWP, about his opinion regarding the amendment regulating captive raised ducks.
- 03:56:55 Rep. Manzella asked Hank Worsech, legislative liaison, FWP, about concerns regarding Section 3(4) that the department may deny an application. Mr. Worsech redirected the question to Mr. McDonald.
- 03:58:30 Rep. Manzella asked Mr. McDonald about an appeal process if an application is denied.
- 03:59:09 Rep. Manzella said she shares Ms. Payne's concerns that the rulemaking authority is too open-ended.
- 03:59:35 Sen. Phillips commented on rulemaking authority and thanked Ms. Payne and commented on the opportunity to work with the bill sponsor during the legislative session.

**Motion**

- 04:00:49 Rep. White moved to pre-introduce LCdog4, as amended, as a committee bill.

### **Discussion on the Motion**

04:01:09 Sen. Vincent  
04:01:26 Sen. Pomnichowski  
04:01:48 Mr. Kolman  
04:02:03 Sen. Pomnichowski  
04:02:46 Ms. Payne  
04:03:01 Sen. Pomnichowski  
04:03:17 Ms. Payne  
04:03:40 Rep. Manzella  
04:03:47 Sen. Vincent  
04:03:59 Mr. Brenden

### **Vote**

04:04:30 The motion carried 13-3 by roll call vote. Sen. Smith, Mr. Aspenlieder, and Mr. Brenden voted no. Mr. Aspenlieder voted no by proxy. **(Attachment 5)**

04:05:27 Sen. Vincent opened discussion for a bill sponsor.  
04:05:49 Rep. Ellis  
04:05:55 Sen. Vincent  
04:06:15 Mr. Kolman  
04:06:40 Sen. Phillips  
04:06:56 Sen. Vincent said Rep. Manzella will sponsor the bill and Sen. Phillips will be the back-up sponsor.

04:07:22 Sen. Vincent said the committee needs to approve the draft report. **(Exhibit 21)**

### **Motion/Vote**

04:07:52 Rep. White moved to approve the draft report on the study of bird dog regulations. The motion carried 15-1 by voice vote. Mr. Brenden voted no. Mr. Aspenlieder voted aye by proxy.

### **LIBBY ASBESTOS SUPERFUND LEGISLATION**

04:08:38 Sen. Vincent provided an introduction.  
04:08:52 Mr. Kolman provided an overview of LCLIB1. **(Exhibit 22)**

### **Public comment**

04:10:52 Sen. Vincent said Lincoln County commissioners were unable to attend the meeting and provided a letter of support. **(Exhibit 23)**

04:11:16 Jenny Chambers, administrator, Waste Management and Remediation Division, DEQ

### **EQC questions and discussion**

04:11:42 Rep. White asked Sen. Vincent about an increased role by Lincoln County.  
04:13:39 Rep. Gunderson said the bill attempts to allow flexibility.  
04:13:54 Rep. Curdy asked Ms. Chambers about the DEQ's opinion on the legislation.  
04:15:11 Rep. Curdy said he is concerned about oversight and that the DEQ should be involved. Ms. Chambers said the DEQ will still have an oversight responsibility.

04:17:12 Sen. Vincent said the chair of the oversight committee will be a member of the DEQ.

**Motion**

04:17:25 Rep. Hamlett moved to pre-introduce LCLIB1 as a committee bill.

**Discussion on the Motion**

04:17:38 Sen. Lang  
04:17:51 Sen. Vincent  
04:18:35 Sen. Lang  
04:18:43 Sen. Pomnichowski  
04:18:59 Rep. Hamlett withdrew his motion.

**EQC questions and discussion continued**

04:19:05 Sen. Pomnichowski asked Sen. Vincent about the chair of the oversight committee.  
04:20:16 Sen. Pomnichowski asked Ms. Chambers about other oversight committees that operate in the same way.  
04:21:20 Sen. Pomnichowski asked Ms. Chambers about the responsibility for Lincoln County.  
04:23:14 Sen. Pomnichowski asked Ms. Chambers about the other options that would have allowed greater selection criteria for hiring a liaison.

**Motion**

04:25:09 Rep. Hamlett moved to pre-introduce LCLIB1 as a committee bill.

**Discussion on the Motion**

04:25:29 Sen. Vincent

**Vote**

04:26:23 The motion carried unanimously by voice vote. Mr. Aspenlieder voted aye by proxy.  
04:26:38 Sen. Vincent thanked Mr. Kolman.  
04:26:58 Sen. Vincent said Rep. Gunderson will sponsor the bill and Sen. Phillips will be the backup.

**SJ 5 STUDY**

**Overview**

04:27:46 Sonja Nowakowski, staff, LSD, said the Council received a copy of the draft report with the changes that were requested at the July meeting. **(Exhibit 24)**

Sen. Vincent left the meeting and Rep. Hamlett assumed the duties of the chair.

04:28:53 Ms. Nowakowski said, at its July meeting, the Council requested to have speakers provide information on carbon sequestration in Montana and introduced the panel members.

### **Carbon Sequestration in Montana**

- 04:29:41 Todd O'Hair, senior government affairs, Cloud Peak Energy  
04:31:56 Richard Reavey, vice-president, Public Affairs, Cloud Peak Energy ([Exhibit 25](#))

Sen. Vincent returned to the meeting and resumed the duties of the chair.

### **Carbon Engineering**

- 04:42:44 Geoffrey Holmes, Business Development, Carbon Engineering, via telephone conference ([Exhibit 26](#))

### **Big Sky Carbon Sequestration Partnership**

- 04:49:08 Dr. Lee Spangler, director, Energy Research Institute, Montana State University ([Exhibit 27](#))

### **Basin Electric Power Cooperative**

- 05:01:27 Tyler Hamman, senior legislative representative, Basin Electric Power Cooperative ([Exhibit 28](#))

### **Public comment**

- 05:10:16 Mr. Olson, Montana Petroleum Association ([Exhibit 29](#))

### **EQC questions and discussion**

- 05:14:11 Sen. Phillips asked Mr. Reavey if Cloud Peak Energy agrees with the analysis that, absent carbon capture utilization storage, the price of managing heat trapping gases emissions goes way up.
- 05:15:40 Sen. Phillips asked Mr. Reavey about using carbon capture utilization and if it could drive emissions to nearly zero.
- 05:17:24 Sen. Phillips asked Mr. Reavey about the useful future for coal.
- 05:18:05 Sen. Phillips asked Mr. G. Holmes about Montana as a location for commercial projects.
- 05:19:29 Sen. Phillips asked Mr. Spangler about the result if a cap rock is violated and there is a release of stored CO<sub>2</sub>.
- 05:21:12 Sen. Phillips asked Mr. Spangler how quickly a problem would manifest itself.
- 05:22:28 Sen. Phillips asked Mr. Spangler about the storage sites near Colstrip.
- 05:23:26 Sen. Phillips asked Mr. Spangler about his advice to the legislature to advance the usefulness of carbon capture in Montana.
- 05:24:33 Mr. Spangler commented on other studies that agree that the use of carbon sequestration is critical to keeping the cost down.
- 05:25:15 Rep. Ellis asked Mr. O'Hair about the expense.
- 05:28:39 Rep. Ellis asked Mr. O'Hair about the need for tax subsidies and federal and private investment in order to develop the project.
- 05:29:57 Rep. Ellis asked Mr. O'Hair about the Renewable Portfolio Standard.
- 05:31:30 Sen. Pomnichowski asked Mr. Hamman about the Great Plains Synfuels Plant in Beulah, ND.
- 05:35:59 Sen. Vincent asked Mr. Hamman about the building materials being made.
- 05:36:56 Sen. Vincent thanked the participants.
- 05:37:17 Sen. Phillips thanked Ms. Nowakowski.

**Motion/Vote**

05:37:44 Rep. Manzella moved to approve the SJ 5 draft report. The motion carried 15-1 by voice vote. Rep. Ellis voted no. Mr. Aspenlieder and Mr. Brenden voted aye by proxy. ([Attachment 6](#))

05:37:44 Sen. Vincent provided instructions for the meeting tomorrow.

**RECESS**

05:38:33 Sen. Vincent recessed the meeting at 5:21 p.m.

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