



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 13, 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):

- Agreed to allow Sen. Vincent to work with Sen. Phillips on writing a letter to the Secretary of the Interior requesting clarity on the grizzly bear recovery plan and send it after the meeting;
- Voted to write a letter to Montana State University (MSU), the Montana Legislature, and all other parties involved, supporting construction of a facility for the labs at MSU;
- Voted to pre-introduce LCaisb as a committee bill;
- Voted to send a letter to Governor Bullock requesting that \$600,000 be included in the budget, for the biennium, for the Natural Heritage Program;
- Voted to approve the Natural Heritage Program funding report;
- Voted to pre-draft the proposed legislation from the Department of Environmental Quality;
- Voted to pre-draft the proposed legislation from the Department of Natural Resources and Conservation;
- Voted to pre-draft the proposed legislation from the Department of Fish, Wildlife, and Parks;
- Voted to pre-introduce LCELK1 as a committee bill;
- Voted to pre-introduce LCFPA4, as amended, as a committee bill.

CALL TO ORDER AND ROLL CALL

08:24:05 Sen. Vincent called the meeting to order at 8:05 a.m. The secretary noted the roll. **(Attachment 3)** Mr. Aspenlieder was excused and left his proxy with Sen. Lang. **(Attachment 4)**

SANITATION REVIEW FOR SUBDIVISIONS, HB 507 (2017)

08:24:57 Tim Davis, Water Division administrator, Department of Environmental Quality (DEQ), provided information on the subdivision files waiting for review under HB 507 (2017). **(Exhibit 1)**

Public comment None

EQC questions and discussion

08:28:55 Rep. Ellis asked Mr. Davis about the quality of the reviews.

STATUTORY ADMINISTRATIVE RULE REVIEW

08:31:33 Erin Bills, legal staff, Legislative Services Division (LSD), presented the statutory administrative rule review report. [\(Exhibit 2\)](#)

Public comment None

EQC questions and discussions

08:35:07 Sen. Phillips commented on the grizzly bear rule and said that the EQC should consider writing a letter requesting clarity on the recovery plan.

08:36:46 Ms. Bills said there is a temporary restraining order on the legality of state management of grizzly bears and whether or not delisting is appropriate at this time.

08:37:12 Sen. Vincent asked about the Council's interest in sending a letter to the Secretary of the Interior.

08:37:59 Sen. Vincent asked Sen. Phillips about the recovery plan process.

08:38:41 Mr. Brenden said he agrees with Sen. Phillips and the need for clarity.

08:39:46 Sen. Vincent said without objection from the EQC he will work with Sen. Phillips on writing a letter to the Secretary of the Interior and send it after the meeting.

08:40:08 Rep. Hamlett commented on time delays and said that the Department of Fish, Wildlife, and Parks (FWP) should handle the recovery plan rather than the U.S. Fish and Wildlife Service (USFWS).

08:41:34 Sen. Phillips said federal law struggles to provide states direct authority until after delisting has been achieved. He said he supports the rule, but the USFWS plan is confusing.

08:42:24 Sen. Vincent said he will work with Sen. Phillips on writing a letter to the Secretary of the Interior.

MONTANA STATE UNIVERSITY LAB STUDY

08:42:39 Shauna Albrecht, Legislative Fiscal Division (LFD), provided an update on the study of state labs under HB 661 (2017).

08:42:55 Ms. Albrecht said the Council received the report from the consultants with recommendations for the space analysis and what could be done with state labs in the future. [\(Exhibit 3\)](#)

08:43:10 Ms. Albrecht said the Council received recommendations from the subcommittee on Options 1a and 3a. [\(Exhibit 4\)](#)

08:43:18 Ms. Albrecht said the Council received a copy of her report. [\(Exhibit 5\)](#)

08:43:32 Ms. Albrecht provided an update on the study process.

Public comment None

EQC questions and discussion

- 08:53:54 Rep. White said there were problems getting the subcommittee together and the report is not complete. He said that they are waiting on additional information before making a formal decision.
- 08:59:29 Rep. White said he recommends that the EQC write a letter stating the need for a new facility.
- 09:00:11 Rep. Hamlett commented on the necessity of having the lab facilities at the same site where samples are incinerated and the need to find alternative funding for the labs.
- 09:05:29 Sen. Vincent asked Rep. White if he would be willing to work with staff on writing a letter to support the construction of a new facility.

Motion

- 09:06:28 Rep. Curdy moved that the EQC write a letter to MSU, the legislature, and all other parties involved, supporting construction of a facility for the labs at MSU.

Discussion on the Motion

- 09:06:49 Sen. Vincent
- 09:06:59 Rep. Curdy
- 09:07:10 Sen. Phillips
- 09:07:46 Mr. Brenden
- 09:08:07 Rep. White
- 09:09:10 Mr. Vincent
- 09:09:45 Ms. Albrecht
- 09:10:55 Rep. Hamlett
- 09:11:31 Sen. Vincent

Vote

- 09:11:39 The motion carried unanimously by voice vote. Mr. Aspenlieder voted aye by proxy.
- 09:11:52 Sen. Vincent thanked Rep. White, Rep. Hamlett, and Ms. Albrecht.

FWP FINANCIAL REVIEW ADVISORY COUNCIL UPDATE

- 09:12:13 Dustin Temple, chief, Administration and Technology, FWP, presented information on the recommendations from the FWP Financial Review Advisory Council regarding the agency's budget request to the 2019 Legislature required under HB 140 (2015). ([Exhibit 6](#))
- 09:16:59 Rep. Curdy, member, FWP Financial Review Advisory Council, commended Mr. Temple and commented on the innovative way used to quantify where the department will be financially and some of the trigger points that the agency may encounter in terms of revenue.

Public comment

- 09:18:43 Nick Gevock, conservation director, Montana Wildlife Federation

EQC questions and discussion

- 09:20:23 Mr. Brenden asked when FWP was last audited by the Legislative Audit Committee and said he recommends doing another audit after the report comes out.
- 09:21:04 Sen. Vincent asked Mr. Temple about the date for the last audit. Mr. Temple said the last compliance audit was completed in the spring.
- 09:21:27 Sen. Vincent requested that FWP identify areas where services could be cut as a result of the loss of federal funding.
- 09:22:30 Rep. Ellis asked Mr. Temple if the advisory council considered increasing fishing license fees to compensate for the decrease in Dingell-Johnson funding.

WILDLIFE HABITAT IMPROVEMENT ACT REPORT, HB 434 (2017)

- 09:24:04 Ken McDonald, Wildlife Division administrator, FWP, presented the Montana Wildlife Habitat Improvement Act report. **(Exhibit 7)**

Public comment None

EQC questions and discussion

- 09:32:36 Sen. Vincent asked Mr. McDonald about the Upper Ruby Watershed project and for a copy of the environmental assessment.
- 09:33:51 Mr. Brenden asked Mr. McDonald about the advisory council member appointments and said there are no members from eastern Montana.

MOUNTAIN SHEEP REPORT, 87-2-702, MCA

- 09:35:15 Quentin Kujala, Wildlife Division Bureau coordinator, FWP, presented the Mountain Sheep report. **(Exhibit 8)**

Public comment

- 09:38:33 Brian Solan, executive director, Montana Wild Sheep Foundation

EQC questions and discussion

- 09:39:18 Rep. Curdy asked Mr. Kujala about the results for the testing that was done.
- 09:39:59 Rep. Curdy asked Mr. Kujala about the number of leases for domestic grazing sheep.
- 09:40:34 Rep. Curdy asked Mr. Kujala about ongoing studies to help domestic sheep ranchers prevent contamination to wild sheep herds.

SAGE GROUSE POPULATION REPORT, 87-1-201(11)

- 09:42:55 Mr. McDonald presented information on the sage grouse population report. **(Exhibit 9)**

Public comment None

Committee questions and discussion

- 09:47:48 Rep. Ellis asked Mr. McDonald about the meaning of the numbers in "confirmed active" in the table showing the number of known leks in Montana by classification status.
- 09:48:49 Sen. Lang asked Mr. McDonald about the definition of "never confirmed active".

09:49:48 Sen. Lang asked Mr. McDonald about coordination between FWP and the Montana Sage Grouse Habitat Conservation Program for making decisions regarding the data that is collected.
09:51:59 Sen. Lang commented on the program.
09:54:52 Sen. Vincent said the Council will discuss the aquatic invasive species bill draft after the break.
09:55:15 Recess
10:16:56 Reconvene

COMMITTEE DISCUSSION LCAISB

10:17:11 Sen. Vincent said the Council received a copy of LCaisb. **(Exhibit 10)**
10:17:25 Hope Stockwell, research analyst, LSD, discussed the changes, highlighted in yellow, that were made at the meeting yesterday.
10:20:03 Sen. Vincent said he recommends pre-introducing LCaisb as a committee bill.
10:20:36 Mr. Vincent said he will support moving the bill forward, but there is a disproportionate share put on the general fund and that hydroelectric fees will need to be included.
10:21:38 Mr. Brenden said the bill draft isn't perfect and agreed that the money should come from the general fund and said he will vote in favor of the legislation.
10:22:12 Rep. Hamlett asked about the opinion from the Governor's Office and if they will include \$3.33 million from the general fund to the invasive species account in the next budget.
10:22:52 Sen. Vincent redirected the question to Mr. Holmes.
10:24:20 Rep. Hamlett commented on finding other sources to make up for the \$3.33 million funding.

Motion

10:25:47 Rep. Hamlett moved to pre-introduce LCaisb as a committee bill.

Discussion on the Motion

10:26:04 Rep. White
10:27:03 Sen. Vincent
10:27:08 Ms. Stockwell
10:27:23 Sen. Vincent

Vote

10:27:42 The motion carried 15-1 by roll call vote. Rep. White voted no. Mr. Aspenlieder voted aye by proxy. **(Attachment 5)**

Discussion on the bill sponsor

10:28:34 Sen. Vincent
10:29:48 Rep. Curdy said he will sponsor the bill.
10:30:11 Mr. Kolman
10:30:35 Rep. Gunderson said he will be the back-up sponsor.
10:30:43 Sen. Phillips
10:31:01 Sen. Vincent
10:31:58 Rep. Curdy

10:32:22 Sen. Vincent thanked staff for their work.

COMMITTEE ACTION NATURAL HERITAGE PROGRAM FUNDING

10:32:32 Sen. Vincent opened discussion on the changes made to the draft letter to the governor regarding funding for the Natural Heritage Program. **(Exhibit 11)**

10:32:56 Mr. Kolman discussed the changes.

10:33:30 Sen. Vincent asked if Council members were satisfied with the changes.

Motion/Vote

10:33:40 Rep. Ellis moved to send the letter to Governor Bullock requesting that the next budget include \$600,000 for the biennium for the Natural Heritage Program. The motion carried 15-1 by voice vote. Mr. Brenden voted no. Mr. Aspenlieder voted aye by proxy.

10:34:53 Sen. Vincent asked about EQC action to approve the Natural Heritage Program report.

Motion/Vote

10:35:07 Rep. Ellis moved to approve the Natural Heritage Program report. The motion carried unanimously by voice vote. Mr. Aspenlieder voted aye by proxy.

SAGE GROUSE CONSERVATION PROGRAM

10:36:38 Carolyn Sime, program manager, Montana Sage Grouse Habitat Conservation Program, gave a PowerPoint presentation on the Habitat Quantification Tool (HQT). **(Exhibit 12)**

Public comment

11:14:40 John Bradley, eastern Montana field representative, Montana Wildlife Federation

11:15:43 Geoff Feiss, general manager, Montana Telecommunications Association

11:17:59 Doug Hardy, Montana Electric Cooperatives' Association

11:20:04 Tim Nixdorf, Triangle Communications

11:22:31 Shelby DeMars, Montana Association of Oil, Gas, and Coal Counties

EQC questions and discussion

11:23:28 Rep. White asked Ms. Sime about the credits for the conservation easement held by the Montana Land Reliance.

11:25:44 Rep. White asked Ms. Sime about the conservation easement on the 44 Ranch.

11:28:58 Rep. White asked Ms. Sime about the base map model and the adaptability when catastrophic events affect the credits.

11:32:14 Mr. Brenden commented on the HQT.

11:34:33 Sen. Lang asked Ms. Sime about the availability of using credits from the 44 Ranch.

11:39:13 Sen. Lang asked Ms. Sime about the availability for using topographical data.

11:40:48 Sen. Lang commented on the part of the stakeholders and also on moving projects forward.

11:45:41 Sen. Smith asked Ms. Sime about adding aggressive predator control into the model.

- 11:49:51 Sen. Smith commented on the program and focusing on habitat instead of population.
- 11:50:25 Mr. Vincent asked Ms. Sime about the results from the peer review.
- 11:51:59 Mr. Vincent asked Ms. Sime about the adaptive management process.
- 11:54:56 Rep. Hamlett asked Ms. Sime about the credits and the amount of area that needs to be restored versus the number of acres of habitat that was disturbed.
- 11:56:10 Rep. Hamlett asked Ms. Sime about the definition of "perpetuity" and why it was defined as a one-hundred year period.
- 11:57:12 Rep. Hamlett commented on his concerns that he would like the Montana Sage Grouse Oversight Team to consider.
- 11:58:58 Sen. Vincent commented on properly assessing locations with respect to the sage grouse habitat it provides.

LAND BOARD ACQUISITION AUTHORITY

- 12:01:23 Mr. Kolman said he provided copies of the legal analysis by staff, the draft opinion from the Montana Attorney General, two memos from FWP, and a letter from Governor Bullock replying to the Attorney General. **(Exhibit 13)**
- 12:02:01 Ms. Bills provided information on the request made by the EQC, at its July meeting, for a legal analysis on whether or not FWP can acquire a conservation easement without seeking Land Board approval prior to the transaction.

Public comment

- 12:04:48 Becky Dockter, chief legal counsel, FWP
- 12:05:09 Mr. Gevock
- 12:09:07 Kevin Farron, Montana chapter coordinator, Backcountry Hunters & Anglers
- 12:10:33 Scott Laird, Montana field representative, Theodore Roosevelt Conservation Partnership
- 12:11:24 D.J. Berg, Montana Wild Sheep Foundation
- 12:12:08 Chris Marchion, Anaconda Sportsman's Club

EQC questions and discussion

- 12:13:34 Sen. Vincent said the EQC can decide whether or not it wants to send a letter for the comment period on the Attorney General's draft opinion.
- 12:15:45 Mr. Holmes commented on the policy issue in the governor's letter.
- 12:17:38 Ms. Paul said it is a private land use issue and she does not support the Attorney General draft opinion.
- 12:19:09 Sen. Smith said the legislature needs to clarify intent.
- 12:20:51 Sen. Pomnichowski asked Ms. Bills about the Attorney General's draft opinion and if it carries the weight of law.
- 12:21:56 Sen. Pomnichowski said she is not in favor of the EQC issuing a position as a whole.
- 12:23:49 Sen. Vincent commented on the EQC's statutory oversight of FWP.
- 12:24:00 Mr. Brenden commented on setting precedent.
- 12:26:10 Sen. Vincent called for point of order and said this is a matter of process.
- 12:26:34 Rep. Hamlett asked Ms. Dockter about the Horse Creek conservation easement and if FWP is responsible for weed control.
- 12:28:32 Ms. Docker commented on the terms of conservation easements.
- 12:29:45 Rep. Curdy commented on the history of conservation easements.

12:31:56 Sen. Vincent said the legislation dates back to 1981.
 12:32:27 Mr. Holmes provided information on the Governor's comments on legislative history.
 12:33:07 Sen. Vincent said that the environmental analysis for the easement states it had to go to the Land Board for approval.
 12:33:24 Mr. Holmes said the duty of the FWP to analyze and disclose the environmental impacts of its decision and allow for public engagement was fulfilled by the activities it took under MEPA. Sen. Vincent said that action has not been upheld by the courts.
 12:34:33 Mr. Vincent commented on the decision made by the FWP and allowing someone to challenge it in court.
 12:36:09 Sen. Vincent asked Ms. Dockter if FWP will abide by the Attorney General's draft opinion if it becomes an opinion and unless it is overturned in court.
 12:36:43 Rep. White asked Ms. Dockter about FWP's failure to properly notice the public on who would make the decision.
 12:41:31 Sen. Vincent asked Ms. Dockter about how the Attorney General's opinion will affect the Horse Creek conservation easement.
 12:42:16 Rep. Hamlett said he recommends taking no action on sending a letter for the public comment period. Sen. Vincent said action can be considered at the end of the day.
 12:43:00 Recess for lunch at 12:24 p.m.
 01:41:36 Reconvene at 1:23 p.m.

Mr. Brenden left the meeting and gave his proxy to Sen. Smith. ([Attachment 6](#))

AGENCY LEGISLATIVE PROPOSALS

01:42:17 Mr. Kolman said the EQC will hear from the agencies it has oversight over on their ideas for legislative proposals. He said the Council can decide whether or not it wants to approve the proposals for early drafting.

DEQ

01:45:02 Tom Livers, director, DEQ, presented the agency's legislative proposals. ([Exhibit 14](#))
 01:45:34 Mr. Livers discussed the proposals that were approved for pre-drafting by the Water Policy Interim Committee (WPIC).
 01:49:24 Mr. Livers provided information on the proposal to revise the Sanitation in Subdivision Act.
 01:49:51 Mr. Livers provided information on proposed amendments to the Voluntary Cleanup and Development Act.
 01:51:04 Mr. Livers provided information on the proposal to expand use of Junk Vehicle Recycling funds.
 01:51:54 Mr. Livers provided information on the proposal to expand use of Motor Vehicle and Recycling funds.
 01:52:37 Mr. Livers provided information on the opencut mining proposals.

Public comment

01:56:10 Cary Hegreberg, executive director, Montana Contractor's Association

EQC questions and discussion

- 01:59:42 Sen. Pomnichowski asked Mr. Livers about the terminology in the proposal to revise the Sanitation in Subdivision Act. Mr. Livers redirected the question to Mr. Davis.
- 02:01:40 Sen. Pomnichowski asked Mr. Davis why the WPIC did not approve the proposal for pre-drafting.
- 02:02:08 Sen. Pomnichowski discussed the 2009 legislative process on opencut mine revisions.
- 02:03:35 Rep. Curdy asked Mr. Livers about the size of the problem and the number of junk vehicles in the state and about available funding.
- 02:05:19 Rep. Curdy redirected his question to Jenny Chambers, Waste Management and Remediation Division administrator, DEQ.
- 02:06:09 Rep. White asked Mr. Livers if the legislature should consider a junk vehicle fee on mobile homes.
- 02:07:51 Rep. White redirected his question to Ms. Chambers.
- 02:08:54 Rep. White commented on the cost to move mobile homes and the impact on available funds.
- 02:09:46 Rep. White asked Mr. Livers about the meaningful review proposal for opencut mining and if it includes a time limit. Mr. Livers redirected the question to Christopher Cronin, supervisor, Opencut Mining Program, DEQ.
- 02:12:49 Sen. Lang asked Mr. Cronin about the application for proposed opencut mining operations.
- 02:14:18 Sen. Lang asked Mr. Cronin about providing assistance to counties that don't have the staff and resources necessary to complete the applications.
- 02:15:29 Sen. Vincent thanked Mr. Livers for his leadership to the department.

EQC action

- 02:16:32 Sen. Vincent opened discussion on committee action.

Motion/Vote

- 02:17:11 Rep. Hamlett moved to approve the proposed legislation from DEQ for pre-drafting. The motion carried unanimously by voice vote. Mr. Aspenlieder and Mr. Brenden voted aye by proxy.

DNRC

- 02:17:50 John Tubbs, director, Department of Natural Resources and Conservation (DNRC), presented the agency's legislative proposals. **(Exhibit 15)**
- 02:18:14 Mr. Tubbs provided information on the Trust Lands Division proposal to revise current statute to give the department the option for online oil and gas lease sales.
- 02:19:11 Mr. Tubbs provided information on the Trust Lands Division proposal 77-5-212 - commercial permits for timber sales.
- 02:20:03 Mr. Tubbs provided information on the Trust Lands Division proposal 77-5-208 - timber conservation license in lieu of sale.
- 02:21:56 Mr. Tubbs provided information on the Forestry Division proposal to increase bond and fees for the Hazard Reduction Agreement (HRA) Program.
- 02:26:12 Mr. Tubbs provided information on the Forestry Division proposal to allow statutory authority for good neighbor authority program income.

02:27:23 Mr. Tubbs provided information on the Forestry Division proposal to change the "responsible party" language within the Streamside Management Zone (SMZ) law.

Public comment

02:30:13 Julia Altemus, Montana Wood Products Association

02:35:51 Michael Christianson, chair, Montana Forest Owners Association

EQC questions and discussion

02:38:12 Sen. Phillips asked Mr. Tubbs about proposal 77-5-208 and how often timber sales are related to the salvage timber program.

02:39:04 Sen. Phillips asked Mr. Tubbs about the amount of staff time that is expected to be saved when a conservation license application is submitted.

02:39:41 Rep. White asked Mr. Tubbs about salvage logging under the conservation license.

02:42:52 Rep. White asked Mr. Tubbs about the responsibility of the property owner for a conservation easement on state land.

02:45:42 Sen. Vincent asked Mr. Tubbs about using a sliding scale for the bond amount for the HRA program.

02:47:37 Sen. Vincent asked Mr. Tubbs about the proposal to change the "responsible party" language in the SMZ law. Mr. Tubbs redirected the question to Roger Ziesak, Forest Practices Program manager, DNRC.

EQC action

02:53:11 Sen. Vincent opened discussion on committee action.

Motion

02:53:28 Rep. White moved to approve the proposed legislation from the DNRC for pre-drafting.

Discussion on the Motion

02:53:41 Sen. Phillips

02:53:59 Sen. Vincent

Vote

02:55:12 The motion carried 15-1 by voice vote. Sen. Phillips voted no. Mr. Aspenlieder and Mr. Brenden voted aye by proxy.

FWP

02:55:49 Ms. Dockter presented FWP's legislative proposals. **(Exhibit 16)**

02:56:09 Ms. Dockter provided information on proposal 1: Clarify the hunter access enhancement and hunter management statutes.

02:57:57 Ms. Dockter provided information on proposal 2: Clarification on squaring of bonus points for applicants for hunting parties.

02:58:50 Ms. Dockter provided information on proposal 3: Free conservation and base hunting licenses for block management cooperators.

- 02:59:13 Ms. Dockter provided information on proposal 4: Remove the conservation license from combination hunting licenses and make it a standalone prerequisite license.
- 03:00:42 Ms. Dockter provided information on proposal 5: Change statutorily mandated March 15 deadline for big game combo; also change the reference from "big game" combo to "elk and deer" combo in statute.
- 03:01:39 Ms. Dockter said that proposal 6 is a proposal submitted to WPIC to remove the sunset date for instream flow.
- 03:01:54 Ms. Dockter provided information on proposal 7: Remove Headwaters State Park from the statutory list of primitive state parks.

Public comment None

EQC questions and discussion

- 03:03:14 Rep. Ellis asked Ms. Dockter about development at Headwaters State Park and the plan for managing habitat.
- 03:05:46 Sen. Vincent commented on some of the improvements planned for Headwaters State Park.
- 03:06:41 Rep. Ellis asked Sen. Vincent about the improvements.
- 03:07:41 Rep. Ellis commented on the importance of riparian areas and said that FWP often ignores the importance of riparian areas when developing its fishing access sites.
- 03:08:33 Sen. Vincent said the community of Three Forks was very supportive of the proposed changes.
- 03:08:53 Rep. White asked Hank Warsech, legislative liaison, FWP, about the need for legislative action regarding proposal 2 or if it could be done by rule.
- 03:10:07 Rep. White asked Mr. Warsech about the outcome that would most benefit the hunter.
- 03:10:41 Sen. Lang asked Mr. Warsech about proposal 3 and the number of block management licenses that will be given away to the cooperators.
- 03:12:02 Sen. Lang asked Mr. Warsech about the need for a sunset in proposal 6. Mr. Warsech referred the question to Ms. Dockter.
- 03:12:43 Sen. Vincent said it was a proposal that was not approved by WPIC.
- 03:13:13 Sen. Lang redirected his question to Ms. Dockter.

EQC action

Motion

- 03:14:58 Rep. White moved to approve legislative proposals 1,2 3, 5, and 7 for pre-drafting.

Discussion on the Motion

- 03:15:15 Sen. Phillips
- 03:15:47 Rep. White
- 03:15:52 Sen. Phillips
- 03:16:07 Mr. Kolman
- 03:16:33 Sen. Phillips
- 03:16:37 Mr. Kolman

03:16:55 Sen. Phillips
03:17:03 Mr. Kolman
03:17:10 Sen. Lang
03:17:24 Sen. Vincent

Vote

03:17:42 The motion carried unanimously by voice vote. Mr. Aspenlieder and Mr. Brenden voted aye by proxy.

EQC questions and discussion

03:17:58 Sen. Lang asked Mr. Worsech about proposal 4.

Motion

03:18:58 Sen. Phillips moved to approve legislative proposal 4 for pre-drafting.

Discussion on the Motion

03:19:11 Rep. White
03:19:53 Mr. Worsech
03:20:27 Rep. White

Vote

03:20:40 The motion carried unanimously by voice vote. Mr. Aspenlieder and Mr. Brenden voted aye by proxy.

PRIVATE LAND/PUBLIC WILDLIFE COUNCIL UPDATE

03:21:11 Mr. Worsech provided information on LCELK1. ([Exhibit 17](#))

Public comment

EQC questions and discussion

03:21:56 Sen. Vincent said that the bill was discussed at the last meeting.

Motion/Vote

03:22:20 Sen. Lang moved to pre-introduce LCELK1 as a committee bill. The motion carried unanimously by voice vote. Mr. Aspenlieder and Mr. Brenden voted aye by proxy.
03:22:59 Sen. Vincent said Rep. Denley Loge will sponsor the bill and Sen. Vuckovich will be the back-up sponsor.

MONTANA OFFICE OF OUTDOOR RECREATION

03:23:38 Rachel VandeVoort, director, Office of Outdoor Recreation, Office of Economic Development, Governor's Office, presented information on the Office of Outdoor Recreation. ([Exhibit 18](#))

Public comment

03:33:29 Mr. Gevock

Sen. Phillips left the meeting and gave his proxy to Sen. Pomnichowski. ([Attachment 7](#))

EQC questions and discussion

- 03:34:53 Rep. Curdy asked Ms. VandeVoort about the Montana Ski Area Association Apprenticeship Program.
- 03:36:25 Rep. Gunderson asked Ms. VanderVoort to provide a break-down of consumer spending on Montana's outdoor recreation industry.
- 03:38:17 Rep. Hamlett asked Ms. VanderVoort about interaction with wilderness groups.
- 03:39:03 Rep. Hamlett asked Mr. Gevock to provide the facts and figures to support his statement that recreation is the biggest industry in Montana. Mr. Gevock said he will provide the information to staff.
- 03:40:41 Rep. Hamlett asked Mr. Gevock if he has looked at the statistics from the University of Montana.
- 03:41:20 Sen. Lang commented on the data regarding industry in Montana.

Mr. Vincent left the meeting and gave his proxy to Sen. Vuckovich. [\(Attachment 8\)](#)

FINANCIAL AID PROGRAM UPDATE

- 03:44:00 Mark Bostrom, administrator, Conservation Resource Development Division, DNRC, presented information on the Financial Development Bureau loan programs. [\(Exhibit 19\)](#)
- 03:52:43 Alice Stanley, DNRC, provided information on the Renewable Resource Grant and Loan Program and the Reclamation and Development Grants Program.
- 04:02:08 Jennifer Olson, administrator, Community Development Division, Department of Commerce, provided information on the Treasure State Endowment Program. [\(Exhibit 20\)](#)

Public comment

- 04:08:17 Mike Murphy, Montana Water Resources Association

EQC questions and discussion

- 04:10:07 Rep. Curdy asked Mr. Bostrom about the reason why some of the loans are forgiven.
- 04:12:04 Rep. Curdy asked Mr. Bostrom if the department has ever had any defaults on loans.

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

- 04:13:51 Rep. White, representing himself, provided information on an economic analysis of limited archery permits that was done by the Montana Policy Institute. [\(Exhibit 21\)](#)
- 04:16:34 Mr. Tubbs thanked Sen. Vincent for his service and career with the Legislature.
- 04:17:52 Rep. Gunderson provided information on the results of selenium pollution testing that was done in Lake Koochanusa that showed no increase over 2013 data. [\(Exhibit 22\)](#)

OTHER BUSINESS

Options for landowner fire assessment fees

- 04:18:50 Sen. Vincent said he asked staff to make changes to the fire assessment fee bill draft. **(Exhibit 23)**
- 04:19:32 Mr. Kolman provided information on the changes.
- 04:26:28 Sen. Vincent said there is an amendment to clarify one of the changes. **(Exhibit 24)**
- 04:28:04 Mr. Kolman discussed the fee schedule. **(Exhibit 25)**
- 04:29:39 Sen. Vincent commented on the proposed fire protection assessment fee costs.

Motion

- 04:31:13 Sen. Vincent moved to pre-introduce LCFPA4, as amended, as a committee bill.

Discussion on the Motion

- 04:31:54 Sen. Vincent
- 04:32:57 Rep. Hamlett
- 04:33:16 Sen. Lang
- 04:34:06 Rep. Hamlett

Vote

- 04:36:32 The motion carried 9-7 by roll call vote. Sen. Lang, Sen. Smith, Rep. Manzella, Rep. White, Mr. Aspenlieder, Mr. Brenden, and Mr. Vincent voted no. Sen. Phillips voted aye by proxy. Mr. Aspenlieder, Mr. Brenden, and Mr. Vincent voted no by proxy. **(Attachment 9)**
- 04:38:14 Sen. Vincent said Rep. Curdy will sponsor the bill and Sen. Phillips will be the backup sponsor.
- 04:38:46 Sen. Smith asked about committee action on sending a letter for the comment period on the Attorney General's draft opinion.
- 04:38:53 Rep. Hamlett thanked Sen. Vincent for his service and presented him with a sculpture that was done by Montana artist Terry Murphy.
- 04:40:59 Sen. Vincent thanked the committee and staff.
- 04:41:40 Sen. Vincent said the EQC will not take any action on the letter to the Attorney General.

ADJOURN

- 04:42:10 Sen. Vincent adjourned the meeting at 4:23 p.m.

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