2013-2014 Environmental Quality Council Draft Work Plan

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Draft EQC Work Plan Decision Matrix . . . . . **Attached Separate Document**

Information about the 2013-2014 Draft Work Plan

Introduction

This is the draft work plan for the Environmental Quality Council (EQC or Council) for the 2013-2014 Interim. In this document you will find:

- An explanation of how the EQC plans its work.
- Instructions for using the draft work plan to make decisions about the final work plan.
- A description of potential work plan topics and options for addressing those topics.
- A draft timeline.
- Copies of the related study bill and resolutions.

There is one additional document, the *Draft EQC Work Plan Decision Matrix*.

How the EQC Plans its Work

Over the years, the EQC has developed a strong and proud tradition of:

✓ handling large workloads systematically planning and prioritizing its projects within existing resources;

✓ maintaining an extremely high level of productivity each interim; and

✓ <u>always</u> accomplishing its work prior to the September 15th before the Legislative Session as required by the Legislative Council.

Since 1995, that tradition has been maintained by following a planning process that prioritizes work with the resources allocated. Completing the work plan may seem like a tedious process, but it is the foundation of the EQC's historical success at getting the job done efficiently and cost-effectively.

During the legislative interim, the EQC typically focuses on one or more major study topics, while also maintaining oversight of programs and rulemaking activities of the Montana Department of Natural Resources and Conservation (DNRC); the Montana

Department of Environmental Quality (DEQ); and the Montana Department of Fish, Wildlife, and Parks (DFWP).

The Council selects study topics at the beginning of the interim. **The primary constraints limiting the EQC study agenda for the interim are the number of issues that can be effectively addressed within the available time and resources of the Council members and its staff.**

This *Draft 2013-2014 Work Plan* is a **DRAFT**. It is a **decisionmaking tool** to help Council members work together efficiently to set priorities and decide how and where to spend the EQC's limited time and resources. The approved work plan is a blueprint for the 2013-2014 interim. Staff develops detailed draft work plans and timetables for each major task. A draft timeline illustrating the overall schedule that these work plans will fit into once the meeting schedule and work plan are finalized is presented at the end of this document.

The draft work plan includes studies requested by legislators through study resolutions, study bills, and statutory mandates. The study resolutions are ranked by the legislators and assigned to interim committees by the Legislative Council. The EQC must decide how to prioritize its interim work regarding how or whether it plans to pursue these assigned study requests.

Instructions

The *DRAFT EQC Work Plan Decision Matrix* is included as a separate document. Council members have found the matrix to be extremely useful in making decisions on the work plan. The decisions you will need to make are simply "What to study?" and "How much staff time to allocate?"

Follow these steps:

1. Review the draft work plan.
2. Refer to the matrix. Review the topics and add any additional topics that are important to you.
3. For each category in the column on the far left, *choose* from the menu of options.
4. Circle the most appropriate option for that topic.
5. Fill in the resources allocated for that option in the far right column (# Full Time Employee resources (FTE) etc.).
6. Do this for each topic, then add the total. If it is more or less than ***1.8 FTE***, reallocate.

Keep in mind that although we have listed "guesstimates" for *staff and Council resources*, each option also involves a time commitment from *Council members*. The EQC may consider the use of subcommittees or work groups for some topics.

This exercise can be done individually in order to get an idea of your own preference. After Council discussion that should include answers to the question "Why", EQC members may generate proposals for the group to consider. At the end of the June EQC meeting, a plan of *what* the Council plans to work on during the interim and *how much* effort will be placed on each subject should be the result. Any direction on *how* you think the work can best be accomplished will assist staff in preparing detailed work plans on the selected topics.

Once again, the *Draft 2013-2014 Work Plan* is a decisionmaking tool. **Everything in it is subject to approval by the Council.**

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Potential Work Plan Topics

Study Bills assigned to the EQC by the Legislature

1) HB 609 - A study of hunting and fishing licensing

Background: This study grew out of concerns about the stability of and long-term funding for the Department of Fish, Wildlife, and Parks and the complexity of its hunting and fishing licensing structure, including free and reduced cost licenses, which is the agency's primary source of funding for fish and wildlife management.

The Department of Fish, Wildlife, and Parks is also examining its licensing structure at the request of the governor. The work plan options below incorporate that process into the EQC's HB 609 study process.

OPTION A	OPTION B	OPTION C	OPTION D
.3 FTE • All of Option B. • Reorganize DFWP's hunting license statutes for clarity, in addition to any statutory amendments needed to achieve changes to licenses/fees proposed under Option B **Deliverables:** • Interim report • Legislation	**.2 FTE** • All of Option C. • Analyze events leading to decreased license sales/ revenue • Review hunting and fishing licensing structure/fees in other states • Analyze other structural/fee options for DFWP **Deliverables:** • White paper • Legislation (likely, if licensing/fee changes proposed)	**.1 FTE** • Provide summary of existing hunting and fishing licenses • Provide overview of DFWP licensing revenue & its uses • EQC staffer attends/assists DFWP public meetings on licensing structure review and provides summary to EQC **Deliverables:** • Brief summary • Legislation (if any)	**No Action**

Study Resolutions assigned to the EQC by Legislative Council

1) SJ 15 - An interim study evaluating the management of certain federal lands, assessing risks, and identifying solutions.

Legislative Poll Ranking: 2

Background: SJ 15 requests a study to evaluate lands managed by the United States Forest Service (USFS) and the Bureau of Land Management (BLM) within Montana and to identify measures that will help ensure those lands are managed responsibly and prudently for present and future generations. SJ 15 asks that the study identify and make recommendations regarding significant concerns or risks associated with environmental quality, economic productivity and sustainability, public health, safety, and welfare, consistency with state and local objectives, and ownership and jurisdictional responsibilities. SJ 15 also requests that the study include a survey of county commissions whose counties contain 15% or more land area under management of the USFS or BLM.

The 2013 Legislature passed Senate Bills 201 and 217, which require the Montana Department of Natural Resources and Conservation to advocate for a federal law to establish a good neighbor policy with the Secretary of Interior or the Secretary of Agriculture. This policy would focus on reducing wildland fire risk and intensity, allowing state authority to treat insect-infested trees and reduce hazardous fuels.

OPTION A	OPTION B	OPTION C	OPTION D
.5 FTE • All of Option B • Analyze relevant studies, court cases, legislation • Evaluate role of other states with BLM, USFS • Address risk, concerns, and recommendations in detail **Deliverables:** • Report • Legislation (if any)	**.3 FTE** • All of Option C • Compile relevant studies, court cases, legislation. • Compile other states' action regarding management of BLM, USFS lands • Identify risks, concerns, and recommendations at least at a minimum level • Tour relevant area, if funding allows. **Deliverables**: • Report • Legislation (if any)	**.1 FTE** • Identify BLM, USFS lands in Montana • Identify management framework for BLM, USFS lands in Montana • Summarize state/federal relationship • Survey counties • Panel discussions on significant concerns • Monitor implementation of current policy, SB 201, SB 217 **Deliverables:** • White paper • Correspondence • Legislation (if any)	No Action

(2) SJ 4 - Study Virginia City, Nevada City, and Reeder's Alley

Legislative Poll Ranking: 16

Background: This study proposal grew out of a study conducted by the EQC in the 2011-2012 Interim in which the Council reviewed the work of the Montana Heritage and Preservation Commission (MHC), its administration of state-owned properties in Virginia and Nevada Cities and Reeder's Alley in Helena, and recent changes made to the MHC's organizational structure and business plan. The EQC found opportunity and greater need for state support to improve the MHC's marketing, operation, preservation, and maintenance of the state properties and recommended that continued oversight of the MHC be provided in the 2013-2014 Interim.

OPTION A	OPTION B	OPTION C	OPTION D
.25 FTE • All of Option B. • EQC member visits to sites, development of recommendations, member discussions with MHC, preservation officials, agency officials, area business owners. • In-depth analysis of all state-owned properties, land, artifacts at the sites, along with their value and maintenance needs, discuss deaccession options. **Deliverables:** • Interim report • Legislation (if any)	**.15 FTE** • All of Option C. • Panel discussion, including agency, area business owners, local government officials, preservation officials on operation of MHC. • Examine Department of Commerce marketing strategies and priorities for the properties. • Examine effectiveness of marketing and how it is measured. • Analyze MHC's duties in context of DOC and whether DOC should assume any duties. • Review experiences of other states in purchasing and maintaining heritage tourist sites. **Deliverables:** • Staff reports • White paper • Legislation (if any)	**.10 FTE** • Summarize 2011-2012 interim study & its findings and recommendations. • Review current structure, staffing, resources of Montana Heritage Commission. • Update on MHC business plan, finances, and needs. • Review how properties are marketed. • Analyze statutes governing MHC, Department of Commerce, and preservation of state-owned properties to determine if changes are warranted. • Evaluate role of new Parks Commission as it relates to MHC role and duties and identify opportunities for coordination. **Deliverables:** • Brief summary • Legislation (if any)	**No Action**

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Member Issue Proposed for EQC Study

1) A study of septic systems

Background: Septic systems are widely used in Montana and are necessary in places where public sewage treatment is not available. A properly designed and maintained septic system is a safe form of sewage treatment. However, a malfunctioning septic system may contaminate ground and surface water. The study would examine current laws and regulations.

OPTION A	OPTION B	OPTION C	OPTION D
.25 FTE • Option B expanded • Multiple panel discussions • Possible work group to develop options **Deliverables:** • Report • Legislation (if any)	**.2 FTE** • Evaluate relationship of laws, rules, and local regulations • Evaluate related legislative proposals • Compare other states • County survey • Panel discussions **Deliverables**: • White paper • Legislation (if any)	**.05 FTE** • Summarize current laws and rules • Summarize select local regulations • Panel discussion with stakeholders **Deliverables:** • Findings and recommendation • Legislation (if any)	No Action

EQC Statutory Duties and Obligations

1) Water Policy Statutory Duties

Source/authority: 75-5-313, 85-1-203, 85-1-621, 85-2-105, 85-2-281, 85-2-350, 85-2-436, and 85-20-1401.

Background: In 2009, the Legislature created a Water Policy Committee to study water policy issues. The water policy committee is to coordinate with the EQC to avoid duplication of work. The legislation did not take water policy duties away from the EQC, however some of those duties are no longer mandatory. The duties, set forth in 85-2-105, MCA, are paraphrased as follows:

The EQC *may*:

1. Advise the Legislature on the **adequacy of Montana's water policy**.
2. Advise the Legislature on **important state, regional, national, and international developments** that affect Montana's water resources.
3. Oversee **policies and activities of executive branch agencies** and other state institutions that affect Montana's water resources.
4. Assist with **interagency coordination** related to water resources.
5. **Communicate with the public** about water policy and water resources.

The EQC *shall*:

1. Analyze and comment on the **State Water Plan**, when prepared by the Montana Department of Natural Resources and Conservation (DNRC).
2. Analyze and comment on the **Renewable Resource Grant and Loan Program** report.
3. Analyze and comment on **water-related research** by state entities.
4. Analyze, verify and comment on the information in the **Water Information System of the Natural Resource Information System.**
5. Report to the Legislature.

Water-related statutory duties of the EQC include:

- **75-5-313, MCA**, requires the DEQ to provide a summary of the status of the base numeric nutrient standards, the nutrient standards variances, and implementation of those standards and variances, including estimated economic impacts. (revised 2011, SB 367)
- **85-1-203, MCA**, requires the DNRC to submit a copy of the State Water Plan or any plan changes to the EQC. (SB 303, 2009, accelerated requirements)

- **85-1-621, MCA,** requires the DNRC to submit a biennial report to the EQC that describes the status of the Renewable Resource Grant and Loan Program financed with funds from the Resource Indemnity Trust.
- **85-2-281, MCA**, requires the Water Court and the DNRC to report to the EQC on the progress of the adjudication process until 2020.
- **85-2-350, MCA,** requires Clark Fork River Task Force to report to the EQC annually.
- **85-2-436, MCA,** requires the DFWP to submit a summary report to the EQC by December 1 of odd-numbered years of all appropriation rights changed to an instream flow purpose in the previous 2 years.
- **85-20-1401, MCA,** requires the DNRC to provide a biennial report to the EQC on state water reservations applied for by the U.S. Forest Service and the action taken by the DNRC on the applications.

OPTION A	OPTION B	OPTION C
		.01 FTE • Coordinate w/ WPIC. • Mandatory duties. • Detailed updates on WPIC activities. • Coordination discussion with WPIC at each EQC meeting. **Deliverables:** • Update water rights and water quality handbook. • Legislation (if any) • Recommendations or position letters

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2) EQC General Statutory Duties

Source/authority: Sections 2-15-1514, 2-15-1523, 75-1-201, 75-1-208, 75-1-314, 75-10-111, 75-11-521, 77-2-366, 77-5-301, 82-2-701, and 87-1-901, MCA.

Background: Following the establishment of the EQC in 1971, the Legislature has occasionally authorized the Council to play a role in some specific programs or activities of state government. These directives are in addition to the more general oversight authorities for environmental programs and policies found in section 75-1-324, MCA. This general authority is arguably sufficient to address the specific programs and policies. However, and particularly for new environmental programs or policies, the Legislature has called upon the EQC to act as its liaison with the executive branch.

In the past, the EQC has prioritized its duties as the need for specific oversight changes with interest, time, and circumstance. They are listed as follows:

- **2-15-1514, MCA,** requires the participation of a Legislative Services Division employee on the natural resource data system advisory committee. This has typically been assigned to the EQC staff on an as needed basis.
- **2-15-1523, MCA,** requires the participation of a representative of the Legislative Services Division on the Groundwater Assessment Steering Committee. This has typically been assigned to the EQC staff on an as needed basis.
- **75-1-201 and 75-1-208, MCA,** state executive agencies are required to submit copies of environmental review documents prepared in accordance with the Montana Environmental Policy Act (MEPA) to the EQC. A project sponsor may appear before the EQC at a regularly scheduled meeting to discuss issues regarding an executive agency's environmental review of the project.
- **75-1-314, MCA,** states the Departments of Environmental Quality, Agriculture, and Natural Resources and Conservation are required to report specific compliance and enforcement information to the EQC on a biennial basis. This is the result of a 1997 EQC interim study.
- **75-10-111, MCA,** requires the DEQ to circulate solid waste management and resource recovery plans to the EQC for its review.
- **75-11-521, MCA,** requires the DEQ to report to the EQC regarding the closure of petroleum storage tank release sites at the next regularly scheduled meeting of the Council following the passing of each benchmark date. The dates established in statute are December 31, 2011; July 1, 2012; December 31, 2012; July 1, 2013; December 31, 2013; July 1, 2014; December 31, 2014; and July 1, 2015. (HB 613, 2011) **For more information, see Page 20.**

- **77-2-366, MCA,** requires that the DNRC submit a detailed report of the land banking program to the EQC by July 1 of even-numbered years. The DNRC must also provide a summary report to the EQC on or before July 1 of each year on sales of state land cabins or home sites.
- **77-5-301 *et. seq.*, MCA,** is the Streamside Management Zone law. The statement of intent for the enabling legislation requires the DNRC to periodically evaluate and report on the implementation of the act to the EQC.
- **75-5-703, MCA,** requires the DEQ to report its progress in completing TMDLs (total maximum daily load) and the current schedule for completion of TMDLs, on or before July 1 of each even-numbered year.
- **82-2-701, MCA,** requires the Montana Bureau of Mines and Geology to report to the EQC and the Education and Local Government Interim Committee on its investigation of the state's sand and gravel deposits within one year of starting its investigations.
- **87-1-230, MCA**, requires the DFWP to provide an annual report to the EQC regarding deposits into and withdrawals from the agency's water and land maintenance account related to implementation of the Good Neighbor Policy.
- **87-1-901, MCA**, establishes that the DFWP must report annually to the EQC on gray wolf management and conservation, including the tracking, hunting, trapping, and taking of gray wolves. (SB 200, 2013)

OPTION A	OPTION B	OPTION C
.75 - 1.0 FTE • Fulfill all statutory requirements. • Update and republish historical trend documents. • Establish MEPA training and training schedule for state employees and others. • Review and comment on certain agency MEPA documents for compliance and consistency. • Review and comment as a Council on environmental reviews for selected projects.	**.5 FTE** • Fulfill selected statutory requirements in greater detail. • Accept reports and select some for EQC review, analysis, and comment. • Select specific topics for further analysis or presentation. • Request trend information for each topic reviewed by EQC. • Collect environmental trend information. Create online repository . • Provide MEPA training to state agencies on as requested basis. Conduct needs assessment and develop periodic training schedule accordingly. • Provide updated web access to MEPA database. • Review selected controversial MEPA documents/projects • Track MEPA litigation during interim. • Notify/solicit permit applicants to present MEPA concerns to EQC. • Participate in mandatory meetings and other environmental policy	**.05 FTE** • Minimum of activity. • Solicit and accept agency reports as required. • Fulfill statutory requirements at minimal level of effort. • Select oversight topics and issues for presentation and review at EQC meetings on an ad hoc basis. • Maintain MEPA database.

3) EQC General Agency Oversight Statutory Duties

Source/authority: 2-4-402- 412, 5-5-202, 5-5-211, 5-5-215, 5-5-231, 5-16-101 through 5-16-105, and 75-1-324, MCA.

Background: Under MEPA (75-1-324), the EQC has broad statutory oversight authority and has historically used that authority to review agency activities on an issue by issue basis as the need arises. In 1999, 2001, and 2003, the Legislature further expanded and defined the EQC's oversight authority to include draft legislation review, administrative rule review, program evaluation, and monitoring the functions of the DEQ, DNRC, and the DFWP. The EQC's oversight of these agencies includes entities that are attached to these agencies.

The Legislature's actions in 1999 required a more systematic approach to agency oversight, especially in terms of administrative rule review. Pursuant to 2-4-402 through 412, MCA, the Council has the authority to request records; make recommendations for adoption, amendment, or rejection of a rule; institute, intervene in, or otherwise participate in rulemaking proceedings; review the conduct of administrative proceedings; request a legislative poll; request an economic impact statement on a rule; or object to violation of authority for a rule.

The EQC is also required to review proposed draft legislation from each of the departments within its jurisdiction. At the end of the interim, the EQC schedules time to review this draft legislation.

Additionally, the 2011 Legislature approved HB 142, which requires all interim committees to review the statutorily established advisory councils and required reports of their assigned agencies and to make recommendations regarding the retention or elimination of those advisory councils and required reports. The EQC must review six advisory councils and more than a dozen reports. One of the more significant reports is the compliance and enforcement of environmental and natural resource laws report required pursuant to 75-1-314, MCA.

Traditionally, the EQC has one or more agency oversight issues on the agenda for each meeting. The Council has also historically allocated the necessary resources to respond to issues as they arise.

- **2-4-402 through 2-4-412, MCA**, set out the administrative rule oversight powers and duties of the EQC.

- **5-5-202, 5-5-211, and 5-5-215, MCA,** discuss the organization and duties of interim committees.
- **Section 5-5-231, MCA**, requires the EQC and the Water Policy Interim Committee to coordinate on water issues.
- **5-16-101 through 5-16-105, MCA,** discuss the composition and terms of the EQC.
- **75-1-324, MCA**, contains the general oversight and policy review and recommendation responsibilities of the EQC. Members are urged to review it in detail. The EQC is directed to gather information concerning conditions and trends in the quality of the environment; to review state programs and activities to enhance or maintain environmental quality; to conduct studies, analyze proposals, and make recommendations concerning environmental issues; and to generally act as the Legislature's source of information and advisor on environmental policy issues and direction.

OPTION A	OPTION B	OPTION C
.40 FTE **Active EQC Involvement** • Option B intensified • Consistent EQC involvement encompassing a broad range of oversight issues. • In depth systematic review of a larger number of state agency programs than in Option B. • Possible report and recommendations/ legislation for changes in implementation of state policy. • Active EQC review of rules and legislation.	**.2 FTE** • Systematic oversight. • In addition to Option C, systematically evaluate and monitor a specific number of state agency programs. • More intensive review of administrative rules than Option C (Council Attorney provides synopses of significant and controversial proposed rules). • Review draft agency legislation. • Receive and comment on the compliance and enforcement report required pursuant to 75-1-314, MCA. • Systematic oversight for targeted programs. • Active EQC review of rules and legislation. • Legislation (if any).	**.1 FTE** • Organize oversight issues before the EQC on an as requested basis. • Fulfill requirements of HB 142, 2011 • Fulfill requirements of HB 613, 2011 • Council members receive copies of rule notices of proposed adoption of rules. Council members responsible for notifying staff or the Council Chair if they want more information. • Review draft agency legislation. • Receive and comment on the compliance and enforcement report required pursuant to 75-1-314, MCA. • Oversight on an as needed basis. • Legislation (if any).

4) Carryover EQC Issue: Petroleum Tank Release Fund Solvency and Remediation Program Progress

Source/authority: 2007-2012 EQC Interim Discussions, HB 613 (2011)

Background: The solvency of the Petroleum Tank Release Fund has been tracked by the EQC during the last three interims. The Fund is the default payor for cleanup of releases (spills, leaks) from underground and aboveground petroleum storage tanks, as well as home heating oil tanks. The Fund's primary revenue source -- a $0.0075/gallon fuel tax -- hasn't kept pace with the cleanup work that is waiting to be done. Funding is therefore prioritized and lower-priority sites (based on risk to public health) cannot be resolved/closed.

The 2011 Legislature passed two bills intended to increase the number of releases that are resolved. SB 9, requested by the 2009-2010 EQC, authorized the use of petroleum mixing zones to hasten the completion of work under certain circumstances. HB 613 established a series of performance benchmarks for the Department of Environmental Quality through July 2015, by which the department must resolve a certain number of sites or money appropriated for petroleum tank release prevention will not be included in the department's base budget in the next budgeting cycle.

It is up to the 2013-14 EQC to determine whether it would like to monitor the impact that SB 9 and HB 613 have on the program during this biennium.

OPTION A	OPTION B	OPTION C	OPTION D
		. 01 FTE • Monitor implementation of HB 613 (2011) and financial outcomes. **Deliverables:** • Biannual summary report	**No Action**

5) EQC Educational Publications Obligations

Source/authority: 75-1-324, MCA.
Background: Under MEPA (75-1-324), the EQC has broad statutory authority and the EQC has historically used that authority to produce high quality, easy to understand, objective, nonpartisan, educational publications in addition to the study reports that the EQC produces during any given interim. These educational publications are well regarded and are constantly requested by the general public, legislators, state and federal agencies, other states, and industry and conservation groups. Several EQC publications have received national awards. The EQC has produced the following educational publications:

- ☆ *Montana Index of Environmental Permits (produced in 1976 and updated in 1978, 1981, 1984, 1987, 1988, 1991, 1994, 1996, 1998, 2000, 2002, 2004, 2006, 2008, 2010, and 2012)*
  Explanation: The EQC Permit Index is a complete guide to the permits and licenses needed to conduct activities that may affect the state's environment. The permit index lists the permits required, the permitting agencies, and the statutes and rules that regulate each permit. The Permit Index is the EQC's longest-standing ongoing publication.

- ☆ *Our Montana Environment: Where Do We Stand? (produced in 1996)*
  Explanation: The EQC conducted its first comprehensive environmental indicators project in 1975. With the production of this publication 20 years later, the EQC revisited that effort to develop indicators to document changes in the state's environment over time.

- ☆ *A Guide to Montana Water Quality Regulation (produced in 1996 and updated in 2002, 2008, 2009, and 2012)*
  Explanation: This publication is a primer that addresses water quality regulation in Montana. The impetus for producing this guide (which is one of the first educational primers that the EQC produced for a specific subject matter area) came from numerous requests from the general public and legislators for an easy to understand reference booklet on the complex area of water quality.

- ☆ *Water Rights in Montana (produced in 2004 and updated in 2006, 2008, 2009, and 2012)*
  Explanation: This publication is a primer on Montana's water right system. The EQC and the Department of Natural Resources and Conservation

teamed up to produce this publication that distills a very complex area of law and regulation into a very easy to understand and readable document.

☆ *A Guide to the Montana Environmental Policy Act (produced in 1998 and updated in 2004, 2006, 2009, and 2013)*
Explanation: The EQC was created by the Montana Environmental Policy Act (MEPA) in 1971. The EQC has historically been very active in MEPA implementation and oversight and in developing policy related to MEPA. This guide was produced by the EQC at the request of Montana citizens, legislators, agencies, and industry and conservation groups in order to provide an easy to understand reference guide on MEPA.

☆ *Eminent Domain in Montana (produced in 2001 and updated in 2007 and 2012)*
Explanation: This handbook was one of several products that the EQC produced as a result of its 1999-2001 interim study on eminent domain in Montana. This handbook was developed in order to help citizens better understand the state's eminent domain laws.

☆ *An informational Guide to State Debt (produced in 2004)*
Explanation: At the request of the 2003-04 EQC Energy Policy Subcommittee, the State Bond Counsel compiled the information for this brochure to assist those with projects utilizing state bonding mechanisms. The brochure defines state debt, describes bonds, describes the types of state debt, and provides other related information.

☆ *A Guide to Split Estates in Oil and Gas Development (produced in 2006)*
Explanation: This guide was produced in 2006 at the request of an EQC subcommittee that studied split estate issues. In 2007, EQC-approved legislation was signed into law requiring that the most current version of this brochure be provided to surface owners prior to oil and gas exploration and drilling.

☆ *Conservation easements: 20 things everyone should know (produced in 2008 and updated 2010)*
Explanation: This brochure was first produced as part of a study of conservation easements on state land. It provides basic information about conservation easements.

☆ *Permitting in Montana, DEQ: (produced in 2009 and updated in 2012)*
Permitting in Montana, DNRC: (produced in 2012)

Explanation: These two reference guides provide a quick overview of six permitting processes that affect different types of projects ranging from power plants to gravel pits to oil and gas drilling and groundwater use. These guides include a series of flowcharts and summaries outlining the responsibilities of the applicant, the regulatory agencies, and the public within various permit processes in order to assist people in planning for a permitting process.

With some exceptions, the EQC's educational publications become outdated every interim as a result of legislative changes or administrative changes in the particular areas of law or rule that the publication addresses. Sometimes the updates require minimal time and effort, but some updates like the permit index require a more intensive effort.

OPTION A	OPTION B	OPTION C
.2 -.3FTE • Option B • Identify publications for rewrite, redesign	**.12 FTE** • Option C • Rewrite and edit for clarity • Identify topic for info pamphlet, if necessary	**.04 FTE** • Update publications to reflect statutory changes • EQC review

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Draft 2013-2014 Work Plan Timeline

[*Note: This draft timeline is provided to give you an idea of the timeline that each study will need to fit into in order to complete the work on time. It is subject to final approval of the EQC meeting dates. The timeline shows the last date for completion of certain items.*]

June 19-20, 2013	**EQC Meeting.** Interim work plan prioritization and EQC organizational meeting. Selection of studies and topics.
September 11-12, 2013	**EQC Meeting.** Adoption of detailed work plans for each selected study or topic.
January 8-9, 2014	**EQC Meeting.**
March 19-20, 2014	**EQC Meeting.** If public comment is desired on an EQC report, the contents of the *draft* report should be determined by this date. [May be earlier for some studies.]
May 14-15, 2014	**EQC Meeting.** Last date to suggest revisions to a *draft* document if a 30 day public comment period is desired. Comments received from the public will be compiled by staff and distributed to the EQC 1-2 weeks before the July 9-10, 2014 meeting.
July 9-10, 2014	**EQC Meeting**. Decision on recommendations, any proposed legislation, final report contents.
September 10-11, 2014	**EQC Meeting**. Final approval of recommendations, reports, proposed legislation. Select bill sponsors. Develop strategy. Review agency bill draft requests.

Council interim work must be completed prior to September 15, 2014.

AN ACT PROVIDING FOR AN INTERIM STUDY OF HUNTING AND FISHING LICENSING; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, the Montana Legislature establishes hunting and fishing license fees; and

WHEREAS, hunting and fishing license fees provide approximately $34 million annually to fund most of the operations of the department of fish, wildlife, and parks; and

WHEREAS, hunting and fishing license fees are historically set at a stable level for 8 to 10 years, when revenue exceeds expenses and creates a surplus in the general license account; and

WHEREAS, revenue from hunting and fishing licenses no longer matches expenses, and the general license account has declined since fiscal year 2010; and

WHEREAS, the last major adjustment to hunting and fishing license fees was in 2005; and

WHEREAS, reduced cost hunting and fishing licenses for certain population groups result in approximately $4 million less in general license account revenue; and

WHEREAS, the sale of hunting and fishing licenses has declined in recent years, most notably in 2011; and

WHEREAS, the general license account may be close to a critical point, and hunting and fishing license fee increases may be necessary to fund current operations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Interim study -- evaluation of hunting and fishing licensing -- reporting. (1) The environmental quality council shall conduct a study of Montana's hunting and fishing license statutes and fees, including:

(a) the appropriate roles of hunting and fishing license buyers and other fish and wildlife users in funding fish and wildlife management;

(b) options for improving the structural balance between revenue and expenditures for fish and wildlife

management;

(c) options for changing and simplifying Montana's hunting and fishing license structure and statutes;

(d) options to improve services and better meet the needs of license buyers;

(e) an assessment of the impact of free and reduced cost hunting and fishing licenses on the funding for fish and wildlife management and whether any of these licenses should be modified; and

(f) a comparison of license structures and fees in other states.

(2) The committee shall prepare a final report of its findings and conclusions and of its recommendations and shall prepare draft legislation whenever appropriate.

Section 2. Appropriation. There is appropriated $1,000 from the general fund for the biennium beginning July 1, 2013, to the legislative services division for use by the environmental quality council to complete the study required by [section 1].

Section 3. Effective date. [This act] is effective on passage and approval.

Section 4. Termination. [This act] terminates December 31, 2014.

- END -

HOUSE BILL NO. 609

INTRODUCED BY P. CONNELL

AN ACT PROVIDING FOR AN INTERIM STUDY OF HUNTING AND FISHING LICENSING; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS TO IMPROVE THE MARKETING, MANAGEMENT, OPERATION, MAINTENANCE, AND FUNDING OF STATE-OWNED SITES AT VIRGINIA CITY, NEVADA CITY, AND REEDER'S ALLEY IN HELENA.

WHEREAS, the state-owned historic sites at Virginia City and Nevada City are among the most valuable and fascinating historic sites in Montana and are a tremendous resource for all residents, families, schools, and surrounding communities and for Montana's economy; and

WHEREAS, the proximity of Virginia City and Nevada City to Yellowstone National Park make them ripe to capitalize on the millions of visitors that travel to or through the area each year; and

WHEREAS, the 1997 Legislature authorized the purchase of these properties in Virginia City and Nevada City, including 248 buildings, 160 acres, and over 1 million artifacts for $6.5 million dollars; and

WHEREAS, the 1997 Legislature stipulated that the state-owned sites in Virginia City and Nevada City must be managed to become self-sufficient and profitable and that no general fund money is to be given to them in the future; and

WHEREAS, in subsequent sessions, the Legislature has not altered that statutory directive; and

WHEREAS, the Montana Heritage Preservation and Development Commission, which manages the sites along with Reeder's Alley in Helena, has struggled to achieve that goal of self-sufficiency for many reasons, including extensive preservation, stabilization, and maintenance needs; and

WHEREAS, the Commission employs only two full-time maintenance workers and the Commission's repair and maintenance budget, as approved by the 2011 Legislature, was just $23,890 for fiscal years 2012 and 2013; and

WHEREAS, long-range building program money was not appropriated to the Commission by the 2011 Legislature; and

WHEREAS, the Commission reorganized in August 2011 due to a $400,000 budget shortfall, resulting in a reduction in force of five FTE; and

WHEREAS, the Commission, as part of that reorganization, is placing a greater emphasis on business planning and has hired a full-time business development manager; and

WHEREAS, the Legislative Environmental Quality Council reviewed the Commission and its work as part of the House Joint Resolution No. 32 study of state parks and outdoor recreation and heritage resource programs during the 2011-2012 interim; and

WHEREAS, the Council found much opportunity and greater need for state support to improve the Commission's marketing, operation, preservation, and maintenance of Virginia City, Nevada City, and Reeder's Alley; and

WHEREAS, the Council recognizes the changes and improvements that are being made under the Commission's new organizational structure and business plan; and

WHEREAS, the Council feels that while integrating the administration of Virginia City, Nevada City, and Reeder's Alley with other recreational and heritage resources, including state parks, might be desirable due to seemingly natural alliances between their missions, operations, and resource needs, it does not seem appropriate to do so at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to 5-5-217, MCA, or direct sufficient staff resources to:

(1) provide continued oversight of the Montana Heritage Preservation and Development Commission and its management and operation of state-owned sites at Virginia City, Nevada City, and Reeder's Alley;

(2) review the implementation and impacts of the Commission's restructuring and newly adopted business plan;

(3) review in greater detail the myriad properties and artifacts the state purchased at Virginia City and Nevada City to determine whether the statutory mission for the sites should be redefined or whether recommendations should be made regarding the deaccession of any properties or artifacts;

(4) identify overall preservation needs at Virginia City, Nevada City, and Reeder's Alley and make recommendations regarding the scale and scope of those efforts based on available resources;

(5) review marketing efforts and identify other ways to make Virginia City, Nevada City, and Reeder's

Alley better known to residents and nonresidents alike;

(6) review the Commission's funding and revenue and make recommendations for improving overall finances, especially funding for preservation and maintenance work;

(7) identify opportunities to integrate and better coordinate the administration of state-owned sites at Virginia City, Nevada City, and Reeder's Alley with other recreational and heritage resources, including state parks; and

(8) evaluate the makeup of the Commission and whether its membership, powers, and duties should be restructured or redefined, including whether some duties should be transferred to the Department of Commerce, to which the Commission is attached.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2014.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 64th Legislature.

- END -

SENATE JOINT RESOLUTION NO. 4

INTRODUCED BY J. KEANE

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS TO IMPROVE THE MARKETING, MANAGEMENT, OPERATION, MAINTENANCE, AND FUNDING OF STATE-OWNED SITES AT VIRGINIA CITY, NEVADA CITY, AND REEDER'S ALLEY IN HELENA.

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY EVALUATING THE MANAGEMENT OF CERTAIN FEDERAL LANDS, ASSESSING RISKS, AND IDENTIFYING SOLUTIONS.

WHEREAS, Article II, section 3, of the Montana Constitution provides that all persons have a constitutional right to a clean and healthful environment; and

WHEREAS, Article IX, section 1, of the Montana Constitution mandates that the state maintain and improve a clean and healthful environment for present and future generations; and

WHEREAS, over 25%, or 25 million acres, of land within Montana is managed by the United States Forest Service and the federal Bureau of Land Management; and

WHEREAS, management of Forest Service and Bureau of Land Management lands in Montana has a significant and direct bearing on Montana's environment, education funding, economy, culture, wildlife, and the health, safety, and welfare of our citizens; and

WHEREAS, federal funding and the capacity for responsible management of Forest Service and Bureau of Land Management lands are in serious jeopardy while critical threats such as beetle kills, invasive species, watershed degradation, access restrictions, and catastrophic wildfires continue to escalate; and

WHEREAS, government officials have a vested interest and fundamental duty to ensure our abundant public lands and natural resources are managed responsibly and prudently.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) identify measures that will help ensure that public lands within Montana are managed responsibly and prudently for present and future generations;

(2) evaluate public lands presently managed by the Forest Service and Bureau of Land Management;

and

(3) prepare a report and recommendations to the Legislature, including:

(a) an assessment to analyze available information pertaining to the Forest Service and Bureau of Land Management lands within Montana and identify significant concerns or risks associated with these lands relative to:

(i) environmental quality;

(ii) economic productivity and sustainability;

(iii) public health, safety, and welfare;

(iv) consistency with state and local objectives;

(v) ownership and jurisdictional responsibilities; and

(vi) other aspects as considered appropriate by the assigned interim committee;

(b) a survey of county commissions whose counties contain 15% or more land area under the management of the Forest Service and/or Bureau of Land Management, incorporating their responses into the report;

(c) identification of solutions and goals to improve concerns or risks identified by subsection (3)(a);

(d) investigation of all lawful mechanisms, including actions implemented in other states, that may aid in achieving desired goals; and

(e) recommendations to agencies and the Legislature of necessary actions to achieve solutions and goals.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2014.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 64th Legislature.

- END -

SENATE JOINT RESOLUTION NO. 15

INTRODUCED BY FIELDER, ARNTZEN, ARTHUN, AUGARE, BALLANCE, DEBBY BARRETT, BLYTON, BOULANGER, BROCKIE, BRODEHL, D. BROWN, BUTTREY, CLARK, CONNELL, CUFFE, FACEY, FLYNN, GLIMM, HAMLETT, HERTZ, HOLLENBAUGH, HOWARD, INGRAHAM, JACKSON, D. JONES, L. JONES, KARY, KEANE, KNUDSEN, MCCHESNEY, MCCLAFFERTY, MEHLHOFF, F. MOORE, MURPHY, OLSON, PEPPERS, PETERSON, PIERSON, PRICE, REDFIELD, RIPLEY, ROSENDALE, SALOMON, SCHWADERER, SESSO, SHAW, B. SMITH, C. SMITH, SONJU, STEWART-PEREGOY, TAYLOR, THOMAS, TUTVEDT, VINCENT, WASHBURN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY EVALUATING THE MANAGEMENT OF CERTAIN FEDERAL LANDS, ASSESSING RISKS, AND IDENTIFYING SOLUTIONS.