

Introduction

The Environmental Quality Council (EQC) is a seventeen member bipartisan interim committee of the Montana Legislature. The EQC has agreed on a work plan for the 1999-2000 interim between legislative sessions and has appointed a Land Use/Environmental Trends Subcommittee to address several work plan topics. The subcommittee will make recommendations to the full Environmental Quality Council for actions such as proposed legislation or development of educational materials.

Subcommittee members:

Ms. Julia Page
Mr. Jerry Sorensen
Senator Barry "Spook" Stang

Subcommittee staff:

Mary Vandebosch 444-5367 or mvandenbosch@state.mt. us
Topics: 1999 EQC growth legislation, riparian management, other land use topics

Larry Mitchell -- 444-1352 or Lamitchell@state.mt.us
Topic: environmental trends

The work plan addresses the following topics:

- 1999 EQC growth legislation.
- Residential development in riparian areas.
- Environmental trends (indicators).

Background information, goals and tasks are presented for each topic. The work plan also includes a subcommittee time line.

The work plan is a flexible document. The subcommittee will refine its goals and tasks as information is gathered and evaluated. Key decision-making points are highlighted in the time line and under each topic.

1999 EQC Growth Legislation

Background information

During the 1997-1998 interim, the EQC appointed a subcommittee to study issues related to planning for growth. This effort resulted in the EQC report *Planning for*

Growth in Montana and four EQC bills that were introduced during the 1999 legislative session. Three of the four bills were approved by the Legislature and signed by the Governor. The bill that died would have allocated \$1 million each fiscal year from the bed tax for a grant program to pay for development and implementation of local growth policies.

The EQC allocated .20 full-time equivalent (FTE) staff to this effort.

Goals

- Cooperate with Montana Department of Commerce to provide information about the 1999 EQC growth legislation.
- Monitor implementation of Senate bills 95, 96 and 97. Provide assistance and identify issues that may need to be addressed.
- Evaluate funding needs for development and implementation of growth policies.

~~Potential~~ tasks

~~[Please indicate priority: high, low or delete. Some tasks must be deleted or rated low.]~~

- ✓ 1. Update to *Planning for Growth in Montana* that summarizes changes to the law as a result of legislation enacted in 1999.

Who: staff
Timeline: completed

- low 2. Presentations to interested groups about Senate bills 95, 96, and 97.

Who: staff, subcommittee members
Timeline: ongoing as needed

- ? 3. Information campaign about EQC growth legislation on Oct. 1 effective date of SB 97 (news release, fact sheet). Cooperate with Department of Commerce?

Who: staff with review by (and quotes from) subcommittee members
Timeline: Draft ready for review at September 1999 EQC meeting. Possibly distribute at MACo conference Sept. 26-30. News release Sept. 30, 1999. Planning Montana television show Oct. 18.

- low-med 4. Review and provide advice regarding Department of Commerce

informational materials related to EQC growth legislation.

Who: subcommittee with staff support

Timeline: as needed

- Hi 5. Briefing on experience of local governments with development of local growth policies pursuant to SB 97.
- a. Big Horn County
 - b. Beaverhead County
 - c. Sanders County
 - d. Ravalli County
 - d. others

Who: EQC/Department of Commerce staff briefing or panel presentation by local government representatives.

Timeline: Briefing on Sanders County September 22-23 in Libby? Others to be determined based on county progress.

- 7 6. Identify any concerns about Senate Bills 95, 96 and 97 that need to be addressed through "tweaking" legislation rather than information and education. Draft proposed legislation if needed. [The EQC does not intend to propose significant changes to this legislation which received broad based support. However, if there is agreement that tweaking is needed, the EQC will consider this. As land use bills are very controversial, few changes will qualify as tweaking.]

Who: Subcommittee with assistance from EQC staff and Department of Commerce staff

Timeline: Discussion of feedback on legislation January 21, 2000. Decision to propose legislation (in concept) by May 5, 2000.

- High 7. Identify current sources of funding for development and implementation of growth policies.

Who: Staff

Timeline:

- 8 8. Document costs of developing and implementing growth policies.

Who: Staff

Timeline:

- 9 9. Evaluate the need to provide additional state funding or local funding

authority for the development and implementation of growth policies. If warranted, work with interest groups to develop proposed legislation for the 2001 session.

Who: Subcommittee
Timeline: Decision re: need for additional funding by March 24, 2000. If warranted decision on draft funding proposal before May 5, 2000. Final decision on subcommittee recommendation to EQC by August 31, 2000.

High 10. Briefing on court decisions and attorney general opinions related to growth policies (comprehensive plans).

Who: Staff
Timeline: as needed

new legislative implementation

Low 11. Briefing on potential proposed legislation related to :
a. growth policies.
b. other land use issues (Sanitation in Subdivisions? others?)

Who: Staff and interested parties
Timeline: Late 2000 and as needed.

____ 12. (fill in other tasks)

____ 13. (fill in other tasks)

Residential Development in Riparian Areas

Background information

The 1999 Montana Legislature passed HB 458 (see Appendix for text of bill). Specifically, the bill requires the EQC to:

1. Review and summarize state, federal, and local policies and programs related to riparian management in Montana.
2. Identify overlapping or conflicting goals or implementation programs.
3. Evaluate existing riparian best management practices (BMPs).
4. Evaluate programs to disseminate information about voluntary BMPs.
5. Develop cost-effective mechanisms to compile and disseminate information about BMPs in coordination with others.

The EQC allocated .20 FTE for this topic.

Goals

[The goals are the 5 elements presented in HB 458, modified to (hopefully) reflect the subcommittee's approach.]

- Review and summarize state, federal, and local policies and programs related to residential development in riparian areas in Montana.
- Identify overlapping or conflicting goals or implementation programs.
- Evaluate existing tools to address residential development in riparian areas, including land use planning, land acquisition, conservation easements and best management practices (BMPs).
- Evaluate programs to disseminate information about voluntary BMPs.
- Develop cost-effective mechanisms to develop and disseminate useful informational materials about BMPs and other tools in an effective manners. Coordinate with others to prevent duplication and maximize outreach.

Potential tasks

- 1 ^{10/18/99} 1. Draft summary of public and private education and assistance programs related to residential development in riparian areas in Montana.

Who: staff

Timeline: Preliminary draft mailed September 3, 1999.

Subcommittee discussion September 22 or 23, 1999.

Preliminary review by Montana Watershed Coordination Council

October 6, 1999 and possibly Montana Wetlands Council October 21, 1999.

- 2 ^{11/18/99} 2. Draft summary of successful and unsuccessful local strategies related to residential development in riparian areas in Montana:

- a. Comprehensive plans
- b. Zoning (Powell, Park, Madison, and Choteau counties)
- c. Other (Big Hole Watershed Committee, Blackfoot Challenge and others)

Who: staff

Timeline: Preliminary draft mailed September 3, 1999

Subcommittee discussion September 22 or 23, 1999.

Preliminary review by Watershed Coordination Council October 6, 1999 and Wetlands Council October 21, 1999.

Combine

- 3. Evaluate existing informational materials and:
 - a. ~~determine if there is a need for new materials~~ and the appropriate entities to develop those materials.
 - b. evaluate distribution and use of existing informational materials and determine if there is a need for new ways of providing information and identify the appropriate entities to disseminate information.
 - c. [If the Subcommittee wants to devote a significant level of effort to this and place less emphasis on other potential work plan tasks . . .] Propose working cooperatively with a watershed group to survey residents to learn what sources of information and types of informational materials they use. The Subcommittee's work product would be recommendations about how to distribute information rather than actual informational materials.]

Who: Subcommittee with staff support

Timeline: Invite comment on the need for new informational materials on or prior to December 2, 1999. Decision on action: January 21, 2000. [If watershed group survey approach is used a longer timeline will be needed.]

- 4. Evaluate other tools (including local land use planning and watershed planning) to determine if there is a need for new tools or if action is needed to enhance the use of existing tools. [Note: The EQC's current allocation of resources to this activity is inadequate to support development of significant legislation. However, minor legislative changes might be proposed and major legislative concepts could be identified, but not developed.]

Who: Subcommittee with staff support

Timeline: Invite comment on existing tools and the need for new tools on or prior to January 21, 2000. Decision on action by March 24, 2000. Develop draft proposal by May 5, 2000.

- 5. Brief summary of state and federal policies related to residential

development in riparian areas in Montana.

Who: staff

Timeline: mailed prior to Dec. 2 EQC meeting

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6. Evaluate state and federal programs and policies to identify conflicts. Evaluation based on brief summary and comment by interested parties.

Who: Subcommittee with staff support.

Timeline: Invite comment on conflicts within state and federal programs on or prior to January 21, 2000. Decision on what to do with this information (report to Legislature, etc.) by March 24, 2000.

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7. Gather data to illustrate trends residential development in riparian areas where available (i.e., subdivisions, new home construction, etc.).

Who: staff

Timeline: Survey counties and watershed groups by December 31, 1999. Present data at March, 2000 meeting.

8. Briefing on non EQC potential proposed legislation related to residential development in riparian areas.

Who: Staff and interested parties

Timeline: Late 2000 and as needed.

9. (fill in other tasks)

10. (fill in other tasks)

*Yellowstone river corridors
- Gallatin
- Florkrad*

Environmental Trends

AS AIR QUAL. documents

Background information

Briefly summarized, one of the statutory responsibilities of the EQC is to gather information concerning trends and conditions in the quality of Montana's environment, to analyze trends and interpret their causes, and to document these trends and make recommendations on matters of policy to the legislature (Section 75-1-324, MCA). The last comprehensive trends documentation effort was the EQC produced document *Our Montana Environment...Where Do We Stand?* in 1996. More often, the EQC fulfills its statutory obligation of gathering information and documenting trends through its oversight role of reviewing and analyzing public and private projects that may have impacts on the environment or in studying a specific aspect of the environment in greater detail. The *Planning for Growth in Montana* study last interim was one such detailed review of a specific environmental trend and condition.

The EQC allocated .10 FTE for the environmental trends topic.

Goals

- Fulfill the statutory obligation of Section 75-1-324, MCA.
- ~~Combine the study and analysis of land use, riparian management and environmental trends and conditions?~~
- Evaluate and encourage use of environmental indicators by state agencies.

Potential tasks

[Please indicate priority: high, low or delete. Some tasks must be deleted or rated low.]

1. Complete installation of 1996 Indicators report on EQC web page.
Who: staff and Natural Resources Information System (NRIS)
Timeline: NRIS driven; likely by fall 1999
2. Update existing report data and relevant text as data becomes available and time allows.
Who: staff; subcommittee and EQC approval
Timeline: on going
3. Evaluate agency efforts to identify and utilize environmental indicators in tracking program efforts.
 - a) staff contacts with agency directors, and/or
 - b) systematic phone or polling inquiries of environmental programs, and/or
 - c) key only on those programs with riparian management impacts.

what is point?

Who: staff and Subcommittee

Timeline: staff inquiries by Dec 15. Subcommittee review by January 21.

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4. Request agencies to identify and incorporate environmental indicator data into biannual compliance and enforcement reports.
- a) identify agencies' current data collection efforts.
 - b) identify useful indicator or trend data.
 - c) develop useable format for reporting

Who: staff, agency staff, Subcommittee with EQC approval

Timeline: a) by January 21 meeting

b) by March 24 meeting; decision to proceed or not

c) by July 28 meeting; compliance and enforcement reports by September 2000 EQC meeting

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5. Identify information sources for documenting trends and conditions of riparian areas (see also Residential Development in Riparian Areas task #7, page 7). [Gathering additional information would likely require a significant time commitment. The subcommittee would need to delete most of the other tasks under this topic, or reallocate resources (and delete tasks) from the other topics.]

Who: staff

Timeline:

- X
6. Provide EQC agenda topics for other contemporary environmental condition or trend situations as they develop during the interim (see also the Water Policy Subcommittee Work Plan).

Who: staff with Subcommittee suggestions and approval

Timeline: as needed

7. (fill in other tasks)
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8. (fill in other tasks)
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Timeline

The timeline in the current draft is based on the EQC meeting timeline. Subcommittee meetings will take place on or before the EQC meeting and the timeline will be revised as subcommittee meeting dates are set.

1999

Sept. 22-23 **EQC meeting, Libby. Brief subcommittee meeting (1 hour)**

- ◆ Subcommittee review/discussion of draft summary of riparian education/assistance programs and local strategies documents. Identify additional information needs.

~~Sept. 26-29~~ ~~MACo annual conference, Kalispell (distribute info about EQC growth legislation?)~~

Oct. 1 Effective date of SB's 96 and 97. ~~News release?~~

Oct. 6 Montana Watershed Coordination Council Meeting, Helena. Get input on draft riparian management work products.

October 21 Montana Wetlands Council, Helena. Possibly get input on draft riparian management work products.

Dec. 2 **EQC meeting (subcommittee meeting afternoon or evening before)**

- ◆ Subcommittee review of state and federal policies related to residential development in riparian areas in Montana. Discuss if necessary.
- ◆ ~~invite comment on the need for new informational materials or new ways to distribute materials re: residential development in riparian areas on or before this date.~~

December 31 Survey counties and watershed groups for trend data on residential development in riparian areas before this date.

(Turn the page for a glimpse into the next century!)

*mad.
based on agenda*

*continue
...*

2000

Jan. 21

EQC meeting (subcommittee meeting afternoon or evening before)

- ◆ ~~Subcommittee discussion of feedback on EQC growth legislation.~~
- ◆ ~~Subcommittee decision on whether or not to develop new informational materials related to riparian management or new ways to distribute informational materials.~~
- ◆ Invite comment on adequacy of local tools to address residential development riparian areas on or prior to this date.
- ◆ ~~Invite comments on conflicts with state and federal riparian policies on or prior to this date.~~
- ◆ Subcommittee review of agency efforts to identify and utilize environmental indicators.
- ◆ Identify agencies' current environmental trends data collection efforts by this date.

funding

March 24

EQC meeting (subcommittee meeting afternoon or evening before)

- ◆ Subcommittee decision on need for additional funding for growth policies.
- ◆ Subcommittee decision whether or not to propose ways to enhance local tools to address residential development in riparian areas.
- ◆ Present trend data for residential development in riparian areas if available.
- ◆ Identify useful environmental indicator data.

May 5

EQC meeting (subcommittee meeting afternoon or evening before)

- ◆ ~~Subcommittee decision on whether or not to recommend tweaking of EQC growth legislation (if warranted).~~
- ◆ Decision on draft proposal for funding growth policies, if needed.
- ◆ Final decision to circulate draft reports or legislative proposals, if desired.

May 6-

Last dates to revise and distribute draft reports and concepts for proposed

June 16

legislation (if any) for public review and comment, if desired.

July 14

Compile and distribute comments on draft documents (if any) to subcommittee members.

July 28

EQC meeting (subcommittee meeting afternoon or evening before)

- ◆ Briefing on potential non EQC legislative proposals (if any) related to subcommittee topics (~~growth policies, land use in general?~~ residential development in riparian areas, tracking environmental trends).

work plan

- ◆ Final subcommittee decision on any recommendations to EQC for proposed legislation (~~e.g., additional funding for growth policies~~) on or before this date.
- ◆ Subcommittee briefs EQC on any potential EQC legislative proposals.

Sept. 16-17 EQC meeting (subcommittee meeting afternoon or evening before)

- ◆ Final decision by EQC on content of proposed legislation, if any. Selection of bill sponsors. Development of strategy.
- ◆ Briefing on potential legislative proposals (if any) related to subcommittee topics (growth policies, land use in general?, residential development in riparian areas, tracking environmental trends).



AN ACT ADDING ASSISTANCE WITH INTERAGENCY COORDINATION TO THE WATER POLICY DUTIES OF THE ENVIRONMENTAL QUALITY COUNCIL; TEMPORARILY REQUIRING THE COUNCIL TO COORDINATE THE COMPILATION, EVALUATION, AND DISSEMINATION OF EDUCATIONAL INFORMATION RELATED TO BEST MANAGEMENT PRACTICES FOR STREAMSIDE CORRIDORS AND RIPARIAN MANAGEMENT; AMENDING SECTION 85-2-105, MCA; AND PROVIDING A TERMINATION DATE.

WHEREAS, Montana's river and stream corridors and associated riparian areas play a critical role in supporting beneficial uses of water, agricultural production, fish and wildlife values, recreation opportunities, and related economic and aesthetic benefits; and

WHEREAS, Montana's river and stream corridors are experiencing tremendous pressure from increased use and development; and

WHEREAS, owners of land along Montana's rivers and streams, water users, and recreationists recognize the importance of maintaining and conserving these corridors and would increase their efforts to do so if they had information on relevant and affordable voluntary best management practices (BMPs); and

WHEREAS, although there are a variety of efforts at the federal, state, local, and watershed levels to address river and stream corridor issues, there is a continuing need to pool scarce resources, increase effectiveness through improved coordination of policies, data, and implementation, and provide a greater opportunity for innovative solutions such as voluntary BMPs; and

WHEREAS, Montana is fortunate to have a successful BMP and streamside management policy model that was developed by Montana's forestry community, with the assistance of the Environmental Quality Council, that can serve as an example for other river and streamside land uses; and

WHEREAS, the Montana Legislature's bipartisan Environmental Quality Council has a 28-year history of helping Montanans constructively solve complex and divisive natural resource issues and has the capability and the unique perspective to facilitate the compilation and dissemination of BMP information

for river and streamside land uses and to assist with interagency coordination.

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

Section 1. Section 85-2-105, MCA, is amended to read:

"85-2-105. Environmental quality council -- water policy duties. (1) The environmental quality council shall meet as often as necessary, including during the interim between sessions, to perform the duties specified within this section.

(2) On a continuing basis, the environmental quality council shall:

(a) advise the legislature on the adequacy of the state's water policy and on important state, regional, national, and international developments that affect Montana's water resources;

(b) oversee the policies and activities of the department, other state executive agencies, and other state institutions as those policies and activities affect the water resources of the state;

(c) assist with interagency coordination related to Montana's water resources; and

~~(d)~~ (d) communicate with the public on matters of water policy as well as the water resources of the state.

(3) On a regular basis, the environmental quality council shall:

(a) analyze and comment on the state water plan required by 85-1-203, when filed by the department;

(b) analyze and comment on the report of the status of the state's renewable resource grant and loan program required by 85-1-621, when filed by the department;

(c) analyze and comment on water-related research undertaken by any state agency, institution, college, or university;

(d) analyze, verify, and comment on the adequacy of and information contained in the water information system maintained by the natural resource information system under 90-15-305; and

(e) report to the legislature as provided in 5-11-210.

(4) The legislative services division shall provide staff assistance to the environmental quality council to carry out its water policy duties."

Section 2. Streamside corridor and riparian management -- coordination and dissemination of best management practice information. Consistent with its authorities set forth in Titles 75 and 85, the environmental quality council, in cooperation with affected and interested stakeholders, shall:

(1) review and summarize state, federal, and local policies and programs related to streamside corridor and riparian management in Montana and identify overlapping or conflicting goals or implementation mechanisms;

(2) coordinate with existing groups to evaluate existing streamside and riparian best management practices and existing educational and informational programs regarding the dissemination of information regarding voluntary BMPs, to ensure coordination in water quality protection efforts and consistency with 75-5-702 and 75-5-703; and

(3) coordinate with others to develop cost-effective mechanisms to compile and disseminate the conclusions from activities conducted pursuant to subsections (1) and (2) and in doing so, maximize the likely implementation of the practices.

Section 3. Termination. [Section 2] terminates December 31, 2000.

- END -