

# Montana Environmental Quality Council

June 3

# 2015

*The EQC typically tackles a broad array of topics over an interim and always meets the mandated deadline to finish its work. This success is rooted in the thoughtful consideration members give to planning the interim workload. The draft work plan is integral to meeting the EQC goals.*

Draft Work Plan  
for the 2015-16  
Interim



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## Introduction

This is the draft work plan for the Environmental Quality Council (EQC or Council) for the 2015-2016 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.

A copy of the assigned study resolution and the draft EQC Work Plan Decision Matrix are attached.

## Committee Procedures and Public Participation

The EQC operates under the Rules, Procedures, and Guidelines for Interim Committees adopted by the Legislative Council.

As required by law, 10 day advance public notice will be given for all meetings and the public will be given an opportunity to comment on any matter that is within the jurisdiction of the Council. The Presiding Officer may establish time limits for public comments, if necessary. Interested persons may be added to the mailing list by visiting the EQC website and signing up for electronic meeting notifications. Agendas, memos, links, and other information can be found on the EQC website: [www.leg.mt.gov/eqc](http://www.leg.mt.gov/eqc).

## How the EQC Plans its Work

Over the years, the EQC has developed a strong tradition of handling large workloads within its allotted budgets for staff time and money and completing its work prior to the September 15 deadline in the even numbered year.

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). With the passage of Senate Bill No. 82 in 2015, the Water Policy Interim Committee will take over program review and rulemaking activities within those departments for issues that are related primarily to water quality or quantity.

This is a draft work plan to help Council members set priorities. 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.

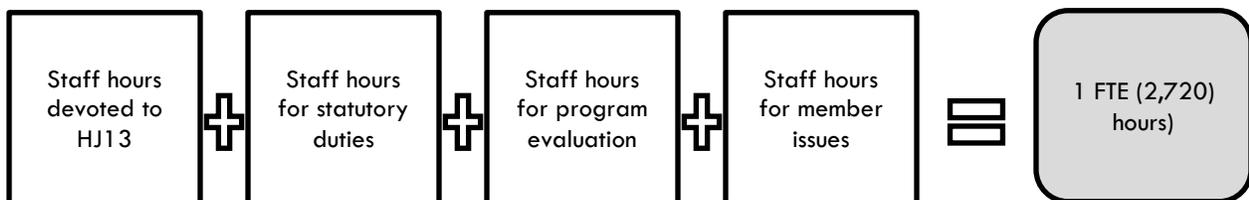
In planning its work, the EQC must consider studies requested by legislators through study resolutions, study bills, statutory mandates, and member issues. The study resolutions are ranked by the legislators and assigned to interim committees by the Legislative Council.

## The Draft Decision Matrix

The Draft EQC Work Plan Decision Matrix is a way to look at topic options side by side and estimated staff time according to member priorities. The matrix includes estimates for total staff time available to the EQC, but keep in mind that many topics also require meeting time for updates, panel discussions, and EQC debate. Most EQC meetings span two days.

## Resource Allocation

There is approximately **1 FTE of staff time (2,720 work hours)** available to conduct the work assigned to the EQC and the additional work the EQC votes to undertake. These priorities – and the amount of staff hours devoted to a specific topic – are determined by the Council using the Work Plan Decision Matrix, which accompanies this document. As you read the work plan documents, please bear in mind the basic equation:



# Potential Work Plan Topics

## Study Resolutions assigned to the EQC by Legislative Council

### 1. HJ13 – Rep. White

#### Legislative Poll Ranking: 6 of 15

**Background:** Assess a 35 year period of road access on federal land in Montana to determine which roads have been closed and which roads have limits on access. The assessment should include:

- \* the location of each road, including all gated roads;
- \* the approximate mileage of each road; and
- \* identification of the federal agency to which the road belongs.

Assess landlocked public parcels in Montana including:

- \* the size and location of each landlocked parcel;
- \* the number of landowners that own property adjacent to each parcel; and
- \* whether any of the adjacent landowners permit outdoor recreationists to cross their property to reach each parcel.

Assess trends in permits and licenses issued by the Department of Fish, Wildlife, and Parks in each area for elk and deer hunting over a 15-year period, with a specific emphasis on identifying reduced hunter opportunity in areas where roads have been closed on federal land or where there are large landlocked areas.

#### Study approach:

- \* Gather requested data through a combination of staff research and cooperation from federal and state agencies.
- \* Summarize data in comprehensible format.
- \* Identify policy and legal issues affecting federal road management and access.
- \* Identify options within jurisdiction of Montana to affect federal road management and access.

Deliverables could include maps, spreadsheets and summaries of data, staff papers on policy and legal issues affecting federal road management and access, committee recommendations, and legislation.

The study could have a strong local government component because counties would likely be consulted on local access issues.

**Estimated staff time:** The amount of staff time will depend in part on the willingness of federal agencies, most likely the U.S. Forest Service and the U.S. Bureau of Land Management, to provide data and specialized analysis. Staff may be able to accomplish some analysis based on GIS data provided by the agencies, but that could significantly increase staff hours. Legal analysis of federal laws could also increase staff time.

Staff time could range from .05 FTE (136 hours) to .25 FTE (680 hours).

**Estimated EQC meeting time:** At a minimum, this would be an agenda item of at least 45 minutes at one or two meetings. At most, it would be an agenda item at every meeting, and may include meetings of a work group or subcommittee.

## Additional Work Plan Topics for EQC

### 1. 111(d) EPA Rulemaking Subcommittee

Authority: Budget request approved by EQC and ETIC in 2014. Request in House Bill No. 2 (appropriation vetoed).

**Background:** Based on requests from the 2013-2014 ETIC and EQC, the Legislative Services Division budget included additional funding for a joint subcommittee of the ETIC and EQC to track the proposed Environmental Protection Agency rules requiring states to reduce carbon dioxide emissions in the power sector by 2030.

The federal rulemaking is referred to as the 111 (d) rule. The ETIC and EQC will need to determine if they would like to form the subcommittee and fund it with existing budgets.

The EQC and ETIC are scheduled to meet the same week during the interim. The requested funding was for legislator pay and lodging for the subcommittee day. The two committees may be able to absorb the cost by cutting costs or if, in the course of the interim, money is saved by EQC or ETIC members who don't attend all the meetings. Or the committees could request funding from Legislative Council.

**Study approach:** The subcommittee would set out its specific interim work plan. It is likely the work of the subcommittee would be narrow in scope and focus on the rule and how Montana can best position itself to implement a final rule.

**Estimated staff time:** Most of the research and analysis would likely be completed by ETIC staff. However minimal EQC staff time may be necessary.

**Estimated EQC meeting time:** EQC members of the subcommittee would likely stay an extra day after EQC meetings to meet with the ETIC members. A short update on the subcommittee work would be an agenda item on each EQC agenda.

## Member Issues Proposed for EQC Study

### 1. Mr. Aspenlieder -- Study financial aid programs within DNRC Conservation and Resource Development Division.

**Background:** This would examine two bureaus and several programs within the division. The Financial Bureau issues low-interest loans to local government borrowers and manages the financial administration of Montana's wastewater and drinking water State Revolving Loan Fund loan programs. It also coordinates the development of four Montana Regional Water Systems and prepares and manages the cash flow of the division's other grant and loan programs.

The Reclamation and Development Grants Program is designed to fund projects for planning, site assessment, and grant writing for cleanup grants. Projects include planning

for cleanup of abandoned mines, brownfields, abandoned hazardous waste sites, and abandoned oil and gas wells.

The Renewable Resource Grant and Loan Program funds projects that conserve, manage, develop, or preserve Montana's renewable resources. Eligible projects include drinking water, wastewater, solid waste development, and improvement projects. Other renewable resource projects include irrigation rehabilitation, dam repair, soil and water conservation and forest enhancement. Grants are limited to \$125,000 per project; loans are limited by the applicant's debt capacity.

Irrigation development grants range from \$300 to \$20,000. They are available to private for profit, private nonprofit, governmental and Tribal entities and individuals. Projects may include irrigation efficiencies through conservation, expanding acreage, increasing production, improved management, and improved cooperation among water users.

**Member Objective:** "Particularly with all the infrastructure funding issues, shortfalls, etc. I think this would be a great place to dig in deeper. My concerns are that we seems to be blurring the lines in the funding structures of these programs and there is limited understanding of the mechanics of the programs and where the municipalities can go for funding. There are interests that would like to examine the criteria for the programs and evaluate if the policy focus needs to be changed. A comprehensive look at those programs and possibly some ideas to simplify; separate agriculture and municipalities; and clear up the pots of money moving forward would be fantastic for the state and all involved."

**Study Approach:** This would be within the program evaluation duties of the EQC. Given the number of programs, the review would likely include one or more staff reports, a review of recent work from the Audit and Fiscal divisions, and multiple presentations by staff, the agency, and the regulated community. The work product may include a staff report, recommendations, and legislation.

**Estimated Staff Time:** A minimum program review may be done with .04 FTE (120 hours). A medium to full program review may range from .06 FTE (180 hours) to more than .2 FTE (544 hours).

**Estimated EQC meeting time:** At a minimum, this could be be an agenda item of an hour or more at one or two meetings. At most, it would be an agenda item at every meeting, and may include meetings of a work group or subcommittee.

## 2. Sen. Phillips – Review the Nongame and Endangered Species Conservation Program.

**Background:** This would be within the program evaluation duties of the EQC.

The intent of the law that created the program was to provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

It is the policy of the state:

- to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to ensure their perpetuation as members of ecosystems;

- that species or subspecies of wildlife indigenous to this state that may be found to be endangered within the state should be protected in order to maintain and, to the extent possible, enhance their numbers; and
- that the state should assist in the protection of species or subspecies of wildlife that are considered to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of species or subspecies of wildlife unless those actions will assist in preserving or propagating the species or subspecies.

State law defines an "endangered species" as a species or subspecies of wildlife that is actively threatened with extinction due to:

- the destruction, drastic modification, or severe curtailment of its habitat;
- its overutilization for scientific, commercial, or sporting purposes;
- the effect on it of disease, pollution, or predation;
- other natural or artificial factors affecting its prospects of survival or recruitment within the state; or
- any combination of the above.

The law also defines "nongame wildlife" as a wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this state. Animals designated by Montana statute or regulation as predatory in nature are not classified as nongame wildlife.

The program collects biological information to monitor status and trends, researches interactions between species, wildlife movement and habitat use, and the effects of habitat management prescriptions.

**Member Objective:** The department is required to conduct a review of the state list of endangered species every 2 years. The EQC would collaborate with the department on the review. The department may propose specific legislation to amend the list by additions that are considered appropriate and at times that are considered appropriate. The EQC would investigate adding plants to the list of endangered species.

**Study Approach:** This would be within the program evaluation duties of the EQC. The review would likely include staff summary of the program and one or more presentations by the agency. A subcommittee or work group may be formed to discuss the list review. The work product may include a staff report, recommendations, and legislation.

**Estimated Staff Time:** A minimum to medium program review may range from .02 FTE (60 hours) to .1 FTE (272 hours).

**Estimated EQC meeting time:** This could possibly be accomplished as an agenda item at one to three meetings.

### 3. Sen. Phillips – Study status of whitebark pine as candidate for listing as an endangered species and its role in Montana issues.

**Background:** The whitebark pine is a conifer found at the alpine tree line and subalpine elevations in Washington, Oregon, Nevada, California, Idaho, Montana, and Wyoming, and in British Columbia and Alberta, Canada. In the United States, approximately 96% of land where the species occurs is federally owned or managed, primarily by the U.S. Forest Service.

The tree, which can live for 1,000 years, is considered by the U.S. Fish and Wildlife Service (USFWS) as a keystone species because it increases biodiversity and is critical to ecosystem functions. The trees grow at high elevations and are often the first conifers to establish after a disturbance where their presence stabilizes soils and regulates runoff. The shade the trees provide slows snowmelt. The seeds are a highly nutritious food for birds and mammals, including the grizzly bear.

As of December 2014, the USFWS included the whitebark pine in its second highest priority category for listing as an endangered species. The USFWS reports the main threat to the tree is disease, but it also faces significant mortality from the native mountain pine beetle. Past and ongoing fire suppression and continuing effects of climate change are decreasing habitat, the service reported. The USFWS also says existing regulations are inadequate to address the threats, which are likely to intensify.

**Member Objective:** Educate Montanans about the role the whitebark pine plays in the ecosystem, the threats the tree faces, and the effects tree mortality may have on the state, including the regulatory powers of the DFWP to manage grizzly bears if the animal is not delisted because a food source is in decline.

**Study Approach:** Staff would compile basic background about the whitebark pine, including its candidate status as an endangered species. Meeting presentations could include the USFWS, DFWP, and other stakeholders. Follow up research may include options for state level action.

**Estimated Staff Time:** The range could be from .02 FTE (60 hours) to .1 FTE (272 hours).

**Estimated EQC meeting time:** This could possibly be accomplished as an agenda item at one to three meetings.

#### 4. Sen. Phillips – Study the creation of a report on the status of Montana’s Natural Resources.

**Background:** Montana law requires the EQC to:

- gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret the information for the purpose of determining whether the conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the legislature studies relating to the conditions and trends;
- review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which the programs and activities are contributing to the achievement of the policy and make recommendations to the governor and the legislature with respect to the policy;
- develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;
- conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality; and

- document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes.

Since the inception of the EQC the council has met these obligations in different ways. As always, how the EQC fulfills its duties is up to the members and their priorities, but in this case the availability of staff and staff expertise also has played a role.

As a matter of course in complying with the law, studies conducted by the EQC incorporate timely and authoritative information on trends. Past examples of study-specific trend gathering includes historic lumber prices and processing capacity; recycling and waste disposal rates; and an inventory of conservation easements.

However, at times in its history, the EQC documented trends beyond its study of specific issues and compiled baseline information in a hard copy report. In 1975, the EQC produced a 178-page report "Montana Environmental Indicators." The report included examinations of population, energy production, water, minerals, forest and agricultural land, water and air quality, and wildlife. At the time, the EQC conceded that it was a major effort to assemble comprehensive baseline data, reported in a systematic format, on the current state of the Montana environment. Five staff members worked on the document. But the EQC was dedicated to a long-term commitment of refining the indicators and of issuing updated and revised summaries periodically.

It took another 20 years until the EQC attempted another comprehensive trend report. "Our Montana Environment ... Where Do We Stand?" was a 28-page document that examined many of the same issues as the 1975 report, but capitalized on conveying statewide information in maps, graphs, and concise summaries.

In May of 2014, the EQC approved the creation of an online repository of trend information. That effort continued through the last interim and is included in the general statutory oversight section of the proposed 2015-2016 work plan.

**Member objective:** The report on the status of Montana's Natural Resources would be in addition to, not a replacement of, existing efforts to fulfill the statutory obligations, including the online repository of trend information.

Using its existing authority, the EQC would consult with representatives of science, industry, agriculture, labor, conservation organizations, educational institutions, local governments, and other groups to solicit information to be included in the report.

The EQC would also request information and guidance in the drafting of the state of the state's natural resources report from the Montana Institute on Ecosystems. The institute is a collaboration of scholars from Montana State University and the University of Montana who are tasked with enhancing environmental and ecosystem science research, education, and engagement. It was approved by the Board of Regents in 2011.

If the Montana Institute on Ecosystems is unavailable, the EQC would request information and guidance from another nonpolitical organization of Montana scholars and partners with a shared vision to advance integrated environmental sciences and related fields.

The report should:

- document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and
- provide a wealth accounting for the state, including buildings; manufactured assets, including machinery used in businesses; infrastructure, including highways, electricity transmission facilities, oil and gas pipelines, and water projects; natural assets, including land, forests, fish, minerals and energy; and human and social capital.

**Study Approach:** Staff would compile existing reports specific to Montana that contain information pertinent to the proposed report. Research would be done on similar reports produced by other states or organizations to use as a template for the Montana report.

Staff would need to coordinate with the Montana Institute on Ecosystems or another organization. If the institute or another organization requests payment for the work, staff would research applicable procurement procedures.

Much of the approach would depend on the work contributed by the outside group and more direction provided by the EQC.

**Estimated Staff Time:** Staff time would depend on contribution of the outside group. But even if the staff role limited to minimal research and coordination, the allocation could be .1 FTE (272 hours).

**Estimated EQC meeting time:** At a minimum, this could be an agenda item of an hour or more at one or two meetings. At most, it would be an agenda item at every meeting, and may include meetings of a work group or subcommittee.

## 5. Rep. Ellis -- Review recreational use of state lands.

**Background:** State law requires that state lands managed by the DNRC are open to general recreational use to the extent that the trusts are compensated for the value of the recreation.

The Land Board has broad authority to adopt rules for the recreational use of state lands. Until the 2015 session, many of the laws related to recreational use of state lands had not been revised for more than two decades. Most of the rules implementing the statutes have not been revised for more than a decade. The new law, already in effect, made changes to provisions related to closures, public notice, camping, pets, and horses.

**Member objective:** The EQC should review existing laws and their implementation through rule for opportunities to update the laws and rules to produce revenue, reduce conflict between lessees and recreational users, address weed control, and other necessary policy changes.

**Study Approach:** This would be within the program evaluation duties of the EQC. The review would likely include a staff summary of the program and one or more presentations by the agency. The work product may include a staff report, recommendations, and legislation.

**Estimated Staff Time:** A minimum to medium program review may range from .02 FTE (60 hours) to .1 FTE (272 hours).

**Estimated EQC meeting time:** This could possibly be accomplished as an agenda item at two to four meetings.

## 6. Rep. Ellis -- State involvement with federal Endangered Species Act actions.

**Background:** Montana, through the actions of the governor and the legislature is taking a proactive role to prevent the federal listing of the Greater Sage grouse as an endangered species. The governor created an advisory council and charged it with crafting a strategy and providing recommendations to avoid a listing, which the governor said could have a significant adverse effect on the state's economy. The 2015 Legislature passed Senate Bill No. 261, the Montana Greater Sage-grouse Stewardship Act that, among other things, establishes grants to maintain and enhance habitat for the bird.

**Member objective:** It is possible that the listing of other species could adversely affect Montana. The EQC should examine the role the state could play in those decisions, including the type and level of involvement and funding. The study should look at the role of the legislature and the executive branch.

**Study Approach:** Staff would provide general information about the ESA listing process and a summary of the approach the state took with sage grouse. Research could be done into how other states react to possible listings. Presentations could be requested from agencies, industry groups, and conservation groups. The work product may include guidelines or legislation for state involvement and possible funding mechanisms.

**Estimated Staff Time:** The range could be from .02 FTE (60 hours) to .1 FTE (272 hours).

**Estimated EQC meeting time:** This could possibly be accomplished as an agenda item at two to four meetings.

## 7. Rep. Ellis -- Study classification of animals managed by the DFWP.

**Background:** Current law defines game animals, upland game birds, migratory game birds, furbearing animals, and predatory animals. A bill passed by the 2015 Legislature defined game animals to include big game animals, upland game birds, migratory game birds, and furbearing animals. The bill also added badgers, raccoons, and red foxes to the list of predators. The sponsor stated the intent was to make the definitions consistent in law.

The governor vetoed the bill, saying it had the potential to "alter the very foundation of wildlife management in Montana." The veto note said such changes deserve "a comprehensive conversation involving professionals and constituents alike that focuses on the necessity of such a fundamental shift, viewed against the existing substantive management by the Montana Department of Fish, Wildlife and Parks."

**Member objective:** The EQC is the appropriate venue to hold the conversation the governor said is deserved. An interim discussion of wildlife management and game classification would identify if changes are needed and would help prevent unintended consequences if similar legislation is proposed again.

**Study Approach:** Staff would go through existing code to identify where definitions apply, examine FWP regulations, and identify any inconsistencies.

**Estimated Staff Time:** The range could be from .02 FTE (60 hours) to .1 FTE (272 hours).

**Estimated EQC meeting time:** This could possibly be accomplished as an agenda item at two to four meetings.

## EQC Statutory Duties and Obligations

### 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.

The 2015 Legislature approved a requirement in HB 2 that the Department of Agriculture report on a quarterly basis to the EQC on the performance of the Statewide Noxious Weed Control Coordination Program and on the performance of the Food and Ag Development Centers Program. Senate Bill No. 96 requires that on or before July 1 of each year, the DEQ shall report to the EQC the amount of funds from the orphan share account used to take remedial action, the type of expenditures made, and the identity and location of facilities addressed.

The EQC prioritizes these duties as the need for specific oversight changes with interest, time, and circumstance.

**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.

**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.

**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.

**87-1-901, 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.

## EQC General Agency Oversight Statutory Duties

**Source/authority:** 2-4-402- 412, 5-5-202, 5-5-211, 5-5-215, 5-16-101 through 5-16-105, and 75-1-324, MCA, and HB 2 (2015).

**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 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.

The 2011 Legislature required 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

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.

**5-16-101 through 5-16-105, MCA**, discuss the composition 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.

## EQC Educational Publications Obligations

Source/authority: 75-1-324, MCA.

Background: The EQC has historically used its broad statutory authority to produce high quality, easy to understand, objective, nonpartisan, educational publications in addition to the study reports produced during the 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.

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, others are more intensive.

The EQC has produced the following educational publications:

☆ *Montana Index of Environmental Permits (produced in 1976 and updated regularly)*

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)*

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. In 2013, the EQC directed staff to create an online repository for trend information. That effort started in 2014 and is continuing.

☆ *A Guide to the Montana Environmental Policy Act (produced in 1998 and updated as needed)*

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 as needed)*

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)*

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 and updated as needed)*

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 as needed)*

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)*

These 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.

☆ *Pittman-Robertson Funding (produced in 2014)*  
*Dingell-Johnson Funding (produced in 2014)*

These reference guides summarize two federal excise taxes, one on firearms and other hunting equipment and one on sport fishing equipment. The brochures explain how the money is collected, how it is disbursed to the states, and how it may be used.

## Draft 2015-2016 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 3-4, 2015	<b>EQC Meeting.</b> Interim work plan prioritization and EQC organizational meeting. Selection of studies and topics.
September 9-10, 2015	<b>EQC Meeting.</b> Adoption of detailed work plans for each selected study or topic.
January 13-14, 2016	<b>EQC Meeting.</b>
March 9-10, 2016	<b>EQC Meeting.</b> If public comment is desired on an EQC report, the contents of the <i>draft</i> report should be determined by this date. [May be earlier for some studies.]
May 4-5, 2016	<b>EQC Meeting.</b> Last date to suggest revisions to a <i>draft</i> 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 20-21, 2016 meeting.
July 20-21, 2016	<b>EQC Meeting.</b> Decision on recommendations, any proposed legislation, final report contents.
September 14-15, 2016	<b>EQC Meeting.</b> Final approval of recommendations, reports, proposed legislation. Select bill sponsors. Develop strategy. Review agency bill draft requests.

**Council interim work must be completed September 15, 2016.**