

Date: *May 23, 2002* Exhibit 2A

**2001-2002 Environmental Quality Council
Draft Work Plan**

May 18, 2001

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Information about the 2001-2002 Draft Work Plan

Introduction

This is the draft work plan for the Environmental Quality Council (EQC or Council) for the 2001-2002 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.

There are two additional documents--the *Draft Work Plan Appendices*, that contains copies of the study resolutions; and the draft decision matrix.

How the EQC Plans its Work

During the legislative interim, the EQC typically focuses on two to four major study topics, while also maintaining oversight of programs and rulemaking activities of the Montana Department of Natural Resources and Conservation; the Montana Department of Environmental Quality; and the Montana Department of Fish, Wildlife, and Parks.

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

This *Draft 2001-2002 Work Plan* is a **DRAFT**. It is really a **decisionmaking tool** to help Council members work together efficiently to set priorities and decide how and where to spend the EQC's time and resources. Once you make a decision on the work plan, it will become your blueprint for the 2001-2002 interim. Staff will subsequently develop detailed draft work plans and timetables for each major study. 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 that were requested by legislators through study resolutions, as well as statutory mandates. The EQC's statutory mandates are broad. (See *A Council Member's Guide to the Environmental Quality Council*.) Therefore, there are countless potential study topics that may be of interest to Council members that are not included in the draft work plan. This is why spaces have been provided for members to fill in other topics.

Instructions

The *DRAFT EQC Work Plan Decision Matrix* is included as a separate document. Council members have found this matrix to be extremely useful in making decisions on the work plan. Just **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 (#FTE, etc.).
6. Do this for each topic, then add the total. If it is more or less than **2.85 FTE**, reallocate.

Keep in mind that although we have listed "guesstimates" for *staff and subcommittee resources*, each option involves a time commitment from *Council members*. Last interim some EQC members indicated that they received too much information. You may want to consider this when you make your decisions.

This exercise can be done individually in order to get an idea of your own preference. After Council discussion, EQC members can generate proposals for the group to consider.

Once again, the *Draft 2001-2002 Work Plan* is a decisionmaking tool. **Everything in it is subject to approval by the Council.**

Potential Work Plan Topics

Coal Bed Methane

Source/authority: HJR 27 (2001) Legislative Poll Ranking: 2nd
85-2-105, MCA

Background: The federal Bureau of Land Management, the Montana Department of Environmental Quality (DEQ), and the Montana Board of Oil and Gas Conservation (BOGC) are jointly preparing an environmental impact statement (EIS) to analyze the impacts of proposed oil and gas development, including coal bed methane development. House Joint Resolution No. 27 (HJR 27) requests that the EQC provide oversight for the state's preparation or involvement in the EIS. Specifically, the resolution requests:

1. **Quarterly status reports** on the progress and preparation of the EIS from the staff of the DEQ and the BOGC.
2. **A forum for concerns.** Specifically, that the EQC serve as a forum for members of the public to present concerns regarding the timing and cost-effectiveness of the EIS.
3. **A brief report from the EQC** of its findings and conclusions regarding the EIS process. The report is to be presented to the 58th Legislature and the Governor.

HJR 27 is limited to oversight of the EIS. There have been concerns raised and lawsuits filed regarding current agency actions. The EQC could take a broader approach to this topic. A broader approach could involve anything from expanded oversight to consideration of policy issues and development of recommendations.

If a water policy subcommittee is appointed, the coal bed methane topic could be addressed by that subcommittee or the full EQC. Whether or not a water policy subcommittee is appointed, the coal bed methane oversight report could be incorporated into the water policy report.

| OPTION A | OPTION B | OPTION C | OPTION D |
|---|---|---|--------------------------|
| <p>.50-.75 FTE Active EQC Subcommittee (could be Water Policy Subcommittee)</p> <ul style="list-style-type: none"> - EIS oversight. - Program oversight. - More extensive public involvement. - Consider policy issues and options. Develop recommendations or legislative proposals if necessary. <p>Deliverable:</p> <ul style="list-style-type: none"> - Report to Legislature on oversight and policy issues. | <p>.25 FTE</p> <ul style="list-style-type: none"> - EIS oversight. - Program oversight. - Agencies provide oral status reports on EIS. - 1 or 2 opportunities for public comment at EQC meetings. <p>Deliverable:</p> <ul style="list-style-type: none"> - Brief report on EIS. | <p>.1 FTE</p> <ul style="list-style-type: none"> - Oversight of EIS only. - Agencies submit written status reports on EIS. - 1 or 2 opportunities for public comment at EQC meetings. <p>Deliverable:</p> <ul style="list-style-type: none"> - Very brief report on EIS. | <p>No action.</p> |

Forest Fuel - Air Quality Study

Source/authority: HJR 21 (2001) Legislative Poll Ranking: 15th

Background: House Joint Resolution No. 21 (HJR 21) seeks to address the existing balance between Montana clean air regulations and increased open burning to prevent wildfires. The resolution asserts that the reduction of forest fuels through open burning is critical to forest management in order to reduce or minimize the potential for catastrophic wildfires such as those that occurred in 2000. HJR 21 also implies that the current air quality regulatory limits on the open burning of these fuels may be counter productive to the need to manage fuel loads and thereby prevent significant fire episodes and the resulting unavoidable degradation of air quality.

The Montana Department of Environmental Quality administers an open burning program for the state in compliance with state and federal air quality requirements. Also, some local health and fire management officials are significant participants in the program, depending on local airshed concerns. The program is a cooperative effort between major open burners such as Plum Creek Lumber, the U.S. Forest Service, the federal Bureau of Land Management, the Montana Department of Natural Resources and Conservation, and other forest landowners and the state and local air management agencies. Air quality permits for forest land open burning are rarely issued west of the continental divide in the winter due to adverse conditions for proper smoke and pollutant dispersion. Permits are approved but restricted in the fall depending on specific meteorological conditions. Generally, no permit restrictions are invoked in the spring or summer, but the spring can be too wet and the summer may have local fire season limitations. Due to significantly different meteorological conditions, permits for open burning east of the continental divide are much less restricted, if at all.

- **What?** - The resolution asks for a study of the issues regarding the need to reduce forest fuel loads through a more flexible open burning policy. Key issues include a review of the policy balance between the need for fuel reduction and clean air.
- **How?** - It is suggested that the study be conducted through the collaboration of participants from the forest industry, Legislature, and appropriate state and federal agencies.
- **Results** - HJR 21 anticipates assignment of the study to an appropriate committee or assignment to staff for reporting to an appropriate committee. The resolution further requests that the committee report its findings, conclusions, recommendations, and legislative or administrative proposals to the next Legislature.

| OPTION A | OPTION B | OPTION C | OPTION D |
|---|--|--|--------------------------|
| <p>.5 FTE work group and EQC involvement</p> <ul style="list-style-type: none"> - Solicit 10-12 member volunteer work group: 3-4 meetings-perhaps one in western Montana. - Analyze all issues in resolution. - Public participation solicited. - Study alternative methods for forest fuel management, including open burning. - Solicit participation from local, state, and federal agencies and public and private landowners. <p>Deliverables:</p> <ul style="list-style-type: none"> - Work group report on all issues requested by resolution, conclusions and recommendations. - EQC updates. | <p>.3 FTE work group</p> <ul style="list-style-type: none"> - Review and verify resolution assumptions. - Solicit 8-10 member volunteer work group; hold 2-3 meetings. - Analyze select issues from resolution. - Rely on state agency participation. Contact specific local officials. <p>Deliverables:</p> <ul style="list-style-type: none"> - Work group report on current situation, issues selected for study, and conclusions. - EQC updates | <p>.1-.2 FTE staff</p> <ul style="list-style-type: none"> - Accept resolution assumptions. - Focus is a review of current air quality management program. - Agency/staff presentation in Oct. to assist in finalizing work plan approach. - Information developed from staff research and personal contacts with program participants. - Identify options for providing flexibility in open burning program. <p>Deliverables:</p> <ul style="list-style-type: none"> - Staff research paper on current situation - EQC presentation. | <p>No action.</p> |

DNRC Fire Management Program Funding

Source/authority: HJR 42 (2001). Legislative Poll Ranking: 11th

Background: House Joint Resolution No. 42 (HJR 42) addresses the fact that the population of Montana is beginning to inhabit areas that have historically been wildlands and that costs associated with wildfire suppression and control in these areas has increased dramatically. Currently, the state relies on the Montana Department of Natural Resources and Conservation's (DNRC's) normal general appropriations act funding and general fund money through a supplemental appropriation to pay costs associated with fire suppression. HJR 42 is a resolution requesting an interim study or staff research of alternatives for funding the DNRC overall fire management program, including costs associated with wildfire suppression.

The resolution requests that Legislative Council designate the appropriate committee or allocate sufficient staff resources to study and review current statutes that establish and define the DNRC's fire management program and source of funding and recommend alternatives for funding:

- **DNRC's overall fire management program.** This would include both the direct protection program and the county assistance program; and
- **Determination of costs and comparison of costs for fire suppression.** The two types of programs include the direct protection program and the county assistance program.

The resolution encourages the interim committee assigned to conduct this study or the staff assigned this study to present the information to the appropriate committee. The committee must report to the 58th Legislature.

The Legislative Council assigned this study topic to the EQC. There may be an opportunity to cooperate with the Legislative Fiscal Division to address these issues.

| OPTION A | OPTION B | OPTION C | OPTION D |
|--|---|--|--------------------------|
| <p>.75 FTE Active Subcommittee</p> <ul style="list-style-type: none"> - Thorough review of DNRC's current fire funding structure. - Research other Western states funding structure and programs. - Review other studies conducted regarding fire funding. - Detailed analysis of alternate funding sources. - Comprehensive report. - Extensive public involvement. - Develop legislative proposals. <p>Deliverables:</p> <ul style="list-style-type: none"> - Legislation; subcommittee report; suggested funding mechanism; conclusions and recommendations. | <p>.5 FTE Work Group</p> <ul style="list-style-type: none"> - Review and evaluate DNRC's fire funding structure. - Provide list of alternate funding mechanisms - Report to Legislature. - Possible proposed legislation. <p>Deliverables:</p> <ul style="list-style-type: none"> - Work group report to EQC; work group report on current funding; potential alternatives for funding. | <p>.3 FTE</p> <ul style="list-style-type: none"> - Review and evaluate DNRC fire funding structure. - Public participation through EQC meetings. - Staff research paper. <p>Deliverables:</p> <ul style="list-style-type: none"> - Staff research paper; potential recommendations for alternative funding sources. | <p>No action.</p> |

Montana Environmental Policy Act (MEPA)

Source/authority: See Title 75, chapter 1, parts 1 through 3. Section 75-1-324 directs the EQC to:

review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in part 1 of MEPA, 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.

Part 2 of MEPA calls for state agencies to provide copies of environmental reviews to the EQC. The creation, duties, and responsibilities of the EQC are found in part 3 of MEPA.

Background: The EQC does not implement the environmental analysis requirements in Part 2 of MEPA. Council staff routinely receive and electronically catalog nearly 3,000 environmental review documents that are prepared by state agencies each year. The EQC has developed a database of thousands of MEPA review documents that have been submitted by agencies since 1971. In keeping with its oversight responsibilities and as the result of Senate Joint Resolution No. 18 (SJR 18) (1999), the EQC conducted a major MEPA implementation study last interim. The study included several findings and recommendations.

During the 2001 Legislature, the following bills were enacted that alter the implementation of MEPA: House Bill 459, House Bill 473, House Bill 477, Senate Bill 33, Senate Bill 376, Senate

Bill 377, and Senate Bill 408. In the past, as time permits and demand requires, the EQC has provided MEPA information, training, and training materials to agencies. The 2001 Legislature has not directed the EQC to take any specific action on MEPA beyond its general statutory duties. SJR 3 which would have requested a further study of certain MEPA issues was not approved by the Legislature.

| OPTION A | OPTION B | OPTION C | OPTION D |
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| <p>.50 FTE Possible Council involvement - Study impact of 2001 MEPA changes. - Work with agencies to amend rules as needed. - Provide MEPA training as requested. - all tasks in Option B.</p> <p>Deliverables: - Revised model rules. - Training program. - Staff and agency presentations. - Revised handbook. - Possible short report summarizing any identifiable impacts of 2001 MEPA changes.</p> | <p>.30 FTE - Review and implement all 1999 MEPA study recommendations. - Provide MEPA oversight as needed during EQC meetings. - Update MEPA handbook. - revise Model rules as needed.</p> <p>Deliverables: - ad hoc staff and agency presentations to Council. - Revised MEPA handbook.</p> | <p>.10 FTE - Review 1999 MEPA study recommendations. - Implement selected recommendations. - Improve MEPA website coordination. - Respond to MEPA information requests.</p> <p>No deliverable beyond Council updates.</p> | <p>No action beyond ordinary staff efforts - .25 "off budget" FTE - Maintain EQC environmental review data base.</p> |

Water Policy

Source/authority: 85-2-105, MCA.
 Recommendations of 1997-98 EQC.

Background: The water policy duties of the EQC that are set forth in 85-2-105, MCA are paraphrased below.

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 Montana’s water resources.
5. **Communication with the public** about water policy and water resources.
6. Analyze and comment on the **State Water Plan**, when prepared by the Montana Department of Natural Resources and Conservation (DNRC).
7. Analyze and comment on the **Renewable Resource Grant and Loan Program** report.

8. Analyze and comment on **water related research** undertaken by state entities.
9. Analyze, verify and comment on the information in the **Water Information System of the Natural Resource Information System**.
10. Report to the Legislature.

Some of the many potential water policy issues that the EQC may want to address or receive information about during the 2001-2002 interim are described briefly below. Coal bed methane issues are highlighted in a separate section of the work plan

Water quality monitoring, assessment and improvement (TMDL'S). The 1997-98 EQC recommended that the next EQC continue to provide oversight of the Montana Department of Environmental Quality's (DEQ) implementation of House Bill 546, a bill passed in 1997 that addressed water quality monitoring, assessment and improvement, including total maximum daily loads, or TMDL's. U.S. District Court Judge Molloy has issued an order that requires the U.S. Environmental Protection Agency (EPA) to approve or establish TMDLs for each pollutant that impairs or threatens a water quality limited segment on the state's 1996 list of impaired and threatened water bodies by May 5, 2007. The DEQ is prohibited from issuing new permits or increasing permitted discharge for permittees to a water quality limited segment under the Montana Pollutant Discharge Elimination System (MPDES) permitting program until all necessary TMDLs are developed. The DEQ has appealed Judge Molloy's decision.

Drought. If current conditions continue, the effects of drought will continue to be a grave concern in many parts of the state. Pursuant to section 2-15-3308, MCA, the Drought Advisory Committee chaired by the Lieutenant Governor is responsible for monitoring drought conditions, implementing the state drought plan, providing assistance to local drought advisory committees, and other duties related to drought.

***A Guide to Montana Water Quality Regulation* revision.** *A Guide to Montana Water Quality Regulation* was last published in May of 1998. Montana's water quality laws have undergone 2 sessions of amendments since this handbook was written. In an effort to keep the information current and accurate, the EQC may request that staff update the handbook to make it represent current water quality law.

***Wading into Montana Water Rights* revision.** *Wading into Montana's Water Rights* is a primer for citizens that addresses frequently asked questions regarding water rights. This primer has not been revised since 1997. Montana's water laws have been amended during the two legislative sessions since 1997. Because the guide is general and amendments to Montana law have been fairly narrow, the guide continues to be a generally accurate and useful document. However, new questions have arisen and the laws have been amended. The EQC could request staff to update this primer. The DNRC also publishes a booklet -- *Water Rights in Montana* -- which was last updated in December 1999.

| OPTION A | OPTION B | OPTION C | OPTION D |
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| <p>.8-1.0 FTE Active EQC Subcommittee</p> <ul style="list-style-type: none"> - All mandatory duties. - Significant commitment to water issues. - Public involvement. <p>Deliverables:</p> <ul style="list-style-type: none"> - Update water quality and/or water rights handbook. - Report to Legislature. | <p>.5-.6 FTE Water Policy Subcommittee?</p> <ul style="list-style-type: none"> - All mandatory duties. - Selected water issues. - Public involvement through EQC meetings. <p>Deliverables:</p> <ul style="list-style-type: none"> - Update water quality and or water rights handbook. - Brief report to Legislature. | <p>.2 FTE</p> <ul style="list-style-type: none"> - Mandatory duties only. - Public involvement through EQC meetings. <p>Deliverable:</p> <ul style="list-style-type: none"> - Very brief report to Legislature. |  |

Energy Policy Development

Source/authority: 90-4-112 and 90-4-1003, MCA.

Background: The Council may, as the need arises, maintain a continual process to develop the components of a comprehensive state energy policy. The Council is also required to review and evaluate the Montana Department of Environmental Quality (DEQ) research reports on renewable energy sources and development programs. The Council expended a significant amount of effort in the 1993-94 interim in developing a state-wide energy policy statement. The 1995 Legislature enacted the EQC's recommendations. During the 1995-96 interim the EQC assigned a broad-based working group of stakeholders to make recommendations on transportation energy policy and on alternative transportation fuels. Again, the 1997 Legislature adopted the EQC's recommendations. Since that time, there has been little activity in terms of energy policy development. The EQC monitored and received updates on electric industry restructuring during the 1997-98 and 1999-2000 interims. EQC staff also staffed the Transition Advisory Committee on Electric Industry Restructuring during the 1997-98 and 1999-2000 interims.

| OPTION A | OPTION B | OPTION C | OPTION D |
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| <p>.75-1 FTE Active EQC Subcommittee - Determine that there is a need to develop specific energy policy. - Designate a subcommittee and/or working group to develop policy. - Public involvement/hearings. - \$\$\$ would need additional funding.</p> <p>Deliverables: - A Council report to the next legislature. - Findings and recommendations. - Council legislation for a statewide energy policy component.</p> | <p>.10 FTE - Evaluate whether there is a need to develop specific energy policy at this point in time in addition to what already exists statutorily.</p> <p>Deliverables: - Staff white paper. - Council recommendations to the next Legislature.</p> | <p>.05 FTE - Monitor and receive updates on electric industry restructuring and other energy issues on an as needed basis. - Review and evaluate DEQ reports on renewable energy source research, if any.</p> <p>Deliverables: - Keep the Council updated on what is happening over the interim.</p> | |

Environmental Conditions/Trends (Indicators)

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

Background: Montana's 1971 MEPA is closely patterned after the National Environmental Policy Act of 1969. The federal law (NEPA) established a Council on Environmental Quality (CEQ) attached to the President's office. Among the CEQ's responsibilities is a duty:

to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title 1 of this Act, and to compile and submit to the President studies relating to such conditions and trends;

and

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

This NEPA language will sound familiar to EQC veterans. The following are portions of the statutory direction to the EQC regarding environmental trends:

75-1-324. Duties of environmental quality council. The environmental quality council shall: (1) 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;

(5) 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;

The federal CEQ accomplishes this goal, in part, by producing an "annual" report for the President on the state and condition of the environment. These reports are required by NEPA and are available at the following website: <http://ceq.eh.doe.gov/nepa/reports/reports.htm>.

The MEPA requirement that the EQC produce a similar annual report to the Governor and the Legislature was repealed by the Montana Legislature in 1993. From 1972 to 1976, the EQC prepared comprehensive annual reports on the status of Montana's natural and human environment. In the following years, the EQC only reported on more specific aspects of the environment such as energy, water, or solid waste depending on the priority issues of the Council at the time. In 1996, the EQC produced and distributed *Our Montana Environment . . . Where Do We Stand?* That report was an effort to gather more comprehensive information on specific environmental conditions using selected indicators and to identify trends that had occurred since the comprehensive indicators report produced in 1975. In December 1996, the EQC recommended that the 1996 indicators report be revised and updated every 4 or 5 years.

Last interim, the 1996 report was installed on the EQC website, the Council identified trends related to its specific workplan issues including MEPA, eminent domain, and water policy, and it attempted to evaluate and encourage the use of environmental indicators by state agencies. A subcommittee of the EQC learned that, due to a lack of direction or funding, the agencies do not use indicators or routinely develop or gather environmental measurement data in a way that would make it useful to identify or track trends in the quality of Montana's environment. Agencies produce program output or effort data (how many inspections, how many violations, etc.) because those types of descriptors are either required of the program, required of employees by the programs, or perceived by the agencies as the type of accountability that is required to justify the program's value. Generally, agencies can respond better to the "what" question than they can to the "so what".

For example, knowing that there were X feedlot inspections and Y violations noted does not describe the condition or trend in the quality of the receiving waters. However, a routine water quality sampling program for waters that receive feedlot wastes that is sufficient to identify trends and trigger changes in policy is resource intensive and may not be required, so vital information is not available to the agencies or to the Legislature. Further, trying to relate ecological indicators such as fish diversity and range to a particular environmental condition can be even more complicated in terms of causation and more costly to obtain.

Near the end of the last interim, an EQC subcommittee working on this subject met with and asked that some agencies work with the Council to identify indicators that would be useful in describing the condition and trends in the environment for three areas of Montana's environment: air, water and exotic species. At its final meeting, the subcommittee suggested

the following:

Establish trends for air, water, and invasive species trends and accept one of the following options.

1) Choose 2 legislators and a staff person to work with the Department of Environmental Quality, Department of Natural Resources and Conservation, Fish, Wildlife, and Parks, and Department of Agriculture to establish a set of criteria to establish trends in one or all of the above categories. Choose 1 legislator from the House and 1 from the Senate and 1 from each party.

2) Choose 4 legislators instead of 2 - 2 each from the House and Senate; 2 Democrats and 2 Republicans.

Agencies should survey other states and work in earnest to establish criteria and a beginning position in air, water, and invasive species for the next EQC to use as a starting point to develop trends for the next interim.

| OPTION A | OPTION B | OPTION C | OPTION D |
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| <p>.8-1.0 FTE Active EQC Subcommittee</p> <ul style="list-style-type: none"> - Prepare comprehensive report identifying conditions of environment and identify trends. - Use all available local, state, federal, and institutional based information. - Solicit public input to identify what environmental conditions warrant tracking. - Include resource measurement and ecological diversity measurements where plausible. - Assign responsibilities to agencies for information gathering. - Prepare and support any necessary legislation and funding to initiate and perpetuate data gathering program. <p>Deliverables:</p> <ul style="list-style-type: none"> - Report to Legislature. - Prepare legislation. | <p>.4 FTE Staff effort; EQC guidance</p> <ul style="list-style-type: none"> - Environmental condition statistic resource identification. - Identify all useful environmental condition data sets currently available. - Contact university system, public, and private information sources. - Facilitate indicator seminar with environmental quality statistic providers. - Solicit NRIS participation. - Identify and prioritize needs for environmental condition and trend information. - Improve current website: EQC report and provide links to other environmental quality statistics. <p>Deliverables:</p> <ul style="list-style-type: none"> - Report to EQC. | <p>.1-.2 FTE Staff effort</p> <ul style="list-style-type: none"> - Implement 1999-2000 subcommittee recommendations. - Select one or two environmental conditions, obtain existing data, and identify any trends. - With EQC oversight and direction, update segments of the report as time and new data permit. <p>- Report to EQC.</p> | <p>No action.</p> <ul style="list-style-type: none"> - Incorporate environmental condition and trend information in any selected EQC interim work topics. - Request that issues brought before the EQC include a discussion of environmental conditions and trends where appropriate. |

Oversight

Source/authority: SB 10 (2001)
2-4-401 through 412; 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 and 2001, the Legislature further expanded and defined the EQC's oversight authority to include draft legislation review, administrative rule review, program evaluation, and monitoring of the Montana Department of Environmental Quality, Montana Department of Natural Resources and Conservation, and the Montana Department of Fish, Wildlife, and Parks.

The Legislature's actions in 1999 required the EQC to take a more systematic approach to agency oversight, especially in terms of administrative rule review. EQC legal staff will monitor the rule adoption process and the Council will receive periodic updates on the administrative rule adoption process for each agency. Pursuant to 2-4-401 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.

As of 2001, the EQC is also now required pursuant to Senate Bill 10 (SB10), to review proposed draft legislation from each of the departments within its jurisdiction. At the end of the interim, the EQC will schedule time to review this draft legislation.

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. There are also a number of statutorily required agency reports that are scheduled for presentations before the Council. One of the more significant is the compliance and enforcement of environmental and natural resource laws report required pursuant to 75-1-314, MCA.

| OPTION A | OPTION B | OPTION C | OPTION D |
|--|--|---|----------|
| <p>.5 -.75 FTE Active EQC Subcommittee - Option B intensified! - Consistent EQC involvement encompassing a broad range of oversight issues.</p> <p>Deliverables: - 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 Council review of rules and legislation.</p> | <p>.25 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. - Review draft agency legislation. - Receive and comment on the compliance and enforcement report required pursuant to 75-1-314, MCA.</p> <p>Deliverables: - Systematic oversight for targeted programs. - Active Council review of rules and legislation. - Possible Council recommendations to the next Legislature.</p> | <p>.10 FTE - Organize oversight issues before the Council on an as requested basis. - Provide periodic administrative rule review updates. - Review draft agency legislation. - Receive and comment on the compliance and enforcement report required pursuant to 75-1-314, MCA.</p> <p>Deliverables: - Oversight on an as needed basis. - Possible Council recommendations to the next Legislature.</p> | |

A 30 Year Introspective Review of the Council's Statutory Responsibilities

Source/authority: The Council itself.

Background: This year is the EQC's 30th anniversary. Over that 30 year time span, the statutory responsibilities of the EQC have expanded (see *A Council Member's Guide to the Environmental Quality Council, Appendix E*). The EQC has never taken on an introspective evaluation of those responsibilities. Are they still valid? Should they be revised? Should they be left alone? These are the questions that would be answered in a systematic review of those statutory responsibilities.

| OPTION A | OPTION B | OPTION C | OPTION D |
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| N.A. | N.A. | <p>.05 FTE - Include time on the agenda each meeting to systematically review the EQC's statutory responsibilities.</p> <p>Deliverables: - At the end of the interim make any recommendations to revise those statutory responsibilities via draft legislation.</p> | No action. |

Other Topics

The EQC's statutory mandates are broad. Therefore, there are countless potential study topics that may be of interest to Council members that are not included in the draft work plan. This is why spaces have been provided for members to fill in other topics.

Source/authority: [See Appendix E of *A Council Member's Guide to the Environmental Quality Council* for EQC's statutory authority.]

Background: [You may want to provide some background information and a verbal explanation of why the topic is important to the EQC members.]

| OPTION A | OPTION B | OPTION C | OPTION D |
|----------------|----------------|----------------|------------|
| <p>___ FTE</p> | <p>___ FTE</p> | <p>___ FTE</p> | No action. |

Draft 2001-2002 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.]

| | |
|-----------------------|---|
| October 2, 2001 | EQC Meeting. Adoption of detailed work plans for each subcommittee and study. |
| February 8, 2002 | EQC Meeting. |
| May 10, 2002 | EQC Meeting. Last date to decide on contents of <i>draft</i> document if public comment desired. [May be earlier for some studies.] |
| June 10, 2002 | Last date for staff to have document revised and distributed to public for 1 month comment period. Comments received from the public will be compiled by staff and distributed to the EQC 1-2 weeks before the July 26, 2002 meeting. |
| July 26, 2002 | EQC Meeting. Decision on recommendations, any proposed legislation, report contents. |
| September 12-13, 2002 | EQC Meeting. Final approval of recommendations, proposed legislation. Selection of bill sponsors. Development of strategy. Review agency bill draft requests per SB 10 guidance (2001). Council interim work must be completed prior to September 15, 2002. |

