

**Environmental Quality Council
Agency Oversight Subcommittee**

2003-2004

DRAFT Workplan

October 8, 2003

EQC - Agency Oversight Subcommittee
October 8, 2003

EXHIBIT #1

1. Introduction

The Environmental Quality Council (EQC) has appointed a seven-member Agency Oversight Subcommittee to assist the Council in its responsibilities for conducting oversight of natural resource agencies within the jurisdiction of the EQC and in addressing the specific statutory responsibilities of the Council. The subcommittee has adopted a workplan for the interim that has been approved by the EQC. The subcommittee will prepare findings and make recommendations to the EQC regarding these topics.

Subcommittee members:

Rep. Christopher Harris, chair	Bozeman
Rep. Debby Barrett, vice chair	Dillon
Rep. Paul Clark	Trout Creek
Rep. Don Hedges	Antelope
Ms. Ellen Porter	Missoula
Mr. Howard Strause	Great Falls
Sen. Mike Wheat	Bozeman

Staff:

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Workplan Summary and Purpose:

This work plan addresses the following topics:

- Statutory Duties
- General Agency Oversight
 - Elk Management Plan
 - MEPA
 - Wildland fire interface
 - Agency rules

The EQC allocated a total of .32 FTE or approximately 870 interim staff hours to the Agency Oversight Subcommittee. The EQC asked that the subcommittee devote its time to providing general agency oversight and performing and reviewing the statutory duties of the EQC with the exception of specific topics that the EQC prefers to be heard before the full Council. The subcommittee was requested to place twice as much effort on agency oversight as it does on EQC statutory duties.

The EQC also assigned to the subcommittee a review of member generated issues involving wildland fire insurance for private property in the rural/urban interface and the development of a elk management plan by the DFWP. Assignment of additional issues to the subcommittee or departures from the approved work plan that require a reallocation of staff resources must be reviewed and approved by the EQC.

on proposed rules, institute or intervene in legal actions regarding rules, poll legislators regarding the intent of rules relative to authorizing statutes, and vote to request the preparation of an economic impact statement for a rule.

- 2-15-1514 A Legislative Services Division employee shall serve on the natural resource data system advisory committee for NRIS. This has typically been assigned to the EQC staff on an as needed basis.
- 2-15-1523 A Legislative Services Division employee may serve on the groundwater assessment steering committee. This has typically been assigned to the EQC staff on an as needed basis.
- 5-5-215 The EQC shall perform the duties of an interim committee including rule review, agency oversight, and review of proposed legislation. See also 75-1-324.
- 50-60-801 (preamble), Title 90, chapter 4, part 10 include EQC duties related to the oversight and review of state energy policies.
- 75-1-201 and Model Rule VI and 75-1-208 - Executive agencies are required to submit copies of environmental review documents prepared in accordance with the Montana Environmental Policy Act (MEPA) to the EQC. The EQC staff has created and maintains a database of MEPA documents.
- 75-1-208(2) The EQC shall, upon request, provide a forum for any project sponsor regarding an agency's environmental review of the project.
- 75-1-313 The EQC shall meet at least once each quarter and shall consult with other individuals, groups, and organizations in performing its duties.
- 75-1-314 - The EQC shall receive the biennial compliance and enforcement reports from the DEQ, DNRC, and the Dept. of Agriculture.
- 75-1-324 - This section of law contains the general policy and agency oversight and policy creation responsibilities of the EQC. 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. See Agency Oversight section.
- 75-10-111, 75-10-913, 918, and 927 all require EQC involvement and review of the state solid waste management plan and participation in the Megalandfill Siting Act review process. The DEQ has developed a state solid waste

- (4) Receive, review, and analyze the agencies' compliance and enforcement reports and make recommendations to the EQC.
- (5) The subcommittee recommends that the full EQC hear a presentation from state and federal agencies on current efforts to develop indicators that tie environmental quality to human health impacts.
- (6) Review the EQC responsibilities for solid waste management.
- (7) Review DNRC efforts to implement the land banking program and rules.
- (8) Review EQC stream side management zone and forestry best management practices oversight.
- (9) The subcommittee recommends that all water policy issues and topics be addressed by the EQC unless assigned to the subcommittee by the EQC or leadership.
- (10) The subcommittee recommends that all energy policy issues and topics be addressed by the EQC alternative energy subcommittee.

4. Agency Oversight

Background

The EQC has broad statutory oversight authority for environmental policies and programs of the state and specific authority to review draft legislation, administrative rules and program monitoring and evaluation for the departments of Environmental Quality, Natural Resources and Conservation, and Fish, Wildlife, and Parks.

The EQC has requested that the Agency Oversight Subcommittee assist the Council in its agency and program oversight role, but the allocation of responsibility between the full EQC and the subcommittee has not been clearly defined. It is anticipated that the full Council will provide oversight for certain topics and that it will delegate oversight for other topics to the subcommittee. To avoid duplication, subcommittee agendas should be reviewed by the Council or by EQC leadership if they depart significantly from the subcommittee work plan, appear to repeat subjects in the EQC workplan or require a reallocation of staff resources. The workplan must be flexible enough to make adjustments for additional assignments yet be protective of the subcommittee's issues, time, and staff.

The general oversight authority and responsibilities of the EQC are described as follows:

Goals

- To assist the EQC in its agency oversight responsibilities by conducting detailed analyses of issues, programs, or policies as assigned to the subcommittee or initiated by the subcommittee within the limits of time and available resources. To provide any findings and recommendations to the agencies, the EQC, and to the legislature.
- Obtain information from a broad range of participants and interested persons.

Tasks

- Also see Statutory Duties Tasks above.
- Review and analyze insurance and responsibility issues involving the protection of private property from wildland fire in the rural/urban interface.
- Review and comment on the proposed revisions to the state elk management plan.
- Track litigation that involves a MEPA cause of action.

5. Timeline

The timeline 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.

2003

October 8	Subcommittee meeting <ul style="list-style-type: none">◆ Review and adopt subcommittee interim workplan◆ Compliance and Enforcement report - DEQ presentation◆ Holcim, Inc. tire burning proposal - update and MEPA issues◆ Agency rules - DEQ baled tire rule proposal
October 9	EQC meeting <ul style="list-style-type: none">◆ Submit workplan to EQC for approval

July 22	Subcommittee meeting? <ul style="list-style-type: none">◆ Update on MEPA litigation - summary report◆ Draft Subcommittee decisions on findings and recommendations to EQC.◆ Agency rules review - as needed◆ Oversight topics as assigned
July 23	EQC meeting <ul style="list-style-type: none">◆ Subcommittee briefing to EQC on potential legislative proposals◆ Draft recommendations to EQC

Sept 13-14	Final EQC meeting <ul style="list-style-type: none">◆ Decision by EQC on proposed legislation, if any◆ Selection of bill sponsors◆ Adoption of any final subcommittee reports◆ Facilitate oversight agenda items as needed
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