

**2009-2010 Environmental Quality Council
Final Draft Work Plan**

September 10, 2009

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Information about the 2009-2010 Draft Work Plan

Introduction

This is the draft work plan for the Environmental Quality Council (EQC or Council) for the 2009-2010 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*, which contains copies of the study resolutions; and the *Draft EQC Work Plan Decision Matrix*.

How the EQC Plans its Work

Because of the EQC's historically large interim workload demands, the EQC has:

- ✓ a very strong and proud tradition of systematically planning and prioritizing its work-load within existing resources;
- ✓ maintained an extremely high level of productivity throughout each and every interim; and
- ✓ always accomplished its work prior to the September 15th before the Legislative Session as required by the Legislative Council.

How does the EQC accomplish this? Because the EQC has used this work planning process to set up general guide posts for accomplishing it's work within the resources allocated to it since 1995. At times, it may seem like a tedious process, but it is the foundation of the EQC's historical success at getting the job done efficiently and cost-effectively.

During the legislative interim, the EQC typically focuses on two to four major study topics, while also maintaining oversight of programs and rulemaking activities of the

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

The Council selected study topics at the beginning of the interim during the May 2009 EQC meeting. The work plan includes four studies, suggested topics offered by Council members, and statutory mandates. The EQC's statutory mandates are broad. (See *A Council Member's Guide to the Environmental Quality Council*.) **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 the Council members and its staff.** The EQC has allocated 1.82 FTE of the 1.84 FTE in staff resources available for this work plan.

This *2009-2010 Work Plan* 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 limited time and resources. The work plan will become your blueprint for the 2009-2010 interim. Staff has developed detailed draft work plans and timetables for each major study. A 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.

Work Plan Topics

Study Resolutions assigned to the EQC by Legislative Council include:

1) Biomass

Source/authority: HJR 1 **Legislative Poll Ranking:** 3

Background: The EQC, in conducting its climate change study during the 2007-08 Interim, identified the expanded use of biomass feedstocks for energy use in Montana as a potentially important policy directive that deserves further evaluation and brought forward HJR 1. The resolution identifies specific issues, including funding alternatives for research and development, use of tax and loan incentives, use of pilot projects, documentation of emission impacts and mitigation, and the availability of the forest biomass resource. The 2009 Legislature also approved legislation that may impact this study, including a \$475,000 appropriation in House Bill No. 645 to the Department of Commerce to conduct a "biomass energy study". The funding may be used to fund feasibility studies, installation of biomass energy boilers, or biomass program staff within the Department of Natural Resources and Conservation in order to increase biomass utilization.

Council action:

The EQC allocated .30 FTE for this topic. For more information on this topic, contact Sonja Nowakowski: (406) 444-3078, snowakowski@mt.gov; Hope Stockwell: (406) 444-1640, hstockwell@mt.gov; or Todd Everts: (406) 444-3747, teverts@mt.gov.

Biomass Study Work Plan Tasks:

- 1. Pilot projects proposals and needs. Review of projects initiated with Department of Commerce dollars or otherwise.
Who: EQC staff, Department of Commerce staff
Time line: September 2009 meeting

- 2. Updates on recent federal biomass efforts.
Who: DNRC, Department of Commerce and Agriculture staff
Time line: September 2009 meeting

- 3. Overview of biomass incentives, and role of states in funding and/or promoting biomass in other Western states.
Who: EQC staff
Time line: September 2009 meeting
- 4. Update on pilot projects.
Who: EQC staff
Time line: January 2010 meeting
- 5. Review of biomass technologies and availability in Montana.
Who: EQC staff
Time line: January 2010 meeting
- 6. Panel discussion from stakeholders.
Who: Biomass developers, researchers, land managers, and utilities.
Time line: January 2010 meeting
- 7. EQC discussion and study direction.
Who: EQC members
Time line: January 2010 meeting
- 8. Summary of biomass emissions research. Overview of research and development with focus on needs and barriers specific to Montana.
Who: EQC staff
Time line: March 2010 meeting
- 9. Review existing incentives, loan programs, and biomass projects in Montana. Discussion of utility tie-in aspects.
Who: EQC staff
Time line: March 2010 meeting
- 10. Presentation of preliminary report and development of recommendations and proposed legislation.
Who: EQC members, staff
Time line: March 2010 meeting
- 11. Review draft report, findings, recommendations, and any proposed legislation.
Who: EQC members, staff
Time line: May 2010 meeting

- 12. Review public comment on draft report and any proposed legislation.
Who: EQC members, staff
Time line: July 2010 meeting
- 13. Approval of final report and any findings, recommendations, or legislation.
Who: EQC members
Time line: September 2010 meeting

2) Fire Suppression

Source/authority: HJR 30 **Legislative Poll Ranking:** 7

Background: Wildland fire seasons are universally predicted to increase in duration, severity, and costs. The Fire Suppression Committee, created by the September 2007 special legislative session convened to pay the state's 2007 fire costs, arrived at a number of conclusions and made dozens of recommendations for action, some of which took the form of legislation and others that were intended to be considered by the public; by local, state, and federal governmental agencies; and by private industry.

HJR 30 requests that the Legislature, through an interim entity, follow up on the Fire Suppression Committee's recommendations and monitor the implementation of bills and resolutions that were enacted, as well as monitor the portions of DNRC's budget that are impacted by wildland fire mitigation and suppression.

Council Action:

The EQC allocated .15 FTE to this topic. For more information on this topic, contact Leanne Heisel at 444-3593 or lheisel@mt.gov.

Fire Suppression Work Plan Tasks:

- 1. Read "The Price of Flame", the final report of the Fire Suppression Committee; develop questions, requests for more information or further study.
Who: EQC members
Time line: Between June and September 2009 meetings
- 2. Provide updates on the 2009 fire season and expenditures.
Who: DNRC, HJR 30 staff
Time line: Between June and September 2009 meeting

- 3. Review of 2009 fire season to date, including effectiveness of select FSC recommendations and state share of costs.
Who: DNRC, HJR 30 staff
Time line: September 2009 meeting
- 4. Solicit questions, requests for further information or study from EQC members.
Who: HJR 30 staff
Time line: September 2009 meeting
- 5. Update on implementation of FSC-requested legislation, information requests, state share of costs for 2009 fire season, and distribution of federal stimulus money for fuel mitigation.
Who: HJR 30 staff, DNRC
Time line: January 2010 meeting
- 6. EQC review of study direction, issues for further study.
Who: EQC members
Time line: January 2010 meeting
- 7. Presentation of preliminary report and development of recommendations and proposed legislation.
Who: EQC members, staff
Time line: March 2010 meeting
- 8. Review draft report, findings, recommendations, and any proposed legislation.
Who: EQC members, staff
Time line: May 2010 meeting
- 9. Review public comment on draft report and any proposed legislation.
Who: EQC members, staff
Time line: July 2010 meeting
- 10. Approval of final report and any findings, recommendations, or legislation.
Who: EQC members
Time line: September 2010 meeting

3) Recycling and Solid Waste Recovery

Source/authority: SJR 28 **Legislative Poll Ranking:** 8

Background: Recycling in Montana largely falls under the "Montana Integrated Waste Management Act" in Title 75, chapter 10, part 8. The Department of Environmental Quality develops and implements the Montana Integrated Solid Waste Management Plan. The state's Solid Waste Plan Task Force reviews the plan and makes recommendations to update the plan every 5 years, with the next update required in 2010. The act requires the involvement of local officials, citizens, solid waste and recycling industries, environmental organizations, and others involved in the management of solid waste.

Council action: The EQC allocated .20 FTE for this topic. For more information on this topic, contact Sonja Nowakowski: (406) 444-3078, snowakowski@mt.gov.

Recycling Work Plan Tasks:

- 1. Review legislative history of Montana recycling incentives, rates, and law.
Who: EQC staff, DEQ staff
Time line: September 2009 meeting

- 2. Overview of recycling funding alternatives, incentives, and role of states in promoting recycling in other Western states.
Who: EQC staff
Time line: September 2009 meeting

- 3. Discussion of rural recycling challenges.
Who: EQC members, staff, stakeholders
Time line: September 2009 meeting

- 4. Summary of e-waste efforts in Western states and in Montana.
Who: EQC staff, DEQ staff
Time line: January 2010 meeting

- 5. Panel discussion from stakeholders.
Who: Private recyclers, local governments, nonprofits.
Time line: January 2010 meeting

- 6. EQC discussion and study direction.
Who: EQC members
Time line: January 2010 meeting

- 7. Summary and discussion of recycling markets.
Who: EQC staff, DEQ economist
Time line: March 2010 meeting

- 8. Presentation of preliminary report and development of recommendations and proposed legislation.
Who: EQC members, staff
Time line: March 2010 meeting

- 9. Review draft report, findings, recommendations, and any proposed legislation.
Who: EQC members, staff
Time line: May 2010 meeting

- 10. Review public comment on draft report and any proposed legislation.
Who: EQC members, staff
Time line: July 2010 meeting

- 11. Approval of final report and any findings, recommendations, or legislation.
Who: EQC members
Time line: September 2010 meeting

4) Funding for a Recreation and Tourism Enhancement Program

Source/authority: HJR 15 **Legislative Poll Ranking:** 16

Background: HJR 15 requests that the Legislature, through an interim entity, study the feasibility of and possible funding sources for establishing a block management type program that would provide monetary incentives to private landowners who allow the public to access their land for recreational and tourism-related activities. (Currently, the block management program administered by the Department of Fish, Wildlife, and Parks pays landowners up to \$11 per user, per day for hunting access.) Issues raised in the discussion of HJR 15 included:

1. recognition that recreational and tourism-related activities benefit all Montanans and the state economy;
2. a respectful balance between public access and private property rights should be maintained;
3. concern that public access to private land is in jeopardy because of other income generators available to landowners (i.e. private hunting leases); and

4. using a block management type program to secure public access to private land for recreational and tourism-related activities may be more effective and less costly than the state purchasing property or easements.

Council Action:

The EQC allocated .03 FTE for this topic. For more information, contact Hope Stockwell at 444-1640 or hstockwell@mt.gov.

Study Work Plan Tasks:

- 1. Engage Private Land Public Wildlife Council (PLPW) in discussion of feasibility of/funding for recreation and tourism enhancement program.
Who: EQC staff
Time line: September 2009 meeting

- 2. Review existing statutes and rules related to block management and hunting access programs. Receive any comment from the PLPW. Review existing block management data available from PLPW.
Who: EQC staff
Time line: January 2010 meeting

- 3. Identify possible funding sources for a recreation and tourism enhancement program.
Who: EQC and FWP staff
Time line: January 2010 meeting

- 4. EQC discussion and study direction.
Who: EQC members, staff
Time line: January 2010 meeting

- 5. Develop recommendations and draft legislation, if any.
Who: EQC members
Time line: March 2010 meeting

- 6. Review preliminary study summary, proposed legislation, if any.
Who: EQC members, staff
Time line: May 2010 meeting

- 7. Receive public comment on any proposed legislation.
Who: EQC members, staff
Time line: July 2010 meeting

- 8. Approval of study summary and any proposed legislation.
Who: EQC members, staff
Time line: September 2010 meeting

EQC Statutory Duties and Obligations

1) Water Policy Statutory Duties

Source/authority: 75-5-313; 85-1-203; 85-1-621; 85-2-105; 85-2-281; 85-2-350; 85-2-436.

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

The EQC *may*:

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

The EQC *shall*:

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

Water-related statutory duties of the EQC include:

5. **75-5-313, MCA**, requires the DEQ to provide a summary of the status of the development of temporary nutrient criteria to the EQC on or before July 1 of each year. (SB 95, 2009)
6. **85-1-203, MCA**, requires the DNRC to submit a copy of the State Water Plan or any plan changes to the EQC. (SB 303, 2009, accelerated requirements)

7. **85-1-621, MCA**, requires the DNRC to submit a biennial report to the EQC that describes the status of the Renewable Resource Grant and Loan Program financed with funds from the Resource Indemnity Trust.
8. **85-2-281, MCA**, requires the Water Court and the DNRC to report to the EQC on the progress of the adjudication process until 2020.
9. **85-2-350, MCA**, requires the Clark Fork River Task Force to report to the EQC annually.
10. **85-2-436, MCA**, requires the DFWP to submit a summary report to the EQC by December 1 of odd-numbered years of all appropriation rights changed to an instream flow purpose in the previous 2 years.

Council Action:

The EQC allocated .1 FTE to this topic. For more information contact Joe Kolman at 444-9280 or jkolman@mt.gov.

Work Plan Tasks:

- 1. Update EQC on water-related issues.
Who: EQC staff
Time line: Each EQC meeting
- 2. Update water quality and water rights handbooks
Who: EQC staff
Time line: January 2010
- 3. Coordinate other water-related mandatory duties.
Who: EQC staff
Time line: As needed

2) EQC General Statutory Duties

Source/authority: Sections 2-15-1514; 2-15-1523; 75-1-201 and 75-1-208; 75-1-314; 75-10-111; 76-13-145; 77-2-366; 77-5-301; 82-2-701, MCA and 87-1-230.

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 2009 Legislature approved a number of bills increasing the EQC's statutory duties, and eliminated one duty. With the passage of Senate Bill No. 451, which repealed the Megalandfill Siting Act, the EQC is no longer required to participate in its review. Reporting requirements based upon use of the Orphan Share account for reimbursement also have expired. In the past, the EQC has prioritized its duties as the need for specific oversight changes with interest, time, and circumstance. They are listed as follows:

- **2-15-1514, MCA**, requires the participation of a Legislative Services Division employee on the natural resource data system advisory committee. This has typically been assigned to the EQC staff on an as needed basis.
- **2-15-1523, MCA**, requires the participation of a representative of the Legislative Services Division on the Groundwater Assessment Steering Committee. This has typically been assigned to the EQC staff on an as needed basis.
- **75-1-201 and 75-1-208, MCA**, states 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. Effective in 2001, 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.
- **76-13-145, MCA**, requires the DNRC to report its progress in designating wildland-urban interface parcels to an appropriate interim committee assigned to study wildland fire suppression or to the EQC. (SB 131, 2009)
- **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. (HB 402, 2009, extended this requirement)
- **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. (SB 297, 2009)

- **87-1-230, MCA**, requires the DFWP to provide an annual report regarding deposits into and withdrawals from the Good Neighbor Policy state water and land maintenance account to the Oversight Subcommittee of the Environmental Quality Council. (SB 164, 2009)

Council Action:

The EQC allocated .4 FTE to this topic. Beyond general statutory duties, council members may select specific topics for further analysis and discussion. For more information contact Hope Stockwell at 444-1640 or hstockwell@mt.gov; or Todd Everts at 444-3747 or teverts@mt.gov.

3) 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, 75-1-324, MCA.

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

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

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

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 reports is the compliance and enforcement of environmental and natural resource laws report required pursuant to 75-1-314, MCA.

- **2-4-402 through 2-4-412, MCA** - This section set out the administrative rule oversight powers and duties of the EQC.
- **5-5-202, 5-5-211 and 5-5-215, MCA**, discusses the organization and duties of interim committees. Title 5, chapter 5, part 2 requires the EQC and the Water Policy Interim Committee to coordinate on water issues. (SB 22, 2009)
- **5-16-101 through 5-16-105, MCA**, discusses the composition and terms of the EQC.
- **75-1-324, MCA** - This section of law 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.

Council Action:

The EQC allocated .4 FTE for this topic. Beyond general agency oversight, the Council may undertake in-depth, systematic review of a number of state agency programs. This includes the Superfund program, which the EQC has elected to continue monitoring. For more information contact Hope Stockwell at 444-1640 or hstockwell@mt.gov; or Todd Everts at 444-3747 or teverts@mt.gov.

4) Carryover EQC Issue: Petroleum Tank Release Fund solvency

Source/authority: 2007-2008 Interim EQC Discussions

Background: During the 2007-2008 Interim, the EQC and the Legislative Finance Committee formed a joint subcommittee to consider issues surrounding the solvency of the Petroleum Tank Release Fund, which posted a \$2.4 million shortfall in FY 2007. The Fund is the default payor for cleanup of releases (spills, leaks) from underground and aboveground petroleum storage tanks, as well as home heating oil tanks. The joint subcommittee did not make any legislative recommendations, nor did the EQC, but the Petroleum Tank Release Compensation Board, which oversees the Fund, did propose a

legislative remedy. That legislation, SB 97, was passed by the 2009 Legislature and takes an incremental step toward making the Fund solvent. SB 97 establishes incentives for the use of private insurance to help pay costs related to tank releases, prohibits "double dipping" between an insurance policy and the compensation fund, offers monetary incentives to those reporting a release by October 2009, and expands circumstances under which a fuel tax (the Fund's main source of revenue) may be collected. It is up to the 2009-10 EQC to determine whether it would like to monitor the impact that SB 97 has on the Fund's solvency during the biennium.

Council Action:

The EQC allocated .02 FTE to this topic. Contact Hope Stockwell at 444-1640 or hstockwell@mt.gov for more information.

Petroleum Tank Release Work Plan Tasks:

- ___ 1. Receive updates on implementation/effects of SB 97 and ARRA funds allocated to tank release cleanup.
Who: EQC, Petro Board, and DEQ staff
Time line: each meeting

- ___ 2. Discussion of whether SB 97 provisions need reinforcement or amendment. Direct staff to draft any legislation, if necessary.
Who: EQC members, staff
Time line: March 2010 meeting

- ___ 3. Review any draft legislation.
Who: EQC members
Time line: May 2010 meeting

- ___ 4. Review public comment on any draft legislation.
Who: EQC members
Time line: July 2010 meeting

- ___ 5. Final approval for any legislation.
Who: EQC members
Time line: September 2010 meeting

5) EQC Educational Publications Obligations

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

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

- ☆ *Montana Index of Environmental Permits 2008, Eighteenth Edition*
Explanation: This is the EQC's oldest and perhaps most requested publication. It provides a complete list of 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 has been regularly updated since its initial printing in 1976.

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

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

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

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

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

- ☆ *Eminent Domain in Montana (produced in 2001 and updated in 2008)*
Explanation: This handbook was one of several products that the EQC produced as a result of its 1999-2001 interim study on eminent domain in Montana. This handbook was developed in order to help citizens better understand the state's eminent domain laws.

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

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

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

Council action: The EQC allocated .20 FTE for this topic. In addition to updating current publications, EQC staff will develop a new publication in the form of a brochure that will provide a graphic depiction of certain permitting processes and time lines for

various projects and permitting in Montana. The brochure will include a maximum of five flowcharts that summarize and outline the responsibilities of an applicant, regulatory agencies, and the public within various permitting processes. The brochure will provide a link to the MEPA process.

During the Interim, EQC staff also will update the following publications:

- * Montana Index of Environmental Permits
- * A Guide to Montana Water Quality Regulation
- * Water Rights in Montana
- * A Guide to the Montana Environmental Policy Act
- * A Guide to Split Estates in Oil and Gas Development

For more information on this topic, contact Hope Stockwell: (406) 444-1640, hstockwell@mt.gov.

A Permitting Primer Work Plan Tasks:

- 1. Presentation of draft Permitting Primer.
Who: EQC staff
Time line: January 2010 meeting

- 2. Review public comment on draft Permitting Primer.
Who: EQC members, staff
Time line: July 2010 meeting

- 3. Approval of final Permitting Primer
Who: EQC members
Time line: September 2010 meeting

EQC Member Suggested Topics

Source/Authority: Section 75-1-324, MCA - General Oversight Authority

Background: EQC staff included a memo to each Council member soliciting topics of interest that might be reviewed by the EQC this interim. The responses were compiled shortly after the **May 22** deadline. The responses have been listed in an updated Draft EQC Work Plan Decision Matrix as "member defined issues" in the "Why is this a topic?" column. The EQC member that requested the topic is responsible for explaining the issue to the Council. A review of the matrix should indicate the nature of the request

and provide a draft of tasks and a rough estimate of possible resource allocations for each topic. The Council will decide on whether to approve any or all of these items.

1) Study Climate Change -- Energy Supply Focus

This proposal would look at the Montana Climate Change Action Plan (Nov. 2007), with a focus on potential legislative proposals related to distributed generation and increasing the efficiency of the energy production and distribution systems. The Montana Climate Change Action Plan describes benefits, costs and barriers connected to increasing efficiency and conservation measures and with developing renewable energy. During the 2007-2008 interim, the EQC dedicated .4 FTE to reviewing the recommendations included in the "Montana Climate Change Action Plan: Final Report of the Governor's Climate Change Advisory Committee." The Council did not specifically look at the energy supply recommendations. This study would focus on:

ES-1 Environmental Portfolio Standard (Renewables and Energy Efficiency).

ES-2 Renewable Energy Incentives (Biomass, Wind, Solar, Geothermal).

ES-3 Research and Development for Energy Storage and Advanced Fossil Fuel Technologies.

ES-4 Incentives and Barrier Removal (including interconnection rules and net metering arrangements) for combined heat and power and clean distributed energy.

ES-6 Efficiency improvements and repower of existing plants.

ES-7 Demand-side management.

Council Action:

The EQC did not allocate any FTE to this topic, but may incorporate certain aspects into the biomass study.

2) Update on Environmental Public Health Tracking Project

In 2002, Montana was one of a handful of governments winning federal funds for an environmental public health tracking program to integrate information on chronic disease with data monitoring environmental parameters. DEQ and DPHHS administered the grant, which has now expired. The departments would give the EQC an update on what was accomplished and future prospects for the program, similar to the update provided during the 2007-08 interim.

Council Action:

The EQC allocated .02 FTE to this topic. For more information contact Hope Stockwell at 444-1640 or hstockwell@mt.gov.

Environmental Health Tracking Work Plan Tasks:

- ___ 1. Provide overview of other state efforts regarding environmental public health tracking issues. Panel discussion on possible revitalization of Montana's tracking system. Discuss direction of interim work on this topic.
Who: Various state agency staff, EQC members
Time line: September 2009 meeting

- ___ 2. Analyze potential resource options. Discussion of possible recommendations.
Who: EQC staff, members
Time line: January 2010 meeting

- ___ 3. Review draft recommendations and discuss any possible legislation.
Who: EQC members
Time line: March 2010 meeting

- ___ 4. Review any draft legislation.
Who: EQC members, staff
Time line: May 2010 meeting

- ___ 5. Receive public comment on any draft legislation
Who: EQC members, staff
Time line: July 2010 meeting

- ___ 6. Approve final recommendations and legislation
Who: EQC members
Time line: September 2010 meeting

Draft 2009-2010 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.]

May 28-29, 2009	EQC Meeting. Interim work plan prioritization and EQC organizational meeting. Selection of studies and topics.
September 10-11, 2009	EQC Meeting. Adoption of detailed work plans for each selected study or topic.
January 7-8, 2010	EQC Meeting.
March 4-5, 2010	EQC Meeting. 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 6-7, 2010	EQC Meeting. 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 22-23, 2010 meeting.
July 22-23, 2008	EQC Meeting. Decision on recommendations, any proposed legislation, final report contents.
September 13-14, 2008	EQC Meeting. Final approval of recommendations, reports, proposed legislation. Select bill sponsors. Develop strategy. Review agency bill draft requests.

Council interim work must be completed prior to September 15, 2010.