



# ENVIRONMENTAL QUALITY COUNCIL

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**GOVERNOR STEVE BULLOCK**  
**DESIGNATED REPRESENTATIVE**  
TIM BAKER

**HOUSE MEMBERS**  
BILL MCCHESENEY--Vice  
JERRY BENNETT  
VIRGINIA COURT  
ED LIESER  
JEFFREY WELBORN  
KERRY WHITE

**SENATE MEMBERS**  
JOHN BRENDEN--Chair  
JENNIFER FIELDER  
BRADLEY MAXON HAMLETT  
JIM KEANE  
RICK RIPLEY  
GENE VUCKOVICH

**PUBLIC MEMBERS**  
SCOTT ASPENLIEDER  
DEXTER BUSBY  
MARY FITZPATRICK  
ROY MORRIS

**COUNCIL STAFF**  
JASON MOHR, Research Analyst  
SONJA NOWAKOWSKI, Research Analyst  
HOPE STOCKWELL, Research Analyst  
HELEN THIGPEN, Staff Attorney  
NADINE SPENCER, Secretary  
JOE KOLMAN, Legislative Environmental Analyst

## MINUTES LOG

March 19, 2014

Room 317, State Capitol Building  
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

### COMMITTEE MEMBERS PRESENT

SEN. JOHN BRENDEN, Chair  
REP. BILL MCCHESENEY, Vice Chair

SEN. JENNIFER FIELDER  
SEN. BRADLEY MAXON HAMLETT  
SEN. JIM KEANE  
SEN. RICK RIPLEY

REP. JERRY BENNETT  
REP. VIRGINIA COURT  
REP. ED LIESER  
REP. JEFFREY WELBORN  
REP. KERRY WHITE

MR. SCOTT ASPENLIEDER  
MR. DEXTER BUSBY  
MS. MARY FITZPATRICK  
MR. ROY MORRIS

**COMMITTEE MEMBERS EXCUSED**

SEN. GENE VUCKOVICH

**STAFF PRESENT**

JOE KOLMAN, Legislative Environmental Analyst  
JASON MOHR, Research Analyst  
HOPE STOCKWELL, Research Analyst  
HELEN THIGPEN, Staff Attorney  
NADINE SPENCER, Secretary

**AGENDA & VISITORS' LIST**

Agenda, [Attachment 1](#).  
Visitors' list, [Attachment 2](#).

**COMMITTEE ACTION**

- The Environmental Quality Council (EQC) approved the minutes from January 8-9, 2014.
- The EQC moved to request the Water Policy Interim Committee (WPIC) to consider a study proposal on the Confederated Salish and Kootenai (CSKT) Water Compact.

**CALL TO ORDER AND ROLL CALL**

00:01:17 Sen. Brenden called the meeting to order at 12:33 p.m. The secretary called the roll, [Attachment 3](#).

**AGENDA**

**ADMINISTRATIVE MATTERS**

**Interim Update**

00:02:24 Joe Kolman, Legislative Environmental Analyst, Legislative Services Division (LSD), said that as instructed under the EQC work plan, staff has conducted two training sessions for state employees on the Montana Environmental Policy Act (MEPA). A total of four training sessions have been requested by state agencies thus far this year. He gave an update on the budget and said that the Council needs to consider what recommendations they want to make on any issues, including bill drafts, and recommendations for study bills for the next interim.

00:07:40 Sen. Hamlett said that 2014 is the 150th anniversary of when Montana became a territory and that March 19 is Charlie Russell's 150th birthday. He said that the Russell Art Auction is taking place in Great Falls, Montana, to benefit the C. M. Russell Museum.

00:08:36 Sen. Brenden said Montana has an historic painting in the state capitol and we should be proud of the artwork.

### **Approval of Minutes**

00:09:04 Sen. Brenden asked if there were any corrections to the minutes.

00:09:13 **Motion/Vote:** Sen. Ripley moved to accept the January 8-9, 2014 EQC minutes. The motion carried unanimously by voice vote of those present and voting.

00:09:23 Sen. Brenden asked if the questions that the Council members had from the last EQC meeting have been answered by the various state agencies.

### **WATER POLICY INTERIM COMMITTEE UPDATE**

00:10:03 Jason Mohr, Research Analyst, LSD, gave an overview of the March 18 WPIC meeting.

### **REQUEST FOR ANALYSIS OF PROPOSED CSKT WATER COMPACT**

00:13:25 Rep. Keith Regier, HD 5, requested that the EQC order and supervise a review of the Confederated Salish and Kootenai Tribes Water Compact, including a MEPA study, a private property assessment, and an economic review. He provided a copy of a comparison of water compacts for the seven Montana Indian Reservations, [Exhibit 1](#).

00:18:57 Rep. Nancy Ballance, HD 89, provided a list of questions that need to be answered before the compact is ratified, [Exhibit 2](#), and provided a letter signed by current legislators requesting more information about the compact, [Exhibit 3](#).

### **Public comment**

00:23:02 Catherine Vandemoer, Hydrologist and Water Manager, Concerned Citizens of Western Montana, [Exhibit 4](#)

00:28:09 Rhonda Swaney, Attorney, CSKT

00:32:05 Hertha Lund, Attorney

00:37:12 Rep. Mike Cuffe, HD 2

00:40:40 Tim Orr, [Exhibit 5](#)

### **Committee questions and discussion**

- 00:51:37 Sen. Keane asked why the compact proposal is being heard by the EQC instead of the WPIC.
- 00:52:30 Rep. Regier said it is because of the scope of the EQC compared to the WPIC.
- 00:52:46 Sen. Keane asked why they aren't taking their concerns to the Executive Branch where the compact is being negotiated. Rep. Regier said it is because of the scope of the compact.
- 00:53:28 Rep. Court asked if a MEPA review is normally done on these types of projects and if so, how long it will take to do the review. Mr. Kolman said that a MEPA review was not done on any of the previous compacts and that review time varies.
- 00:54:44 Rep. Court asked about the cost for a MEPA review and who will pay for the review. Mr. Kolman said that the cost will depend on the scope of the review.
- 00:55:42 Rep. Court asked if a MEPA review is done on the CSKT Water Compact whether that will require that a MEPA review be done on all tribal water compacts and if a review should also be done on other projects like coal leases. Sen. Brenden said that he did not know and that it may be left for a court to decide.
- 00:57:24 Sen. Ripley asked if the EQC voted to request a MEPA review will the request go to the Department of Natural Resources and Conservation (DNRC) and will that agency be obligated to conduct the review. Mr. Kolman said that the DNRC and the Reserved Water Rights Compact Commission (RWRCC) are not obligated to do a MEPA review at the request of EQC. He said that if someone felt that a MEPA review should have been conducted, but it was not, they will need to file a court action to force the DNRC and the RWRCC to perform the review.
- 00:58:44 Sen. Ripley asked Rep. Regier why the DNRC has not been approached regarding a MEPA review.
- 00:59:22 Sen. Ripley asked Rep. Regier if he is still requesting that the EQC send a letter to the DNRC supporting a MEPA review. Rep. Regier said that other departments who haven't been directly involved in the compact will give a more objective evaluation.

### **Executive action**

- 01:00:41 **Motion:** Rep. White moved to have the EQC exercise its authority to obtain the information necessary to answer the questions posed by Rep. Ballance and Rep. Regier and any other questions members of the EQC may deem appropriate.

### **Discussion:**

- 01:01:28 Sen. Keane  
01:02:16 Sen. Brenden

01:03:40 **Substitute Motion:** Sen. Hamlett made a substitute motion to task the WPIC to obtain the information necessary to address the questions and issues brought before the Council by Rep. Regier and Rep. Ballance and report back to the Council.

**Discussion:**

01:04:02 Sen. Ripley

01:04:13 Sen. Keane

01:04:28 Mr. Kolman

01:04:57 **Substitute Motion:** Sen. Hamlett withdrew the previous substitute motion and moved to ask the WPIC to decide if it wants to hold hearings and investigate the issues brought by Rep. Ballance and Rep. Regier and report back to the Council.

**Discussion:**

01:05:17 Sen. Brenden

01:05:24 Sen. Ripley

01:05:39 Sen. Hamlett

01:06:21 Sen. Brenden

01:06:38 **Substitute Motion:** Sen. Fielder made a motion to amend the previous motion and to have the EQC authorize legislative legal staff to begin exploring the constitutional questions raised about the Water Compact.

**Discussion:**

01:07:28 Sen. Brenden

01:07:34 Sen. Ripley

01:07:42 Sen. Brenden

01:07:45 Sen. Fielder

01:08:10 Sen. Keane

01:08:42 Sen. Hamlett resisted the amendment

01:08:56 Mr. Kolman

01:09:24 Sen. Brenden so ordered.

01:09:25 Sen. Hamlett

01:09:49 Mr. Kolman

01:10:13 **Vote:** The motion carried 13-3 by roll call vote with Rep. White, Mr. Aspenlieder, and Sen. Brenden voting no. Sen. Vuckovich voted by proxy, [Exhibit 6](#). (on substitute motion by Sen. Hamlett)

## **Discussion:**

- 01:11:29 Sen. Brenden asked if there were any other motions and encouraged Council members to ask questions if they needed further information on the issues.
- 01:12:23 Sen. Ripley agreed that they need answers to some of the questions and thanked the EQC staff for the effort they put into the frequently asked questions.
- 01:12:45 Sen. Brenden said that the EQC cannot command the courts what to do.
- 01:13:16 Mr. Aspenlieder asked for an update, at the next EQC meeting, of any action taken by the WPIC and requested that if WPIC does not take any action that the CSKT Water Compact be put back on the EQC agenda.
- 01:14:35 Sen. Fielder commented on the frequently asked questions.
- 01:15:06 Sen. Keane commented on the role of the WPIC in regards to the CSKT Water Compact.
- 01:15:59 Sen. Brenden said he hoped that both sides of the issue can work out a compromise.
- 01:17:00 Rep. White asked if the questions brought by Rep. Ballance and Rep. Regier have been posed to the WPIC. Mr. Kolman said that the original proposals from Rep. Ballance and Rep. Regier was sent to the WPIC and the questions that were handed out at the meeting today will be given to the WPIC.
- 01:17:47 Sen. Brenden said that the WPIC will be made aware of the motion by the EQC so that relevant information can be prepared for its next meeting.

## **HB 609 - STUDY OF FWP HUNTING AND FISHING LICENSES**

- 01:18:22 Hope Stockwell, Research Analyst, LSD, discussed the brochure that was developed to explain Pittman-Robertson funding, one of the federal funding sources available to Montana Fish, Wildlife, and Parks (FWP) for fish and wildlife management, [Exhibit 7](#). She asked the Council for permission to publish the brochure and make it available to the public. Ms. Stockwell also discussed the summary of preliminary recommendations proposed by the Fish and Wildlife Licensing and Funding Advisory Council, [Exhibit 8](#).
- 01:21:07 Rep. Welborn said that the preliminary recommendations document submitted by the Advisory Council, [Exhibit 9](#), is a framework and is meant to be a work in progress.
- 01:23:41 Ms. Stockwell discussed the six tasks that the Advisory Council was given to develop recommendations for improving the structure for hunting and fishing licenses and establishing a sustainable funding mechanism for fish and wildlife management, page 3, Exhibit 9.

- 01:26:02 Rep. Welborn discussed the pros and cons of various funding models and the reason behind the Advisory Council's recommendation for a four-year funding model.
- 01:28:51 Ms. Stockwell said that FWP determined that it needs \$5.75 million in additional revenue each year to get through the four-year cycle. She said that the Advisory Council kept that in mind when it was setting prices and wanted to add a \$500,000 cushion for unforeseen circumstances.
- 01:30:02 Rep. Welborn discussed the reasons why the Advisory Council is looking at changing the structure of the free and discounted licenses in terms of pricing.
- 01:31:59 Ms. Stockwell discussed the free and discounted license structure.
- 01:36:40 Rep. Welborn discussed the Advisory Council's three recommendations related to license structure, page 11.
- 01:38:34 Ms. Stockwell discussed the Advisory Council's recommendations for pricing options for license fees, page 12.
- 01:40:21 Sen. Brenden asked if the Advisory Council has considered the people who come to visit Montana on one weekend and then leave on the next weekend and how that effects a seven-day nonresident fishing license versus a ten-day license. Ms. Stockwell said that the Advisory Council has had a lot of discussion on the two licenses.
- 01:41:05 Sen. Brenden said he would rather buy a license from one weekend through the next weekend if he were coming in from out-of-state. Ms. Stockwell said she will share the feedback with the Advisory Council.
- 01:41:26 Ms. Stockwell continued the discussion on pricing options for license fees.
- 01:44:00 Rep. Welborn discussed the rationale behind the Advisory Council's recommendations for license fees.
- 01:45:38 Ms. Stockwell discussed the Advisory Council's recommendations to change the refund policy for nonresidents who are unsuccessful in the March 15 permit drawing, page 13.
- 01:47:59 Rep. Welborn said that the Advisory Council believes that it should not be a function of FWP to bring in revenue on refunds.
- 01:48:50 Ms. Stockwell discussed earmarked funds and the statutory requirement to put funds into special accounts for special purposes. She said that the Advisory Council decided to not make any recommendations on earmarked funds at this time.

01:49:14 Ms. Stockwell said that the Advisory Council is charged to provide a recommendation on whether additional sources of revenue should be developed for FWP. She said the Advisory Council adopted a statement in that regard, page 14.

01:50:33 Ms. Stockwell discussed next steps in the process, page 15.

### **Committee questions and discussion**

01:51:45 Sen. Brenden said that his comment regarding the seven-day versus ten-day nonresident license applies to both hunting and fishing licenses.

01:52:23 Rep. White asked if there would be a report to the EQC, or the Legislature, on some of the money accumulating in the earmarked funds account. Ms. Stockwell said she will bring more information to the Council at the May meeting.

01:53:44 Sen. Ripley asked what the additional revenue will be from the recommendations to change the license fees. Ms. Stockwell said that the Advisory Council was looking for \$6.25 million per year in additional revenue.

01:54:40 Mr. Aspenlieder asked what portion of the \$6.25 million comes from Montana residents versus nonresidents. Sue Daly, Chief of Administration, FWP, provided the data she had available. Sen. Brenden asked Ms. Daly to provide a full breakdown for the Council's meeting in the morning.

01:57:06 Rep. Court commented on the age for a senior license and asked about rounding up the price for a license to make it easier for a vendor selling the license. She also asked about the "Come Home to Hunt" and "Nonresident Relative of a Resident" licenses and if the proposed fee changes will result in a loss in revenue. Ms. Stockwell said that many more people are taking advantage of the lower price option and not the higher price option so more money might be generated.

01:59:22 Hank Worsech, License Bureau Chief, FWP, said that with the lower price of the "Nonresident Relative of a Resident" license they have seen about a 40% change in people who were paying for a full price license going to a lower price license. Rep. Court commented that FWP would not lose any money in changing the fee.

02:00:23 Sen. Brenden asked Mr. Worsech about the proposed cap on the B-10 and B-11 license fees.

02:01:01 Sen. Brenden asked if the cap on the licenses will be \$999.00. Ms. Stockwell said that is what the Advisory Council is proposing and that the \$999.00 would include the price of the new base hunting license and the \$5.00 drawing permit fee.

02:01:19 Sen. Brenden asked how the license fees would affect competition with surrounding states. Mr. Worsech said that they have seen an increased demand for on-line licenses.

- 02:02:22 Sen. Brenden asked Mr. Worsech about the passage of I-161, that increased fees for the B-10 and B-11 licenses by an average of 43%, resulting in a lot of unsold licenses.
- 02:02:52 Sen. Brenden asked if a nonresident buys one of the B-10 licenses if it will be capped at \$999.00. Mr. Worsech said that is correct.
- 02:03:13 Sen. Keane asked Ms. Stockwell for clarification on the \$6.25 million in additional revenue that FWP is requesting.
- 02:05:24 Sen. Keane asked if a chart can be provided showing the 50% discount for the full-priced licenses and a breakdown of revenue and expenditures. He also asked why the Advisory Council did not look at the earmarked funds. Rep. Welborn said that because of the scope and size of the earmarked funds the Advisory Council decided its time would be better spent looking at other areas. Ms. Stockwell said that the Advisory Council also discussed the ability for EQC and the Legislature to make decisions about the earmarked funds.
- 02:07:39 Sen. Brenden said that the EQC would like to know what the earmarked funds are and the amount in each category. Ms. Stockwell said the information will be available in the morning.
- 02:08:07 Sen. Keane asked why the extra \$500,000 is needed if earmarked funds are available. Ms. Stockwell said that the earmarked funds are dedicated for specific purposes. She said that the Advisory Council has acknowledged the possibility that the Legislature can get rid of existing earmarks to free up funds for other purposes rather than increase FWP's revenues in other ways.
- 02:09:16 Sen. Keane asked to see proposed numbers without the extra \$500,000. Ms. Stockwell said she can get the information after the Advisory Council's meeting in April since the Advisory Council would need to decide where the \$500,000 should be reduced from the proposal.
- 02:10:26 Sen. Brenden asked if the earmarked funds can be moved around other than by the Legislative process and said he will talk to Ms. Daly, Ms. Stockwell, and Rep. Welborn after the meeting.
- 02:10:42 Sen. Ripley asked for a breakdown of the \$5.75 million that FWP estimates it needs in additional revenue each year. Ms. Stockwell said the information will be provided to the Council. She also clarified that the \$6.25 million included the \$500,000 dollar margin that the Advisory Council suggested.
- 02:11:47 Rep. Bennett asked if there is an annual inflation increase added to the funding. Ms. Daly said that in the projections for the expenditures she rolled in a 3% increase for inflation for personal services.

## **Public comment**

- 02:14:00 Ed Beall, member of the Advisory Council, Helena, Montana  
02:20:16 Brian McCullough, Helena, Montana, [Exhibit 10](#)  
02:23:41 Sen. Brenden  
02:23:50 Mr. McCullough  
02:24:12 Tim Aldrich, member of the Advisory Council, Missoula, Montana  
02:25:45 Debby Perry, member of the Advisory Council, Brady, Montana  
02:27:32 Robin Cunningham, fishing outfitter, member of the Advisory Council, Gallatin Gateway, Montana  
02:28:36 Nick Gevock, Montana Wildlife Federation  
02:29:45 Mark Aagenes, Conservation Director, Montana Trout Unlimited, member of the Advisory Council

## **Committee questions and discussion**

- 02:30:59 Sen. Brenden commented on the ten-day nonresident fishing license. Mr. Aagenes said that the ten-day license is currently available, but statistics show that no one is utilizing the license. Sen. Brenden said that the hunters he has talked to like to be able to hunt from weekend to weekend.
- 02:32:17 Brenden asked for public comment on any other issue not already discussed.
- 02:32:28 Sen. Ripley asked if the Advisory Council has discussed possible additional revenue from a late season hunt. Rep. Welborn said that the topic was not discussed and is outside the purview of the Advisory Council.
- 02:33:11 Sen. Brenden clarified why he voted against eliminating the late season hunt when he was a Fish, Wildlife and Parks Commissioner. Sen. Ripley asked if FWP could look at offering the late season hunt again. Sen. Brenden requested that Mr. Worsch look into offering the late season hunt.
- 02:34:52 Recess  
02:57:56 Reconvene
- 02:58:00 Mr. Baker entered the meeting.

## **PUBLIC COMMENT**

### **CSKT Water Compact**

- 02:58:42 David Passieri, Realtor, St. Ignatius, Montana  
03:00:31 Robert Williams, Polson, Montana, [Exhibit 11](#)  
03:07:29 John Swenson, Ronan, Montana

## **Committee questions and discussion**

- 03:11:24 Sen. Brenden said that he appreciated the public comments.

- 03:11:45 Sen. Hamlett said that until all the compacts are completed, Montana's water will not be fully adjudicated. He said that it is a concern of the WPIC and the entire Legislature.
- 03:12:51 Sen. Fielder said that since she represents the Flathead Reservation as part of her district she has been accessible and has gathered information regarding the compact.

### **BISON MANAGEMENT UPDATE**

- 03:15:20 David Hallac, Chief, Yellowstone Center for Resources, Resources Management Science Division, Yellowstone National Park (YNP), introduced Dan Wank, Superintendent, YNP, and Tim Reed, Chief Ranger, YNP, He gave an overview of what is happening with the management of Yellowstone bison, [Exhibit 12](#).
- 03:27:43 Christian MacKay, Executive Officer, Montana Department of Livestock (MDOL) gave an update on the bison season that began last fall. He said they work with the National Park Service on the Interagency Bison Management Plan (IBMP).
- 03:32:00 Pat Flowers, Regional Supervisor, Region 3, FWP, said he is one of the co-decision makers working on the draft environmental assessment (EA) to review the potential for bison to occupy public lands adjacent to YNP year-round. He said that they are interested in ultimately managing bison numbers primarily through hunting.

**Public comment** None

### **Committee questions and discussion**

- 03:33:37 Rep. White asked about opposition to relocating bison out of YNP, other than tribal areas, and any alternatives that respond to those concerns. Mr. Flowers said one alternative would be no-action, which would result in no movement or expansion of bison.
- 03:36:01 Rep. White asked if the no-action alternative states that FWP will not engage in any movement of park bison other than to tribal grounds. Mr. Flowers said that the no-action alternative represents no movement of bison, excluding the Yellowstone and the Greater Yellowstone area that is managed under the IBMP.
- 03:36:47 Rep. White asked Mr. Flowers to provide a copy of the no-action alternative to the Council at the meeting tomorrow.
- 03:37:18 Sen. Keane asked if FWP has to agree with the MDOL regarding bison management. Mr. Flowers said that FWP manages the bison population in the Yellowstone area under the IBMP and implements the plan on a cooperative and consensus basis with seven of the other agencies under the IBMP.

- 03:39:37 Sen. Keane asked about bison management in other areas of Montana. Mr. Flowers said that management of bison in the Yellowstone area is separate from the rest of the state.
- 03:41:11 Sen. Keane asked Mr. Flowers to keep the Council advised on the two separate bison management plans.
- 03:41:52 Sen. Ripley asked about the bison management objective. Mr. Hallac said that the IBMP describes an end-of-winter target range between 3,000 and 3,500 bison.
- 03:42:20 Sen. Ripley asked how long it has been since they have met the management objective. Mr. Hallac said that it has been several years since the population has been between 3,000 and 3,500 bison.
- 03:42:58 Sen. Ripley asked about the success of the bison management plan. Mr. Hallac said the overall management plan has been successful as it met two objectives, to manage the conservation of bison, and to minimize the risk of brucellosis infection from bison to cattle.
- 03:44:37 Sen. Ripley asked what other tools or plans there are to manage the bison herd. Mr. Hallac said that they will continue to allow bison hunting outside of the park and will continue to transfer bison to the tribes.
- 03:45:46 Sen. Ripley asked about strategies to control the population of bison. Mr. Hallac said they will continue to use strategies they have used in the past and that they have additional flexibility, working with the MDOL, to transport bison to slaughter.
- 03:46:38 Sen. Hamlett asked about the ratio of male to female in the bison herd. Mr. Hallac said that the goal is to have an equal sex ratio, but that the number, especially in the central herd, is more males than females.
- 03:47:33 Sen. Hamlett asked what the calf crop was in 2013. Mr. Hallac said that the population grows 10-15% every year and that last winter they had approximately 4,000 bison and by the end of last summer they had approximately 4,600 bison.
- 03:48:32 Sen. Hamlett commented that there is a better balance between male and female bison than there was in the 1860's and 1870's.
- 03:49:43 Sen. Brenden commented on the bison coming out of YNP and the IBMP.
- 03:54:00 Recess
- 03:57:31 Reconvene

## **SJ 15 - STUDY OF FEDERAL LAND MANAGEMENT**

- 03:58:02 Mr. Kolman introduced the speakers, via phone conference, and said that Tom Schmidt, Deputy Regional Forester, Northern Region, U.S. Forest Service (USFS), is also available for questions. He said that Rick Hotaling, District Manager, Western Montana District, Bureau of Land Management (BLM), is in the audience and available for questions.
- 03:58:54 Sen. Fielder gave an update of the SJ 15 work group meetings since the last EQC meeting in January.
- 04:01:37 Rep. White provided information on HB 169 (2013) which allows coordination between counties and federal land management agencies to find solutions to land management issues around the state.
- 04:05:59 Doyel Shamley, CEO, Veritas Research Consulting, via phone, discussed coordination and cooperation statutes that currently exist within the federal land management agencies, [Exhibit 13](#).
- 04:30:24 Sen. Brenden asked Mr. Shamley to provide a copy of the codification information he referenced.
- 04:30:45 Randy Phillips, USFS Liaison, National Association of Counties, via phone, gave information on the development of a Memorandum of Understanding (MOU) with the National Association of Counties and the USFS and the BLM. He also responded to some of the comments made by Mr. Shamley.

### **Public comment**

- 04:38:16 Dan Happel, District 2, Madison County Commissioner
- 04:40:01 Kevin Chamberlain, representing Mineral County Commissioners
- 04:48:08 Leonard Wortman, Jefferson County Commissioner
- 04:50:28 Tim Ravndal, Broadwater County
- 04:53:03 Josef Kuchera, representing Tricon Timber; Mineral County; Mineral County Resource Advisory Group; Wood Products Industry in Mineral County
- 04:57:26 Nick Gevock, Montana Wildlife Federation, [Exhibit 14](#)
- 05:04:23 Jody Loomis, Helena, Montana
- 05:06:36 Patrick McCain, Helena, Montana
- 05:07:24 Alan Wright, Townsend, Montana

### **Committee questions and discussion**

- 05:08:27 Rep. White asked Mr. Phillips for a copy of the MOU that the USFS has with the National Association of Counties and asked about the location of the coordination requirement in the 2012 planning rule.
- 05:09:51 Rep. White asked Mr. Shamley if local governments can initiate actions under the coordination requirement.

- 05:12:37 Rep. Lieser asked what Region 1 is doing to implement the provisions in the 2014 Farm Bill. Mr. Schmidt, USFS, via phone, said there is an active program with the state regarding the Healthy Forests Restoration Act (HFRA) portion of the bill and that all of the legislation is being implemented in Montana by the USFS.
- 05:14:41 Rep. Lieser asked Mr. Schmidt, if the West Mullen fire will have a salvage timber sale and to provide a follow-up report on what will happen with the project.
- 05:16:08 Rep. Lieser asked about the circumstances surrounding the Boulder Creek Project. Mr. Schmidt said he is not familiar with the project and will need to report back to the Council.
- 05:16:28 Sen. Keane asked about cooperation between county commissioners and the USFS in managing the national forests. Mr. Schmidt said that the USFS will work with its staff on the importance of working with counties.
- 05:18:55 Sen. Keane asked why there hasn't been better coordination between the counties and the USFS in managing the forests. Mr. Schmidt said that there may be newer officers that don't know the process. He said he will work with staff to understand the importance and value in having a good working relationship with the county in helping to establish priorities. Sen. Keane asked counties that do not have cooperation with the USFS to contact the legislative staff.
- 05:20:27 Mr. Aspenlieder asked Mr. Schmidt if there is any guarantee that the USFS will begin coordinating with the counties.
- 05:24:32 Rep. Welborn asked if the SJ 15 work group is looking at coordination between the USFS and the counties or if they are looking to take over management of federal lands. Rep. White said that the main focus is to look at what the Legislature can do to help the counties work with the USFS and to look at what other states are doing.
- 05:28:15 Sen. Fielder said that the goal is to look at different approaches and solutions going forward and to find out what other states are doing.
- 05:32:09 Rep. White asked Mr. Schmidt if there is a training program that the USFS provides through Region 1, or nationally, that trains forest supervisors or district rangers on mandates for cooperation and coordination.
- 05:35:03 Sen. Hamlett asked how transferring employees effects efficiency. Mr. Schmidt said that there is a combination of long term and short term employees in all locations.
- 05:37:41 Mr. Phillips said that doing an MOU will define what expectations are for coordination and cooperation between agencies.
- 05:39:45 Sen. Brenden said the Council and the Legislature are looking for efficiency and accountability in working with the federal government on land management.

05:45:39 Sen. Keane thanked the USFS and the BLM for participating in the study and asked that the Bureau of Reclamation be contacted to participate as well. Sen. Brenden said that he agreed that all agencies need to be involved and also thanked the agencies for participating.

05:48:10 Sen. Brenden adjourned the meeting at 6:19 p.m.

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