



ENVIRONMENTAL QUALITY COUNCIL

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BRADLEY MAXON HAMLETT
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GENE VUCKOVICH

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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

May 14, 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
SEN. GENE VUCKOVICH

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

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

STAFF PRESENT

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

AGENDA & VISITORS' LIST

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

COMMITTEE ACTION

- The Environmental Quality Council (EQC) approved the minutes from March 19-20, 2014.
- The EQC will continue to gather information and report on trends in the quality of the environment as directed by 75-1-324, MCA.
- The EQC moved to delete on page 6, subsection 22-3-1003(3)(c), MCA, of the bill draft (LC MHC1) and moved that the draft, subject to further review, move forward as a committee bill for SJ 4 - Study of Virginia City, Nevada City, Reeder's Alley.
- The EQC moved to have staff draft language for all of the elements for a committee bill that the EQC is in agreement on for HB 609 - Study of FWP hunting and fishing licenses.

CALL TO ORDER AND ROLL CALL

00:01:28 Sen. Brenden called the meeting to order at 12:32 p.m. The secretary called the roll, [Attachment 3](#).

AGENDA

ADMINISTRATIVE MATTERS

00:01:36 Joe Kolman, Legislative Environmental Analyst, Legislative Services Division (LSD)

00:01:47 Sen. Brenden

00:02:05 **Motion/Vote:** Sen. Ripley moved to accept the March 19-20, 2014 EQC minutes. The motion carried unanimously by voice vote.

00:02:17 Mr. Kolman gave an update on the interim and the budget and said that, as instructed under the EQC work plan, staff conducted two more training sessions for state employees and members of the public on the Montana Environmental Policy Act (MEPA).

STATUTORY ADMINISTRATIVE RULE REVIEW

00:03:25 Helen Thigpen, Staff Attorney, LSD, gave a summary of recent rulemaking activity from the Department of Environmental Quality (DEQ) and the Department of Fish Wildlife and Parks (FWP), [Exhibit 1](#).

00:07:03 Sen. Brenden asked for a copy of the rule regarding revisions to FWP's commercial use rule. Ms. Thigpen said that she will provide a copy, [Exhibit 2](#).

Public comment None

Committee questions and discussion

00:07:40 Sen. Keane asked Ms. Thigpen to also include information on what areas the commercial use rule affects.

NATURAL RESOURCE TRENDS

00:08:21 Mr. Kolman, gave an introduction to 75-1-324, MCA, which tasks the EQC with gathering timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, [Exhibit 3](#).

00:14:48 Jason Mohr, Research Analyst, LSD, discussed some of the preliminary work he completed on trend information, [Exhibit 4](#).

Public comment None

Committee questions and discussion

00:19:22 Sen. Fielder asked that staff compile information from the 1970s. Mr. Mohr said that information is being gathered as far back as possible, but sometimes the methodologies or the definitions used to gather information changes.

00:20:57 Sen. Hamlett asked if information about sage grouse populations is included in the report. Mr. Mohr said that the information can be included.

- 00:21:42 Sen. Hamlett said that sage grouse will be a big issue for the state and that population trends are important. He asked if there will be a comparison for sage grouse population counts between different agencies. Mr. Kolman said that compiling information will be an on-going process and they will look at and compare different sources of information.
- 00:24:10 Sen. Brenden commented on the importance of the information.
- 00:24:32 Sen. Keane said that the information is economically valuable in order for industry to be better able to coordinate.
- 00:25:20 Sen. Brenden said that, without objection, the EQC will continue to gather information and receive reports on trends in the quality of the environment as directed under 75-1-324, MCA.

SJ 4 - STUDY OF VIRGINIA CITY, NEVADA CITY, REEDER'S ALLEY

- 00:28:03 Sen. Keane gave a report from the meeting of the SJ 4 work group on April 22, [Exhibit 5](#).
- 00:30:11 Sen. Ripley said that the general fund provision may be taken out of the bill draft.
- 00:30:59 Rep. Court asked if the letter regarding Reeder's Alley will be discussed. Sen. Keane said they will talk about Reeder's Alley after discussing the bill draft.
- 00:31:34 Sen. Keane said language was added to the bill draft revising the authority for appointing Montana Heritage Commission (MHC) members so that if the Speaker of the House or the President of the Senate do not appoint members they relinquish that power to the governor.
- 00:32:29 Leanne Kurtz, Research Analyst, LSD, discussed the bill draft (LC MHC1) recommended by the work group, [Exhibit 6](#).
- 00:38:46 Ms. Thigpen discussed language referenced in subsection 22-3-1003(3)(c), MCA, regarding the intent of the 58th Legislature that no general fund money be used for the operation of MHC managed properties beyond what was appropriated by the 55th Legislature. She said that it has been concluded that the language is not binding on subsequent legislatures.

Public comment None

Committee questions and discussion

- 00:41:57 Sen. Keane asked if the EQC wanted the bill draft to reflect why if the language isn't binding it should not be in statute.

- 00:42:15 Sen. Ripley said that the section was not removed because the work group wanted the full discussion of the EQC and he recommended removing the section from the bill draft since it is not legally binding. Sen. Brenden agreed.
- 00:42:52 Sen. Fielder also agreed with removal of the language and asked what economically stable means as opposed to self-supporting. Sen. Keane said that the properties will never be self-supporting, but can be economically stable in order to be maintained.
- 00:43:53 Sen. Fielder asked if the bill draft addressed the sale or disposal of the properties. Sen. Keane discussed the rules and the process for the disposal of property.
- 00:45:06 Sen. Fielder said that language in subsection 22-3-1003(3)(1)(f), MCA, "to encourage the profitable operation of properties" is different than the language on economic stability. Sen. Keane said that the language will be corrected.
- 00:46:02 Rep. Bennett asked if the problem with the Speaker of the House and the President of the Senate not making appointments to the MHC has been a historic problem. Sen. Keane said that it has been a problem.
- 00:46:45 Rep. Bennett asked if there has been any consideration made to reducing the number of board members on the MHC. Sen. Keane said that the work group did not discuss lowering the number of board members and said he believes the MHC encourages participation by more people.
- 00:47:42 Rep. Court said that the work group did not discuss the size of the board, but that an audit done in 2003 did discuss changing the composition of the board members.
- 00:49:26 Sen. Brenden said that he is concerned that since 1988 there has been a proliferation of more people on more committees and asked staff to compare the number of committees and commissions between then and now.
- 00:50:57 Sen. Ripley said that the work group focused mainly on managing the properties and streamlining the process.
- 00:52:01 Sen. Brenden said that amendments can be made to the committee bill addressing the number of board members.
- 00:52:24 Mr. Aspenlieder asked for more information about the trust funds. Sen. Keane referred the question to Marilyn Ross, Chair, MHC, and also asked Ms. Ross to comment on the number of board members on the MHC.
- 00:53:29 Ms. Ross explained the trust accounts and said that there are 14 members on the MHC.
- 00:59:26 Sen. Brenden asked if any members of the board are from the Department of Natural Resources (DNRC), FWP, or the Department of Commerce (DOC). Ms. Ross said that by statute they are required to have representatives from the DOC, FWP, and the Montana Historical Society.

- 01:01:03 Mr. Aspenlieder asked about the cultural and aesthetic trust. Sen. Brenden said that the trust comes from coal tax money and is used for grants.
- 01:02:12 Ms. Fitzpatrick asked if the intent is to forbid the commission from acquiring property or remove the requirement that the MHC acquire property. Sen. Keane said that it is the State Land Board's job to acquire property and that the job of the MHC is to manage Virginia City/Nevada City.
- 01:03:22 Ms. Fitzpatrick asked about the reference in the bill draft, subsection 22-3-1003(8)(h), MCA, to real property acquisition. Ms. Kurtz explained why the reference was left in the bill draft.
- 01:05:06 Sen. Hamlett asked for a clarification of "property". Ms. Kurtz said that only the sale of personal property from the Bovey assets is currently required to go into the trust fund.
- 01:07:22 Sen. Hamlett asked if the MHC can acquire real estate and collectibles. Sen. Keane said that he did not think they would be able to under the statute.
- 01:08:16 Sen. Hamlett asked if the purchase of artifacts needs to be done by a different entity and donated to the MHC. Sen. Keane said the intent of the legislation is to manage current assets.
- 01:08:59 Sen. Hamlett asked if it is not the intent of the legislation to prohibit purchases of artifacts that are significant to the state of Montana. Sen. Keane said that he did not think that the MHC can purchase artifacts.
- 01:09:34 Sen. Hamlett asked if the money that comes from property sales goes into management and preservation for the future. Sen. Keane said that it does and that there isn't enough money to divert into buying real estate and collectibles since the MHC is struggling to manage its current properties.
- 01:11:02 Sen. Brenden said that the intent of the legislation is to give the MHC greater flexibility and the ability to run Virginia City/Nevada City more efficiently. Sen. Keane agreed.
- 01:12:20 Rep. Court said that \$5 million was paid for the Bovey assets and that \$1.5 million was paid for the buildings and the land so the assets were valued higher than the land and buildings. She asked if the MHC and the DOC have ever negotiated a specific indirect administrative rate annually as stated in subsection 22-3-1002(1), MCA. Mr. Kolman said that he will find out if it has been done.
- 01:13:47 Sen. Brenden requested that staff provide a list of the names and organizations for the 14 member MHC board.
- 01:14:10 Sen. Keane asked about the motion to move forward. Sen. Brenden requested a motion to remove items from the draft legislation.

- 01:14:35 **Motion/Vote:** Sen. Ripley moved to delete on page 6, subsection 22-3-1003(3)(c), MCA, because it is not legally binding. The motion carried unanimously by voice vote.
- 01:15:31 **Motion/Vote:** Sen. Keane moved that the draft, subject to further review, move forward as a committee bill. The motion carried unanimously by voice vote.
- 01:15:57 Sen. Keane said that Virginia City/Nevada City is one of the biggest economic drivers for Madison County and the state of Montana and said that it is good, but it can be better.
- 01:16:27 Rep. Welborn said that Virginia City/Nevada City also draws visitors into the surrounding communities and said Virginia City/Nevada City has increased in value since the property was purchased from the Bovey family.
- 01:17:20 Sen. Brenden thanked the working group for its efforts.
- 01:17:50 Sen. Ripley said that the intent of the working group and the EQC is to allow the MHC to better manage its properties and that there needs to be a discussion involving the sale of Reeder's Alley prior to drafting legislation.
- 01:18:45 Sen. Brenden said that it is a good nonpartisan effort.
- 01:19:14 Sen. Hamlett asked if there are plans to have a celebration in Virginia City/Nevada City on the day that Montana became a territory 150 years ago. Ms. Ross said that events are planned to celebrate the anniversary of statehood during the entire summer.
- 01:20:57 Rep. Court suggested that the EQC consider a \$6 fee on recreational vehicle and motor home registrations as a long term funding option for Virginia City/Nevada City. She provided a sheet showing what the income would have been if the \$6 fee had been charged in 2013, [Exhibit 7](#). Sen. Brenden said that the fee can be considered.
- 01:25:19 Sen. Hamlett said that Montana became a territory on May 26, 1864.

HB 609 - STUDY OF FWP HUNTING AND FISHING LICENSES

- 01:26:00 Hope Stockwell, Research Analyst, said that the Pittman-Robertson funding brochure, approved by the EQC, has been completed. She provided an updated summary of the preliminary recommendations by the Fish and Wildlife Licensing and Funding Advisory Council, an updated revenue estimate for the preliminary recommendations, projected impacts to the general license account, and a listing of the license earmark allocations for license year 2014, [Exhibit 8](#). She said that the Advisory Council gave its recommendations to FWP and that nine public hearings have been scheduled, some of which have already taken place.
- 01:30:44 Rep. Welborn discussed the public comments that were made at the FWP hearing in Butte.

- 01:34:17 Sue Daly, Chief of Administration, FWP, provided information on FWP's license structure and revenue stream, [Exhibit 9](#).
- 01:36:21 Sen. Brenden asked Ms. Daly to explain EPP. Ms. Daly said that EPP is the Executive Planning Process.
- 01:36:34 Ms. Daly continued her presentation.

Committee questions and discussion

- 01:38:34 Rep. Bennett asked if increases are figured into the chart for employee pay plan and pensions. Ms. Daly said that the chart represents staff at the current level and said that it includes a 3% increase that might be approved by a future legislature.
- 01:39:21 Sen. Vuckovich asked if property purchases are included in the chart. Ms. Daly said that the chart shows the general license account fund and does not include land acquisitions.
- 01:40:04 Sen. Ripley asked if the chart includes a contingency fund. Ms. Daly said that the contingency fund is built into the proposal that is being put before the public and that the cumulative effect of the changes on the sheet comes to \$6.2 million and that is where the contingency fund is contained
- 01:41:06 Sen. Fielder asked about the percentage of the general license account in the overall budget. Ms. Daly said that the general license account is two-thirds of the funding for FWP.
- 01:41:39 Sen. Brenden asked about the total budget amount for FWP. Ms. Daly said that it is about \$90 million and includes HB 2, HB 13, and HB 5.
- 01:41:57 Sen. Keane asked about the expenditures in the \$4 million increase for five years. Ms. Daly explained the expenditures that are reflected in the increase.
- 01:43:02 Sen. Keane asked if the increase was for payroll. Ms. Daly said the number is based on the assumption that a future legislature will approve a 3% increase to pay, health insurance, and pensions each year.
- 01:43:50 Sen. Keane asked about the increases in pay from 2007 to 2025. Ms. Daly said that it represents the reserve in cash needed in order to fund and meet payroll each time HB 13 passes.
- 01:45:40 Sen. Keane asked about the increase in 2013. Ms. Daly said that there was not an increase in 2013 and that the chart only reflects increases from HB 13.
- 01:46:32 Sen. Ripley asked if money was distributed in 2013 for pay increases. Ms. Daly said that the chart does not reflect broad band pay increases which is in a different statute.

- 01:46:58 Sen. Ripley asked if there were pay increases for certain people even though there was not a pay plan increase. Ms. Daly said that between 2013 and 2015 the chart shows a broad band pay adjustment that was taken in the base budget and not in HB 13.
- 01:47:28 Sen. Brenden said that he had a list of people that received the pay increase.
- 01:47:51 Sen. Keane asked where the broadband pay plan is reflected in the chart. Ms. Daly said that FWP has only done broadband pay twice in the 15-20 years that it has been in statute and explained where the adjustment that they made shows up in the chart.
- 01:48:59 Mr. Aspenlieder commented about the increase in license fees.
- 01:49:47 Sen. Brenden asked what the current nonresident license fee is for moose, sheep, goat and bison. Ms. Daly said the current fee is \$750 per license and that the Advisory Council is recommending that the fee be increased to \$1,250.
- 01:50:13 Sen. Brenden asked if the fee increase will discourage nonresident hunters. Ms. Daly said that the Advisory Council concluded that those license fees were undervalued compared to other states and that the licenses are in high demand.
- 01:50:53 Sen. Ripley asked if the contingency fund is part of the \$6,129,500. Ms. Daly said that it is included.
- 01:51:45 Sen. Ripley asked why the contingency fund does not show up as a line item in the revenue estimate. Ms. Stockwell said that the Advisory Council did not set up a separate fund for the contingency fund, but built enough revenue to include an extra \$500,000.
- 01:52:53 Sen. Keane asked if the EQC decided not to add in the \$500,000 contingency fund how it would be reflected in the revenue estimate. Ms. Daly recommended that the EQC ask the Advisory Council for a proposal that was \$500,000 less than the current estimate.
- 01:53:25 Rep. Welborn explained the reason behind the Advisory Council's recommendation for a contingency fund.
- 01:54:16 Sen. Keane gave his opinion of the contingency fund.
- 01:54:56 Sen. Ripley said that with the \$500,000 scattered throughout the revenue estimate it does not give a true picture of the line items.
- 01:55:44 Rep. Bennett asked if the contingency fund is a special account or an earmarked account. Ms. Daly said that it will become part of the general license account and that it will be reviewed every four years.

- 01:56:44 Sen. Hamlett asked if the increase shown on the chart from 2013-15 was just for broadband pay. Ms. Daly said that the increase included broadband pay.
- 01:57:35 Sen. Hamlett asked what was included in the increase other than broadband pay. Ms. Daly said that she was not sure what other increases were included, but will provide the information.
- 01:57:57 Sen. Hamlett said that he would like to know the reason why there was an increase from \$28 million to \$38 million from 2007 to 2011.
- 01:58:22 Mr. Aspenlieder asked if there will be stipulations put on the use of the contingency fund money. Rep. Welborn said that the money will be used for special purposes. Ms. Daly added that any request to spend the contingency money will require legislative approval.
- 02:00:07 Sen. Brenden commented on the availability of the contingency fund money if it is needed between legislative sessions.
- 02:01:14 Rep. Bennett asked how an earmarked fund can be used. Ms. Daly said that the definition of an earmark means that there is a statute that exists that tags a certain portion of a license and how the money can be used.
- 02:03:11 Rep. Bennett asked if there are any special accounts that FWP has that were established by rule. Ms. Daly said that all of their funds are based on statute.
- 02:04:03 Sen. Fielder asked if the Advisory Council looked at the earmarked funds. Ms. Daly said that the Advisory Council did look at the earmarked funds, but decided that since all the earmarks were established in statute they would defer any decision about the earmarked funds to the Legislature.
- 02:05:14 Sen. Brenden asked which account the money goes into for big game auction licenses. Ms. Daly said that the money goes into special funds, that are required by statute, and used for habitat for that particular species.
- 02:05:55 Sen. Brenden asked if the funds could be diverted into something else. Ms. Daly said that use of the funds is governed by statute.
- 02:06:04 Sen. Brenden asked for a list showing the auction amount by species, for the last four years, and how much of the money was spent on habitat.
- 02:06:38 Sen. Keane asked about projections made for the next four bienniums. Ms. Daly said that it is a projection for the future and depends on whether or not future legislatures approve HB 13.
- 02:08:14 Sen. Ripley asked if the EQC will be voting at the next meeting on whether or not to move forward with a committee bill and if the earmarks will be separate. Sen. Brenden said that he is concerned about the amount of funding that is being requested.

- 02:10:30 Sen. Ripley said that the Advisory Council did a good job of simplifying the licensing fees and thought the four year model is a good idea, but asked how to handle the funding portion. Rep. Welborn said that the proposal will probably need to be broken down into several pieces of legislation and asked that the EQC move forward with drafting legislation on the parts of the proposal where there is consensus.
- 02:12:08 Sen. Brenden agreed with Rep. Welborn and said to keep the expenditures as a separate issue.
- 02:12:22 Sen. Ripley said that in order for the EQC to consider the expenditures the line items need to be listed separately.
- 02:12:37 Ms. Stockwell said that staff can draft the language for the legislation by the July meeting and that amounts for funding can be easily adjusted.
- 02:13:35 Sen. Hamlett said that the EQC needs more information on FWP projected expenditures. Sen. Brenden agreed.
- 02:15:50 Rep. Welborn made a motion to ask staff to draft language for the committee bill as discussed by the EQC.
- 02:16:10 Rep. White asked if the earmarked license allocation for black bear goes only to habitat acquisition for black bear. Ms. Daly said that, based on language in the statute, the money goes into the Habitat Money Acquisition Fund and can be used for habitat for any species.
- 02:17:28 Rep. White said that the EQC needs to look at earmark license allocations and the fees that are charged for licenses for the animals that go into the Habitat Money Acquisition Fund.
- 02:18:20 Mr. Busby asked if any earmark funds have sunset provisions. Ms. Daly said that all of the current earmarked funds are permanent.
- 02:19:01 Sen. Brenden said there needs to be clarification on what percentage of the earmarked funds goes into acquisition. Ms. Daly said that under the proposal all of the money will go into the general license account.
- 02:19:42 Sen. Brenden asked if the general license account has been used for acquisition in the past. Ms. Daly said that, at least for the last decade, the general license account has not been used for acquisition.
- 02:20:11 Sen. Hamlett said he would like to know in the future when there are any increases in pay for game wardens.
- 02:20:50 Rep. Welborn asked about the motion he made to draft a committee bill. Sen. Brenden said that he will hold the motion until after public comment.

Public comment

- 02:21:00 Ed Beall, Fish and Wildlife Licensing and Funding Advisory Council, Helena, Montana
- 02:27:46 Vito Quatraro, Montana Sportsman Alliance
- 02:30:24 Nick Gevock, Montana Wildlife Federation (MWF)
- 02:33:15 Maggie Nutter, Rancher, Sweet Grass Hills
- 02:34:26 **Motion/Vote:** Rep. Welborn moved to have staff draft language for all of the elements for a committee bill that the EQC is in agreement on. The motion carried unanimously by voice vote.
- 02:35:25 Recess
- 02:55:18 Reconvene

PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA AND THAT IS WITHIN THE JURISDICTION OF THE EQC

None

SJ 15- STUDY OF FEDERAL LAND MANAGEMENT

- 02:58:21 Sen. Fielder gave an introduction to the discussion on what other states are doing with federal land and federal resource issues and management. She said the SJ 15 work group is interested in extending the SJ 15 approach beyond the interim in order to be able to deal with federal land and federal resource issues on an ongoing basis.

Wyoming

- 03:01:06 Eli Bebout, Wyoming State Senate, SD 26, Vice President of the Senate; Chairman, Appropriations Committee; and Chair/Co-Chair of the Select Committee on Federal Natural Resource Management, via phone.

Committee questions and discussion

- 03:13:30 Sen. Brenden commented on the Clean Water Act.
- 03:13:51 Sen. Fielder asked Sen. Bebout to elaborate on the allocation of funds that helped county commissioners and conservation districts engage with federal agencies and how it is working. Sen. Bebout said that the Wyoming legislature gave county commissioners and soil conservation districts special expertise in their statutes.
- 03:15:20 Rep. Lieser asked Sen. Bebout if they have seen a change, since the establishment of the select committee, in the responsiveness of federal agencies and what the outcomes have been. Sen. Bebout said that they have seen a difference of opinion in some agencies and that it has been beneficial.

- 03:18:22 Sen. Hamlett asked if the creation of the interim committee has helped the Wyoming State Legislature keep attuned to the issues and possible solutions. Sen. Bebout said that it definitely has helped.
- 03:19:26 Rep. Lieser asked about the composition of the committee. Sen. Bebout said that the committee consists of three senators and three representatives.
- 03:20:23 Sen. Brenden thanked Sen. Bebout for participating. He shared a copy of a newspaper article from Ely, Nevada, showing that they have similar issues with regard to federal land agencies, [Exhibit 10](#).
- 03:21:06 Sen. Bebout said that he looks forward to continuing to work with Montana.
- 03:21:30 Sen. Fielder introduced the next speaker.

Idaho

- 03:21:59 Chuck Winder, Idaho State Senate, Assistant Majority Leader; Chair, Federal Lands Interim Committee, via phone.

Committee questions and discussion

- 03:36:25 Sen. Fielder asked how the Federal Lands Interim Committee is selected and how often they meet, [Exhibit 11](#). Sen. Winder said that the committee members are selected by the President Pro Tempore and the Speaker of the House and they have had four meetings to date and plan to have four more meetings over the summer.
- 03:37:56 Mr. Aspenlieder asked how successful Idaho has been in working with the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) under a cooperating agency status. Sen. Winder said that they are not getting a lot of cooperation past the local representatives.
- 03:40:09 Sen. Fielder asked Sen. Winder to describe the Community Forest Trust Project. Sen. Winder said that he is not familiar enough with the program to respond. Bill Myers, attorney, via phone, said that they have made good progress in putting together a group, but have not had a lot of success implementing their ideas.
- 03:41:00 Sen. Winder said that there is a significant collaborative effort going on with the Clearwater Basin Collaborative and information is available online.
- 03:41:40 Sen. Hamlett asked Sen. Winder if he thinks the interim committee is providing better information for legislators to deal with the issues. Sen. Winder said that because of their expertise and experience the interim committee is having a positive impact.

- 03:43:32 Sen. Brenden asked if George Eskridge is a member of the Idaho Legislature. Sen. Winder said that Rep. Eskridge is a member of the House of Representative.
- 03:43:58 Sen. Brenden thanked Sen. Winder for his participation. Sen. Winder said that they need to find a way to continue to work together.
- 03:44:28 Sen. Fielder introduced the next speaker.
- 03:44:51 Sen. Brenden asked if there were any questions for Mr. Myers.
- 03:45:03 Mr. Aspenlieder asked Mr. Myers about the group's working relationship with the Attorney General's Office. Mr. Myers said that he has support from the current attorney general and they work well together.

Utah

- 03:47:44 Keven Stratton, Utah House of Representatives, Public Lands Caucus, via phone.

Committee questions and discussion

- 04:04:28 Sen. Fielder asked Rep. Stratton to describe the mechanism of the legislation, and how it has been used, that allows the state, or a county within the state, to act in the place of a federal agency that is not acting. Rep. Stratton described the process.
- 04:08:56 Rep. Lieser asked if the state of Utah could cover the cost of fighting a severe fire on federal lands. Rep. Stratton said that they are currently studying the economic impact.
- 04:12:23 Rep. White asked how much cooperative effort the Utah Legislature is giving to counties on historic right-of-ways and access routes. Rep. Stratton said that they have been using the Constitutional Defense Council and it is an ongoing issue.
- 04:15:37 Sen. Vuckovich asked if he has previously appeared before the EQC. Rep. Stratton said that this was his first time before the EQC.
- 04:16:22 Sen. Vuckovich asked about the legislation that was passed in Utah transferring public lands to the state, if any federal land has been taken over by a state government, and how a state would fund taking care of and fighting fires on federal land. Rep. Stratton discussed the legislation that was passed in Utah and gave examples of public land that has been taken over by other states. He said that fire prevention and maintaining forests in a healthy manner is less costly than fighting fires.
- 04:22:29 Rep. McChesney asked what action Utah is taking to guarantee that public land, assumed by the state, will remain in the public trust into perpetuity. Rep. Stratton said that public lands in Utah are in better solvent hands with the state than with the federal government.

04:26:07 Rep. McChesney asked if the state of Utah is looking at proposing a constitutional amendment to ensure that land would stay in the public trust. Rep. Stratton said that it would be a good piece of legislation to propose.

04:27:01 Sen. Hamlett asked how presidential executive orders have positively or negatively impacted the state of Utah and if a presidential executive order could return lands to a state. Rep. Stratton said that executive orders have a broad impact, but he was not sure constitutionally if an executive order could transfer land.

04:29:13 Sen. Brenden said that he has not seen much land given back to a state by the federal government. He thanked Rep. Stratton for his participation. Rep. Stratton said he looks forward to working with Montana.

04:30:13 Sen. Fielder introduced the next speaker.

Nevada

04:30:40 Demar Dahl, Elko County Commissioner, Nevada; Chair, Nevada Land Management Taskforce, via phone.

Committee questions and discussion

04:45:54 Sen. Brenden commented that a lot can be done if it is done in phases and asked if he could be sent information of what is done at the September taskforce meeting. Mr. Dahl said the information will also be available on the Nevada Association of Counties website, [Exhibit 12](#).

04:49:13 Sen. Brenden thanked Mr. Dahl for his participation.

04:49:28 Sen. Fielder introduced the next speaker.

Mineral County Working Forest Data

04:51:34 James D. Arney, senior forest biometrician, Forest Biometrics Research Institute, [Exhibit 13](#).

Committee questions and discussion

05:03:20 Rep. Lieser asked if the entire Lolo National Forest is over-mature or, if because of logging activity and forest fires, there are some seedlings and saplings. Mr. Arney said there are seedlings and saplings, but that the harvesting that has gone on since 1990 has been many acres and all thinning from below.

05:05:07 Rep. Lieser said that there are a substantial number of acres that are not over-mature. Mr. Arney agreed.

- 05:05:26 Mr. Morris asked what role lawsuits have in the federal government allowing more cutting. Mr. Arney said that the USFS will not move forward because it doesn't want to be involved in a lawsuit. Mr. Morris asked if there is a solution. Mr. Arney said that there is not enough factual information presented in court.
- 05:07:51 Sen. Brenden said that the forest affects everybody. Mr. Arney said that there needs to be infrastructure in order to manage a healthy forest.
- 05:08:39 Sen. Fielder introduced the next speaker.

Forested Counties/Resource Advisory Group Update

- 05:09:13 Duane Simons, Mineral County Commissioner.

Committee questions and discussion

- 05:13:14 Sen. Brenden commented on the amount of federally owned land in counties and the effect that inaction has on communities. Mr. Simons said that it would be devastating for Mineral County if the timbermill closed. He said that transferring federal land to the state may help fix the problems.
- 05:14:23 Sen. Brenden thanked Mr. Simons for his participation.
- 05:14:48 Sen. Hamlett asked what the price has to be for board feet for it to be profitable to work in the forest. Mr. Arney said that it is not a cost problem, but a revenue issue.

Public Comment

- 05:17:00 Carol Young, Mineral County School Board Trustee
- 05:19:37 Josef Kuchera, Mineral County Resource Advisory Group, and Financial Controller for Tricon Timber, St. Regis, Montana
- 05:23:40 Vito Quatraro, Bozeman, Montana
- 05:25:58 Jerry Davis, Helena, Montana
- 05:31:19 Mr. Gevock, MWF
- 05:34:28 Sen. Hamlett said that further committee discussion on the topic could be done at the beginning of the meeting tomorrow. Sen Brenden agreed.
- 05:34:46 Sen. Brenden recessed the meeting at 6:06 p.m.

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