



# ENVIRONMENTAL QUALITY COUNCIL

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**GOVERNOR STEVE BULLOCK**  
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JERRY BENNETT  
VIRGINIA COURT  
ED LIESER  
JEFFREY WELBORN  
KERRY WHITE

**SENATE MEMBERS**  
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JENNIFER FIELDER  
BRADLEY MAXON HAMLETT  
JIM KEANE  
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MARY FITZPATRICK  
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**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

Work Group for Senate Joint Resolution 15  
Public Land Management Study

November 19, 2013

Room 152, 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 VIA PHONE CONFERENCE**

SEN. JENNIFER FIELDER  
SEN. BRADLEY MAXON HAMLETT

REP. KERRY WHITE

### **COMMITTEE MEMBERS EXCUSED**

REP. ED LIESER

### **STAFF PRESENT IN HELENA**

JOE KOLMAN, Legislative Environmental Analyst  
HELEN THIGPEN, Staff Attorney  
FONG HOM, Secretary

### **AGENDA & VISITORS' LIST**

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

## **COMMITTEE ACTION**

None

## **CALL TO ORDER AND ROLL CALL**

- 00:00:01 Sen. Fielder called the meeting to order at 8:01 a.m. The secretary called roll. Rep. Lieser was excused. ([Attachment 3](#))
- 00:01:15 Joe Kolman, Legislative Environmental Analyst, Legislative Services Division, introduced the staff and visitors who were present.

## **AGENDA**

### **REVIEW OF SJ 15 STUDY MATRIX**

#### **Work group discussion on the study matrix**

- Air Quality Conditions
- 00:01:28 Sen. Fielder provided an synopsis of her meeting with the forest supervisor for the Kootenai regarding their fire suppression program.
- 00:03:20 Rep. White
- 00:04:53 Sen. Fielder
- 00:05:26 Rep. White
- 00:06:25 Sen. Fielder
- 00:07:14 Sen. Hamlett
- 00:09:14 Sen. Fielder
- Multiple Use Access Reductions and Desired Conditions
- 00:10:12 Sen. Fielder discussed concerns about the decommissioning and the removal of good logging roads and trails, resulting in diminished access for multiple use activities by the public.
- 00:13:01 Sen. Hamlett
- 00:13:17 Sen. Fielder
- 00:14:10 Sen. Hamlett
- 00:14:33 Sen. Fielder
- 00:16:18 Rep. White
- 00:16:26 Sen. Fielder
- 00:17:02 Sen. Hamlett
- 00:17:10 Sen. Fielder said that the people to put on the list to testify are: Bruce Hunn and Nancy Mehaffie, Thompson Falls. The road project is the Deep Creek Road off of Blue Slide. She would provide a link to their slide program and add that in the reference column.
- 00:18:10 Rep. White discussed the Supreme Court ruling regarding logging roads being considered as a point source pollution. He also discussed contracting with the Forest Service and organizational groups to perform maintenance on trails and roads.
- 00:26:13 Sen. Fielder
- 00:26:22 Rep. White
- 00:27:20 Sen. Fielder discussed several topics for the Future Solutions column: Deep

Creek Road project, Capital Trail Townsend Ranger District Agreement for volunteer maintenance, firewooding, identify inventory RS 2477 Roads and affirm local jurisdiction on those roads, investigate the liability issue in indemnification protections.

00:28:03 Rep. White  
00:28:41 Sen. Fielder  
00:28:45 Sen. Hamlett would like to ask the USFS if they rank and prioritize the roads that they have now, what that criteria is, and if the funding level in their budget affects what they keep open and what they close.  
  
00:30:19 Rep. White  
00:31:48 Sen. Fielder discussed multiple use access definition.  
00:33:30 Sen. Hamlett  
00:34:02 Sen. Fielder  
00:34:49 Sen. Hamlett  
00:35:00 Sen. Fielder  
00:35:09 Rep. White  
00:36:47 Sen. Fielder  
00:37:02 Rep. White discussed a way to maintain trails and roads if the ability to use chainsaws and getting a motorized vehicle into those areas were utilized on a rotation basis.  
  
00:38:14 Sen. Fielder suggested putting that into the Explore Solutions column.  
00:39:33 Rep. White  
00:40:02 Sen. Fielder said she would like to see a prioritization of funding to maintain and protect access.  
  
00:40:11 Rep. White  
00:40:20 Sen. Fielder

#### Invasive Pest Disease and Noxious Weeds

00:40:26 Sen. Fielder  
00:40:59 Rep. White  
00:41:04 Sen. Fielder  
00:42:05 Rep. White  
00:43:09 Sen. Fielder  
00:44:50 Rep. White  
00:47:56 Sen. Fielder  
00:48:14 Sen. Hamlett  
00:50:43 Rep. White  
00:50:50 Sen. Hamlett  
00:51:10 Sen. Fielder  
00:51:22 Sen. Hamlett  
00:51:56 Sen. Fielder  
00:52:00 Sen. Hamlett discussed aquatic invasive species.  
00:53:06 Sen. Fielder  
00:53:36 Sen. Hamlett  
00:53:54 Rep. White asked about getting reports from BLM and Forest Service regarding action plans and funding, if any, for projects on weed treatment.  
  
00:55:18 Sen. Fielder asked if Mr. Kolman could track that down.  
00:55:29 Rep. White asked about jurisdiction on navigable rivers, whether they are under state jurisdiction for evasive species or weeds on lakes and reservoirs.

00:56:35 Sen. Fielder asked about the spruce bug worm's and the pine bark beetle's devastating affects on the forest.  
00:57:20 Rep. White asked for an estimate from the Forest Service on acres affected by the pine bark beetle.  
00:57:47 Sen. Fielder discussed the state forester's map with areas marked that had those types of insect infestation.  
00:58:25 Mr. Kolman  
00:58:52 Sen. Fielder  
00:58:59 Mr. Kolman  
00:59:10 Sen. Fielder  
00:59:28 Rep. White  
00:59:41 Mr. Kolman  
00:59:58 Sen. Fielder

Finances: PILT payment, SRS, and royalty payments

01:00:34 Sen. Fielder  
01:00:55 Rep. White  
01:01:35 Sen. Fielder  
01:01:51 Mr. Kolman  
01:03:15 Sen. Fielder  
01:04:26 Rep. White  
01:05:27 Sen. Fielder discussed a study out of Nevada that could be looked at. She will put that in the column for Mr. Kolman to link to.  
01:07:45 Rep. White  
01:08:56 Sen. Fielder  
01:10:16 Rep. White  
01:11:05 Sen. Fielder  
01:12:21 Sen. Hamlett  
01:12:38 Mr. Kolman discussed the pilot project created by Congress in 2000 called "The Good Neighbor Pilot Project" with the state of Colorado.  
01:13:11 Sen. Fielder  
01:15:06 Rep. White  
01:15:48 Sen. Fielder discussed the PILT SRS to increase economic production, generate positive revenue flows, increase predictability of funding, and let willing counties or the state manage their land to generate revenues locally.  
01:16:52 Sen. Fielder discussed inadequate funding and federal land management prioritizing fighting fires instead of preventing fires. She suggested taking topics from the upper box, add to this box, and add prioritization.  
01:19:44 Rep. White  
01:20:32 Sen. Fielder discussed the need to insure scientific integrity in all the reports that are driving policy.  
01:22:30 Rep. White  
01:23:01 Sen. Hamlett said that it is good to have a minority report.  
01:24:00 Sen. Fielder  
01:24:48 Sen. Hamlett  
01:25:09 Sen. Fielder discussed putting in the column "Desired Conditions", insure scientific integrity, require blind peer review of reports that drive policy, and remove bias to any extent possible, concentrate on the facts instead of the philosophy, and require the minority report.

## **PUBLIC COMMENT**

01:27:28 Bob Walker, Our Montana, commented on the topic of volunteers, especially under the issue of access and noxious weeds. He discussed the various groups that volunteer to do work in the back country on Forest Service lands and the agreements that they enter into.

### Questions

01:30:56 Rep. White  
01:32:04 Mr. Walker  
01:32:57 Sen. Fielder  
01:33:14 Mr. Walke  
01:33:28 Sen. Fielder  
01:34:33 Mr. Walker  
01:35:03 Sen. Fielder  
01:35:09 Sen. Hamlett  
01:35:38 Mr. Walker

## **SJ 15 AGENDA ITEMS**

01:36:45 Sen. Fielder asked if Mr. Kolman was able to confirm time slots for SJ 15 Work Group reports.  
01:36:50 Mr. Kolman  
01:37:22 Sen. Fielder asked if there were suggestions for future speakers for upcoming meetings of EQC.  
01:37:25 Sen. Hamlett suggested getting a speaker on property law .  
01:38:33 Sen. Fielder suggested other speakers and asked about funding for travel expenses for speakers.  
01:39:26 Mr. Kolman  
01:40:04 Sen. Fielder  
01:40:50 Mr. Kolman asked what type of advice does the committee need regarding property law.  
01:41:23 Sen. Fielder  
01:42:08 Rep. White  
01:43:00 Sen. Hamlett  
01:43:05 Sen. Fielder  
01:43:50 Mr. Kolman  
01:44:19 Sen. Fielder  
01:45:47 Rep. White  
01:46:43 Sen. Fielder said that is a good idea to invite informational witnesses.  
01:47:12 Mr. David Abrams, BLM, said they would be happy to have someone come as an informational witness. He would like to know ahead of time some of the areas or guidelines on topics they will address.  
01:47:50 Sen. Fielder  
01:48:07 John Hagengruber, USFS, said they would also provide informational testimony.  
01:48:45 Sen. Fielder asked if Mr. Hagengruber would talk to his supervisors and colleagues to determine who would be best to address the subjects on the Matrix.  
01:49:05 Rep. White said he is interested in information on guidelines for the science that

the BLM and the Forest Service uses, specifically in the importance of volunteering and lack of consistency.

01:50:14 Sen. Fielder  
01:50:56 Sen. Hamlett suggested inviting Director Tubbs, of the Department of Natural Resources, to a meeting.  
01:51:56 Sen. Fielder asked about inviting Shawn Thomas, Director of Trust Lands.  
01:52:13 Mr. Kolman  
01:52:23 Sen. Fielder said she will contact Mr. Shamley and Mr. Ivory; Mr. Kolman will contact Professor Willy, and let Sen. Brenden know what is being recommended for the next meeting.

#### **NEXT MEETING**

01:53:08 Sen. Fielder asked about the next meeting date.  
01:54:20 Mr. Kolman discussed the mailing that will go out on December 16.  
01:54:40 Sen. Fielder  
01:54:50 Mr. Kolman  
01:55:41 Sen. Fielder  
01:55:47 Rep. White  
01:56:33 Sen. Fielder  
01:57:01 Rep. White  
01:57:21 Sen. Fielder  
01:57:25 Mr. Hagengruber  
01:57:32 Mr. Abrams

#### **ADJOURN**

01:57:49 Sen. Fielder adjourned the meeting at 9:59 a.m.

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