



ENVIRONMENTAL QUALITY COUNCIL

PO BOX 201704
HELENA, MONTANA 59620-1704
(406) 444-3742

GOVERNOR STEVE BULLOCK
DESIGNATED REPRESENTATIVE
TIM BAKER

HOUSE MEMBERS
JERRY BENNETT--Vice Chair
WILLIS CURDY
JANET ELLIS
ED LIESER
THERESA MANZELLA
KERRY WHITE

SENATE MEMBERS
GENE VUCKOVICH--Chair
JOHN BRENDEN
JIM KEANE
MIKE PHILLIPS
RICK RIPLEY
CARY SMITH

PUBLIC MEMBERS
SCOTT ASPENLIEDER
BROOKE ERB
BERT LINDLER
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

January 14, 2016
Room 317, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The 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 Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. GENE VUCKOVICH, chair
REP. JERRY BENNETT, vice chair

SEN. JOHN BRENDEN
SEN. JIM KEANE
SEN. RICK RIPLEY
SEN. CARY SMITH

REP. WILLIS CURDY
REP. JANET ELLIS
REP. ED LIESER
REP. KERRY WHITE

MS. BROOKE ERB
MR. BERT LINDLER
MR. ROY MORRIS

COMMITTEE MEMBERS EXCUSED

REP. THERESA MANZELLA
SEN. MIKE PHILLIPS
MR. SCOTT ASPENLIEDER
MR. TIM BAKER

STAFF PRESENT

HOPE STOCKWELL, research analyst
HELEN THIGPEN, staff attorney
NADINE SPENCER, secretary
JOE KOLMAN, legislative environmental analyst

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTIONS

- The Environmental Quality Council (EQC) voted 8-7 to send a letter to the Interagency Bison Management Partners objecting to the decision issued by Governor Bullock regarding year-round habitat for Yellowstone bison in Montana outside the confines of Yellowstone National Park.
- The EQC voted 13-2 to send a staff member, along with Sen. Keane and Sen. Ripley, to the legislative hearing in the state of Washington on the bill to close Colstrip units 1 and 2.

CALL TO ORDER AND ROLL CALL

00:00:06 Sen. Vuckovich called the meeting to order at 8:02 a.m. The secretary called the roll. ([Attachment 3](#)) Rep. Manzella and Mr. Aspenlieder were excused and left their proxies with Rep. White. ([Attachment 4](#)) Sen. Phillips and Tim Baker were also excused.

DNRC PROGRAM EVALUATION: MINERALS MANAGEMENT

00:01:10 Joe Kolman, legislative environmental analyst, Legislative Services Division, presented the program evaluation for the Minerals Management Bureau. ([Exhibit 1](#)) Mr. Kolman said Monte Mason, bureau chief, Minerals Management Bureau, Department of Natural Resources and Conservation (DNRC), is available for questions.

Public Comment: None

Committee Questions and Discussion:

00:09:15 Rep. Ellis asked about the number of producing oil and gas wells. Mr. Mason said there are 600 producing wells and 700 producing leases.

- 00:10:08 Rep. Ellis asked how often field inspections are done. Mr. Mason said oil and gas inspections are done in conjunction with grazing and agriculture inspections and about 200 inspections are done a year.
- 00:11:21 Rep. Ellis asked if inspections are only done for oil and gas. Mr. Mason said inspections on gravel leases and coal leases are done only if there is an issue with reclamation.
- 00:12:12 Sen. Keane asked if the bureau has done any projections on mineral revenue for FY 2016. Mr. Mason said they are projecting that oil and gas revenue will go down to under \$20 million.
- 00:13:34 Sen. Keane asked Mr. Mason how the drop in revenue affects the state budget.
- 00:15:27 Sen. Brenden asked if the length of leases are the same for oil and gas. Mr. Mason said they are.
- 00:15:49 Sen. Brenden asked if there are any 3-year or 5-year leases. Mr. Mason said the bureau does have discretion to do 5-year leases.
- 00:16:34 Sen. Brenden asked if the bureau can reject a low bid on a lease. Mr. Mason said the Land Board has the discretion to accept or reject a bid.

YEAR-ROUND HABITAT FOR YELLOWSTONE BISON - EA DECISION

- 00:17:57 Andy Huff, chief legal counsel, Governor's Office, discussed the Environmental Assessment (EA) issued by the governor, on December 22, 2015, on year-round habitat for bison north and west of Yellowstone National Park. **(Exhibit 2)**
- 00:21:27 Mike Volesky, chief of staff, Directors Office, Department of Fish, Wildlife and Parks (FWP), presented an overview of the EA.
- 00:24:30 Mr. Volesky gave a history of the Interagency Bison Management Plan (IBMP).
- 00:25:00 Mr. Volesky discussed the alternatives that were analyzed.
- 00:28:11 Mr. Volesky discussed the public process.
- 00:29:12 Mr. Volesky discussed the modifications that were considered because of changes in science and factual circumstances.
- 00:34:50 Mr. Volesky discussed the selected alternative.
- 00:42:15 Mr. Volesky discussed the conclusions reached for the selected alternative.
- 00:44:13 Marty Zaluski, state veterinarian, Department of Livestock, introduced himself and said he is available for questions.

Public Comment:

- 00:44:41 Jonathan Matthews, volunteer member, Montana Chapter Sierra Club **(Exhibit 3)**
- 00:46:20 Errol Rice, Montana Stockgrowers Association
- 00:50:11 Nick Gevock, conservation director, Montana Wildlife Federation (MWF)
- 00:51:07 Chelcie Cargill, Montana Farm Bureau Federation

Committee Questions and Discussion:

- 00:54:29 Rep. White asked Mr. Rice if there are any states not taking cattle from Montana because of the brucellosis issue. Mr. Rice said there are not and that protocol is in place ensuring the safety of cattle.
- 00:56:09 Rep. White asked Mr. Rice about the additional cost to producers because of brucellosis.

00:57:55 Ms. Erb asked Mr. Volesky about new research regarding the risk of transmission of brucellosis from bull bison to cattle. Mr. Volesky referred the question to Mr. Zaluski. Mr. Zaluski said the research was done by the U.S. Department of Agriculture.

00:59:44 Ms. Erb asked Mr. Zaluski if brucellosis can be transferred to humans. Mr. Zaluski said it can.

01:00:51 Sen. Ripley asked Mr. Huff about the Department of Livestock's budget and if it has contingency funds available to adequately manage bison. Mr. Huff said the movement of bison out of the park will be gradual and hunting will be used as a way to limit the number of bison in the expanded tolerance zones. He said if additional resources are needed it can be discussed during the next legislative session.

01:02:20 Sen. Ripley asked Mr. Huff if additional resources will come from per capita fees or the general fund. Mr. Huff said he did not know since there is no demonstrated need for additional resources at this point.

01:02:55 Sen. Ripley asked Mr. Huff if there is a plan for an insurance policy to cover additional liability. Mr. Huff redirected the question to Mr. Volesky.

01:04:02 Sen. Ripley asked Mr. Volesky if there will be additional resources available for the Department of Livestock, the FWP, or the Governor's Office to manage bison and where the resources will come.

01:07:07 Sen. Ripley asked about the additional liability in allowing Yellowstone bison to migrate into Montana. Mr. Volesky said the liability has always existed and management will not significantly change.

01:10:08 Sen. Ripley said state law requires a contingency plan to remove wild bison that enter onto private property. Mr. Volesky said the statute applies to bison translocated elsewhere in Montana and not Yellowstone bison.

01:12:21 Sen. Ripley said the liability issue needs to be addressed.

01:13:07 Rep. Curdy asked Mr. Volesky if FWP knows how many bison have been harvested by tribal members in the last 5-10 years. Mr. Volesky said it does and that it varies by year.

01:14:55 Rep. Curdy asked Mr. Volesky to provide the EQC with information on the number of tribal and non-tribal hunters, the fees hunters pay for bison, and outfitter operations in the West Yellowstone and Gardiner areas.

01:15:34 Rep. Curdy asked Mr. Volesky how long bison have been migrating outside of Yellowstone National Park. Mr. Volesky said they always have.

01:16:03 Sen. Brenden asked Mr. Volesky to explain how the classification of bison, as wild or domesticated, changes when they are relocated.

01:18:47 Sen. Brenden commented on the management of bison in Montana and Yellowstone National Park.

01:20:35 Sen. Smith asked Mr. Rice if he believes the EA is a consensus agreement. Mr. Rice said he did not.

01:21:41 Mr. Lindler asked Mr. Gevock why the MWF supports managing bison as a wild animal in Montana when it leaves Yellowstone Park. Mr. Gevock said it gives an opportunity to better manage the bison.

01:23:32 Rep. Ellis asked how adaptive management decisions will be made. Sam Sheppard, regional supervisor, Region 3, FWP, described the adaptive framework and said if something does not work it can be changed.

- 01:26:30 Rep. Ellis asked if adaptive management means continuation of a citizens council. Mr. Sheppard said there could be a potential for another citizens advisory council.
- 01:27:18 Mr. Morris asked Mr. Zaluski about protection for hunters from contracting brucellosis. Mr. Zaluski referred the question to FWP. Mr. Sheppard said FWP created an educational video that is provided to all state hunters.
- 01:29:49 Sen. Ripley asked Mr. Sheppard if hunting has been successful in reducing bison numbers. Mr. Sheppard said it has.
- 01:31:14 Sen. Ripley asked Mr. Sheppard why bison numbers are increasing.
- 01:32:45 Sen. Ripley said hunting is not working if Montana is over objective on the number of bison.
- 01:32:52 Rep. White asked Rep. Alan Redfield, HD 59, about property damage and safety in the areas of his legislative district where bison come out of the park.

Committee Action:

- 01:35:24 **Motion:** Rep. White moved that the EQC send a letter to the Interagency Bison Management Partners objecting to the EA issued by Governor Bullock regarding year-round habitat for Yellowstone bison in Montana outside the confines of Yellowstone National Park.

Discussion:

- 01:38:52 Rep. White repeated his motion.
- 01:39:14 Mr. Lindler
- 01:39:59 **Vote:** The motion carried 8-7 by roll call vote. **(Attachment 5)** Rep. Curdy, Rep. Ellis, Rep. Lieser, Sen. Keane, Mr. Lindler, Mr. Morris, and Sen. Vuckovich voted no. Rep. Manzella and Mr. Aspenlieder voted aye by proxy. Sen. Phillips was excused.
- 01:41:13 Mr. Lindler requested that the vote be recorded in the letter sent to the IBMP.
- 01:41:24 Rep. White requested that staff prepare the letter so it can be reviewed by the EQC today.

STATE PARKS PROGRAM UPDATE

- 01:42:27 Chas Van Genderen, administrator, Montana State Parks, Department of Fish, Wildlife and Parks, gave an update on the state park system.
- 01:44:35 Mr. Van Genderen discussed the strategic plan. **(Exhibit 4)**
- 01:46:21 Mr. Van Genderen said the EQC was given two memos regarding the facility condition inventory report from Great West Engineering. **(Exhibit 5)** He provided a copy of a memo from Great West Engineering highlighting critical infrastructure needs in the park system. **(Exhibit 6)**
- 01:47:50 Mr. Van Genderen said a peer analysis was completed of neighboring state park systems. **(Exhibit 7)**
- 01:48:55 Mr. Van Genderen discussed the Acquisition and/or Transfer of Interest in Lands Policy. **(Exhibit 8)**
- 01:50:37 Mr. Van Genderen discussed the Classification and Prioritization of Park Resources Policy. **(Exhibit 9)**

Public Comment:

- 01:53:18 Diane Conradi, board member, District 1, Montana State Parks and Recreation Board
- 02:00:45 Marne Hayes, foundation coordinator, Montana State Parks Foundation
(Exhibit 10)
- 02:09:24 Bob Walker, volunteer, Montana Trails, Recreation, and Park Association

Committee Questions and Discussion:

- 02:12:15 Sen. Keane asked Mr. Van Genderen why land acquisition is part of the land policy. Mr. Van Genderen said it is designed to give structure.
- 02:18:50 Rep. Ellis asked Mr. Van Genderen about the classification policy and why management of Hell Creek State Park is being relinquished when the site lease agreement expires. (Exhibit 11)
- 02:25:13 Rep. Ellis said primitive state parks don't need a lot of money for care and should not be abandoned. Mr. Van Genderen said primitive parks still cost money to monitor and maintain and the department is looking for cost efficient and effective solutions.
- 02:27:14 Rep. Bennett asked Mr. Van Genderen about user fee revenue increases since 2000. Mr. Van Genderen said he will find out.
- 02:28:53 Rep. Bennet asked Mr. Van Genderen for an overview of the backlog of capital and maintenance needs.
- 02:30:49 Rep. Bennet asked Ms. Hayes about the State Parks Foundation's goals for raising money.
- 02:32:24 Sen. Brenden commented about the lack of parks in eastern Montana and said consideration needs to be given to state parks beyond classification. Mr. Van Genderen said he agreed and that it is a concern.
- 02:38:22 Sen. Ripley commented on maintenance issues and on purchasing more land. He said it would be a mistake to look at coal trusts or an additional share of funds coming from coal trusts funds when members of the board oppose mining or using coal.
- 02:40:00 Mr. Lindler asked Ms. Hayes if donations can be specified for a certain park. Ms. Hayes said they can be.
- 02:41:05 Rep. Lieser asked Mr. Van Genderen if they have put together a plan, in the form of a bill draft, on the amount of funding needed. Mr. Van Genderen said they are not putting a budget together yet.
- 02:42:23 Rep. Lieser said the EQC will need something specific and tangible to support. Mr. Van Genderen said it is a fiscal problem on how to fund recreation in Montana.
- 02:44:01 Recess
- 03:01:05 Reconvene

DNRC TRUST LANDS DIVISION FY 2015 ANNUAL REPORT

- 03:01:55 Shawn Thomas, administrator, Trust Land Management Division, Department of Natural Resources and Conservation (DNRC), presented the FY 2015 annual report for Trust Lands Management. (Exhibit 12)

03:14:22 Mr. Thomas introduced Amy Randall, bureau chief, Real Estate Management Bureau, Trust Land Management Division, DNRC.

Public Comment:

03:24:45 Margaret Morgan, Montana State Leaseholders Association, commented on the cabin site leasing and sales program.

Committee Questions and Discussion:

03:28:47 Rep. Ellis asked about hydrolease payments. Mr. Thomas said it pertains to navigable waterways.

03:29:46 Rep. Lieser asked Mr. Thomas how close harvest levels are to the sustainable yield calculation.

03:31:11 Rep Lieser asked Mr. Thomas if they anticipate a difference in the 2016 harvest levels to reflect the shortcoming in 2015.

FWP PROGRAM EVALUATION: NONGAME, THREATENED, ENDANGERED, AND CANDIDATE SPECIES

03:35:05 Hope Stockwell, research analyst, Legislative Services Division, presented the FWP program evaluation on nongame, threatened, endangered, and candidate species. [\(Exhibit 13\)](#)

03:36:30 Ms. Stockwell discussed nongame wildlife species.

03:40:16 Ms. Stockwell discussed threatened, endangered, and candidate species.

Public Comment:

03:42:37 Ken McDonald, administrator, Wildlife Division, FWP, thanked Ms. Stockwell for the report. He said the information provided is for the Wildlife Division and that there are other comparable efforts in the Fisheries Division and in the FWP's other support functions.

Committee Questions and Discussion:

03:43:53 Sen. Ripley thanked Ms. Stockwell for the report. He said on page 10, paragraph 7, the last sentence should read "funded almost exclusively by sportsmen and landowners" instead of hunters and anglers.

FIRE SEASON UPDATE

03:45:31 Bob Harrington, administrator, Forestry Division, Department of Natural Resources and Conservation (DNRC), via phone, provided an overview of the 2015 wildfire season. [\(Exhibit 14\)](#)

Public Comment:

03:58:52 John Tubbs, director, DNRC

Committee Questions and Discussion:

04:01:03 Rep. Lieser asked about the total number of state fire engines. Mr. Harrington said there are approximately 55 type 5 and 6 wildland fire engines and a few tenders that provide support to the engines.

04:01:58 Rep. Lieser asked how the current number of engines compares historically. Mr. Harrington said the number has remained static.

- 04:03:14 Sen. Keane asked Mr. Harrington about an inconsistency in the fire fund. Mr. Harrington said he will look into it.
- 04:04:04 Rep. Curdy asked how many people are used to staff each engine. Mr. Harrington said normally two firefighters are deployed per engine.
- 04:04:32 Rep. Curdy said the National Fire Prevention Association's (NFPA) staffing requirement is a minimum of three people per engine and encouraged the DNRC to staff engines at NFPA levels. Mr. Harrington said he will take the concerns back to the department.

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

None

Sen. Smith left the meeting and gave his proxy to Rep. Bennett. ([Attachment 6](#))

OTHER BUSINESS

- 04:07:06 Sen. Ripley requested that the EQC consider sending a staff member, along with himself and Sen. Keane, to the legislative hearing in the state of Washington on closing Colstrip Units 1 and 2.
- 04:08:33 Mr. Lindler said he supports sending EQC members and staff to the hearing, but only if concerns about the future of the community of Colstrip are also addressed. Sen. Ripley said those concerns would need to be addressed in a special session of the Montana legislature.
- 04:10:15 **Motion/Vote:** Sen. Ripley moved to have the EQC send a staff member to the state of Washington, along with Sen. Keane and Sen. Ripley, to protect Montana's interest in Colstrip. The motion carried 13-2 by roll call vote. ([Attachment 7](#)) Rep. Curdy and Mr. Lindler voted no. Rep. Manzella, Sen. Smith, and Mr. Aspenlieder voted aye by proxy.
- 04:11:59 Rep. Bennett said he would like to see EQC involvement in the way state agencies interact on permitting processes. Sen. Vuckovich said staff will look into it.
- 04:14:05 Sen. Keane said to look at what was put together in the past.
- 04:14:27 Rep. Bennett said it would be helpful to get the ideology of each department to understand what their thoughts are, what difficulties they see, and what the legislature can do to help them move forward.
- 04:14:44 Rep. White said there is a book on the environmental permitting process (Montana Index of Environmental Permits) that may be helpful.
- 04:15:24 Sen. Brenden said on a 3-1 vote the Fish and Wildlife Commission decided to transfer sage grouse to Canada.
- 04:15:56 Sen. Brenden thanked everyone for their concern while he was ill.
- 04:16:35 Rep. Curdy asked staff to keep the EQC updated on the legislation in Washington and Oregon.
- 04:17:05 Mr. Morris asked staff to provide an acronym list in future mailings.
- 04:17:58 Mr. Kolman provided a copy of the letter that will be sent from the EQC objecting to the Governor's decision on bison. ([Exhibit 15](#))
- 04:18:35 Sen. Keane said the 111(d) subcommittee will be meeting at 1:00 today.

ADJOURN

04:18:59 Sen. Vuckovich adjourned the meeting at 12:21 p.m.

CI0099 6042nsxb.