



ENVIRONMENTAL QUALITY COUNCIL

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

MINUTES LOG

September 9, 2015
Room 172, 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.

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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. MIKE PHILLIPS
SEN. RICK RIPLEY
SEN. CARY SMITH

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

MR. SCOTT ASPENLIEDER
MS. BROOKE ERB
MR. BERT LINDLER
MR. ROY MORRIS
MR. TIM BAKER

STAFF PRESENT

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

AGENDA AND VISITORS' LIST

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

COMMITTEE ACTIONS

- The Environmental Quality Council (EQC) approved the minutes log from June 3-4, 2015.
- Sen. Vuckovich appointed Sen. Smith and Mr. Aspenlieder to the 111(d) Subcommittee.

CALL TO ORDER AND ROLL CALL

00:00:02 Sen. Vuckovich called the meeting to order at 8:02 a.m. The secretary called the roll, [Attachment 3](#).

ADMINISTRATIVE MATTERS

Budget Review

00:00:54 Joe Kolman, legislative environmental analyst, Legislative Services Division (LSD), said this is the first meeting of the fiscal year and the Council has \$89,981.00 in its budget.

Adoption of EQC Minutes

00:01:41 **Motion/Vote:** Sen. Brenden moved to accept the minutes log from June 3-4, 2015. The motion carried unanimously by voice vote.

Overview of Public Involvement

00:01:59 Helen Thigpen, staff attorney, LSD, presented an overview of the public participation laws that apply to the EQC and other legislative interim committees.

Committee questions and discussion:

00:09:11 Sen. Brenden asked if records on a case are sealed by an agency is the agency obligated to disclose those records under the sunshine laws. Ms. Thigpen said it depends on the case.

00:10:15 Sen. Brenden asked if an agency chooses not to disclose records can a case be filed under the Freedom of Information Act. Ms. Thigpen said it can.

00:10:57 Rep. White asked if there is a penalty in Montana for intentionally concealing records. Ms. Thigpen said she is not aware of a specific penalty, but will find out.

WATER POLICY INTERIM COMMITTEE UPDATE

00:12:06 Jason Mohr, research analyst, LSD, presented an update on the Water Policy Interim Committee (WPIC) meeting on September 2-3.

00:12:41 Mr. Mohr discussed the future of the water court study.

00:13:21 Mr. Mohr discussed SJR 2 (2015) Section 404 permit study.

00:15:07 Mr. Mohr discussed the water availability and supply study.

Committee questions and discussion:

00:17:04 Sen. Keane asked if the WPIC discussed funding in the event the state takes over the Section 404 permit program. Mr. Mohr said it did not. Sen. Keane asked Mr. Mohr to keep the EQC updated.

00:18:30 Sen. Phillips asked if the WPIC will consider future precipitation patterns in both the distribution and abundance of water in its study. Mr. Mohr discussed some of the topics that will be included in the study.

ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE UPDATE

00:20:46 Sonja Nowakowski, research analyst, LSD, said the Energy and Telecommunications Committee (ETIC), will meet on September 11 and will be focusing on SJ 12 (2015) the study of net metering laws.

00:23:18 Ms. Nowakowski said the ETIC will begin its evaluation of HJ 7 (2015) the study of next generation 9-1-1.

00:23:58 Ms. Nowakowski said the ETIC will discuss issues related to Colstrip Power Units 1 & 2 and the Clean Power Plan.

Committee questions and discussion:

00:24:27 Sen. Phillips asked if the Public Service Commission (PSC) is also doing a study on net metering. Ms. Nowakowski said the PSC is waiting until 2016 to see how the ETIC moves forward on its study.

111(D) EPA RULEMAKING SUBCOMMITTEE UPDATE

00:25:53 Sen. Vuckovich appointed Sen. Smith and Mr. Aspenlieder to the 111(d) subcommittee.

Public comment: None

Committee questions and discussion:

00:26:33 Sen. Phillips asked who the other EQC members are on the subcommittee. Sen. Vuckovich said the members are Sen. Keane and Rep. Ellis.

00:26:54 Sen. Brenden asked who the ETIC members are on the subcommittee. Ms. Nowakowski said the members are Sen. Ankney, Sen. Driscoll, Rep. Steenberg, and Rep. Regier.

WASHINGTON STATE MEETING REGARDING COLSTRIP 1 & 2

00:27:56 Mr. Kolman said the Washington State Legislature may be having a meeting in Spokane in October to discuss a proposal to close Colstrip Power Plants 1 & 2. He said the EQC may want to designate legislators to attend meeting.

Committee questions and discussion:

00:29:08 Sen. Keane, Sen. Ripley, Rep. Ellis, Sen. Brenden, and Sen. Vuckovich volunteered to attend the meeting.

00:30:42 Sen. Brenden said Montana should send the same number of legislators as the state of Washington.

00:30:57 Ms. Nowakowski said she does not have a lot of details regarding the meeting and said ETIC is also sending members of its committee to the meeting. She suggested sending a total of 3-4 legislators.

00:31:53 Sen. Vuckovich appointed Sen. Ripley and Sen. Keane to attend the meeting.

00:32:25 Rep. Ellis asked if the meeting is open to anyone who wanted to attend. Ms. Nowakowski said speakers are by invitation only, but anyone can attend.

Public comment: None

STATUTORY ADMINISTRATIVE RULE REVIEW

00:33:48 Ms. Thigpen presented updates to administrative rule activity from the Department of Natural Resources and Conservation (DNRC), the Department of Fish, Wildlife and Parks (FWP), and the Department of Environmental Quality (DEQ), [Exhibit 1](#).

Committee questions and discussion:

- 00:37:42 Rep. White asked about proposed changes to 36-22-181(MAR) and the fee increase for a reservation of a water right. Ms. Thigpen said it applies to a state water reservation under the Water Use Act and only a state entity, usually a conservation district, can apply for it.
- 00:40:32 Rep. White asked if the fee is designated by statute. Ms. Thigpen said the statute authorizes the DNRC to determine the fee.
- 00:41:21 Rep. White asked if the DNRC can justify the increase. Ms. Thigpen said the justification provided in the rule notice was to make the fee comparable to other fees that the DNRC charges. She said she can contact the DNRC for more information.
- 00:42:50 Sen. Brenden said the EQC should send a letter saying it does not support the amount of the increase. He asked Ms. Thigpen to contact the DNRC before its hearing tomorrow for more information. Ms. Thigpen said she will.
- 00:45:35 Rep. White said he supports sending a letter and asked Ms. Thigpen what the timetable is on adopting a rule.
- 00:46:41 Sen. Keane asked Ms. Thigpen to contact DNRC about the reason for the fee increase.
- 00:47:31 Sen. Ripley asked if the EQC sends a letter of objection will it delay the rule from going into effect for 30 days. Ms. Thigpen described two options an interim committee has to make a formal objection to an administrative rule. The first would delay a rule by 6 months.
- 00:49:00 Sen. Ripley asked if the EQC will meet within the six month timeframe so it can withdraw its objection or object again. Ms. Thigpen said since the WPIC has rule objection authority over water policy it would have to file the objection.

DNRC PROGRAM EVALUATION: AGRICULTURE AND GRAZING

- 00:51:13 Mr. Kolman presented a summary of the program evaluation on the Agriculture and Grazing Bureau, DNRC, [Exhibit 2](#).

Public comment:

- 01:05:19 Kathryn QannaYahu, Enhancing Montana's Wildlife and Habitat
01:07:44 Ray Marxer, Sheridan
01:12:55 Ron Moody, Lewistown

Committee questions and discussion:

- 01:14:47 Sen. Brenden responded to public comments.
01:17:13 Sen. Brenden discussed grazing leases.
01:19:37 Rep. Curdy asked Shawn Thomas, administrator, Trust Land Management Division, DNRC, how much the public knows about its requirement to pay recreational fees on state trust lands and how many violations occur each year.
01:24:21 Rep. Lieser asked Mr. Thomas about the budget to maintain roads on state land and where the funds come from.
01:26:19 Sen. Phillips asked if the bureau oversees other leases. Mr. Thomas said it does.

01:26:42 Sen. Phillips asked if a performance audit would be valuable. Mr. Thomas said it would.

01:27:24 Mr. Lindler asked if there are provisions for fee structure for someone who adopts a management plan that rests some land. Mr. Thomas said the Board of Land Commissioners rewards good stewardship by setting a lower overall lease rate than what would be in the private market.

01:28:35 Rep. Manzella asked Mr. Thomas about the DNRC not having trespass authority on state land.

01:29:31 Sen. Ripley said there have been cases where good stewardship practices for resting land are rewarded by an increase in Animal Unit Month (AUM), which increases the cost of a lease.

01:30:03 Rep. Ellis asked Kevin Chappell, chief, Agriculture and Grazing Management Bureau, DNRC, how leases are managed.

01:32:04 Rep. Ellis asked if the bureau has done a market value analysis to determine if the fee it charges for outfitter licenses are comparable to what people get on private land. Mr. Chappell said it has tried, but the information is hard to obtain.

01:33:39 Rep. Manzella asked Mr. Kolman about the evaluation of leasing procedures in Fiscal Year 2012.

01:34:22 Rep. Manzella asked for clarification on the 2004 ruling by the lower district court. Mr. Kolman said he will provide a copy of the court decision, [Exhibit 3](#).

01:34:47 Rep. Curdy asked if groups contesting grazing leases and paying a higher price in order to move stock off the land has been an issue in Montana. Mr. Chappell said it has not.

01:35:52 Mr. Aspenlieder commented on fair market competitive pricing.

01:38:02 Mr. Lindler asked if outfitters have an exclusive right to hunt on land that is leased from the state. Mr. Chappell said neither an exclusive or non-exclusive license excludes public recreation on the land.

01:38:52 Ms. Erb asked what the cost is for an exclusive license for an outfitter. Mr. Chappell said it is 30 cents an acre.

01:39:19 Ms. Erb asked if the bureau can get information from private landowners on what they charge an outfitter for trespass or trophy fees. Mr. Chappell said it does try.

01:40:47 Sen. Brenden said Daniels County gets less than a dollar back from the state and is subsidizing state land.

01:41:17 Sen. Phillips asked if non-outfitted hunters can hunt on land that an outfitter has leased with an exclusive license. Mr. Chappell said they can.

01:41:58 Sen. Phillips asked the Council if it should request a legislative performance audit of the program.

01:42:53 Sen. Ripley said the audit committee may have already met and finalized its audits.

01:43:27 Sen. Phillips said the EQC can request an audit, but it may not be done until next year.

01:43:49 Sen. Vuckovich asked if Sen. Phillips wanted to make a motion requesting an audit. Sen. Phillips said he just wanted to bring it up for review.

01:44:16 Sen. Keane asked if the EQC has the authority to request an audit.

01:45:19 Sen. Brenden said he thought there are other issues that have a higher priority and did not support the audit.

01:45:46 Sen. Phillips said the EQC does have the authority to evaluate programs within DNRC. He agreed the EQC has other tasks with a higher priority.

01:46:46 Recess
01:59:09 Reconvene

PETROLEUM TANK RELEASE SITE CLOSURE UPDATE (HB 613, 2011)

01:59:33 Rebecca Ridenour, supervisor, Petroleum Tank Clean-up Section, Remediation Division, DEQ, presented a program overview and update on petroleum tank release site closures, [Exhibit 4](#).

Committee questions and discussion:

02:03:58 Rep. Ellis asked Ms. Ridenour for the definition of a release.

Public comment:

02:07:54 Terry Wadsworth, executive director, Petroleum Tank Release Compensation Board

ORPHAN SHARE REMEDIAL ACTION UPDATE (SB 96, 2015)

02:08:45 Jenny Chambers, administrator, Remediation Division, DEQ, presented an update on the orphan share projects, [Exhibit 5](#).

Public comment: None

Committee questions and discussion:

02:16:53 Mr. Morris asked if any of the projects on the list are owned by counties. Ms. Chambers said none of the 12 projects on the list are owned by counties, but the agency is evaluating a state Superfund site owned by Powell and Deer Lodge Counties.

02:18:07 Sen. Vuckovich asked why a county would take possession of a site for non-payment of taxes if it assumes the liability. Ms. Chambers said the reason may be for a balance on economic development.

02:19:04 Sen. Vuckovich said there are gas stations that have closed with tanks still in the ground and many communities do not have the resources to remediate the land if the owner walks away from the site. Ms. Chambers said there are federal funds available through the Brownfields program.

02:20:19 Sen. Keane said under SB 96 the DEQ must report to the EQC on its progress in closing sites.

02:21:12 Terry Wadsworth provided information on SB 355 (2015).

SAGE GROUSE CONSERVATION UPDATE

02:22:31 Hope Stockwell, research analyst, LSD, provided an update on sage grouse conservation.

02:23:12 Ms. Stockwell introduced Carolyn Sime, program manager, Sage Grouse Habitat Conservation Program, [Exhibit 6](#).

- 02:23:46 Ms. Stockwell said the Montana Sage Grouse Oversight Team (MSGOT) will have its first meeting September 18.
- 02:25:28 Ms. Stockwell said new federal funding is available, [Exhibit 7](#).
- 02:27:30 Ms. Stockwell said Governor Bullock signed a new executive order on sage grouse conservation, [Exhibit 8](#).
- 02:27:58 Ms. Stockwell said an implementation deadline was added that requires all agencies to comply with the program by January 1, 2016. She said the governor first put forward the implementation date in his comments to the Bureau of Land Management (BLM) on its resource management plans (RMPs), [Exhibit 9](#).
- 02:29:56 Ms. Stockwell said the executive order instructs the MSGOT to ensure that 80% of displaying males in Montana are delineated in core habitat areas, [Exhibit 10](#).
- 02:34:37 Ms. Stockwell provided an updated chart comparing the Montana executive order to the BLM Greater Sage-Grouse Conservation Strategy, [Exhibit 11](#).
- 02:36:15 Ms. Stockwell provided copies of pie charts showing ownership of sage grouse habitat in Montana, [Exhibit 12](#).
- 02:38:00 Ms. Stockwell said the state and the BLM will use the same density disturbance calculation tool (DDCT), [Exhibit 13](#).
- 02:39:42 Sen. Brenden asked who will enforce the four mile radius rule. Ms. Stockwell said it will only be regulated if someone is seeking a permit.
- 02:40:48 Ms. Stockwell said the Greater Sage-grouse Effects Analysis shows what the BLM's process will be when reviewing a project, [Exhibit 14](#).
- 02:41:40 Sen. Brenden requested a cross reference for acronyms. Ms. Stockwell said she will provide one.
- 02:42:16 Ms. Stockwell explained Candidate Conservation Agreements with Assurances (CCAA) and Candidate Conservation Agreements (CCA), [Exhibit 15](#).
- 02:46:22 Jamie Connell, state director, BLM Montana/Dakotas, presented the BLM's proposed sage grouse conservation management plans.

Committee questions and discussion:

- 03:01:55 Sen. Phillips asked if the BLM conservation plans will go forward whether or not the sage grouse is listed as endangered. Ms. Connell said the plan will be decided prior to the species being listed.

Public comment:

- 03:02:50 Ann McCauley, program director, Soil and Water Conservation Districts of Montana.

Committee questions and discussion continued:

- 03:03:35 Sen. Brenden asked if anyone has tested to see how loud 10 decibels is. Tim Baker, Governor's office, said not in Montana. Sen. Brenden said it should be determined how far 10 decibels can be heard.
- 03:06:09 Rep. White asked about funding partners and who WDA, WAC, and Wyoming TNC are. Ms. Stockwell said it is the Wyoming Department of Agriculture, Wyoming Association of Conservation Districts, and Wyoming Nature Conservancy.
- 03:07:50 Rep. White asked what the costs for compliance and monitoring are for landowners if they sign up under the CCAA or CCA. Ms. Connell said she did not know.
- 03:08:41 Rep. White asked Ms. Stockwell how much money is available in the Farm Bill for conservation efforts.
- 03:11:22 Rep. Curdy thanked the BLM for putting additional firefighters around Miles City. Ms. Connell said it is part of the BLM sage grouse plan to put more firefighting resources into protecting sage grouse habitat.
- 03:13:44 Sen. Ripley asked what the amount of reimbursement is for a CCAA or CCA. Jodi Bush, field supervisor, U. S. Fish and Wildlife Service (USFS) provided examples of incentives for other programs it has done.
- 03:16:00 Sen. Ripley asked if the CCAA or CCA would be entitlement programs. Ms. Bush said the USFS provides an opportunity for those individuals enrolled to become eligible for funds from the USFS and other entities.
- 03:16:37 Sen. Ripley asked if part of the money that the federal government will spend on conservation easements will be used for CCAAs or CCAs. Ms. Bush said the focus will be on conservation easements and other funds are available for additional programs.
- 03:17:23 Sen. Ripley asked how much money is available for the program from all sources. Ms. Bush said she will find out.
- 03:18:32 Sen. Ripley asked what the total amount of money is available from all of the agencies involved. Ms. Stockwell said the information can be compiled for the EQC meeting in January.
- 03:19:05 Sen. Keane commented on the executive order and fire suppression in core habitat areas.
- 03:20:02 Sen. Keane asked if the state can direct some of the money from the federal government to help with fire suppression. Ms. Connell said there is an initiative from the Department of Interior to improve BLM's initial fire attack in sage grouse habitat.
- 03:22:00 Sen. Keane asked the BLM to provide the amount of money that will be available to apply for initial attack beginning in January. Ms. Connell said she will.
- 03:22:51 Sen. Brenden said breathing is an example of 10 decibels.
- 03:23:58 Rep. Curdy asked if any money will be available for research to study food supply for the survival of sage grouse chicks. Ms. Sime said one of the directions of the program is to consider the best available science and bird survival is an important factor.
- 03:26:50 Ms. Erb commented on entitlements under CCAA and CCA agreements. She said she participated in a CCAA and there are many costs to the landowner.

03:28:01 Rep. Curdy asked Ms. McCauley about the Sage Grouse Initiative in Colorado and how the Farm Bill money has been applied to conservation easements. Ms. McCauley said she is not familiar with Colorado, but discussed the sage grouse initiative work in Montana through the National Resources Conservation Service (NRCS).

03:30:06 Rep. White asked about the bill in Congress that will delay listing for 10 years and if it will affect funding or the actions by the USFS or the BLM. Ms. Bush said the agency will still move forward with conservation of the sage grouse.

03:32:28 Rep. White asked if federal funding is not available for sage grouse will responsibility for conservation efforts fall to the states. Ms. Bush said the majority of the effort will probably fall on the states to fund, but funding will probably be available from other entities.

03:33:58 Sen. Ripley commented on funding for expanding government programs.

03:35:12 Ms. Erb explained why she participated in the CCAA program.

03:35:50 Rep. Ellis commented on the noise standard.

03:38:04 Sen. Phillips commented on conservation agreements.

03:39:34 Recess

04:59:25 Reconvene

FORT BELKNAP BISON UPDATE

04:59:39 Mr. Kolman said in early July several bison were found dead on the Fort Belknap Indian Reservation. He said the bison were part of the quarantine facility study in which Montana entered into an agreement with the tribe to put bison on the reservation.

05:00:32 A. W. Layton, director, Montana Veterinary Diagnostic Laboratory, Department of Livestock, presented a summary of the two reports regarding his investigation, [Exhibit 16](#).

05:09:12 Mark Azure, president, Fort Belknap Tribal Council, gave a chronology of the water supply available for the bison.

Public Comment:

05:21:14 Mr. Moody, Lewistown

Committee questions and discussion:

05:24:55 Rep. White asked if Fort Belknap is following the same guidelines as Fort Peck with regard to its watering facility and pasturing procedures. Mr. Azure said they are similar.

05:27:40 Rep. Manzella asked what the total number of bison were in the pasture. Mr. Azure said there were 56.

05:27:52 Rep. Manzella asked if this has happened anywhere else. Mr. Azure said there was a reservation in South Dakota that lost a large number of bison to anthrax.

05:28:49 Sen. Ripley asked if there are any visual signs of salt toxicity before death. Mr. Layton said they have seen seizure activity in pigs.

05:29:30 Sen. Ripley said since the stock reservoir dried up in July he asked what water from the reservoir was tested. Mr. Layton said the water came from a recent storm.

FEDERAL ROAD MANAGEMENT (HJ 13 STUDY)

05:31:05 Rep. White explained the purpose of the PowerPoint presentation, [Exhibit 17](#).
05:31:39 Mr. Kolman explained the HJ 13 (2015) study and said there is not a PowerPoint, but it is an interactive map showing land parcels and closed roads.
05:33:26 Mr. Kolman discussed USFS roads.
05:43:24 Rep. White explained how the map can be used to show a satellite view.
05:45:17 Mr. Kolman discussed roads closed on BLM land.
05:45:00 Mr. Kolman provided information on the amount of public involvement that went into travel plans for the BLM, [Exhibit 18](#), and the USFS, [Exhibit 19](#).

05:49:47 George Bains, director, Recreation, Minerals, Lands, Heritage, and Wilderness, USFS Region 1, presented a history of roads and the evolution of the USFS, [Exhibit 20](#).

05:56:49 Ms. Connell explained the BLM Recreational Travel Management Plan and how it determines if roads should be open for recreational use.

06:02:23 Russ Ehnes, executive director, National Off-Highway Vehicle Conservation Council, past president, Montana Trail Vehicle Riders Association, and president, Great Falls Trail Bike Riders Association, discussed what off-highway vehicle recreationist are looking for in public land roads.

06:10:21 Clayton Elliott, state policy director, Montana Wilderness Association (MWA), presented an overview of the MWA and its participation in the travel planning process.
06:13:50 Mr. Elliott said funding is a significant issue in being able to move forward in the planning process because money is being used for forest fire suppression. He provided a copy from the USFS on the rising cost of wildfires, [Exhibit 21](#).
06:16:16 Mr. Elliott provided a memorandum from Tom Tidwell, chief, USFS, announcing the transfer of up to a \$450 million dollars away from core agency budgets and programs to fire suppression, [Exhibit 22](#).

Public Comment:

06:17:12 Mr. Moody, representing Public Lands and Water Access Association (PLWA)
06:21:07 Ron Balisk, Lewis and Clark County
06:23:09 Gayle Joslin, Jefferson County

Committee questions and discussion:

06:26:38 Sen. Brenden asked if the USFS has ever been sued over the degradation of air quality. Mr. Bain said he did not know.

06:27:22 Sen. Brenden commented on lawsuits filed by environmental groups that stop the USFS from thinning forests. He asked Mr. Bain if he has seen a deterioration in the economy and air quality as a consequence.

06:29:51 Sen. Brenden asked if the MWA has ever sued the USFS or BLM. Mr. Elliott said the only lawsuits it has been involved in recently has been to intervene on behalf of the USFS in support of timber sale projects.

06:30:52 Sen. Brenden asked Mr. Elliott to provide a record showing the lawsuits the MWA has been involved in with the USFS and BLM during the last 10-15 years.

06:31:19 Rep. Lieser asked if the deferred maintenance backlog has contributed to road closures in travel planning. Mr. Bain said no roads have been closed because of the inability to maintain them.

06:35:03 Rep. Lieser asked if during project planning the USFS interacts with state wildlife managers to ensure it is meeting wildlife standards. Mr. Bain said it is obligated by the National Environmental Policy Act (NEPA) to engage the public and other agencies in order to make better decisions.

06:36:55 Rep. Manzella asked if the USFS has oversight over national parks. Mr. Bain said it does not.

06:37:14 Sen. Brenden asked Mr. Bain how much leeway the USFS has in prioritizing its budget. Mr. Bain explained the budget process.

06:39:44 Rep. Ellis asked Mr. Bain to explain how the USFS does travel plans.

06:41:33 Rep. Ellis asked for information on the number of acres that have a completed travel plan and when the plan was done for each forest. Mr. Bain said he will provide the information. Mr. Bain discussed the three parts to travel management planning.

06:45:41 Mr. Aspenlieder asked how receptive federal agencies are in working with trail rider and off-road vehicle associations. Mr. Ehnes said land managers have been very receptive.

06:48:11 Mr. Aspenlieder asked how willing other interest groups are in give and take during negotiations. Mr. Ehnes said it depends on the area.

06:50:15 Mr. Aspenlieder commented on third party interest groups.

06:51:28 Sen. Keane said everyone has a stake in public land, but budget cuts are a big issue for the USFS.

06:53:25 Rep. Curdy thanked staff for the information provided during the meeting.

06:53:57 Rep. Curdy commented on budget cuts to the USFS and the ability to carry out its management programs.

06:55:26 Mr. Lindler asked if it is possible to add information on why road segments were closed. Mr. Bain said it may be possible to include the information from the recent past.

06:58:13 Recess

07:06:04 Reconvene

PUBLIC ACCESS TO FEDERAL LAND (HJ13 STUDY)

07:07:26 Mr. Kolman presented an introduction to the study of public access to federal land and provided a map showing federal and state land that is not accessible by public road or waterway, [Exhibit 23](#).

- 07:14:27 Alan Charles, Sportsmen Landowner Relations Bureau chief, Wildlife Division, FWP, discussed three programs the department administers allowing public access to private lands: Unlocking Public Lands, Access Public Land, and the Block Management Program.
- 07:19:23 Mr. Charles said a problem identification form is available on the FWP website for recreationists if they encounter a problem with getting access to public land.
- 07:20:01 Mr. Charles discussed the Private Land/Public Wildlife Council.
- 07:21:15 Mr. Charles provided a copy of the publication *Montana Access Guide to Federal and State Lands*, [Exhibit 24](#).
- 07:21:51 Chuck Denowh, United Property Owners of Montana, said 95% of Montana property owners allow public access to their property and said terminology should be changed from no access to permissive access.
- 07:23:25 Mr. Denowh discussed the increase in value of recreational land in Montana and solutions to encourage landowners to allow access to private land.
- 07:27:23 Ray Marxer, former board member, Montana Stockgrowers Association, said there needs to be a balance between public access and private land. He said any road plan needs to be flexible in order to go back in and provide management on public and private land to achieve vegetative goals.
- 07:36:11 Nick Gevock, conservation director, Montana Wildlife Federation, said MWF supports public access to public lands and working with private landowners to provide access. He said MWF supports funding for acquisition of parcels of land that give access to public land and gave examples of legislation it supported.
- 07:40:16 Mr. Gevock discussed public land management.
- 07:42:36 Mr. Bain said public access is an important factor when considering land for acquisition by the USFS.
- 07:44:09 Ms. Connell said access is a major issue in public lands management by the BLM. She said the BLM supports Montana's Block Management Program.

Public comment:

- 07:47:31 Ms. QannaYahu
- 07:54:48 Harold Blattie, executive director, Montana Association of Counties
- 08:00:09 Mr. Moody

Committee questions and discussion:

- 08:09:28 Sen. Brenden commented on county roads and prescriptive easements.
- 08:13:14 Sen. Ripley asked Ms. QannaYahu to provide the EQC with the information she has collected.
- 08:14:27 Sen. Ripley asked how roads with limited access are classified on the map that depicts parcels that are legally accessible or not. Mr. Charles explained the standards FWP used.

- 08:16:29 Sen. Keane asked what the number one problem is that counties deal with in road access. Mr. Blattie said it is uncertainty on whether a road is a county road or not.
- 08:18:41 Sen. Keane asked if there is anything the legislature can do to help the process. Mr. Blattie said there is a process a county can go through.
- 08:21:18 Sen. Keane asked if there is an area of the state where it is a bigger problem. Mr. Blattie said Flathead County and Daniels County have a larger number of acres of public land.

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

- 08:23:23 Ms. Connell clarified BLM funding available for rural fire fighting departments.
- 08:24:39 Sen. Vuckovich adjourned the meeting at 4:22 p.m.

LEAVE CAPITOL FOR YORK AREA TOUR (HJ13 STUDY)

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