



# ENVIRONMENTAL QUALITY COUNCIL

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<b>GOVERNOR STEVE BULLOCK DESIGNATED REPRESENTATIVE</b>	<b>HOUSE MEMBERS</b>	<b>SENATE MEMBERS</b>	<b>PUBLIC MEMBERS</b>	<b>COUNCIL STAFF</b>
PATRICK HOLMES	BRADLEY MAXON HAMLETT--Vice WILLIS CURDY JANET ELLIS STEVE GUNDERSON THERESA MANZELLA KERRY WHITE	CHAS VINCENT--Chair MIKE LANG MIKE PHILLIPS JP POMNICHOWSKI CARY SMITH GENE VUCKOVICH	SCOTT ASPENLIEDER JOHN C. BRENDEN KYLIE PAUL MATT VINCENT	TREVOR GRAFF, Research Analyst JASON MOHR, Research Analyst HOPE STOCKWELL, Research Analyst NADINE SPENCER, Secretary ERIN BILLS, Legal Staff JOE KOLMAN, Legislative

## MINUTES LOG

January 17, 2018  
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. CHAS VINCENT, Chair  
REP. BRADLEY MAXON HAMLETT, Vice Chair

SEN. MIKE LANG  
SEN. MIKE PHILLIPS  
SEN. JP POMNICHOWSKI  
SEN. CARY SMITH  
SEN. GENE VUCKOVICH

REP. WILLIS CURDY  
REP. JANET ELLIS  
REP. STEVE GUNDERSON  
REP. THERESA MANZELLA  
REP. KERRY WHITE

MR. SCOTT ASPENLIEDER  
MR. JOHN BRENDEN  
MS. KYLIE PAUL  
MR. PATRICK HOLMES

**COMMITTEE MEMBERS EXCUSED**

MR. MATT VINCENT

**STAFF PRESENT**

JOE KOLMAN, Legislative Environmental Analyst  
ERIN BILLS, Legal Staff  
NADINE SPENCER, Secretary

**VISITORS' LIST (Attachment 1)**

**AGENDA (Attachment 2)**

**COMMITTEE ACTIONS**

The Environmental Quality Council (EQC):

- Adopted the minutes log from September 27-28, 2017;
- Voted to develop proposals for a committee bill on dog training in upland game bird areas.

**CALL TO ORDER AND ROLL CALL**

00:00:01 Sen. Vincent called the meeting to order at 9:31 a.m. The secretary called the roll. (Attachment 3) Mr. Vincent was excused and gave his proxy to Sen. Vuckovich. (Attachment 4)

**ADMINISTRATIVE MATTERS**

00:01:18 Joe Kolman, legislative environmental analyst, Legislative Services Division (LSD), said Hope Stockwell, research analyst, LSD, and Director Martha Williams, Department of Fish, Wildlife, and Parks (FWP) are unable to attend the meeting.

**Budget Review**

00:01:46 Mr. Kolman said there is \$70,000 left in the budget.

**Adoption of EQC Minutes, September 27-28, 2017**

**Motion/Vote**

00:02:19 Sen. Vuckovich moved to adopt the minutes log from September 27-28, 2017. The motion carried unanimously by voice vote. Mr. Vincent voted yes by proxy.

## **STATE PARKS PROGRAM EVALUATION**

00:02:47 Sen. Vincent said the Council received information on state parks in their binders.

### **Introduction of New Parks Division Administrator**

00:03:33 Paul Sihler, chief of staff, FWP, introduced Beth Shumate, administrator, Parks Division. He said Angie Grove, chair, State Parks and Recreation Board, is unable to attend the meeting.

00:04:47 Ms. Shumate introduced herself and discussed her plans for the Parks Division.

### **Funding Overview**

00:07:25 Dustin Temple, chief of administration, FWP, provided an update and overview of the Parks Division.

00:07:56 Mr. Temple discussed the division's four funding sources.

00:10:59 Mr. Temple discussed the steps that are being taken to manage funding.

### **Committee questions and discussion**

00:13:00 Rep. White asked Mr. Kolman about the agenda item on gas tax.

00:13:22 Rep. White asked Ms. Shumate about engaging with federal agencies on travel plans to provide connector trails and increase access to federally managed public lands.

00:16:29 Rep. White said increasing recreational access to trails throughout the state should be a high priority.

00:17:30 Mr. Brenden commented on Hell Creek State Park and said the park has been a problem for a long time and is one of the few recreation areas in eastern Montana. He commented on transparency problems and asked Ms. Shumate about development and funding for the park.

00:20:47 Sen. Lang asked Ms. Shumate if the U.S. Army Corp of Engineers and FWP have come together and are looking at the same timeframe to work with the concessionaire at Hell Creek State Park.

00:22:40 Rep. Manzella asked about the results of the legislative audit. Sen. Vincent said the Council will receive an update later in the meeting.

00:23:23 Rep. Hamlett asked Ms. Shumate about West Shore State Park and if she was aware that the EQC had requested a memorandum of understanding that FWP would not sell part of the park. Ms. Shumate redirected the question to Mr. Sihler.

00:25:55 Rep. Hamlett asked Mr. Sihler about the appraisal that FWP had done on the land and if the department will ever consider selling the park.

00:28:25 Rep. Hamlett asked Mr. Sihler about encumbrances on a deed when land is gifted to the department.

00:29:41 Rep. Hamlett asked Mr. Temple about funding and the amount of money received from motor vehicle registrations each year.

00:30:37 Rep. Hamlett asked Mr. Temple about the procedure for authorizing spending on maintenance.

00:32:52 Rep. Hamlett asked Mr. Temple about unspent funds and if a request was made to spend the funds. Mr. Temple said he did not know.

00:33:51 Rep. Hamlett asked Mr. Temple how to find out if a funding request was denied.

- 00:34:35 Rep. Hamlett asked Mr. Temple if an email would serve as a request. Mr. Temple said it would.
- 00:35:26 Rep. Hamlett asked Mr. Sihler about the settlement with the former parks division administrator and which division budget the settlement was paid from.

### **Fuel Tax Revenue Analysis**

- 00:37:11 Mr. Kolman said the Council received a spreadsheet on fees and Parks Division funding (**Exhibit 1**) and discussed gas taxes.

### **Committee questions and discussion**

- 00:51:48 Rep. White asked Mr. Kolman about the University of Montana BBER report and whether it was off-highway vehicle (OHV) or snowmobile fees that were unable to be tracked for non-residents.
- 00:52:47 Rep. White asked Mr. Kolman if the legislature ever considered the purchase of gas for off-highway use by non-residents and whether to include it in funding for the OHV program. Mr. Kolman said he will find out.
- 00:53:41 Sen. Lang asked Rep. White if a study was ever done on fuel octane level.
- 00:55:49 Sen. Vincent asked Mr. Kolman about the special revenue account for snowmobiles and OHV.
- 00:57:29 Rep. Ellis said the Montana Highway Patrol under the Department of Justice also gets a percentage of the gas tax. Mr. Kolman agreed and said the aeronautics fund gets a percentage as well. Sen. Vincent said the discussion is not about raising additional gas taxes, but on how the existing gas taxes are allocated.
- 00:58:03 Rep. White commented on increases to the gas tax made during the last legislative session and the need to look at contributions made by snowmobiles and OHV. He asked Mr. Kolman about the date for the new BBER study with the updated numbers. Mr. Kolman said it will be in July.
- 00:59:43 Sen. Vincent commented on overlap between the different accounts.
- 01:00:35 Rep. Hamlett asked Mr. Kolman about the legislation and if there are any encumbrances or restrictions on how the money can be spent once it is collected.
- 01:01:51 Rep. White asked Mr. Kolman about the statute and if funds can be used in areas that charge an admission fee.

### **Management Plans and Land Administration**

- 01:03:02 Mr. Kolman discussed the Parks Division program evaluation addendum on land management plans. (**Exhibit 2**)

### **Committee questions and discussion**

- 01:08:15 Rep. Hamlett asked Mr. Kolman for a synopsis of all the plans.

### **Review of fiscal notes from previous legislation re: Administration of Parks**

- 01:08:33 Mr. Kolman said at the September EQC meeting Chairman Vincent asked for an overview of the fiscal notes pertaining to two bills during the last legislative session that sought to change administration of state parks. (**Exhibit 3**) He said Ms. Stockwell provided an annotated copy of the fiscal notes. (**Exhibit 4**)

01:10:59 Mr. Kolman said the Council also received information on Pittman-Robertson (**Exhibit 5**) and Dingell-Johnson funds. (**Exhibit 6**)

#### Committee questions and discussion

01:12:08 Mr. Brenden commented on the number of accounts within FWP and said he would like the department to provide information on funding and how it keeps track of the different accounts. Sen. Vincent said the Council can ask Director Williams to provide her perspective on how the department is handling different federal funding streams and how it tracks money. He said it can be included in next steps.

01:14:42 Rep. White said he would like information on the cost to administer special funds and how they are shared across the department.

01:15:31 Rep. Hamlett said he would like information on how much the federal government allows to administer the funds once they come into the state.

01:16:15 Mr. Kolman said he will provide the information.

01:16:35 Mr. Aspenlieder asked Mr. Kolman about the legislation that would have transferred state parks to the Department of Commerce and if Dingell-Johnson and Pittman-Robertson funding can be transferred out of FWP.

01:17:55 Mr. Aspenlieder asked Mr. Kolman about federal funding in states that administer parks outside of the fish and game division.

01:19:05 Mr. Aspenlieder asked Mr. Kolman how much money state parks would lose if it did not receive Dingell-Johnson and Pittman-Robertson funding.

#### Performance Audit Update

01:20:16 John Harrington, performance auditor, Legislative Audit Division, provided an update on the audit of Montana State Parks.

#### Committee questions and discussion

01:21:38 Mr. Brenden asked Mr. Harrington about a previous audit report and if they will look back to determine if the financial reporting is better.

01:22:49 Rep. Hamlett said he would like more information on deferred maintenance.

01:24:22 Sen. Vincent commented on the governor's Parks in Focus Commission that he will be serving on.

Public comment          None

#### Next Steps for Program Evaluation

01:25:12 Sen. Vincent opened discussion on agenda items for the next meeting.

01:25:45 Sen. Lang requested that speakers provide a copy of their prepared written statements. Sen. Vincent agreed.

01:27:17 Rep. Curdy requested a work plan for the biennium and how state parks spent its money on capital projects last year and the expectations for this year. Sen. Vincent said it will probably be included in the request made by Rep. Hamlett regarding the management plans.

01:28:11 Mr. Brenden said that the \$2 million spent at Hell Creek State Park was for the road going into the park.

- 01:28:34 Mr. Aspenlieder said an inventory and study was done on the condition of the parks and that he would like a copy of the state parks capital improvement plan if one has been adopted. Sen. Vincent agreed.
- 01:29:38 Rep. Ellis commented on the size of the conditions inventory. Sen. Vincent requested a copy of the electronic file if available.

### **SJ 5 STUDY: COAL TAX COLLECTION AND DISTRIBUTION**

- 01:31:31 Sonja Nowakowski, director, LSD, gave a PowerPoint presentation on the SJ 5 study of coal and Montana fiscal impacts. **(Exhibit 7)** Ms. Nowakowski said the Council received an overview of Montana coal mines and coal-fired generation and a snapshot of tax contributions of coal. **(Exhibit 8)**
- 01:36:24 Ms. Nowakowski discussed the carbon tax that is being proposed in the state of Washington.
- 01:39:51 Ms. Nowakowski discussed economic impacts.
- 01:44:11 Ms. Nowakowski said the Council received information from the Legislative Fiscal Division on the coal severance tax trust fund. **(Exhibit 9)**
- 01:52:37 Ms. Nowakowski discussed Montana coal exports. **(Exhibit 10)**

### **Public comment**

- 02:01:15 Sen. Duane Ankney, SD 20
- 02:08:07 Bridger Mahlum, Montana Chamber of Commerce
- 02:11:06 Elena Evans, executive director, Montana Association of Conservation Districts
- 02:12:31 Bob Story, Montana Taxpayers Association
- 02:14:15 Anne Hedges, Montana Environmental Information Center
- 02:21:05 Bud Clinch, executive director, Montana Coal Council
- 02:22:19 Todd O'Hair, senior director Government Affairs, Cloud Peak Energy
- 02:23:27 Rep. Jim Keane, HD 73
- 02:32:07 Matt Jones, state executive director, BNSF Railway

### **Committee questions and discussion**

- 02:34:39 Mr. Brenden thanked the public for their comments and commented on the study.
- 02:37:40 Sen. Phillips asked Ms. Nowakowski about the impact on Colstrip Units 3 and 4 if SB 6203 passes in the state of Washington. He requested that staff keep the EQC updated on the legislation.
- 02:39:13 Sen. Phillips asked Sen. Ankney to look at SB 6203 and determine if it can be amended to benefit Montana. Sen. Ankney said he will.
- 02:41:39 Sen. Phillips commented on the SJ 5 study and asked Chairman Vincent to contact Attorney General Fox to provide an opinion on the interstate commerce clause and its relevance to SB 6203. Sen. Vincent said it can be discussed during next steps at the meeting tomorrow.
- 02:43:47 Rep. Curdy asked Ms. Nowakowski about her availability at the meeting tomorrow.
- 02:44:21 Recess for lunch at 12:16 p.m.
- 03:48:14 Reconvene at 1:20 p.m.

## **WATER POLICY COMMITTEE UPDATE**

03:48:30 Jason Mohr, research analyst, LSD, provided an update from the Water Policy Interim Committee meeting on January 8 and 9.

Public comment None

### Committee questions and discussion

03:51:56 Sen. Pomnichowski asked Mr. Mohr if the WPIC discussed the effects of instream flows and hydro power on the Missouri River.

03:52:26 Rep. Curdy asked Mr. Mohr if the WPIC discussed the Skalkaho water swap.

## **ENERGY & TELECOMMUNICATIONS UPDATE**

03:53:02 Trevor Graff, research analyst, LSD, gave an update from the Energy & Telecommunications Interim Committee meeting on January 16.

Public comment None

### Committee questions and discussion

03:56:55 Sen. Pomnichowski asked Mr. Graff about the number of small water utilities in the state.

## **OVERVIEW OF FEDERAL GOVERNMENT AGENCY ACTIVITY**

03:57:23 Mr. Kolman provided an introduction and said the U.S. Forest Service (USFS) will present information regarding current activities in the state.

03:57:48 Dave Schmid, deputy regional forester, Region 1, USFS, provided an update on the USFS northern region and discussed the 2017 fire season.

04:01:58 Mr. Schmid discussed work being done in areas that burned.

04:06:41 Mr. Schmid discussed the vegetation management program.

04:11:50 Mr. Schmid gave an update on projects in litigation.

04:12:58 Mr. Schmid discussed noxious weeds and invasive species.

Public comment None

### Committee questions and discussion

04:14:15 Mr. Brenden asked Mr. Schmid about the number of lawsuits involving USFS timber projects.

04:14:55 Rep. White asked Mr. Schmid how the USFS is working with the National Environmental Policy Act (NEPA) process. Rep. White said ideas from the EQC could help the USFS expedite the process.

04:17:45 Rep. White asked Mr. Schmid about forest plans and revisions to existing forest plans.

04:20:41 Rep. Hamlett asked Mr. Schmid about the restoration process on USFS land in Montana during the last 10 years.

04:24:12 Rep. Hamlett asked Mr. Schmid about the potential for lawsuits because of poor air quality as a result of forest fires.

04:25:51 Rep. Curdy asked Mr. Schmid about the fire budget for prescribed burns.

04:27:22 Rep. Curdy said he is concerned that the USFS is not spending enough time promoting or working on prescribed fire programs. He asked Mr. Schmid what proportion of land treated each year is done by prescribed fire. Mr. Schmid said he will find out.

04:29:19 Rep. Curdy asked Mr. Schmid about burning permits for prescribed fires.

04:30:11 Sen. Vincent asked Mr. Schmid about different areas in the state and the conditions where prescribed burns are used.

04:31:17 Sen. Vincent asked Mr. Schmid about the total amount of USFS land that burned in Montana.

04:31:49 Sen. Vincent asked Mr. Schmid if the region is looking at changing its fire use strategy during red flag conditions.

04:34:48 Sen. Vincent commented on partnering with the state under the Good Neighbor Authority on Supplemental Project Agreements (SPA).

04:36:22 Sen. Vincent asked Mr. Schmid about the three forests zones or pods in Region 1 and if they will be one SPA.

04:36:49 Sen. Vincent asked Mr. Schmid about the Burned Area Emergency Response Program teams that took over scheduled restoration projects after the areas burned.

04:37:47 Sen. Vincent asked Mr. Schmid about timber sales.

04:40:04 Mr. Brenden asked about lawsuits brought against the federal government by environmental groups and if it would take congressional action to keep organizations from profiting. Sen. Vincent said it would and that the Council could send a letter with recommendations for streamlining NEPA.

04:43:04 Rep. Curdy asked Mr. Schmid about the effect of litigation costs on the budget and the number of personnel available to work on projects.

04:45:38 Mr. Holmes said when Governor Bullock served as chair of the Western Governors' Association he worked with the other governors to put forward a series of recommendations found in a one-year report of the National Forest and Rangeland Management Initiative. He said it could serve as a road map for the Council on comments it might want to make.

04:46:26 Sen. Vincent asked Mr. Holmes if the Governor's Office is planning on commenting. Mr. Holmes said yes and that the comments are in draft form.

04:47:14 Rep. Manzella asked Mr. Schmid about the account money is paid from as an award under the Equal Access to Justice Act.

04:48:21 Sen. Vincent said the Equal Access to Justice Act provides for payment from the Judgement Fund.

#### **STUDY OF LABS AT MONTANA STATE UNIVERSITY**

04:49:05 Shauna Albrecht, Legislative Fiscal Division, provided an update on the study and the meeting in October.

04:51:07 Rep. Hamlett commented on current issues in the state.

04:52:09 Rep. White said he is reaching out to agencies on funding sources and commented on the export market to China opened by U.S. Sen. Steve Daines.

#### **Committee questions and discussion**

04:54:06 Mr. Brenden commented on rural Montana subsidizing labs that also do work on urban issues. Rep. White agreed.



Public comment

04:55:58 Nick Gevock, conservation director, Montana Wildlife Federation

**CHRONIC WASTING DISEASE**

04:57:03 Mr. Kolman introduced the speakers.

04:57:14 Ken McDonald, Wildlife Division administrator, FWP, provided a handout of frequently asked questions. **(Exhibit 11)**

04:58:06 Jennifer Ramsey, wildlife veterinarian, FWP, provided an update on chronic wasting disease,

Public comment

05:01:58 Marc Cooke, Wolves of the Rockies **(Exhibit 12)**

Committee questions and discussion None

**FY 2017 STATE TRUST LANDS REPORT**

05:07:58 Shawn Thomas, division administrator, Trust Lands Management Division, Department of Natural Resources and Conservation (DNRC), gave a PowerPoint presentation on the Trust Lands Management FY 2017 review **(Exhibit 13)** and provided a copy of the annual report. **(Exhibit 14)**

Public comment None

Committee questions and discussion

05:23:56 Mr. Brenden asked Mr. Thomas about the number of cabin leases sold.

05:26:39 Mr. Brenden asked Mr. Thomas about cabin site inventory and if prices are too high.

05:27:46 Mr. Brenden asked Mr. Thomas if the state can pay for the appraisal and the survey then charge the purchaser for the cost.

05:29:18 Sen. Vincent asked Mr. Thomas about the number of competitive bids the department has received for the cabin sites sold.

05:30:11 Rep. Curdy asked Mr. Thomas why the report shows that stumpage fee is dropping when the price of lumber is increasing.

05:32:16 Rep. Curdy asked Mr. Thomas about shortening contract length in order to be more responsive to the market.

05:33:31 Rep. White asked Mr. Thomas about the amount of timber sold and harvested during FY 2017.

05:35:00 Rep. White asked Mr. Thomas if the fiscal year runs from July 2016 to July 2017.

05:35:36 Rep. White asked Mr. Thomas about the number of acres and the amount made per acre for the 47 million board feet of timber that was harvested for \$8.2 million.

05:37:11 Rep. White asked Mr. Thomas to provide information on how much was made on acres that were treated. Sen. Vincent asked for a regional comparison.

05:37:37 Sen. Vincent asked Mr. Thomas about the use of the forest improvement fees from 2013-2017.

05:38:53 Sen. Vincent asked about the log inscribed with "MT DNRC timber sales support education in Montana". Mr. Thomas provided information on the stencil.

Public comment

05:40:27 Elsie Arntzen, superintendent, Office of Public Instruction

Committee questions and discussion continued

05:42:04 Sen. Pomnichowski asked Mr. Thomas about the amount of income from commercial leasing and meeting perpetuity standards.

05:45:35 Sen. Pomnichowski asked Mr. Thomas about the terms of cabin site leases and how often leases are renegotiated. She also asked about hydro leases.

05:49:46 Sen. Lang asked Mr. Thomas about the permanent fund balance.

**AGENCY BUDGET UPDATES**

**Department of Natural Resources and Conservation**

05:51:58 John Tubbs, director, DNRC, provided an update on agency budget reductions.

05:55:43 Sen. Vincent asked Mr. Tubbs about the amount of the reduction.

**Department of Environmental Quality**

05:56:02 Tom Livers, director, Department of Environmental Quality (DEQ), said the Council received information on the impact of fund transfers taken during the special session. [\(Exhibit 15\)](#)

06:01:11 Mr. Livers discussed the 10 percent budget cuts.

06:02:50 Mr. Livers discussed other potential impacts to the budget.

Public comment

06:05:36 Ann Root, Petroleum Tank Release Compensation Board, said the board is continuing to assess the effect of the loss of \$1 million to its fund. She said information that the Council received indicates that it receives funding from \$0.75 per gallon fee from fuel, but the correct amount is 3/4 of a cent.

Committee questions and discussion

06:06:43 Rep. Ellis asked Mr. Tubbs about the transfer of \$2.05 million from the Natural Resource Projects account and the projects that won't be done.

06:08:44 Sen. Vincent asked Mr. Tubbs about funding for projects in the future.

06:11:01 Rep. Curdy asked Sen. Vincent about questions regarding FEMA. Sen. Vincent said it can wait until tomorrow. Sen. Vincent said he wants to give more attention to the fire assessment fee discussion at the next meeting and thanked Mr. Tubbs for agreeing to participate.

06:12:23 Recess

06:27:42 Reconvene

**AGENCY LITIGATION UPDATES**

06:27:54 Mr. Kolman provided an overview of the agency litigation reports. [\(Exhibit 16\)](#)

Public comment None

Committee questions and discussion

- 06:29:07 Rep. Ellis asked Mr. Kolman about the dates for the reports.  
06:30:06 Rep. Curdy asked John North, chief legal counsel, DEQ, about Clark Fork Coalition, Missoula Valley Water Quality District, Missoula City/County Health Board and Confederated Salish and Kootenai Tribes v. DEQ.

**STATUTORY ADMINISTRATIVE RULE REVIEW**

- 06:32:05 Erin Bills, legal staff, LSD, provided an update on the administrative rule review. [\(Exhibit 17\)](#)

Public comment None

Committee questions and discussion None

**DOG TRAINING IN UPLAND GAME BIRD AREAS**

- 06:35:15 Ms. Bills said the Council received an overview and history of the statute on dog training in upland game bird areas. [\(Exhibit 18\)](#) She said that FWP issued a notice of decision not to adopt the rule as proposed.  
06:40:55 Sen. Vincent said public comment will be limited to suggestions and comments on the existing statute and ways that it may be changed and not on the rule that was objected to and withdrawn.  
06:41:52 Sen. Lang asked about a typographical error.

Public comment

- 06:42:34 Bill McKnight, Ronan  
06:47:05 Pat Howe  
06:48:38 Don Ramien, Mission Valley  
06:50:35 Bob Myers, former chairman, Montana Brittany Club  
06:53:53 Tana Kradolfer, Bozeman  
06:57:50 Kerri Payne, Gallatin Gateway  
07:00:45 Todd Breitenfeldt, Whitehall  
07:02:16 John Robinson, Flathead Valley  
07:04:19 Margo Ellis, Helena  
07:07:14 Mr. Gevock

Committee questions and discussion

- 07:08:56 Mr. Brenden commented on the statute and the need for a committee bill.  
07:11:00 Mr. Aspenlieder said he agrees and recommends striking the rule as it reads in the current legislation.  
07:12:43 Rep. Ellis asked Mr. McKnight about seasonal restrictions for bird nesting.  
07:14:37 Rep. Ellis asked Mr. McKnight about the training season for dogs.  
07:15:45 Rep. Curdy asked Becky Dockter, chief legal counsel, FWP, if there are rules for dog training on game preserves. Ms. Dockter said she will find out.  
07:16:51 Rep. Gunderson said he recommends drafting a committee bill striking line 87-4-915 (5)(a)(ii).  
07:17:34 Rep. White commented on other parts of the statute that should be changed.

07:20:09 Ms. Paul asked if training dogs on wild birds impacts opportunities for other people to hunt those birds. Mr. McKnight said no.  
07:23:27 Ms. Paul said she has talked to bird hunters who say that large groups do have an impact.  
07:24:23 Mr. Ramien said training retrievers is different than training other dogs because they do not release birds.  
07:25:01 Sen. Smith moved that the EQC draft a committee bill and consider all of the statute.  
07:26:11 Sen. Pomnichowski asked to pose a question to Mr. Myers.  
07:26:45 Sen. Smith said a motion is on the table. Sen. Vincent said he will recognize a motion after committee questions.  
07:26:56 Sen. Pomnichowski asked Mr. Myers if his organization has recommendations for dog trainers and dog owners regarding standards of practice.  
07:28:04 Sen. Pomnichowski redirected her question to Mr. McKnight.  
07:29:28 Sen. Pomnichowski commented on a committee bill.  
07:31:23 Sen. Vincent commented on the statute and said he recommends doing a committee bill and to have staff draft different proposals.

### **Motion**

07:33:16 Sen. Smith moved to have staff work with Council members on proposals for a committee bill for discussion at the next EQC meeting.

### **Discussion on the Motion**

07:33:28 Rep. Ellis  
07:33:52 Sen. Vincent  
07:34:11 Mr. Kolman  
07:34:52 Ms. Paul  
07:35:21 Sen. Vincent

### **Vote**

07:36:52 The motion carried unanimously by voice vote of those present and voting.  
07:37:05 Sen. Pomnichowski asked for the motion to be restated. Sen. Vincent restated the motion.

## **SAGE GROUSE**

### **Migratory Bird Treaty Act Wavier**

07:37:32 Mr. Kolman provided information on the Migratory Bird Treaty Act Wavier. **(Exhibit 19)**

### **Habitat Quantification Tool Progress**

07:40:08 Carolyn Sime, program manager, Sage Grouse Habitat Conservation Program, DNRC, gave an update on the progress to develop the Habitat Quantification Tool (HQT), discussed the computer model, and the potential for a request for proposal (RFP) to carry the HQT closer to implementation. **(Exhibit 20)**

Public comment      None

Committee questions and discussion

- 07:47:16 Mr. Aspenlieder asked Ms. Sime when the HQT will be done and about the schedule for implementation.
- 07:49:22 Mr. Aspenlieder commented on the amount of time it is taking to develop the HQT.
- 07:51:07 Mr. Brenden asked Ms. Sime about the state program if changes are made to the federal policy.
- 07:53:42 Rep. Hamlett commented on the importance of developing and completing a state plan.
- 07:56:38 Sen. Vincent said the Council can discuss direction on the topic at its meeting tomorrow. He thanked Ms. Sime.

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

None

- 07:57:20 With no further business before the Council, Sen. Vincent recessed the meeting at 5:29 p.m.

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