



PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

ENVIRONMENTAL QUALITY COUNCIL INTERIM COMMITTEE
67th Montana Legislature

SENATE MEMBERS	HOUSE MEMBERS	COMMITTEE STAFF	PUBLIC MEMBERS
Pat Flowers	Willis Curdy	Joe Carroll - Attorney	Scott Aspenlieder
Steve Hinebauch	Steve Gunderson	Joe Kolman - Legislative	John Brenden
Mike Lang	Bradley Hamlett	Environmental	Patrick Holmes, Gov. Rep.
JP Pomnichowski	Jim Keane	Analyst	Rex Rogers
Cary Smith	Theresa Manzella	Nadine Spencer - Secretary	Matt Vincent
Gene Vuckovich	Kerry White	Hope Stockwell - Research Analyst	

MINUTES LOG

January 16, 2020
Capitol Building, Room 172

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the 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://legmt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to 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.

ROLL CALL

Members Present:

- Rep. Jim Keane, Chair (D)
- Sen. Mike Lang, Vice Chair (R)
- Scott Aspenlieder, Public Member
- John Brenden, Public Member

Rep. Willis Curdy (D)
Sen. Pat Flowers (D)
Rep. Steve Gunderson (R)
Rep. Bradley Hamlett (D)
Sen. Steve Hinebauch (R)
Patrick Holmes, Governor Designated Representative
Rep. Theresa Manzella (R)
Sen. JP Ponnichowski (D)
Rex Rogers, Public Member
Sen. Cary Smith (R)
Matt Vincent, Public Member
Sen. Gene Vuckovich (D)
Rep. Kerry White (R)

Staff Present:

Joe Carroll, Attorney
Joe Kolman, Legislative Environmental Analyst
Nadine Spencer, Secretary
Hope Stockwell, Research Analyst

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

Call to Order/Roll Call

08:01:01 Rep. Keane called the meeting to order at 8:00 a.m. The secretary called the roll. ([Attachment 3](#))

Chronic Wasting Disease Study

Other States' Experience and the Public Health Question

08:02:44 Hope Stockwell, research analyst, Legislative Services Division (LSD), provided an introduction and said the presentation includes a panel discussion of other states' experience with chronic wasting disease (CWD) and the public health question of possible transmission to humans, a post-mortem on the 2019 hunting season, and an update from the veterinary diagnostic lab on its testing capabilities.

08:03:47 Ms. Stockwell said the Council received information on CWD from each state ([Exhibit 1](#)) and that Tami Ryan with the Wisconsin Department of Natural Resources was scheduled to be part of the panel, but is unable to participate due to illness. Ms. Stockwell said Ms. Ryan can be rescheduled for March.

08:04:30 Ms. Stockwell said the March meeting will include Dr. Brent Race, Rocky Mountain Laboratory, who will present information on his research related to CWD, and a professor from the University of Alberta will discuss her research on the transmission of the disease between species.

08:05:03 Dr. Michael Miller, wildlife veterinarian, Colorado Parks and Wildlife, by telephone conference.

08:05:31 Rep. Manzella entered the meeting.

08:05:33 Mr. Holmes entered the meeting.

08:15:46 Rep. Hamlett entered the meeting.

08:18:36 Hank Edwards, supervisor, Wildlife Health Laboratory, Wyoming Game and Fish Department, by telephone conference. **(Exhibit 2)**

08:28:06 Dr. Ryan Maddox, epidemiologist, Prion and Public Health Office, Centers for Disease Control and Prevention, by telephone conference.

08:36:18 Jennifer Miller, nurse consultant, Communicable Disease and Epidemiology Section, Department of Public Health and Human Services (DPHHS).

EQC questions/discussion

08:38:16 Sen. Pomnichowski asked Mr. Edwards about any advisories that have been issued in Wyoming warning the public about consuming meat from wild animals.

08:39:37 Sen. Flowers asked Mr. Edwards and Mr. Miller about the infection rate and if there is anything they would have done differently knowing what they know now.

08:41:14 Mr. Edwards.

08:42:51 Mr. Miller.

08:44:49 Rep. Gunderson asked Mr. Miller about the cost for testing and who pays for it.

08:47:08 Rep. White asked Mr. Maddox about the results from two studies that were done in Canada and Germany.

08:50:23 Mr. Vincent asked about the annual budget for the programs in Colorado and Wyoming and how they are funded.

08:50:50 Mr. Miller.

08:51:41 Mr. Edwards.

08:52:03 Rep. Keane asked Mr. Miller and Mr. Edwards about using federal matching funds.

08:52:45 Rep. Keane asked about state funding and if it is adequate for the program.

08:53:45 Mr. Edwards.

08:54:17 Mr. Vincent asked Mr. Miller and Mr. Edwards if any conservation groups contribute funds for surveillance or support of their state programs.

08:55:27 Rep. Manzella asked Mr. Maddox about the different versions of the human disease.

08:58:12 Rep. Manzella asked Mr. Maddox if there is a way to kill the prions and stop the spread of the disease.

09:00:22 Rep. Hamlett said the prions have to be incinerated at a high temperature.

09:00:47 Rep. Hamlett asked Mr. Miller about an experimental sheep station.

09:03:31 Rep. Hamlett asked Mr. Miller about testing and prevalence of CWD in urban deer herds.

09:05:28 Rep. Hamlett asked Mr. Edwards the same question and Rep. Keane asked about changes Wyoming is making to its feeding grounds.

09:08:04 Rep. Curdy asked Mr. Maddox about prions and transmission from deer and elk to domestic livestock.

09:08:56 Mr. Miller responded to Rep. Curdy's question.

09:11:15 Rep. Keane asked Mr. Miller to provide information to staff on where the studies he discussed are available.

09:11:34 Rep. Curdy asked where and how Colorado and Wyoming test for the disease.

09:12:10 Mr. Miller.

09:13:12 Mr. Edwards.

09:14:12 Rep. Curdy asked Mr. Edwards about the cost for testing.

09:15:23 Rep. Gunderson asked both Mr. Miller and Mr. Edwards about the spread of the disease by predators.

09:17:35 Mr. Aspenlieder asked Ms. Miller about cooperation between the Department of Fish, Wildlife, and Parks (FWP) and DPHHS.

09:19:06 Sen. Flowers asked about the spread of CWD in Colorado and Wyoming from a known infection site to a new infection site and why it may have occurred.

09:19:34 Mr. Miller.

09:22:05 Mr. Edwards.

09:23:11 Sen. Pomnichowski asked Mr. Edwards about disease density and if feeding grounds contribute to transmission of the disease.

09:25:23 Sen. Pomnichowski asked Quentin Kujala, FWP, about the Hunters Against Hunger program and required testing for meat donated to food banks.

- 09:27:09 Rep. White asked Mr. Edwards about the Before-After-Control-Impact design (BACI) and strategy in the management plan. Mr. Edwards redirected the question to Mr. Miller.
- 09:30:55 Rep. Keane thanked the panelists for their participation.
- 09:31:45 Mr. Miller said he is willing to help provide assistance to Montana.
- 09:32:32 Rep. Hamlett asked Mr. Maddox about his confidence in the CWD test and if the meat is safe to eat.
- 09:33:44 Rep. Keane asked Mr. Maddox about his advice for Montana.
- 09:35:36 Rep. Keane asked Mr. Edwards for his advice.
- 09:36:12 Rep. Keane thanked the panelists and asked that they contact staff if they have any additional information to provide.
- 09:37:31 Mr. Brenden asked if Martha Williams, director, FWP, will be available for questions after the next agenda topic.

FWP Post Mortem on the 2019 Hunting Season

- 09:38:29 Dr. Emily AlMBERG, disease ecologist, FWP, provided an overview of the 2019 surveillance and monitoring season. ([Exhibit 3](#))
- 09:49:25 Ken McDonald, chief, Wildlife Division, FWP, presented information on lessons learned from the hunting season and the CWD management and response program.

EQC questions/discussion

- 10:00:56 Rep. White asked Mr. McDonald if FWP is developing a long-term management plan.
- 10:03:20 Rep. Keane asked Mr. McDonald about coordination and collaboration between internal and external working groups.
- 10:03:58 Mr. Brenden asked Ms. Williams about the impact of CWD on hunting license sales.
- 10:05:20 Mr. Brenden asked Ms. Williams about issuing a second hunting license if an animal tests positive for CWD.
- 10:06:56 Mr. Brenden asked Ms. Williams to provide information on what other states are doing at the next EQC meeting.
- 10:09:16 Mr. Brenden said he recommends that hunter check stations be kept open and available for testing on weekends.
- 10:10:07 Rep. Manzella asked Ms. Williams about the number of animals testing positive for CWD, and of those, how many were taken by hunters versus FWP, and how many were asymptomatic. Ms. Williams redirected the question to Ms. AlMBERG.
- 10:12:01 Sen. Lang asked Ms. AlMBERG about the part of an animal's body where prions are found.

10:12:38 Sen. Lang asked Ms. AlMBERG about the proliferation of prions in the landfill in Libby and if it is better to leave the bones in the field where an animal is killed.

10:14:54 Sen. Lang asked Mr. McDonald about hunter response to transfer zones. Mr. McDonald redirected the question to Ms. AlMBERG.

10:17:01 Sen. Lang asked Ms. AlMBERG about CWD management in Saskatchewan and Alberta.

10:17:52 Sen. Lang asked Ms. AlMBERG about the potential for CWD in antelope.

10:18:07 Rep. Gunderson commented on learning from Colorado and Wyoming and on the support from the city of Libby.

10:18:50 Sen. Flowers said FWP is working with the city of Libby on a management plan for the urban area and asked Mr. McDonald about plans in other urban areas of the state.

10:20:37 Sen. Flowers asked Mr. McDonald about communication and working with private vendors to distribute messages on infection areas.

10:21:39 Sen. Flowers commented on the value of quick response.

10:22:16 Mr. Aspenlieder asked Mr. McDonald about the budget for the CWD program. **(Exhibit 4)**

10:24:17 Mr. Aspenlieder asked Mr. McDonald if FWP is having discussions with conservation groups about investing in the problem.

10:26:48 Mr. Aspenlieder commented on the value of a continued partnership with conservation groups.

10:27:41 Rep. Keane discussed Pittman-Robertson funding.

10:28:23 Rep. Curdy requested that Dr. AlMBERG include information on road kills with the request made by Rep. Manzella and asked Mr. McDonald about the state's road kill policy.

10:31:02 Ms. Stockwell provided clarification on the information that was handed out about funding. **(see exhibit 4)**

10:31:47 Recess

10:45:55 Reconvene

Veterinary Diagnostic Lab Testing Capability Update

10:46:33 Dr. Greg Juda, lab director, Montana Veterinary Diagnostic Laboratory, provided an update on the in-house laboratory testing capabilities.

Public comment

10:53:01 Sen. Butch Gillespie, SD 9.

10:54:54 Marc Cooke, Wolves of the Rockies.

10:57:25 Nick Gevock, conservation director, Montana Wildlife Federation.

11:00:12 Joe Cohenour, member, CWD Citizen Advisory Panel.

11:04:51 Kevin Farron, Montana chapter, Backcountry Hunters and Anglers.

EQC questions/discussion

11:06:36 Rep. Hamlett asked Mr. Juda about the safety of the CWD test as a food grade component.

11:07:59 Rep. White asked Mr. Juda about federal accreditation for testing at the lab.

11:09:32 Rep. White asked Mr. Juda about the benefit of having a Biosafety Level 3 laboratory in Montana.

11:11:26 Rep. Gunderson asked Mr. Juda about the turnaround time for testing.

11:13:25 Rep. Keane asked Mr. Juda about the timeline for testing capability.

State Lab Advisory Committee Update

11:14:53 Steve Baiamonte, General Services administrator, provided an update on the State Lab Advisory Committee and provided a copy of the minutes from its first meeting. [\(Exhibit 5\)](#)

11:16:58 Rep. White said the Board of Regents approved a 5-acre parcel that will accommodate the new lab facility.

11:17:51 Rep. Hamlett commented on the benefit of having a lab in Montana.

11:18:27 Rep. White commented on funding sources.

11:20:40 Rep. Keane commented on the lab.

11:21:09 Mr. Brenden said some butcher shops in the state will not cut up wild game unless it is de-boned.

Public comment

None

EQC questions/discussion

11:22:05 Rep. Hamlett commented on funding.

11:22:55 Rep. Keane said he recommends that the advisory committee set a date for participation by interested parties.

Feral Swine Summit Update

11:23:37 Martin Zaluski, state veterinarian, Department of Livestock, provided an update on public outreach that is being done by the department and the Montana Invasive Species Council regarding feral swine.

Public comment

11:31:23 Sen. Gillespie.

11:32:37 Mr. Gevock.

EQC questions/discussion

- 11:34:46 Mr. Brenden commented on possible reports of feral swine close to the Canadian border.
- 11:36:37 Rep. Curdy asked Mr. Zaluski about anything the legislature needs to do to enhance SB 100 (2015) and about tension between hunters and landowners.
- 11:40:22 Rep. Hamlett asked Mr. Zaluski about what a person should do when they see a feral swine and what the government's response will be.
- 11:42:34 Sen. Flowers asked Mr. Zaluski about the department's response plan.

Agricultural Indicators

- 11:44:12 Joe Kolman, legislative environmental analyst, LSD, said as part of the EQC's statutory duty to track trends in the environment staff compiled environmental indicators related to agriculture.
- 11:45:52 Jason Mohr, research analyst, LSD, gave an interactive presentation on trends in agriculture.
- 11:49:19 Mr. Kolman continued the presentation.
- 11:59:30 Mr. Kolman said he emailed the Council a link to the maps.

Public comment

None

EQC questions/discussion

- 11:59:58 Mr. Brenden commented on the interactive tool.
- 12:00:56 Sen. Flowers asked about next steps and said he recommends a panel discussion with farmers and ranchers from around the state to learn what they are experiencing with changes in weather and how it has affected their operations.
- 12:02:06 Rep. Keane asked about correlation with wildlife.
- 12:02:23 Sen. Lang commented on the experience that the Montana Sage Grouse Oversight Team has had using aerial data to look at sage grouse habitat.
- 12:04:09 Mr. Brenden commented on climate change.
- 12:04:34 Mr. Kolman said he will work with Rep. Keane, Sen. Lang, and Sen. Flowers to put together panelists for the next presentation.
- 12:05:29 Sen. Lang commented on the agricultural indicators.
- 12:06:30 Rep. Keane commented on the indicators and the ability to have averages.
- 12:07:00 Recess for lunch
- 13:03:35 Reconvene

Mr. Brenden and Rep. Gunderson left the meeting.

Aquatic Invasive Species Summit Update

- 13:03:53 Thomas Woolf, FWP, provided a summary of the Aquatic Invasive Species Summit held on December 4-5.
- 13:09:40 Mr. Woolf discussed administrative rule changes.

Public comment

None

EQC questions/discussion

- 13:10:43 Rep. White asked Mr. Woolf about funding sources from the Bureau of Reclamation for capital improvements at Tiber Reservoir.
- 13:12:04 Rep. White asked Mr. Woolf about inspection stations for ballast boats.
- 13:14:04 Rep. Curdy asked Mr. Woolf about funding that had been allocated to the Canyon Ferry Reservoir project.
- 13:15:23 Sen. Lang asked Mr. Woolf about data gathered and the relationship between in-state and out-of state boats and if the information can be available for the March meeting.
- 13:16:30 Rep. Keane asked that the information be put on the agenda for March.
- 13:16:41 Rep. Hamlett commented on the River Governance meeting he attended last summer and the effort being made in other states on boat inspections.
- 13:17:49 Rep. Keane asked Mr. Woolf about directing some of the extra resources from Canyon Ferry Reservoir to the far eastern part of Montana.
- 13:18:54 Rep. Keane asked Mr. Woolf about invasive plants species and using some of the money on the Jefferson Slough project. Mr. Woolf said his staff hasn't been involved in the project. Rep. Keane asked the staff to find out.

SJ 30 Wildlife Location Data Study

Overview

- 13:20:53 Mr. Kolman provided an overview. ([Exhibit 6](#))

Legal Aspects

- 13:22:37 Joe Carroll, staff attorney, LSD, provided information on SB 349 (2019), Montana state laws related to public disclosure and the public right-to-know, and how other states deal with public requests for information about wildlife location. ([Exhibit 7](#))
- 13:26:33 Mr. Kolman said the Council received a list of the types of public record requests FWP receives and handed out the routing slip checklist used by FWP. ([Exhibit 8](#))
- 13:27:32 Becky Dockter, chief legal counsel, FWP, discussed the process that FWP follows when they receive a request for wildlife location data.
- 13:36:32 Ken McDonald, Wildlife Division administrator, FWP, provided information on the types of sensitive information requested.

State Library Dissemination

13:43:21 Evan Hammer, Digital Library administrator, Montana State Library, provided an overview of dissemination of information related to SJ 30 (2019). ([Exhibit 9](#))

FWP Data Demonstration

13:49:37 Justin Gude, Wildlife Research & Technical Bureau chief, FWP, provided a demonstration on the GPS data available from collared animals.

Public comment

13:55:14 John MacDonald, Montana Newspaper Service.

14:01:50 Alan Olson, executive director, Montana Petroleum Association.

14:04:21 Nick Gevock, conservation director, Montana Wildlife Federation.

14:06:05 Darryl James, independent consultant.

14:09:12 Kevin Farron, Montana chapter, Backcountry Hunters and Anglers.

14:10:56 Ben Lamb, independent consultant.

14:13:50 Sen. Jill Cohenour, SD 42.

EQC questions/discussion

14:17:26 Rep. White asked Mr. McDonald about his recommendation for language for a bill draft.

14:19:11 Rep. White asked Mr. McDonald about notifying private landowners that have livestock about predators on their property.

14:21:16 Rep. White asked Ms. Dockter if SB 349 prohibits someone from obtaining wildlife location data and selling it.

14:24:16 Mr. Rodgers asked Mr. McDonald about sharing information requests with local law enforcement.

14:27:26 Sen. Lang asked if any of the eight specific location requests were for trophy animals. Ms. Dockter said she will find out.

14:28:55 Rep. Hamlett asked Mr. McDonald about releasing information on the location of sage grouse leks to avoid conflicts with development projects.

14:30:27 Sen. Flowers asked Mr. MacDonald about his willingness to work with wildlife advocates and Sen. Cohenour to find a way to respect the public's right-to-know and protect wildlife.

14:33:48 Sen. Lang asked Mr. McDonald about FWP's obligation to tell a private landowner about a predator living on their property.

14:38:04 Rep. Keane asked Ms. Dockter to work with the media and wildlife advocates and provide some solutions at the next EQC meeting.

Statutory Administrative Rule Review

General Update

- 14:40:29 Mr. Carroll provided an update on the proposed rule from the Department of Natural Resources and Conservation (DNRC) reducing the rate of the privilege and license tax to account for current forecast of oil and gas prices. ([Exhibit 10](#))
- 14:41:17 Mr. Carroll provided information on two rules from FWP.

Previous EQC Objection to DEQ Subdivision Sanitation Fee Increase

- 14:42:12 Mr. Kolman said at its last meeting the EQC objected to a proposed rule from the Department of Environmental Quality (DEQ) raising subdivision fees and that the department provided additional information requested by the Council. He said the Council needs to make a motion if it wants to continue its objection or the fees will take effect as proposed. ([Exhibit 11](#))
- 14:43:06 Mr. Aspenlieder said he has been having discussions with Tim Davis, administrator, Water Quality Division, DEQ.
- 14:43:38 Mr. Davis said the DEQ has been working for several years to improve the subdivision process to make it more efficient and discussed the proposed fee increase.

Public comment

None

EQC questions/discussion

- 14:48:57 Mr. Aspenlieder commented on working with Mr. Davis to improve the subdivision process and on the proposed fee increase and said he supports a 25 percent initial increase in rates for the first year with the stipulation that the department come back with a report to the EQC every six months.
- 14:57:08 Rep. Keane said if the EQC withdraws its objection it can ask the DEQ to report back to the Council at every meeting.
- 14:58:31 Mr. Kolman provided information on the objection process.
- 14:59:43 Rep. Keane asked Mr. Aspenlieder about objecting to the rule.
- 14:59:55 Mr. Aspenlieder asked if DEQ would be willing to modify the rule or withdraw it and propose a new rule. Mr Davis provided information on the current rulemaking process.
- 15:02:58 Rep. White said the EQC objection gave the DEQ an opportunity to make amendments.

Committee action

Motion

- 15:03:35 Rep. White moved to continue the EQC's objection to the proposed rule.

Discussion on the Motion

15:04:12 Rep. Keane
15:04:16 Mr. Kolman
15:05:35 Mr. Davis
15:06:58 Mr. Aspenlieder
15:07:24 Rep. Keane
15:08:52 Rep. Manzella
15:08:57 Rep. Keane
15:09:22 Rep. Manzella
15:09:30 Mr. Kolman
15:11:15 Sen. Lang
15:11:54 Mr. Davis
15:13:41 Rep. Keane
15:13:55 Mr. Davis

Vote

15:14:30 The motion failed 3-13 with Rep. Gunderson, Sen. Hinebauch, and Sen. Smith voting aye. **(Attachment 4)** Rep. Gunderson voted aye by proxy. Mr. Brenden voted no by proxy. **(Attachment 5)**

15:15:55 Mr. Davis said he will forward a copy of the amended rules to Mr. Kolman as soon as they are ready and provide a report to the EQC every six months.

15:16:31 Recess
15:29:05 Reconvene

Compliance and Enforcement Reports

15:30:45 Mr. Kolman provided an overview.

Department of Agriculture

15:31:42 Christy Clark, Agricultural Sciences Division administrator, Department of Agriculture, provided a review of the department and said the Council received a copy of its compliance report. **(Exhibit 12)**

Public comment

None

EQC questions/discussion

None

Department of Natural Resources and Conservation

Trust Lands Division

15:35:11 John Tubbs, director, DNRC, presented the Trust Land Management Division enforcement and compliance report. [\(Exhibit 13\)](#)

Water Resources Division

15:41:15 Jan Langel, administrator, Water Resources Division, DNRC, presented the Water Resources Division compliance and enforcement report. [\(Exhibit 14\)](#)

Board of Oil and Gas Conservation

15:49:26 Jim Halvorson, administrator, Board of Oil and Gas Conservation, presented the Oil and Gas Conservation Division enforcement and compliance report. [\(Exhibit 15\)](#)

Forestry Division

15:58:51 Sonya Germann, administrator, Forestry Division, DNRC, presented the Forestry Division, Forestry Assistance Program, enforcement and compliance report. [\(Exhibit 16\)](#)

Public comment

None

EQC questions/discussion

16:07:27 Rep. White asked Ms. Germann about stream management zones.

16:12:52 Sen. Lang asked Mr. Tubbs about grazing land and the protocol for lessees.

16:15:05 Sen. Lang asked Mr. Tubbs about working with federal agencies on dam safety on the Milk River.

16:17:09 Rep. Manzella asked Ms. Germann about the requirements for the application of the Hazard Reduction Agreement (HRA).

16:19:11 Rep. Manzella asked Ms. Germann about the turnaround time and cost for the HRA permits.

16:20:40 John Tubbs commented on ditch easements and removing timber from ditches.

Department of Environmental Quality

16:22:03 Chad Anderson, Enforcement Program manager, DEQ, provided an overview of the environmental enforcement and compliance report. [\(Exhibit 17\)](#)

Public comment

None

EQC questions/discussion

None

Litigation Reports

Overview

16:24:48 Mr. Kolman provided an overview and said the Council received a copy of the litigation reports from FWP, DEQ, and DNRC. **(Exhibit 18)**

Public comment

None

EQC questions/discussion

16:26:31 Rep. White asked Danna Jackson, chief legal counsel, DNRC, about *Willow Creek Water Users Association v. DNRC*.

16:27:29 Rep. Manzella asked Ed Hayes, deputy legal counsel, DEQ, about *Plaster v. Montana City Properties Inc.*

16:29:55 Rep. Manzella asked Mr. Hayes to provide information on whether a water source assessment was done for the Jackson Creek Saloon. Mr. Hayes said he will find out.

16:30:24 Rep. Curdy asked Mr. Hayes about *DEQ v. VW, Audi, Porsche*.

16:31:10 Rep. Keane asked Mr. Hayes about *Montanore Mineral Corp., Troy Mine Inc. and R.C. Resources, Inc. v. Montana DEQ*.

Bison Conservation & Management Record of Decision

16:33:14 Mr. Kolman said the Council received the record of decision on the environmental impact statement and frequently asked questions. **(Exhibit 19)**

16:33:41 Martha Williams, director, FWP, provided information on the bison conservation and management record of decision.

Public comment

16:40:38 Ben Lamb, representing himself.

16:42:39 Nick Gevock, conservation director, Montana Wildlife Federation.

EQC questions/discussion

16:44:05 Rep. Keane requested that Ms. Williams notify the EQC staff of any proposals that come in.

Public comment on any matter not contained in this agenda and that is within the jurisdiction of the EQC

16:45:05 Issac Nehring, executive director, Montana Youth Action.

Other Business

16:47:32 Rep. Keane asked about any additional items for the March agenda.

16:48:18 Sen. Flowers acknowledged Mr. Nehring.

- 16:49:04 Rep. White asked about taking action and putting the trapper's education proposal out for public comment.
- 16:49:35 Mr. Kolman said it will be on the agenda at the next meeting with a different version of the bill draft.
- 16:49:54 Rep. White asked Mr. Kolman about the stakeholders that will be working on the bill draft.

ADJOURNMENT

Rep. Keane adjourned the meeting at 4:55 p.m.