



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

ENVIRONMENTAL QUALITY COUNCIL
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

September 09, 2020

10:00 AM

Zoom Videoconference

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 Remotely:

Rep. Jim Keane, Chair (D)
Sen. Mike Lang, Vice Chair (R)
Rep. Willis Curdy (D)
Sen. Pat Flowers (D)
Rep. Steve Gunderson (R)
Rep. Bradley Hamlett (D)
Sen. Steve Hinebauch (R)

Patrick Holmes, Governor Representative
Rep. Theresa Manzella (R)
Sen. JP Pomnichowski (D)
Sen. Cary Smith (R)
Matt Vincent, Public Member
Sen. Gene Vuckovich (D)
Rep. Kerry White (R)

Members Excused:

Scott Aspenlieder, Public Member
John Brenden, Public Member
Rex Rogers, Public Member

Staff Present Remotely:

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

Committee Business Summary

The Environmental Quality Council (EQC):

- Voted to adopt the HJ38 final report;
- Voted to pre-introduce PD0004 as a committee bill;
- Voted to adopt the SJ20 study final report;
- Voted to adopt the chronic wasting disease report;
- Voted to accept five of the six legislative proposals from the Department of Natural Resources and Conservation for pre-drafting as committee bills;
- Voted to accept the three legislative proposals from the Department of Environmental Quality for pre-drafting as committee bills;
- Voted to pre-introduce PD 0016 as a committee bill;
- Voted to support the legislative proposals from the Public Lands/Private Wildlife Council.

Agenda (Attachment 1)

CALL TO ORDER/ROLL CALL

10:02:25 Rep. Keane called the meeting to order at 10:01 a.m. The secretary called the roll. **(Attachment 2)** Mr. Brenden and Mr. Aspenlieder were excused and gave their proxies to Sen. Lang. Mr. Rogers was excused and gave his proxy to Sen. Pomnichowski. **(Attachment 3)**

ADMINISTRATIVE MATTERS

10:02:29 Joe Kolman, environmental analyst, Legislative Services Division (LSD), welcomed Council members to the last meeting and said the EQC is under budget for the interim. He said today the Council will review its final study reports and proposed legislation from the agencies it has oversight over.

HJ38 BONDING AND DECOMMISSIONING FINAL REPORT

10:03:37 Sonja Nowakowski, research director, LSD, research staff assigned to HJ38, discussed the draft report. She said no changes have been made since the meeting in July and no public comments were received. [\(Exhibit 1\)](#)

Public comment

None

EQC questions/discussion

None

Committee action

Motion/Vote

10:06:18 Sen. Pomnchowski moved to adopt the HJ38 final report. The motion carried unanimously by voice vote of those present and voting.

SJ30: WILDLIFE LOCATION FINAL REPORT

10:07:05 Rep. Keane commented on the study.

10:07:46 Mr. Kolman discussed the report and said the bill draft has not changed since it was last reviewed by the EQC. He said the bill draft clarifies that the Department of Fish, Wildlife, and Parks (FWP) can release data at a larger geographic area than precise points and that it coincides with legislation passed last session. [\(Exhibit 2\)](#)

10:08:52 Mr. Kolman said the EQC received one public comment. [\(Exhibit 3\)](#)

Public comment

None

EQC questions/discussion

10:10:14 Sen. Pomnichowski thanked Mr. Kolman for the report. She asked Mr. Kolman about changing the word "scale" to "area" in section 1(1)(2).

10:11:22 Sen. Pomnichowski asked Mr. Kolman about incorporating the last paragraph on page 5 of the report into the bill draft.

10:13:41 Rep. Curdy asked Mr. Kolman about using other physical designations for larger areas.

10:15:38 Sen. Flowers asked Mr. Kolman about the proposed legislation and the discretion it gives FWP when releasing location data to protect the unreasonable depletion and degradation of the resources.

10:17:02 Rep. Hamlett entered the meeting.

10:19:03 Sen. Vuchovich entered the meeting.

- 10:20:12 Sen. Flowers asked Mr. Kolman about the intent of the language in the bill and the requirement that the department would have to provide location specific data.
- 10:25:41 Rep. Curdy said section 1(5) of the bill draft states that a person convicted under this section may be subject to additional penalties. He asked Mr. Kolman if that included forfeiture of the carcass.
- 10:26:38 Rep. Curdy asked Ken McDonald, Wildlife Division administrator, FWP, about the effect on agency research.
- 10:28:50 Rep. Hamlett asked what the department can do to address constant and consistent requests on a certain animal. Mr. McDonald said the department is required to provide information as it is requested. He said under the proposed language the department can buffer the information.

Committee action

- 10:31:53 Rep. Keane asked about committee action.

Motion

- 10:32:21 Sen. Flowers moved to pre-introduce PD0004 as a committee bill.
- 10:32:39 Rep. Keane said the bill draft can still be discussed and amended. He said Sen. Cohenour will carry the bill if it moves forward.

Discussion on the motion

- 10:33:18 Sen. Lang
- 10:36:33 Rep. Manzella

Vote

- 10:37:24 The motion carried 10-6 by roll call vote. Sen. Lang, Sen. Smith, Rep. Manzella, Rep. White, Mr. Aspenlieder, and Mr. Brenden voted no. Mr. Aspenlieder and Mr. Brenden voted no by proxy. Mr. Rogers voted yes by proxy. Sen. Cohenour will carry the bill. [\(Attachment 4\)](#)

WPIC Update

- 10:40:54 Jason Mohr, research analyst, LSD, said the Water Policy Interim Committee (WPIC) will meet next week. He provided information on the three studies and the three bills that are being considered.

EQC questions/discussion

- 10:48:40 Sen. Pomnichowski asked Mr. Mohr about the ownership update process and change of use applications.
- 10:49:47 Sen. Pomnichowski asked Mr. Mohr about the proposal from the Department of Natural Resources and Conservation (DNRC) for a pilot project to run the administration of water rights including training, appointing, and overseeing water commissioners.

- 10:51:08 Rep. White asked Mr. Mohr about the discussion on geocodes and ownership when a water right is severed from a piece of property.
- 10:54:11 Rep. Hamlett commented on the use of geocodes and on the future of the Water Court and post-1973 water decrees.

ETIC Update

- 10:57:03 Trevor Graff, research analyst, LSD, provided information on the Energy and Telecommunications Interim Committee (ETIC) meeting that was held yesterday.

EQC questions/discussion

None

SJ20: WILDERNESS STUDY AREAS FINAL REPORT

- 11:02:58 Mr. Kolman provided information on the SJ20 draft report. [\(Exhibit 4\)](#)
- 11:03:07 Mr. Kolman said the Council received written public comments. [\(Exhibit 5\)](#)

Public comment

- 11:04:41 Rebecca Boslough, executive director, Montana Association of Conservation Districts. [\(Exhibit 6\)](#)

EQC questions, discussion, and committee action

Motion

- 11:06:29 Rep. White moved to include the changes discussed by Mr. Kolman and adopt the SJ20 study draft report.
- 11:06:41 Rep. White commented on the study and working with collaboratives.
- 11:08:35 Rep. Manzella asked Mr. Kolman when the Blue Joint Wilderness Study Area (WSA) and the Sapphire WSA were closed to winter motorized access. Mr. Kolman said he will find out.
- 11:09:18 Rep. Keane said he agrees with Rep. White on collaboration and working together to achieve a goal.

Vote

- 11:10:36 The motion carried unanimously by voice vote of those present and voting.
- 11:11:04 Rep. Manzella said the report lists Russ Ehnes as a panelist and motorized recreation activist. She asked Mr. Kolman if snowmobile clubs are included.
- 11:11:46 Rep. White said the Montana Snowmobile Association did not have a representative on the panel.
- 11:12:17 Rep. Manzella said she believes snowmobilers should be represented and asked about adding them as a panelist. Rep. Keane said they can be added when the collaboratives are formed.

- 11:13:56 Rep. Curdy discussed the U.S. Forest Service (USFS) collaborative process and said the USFS has an individual at the regional level responsible for working with all the collaboratives.
- 11:15:23 Rep. White asked Rep. Curdy to provide the contact information for the individual in Region 1 to Mr. Kolman. Rep. Keane requested that all Council members receive the information.

CHRONIC WASTING DISEASE

- 11:16:17 Hope Stockwell, research analyst, LSD, provided an introduction and said the Council requested more information on the process for approving the use of the RT-QuIC method as a diagnostic tool for chronic wasting disease (CWD). She said the Council will also receive an update on the veterinary diagnostic lab's capabilities for CWD testing, an update from FWP on management of CWD, and will review the CWD draft report.

Review process for RT-QuIC potential for diagnostic testing

- 11:17:17 Dr. Tracy Nichols, national program manager, USDA Veterinary Services Cervid Health Program, provided information on the RT-QuIC assay. [\(Exhibit 7\)](#)

EQC questions/discussion

- 11:33:34 Rep. Keane asked Ms. Nichols about the potential for using the test.
- 11:34:20 Rep. White asked Ms. Nichols about the USDA accreditation process and the location of the labs that are accredited to perform the RT-QuIC test.
- 11:36:03 Rep. White asked Mr. Kolman to provide a list of the labs that are accredited to perform the tests discussed by Ms. Nichols.
- 11:36:58 Ms. Stockwell said Dr. Greg Juda, director, Montana Veterinary Diagnostic Lab (MDVL) is available to provide information. Rep. White said he would like a national list of the labs that are accredited to perform the tests. Ms. Nichols said she will provide a link to the network list.
- 11:37:20 Mr. Juda said the MDVL is part of the National Animal Health Laboratory Network and is accredited as a level 2 laboratory. He said it is the minimum requirement to perform CWD testing.

Veterinary Diagnostic Lab CWD Testing Update

- 11:39:44 Dr. Juda provided an update on the MDVL testing process.

CWD Management Update

- 11:43:53 Ken McDonald, Wildlife Division administrator, FWP, provided an update on CWD management.

Draft Report

- 11:48:34 Ms. Stockwell presented information on the CWD draft report. [\(Exhibit 8\)](#)

Public comment

The EQC received written public comment. ([Exhibit 9](#))

EQC questions/discussion

- 11:49:49 Sen. Pomnichowski asked Mr. McDonald and Mr. Juda about the length of time prions can remain active in the soil.
- 11:52:14 Dr. Nichols commented on the length of time prions can remain active.
- 11:53:13 Ms. Stockwell said the number in the draft report of at least 10 years was taken from the information provided by Dr. Debbie McKenzie when she spoke to the EQC in May.
- 11:53:54 Sen. Lang asked Mr. McDonald about educating the public on how to remove lymph nodes from an animal.
- 11:55:24 Sen. Lang asked Mr. McDonald about the potential for infection from a landfill.
- 11:57:22 Rep. Gunderson said covers are required to be land down every night at a Class 2 landfill.
- 11:57:54 Rep. Gunderson asked Mr. McDonald about surveillance efforts in Libby for the upcoming hunting season.
- 11:58:31 Rep. Gunderson asked Mr. McDonald if Libby will be able to utilize roll away containers. Rep. Keane asked Mr. McDonald to follow up on providing the information to Rep. Gunderson.
- 11:59:17 Sen. Flowers asked Mr. McDonald if the Class 2 landfill sites are listed on the FWP website.
- 11:59:56 Sen. Flowers asked Mr. McDonald about public outreach on carcass disposal requirements.
- 12:01:30 Rep. Hamlett asked Mr. McDonald about the department's cost for CWD. Mr. McDonald said he will provide the information.
- 12:02:13 Rep. Keane asked Mr. McDonald to also provide information on federal funding.
- 12:02:42 Ms. Stockwell said the information is included on page 4 of the draft report.
- 12:02:54 Rep. Hamlett asked Ms. Stockwell to provide an estimate on the social cost to Montana. Mr. McDonald commented on the type of information that can be provided.
- 12:04:54 Rep. Curdy asked Mr. McDonald about the funding request for the next biennium.
- 12:06:04 Rep. White asked Ms. Stockwell about the process for the findings and recommendations in the report.

- 12:08:05 Rep. White said he recommends adding a finding that CWD has been found to be a widespread problem in the wildlife population across the entire state. He said he would like to include a recommendation that the legislature support adequate facilities for testing and research of CWD tissue samples and continue to look at CWD and what can be done to control the spread in Montana.
- 12:08:59 Rep. Keane asked Rep. White about adding “manage and control.”
- 12:09:16 Ms. Stockwell said she will include the changes in the draft report, and it can be reviewed by the Council at the meeting tomorrow.
- 12:09:29 Sen. Pomnichowski asked Mr. McDonald about the accuracy of the statement that CWD is a widespread problem in Montana.
- 12:10:25 Sen. Lang asked about stating that there have not been any human problems from consuming meat that could be infected with CWD. Mr. McDonald said the department is unaware of any human impacts. Dr. Nichols said the Centers for Disease Control (CDC) has testing recommendations for consumption on its website. Ms. Stockwell said the information the Council received from Dr. Ryan Maddox, CDC, is summarized on page 9 of the report.
- 12:12:00 Sen. Lang commented about fear from CWD and the money spent.

Committee action

- 12:12:41 Rep. Keane asked about adding the findings and recommendations to the report.

Motion/Vote

- 12:12:50 Rep. Keane moved to add the findings and recommendations discussed by the Council into the draft report. The motion carried unanimously by voice vote of those present and voting.
- 12:13:04 Rep. Keane said additional findings and recommendations can also be added to the report tomorrow.

Motion/Vote

- 12:13:50 Rep. Keane moved to adopt the CWD final report and to include any changes that are made at the meeting tomorrow. The motion carried unanimously by voice vote of those present and voting.

STATE LAB ADVISORY COMMITTEE UPDATE

- 12:14:37 Rep. White said the committee received a copy of the State Lab Advisory Committee report. ([Exhibit 10](#))
- 12:15:22 Rep. Hamlett said updating the state labs is essential for public health and it is important that the next legislature find funding.
- 12:16:10 Rep. Keane said he agrees and appreciates the work that was done.

Public comment

- 12:18:02 Mike Manion, chief counsel and deputy director, Department of Administration.

Committee action

Motion/Vote

- 12:19:05 Rep. White moved to adopt the updated report from the State Lab Advisory Committee. The motion carried unanimously by voice vote of those present and voting.
- 12:21:57 Recess for lunch
- 13:15:39 Reconvene
- 13:15:40 Mr. Holmes entered the meeting.

AGENCY LEGISLATIVE PROPOSALS

- 13:16:12 Mr. Kolman provided an introduction. He said the Council will receive presentations today from the DNRC and the Department of Environmental Quality (DEQ) on their legislative proposals. He said FWP will present its legislative proposals at the meeting tomorrow.

DNRC

- 13:18:13 John Tubbs, director, DNRC, said the Council received a copy of the agency proposals. [\(Exhibit 11\)](#)
- 13:18:34 Mr. Tubbs discussed the proposal to establish a wind and solar development ground lease statute.
- 13:21:27 Mr. Tubbs discussed the proposal to update the Revolving Loan Program.
- 13:24:18 Mr. Tubbs discussed the proposal to update irrigation district financing laws.
- 13:25:22 Mr. Tubbs discussed the proposal to update membership to the Montana Invasive Species Council (MISC).
- 13:26:30 Mr. Tubbs discussed the proposal to increase aquatic invasive species (AIS) penalties.
- 13:28:39 Mr. Tubbs discussed the proposal to clarify AIS management authority.
- 13:29:38 Mr. Tubbs said the last two proposals included on the information provided are being removed.

Public comment

- 13:31:03 Tom Woolf, AIS Bureau chief, FWP.

EQC questions/discussion

- 13:31:40 Sen. Pomnichowski asked Mr. Tubbs about the proposal updating irrigation district laws.
- 13:35:15 Rep. Curdy asked Mr. Tubbs about the proposal to establish a wind and solar development ground lease statute.
- 13:39:43 Rep. Keane asked Mr. Tubbs about the purpose of the proposal to clarify AIS management authority.

Committee action

- 13:41:45 Rep. Keane asked about moving the proposals forward for pre-drafting as committee bills.
- 13:42:20 Rep. White said he does not support the increased penalties for vehicles that fail to stop at mandatory watercraft inspection stations.

Motion

- 13:42:47 Rep. White moved to approve DNRC legislative proposals 1, 2, 3, 4, and 6 for pre-drafting as committee bills.
- 13:43:15 Sen. Flowers asked Mr. Tubbs about the increase in AIS penalties and if it is a mandatory penalty of \$800 for every case.
- 13:44:34 Rep. Keane said the EQC will vote on the AIS penalty separately.

Vote

- 13:44:48 The motion carried unanimously by voice vote of those present and voting.
- 13:45:28 Rep. Keane asked about committee action on the proposal to increase AIS penalties.
- 13:45:40 Rep. White discussed his concerns regarding the minimum amount for the penalty.
- 13:46:46 Sen. Pomnichowski asked if the DNRC can have the bill drafted without approval from the EQC. Mr. Tubbs said the agency can get a sponsor drafts.
- 13:47:29 Sen. Pomnichowski asked Mr. Tubbs about the minimum penalty.
- 13:49:45 Ms. Stockwell said Mark Bostrom, Conservation and Resource Development Division administrator, DNRC, and Kate Wilson, UC3, are online and have asked to comment.
- 13:50:24 Mr. Bostrom provided information on the amount that was set for the penalty by the bonding committee.
- 13:52:10 Rep. Keane asked Mr. Tubbs about the fines.

Motion

- 13:52:33 Sen. Pomnichowski moved to approve the DNRC proposal to increase AIS penalties for pre-drafting as a committee bill.
- 13:53:04 Sen. Lang asked Mr. Tubbs if the proposal is related to issues with the length of time it takes to decontaminate ballast boats.
- 13:55:21 Rep. Curdy said he supports the motion. He said the ballast boat issue will probably be discussed tomorrow.
- 13:56:52 Sen. Flowers asked Mr. Tubbs about changing the language in the proposal to provide a scale for penalties.
- 13:59:33 Sen. Pomnichowski withdrew her motion.

13:59:45 Rep. White said both Sen. Flowers and Sen. Pomnichowski are hold-over legislators and can sponsor the legislation.

DEQ

14:00:23 Jenny Chambers, Waste Management Division administrator, DEQ, discussed the proposal to consolidate and formalize both Montana DEQ's hazardous substance and petroleum Brownfields programs by moving the existing Brownfields statute to its own chapter. ([Exhibit 12](#))

14:03:21 Dan Walsh, Hard Rock Mining bureau chief, DEQ, discussed the proposed legislation to streamline the process for obtaining necessary permit application materials for Montana's rock product mining industry. (see exhibit 12)

14:05:44 Tim Davis, Water Quality Division administrator, DEQ, discussed the proposed legislation to make the subdivision process more efficient, eliminate unnecessary and conflicting provisions, and clean up the subdivision statutes. (see exhibit 12)

14:08:27 Mr. Davis provided an update on the selenium standards in Lake Koocanusa.

Public comment

None

EQC questions/discussion

14:13:33 Rep. Curdy asked Mr. Davis if the proposed legislation on the subdivision process will provide more local review.

14:14:43 Rep. Curdy asked Mr. Davis if the DEQ will provide guidance for local reviews.

14:16:58 Rep. White asked Mr. Davis if the proposal is in reaction to a development north of Gallatin Gateway.

14:18:06 Rep. White commented on complaints regarding arbitrary review of subdivisions and delays. He asked Mr. Davis to provide staff with information on the time it takes for subdivision reviews in counties that do most of the local review.

14:19:39 Rep. Gunderson asked Mr. Davis if the EQC will have oversight over rulemaking on the selenium issue. Mr. Davis redirected the question to Mr. Kolman.

14:21:06 Rep. Gunderson asked Mr. Davis when the proposed rules will be written. Mr. Davis said they will be proposed to the Board of Environmental Review on September 24.

14:21:49 Rep. Gunderson asked Mr. Davis where the public hearing will be held.

14:22:17 Rep. Gunderson asked Mr. Davis about the current standard for selenium.

14:24:00 Rep. Gunderson asked Mr. Davis about the proposed standard for selenium.

14:24:45 Rep. Gunderson commented on the standard.

14:26:35 Rep. Gunderson asked Mr. Davis if the standard is defensible in court.

14:28:08 Rep. Gunderson commented on problems if the standard is set too low.

14:29:21 Sen. Lang asked Ms. Chambers about the proposal to consolidate and formalize DEQ's hazardous substance and petroleum Brownfields programs and if there is anything in the proposal to put closure on long-term projects.

14:32:27 Sen. Lang asked Chris Dorrington, Air, Energy, and Mining Division administrator, DEQ, about moving open-cut mining into decorative stone.

14:33:56 Mr. Vincent asked Mr. Davis if there will be an opportunity for the public to review the proposed rules on selenium standards before they go before the Board of Environmental Review.

14:35:16 Mr. Vincent asked Mr. Davis to forward any new information to the EQC.

14:35:59 Rep. Keane asked Mr. Kolman about implementation of proposed rules between now and the legislative session and the opportunity to provide input.

14:37:28 Rep. Keane asked Mr. Dorrington about the proposed legislation regarding the rock product mining industry and if it interferes in any way with the small miner exemption law.

Committee action

Motion/Vote

14:37:58 Sen. Lang moved to accept the proposed legislation to consolidate and formalize both Montana DEQ's hazardous substance and petroleum Brownfields programs by moving the existing Brownfields statute to its own chapter for pre-drafting as a committee bill. The motion carried unanimously by voice vote of those present and voting.

Motion/Vote

14:38:35 Rep. Keane moved to accept the proposed legislation to streamline the process for obtaining necessary permit application materials for Montana's rock product mining industry for pre-drafting as a committee bill. The motion carried unanimously by voice vote of those present and voting.

14:39:30 Sen. Lang asked Mr. Davis if the proposed legislation satisfies some Mr. Aspenlieder's questions on subdivision review.

Motion

14:40:14 Sen. Lang moved to accept the legislative proposal to make the subdivision process more efficient for pre-drafting as a committee bill.

Discussion on the motion

14:40:33 Rep. White

Vote

14:40:56 The motion carried 8 - 6 by roll call vote. Mr. Brenden, Rep. Curdy, Rep. Gunderson, Rep. White, Sen. Hinebauch, and Sen. Smith voted no. Mr. Brenden voted no by proxy. Mr. Aspenlieder and Mr. Rogers voted aye by proxy. Rep. Hamlett and Rep. Manzella were excused. ([Attachment 5](#))

OPENCUT MINING REPORT (SB343, 2019)

14:43:54 Mr. Dorrington provided an update on the opencut mining program.

Public comment

None

EQC questions/discussion

14:49:07 Rep. Gundersoon asked Mr. Dorrington to provide updates to the EQC regarding impacts on how the new form is working.

CLIMATE SOLUTIONS ADVISORY COUNCIL REPORT

14:50:20 Patrick Holmes, Governor Bullock's Natural Resource Policy advisor, provided information on the Governor's climate solution plan and the Climate Solutions Advisory Council report. ([Exhibit 13](#))

Public comment

14:58:39 Michael Ducker, Mitsubishi Power. ([Exhibit 14](#))

15:00:06 Joe Willauer.

EQC questions/discussion

15:01:50 Sen. Flowers thanked Mr. Holmes. He encouraged the EQC to read the report that was released today by the U.S. Commodity Futures Trading Commission on Managing Climate Risk in the U.S. Financial System.

15:02:52 Mr. Vincent said as part of his role as a consultant on the development of the Mitsubishi project he attended many of the Climate Solution Council meetings. He commented on the bipartisan effort regarding the plan.

15:05:57 Recess

15:19:13 Reconvene

TRAPPER EDUCATION BILL DRAFT PROPOSAL

15:19:24 Rep. White said he thought the EQC approved the trapper education bill draft proposal at the last meeting. He said Sen. Flowers had agreed to carry the bill.

15:19:46 Ms. Stockwell said all legislative proposals are sent out for a 30-day public comment period. She said the EQC received two comments. ([Exhibit 15](#)) She said if the EQC decides not to make any changes the Council can proceed with its earlier action and does not need to take another vote.

Committee Action

Motion

- 15:20:26 Rep. White said he agrees with continuing the EQC's earlier action.
- 15:21:04 Rep. Keane said without objection the action will stand.

Public comment

None

PL/PW COUNCIL LEGISLATIVE PROPOSALS

- 15:22:15 Rep. Denley Loge, HD 14, provided information on the Private Land/Public Wildlife Council (PL/PW) legislative proposal to provide authority to the commission to approve either-sex or antlerless elk license or permit for landowner who offers free public hunting. [\(Exhibit 16\)](#)
- 15:23:52 Rep. Loge provided information on the proposal to lower the landowner preference to 160 acres for an elk permit. [\(Exhibit 17\)](#)
- 15:25:28 Rep. Loge provided information on the proposal to revise license bonus point system. [\(Exhibit 18\)](#)
- 15:26:24 Rep. Loge provided information on the proposal regarding trespass while hunting and retrieval. [\(Exhibit 19\)](#)
- 15:28:15 Rep. Keane said the EQC can provide feedback on the proposals and does not need to approve the bill drafts for pre-introduction.

Public comment

None

- 15:29:00 Rep. Loge said the PL/PW is asking for feedback from the EQC on the proposals.

EQC questions/discussion

- 15:29:50 Sen. Lang asked Rep. Loge about the kind of permission needed for game retrieval.
- 15:32:44 Sen. Lang asked about the proposal to lower the landowner preference to 160 acres.
- 15:34:14 Rep. White asked Rep. Loge about the intent of the language in the proposal to provide authority to the commission.
- 15:35:30 Rep. White said he appreciates the effort to increase the fine on trespass for a person who fails to obtain landowner permission for hunting.
- 15:37:52 Rep. Keane thanked Rep. Loge.

AQUATIC INVASIVE SPECIES UPDATES

Ballast Boat Decontamination Follow Up

- 15:38:54 Ms. Stockwell discussed the legislative draft proposal. [\(Exhibit 20\)](#)

- 15:40:41 Ms. Stockwell said she received data on ballast boat decontamination from FWP. ([Exhibit 21](#))
- 15:41:45 Mr. Woolf provided information on the data.
- 15:43:37 Ms. Stockwell said the language in the draft bill will add another exception to the requirement that was enacted by HB 608 (2019).
- 15:44:34 Rep. Keane asked Mr. Woolf about the criteria for decontamination.

2020 inspection season

- 15:47:24 Mr. Woolf provided an update on the 2020 AIS inspection season.

Addressing shortfalls/future needs

- 15:52:45 Mr. Woolf discussed future needs for the AIS program.

Public comment

None

EQC questions/discussion

- 15:54:30 Sen. Flower asked Eileen Ryce, Fisheries Division administrator, FWP, to provide an update on the white fish kill on the Yellowstone River.
- 15:56:29 Sen. Flowers asked Ms. Ryce if there was evidence of proliferative kidney disease (PKD).
- 15:57:18 Rep. Keane asked Sen. Flowers about PKD. Sen. Flowers redirected the question to Ms. Ryce.
- 15:58:09 Rep. White asked Mr. Woolf if the revisions in 80-7-1030, MCA, pertains to other criteria.
- 16:01:23 Rep. White asked Ms. Ryce if FWP has done an evaluation of the impact on spawning streams from the sedimentation that occurs after large wildfires. Ms. Ryce said she can put together more detailed information on specific fires. Rep. White thanked Ms. Ryce and said she can give the information to staff.
- 16:04:51 Rep. Curdy asked Mr. Woolf to provide information on the watercraft that were intercepted during the inspection season, including the station where the inception was made and the origin of the boat.
- 16:05:36 Rep. Cudy asked Mr. Woolf about expanding inspection stations next year.
- 16:07:29 Rep. Curdy asked Mr. Woolf about efforts in neighboring states.

Committee action

- 16:10:05 Rep. Keane asked about committee action.

Motion/Vote

16:10:26 Rep. Curdy moved to approve PD 0016 for pre-introduction as a committee bill. The motion carried unanimously by voice vote of those present and voting. Sen. Pomnichowski will carry bill.

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

None

16:12:11 Rep. Keane said time will be given during the meeting tomorrow for Council members that are termed out and will not be returning to the legislature to make closing statements.

16:12:27 Rep. White asked about formally endorsing the legislative proposals from the PL/PW.

16:13:23 Rep. Keane asked Mr. Kolman about endorsing the proposals.

Motion/Vote

16:15:01 Rep. Keane said he will accept Rep. White's motion to support the PL/PW legislative proposals including the comments made during the EQC discussion today. The motion carried unanimously by voice vote of those present and voting.

ADJOURNMENT

16:15:57 Rep. Keane adjourned the meeting at 4:15 p.m.