



ENVIRONMENTAL QUALITY COUNCIL

67th Montana Legislature

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Steve Hinebaugh
Tom Jacobson
Mike Lang
Cary Smith
Mark Sweeney

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Environmental Analyst
Nadine Spencer - Secretary

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John Brenden
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Bradley Hamlett
Monica Tranel
Michael Freeman, Governor
Appointee

MINUTES LOG

September 14, 2021
State Capitol Building, Room 137
Helena, Montana

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MEMBERS PRESENT:

Sen. Mike Lang, Presiding Officer (R)
Mr. Bradley Hamlett, Vice Presiding Officer

Rep. Willis Curdy(D)
Rep. Paul Fielder (R)
Rep. Steve Gunderson (R)
Rep. Jedediah Hinkle (R)
Rep. Jim Keane (D)
Rep. Marilyn Marler (D)

Sen. Pat Flowers (D)
Sen. Steve Hinebaugh (R)
Sen. Tom Jacobson (D)
Sen. Cary Smith (R)
Sen. Mark Sweeney (D)

Mr. John Brenden, Public Member
Mr. Dave Galt, Public Member
Ms. Monica Tranel, Public Member
Mr. Michael Freeman, Governor's Appointee

STAFF PRESENT:

Joe Carroll, Attorney

Joe Kolman, Legislative Environmental Analyst

Nadine Spencer, Secretary

AGENDA [\(Attachment 1\)](#)**VISITORS' LIST** [\(Attachment 2\)](#)**CALL TO ORDER/ROLL CALL**

08:00:30 Sen. Mike Lang called the meeting to order at 8:00 AM. The committee secretary took roll. [\(Attachment 3\)](#)

ADMINISTRATIVE MATTERS

08:01:35 Joe Kolman, legislative environmental analyst, Legislative Services Division (LSD), discussed the agenda for the meeting.

WATER POLICY INTERIM COMMITTEE UPDATE

08:03:23 Jason Mohr, research analyst, LSD, provided an update on the Water Policy Interim Committee (WPIC).
08:03:56 Mr. Mohr discussed SB 358 (2021).
08:07:32 Sen. Jacobson entered the meeting.
08:09:34 Mr. Mohr discussed the drought.
08:13:43 Mr. Mohr discussed SJ 28 (2021).
08:14:10 Mr. Mohr discussed HJ 37 (2021). He said the committee is waiting on a response from the Environmental Quality Council (EQC) regarding the invitation to form a special committee on selenium standards for Lake Koocanusa.

EQC questions and discussion

08:14:51 Mr. Brenden commented on the drought in eastern Montana from 1979 to 1991.
08:15:51 Sen. Flowers asked Mr. Mohr about the nutrient work group and what steps have been taken to develop the narrative standards. He asked if they will meet the March 1 target date and what will happen if they do not.
08:18:53 Mr. Galt said numeric nutrient standards have been an issue since he started working for the Montana Petroleum Association in 2005. He provided information on the numeric nutrient standards that were developed in 2015 for nitrogen and phosphorus.
08:20:51 Rep. Curdy asked Mr. Mohr about the state drought response plan and if legislators can be appointed to the committee. Mr. Mohr said he will find out.
08:21:40 Sen. Lang commented on the ability to provide a narrative for the management plan on drought.
08:22:29 Sen. Lang asked Mr. Mohr about the congressional act providing funding for climate monitoring in northeastern Montana, the type of monitoring that will be done, and the state agency that will be involved.
08:25:30 Rep. Curdy asked Mr. Mohr about the status of stream gauges.
08:27:29 Mr. Hamlett asked Mr. Mohr about nutrient standards and if the nutrient working group will look at the change in water quantity and the impact from communities.
08:30:59 Mr. Hamlett asked Mr. Mohr if the stream gage oversight work group will consider using new technology.

08:32:03 Mr. Hamlett commented on climate monitoring stations and on the drought.
 08:35:02 Sen. Lang commented on stream gauge monitors.
 08:37:01 Mr. Hamlett commented on the hot temperatures and wildfire smoke this year.
 08:37:33 Sen. Lang said Phillips County received two and a half feet of snow on October 28, 1961.

ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE UPDATE

08:37:50 Trevor Graff, research analyst, LSD, provided an update on the Energy and Telecommunications Interim Committee (ETIC).
 08:38:58 Mr. Graff said at its meeting next week the ETIC will begin work on its two study topics and receive information on advanced nuclear technology and electricity markets.
 08:43:34 Mr. Graff discussed other potential member topics.

EQC questions and discussion

08:44:45 Mr. Hamlett asked Mr. Graff if the ETIC will address carbon and non-carbon energy sources in its study of the grid.

AGENCY UPDATES

Department of Environmental Quality

08:46:22 Chris Dorrington, director, Department of Environmental Quality (DEQ), provided an update.

EQC questions and discussion

08:49:42 Rep. Fielder asked Mr. Dorrington about poor air quality from forest fire smoke and the hazardous material it contains other than fine particulate matter. He asked about working with the Department of Natural Resources and Conservation (DNRC) on potential ways to try and reduce pollution from wildfire smoke in the future.
 08:53:29 Rep. Hinkle asked Mr. Dorrington about the U.S. Forest Service (USFS) fire management plan and if the state is in communication with federal agencies on managing fire and its effect and advocating for people in the state affected by unhealthy conditions.
 08:55:48 Rep. Curdy asked Mr. Dorrington about the adaptive management program and the ability to meet the March 1 deadline to establish nutrient standards. He asked about involvement by the Environmental Protection Agency (EPA).
 08:57:10 George Mathieus deputy director, DEQ, discussed EPA involvement.
 08:58:16 Mr. Brenden asked Mr. Mathieus about the membership of the nutrient working group. Mr. Mathieus said he will provide the information to staff.
 08:58:44 Mr. Hamlett asked Mr. Dorrington about the amount of mercury released this year from fires in the state and the amount of mercury coming from fires in other states. He asked if the DEQ is concerned about the potential for a class action lawsuit because the state constitution guarantees its citizens a clean and healthy environment.
 09:00:56 Sen. Lang asked Mr. Dorrington about the agency's regulatory reform efforts.
 09:03:25 Sen. Lang asked Mr. Dorrington about the administrative rule to raise hazardous waste fees.
 09:04:49 Sen. Lang asked Mr. Dorrington about the status of subdivision review.

09:06:13 Mr. Brenden asked Mr. Dorrington about the department's position on Waters of the U.S. Mr. Dorrington redirected the question to Mr. Mathieus.
09:07:46 Mr. Freeman entered the meeting.

Department of Fish, Wildlife, and Parks

09:09:06 Quentin Kujala, chief of staff, Department of Fish, Wildlife, and Parks (FWP), provided an update.
09:10:35 Mr. Kujala discussed Hell Creek State Park.
09:11:34 Mr. Kujala discussed implementation of bills passed during the 2021 Legislative session and efforts made by FWP regarding Wildlife Management Areas due to the drought and the weather conditions this year.

EQC questions and discussion

09:12:58 Sen. Flowers asked Mr. Kujala about the biennial hunting season setting efforts and the proposed structural changes.
09:15:54 Sen. Flowers asked Mr. Kujala about suggestions on specific strategies toward simplifying hunting regulations.
09:19:13 Sen. Jacobson asked Mr. Kujala about the elk management plan and how the department will use public feedback and implement it into the plan.
09:21:30 Sen. Jacobson asked Mr. Kujala about the department's elk management goal and the department's strategy to achieve the goal.
09:24:03 Sen. Lang asked Mr. Kujala about the last opportunity for the public to comment on the 2022 elk season.
09:24:51 Rep. Marler asked Mr. Kujala about the FTE that was allocated during the 2019 legislative session to rewrite the elk management plan and if the elk plan manager is at today's meeting.
09:26:24 Ms. Tranel entered the meeting.
09:26:36 Rep. Marler asked Mr. Kujala about a possible conflict of oversimplifying hunting regulations and not being able to catch the heterogeneity of Montana.
09:28:45 Rep. Marler asked Mr. Kujala about implementation of HB 239 (2019) allowing special drawing refunds to be redirected to the block management program.
09:31:05 Sen. Lang asked Mr. Kujala to provide an update on implementation of HB 239 at the next meeting.
09:31:28 Rep. Curdy commented on the FWP listening session in Missoula. He asked Mr. Kujala how many farmers and ranchers the department is working with in designing potential conservation easements. Mr. Kujala commented on the meeting in Missoula. He redirected the question on the number of conservation easements that the department has endorsed to Ken McDonald, Wildlife Division administrator, FWP.
09:33:20 Mr. McDonald
09:34:09 Rep. Curdy asked Mr. McDonald about the conservation easement program and why the department is now beginning to ask for approval or recommendations from county commissioners.
09:37:26 Rep. Curdy asked Mr. McDonald about apprehension regarding the conservation easement program. Mr. McDonald redirected the question to Mr. Kujala.
09:40:25 Sen. Lang asked Mr. Kujala about the department's involvement with the citizens advisory groups and the process for regional decisions.
09:41:30 Mr. Brenden thanked the department for its efforts to involve local communities.

09:42:09 Sen. Hinebauch said he agrees that it is good to involve local governments.

09:42:59 Rep. Marler said there is a process in statute for how people can get a conservation easement on their property. She said by giving more voice to non-elected citizen advisory committees is a choice to interfere with individual private property rights.

09:43:34 Sen. Flowers asked Mr. Kujala if there is a goal by the department to reduce the elk population by 40,000 and how that is in the best interest of the public.

09:48:36 Sen. Sweeny asked Mr. Kujala how the elk shoulder seasons fit in with the elk management plan.

09:49:22 Sen. Lang asked Mr. Kujala about the department's policy on free pasture rotations on FWP easements.

09:51:17 Mr. Hamlett asked Mr. Kujala about the current status on chronic wasting disease (CWD).

09:53:02 Mr. Hamlett asked Mr. Kujala about CWD trends.

09:54:54 Mr. Hamlett asked Mr. Kujala how wildfire is affecting game and non-game animals, birds, and fish and if the department adjusts hunting seasons with the change in the movement of animals.

09:57:31 Mr. Hamlett commented on the Harris Mountain fire and said it is important that local agencies contribute their expertise and knowledge of an area to the firefighting effort by outside groups. Mr. Kujala said the department will make note of the comment.

10:00:06 Sen. Lang commented on the listening session in Region 6.

10:01:53 Sen. Jacobson asked Mr. Kujala what the Fish and Wildlife Commission decided on shoulder seasons at its last meeting and why the commission decided to ignore public input.

10:05:54 Sen. Jacobson asked Mr. Kujala about the department's decision to oppose the lawsuit allowing crossbows during archery season.

10:08:05 Sen. Sweeney commented on elk shoulder seasons.

10:09:39 Recess

10:29:22 Reconvene

Department of Natural Resources and Conservation

10:30:06 Amanda Kaster, director, Department of Natural Resources and Conservation (DNRC), provided an update.

10:31:02 Ms. Kaster discussed the fire season.

10:32:06 Ms. Kaster said this Thursday the sage grouse oversight team will be hosting a webinar to show the public how the habitat quantification tool works.

EQC questions and discussion

10:33:13 Rep. Hinkle asked Ms. Kaster about communication between state and federal agencies on fire management and initial attack.

10:37:42 Rep. Hinkle asked Ms. Kaster about initial attack and if there is any resistance from the federal government on putting a fire out versus letting it burn.

10:38:59 Sonya Germann, Forestry Division administrator, DNRC, provided information on interagency fire suppression activities.

10:41:57 Rep. Fielder said the EQC should be tasked with protecting air quality in the state and how the state can be more active in requiring the USFS to limit the amount of air pollution from fires that are allowed to burn.

10:45:00 Rep. Curdy said this past summer, Randy Moore, USFS chief, ordered a relaxation of the “let it burn” standard. He asked Ms. Kaster about getting qualified burn bosses to conduct prescribed fire operations in the state. Ms. Kaster redirected the question to Ms. Germann.

10:48:23 Ms. Kaster provided information on the Montana Forest Action Plan.

10:48:58 Sen. Lang asked Ms. Kaster if there is a dual definition of qualifications for burn bosses in western Montana versus eastern Montana. Ms. Kaster redirected the question to Ms. Germann.

10:50:00 Sen. Lang said there was a move by the previous administration regarding taxation in eastern Montana and asked Ms. Germann to keep the public involved before new rules are made.

10:50:36 Sen. Flowers said he recommends inviting the USFS fire management staff from Region 1, and state representatives, for a panel discussion on the complexity of choices made regarding fire management and the role of forest management in addressing fire risk. Sen. Lang said the EQC can look at it as part of its objective.

10:51:47 Sen. Sweeney commended the DNRC for its efforts on initial attack on a fire at Georgetown Lake.

10:52:26 Rep. Curdy asked Ms. Kaster about replacement for the state helicopter that was lost during the Deep Creek Canyon fire near Townsend.

10:53:24 Mr. Hamlett asked Ms. Kaster about initial attack and if there are any jurisdictional issues between federal, state, and local governments. Ms. Kaster redirected the question to Ms. Germann.

10:58:15 Mr. Hamlett asked Ms. Germann about the agency that has the fastest response time on initial attack.

10:59:20 Mr. Hamlett asked Ms. Germann if a local fire department can respond to initial attack on a fire on federal land.

11:00:19 Mr. Hamlett asked Ms. Germann if there is protocol for volunteer fire departments to follow when fires start on USFS or Bureau of Land Management (BLM) land.

11:01:12 Mr. Hamlett asked Ms. Germann if jurisdictional issues are part of the problem when fires get a good start.

11:02:22 Mr. Hamlett asked Ms. Germann about the benefit of looking into the communications between state and federal agencies and the public.

11:04:00 Sen. Lang asked Ms. Germann to contact Mr. Hamlett personally regarding his concerns.

11:04:36 Rep. Fielder commented on federal fire management and finding a system for the state to influence the federal government to put fires out and stop the source of air pollution.

11:05:50 Sen. Lang said it can be part of the work plan discussion.

11:06:10 Mr. Hamlett asked the DNRC to provide the EQC with a map of the state delineating where the direct protection areas are located. He commented that the person in charge of working the Harris Mountain fire for the USFS said the best people to work with throughout the west were the people at the DNRC.

11:07:01 Sen. Lang asked Ms. Kaster about the DNRC’s drought and fire policy on state land.

Public comment

11:09:42 Rod Bullis, Helena, commented on wildland fire.

11:14:51 KC York, Trap Free Montana, commented on wildlife studies. [\(Exhibit A\)](#)

- 11:22:10 Marcus Strange, Montana Wildlife Federation, thanked the FWP for scheduling listening sessions at its regional offices and providing an opportunity for public comment.
- 11:22:56 Raylee Honeycutt, Montana Stockgrowers Association, commented on impacts from the drought, sage grouse, and the definition of “Waters of the United States.” She also commented on President Biden’s executive order regarding the “30 by 30” conservation plan.

SAGE GROUSE CONSERVATION

Population Report

- 11:25:34 Ken McDonald, director, FWP, discussed the annual sage grouse population monitoring report. [\(Exhibit 1\)](#)

EQC questions and discussion

- 11:29:35 Rep. Fielder asked Mr. McDonald about the placement of wind turbines and the impact on sage grouse.
- 11:32:43 Mr. Brenden asked Mr. McDonald about the number of hunting licenses sold this year and the limit for the licensee.
- 11:33:43 Ms. Tranel asked Mr. McDonald about the data and trends in the population monitoring report.
- 11:35:37 Mr. Hamlett asked Mr. McDonald to provide the EQC with information on the number of acres of sage grouse habitat affected by wildland fire in the last four years.
- 11:36:02 Sen. Lang asked Mr. McDonald about the population estimates in the report.
- 11:37:16 Sen. Lang asked Mr. McDonald about the model used in the report.
- 11:39:44 Sen. Flowers asked Mr. McDonald about the concept of compensatory mortality and hunting sage grouse.
- 11:42:12 Rep. Fielder commented on avian predation.
- 11:43:51 Rep. Fielder asked Mr. McDonald if he can provide a map of active and inactive lek sites and the impact of wind turbine farms since 1952.
- 11:45:16 Sen. Lang said the issue has been reviewed by the Montana Sage Grouse Oversight Team (MSGOT) and there are peer review papers available on tall towers. He said any bird that nests on the ground has a lot of potential problems with ground predators.
- 11:45:54 Sen. Hinebauch said weather also has an impact on sage grouse.

Funding MOU between FWP and DNRC

- 11:46:23 Mr. McDonald provided information on the Memorandum of Understanding (MOU) between FWP and the DNRC to cover funding for the sage grouse habitat conservation program. [\(Exhibit 2\)](#)

EQC questions and discussion

- 11:47:57 Sen. Lang asked Mr. McDonald about the MOU and if both parties need to agree before working with or entering into agreements with other agencies or a third party.
- 11:48:32 Sen. Lang asked Mr. McDonald if he foresees any problems with the MOU infringing on sage grouse management.

Montana Sage Grouse Oversight Team Annual Report

11:49:15 Mark Bostrom, Conservation Resource Development Division administrator, DNRC, discussed the MOU and provided information on the MSGOT annual report.

EQC questions and discussion

11:55:51 Sen. Lang commented on the project with Denbury Resources Inc.
11:56:36 Rep. Hinkle asked Mr. Bostrom about the success of the Montana Greater Sage-Grouse Stewardship Act.
11:59:00 Rep. Hinkle asked Mr. Bostrom about the timeline for determining data trends.
12:00:08 Mr. Hamlett said he sponsored the sage grouse legislation in order to have a Montana plan instead of a plan by the federal government.

Public comment

12:01:23 Glenn Marx, Montana Association of Land Trusts, commented on the MOU and the importance of retaining state authority for the sage grouse conservation plan.

12:05:37 Recess for lunch
13:01:48 Reconvene

WOLF MANAGEMENT REPORT

13:02:01 Mr. McDonald presented information on the annual wolf management report. [\(Exhibit 3\)](#)
13:12:38 Mr. McDonald discussed SB 200 (2013).
13:14:51 Mr. McDonald discussed new statutes passed during the 2021 Legislative session.

EQC questions and discussion

13:16:22 Sen. Flowers asked Mr. McDonald how the reduction in funding for wolf management has affected work on the ground.

Public comment

13:17:45 Marc Cooke, Wolves of the Rockies, commented on Integrated Patch Occupancy Modeling. [\(Exhibit 4\)](#)
13:22:27 Mr. Cooke commented on the 2020 annual report. [\(Exhibit 5\)](#)
13:25:30 Marcus Strange, Montana Wildlife Federation, commented on concerns regarding some of the changes made to wolf management.
13:26:55 KC York, Trap Free Montana, commented on consequences of reducing the wolf population.

EQC questions and discussion

13:33:14 Sen. Flowers asked Mr. McDonald to respond to Mr. Cooke's question regarding the different versions of the wolf report.
13:34:26 Rep. Fielder asked Mr. McDonald if the number of wolves harvested in the past year includes the wolves that were taken by the U.S. Fish and Wildlife Service (USFWS).
13:35:00 Rep. Fielder asked Mr. McDonald if the USFWS was able to harvest more wolves in the past.

13:35:52 Rep. Curdy asked Mr. McDonald if there is any provision within the reporting process for counting the incidental taking of other non-target animals from traps and snares.

HJ 27 STUDY OF CONSERVATION DISTRICT FUNDING

Introduction

13:37:58 Mr. Kolman provided an introduction. ([Exhibit 6](#))

Panel Discussion

13:39:53 Rebecca Boslough, executive director, Montana Association of Conservation Districts (MACD), provided background information on HJ 27 (2021).

13:42:11 Mark Bostrom, Conservation Resource Development Division administrator, DNRC, discussed his experience working with conservation districts and the decline in funding from the Coal Severance Tax.

13:47:16 Jim Simpson, president, MACD, discussed the primary purposes of HJ 27.

13:52:18 Kyle Tackett, assistant state conservationist, Natural Resource Conservation Service (NRCS), Department of Agriculture (USDA), spoke in support of the partnership between USDA and conservation districts.

13:53:15 Rich Duesterhaus, National Association of Conservation Districts, discussed the study and funding for conservation districts.

EQC questions and discussion

13:56:51 Mr. Hamlett asked if the USDA or the NRCS provides office space for conservation districts and if there is a charge. Mr. Tackett said they do.

13:57:32 Mr. Bostrum commented on the advantage for conservation districts that have their own space.

13:59:19 Mr. Galt asked Mr. Tackett about the money that the NRCS provided for conservation districts in the last fiscal year and what it was used for.

14:00:09 Mr. Galt asked Mr. Bostrum about the 2021 list of conservation project grants and how the grants were decided and authorized.

14:01:00 Mr. Kolman provided information on the grants.

14:01:23 Mr. Bostrum discussed the different types of grants.

14:06:05 Rep. Curdy asked Stephanie Criswell, Conservation District Bureau program manager, DNRC, about contributions for aquatic invasive species (AIS).

14:09:20 Rep. Curdy asked Ms. Criswell if there are other programs performed by conservation districts that generate revenue.

14:11:27 Mr. Simpson provided information on some of the other grants that conservation districts receive.

14:13:15 Mr. Tackett responded to Mr. Galt's earlier question about the money NRCS provided to conservation districts.

14:14:29 Sen. Flowers asked Mr. Kolman about the study and next steps.

14:18:22 Sen. Lang asked Mr. Kolman if all counties are doing the same mill levy for conservation districts. Mr. Kolman redirected the question to Ms. Boslough. ([Exhibit 7](#))

14:19:38 Mr. Brenden commented on the differences in county mill levies.

14:20:22 Mr. Hamlett asked Mr. Bostrum about interaction between conservation districts and different federal agencies.

14:23:04 Rep. Keane commented on funding for conservation districts and paying people who volunteer.

14:25:51 Sen. Flowers asked Mr. Duesterhaus for his recommendations on funding conservation districts.

14:28:52 Sen. Hinebauch commented on the funding provided from the Coal Severance Tax.

14:29:09 Sen. Lang said the Council needs to come up with a plan and give direction to staff. He recommended creating a spreadsheet of the total budget that indicates where money is coming from. He said conservation districts are a good way of providing support.

14:31:21 Mr. Brenden said he agreed on the need to put together a total budget.

14:33:44 Rep. Hinkle said it might be useful to put together data on starting a trust fund to support conservation districts.

14:34:17 Sen. Lang asked Mr. Bostrum about the interagency transfer of money and the funding for AIS now going to FWP.

14:35:49 Sen. Lang commended the conservation districts for stepping forward to help stop the spread of AIS. He asked Mr. Kolman to provide information on expenses and what might be needed in the future.

14:37:52 Sen. Flowers said it would be helpful for conservation districts to come up with their own ideas for funding. Mr. Simpson said it has been given some thought and encouraged Council members to attend their local conservation district meetings.

14:40:04 Sen. Lang said each of the 58 conservation districts have their own local priorities.

14:40:24 Mr. Brenden asked Mr. Simpson to find out how many of the 58 conservation districts have their own capital equipment.

Public comment

None

CABIN SITE SALE REPORT

14:42:29 Shawn Thomas, Trust Land Management Division administrator, DNRC, presented the annual update to the cabin site sale program. [\(Exhibit 8\)](#)

EQC questions and discussion

14:50:49 Sen. Sweeney asked Mr. Thomas about the number of cabin sites in the state.

14:51:22 Sen. Sweeney asked Mr. Thomas about the average parcel size.

14:52:10 Mr. Hamlett asked Mr. Thomas about deed restrictions on subdividing properties after they are sold.

14:53:15 Mr. Hamlett asked Mr. Thomas if the state retains the mineral rights on properties.

14:53:36 Sen. Lang asked Mr. Thomas if the lease rates increase every year.

14:54:17 Sen. Lang asked Mr. Thomas about the plan for spending generated revenues.

14:56:09 Rep. Curdy asked Ms. Kaster about requirements for people who purchase cabin sites to form a road user association for maintenance issues. Ms. Kaster redirected the question to Mr. Thomas.

14:58:25 Rep. Curdy said he is concerned about the sale of cabin sites that have marginal access and whether the state has an obligation to improve access.

Public comment

15:00:49 Jackie Jones, representing State Auditor Troy Downing, commented on his concerns regarding cabin site sales and the competitive bidding process.

EQC questions and discussion

15:08:52 Mr. Brenden commented on the cabin site sale process.

15:11:40 Rep. Keane commented on issues with the cabin site sale process.

HISTORIC RIGHTS OF WAY UPDATE

15:15:54 Mr. Thomas presented an update on the status of the historic right of way statute SB 31 (2001).

Public comment

None

EQC questions and discussion

15:19:30 Mr. Hamlett asked Mr. Thomas why counties are required to pay the state for an easement on county roads when it is beneficial to everyone.

15:21:47 Sen. Hinebauch asked Mr. Thomas about historic easements on agricultural land.

15:23:34 Sen. Hinebauch asked Mr. Thomas about access to land beyond state land. Mr. Thomas redirected the question to Lisa Axline, Right-of-Way Section supervisor, Real Estate Management Bureau, DNRC.

15:26:30 Mr. Hamlett asked Mr. Thomas about the price the county pays per mile for a county road that goes across state land.

15:29:04 Sen. Lang asked Mr. Thomas to provide a copy of the list of counties that have gone through the process and the amount paid for easements under the historic rights-of way statute. Mr. Thomas said he will provide a copy to staff. [\(Exhibit 9\)](#)

15:29:19 Sen. Flowers asked Mr. Thomas about public access.

FIRE SEASON & WATER SUPPLY UPDATE

15:31:49 Sonya Germann, Forestry Division administrator, DNRC, provided an update on the fire season.

EQC questions and discussion

15:42:17 Mr. Hamlett asked Ms. Germann to provide a breakdown of the amount of timber and the amount of grassland burned. He said he would like to know why the Montana Air National Guard's C-130 aircraft can't be used as an asset to drop fire retardant during fire season.

15:43:22 Sen. Lang asked Ms. Germann to include in the breakdown the amount of timber and grassland burned for each fire.

15:43:41 Rep. Curdy asked Ms. Germann about the helicopter that was lost this year and how it will be replaced.

15:45:01 Rep. Hinkle asked Ms. Germann about data on the size of fires this year compared to previous years.

15:48:11 Sen. Jacobson asked Ms. Germann about replacement for the lost helicopter and about the funding provided to the DNRC by the legislature.

15:50:55 Rep. Hinkle said the emphasis on initial attack this year may have reduced the size of fires compared to previous years.

15:52:06 Michael Downey, Water Planning Section supervisor, Water Resources Division, DNRC, presented information on the drought and water supply forecast. [\(Exhibit 10\)](#)

EQC questions and discussion

16:02:10 Sen. Lang said it is important that the state participates with the USDA Animal and Plant Health Inspection Service (APHIS) and is proactive controlling the grasshopper problem in eastern Montana.

16:02:58 Recess

16:16:48 Reconvene

16:16:52 Sen. Lang said interim items will be moved to the agenda tomorrow.

MONTANA INVASIVE SPECIES COUNCIL ANNUAL REPORT

16:17:40 Bryce Christiaens, weed district manager, Missoula County Weed District; chair, Montana Invasive Species Council (MISC), provided a copy of the MISC annual report and overview of the council's work. [\(Exhibit 11\)](#)

16:22:35 Mr. Christiaens discussed the threat posed by feral swine. [\(Exhibit 12\)](#)

FERAL HOG UPDATE

16:24:35 Dr. James Tansey, Insect/Pest Management, Saskatchewan Ministry of Agriculture, provided information on the status of feral pigs in Saskatchewan.

16:30:04 Darby Warner, executive director of insurance, Saskatchewan Crop Insurance Corp., provided information on the feral bore control program.

16:35:11 Mr. Tansey said they are involved with two national committees.

16:36:40 Marty Zaluski, state veterinarian, Department of Livestock, provided information on the Montana feral swine program. [\(Exhibit 13\)](#)

EQC questions and discussion

16:40:13 Mr. Brenden asked Mr. Tansey about the location of any feral swine sightings close to the border of Montana.

16:42:13 Mr. Brenden commented on concern regarding invasive species in Montana and Canada and said that help is available through the Pacific Northwest Economic Region (PNWER) and other entities.

16:43:54 Mr. Warner commented on the eight sightings in the Moose Mountain Provincial Park and said there have been no reports of sightings near the border.

16:44:18 Mr. Brenden said Moose Mountain is only about 60 miles from the U.S. border.

16:44:52 Sen. Lang left the meeting and Mr. Hamlett assumed the duty as presiding officer.

16:45:33 Mr. Brenden said he recommends meeting in person when the border between the United States and Canada is open. Mr. Tansey and Mr. Warner agreed.

16:46:47 Rep. Marler asked about watching the video on feral pigs.
<https://mtlegnews.gov/montana-no-home-for-little-piggies/>

16:52:44 Sen. Sweeney commented on feral pigs.

16:53:09 Rep. Fielder asked about the proportion of feral pigs that are being removed by hunting versus trapping and which one is more effective. Mr. Tansey said trapping is more effective. Mr. Warner commented on hunting and agreed that trapping is more effective.

16:55:26 Rep. Curdy asked Mr. Zalusky if the Department of Livestock anticipates making any legislative changes.

16:58:31 Mr. Hamlett thanked the speakers for their participation.

16:58:46 Rep. Fielder commented on rush skeletonweed coming into Montana from western states. He said it has been found in eight western counties.

17:00:01 Rep. Marler provided additional information on rush skeletonweed. She said it is classified as a new invader and asked for an update.

17:00:54 Mr. Christiaens said rush skeletonweed is a priority 1 invader species and he will provide additional information.

17:03:24 Mr. Brenden asked Mr. Christiaens to provide a picture of rush skeletonweed and other invasive species.

17:04:15 Mr. Hamlett asked Mr. Christiaens about the number of acres identified with rush skeleton weed.

17:04:49 Mr. Hamlett asked Mr. Christiaens about liability for hay producers that might spread the seed.

17:05:57 Rep. Fielder asked Mr. Christiaens about the spread of rush skeletonweed in eastern parts of Washington and Idaho.

17:07:07 Rep. Hamlett thanked Mr. Christiaens

RECESS

17:07:47 Rep. Hamlett recessed the meeting at 5:07 p.m.