



ENVIRONMENTAL QUALITY COUNCIL 68th Montana Legislature

SENATE MEMBERS

Dan Bartel
Bob Brown
Willis Curdy
Pat Flowers
Steve Hinebaugh
Theresa Manzella

HOUSE MEMBERS

Paul Fielder
Steve Gunderson
Jedediah Hinkle
Jonathan Karlen
Rhonda Knudsen
Marilyn Marler

PUBLIC MEMBERS

Councilmember Galt
Jim Keane
Jon Metropoulos
Dan Vermillion

COMMITTEE STAFF

Joe Carroll - Attorney
Joe Kolman - Legislative Environmental Analyst
Jason Mohr - Research Analyst
Toni Henneman - Research Analyst
Jolanda Songer - Secretary

MINUTES LOG

July 26, 2023
Room 317
Helena, Montana

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.

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MEMBERS PRESENT:

Rep. Steve Gunderson, Chair (R)
Sen. Willis Curdy, Vice Chair (D)
Sen. Dan Bartel (R)
Sen. Bob Brown (R)
Rep. Paul Fielder (R) – Via Zoom
Sen. Pat Flowers (D)
Sen. Steve Hinebaugh (R)
Rep. Jedediah Hinkle (R)
Rep. Jonathan Karlen (D)
Rep. Rhonda Knudsen (R)
Sen. Theresa Manzella (R)
Rep. Marilyn Marler (D)
Jim Keane, Public Member
Dave Galt, Public Member
Jon Metropoulos, Public Member
Dan Vermillion, Public Member

MEMBERS EXCUSED:

MEMBERS ABSENT:

STAFF PRESENT:

Joe Carroll, Attorney
Joe Kolman, Legislative Environmental Analyst
Jason Mohr, Research Analyst
Toni Henneman, Research Analyst
Jolanda Songer, Secretary

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

08:03:07 Sen. Brown

ADMINISTRATIVE MATTERS**Committee Member and Staff Introductions**

08:05:55 Sen. Brown called the meeting to order at 8:03 AM. The committee secretary took roll.

Adoption of EQC Rules

08:10:40 Sen. Brown

08:10:56 Joe Kolman, Legislative Environmental Analyst, Legislative Service Division (LSD)

[EXHIBIT 1](#)

Committee Questions/Discussion on Proxies

08:13:54 Sen. Manzella

08:14:09 Joe Kolman

08:14:23 Sen. Brown

08:14:48 Rep. Fielder

08:15:14 Joe Kolman

08:15:33 Rep. Hinkle

08:15:49 Sen. Bartel

08:16:22 Sen. Manzella

08:16:46 Rep. Gunderson

08:17:34 Rep. Marler

08:18:01 Sen. Brown

08:18:28 Rep. Knudsen

08:18:45 Sen. Brown

08:18:51 Rep. Knudsen

Motion

08:19:34 Rep. Gunderson moved to adopt an electronic format only via email and the email to be carbon copied to the Presiding Officer, Mr. Kolman, or the secretary, prior to roll call, and to be announced after roll call.

Committee Questions/Discussion

08:20:17 Councilmember Keane
08:20:48 Rep. Gunderson
08:21:10 Rep. Knudsen
08:21:24 Sen. Brown
08:21:37 Rep. Gunderson
08:21:40 Councilmember Vermillion

Vote

08:22:07 The motion carried 15-1 by voice vote with Sen. Bartel voting, 'no.'

Motion

08:22:40 Rep. Knudsen moved to adopt the rules as written including the amendments regarding proxies.

Vote

08:22:52 The motion carried unanimously by voice vote.
08:22:58 Sen. Brown

ELECTION OF THE EQC CHAIR AND VICE CHAIR

08:23:33 Sen. Hinebauch nominated Rep. Gunderson for Chair of the EQC Committee.
08:23:58 Rep. Gunderson nominated as Chair by acclamation
08:24:34 Sen. Flowers nominated Sen. Curdy for Vice Chair of the EQC Committee.
08:24:43 Sen. Bartel nominated Sen. Flowers for Vice Chair of the EQC Committee.
08:25:02 Joe Kolman
08:25:27 Sen. Flowers withdrew from the nomination.
08:26:08 Rep. Curdy nominated as Vice Chair by acclamation

INTERIM OVERVIEW

Overview of Work Plan

08:26:25 Joe Kolman
[EXHIBIT 2](#)
08:37:32 Chair Gunderson
08:37:59 Joe Kolman

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC)

Agency Overview

08:39:02 Amanda Kaster, Director, DNRC
[EXHIBIT 3](#)
[EXHIBIT 4](#)

Legislative Update

08:43:29 Director Kaster

Committee Questions/Discussion

08:49:53 Rep. Hinkle asked Director Kaster how she identified the solution to the problem in bringing the backlog down.

08:52:04 Sen. Manzella Requested an organizational chart with names for the listed positions. (Emailed to committee members on 7/31/2023 at 2:06 PM)

08:52:47 Councilmember Keane

08:53:12 Councilmember Galt asked Director Kaster about the resource conservation management plan.

08:55:04 Sen. Brown asked about the Good Neighbor Authority and the forest service.

09:00:05 Vice Chair Curdy

09:04:27 Rep. Marler

09:06:24 Wyatt Frampton, Deputy Forestry Administrator, Department of Natural Resources and Conservation (DNRC)

09:06:54 Sen. Brown

09:09:46 Chair Gunderson asked Director Kaster to add litigation to the deep dive agenda.

09:11:20 Rep. Hinkle

09:12:12 Wyatt Frampton, DNRC

09:13:56 Councilmember Keane

09:14:33 Mike Freeman, Energy and Natural Resources Policy Advisor, Governor's Office

Public Comment on Work Plan

09:15:44 Kerry White provided public comment regarding the work plan. He referred to a trails map of the Fish Creek area.

EXHIBIT 5

Note: Exhibit 5 is available in the Legislative Service Division's office upon request.

Committee Questions/Discussion on Agenda Items

09:24:25 Councilmember Keane

09:25:10 Chair Gunderson

09:25:21 Rep. Marlen

Public Comment on the Work Plan Continued

09:26:38 Jody Loomis, Montana State Parks and Recreation Board Member, District 1, FWP

Committee Questions/Discussion

09:35:28 Sen. Flowers

09:35:51 Joe Kolman

Public Comment on DNRC

09:36:53 Rebecca Boslough-King, Executive Director, Montana Association of Conservation Districts (MACD)

09:39:15 Julia Altemus, Executive Director, Montana Wood Products Association (MWPA)
09:41:43 Ben Jones, Administrator, Board of Oil and Gas Conservation (DNRC)

RECESS

09:42:13 Reconvened at 10:03:49

FIRE AND WATER UPDATES – DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC)

Water Supply Update

10:04:26 Michael Downey, Drought Program Coordinator, DNRC
[EXHIBIT 6a](#)

Committee Questions/Discussion

10:15:38 Councilmember Vermillion
10:19:16 Sen. Flowers

Fire Season Update

10:24:16 Wyatt Frampton, Deputy Forestry Administrator, DNRC

Drought Plan; Comprehensive Water Review

10:34:10 Anna Pakenham Stevenson, Water Division Administrator, DNRC
[EXHIBIT 6b](#)

Public Comment on Fire and Water updates

10:48:35 None

Committee Questions/Discussion

10:48:54 Rep. Hinkle asked Anna Pakenham Stevenson about the Stakeholder Working Group.
10:50:42 Rep. Knudsen
10:51:46 Vice Chair Curdy asked Michael Downey about stream gauges.
10:55:54 Vice Chair Curdy asked Wyatt Frampton about the fire program
10:58:07 Sen. Brown asked Anna Pakenham Stevenson for Stakeholder Working Group updates.
11:00:02 Anna Pakenham Stevenson answered Vice Chair Curdy's question regarding Stream gauges.
11:03:07 Councilmember Metropoulos asked Anna Pakenham Stevenson about the Stakeholder Working Group.
11:06:48 Councilmember Metropoulos asked Wyatt Frampton about the roll of private contractors in the fire suppression and containment process.
11:11:21 Sen. Manzella asked Anna Pakenham Stevenson for a report regarding the CSKT Water Compact.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

Agency Overview

- 11:13:43 James Fehr, Deputy Director, Department of Environmental Quality (DEQ)
[EXHIBIT 7](#)
[EXHIBIT 8](#)
- 11:23:30 Sonja Nowakowski, Administrator, Air, Energy, and Mining Division (DEQ)
- 11:29:43 Amy Steinmetz, Administrator, Waste Management and Remediation Division (DEQ)
[EXHIBIT 9a](#)
[EXHIBIT 9b](#)
- 11:37:20 Lindsey Kyrwaruchka, Administrator, Water Quality Division (DEQ)
[EXHIBIT 10](#)

Committee Questions/Discussion

- 11:41:15 Councilmember Keane asked Sonja Nowakowski about rare earth metals and Federal funding availability.
- 11:42:38 Rep. Karlen asked Sonja Nowakowski for an update on available renewable energy programs for Montanans and local government.
- 11:45:25 Sen. Flowers asked Lindsey Kyrwaruchka about algae blooms in Middle Gallatin and Big Hole.
- 11:48:47 Councilmember Vermillion
- 11:49:41 Vice Chair Curdy asked James Fehr about a Bitterroot Valley Wastewater Treatment Plant failing to meet the DEQ requirements for compliance.

Public Comment on DEQ

- 11:52:55 Terry Wadsworth, Executive Director, Petroleum Tank Release Compensation Board, DEQ

LIBBY ASBESTOS SUPERFUND OVERSIGHT COMMITTEE REPORT (DEQ)

- 11:53:53 Amy Steinmetz
[EXHIBIT 11](#)

Public Comment on Libby Asbestos Superfund Oversight Committee

- 11:58:14 None

Committee Questions/Discussion

- 11:58:34 Mike Freeman
- 11:59:30 Councilmember Keane

RECESS FOR LUNCH

- 12:00:49 Reconvened at 13:29:59

YELLOWSTONE RIVER SPILL UPDATE (DEQ)

- 13:29:58 James Fehr

Public Comment on Yellowstone River Spill Update

13:35:38 None

Committee Questions/Discussion

13:35:46 Councilmember Vermillion asked James Fehr about infrastructure of rail bridges.
13:37:17 Mike Freeman
13:37:45 Sen. Flowers
13:38:25 Rep. Fielder
13:39:41 Sen. Hinebauch

DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Agency Overview

13:40:20 Dustin Temple, Director, Department of Fish, Wildlife, and Parks (FWP)
[EXHIBIT 12](#)
13:40:33 Quentin Kujala, Chief of Conservation Policy, FWP
13:40:37 Sarah Clerget, Chief Legal Counsel, FWP
13:40:40 Ken McDonald, Chief of Wildlife, FWP
13:40:43 Brian Wakeling, Game Management Bureau Chief, FWP
13:40:47 Lena Havron, Chief Financial Officer, FWP
13:40:55 Dr. Mike Duncan, Region 3 Fisheries Manager, FWP

Public Comment

13:45:16 Kerry White commented regarding the shooting ban in Gallatin County.

Committee Questions/Discussion

13:48:52 Councilmember Vermillion asked Director Temple about the new licensing system.
13:52:01 Sen. Flowers asked Director Temple about the shooting ban in Gallatin County.
13:57:06 Rep. Hinkle
14:01:05 Rep. Marler asked Director Temple about the problems with the special drawings for licenses and tags.
14:06:19 Rep. Knudsen asked Director Temple about funding for a shooting site in Gallatin County.
14:09:45 Rep. Karlen asked Director Temple for an update on funding for wildlife crossings.
14:11:31 Ken McDonald
14:14:55 Rep. Fielder asked Ken McDonald for a report on the effectiveness of different wildlife options such as overpasses, underpasses, and signage.

WOLF REPORT (FWP)

14:16:19 Ken McDonald
[EXHIBIT 13](#)

Public Comment on Wolf Report

14:34:15 Marc Cooke, President, Wolves of the Rockies

14:38:50 John Marchwick
14:42:11 KC York, President, Trap Free Montana Public Lands (TFMPL)
14:45:42 Glenda Meyer

Committee Questions/Discussion

14:48:08 Vice Chair Curdy asked Ken McDonald about the 2004 Wolf Management Plan.
14:52:23 Councilmember Vermillion asked Ken McDonald about the Wolf Advisory (Working) group
14:55:21 Sen. Flowers asked Ken McDonald about wolf licenses.
[EXHIBIT 13](#) (Figure 10)
14:56:25 Jon Metropolis asked Marc Cooke about consumptive/non-consumptive communities
14:57:41 Sen. Hinebauch asked Ken McDonald about the number of wolves under the Federal Gray Wolf Final Delisting Rule.
14:58:33 Rep. Fielder
15:01:55 Sen. Flowers asked Mike Duncan for his assessment on the trout population in South-West Montana and for future reports to the Council.
15:08:21 Dustin Temple
15:09:03 Councilmember Vermillion asked Mike Duncan about Hoot Owl Restrictions
15:13:02 Rep. Marler commented to no limit a comprehensive look to region 3, but to include all regions.

DRAFT ELK PLAN (FWP)

15:14:23 Brian Wakeling
[EXHIBIT 14](#)

Public Comment on the Draft Elk Plan

15:24:14 Marc Cooke, Wolves of the Rockies
[EXHIBIT 15](#)

Committee Questions/Discussion

15:26:12 Councilmember Vermillion asked Brian Wakeling about the 5-Week general season options on page 53 of the Draft Elk Plan.
[EXHIBIT 14](#)
15:28:31 Rep. Hinkle asked Brian Wakeling about mule deer.

GRIZZLY BEAR MANAGEMENT PROPOSAL (FWP)

15:32:19 Quentin Kujala

Public Comment on the Grizzly Bear Management Proposal

15:35:32 KC York, President, Trap Free Montana Public Lands (TFMPL)

Committee Questions/Discussion

15:38:49 Sen. Flowers asked Quentin Kujala about the ARM Rule Language Approval (Sen. Gillespie's Bill.)

Public Comment on the Grizzly Bear Management Proposal Continued

15:40:42 Glenda Meyer
15:41:34 Karli Johnson, State Governmental Affairs and Northwest Regional Manager,
Montana Farm Bureau Federation (MFBF)

COMMITTEE UPDATES

15:45:43 Trevor Graff, Research Analyst, Energy and Telecommunications Interim
Committee, Legislative Service Division (LSD)
15:48:47 Jason Mohr, Research Analyst, Water Policy Interim Committee, Legislative
Service Division (LSD)

Public Comment on Committee Updates

15:53:24 None

Committee Questions/Discussion

15:53:30 Chair Gunderson asked Trevor Graff for an update on pumped storage hydro.

BLM COAL SCREEN AMENDMENT

15:55:15 Sen. Hinebauch
[EXHIBIT 16](#)

Public Comment on BLM Coal Screen Amendment

16:00:22 Alan Olson

Committee Questions/Discussion

16:03:07 Mike Freeman commented regarding the Draft Supplemental EIS
16:03:38 Rep. Marler
16:04:21 Joe Kolman
16:05:29 Chair Gunderson asked Sen. Hinebauch about the deadline of the comment
period on the Draft Supplemental EIS/RMP Amendment.
16:05:43 Sen. Hinebauch answered the date is August 3, 2023.
16:06:19 Joe Kolman
16:06:34 Sen. Hinebauch
16:06:51 Rep. Knudsen
16:07:05 Joe Kolman
16:07:27 Chair Gunderson
16:07:32 Sen. Hinebauch
16:07:51 Councilmember Metropoulos
16:08:16 Joe Kolman
16:08:55 Joe Carroll, Attorney, Legislative Service Division (LSD)
16:09:32 Councilmember Keane
16:09:55 Joe Kolman
16:10:46 Sen. Hinebauch

16:10:49 Chair Gunderson
 16:11:01 Sen. Hinebauch
 16:11:58 Sen. Flowers
 16:13:09 Rep. Marler
 16:14:55 Chair Gunderson
 16:15:52 Sen. Hinebauch
 16:17:04 Chair Gunderson
 16:17:28 Rep. Fielder
 16:18:14 Rep. Knudsen
 16:18:34 Joe Kolman
 16:18:56 Rep. Knudsen
 16:19:00 Joe Kolman
 16:19:04 Rep. Knudsen
 16:19:35 Sen. Hinebauch

STATUTORY ADMINISTRATIVE RULE REVIEW (LSD)

16:19:49 Joe Carroll

[EXHIBIT 17](#)

Public Comment

16:22:48 None

Committee Questions/Discussion

16:23:05 Sen. Brown asked if the quality or quantity of water should be reviewed by EQC, instead of WPIC.
[EXHIBIT 17](#) (page 1)
 16:23:50 Joe Kolman
 16:25:06 Councilmember Keane asked Joe Kolman if it would be appropriate to add the vote count in the letter regarding the Draft Supplemental EIS/RMP Amendment.
 16:26:26 Rep. Hinkle
 16:26:48 Joe Kolman
 16:27:42 Rep. Knudsen
 16:28:06 Sen. Brown
 16:28:28 Rep. Karlen
 16:29:02 Sen. Hinebauch
 16:29:29 Rep. Karlen
 16:29:36 Chair Gunderson

INTERIM WORK PLAN – AGENDA ITEMS

16:30:32 Sen. Manzella
 16:32:38 Rep. Hinkle
 16:34:05 Chair Gunderson

16:34:28 Sen. Brown
 16:35:29 Chair Gunderson
 16:35:49 Sen. Brown
 16:36:04 Vice Chair Curdy
 16:37:33 Chair Gunderson
 16:38:07 Councilmember Metropoulos
 16:41:46 Rep. Marler
 16:43:08 Councilmember Vermillion
 16:43:32 Chair Gunderson
 16:43:39 Rep. Fielder
 16:45:22 Rep. Karlen
 16:45:40 Chair Gunderson
 16:46:06 Rep. Knudsen
 16:46:48 Sen Flowers
 16:47:39 Chair Gunderson

PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THE AGENDA WITHIN EQC'S JURISDICTION

16:50:05 Alan Olson, Montana Petroleum Association (MPA)
 16:55:11 Amelia Gilsdorf, Montana Mining Association (MMA)

Committee Questions/Discussion

16:56:04 Rep. Marlen handed Rep. Gunderson the Chairman's plaque.
 16:57:06 Chair Gunderson speaks to Joe Kolman about his farewell.
 16:57:46 Sen. Flowers gave his proxy vote to Vice Chair Curdy.
 16:58:01 Sen. Hinebauch presented the following letter, "To whom it may concern, Please, be advised that the Environmental Council met today and voted in favor of alternative A for the resource management plan for Eastern Montana BLM land for its positive environmental, social, and economic impacts. Sincerely,"
 16:58:54 Rep. Karlen
 16:59:13 Rep. Marler
 16:59:38 Rep. Fielder suggested to edit the letter by adding Montana to the Environmental Quality Council and to reflect the association with the Legislature.
 16:59:48 Chair Gunderson
 16:59:54 Sen. Hinebauch
 17:00:06 Sen. Flowers
 17:01:05 Sen. Flowers left the meeting

Motion

17:01:16 Sen. Hinebauch moved to use the language of the letter or similar language and to send the letter to those who they need to send it to.

Vote

17:01:33 The motion carried 10 – 5 by roll call vote with Reps. Karlen and Marler, an Sens. Curdy and Flowers (by proxy), and Councilmember Vermillion voting 'no.' Councilmember Metropoulos abstained from voting.

Motion

17:03:26 Sen. Brown moved the letter reflect the vote count.

Committee Questions/Discussion

17:03:48 Vice Chair Curdy amended the motion by adding that the reflection should be a numerical reflection, no names.

17:03:58 Sen. Brown moved the motion with the amendment.

Vote

17:04:02 Carried unanimously by voice vote.

Draft Meeting Calendar

17:04:15 Joe Kolman

17:05:35 Chair Gunderson

17:05:47 Rep. Knudsen

17:06:06 Rep. Hinkle

17:06:16 Vice Chair Curdy

17:06:33 Rep. Karlen

17:06:47 Joe Kolman

17:07:15 Chair Gunderson - Next Meetings Sept. 27 & 28

Committee Questions/Discussion

17:07:38 Rep. Hinkle asked Chair Gunderson about timelines for field trips.

17:09:23 Rep. Karlen

17:09:43 Chair Gunderson

ADJOURNMENT

17:10:07 Chair Gunderson adjourned the meeting at 5:10 p.m.