



## ENVIRONMENTAL QUALITY COUNCIL 68th Montana Legislature

### SENATE MEMBERS

Dan Bartel  
Willis Curdy  
Pat Flowers  
Steve Hinebauch  
Mike Lang  
Theresa Manzella

### HOUSE MEMBERS

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

### COMMITTEE STAFF

Joe Carroll – Attorney  
Jason Mohr – Environmental Analyst  
Katy Callon – Research Analyst  
Jolanda Songer - Secretary

# MINUTES LOG

June 17, 2024  
Room 137  
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, Presiding Officer(R)  
Sen. Willis Curdy, Vice Presiding Officer (D)  
Rep. Paul Fielder (R) – Via Zoom  
Sen. Pat Flowers (D)  
Sen. Steve Hinebauch (R)  
Rep. Jedediah Hinkle (R)  
Rep. Jonathan Karlen (D)  
Rep. Rhonda Knudsen (R) – Via Zoom  
Sen. Mike Lang (R)  
Sen. Theresa Manzella (R)  
Rep. Marilyn Marler (D)  
Jim Keane, Public Member  
Jon Metropoulos, Public Member  
Dave Galt, Public Member  
Mike Freeman, Public Member

### MEMBERS EXCUSED:

Sen. Dan Bartel (R)  
Dan Vermillion, Public Member

**MEMBERS ABSENT:**

**STAFF PRESENT:**

Joe Carroll, Attorney  
Jason Mohr, Research Analyst  
Katy Callon, Research Analyst  
Jolanda Songer, Secretary

**AGENDA ([Attachment 1](#))**

**VISITORS' LIST ([Attachment 2](#))**

**COMMITTEE ACTION**

**CALL TO ORDER/ROLL CALL**

09:00:44 Presiding Officer Steve Gunderson called the meeting to order at 9:00 AM. The committee secretary took roll.

**MEETING OVERVIEW, FOLLOW UP ON EQC LETTERS OF APRIL 10**

09:01:58 Jason Mohr, Legislative Environmental Analyst, Legislative Services Division (LSD)  
09:02:13 Sen. Flowers joined the Meeting.

**UPDATE FROM MEPA WORK GROUP**

09:11:44 Sonia Nowakowski, Division Administrator, Air, Energy, & Mining, Montana Department of Environmental Quality (DEQ)  
[EXHIBIT 1](#)  
[EXHIBIT 2](#)  
09:21:04 Presiding Officer Steve Gunderson

**Public Comment**

09:21:43 Clayton Elliott, Conservation and Government Affairs Director, Montana Trout Unlimited and Member of the MEPA Work Group

**Council Questions, Discussion, Action**

09:23:29 Rep. Hinkle  
09:23:41 Sonia Nowakowski  
09:26:29 Sen. Flowers  
09:27:49 Presiding Officer Steve Gunderson

**DIRECTOR'S REPORT**

09:28:26 Sonia Nowakowski, DEQ

**Public Comment**

09:33:30 None

**Council Questions, Discussion, Action**

09:33:50 Rep. Rhonda Knudsen  
09:34:41 Sonia Nowakowski

09:36:33      **Recessed**  
09:57:41      **Reconvened**

**ADVERSE CLIMATE IMPACTS OF GREENHOUSE GAS EMISSIONS PETITION TO PUBLIC SERVICE COMMISSION**

**Petitioners**

09:58:25      Ann Hedges, Policy and Legislative Director, Montana Environmental Information Center (MEIC)  
[EXHIBIT 3](#)  
[EXHIBIT 4](#)  
[EXHIBIT 5](#)

10:10:20      Robert Byron, Montana Health Professionals for a Healthy Climates (Montana HPHC)

10:12:51      Winona Rachel, Families for a Livable Climate

10:14:20      Michael Hudson, Families for a Livable Climate

**PSC**

10:16:03      David Sanders, Executive Director, Montana Public Service Commission (PSC)

**Public Comment**

10:21:42      Alan Olson, NorthWestern Energy

10:24:40      Karli Johnson, State Governmental Affairs Coordinator, Montana Farm Bureau

10:25:49      TJ Smith  
[EXHIBIT 6](#)

10:31:48      Dan Brooks, Billings Chamber of Commerce

**Council Questions, Discussion, Action**

10:35:21      Rep. Jedediah Hinkle

10:36:17      Ann Hedges

10:40:02      Jason Mohr

10:40:24      Rep. Jedediah Hinkle

10:40:30      Ann Hedges

10:44:30      Sen. Steve Hinebauch

10:45:11      Ann Hedges

10:47:13      Sen. Steve Hinebauch

10:48:09      Robert Byron

10:48:43      Rep. Paul Fielder

10:49:34      Ann Hedges

11:00:40      Presiding Officer Steve Gunderson

11:01:47      Joe Carroll, Legislative Attorney, LSD

11:03:33      Jim Keane, Public Member

11:04:08      Joe Carroll

11:04:59      Rep. Jedediah Hinkle

11:06:13      Alan Olson

11:08:45 Rep. Marilyn Marler  
11:09:38 Sen. Pat Flowers  
11:09:55 David Sanders  
11:11:34 Sen. Theresa Manzella  
11:12:11 Ann Hedges  
11:12:51 Sen. Theresa Manzella  
11:13:05 David Sanders  
11:15:04 Jon Metropoulos, Public Member  
11:15:56 Ann Hedges  
11:16:31 Jon Metropoulos  
11:16:43 David Sanders  
11:16:57 Rep. Paul Fielder  
11:18:05 Ann Hedges  
11:21:23 Rep. Jedediah Hinkle  
11:23:01 Ann Hedges  
11:26:19 Rep. Marilyn Marler  
11:26:06 Jason Mohr  
11:26:27 Rep. Marilyn Marler

#### **ADMINISTRATIVE RULE REVIEW**

11:27:15 Joe Carroll, Legislative Services Division (LSD)

[EXHIBIT 7](#)

#### **Council Questions, Discussion, Action**

11:28:56 Jim Keane

#### **ADMINISTRATIVE RULE REVIEW - Continued**

11:29:06 Joe Carroll

#### **Council Questions, Discussion, Action**

11:32:57 Sen. Flowers

11:34:02 **Recessed**

13:00:54 **Reconvened**

#### **HJ 18 (STUDY OF REMEDIATION AT SMURFIT STONE SITE)**

##### **Water Data of Clark Fork River Toxins Study**

13:01:22 Trevor Selch, Fisheries Pollution Control Biologist, Fish, Wildlife, and Parks (FWP)

[EXHIBIT 8](#)

##### **Water Rights at Smurfit Stone Site**

13:18:29 Nate Ward, Bureau Chief, Water Rights, Montana Department of Natural Resources and Conservation (DNRC)

**Public Comment**

13:20:43 None

**Council Questions, Discussion, Action**

13:21:01 Vice Presiding Officer Willis Curdy

13:21:47 Nate Ward

13:23:10 Vice Presiding Officer Willis Curdy

13:24:03 Trevor Selch

13:26:32 Rep. Paul Fielder

13:27:13 Rep. Jedediah Hinkle

13:27:39 Trevor Selch

**LETTER TO U.S. DEPARTMENT OF AGRICULTURE OBJECTING TO NEW RULE  
REDEFINING OLD-GROWTH FORESTS WITHIN NATIONAL FOREST PLANS**

13:29:25 Timory Peel, Director for Ecosystem Planning, U.S. Forest Service, Northern  
Region

[EXHIBIT 9](#)

[EXHIBIT 10](#)

13:34:17 Amanda Kaster, Director, DNRC

**Public Comment**

13:40:39 Julia Altemus, Executive Director, MT Wood Products Association (MWPA)

**Council Questions, Discussion, Action**

13:43:09 Presiding Officer Steve Gunderson

13:43:17 Director Kaster

**REPORT ON ROAD CLOSURES/RESTRICTIONS ON STATE LANDS**

13:45:28 Jessica Hoag, Recreational Use and Access Coordinator, DNRC

**Public Comment**

13:47:24 None

**Council Questions, Discussion, Action**

13:47:50 Sen. Lang

13:48:07 Jessica Hoag

**REPORT ON LAND BANKING**

13:48:57 Deidra Kloberdanz, Bureau Chief, Real Estate Management, Forestry and Trust  
Land Division, DNRC

[EXHIBIT 11](#)

**Public Comment**

13:52:08 None

**Council Questions, Discussion, Action**

13:52:29 Vice Presiding Officer Willis Curdy

13:53:36 Deidra Kloberdanz

13:55:29 Shawn Thomas, Administrator, Forestry and Trust Land Division, DNRC  
13:57:45 **Recessed**  
14:15:11 **Reconvened**

#### **UPDATE ON UPLAND GAMEBIRD ENHANCEMENT ACTIVITIES**

14:15:22 Ken McDonald, Chief, Wildlife Division, FWP

#### **Public Comment**

14:22:46 Josh Lucas, Conservation Director, Montana Wildlife Federation

#### **Council Questions, Discussion, Action**

14:25:05 Sen. Steve Hinebauch  
14:26:12 Presiding Officer Steve Gunderson  
14:26:29 Quentin Kujala, Chief, Conservation Policy, FWP

#### **UPDATE ON WILDLIFE HABITAT IMPROVEMENT ACT**

14:28:15 Ken McDonald, FWP

#### **Public Comment**

14:33:50 None

#### **FOLLOW-UP ON FISH CREEK STATE PARK RECREATION PLANNING**

14:34:26 Marina Yoshioka, Acting Chief of Operations, FWP

#### **Public Comment**

14:36:10 None

#### **Council Questions, Discussion, Action**

14:36:33 None

#### **DIRECTOR'S REPORTS**

14:36:49 Dustin Temple, Director, FWP  
14:40:37 Amanda Kaster, Director, DNRC

#### **Public Comment**

14:43:49 Clayton Elliott  
14:46:05 Marc Cooke, Wolves of the Rockies

#### **Council Questions, Discussion, Action**

14:50:49 Jon Metropoulos  
14:51:47 Clayton Elliott  
14:56:17 Presiding Officer Steve Gunderson  
14:56:34 Sen. Mike Lang  
14:57:05 Director Kaster  
14:58:38 Sen. Mike Lang  
14:58:57 Director Temple

15:00:08 Vice Presiding Officer Willis Curdy  
15:00:40 Director Kaster  
15:02:46 Shawn Thomas  
15:04:41 Sen. Flowers left the meeting.  
15:05:42 Vice Presiding Officer Curdy requested information from Shawn Thomas.  
15:06:08 Rep. Jedediah Hinkle  
15:07:01 Director Kaster  
15:09:03 Presiding Officer Steve Gunderson asked a question on behalf of Dan Vermillion.  
15:09:35 Director Temple  
15:10:53 Sen. Theresa Manzella  
15:11:09 Director Kaster  
15:11:21 Clayton Elliott  
15:14:04 Rep. Jedediah Hinkle  
15:15:21 Vice Presiding Officer Willis Curdy  
15:17:00 Director Kaster

**PUBLIC COMMENT ON ANY ISSUE WITHIN THE JURISDICTION OF THE EQC**

15:18:49 Scott Laird, Montana Representative, Theodore Roosevelt Conservation Partnership (TRCP)

**Council Questions, Discussion, Action**

15:21:20 Vice Presiding Officer Willis Curdy

**ADMINISTRATIVE RULE REVIEW**

15:22:16 Jason Mohr, LSD

**Motion**

15:23:43 Rep. Jedediah Hinkle moved to vote to approve the letter on behalf of the council.  
**Vote:** Carried by roll call vote, 10-4, with Sens. Curdy, Flowers (by proxy), Rep. Karlen (by proxy), and Jim Keane voting 'no'.

15:26:23 Jason Mohr

15:28:58 Presiding Officer Steve Gunderson

15:29:47 Jason Mohr

**ADJOURNMENT**

Adjournment: 15:30:46