

**2007-2008 Environmental Quality Council
Draft Work Plan**

June 22, 2007

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Information about the 2007-2008 Draft Work Plan

Introduction

This is the draft work plan for the Environmental Quality Council (EQC or Council) for the 2007-2008 interim. In this document you will find:

- An explanation of how the EQC plans its work.
- Instructions for using the draft work plan to make decisions about the final work plan.
- A description of potential work plan topics and options for addressing those topics.
- A draft timeline.

There are two additional documents--the *Draft Work Plan Appendices*, that contains copies of the study resolutions; and the *Draft EQC Work Plan Decision Matrix*.

How the EQC Plans its Work

During the legislative interim, the EQC typically focuses on two to four major study topics, while also maintaining oversight of programs and rulemaking activities of the Montana Department of Natural Resources and Conservation (DNRC) ; the Montana Department of Environmental Quality (DEQ); and the Montana Department of Fish, Wildlife, and Parks (DFWP).

The Council selects study topics at the beginning of the interim. **The primary constraint limiting the EQC study agenda for the interim is the number of issues that can be effectively addressed within the available time and resources of the Council members and its staff.**

This *Draft 2007-2008 Work Plan* is a **DRAFT**. It is really a **decisionmaking tool** to help Council members work together efficiently to set priorities and decide how and where to spend the EQC's limited time and resources. Once you collectively make a decision on the work plan, it will become your blueprint for the 2007-2008 interim. Staff will then develop detailed draft work plans and timetables for each major study. A draft timeline illustrating the overall schedule that these work plans will fit into once the meeting schedule and work plan are finalized is presented at the end of this document.

The draft work plan includes studies that were requested by legislators through study resolutions, study bills, suggested topics offered by Council members, and statutory mandates. The study resolutions have been ranked by the legislators and assigned to interim committees by the Legislative Council. The EQC now must decide how to prioritize its interim work regarding how or whether it plans to pursue these requests. The EQC's statutory mandates are broad. (See *A Council Member's Guide to the Environmental Quality Council*.) Therefore, there are countless potential study topics that may be of interest to Council members. Those topics that were suggested by members in response to the May 29, 2007 memorandum to the Council are listed in the *Draft EQC Work Plan Decision Matrix*.

Instructions

The *DRAFT EQC Work Plan Decision Matrix* is included as a separate document. Council members have found the matrix to be extremely useful in making decisions on the work plan. The decisions you will need to make are simply "What?" and "How Much?"

Just **follow these steps**:

1. Review the draft work plan.
2. Refer to the matrix. Review the topics and add any additional topics that are important to you.
3. For each category in the column on the far left, *choose* from the menu of options.
4. Circle the most appropriate option for that topic.
5. Fill in the resources allocated for that option in the far right column (#FTE, etc.).
6. Do this for each topic, then add the total. If it is more or less than **1.83 FTE**, reallocate.

Keep in mind that although we have listed "guesstimates" for *staff and Council resources*, each option involves a time commitment from *Council members*. In past interims, some EQC members indicated that they received too much information and that subcommittees were overused to the detriment of members that were not on the subcommittees. You may want to consider this when you make your decisions.

This exercise can be done individually in order to get an idea of your own preference. After Council discussion that should include answers to the question "Why", EQC members may generate proposals for the group to consider. At the end of the May EQC meeting, a plan of *what* the Council plans to work on during the interim and *how much* effort will be placed on each subject should be the result. Any direction on *how* you think the work can best be accomplished will assist staff in preparing detailed work plans on the selected topics. Last interim the whole Council gave a broad amount of time to be allocated to general topics and the chair and vice-chair provided staff with the more specific amounts of FTE to be allocated to each specific issue.

Once again, the *Draft 2007-2008 Work Plan* is a decisionmaking tool. **Everything in it is subject to approval by the Council.**

Potential Work Plan Topics

STUDY RESOLUTIONS ASSIGNED TO THE EQC BY LEGISLATIVE COUNCIL

Study establishment of conservation easements on state trust lands

Source/authority: HJR 57 **Legislative Poll Ranking:** #11

Background: The Land Board currently has the authority in 77-2-101, MCA, to establish conservation easements on state trust lands. However, that power is limited to three specific situations:

- (i) to the department of fish, wildlife, and parks for parcels that are surrounded by or adjacent to land owned by the department of fish, wildlife, and parks as of January 1, 2001;
- (ii) to a nonprofit corporation for parcels that are surrounded by or adjacent to land owned by that same nonprofit corporation as of January 1, 2001; and
- (iii) to a nonprofit corporation for the Owen Sowerwine natural area located within section 16, township 28 north, range 21 west, in Flathead County.

In the 2007 Legislature, SB 391 proposed amending that statute to authorize the granting of conservation easements on any state lands held in trust. The bill died, but HJR 57 passed and directed a study of the issue. Areas to be studied included:

- * the effects of establishing conservation easements on state trust lands, including costs, benefits, compatibility with existing uses, and how to ensure that multiple use management occurs in the future.
- * an evaluation of opportunities for the Department of Natural Resources and Conservation to partner with other organizations to acquire state trust lands that have restricted development rights, which would lower land acquisition costs while also perpetuating traditional uses of the land.

OPTION A	OPTION B	OPTION C	OPTION D
<p>.3 FTE</p> <ul style="list-style-type: none"> • Study statutes, policies of other western states. • Analyze federal statutes, polices. • Panel discussions <p>Deliverables:</p> <ul style="list-style-type: none"> • Interim report • Legislation (if any) 	<p>.25 FTE</p> <ul style="list-style-type: none"> • Study statutes, policies of other western states. • Analyze federal statutes, polices. • Panel discussions <p>Deliverables:</p> <ul style="list-style-type: none"> • White paper • Legislation (if any) 	<p>.2 FTE</p> <ul style="list-style-type: none"> • Study statutes, policies of other western states. • Analyze federal statutes, polices. <p>Deliverables:</p> <ul style="list-style-type: none"> • Brief summary • Legislation (if any) 	<p>No Action</p>

EQC STATUTORY DUTIES AND OBLIGATIONS

Water Policy Statutory Duties

Source/authority: 85-2-105, MCA.
Recommendations of 1997-98 EQC.
HB 22 (2005 session)

Background: The water policy duties of the EQC that are set forth in 85-2-105, MCA, are paraphrased below.

1. Advise the Legislature on the **adequacy of Montana's water policy**.
2. Advise the Legislature on **important state, regional, national, and international developments** that affect Montana's water resources.
3. Oversee **policies and activities of executive branch agencies** and other state institutions that affect Montana's water resources.
4. Assist with **interagency coordination** related to Montana's water resources.
5. **Communicate with the public** about water policy and water resources.
6. Analyze and comment on the **State Water Plan**, when prepared by the Montana Department of Natural Resources and Conservation (DNRC).
7. Analyze and comment on the **Renewable Resource Grant and Loan Program** report.
8. Analyze and comment on **water related research** undertaken by state entities.
9. Analyze, verify and comment on the information in the **Water Information System of the Natural Resource Information System**.
10. Report to the Legislature.

Some of the many potential water policy issues that the EQC may want to address or receive information about during the 2007-2008 interim are described briefly below.

Water quality monitoring, assessment and improvement (TMDL'S). The 1997-98 EQC recommended that the next EQC continue to provide oversight of the Montana Department of Environmental Quality's (DEQ) implementation of House Bill 546, a bill passed in 1997 that addressed water quality monitoring, assessment and improvement, including total maximum daily loads, or TMDL's. U.S. District Court Judge Molloy has issued an order that requires the U.S. Environmental Protection Agency (EPA) to approve or establish TMDLs for each pollutant that impairs or threatens a water quality limited segment on the state's 1996 list of impaired and threatened water bodies by May 5, 2007. The DEQ is prohibited from issuing new permits or increasing permitted discharge for permittees to a water quality limited segment under the Montana Pollutant Discharge Elimination System (MPDES) permitting program until all necessary TMDLs are developed. The timelines affecting DEQ and the completion of TMDLs was extended to 2012 by House Bill 89 in the 2003 Legislature. House Bill 89 affects only the statutory completion date and does not affect the court mandated completion date of 2007.

Water adjudication. House Bill No. 22 (2005) session required the Department of Natural Resources and Conservation and the Montana Water Court to report to the

EQC at every meeting regarding the progress of Montana's water adjudication. House Bill No. 473 (2007) removed the billing requirement that was a part of HB 22 but maintained benchmarks. As a result of HB 473, the benchmarks continue to require DNRC to examine a certain number of claims each biennium. However, the result of not meeting or exceeding the benchmarks has changed. HB 22 removed the fee funding mechanism if the benchmarks were not met. Under HB 473 the fee no longer exists -- therefore, if DNRC does not meet the benchmarks the funding for the adjudication may not be part of the department's base budget and must be brought before the legislature for a more intensive review.

Drought. If current conditions continue, the effects of drought will continue to be a grave concern in many parts of the state. Pursuant to section 2-15-3308, MCA, the Drought Advisory Committee chaired by the Lieutenant Governor is responsible for monitoring drought conditions, implementing the state drought plan, providing assistance to local drought advisory committees, and other duties related to drought.

Wading into Montana Water Rights revision. *Wading into Montana's Water Rights* is a primer for citizens that addresses frequently asked questions regarding water rights. This primer was revised last interim. Montana's water laws have been amended during the four legislative sessions since 1997 -- fairly significantly during the 2005 session. Because the guide is general and amendments to Montana law have been fairly narrow, the guide continues to be a generally accurate and useful document. However, new questions have arisen and the laws have been amended. The EQC could request staff to update this primer. Last interim the Council coordinated with the DNRC to publish one booklet rather than two separate booklets as has been done in the past.

OPTION A	OPTION B	OPTION C	OPTION D
	<p>.15 FTE</p> <ul style="list-style-type: none"> All mandatory duties. Selected water issues. Public involvement through EQC meetings. Review and discuss applicability of statutory responsibilities related to water policy issues. Basic involvement and oversight on water adjudication program - DNRC and the Water Court. <p>Deliverables:</p> <ul style="list-style-type: none"> Update water rights handbook. Brief report to Legislature. Potential legislation to address statutory responsibilities 	<p>.1 FTE</p> <ul style="list-style-type: none"> Mandatory duties only. Public involvement through EQC meetings. Review and discuss applicability of statutory responsibilities related to water policy issues. Minimal involvement and oversight on water adjudication program - DNRC and the Water Court. <p>Deliverables:</p> <ul style="list-style-type: none"> Very brief report to Legislature. Potential legislation to address statutory responsibilities 	

EQC General Statutory Duties

Source/authority: Sections 75-1-201, 75-1-208, 75-1-314, 75-1-324, 2-15-1514, 2-15-1523, 75-10-111, 75-10-743, 75-10-913, 75-10-918, and 75-10-927, 77-2-301, 77-5-301, 85-1-203, 85-1-621, 85-2-105, 85-2-350, and 85-2-436.

Background: Following the establishment of the EQC in 1971, the Legislature has occasionally authorized the Council to play a role in some specific programs or activities of state government. These directives are in addition to the more general oversight authorities for environmental programs and policies found in section 75-1-324, MCA. This general authority is arguably sufficient to address the specific programs and policies. However, and particularly for new environmental programs or policies, the Legislature has called upon the EQC to act as its liaison with the executive branch. In the past, the EQC has prioritized these activities as the need for specific oversight changes with interest, time, and circumstance. They are listed as follows:

- 75-1-201 and 75-1-208, MCA - Executive agencies are required to submit copies of environmental review documents prepared in accordance with the Montana

Environmental Policy Act (MEPA) to the EQC. The EQC staff has created and maintains a database of MEPA documents. Effective in 2001, a project sponsor may appear before the EQC at a regularly scheduled meeting to discuss issues regarding an executive agency's environmental review of the project.

- 75-1-314, MCA - Three agencies of state government are required to report specific compliance and enforcement information to the EQC on a biennial basis. This is the result of a 1997 EQC interim study. The agencies have provided two reports to date. The 2001-2002 EQC requested that the agencies provide the third report covering fiscal years 2001, 2002 and 2003 during this next interim.
- 75-1-324, MCA - This section of law contains the general oversight and policy review and recommendation responsibilities of the EQC. Members are urged to review it in detail. The EQC is directed to gather information concerning conditions and trends in the quality of the environment; to review state programs and activities to enhance or maintain environmental quality; to conduct studies, analyze proposals, and make recommendations concerning environmental issues; and to generally act as the Legislature's source of information and advisor on environmental policy issues and direction.
- 2-15-1514, MCA requires participation of a Legislative Services Division employee on the natural resource data system advisory committee. This has typically been assigned to the EQC staff on an as needed basis.
- 2-15-1523, MCA, requires the participation of a representative of the Legislative Services Division on the Groundwater Assessment Steering Committee. This has typically been assigned to the EQC staff on an as needed basis.
- 75-10-111, 75-10-913, 918, and 927, MCA, all require EQC involvement and review of the state solid waste management plan and participation in the Megal landfill Siting Act review process. The DEQ has developed a state solid waste management plan that is under revision this year. There have been no megalandfill siting applications since the law was enacted in 1991.
- 75-10-743, MCA, is the statute addressing the Orphan Share State Special Revenue Account. Language added to the statute during the 2005 session requires the DEQ to report to the EQC quarterly during calendar years 2005, 2006, and 2007. New language also provides that if investigations indicate the need for additional information the DEQ shall prepare a report identifying the rationale and estimated costs for additional work and present it to the EQC during the spring of 2007.
- 77-2-301 *et. seq.* , MCA, will include a new requirement authorized by HB 223 (2003 session) that the DNRC submit a report to the EQC by July 1, 2008 regarding the status of the state land banking program.
- 77-5-301 *et. seq.*, MCA, is the Streamside Management Zone law. The statement of intent for the enabling legislation requires the DNRC to periodically evaluate and report on the implementation of the act to the EQC.

- 85-1-203, 85-2-105, and 85-2-436, MCA, all relate to obligations of the EQC to participate in or receive and review information on water policy issues including water leasing information from the DFWP. More detail is provided in the draft work plan narrative on Water Policy.
- 85-1-621, MCA, requires the DNRC to submit a biennial report to the EQC that describes the status of the Renewable Resource Grant and Loan Program financed with funds from the Resource Indemnity Trust.
- 85-2-350, MCA, requires the Clark Fork River Task Force to report the EQC annually.

OPTION A	OPTION B	OPTION C	OPTION D
<p>1 FTE</p> <ul style="list-style-type: none"> • Fulfill all statutory requirements. • Participate in all mandatory meetings and other environmental policy meetings (e.g. Board of Environmental Review, Fish, Wildlife and Parks Commission, etc.) • Rewrite and reprint <i>Our Montana Environment</i> or similar effort. • Establish MEPA training and training schedule for state employees and others. • Notify/solicit permit applicants to present MEPA concerns to EQC. • Review and comment on certain agency MEPA documents for compliance and consistency. • Review and comment as a Council on environmental reviews for selected controversial projects. 	<p>.3 FTE - .5 FTE</p> <ul style="list-style-type: none"> • Fulfill selected statutory requirements in greater detail. • Accept reports and select some for EQC review, analysis, and comment. • Select specific topics for further analysis or presentation. • Request trend information for each topic reviewed by EQC. • Rewrite selected segments of EQC trends publication, <i>Our Montana Environment</i>, and post on EQC website. • Provide MEPA training to state agencies on as requested basis. • Provide updated web access to MEPA database. • Review selected controversial MEPA documents/projects. • Track MEPA litigation during interim. 	<p>.05 FTE</p> <ul style="list-style-type: none"> • Minimum of activity. • Solicit and accept agency reports as required. • Fulfill statutory requirements at minimal level of effort. • Select oversight topics and issues for presentation and review at EQC meetings on an ad hoc basis. • Maintain MEPA database. • Participate in meetings as necessary. • Identify and describe trends in EQC interim study work. • Update MEPA handbook as needed. • Provide MEPA handbooks to agencies and others as requested. 	

EQC General Agency Oversight Statutory Duties

Source/authority: 2-4-401- 412, 5-5-202, 75-1-324, MCA.

Background: Under MEPA (75-1-324), the EQC has broad statutory oversight authority and has historically used that authority to review agency activities on an issue by issue basis as the need arises. In 1999, 2001, and 2003, the Legislature further expanded and defined the EQC's oversight authority to include draft legislation review, administrative rule review, program evaluation, and monitoring the functions of the DEQ, DNRC, and the DFWP. The EQC's oversight of these agencies includes entities that are attached to these agencies.

The Legislature's actions in 1999, required a more systematic approach to agency oversight, especially in terms of administrative rule review. Pursuant to 2-4-401-412, MCA, the Council has the authority to request records; make recommendations for adoption, amendment, or rejection of a rule; institute, intervene in, or otherwise participate in rulemaking proceedings; review the conduct of administrative proceedings; request a legislative poll; request an economic impact statement on a rule; or object to violation of authority for a rule.

The EQC is also required to review proposed draft legislation from each of the departments within its jurisdiction. At the end of the interim, the EQC schedules time to review this draft legislation.

Traditionally, the EQC has one or more agency oversight issues on the agenda for each meeting. The Council has also historically allocated the necessary resources to respond to issues as they arise. There are also a number of statutorily required agency reports that are scheduled for presentations before the Council. One of the more significant reports is the compliance and enforcement of environmental and natural resource laws report required pursuant to 75-1-314, MCA.

OPTION A	OPTION B	OPTION C	OPTION D
<p>.20 - .30 FTE Active EQC Involvement</p> <ul style="list-style-type: none"> Option B intensified! Consistent EQC involvement encompassing a broad range of oversight issues. In depth systematic review of a larger number of state agency programs than in Option B. Possible report and recommendation s/ legislation for changes in implementation of state policy. Active EQC review of rules and legislation. 	<p>.15 FTE</p> <ul style="list-style-type: none"> Systematic oversight. In addition to Option C, systematically evaluate and monitor a specific number of state agency programs. More intensive review of administrative rules than Option C (Council Attorney provides synopses of significant and controversial proposed rules). Review draft agency legislation. Receive and comment on the compliance and enforcement report required pursuant to 75-1-314, MCA. Systematic oversight for targeted programs. Active EQC review of rules and legislation. Possible EQC recommendations to the next Legislature. 	<p>.05 FTE</p> <ul style="list-style-type: none"> Organize oversight issues before the EQC on an as requested basis. Council members receive copies of rule notices of proposed adoption of rules. Council members responsible for notifying staff or the Council Chair if they want more information. Review draft agency legislation. Receive and comment on the compliance and enforcement report required pursuant to 75-1-314, MCA. Oversight on an as needed basis. Possible EQC recommendations to next Legislature. 	

Carry-over EQC Recommendations from HJR 34: Improving the Superfund Process

Source/authority: 2006 EQC Recommendations

Background: During the 2005-06 Interim, the EQC pursuant to HJR 34, conducted a study on the state superfund process. At the conclusion of the study, a number of recommendations were generated. Those recommendations included:

1. Benchmarks

- a. That the DEQ generate and submit a “Four-Year Plan of Action” report to the EQC and Legislature. This report would contain goals and schedules for progressing active remediation projects.
- b. That the DEQ generate and submit a biennial “CECRA Cleanup Progress Report” to the EQC and the Legislature using a format provided by the EQC.
- c. That the DEQ place every site (in which information is available and a remedial investigation has been conducted) on a timetable with specific milestones.

2. Program Resources

- a. That the DEQ hire qualified outside consultants to perform routine CECRA oversight functions.
- b. That the Legislature/DEQ authorize PLPs to fund project officer positions. Project officers hired by the DEQ and funded by a PLP would be dedicated to addressing the PLP's site.
- c. That the Legislature statutorily address the compensation of project officers, including contractors, with the goal of keeping project officers on the job through the project's completion.

3. Communications

- a. That the DEQ convene "action checklist" meetings with the PLPs, and those meetings should have a set agenda with specific outcomes and that the meetings include all decisionmakers attending that can commit on behalf of their principals to resolve all pending issues.
- b. That the DEQ improve channels of communication with the PLPs and the public and take steps to avoid systemic problems such as "paralysis by analysis".
- c. That the DEQ or EQC develop a citizen's guide to CECRA to assist citizens and communities in understanding the CECRA process.

4. Enforcement

- a. Either through statute or administrative rules, the Legislature or the DEQ should allow greater flexibility and enforcement of institutional controls.

5. Site Cleanup Process

- a. That the DEQ amend or adopt administrative rules to ensure that a site listed as a priority receives priority treatment and attention throughout the cleanup process.
- b. That, either through statute or administrative rules, the Legislature and the DEQ consistently promote and emphasize the use of interim remedial actions to effectuate reduction of risk on CECRA sites.
- c. Require the DEQ to adhere to all document review deadlines throughout a site's cleanup process.
- d. Resolve moving target cleanup standards by statutorily directing and authorizing the DEQ to establish appropriate cleanup standards that will not change following the selection of a remedy.

6. Ongoing Program Review and Evaluation

- a. That the EQC request the Legislative Audit Committee to direct the Legislative Audit Division to conduct or have conducted a legislative performance audit of the DEQ CECRA program. The performance audit should focus on:
 - (i) identifying and removing bottlenecks within the DEQ that are adding years and exhausting funding resources provided for the cleanup process;
 - (ii) assessing and updating the CECRA computer database to expedite all aspects of the cleanup process;
 - (iii) evaluating the procurement process of contracted consulting services; and
 - (iv) evaluating the procurement process for the use of technical consultants to perform standard technical support functions on CECRA sites.
- b. That the EQC or the DEQ establish an environmental cleanup work group to re-examine program effectiveness, activities, and priorities. The EQC should work with the DEQ to establish priorities and goals for this work group. The work group should be comprised of members representing a cross-section of stakeholders.
- c. That the EQC continue to work with the DEQ to develop specific legislative changes in addition to any legislative changes envisioned in these recommendations.

It is up to the 2007-08 EQC to determine whether it wants to pursue any of the recommendations that the Council is responsible for regarding implementation.

OPTION A	OPTION B	OPTION C	OPTION D
	<p>.08 FTE</p> <ul style="list-style-type: none"> • In addition to Option C, active EQC involvement in implementing recommendations. • Develop a citizen's guide to CECRA. <p>Deliverables:</p> <ul style="list-style-type: none"> • Citizen guide to CECRA 	<p>. 01 FTE</p> <ul style="list-style-type: none"> • Monitor DEQ implementation of recommendations. <p>Deliverables:</p> <ul style="list-style-type: none"> • Staff white paper 	<p>No Action</p>

EQC Educational Publications Obligations

Source/authority: 75-1-324, MCA.

Background: Under MEPA (75-1-324), the EQC has broad statutory authority and the EQC has historically used that authority to produce high quality, easy to understand, objective, nonpartisan, educational publications, in addition to the study reports that the EQC produces during any given interim. These educational publications are well regarded and are constantly requested by the general public, legislators, state and federal agencies, other states, and industry and conservation groups. Several EQC publications have received national awards. The EQC has produced the following educational publications:

- ☆ *Montana Index of Environmental Permits 2006, Fifteenth Edition*

Explanation: This is the EQC's oldest and perhaps most requested publication. It provides a complete list of the permits and licenses needed to conduct activities that may affect the state's environment. The permit index lists the permits required, the permitting agencies, and the statutes and rules that regulate each permit. The permit index has been updated every interim for 30 years.

- ☆ *A Guide to Montana Water Regulation (produced in 1996 and updated in 2002)*

Explanation: This publication is a primer that addresses water quality regulation in Montana. The impetus for producing this guide (which is one of the first educational primers that the EQC produced for a specific subject matter area) came from numerous requests from the general public and legislators for an easy to understand reference booklet on the complex area of water quality.

- ☆ *Water Rights in Montana (produced in 2004 and updated in 2006)*

Explanation: This publication is a primer on Montana's water right system. The EQC and the Department of Natural Resources and Conservation

teamed up to produce this publication that distills a very complex area of law and regulation into a very easy to understand and readable document.

- ☆ *A Guide to the Montana Environmental Policy Act (produced in 1998 and updated in 2006)*

Explanation: The EQC was created by the Montana Environmental Policy Act (MEPA) in 1971. The EQC has historically been very active in MEPA implementation and oversight and in developing policy related to MEPA. This guide was produced by the EQC at the request of Montana citizens, legislators, agencies, and industry and conservation groups in order to provide an easy to understand reference guide on MEPA.

- ☆ *Eminent Domain in Montana (produced in 2001)*

Explanation: This handbook was one of several products that the EQC produced as a result of its 1999-2001 interim study on eminent domain in Montana. This handbook was developed in order to help Montana Citizens better understand Montana's eminent domain laws.

- ☆ *The Electricity Law Handbook: A Montanan's Guide to Understanding Electricity Law (produced in 2002 and updated in 2004)*

Explanation: This handbook was produced by the EQC during the 2001-03 interim. The EQC felt that given the magnitude of the issues surrounding electricity and especially electricity deregulation in the state, that an educational publication was needed to help Montanans sort out the morass of laws that deal with electricity.

- ☆ *Understanding Electricity in Montana: A Guide to Electricity, Natural Gas and Coal Produced and Consumed in Montana (produced in 2002 and updated in 2004)*

Explanation: This guide was produced by the DEQ energy staff for publication by the EQC last interim. It provides statistical and explanatory information on electricity supply, demand, and transmission and information on coal and natural gas supply and demand.

- ☆ *A Guide to Split Estates in Oil and Gas Development (produced in 2006)*

Explanation: This guide was produced in 2006 at the request of an EQC subcommittee that studied split estate issues. In 2007, EQC-approved legislation was signed into law requiring that the most current version of this brochure be provided to surface owners prior to oil and gas exploration and drilling.

With some exceptions, the EQC's educational publications become outdated every interim as a result of legislative changes or administrative changes in the particular areas of law or rule that the publication addresses. Sometimes the updates require minimal time and effort, but some updates like the permit index require a more intensive effort.

OPTION A	OPTION B	OPTION C	OPTION D
.12 FTE <ul style="list-style-type: none"> • In addition to Option B, update the Permit Index. 	.04 FTE <ul style="list-style-type: none"> • Update publications that require minimal effort. • Have the EQC review and approve updates 	No Action	No Action

EQC MEMBER SUGGESTED TOPICS

Source/Authority: Section 75-1-324, MCA - General Oversight Authority

Background: On May 29, 2007, EQC staff sent a memo to each Council member soliciting topics of interest that might be reviewed by the EQC this interim. The responses are listed in the Draft EQC Work Plan Decision Matrix as "member defined issues" in the "Why is this a topic?" column. There is no narrative description for each topic. The EQC member that requested the topic is responsible for explaining the issue to the Council. A review of the matrix should indicate the nature of the request and provide a draft of tasks and a rough estimate of possible resource allocations for each topic. The Council will decide on whether to approve any or all of these items at the May organizational meeting.

Study climate change

Climate change impacts the economic well-being, public health, natural resources, and environment of Montana and may have detrimental effects on some of Montana's largest industries, including agriculture, forestry, tourism, electricity production from hydroelectric facilities, and recreational activities. The Montana Climate Change Advisory Committee will release a final climate report this summer. The study would examine climate change, review the MCCAC report, and possibly suggest legislation.

OPTION A	OPTION B	OPTION C	OPTION D
<p>.5 FTE</p> <ul style="list-style-type: none"> • Review statutes, regulations, publications related to climate change, greenhouse gasses, energy efficiency, renewable energy, tax incentives. • Examine state and national efforts to address climate change, especially the MCCAC report. • Review inventory of carbon sources compiled by MCCAC.. • Panel discussions. <p>Deliverables:</p> <ul style="list-style-type: none"> • Interim report • Legislation 	<p>.25 FTE</p> <ul style="list-style-type: none"> • Review MCCAC report and supporting documentation. • Panel discussions. <p>Deliverables:</p> <ul style="list-style-type: none"> • White paper assessing EQC opinion of MCCAC report. • Legislation 	<p>.1 FTE</p> <ul style="list-style-type: none"> • Review MCCAC report and supporting documentation. • Panel discussions. <p>Deliverables:</p> <ul style="list-style-type: none"> • Legislation 	<p>No Action</p>

Update on Environmental Public Health Tracking Project

In 2002, Montana was one of a handful of governments winning federal funds for an environmental public health tracking program to integrate information on chronic disease with data monitoring environmental parameters. DEQ and DPHHS administered the grant, which has now expired. The departments would give the EQC an update on what was accomplished and future prospects for the program.

OPTION A	OPTION B	OPTION C	OPTION D
		<p>0 FTE</p> <ul style="list-style-type: none"> • Update on project. • Panel discussions w/ DEQ, DPHHS. 	<p>No Action</p>

Draft 2007-2008 Work Plan Timeline

[*Note: This draft timeline is provided to give you an idea of the timeline that each study will need to fit into in order to complete the work on time. It is subject to final approval of the EQC meeting dates. The timeline shows the last date for completion of certain items.*]

June 28-29, 2007	EQC Meeting. Interim work plan prioritization and EQC organizational meeting. Selection of studies and topics.
September 13-14, 2007	EQC Meeting. Adoption of detailed work plans for each selected study or topic.
January 14-15, 2008	EQC Meeting.
March 10-11, 2008	EQC Meeting. If public comment is desired on an EQC report, the contents of the <i>draft</i> report should be determined by this date. [May be earlier for some studies.]
May 12-13, 2008	EQC Meeting. Last date to suggest revisions to a <i>draft</i> document if a 30 day public comment period is desired. Comments received from the public will be compiled by staff and distributed to the EQC 1-2 weeks before the July 14-15, 2008 meeting.
July 14-15, 2008	EQC Meeting. Decision on recommendations, any proposed legislation, final report contents.
September 8-9, 2008	EQC Meeting. Final approval of recommendations, any reports, proposed legislation. Selection of bill sponsors. Development of strategy. Review agency bill draft requests.
	Council interim work must be completed prior to September 15, 2008.