



ENVIRONMENTAL QUALITY COUNCIL

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SONJA NOWAKOWSKI, Research Analyst
HOPE STOCKWELL, Research Analyst
HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary
JOE KOLMAN, Legislative Environmental Analyst

MINUTES LOG

May 4, 2016
Room 317, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation 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 record 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 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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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. GENE VUCKOVICH, Chair
REP. JERRY BENNETT, Vice Chair

SEN. JOHN BRENDEN
SEN. JIM KEANE
SEN. MIKE PHILLIPS
SEN. RICK RIPLEY
SEN. CARY SMITH

REP. WILLIS CURDY
REP. JANET ELLIS
REP. ED LIESER
REP. THERESA MANZELLA
REP. KERRY WHITE

MR. SCOTT ASPENLIEDER
MS. BROOKE ERB
MR. BERT LINDLER
MR. ROY MORRIS
MR. TIM BAKER

STAFF PRESENT

JOE KOLMAN, Legislative Environmental Analyst
HOPE STOCKWELL, Research Analyst
HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTIONS

The Environmental Quality Council (EQC):

- Voted to accept the minutes log from March 9-10, 2016;

The EQC took the following action on the HJ 13 study:

- Voted 15-0 to adopt finding 1 as amended;
- Voted 12-3 to adopt finding 2 as amended;
- Voted 11-4 to adopt finding 4 as amended;
- Voted 14-1 to adopt finding 5 as amended;
- Voted 15-0 to adopt finding 6 as amended;
- Voted 14-1 to adopt finding 7 as amended;
- Voted 15-0 to adopt findings 10, 11, 12, and 13;
- Voted 15-1 to adopt finding 14 as amended.

CALL TO ORDER AND ROLL CALL

00:00:01 Sen. Vuckovich called the meeting to order at 8:59 a.m. The secretary called the roll. **(Attachment 3)**

ADMINISTRATIVE MATTERS

00:01:05 Joe Kolman, legislative environmental analyst, Legislative Services Division, said he attended the Interagency Bison Management meeting in April and the EQC will receive an update at the meeting tomorrow.

00:01:20 Mr. Kolman said there is approximately \$53,000 in the budget for the next three meetings and includes the meeting today.

00:01:47 Sen. Phillips asked if any money will be left in the budget after the last meeting. Mr. Kolman said the budget also includes money for the first meeting of the next interim.

00:02:22 **Motion/Vote:** Sen. Keane moved to adopt the minutes log from March 9-10, 2016. The motion carried unanimously by voice vote.

WATER POLICY INTERIM COMMITTEE UPDATE

- 00:02:46 Jason Mohr, research analyst, Legislative Services Division, said that the Water Policy Interim Committee (WPIC) met in Bozeman on May 2-3. He said the committee visited sites in the west end of the Gallatin Valley that included a subdivision that has a double pipe system, an infiltration gallery for that water and sewer system, and the Farmers Canal headgate. He said the committee heard 21 draft findings for the study of the future of the Water Court and for SJ 2, state assumption of the federal Section 404 permitting program.
- 00:03:44 Ms. Erb entered the meeting.

Committee Questions and Discussion:

- 00:06:30 Rep. White asked about draft legislation that would keep water disputes local. Mr. Mohr said the WPIC discussed legislation that would allow the appellant of a DNRC decision on the permitting or change process to choose between the Water Court or the District Court. He said that the committee did not have a bill draft on the distribution of water.
- 00:08:18 Sen. Brenden said he wanted to clarify remarks he made at the January EQC meeting regarding the proposed change in rule by the EPA on the definition of "Waters of the U.S." He said about 99% of the land in Montana would be impacted if the rule is passed.
- 00:09:22 Rep. White said he provided information to Mr. Kolman about legislation recently passed in Colorado making it difficult to implement the WOTUS rule there.
[\(Exhibit 1\)](#)

ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE UPDATE

- 00:10:22 Sonja Nowakowski, research analyst, Legislative Services Division, said the Energy and Telecommunications Interim Committee (ETIC) will meet in Kalispell on May 13-14. She said the ETIC will visit the Stoltz Land and Lumber Company's biomass field co-generation facility, the generating units and power plant at Hungry Horse Dam, Flathead Electric's landfill gas to energy plant, and its Solar Utility Network (SUN) Project which is the first community solar project in Montana.
- 00:12:10 Ms. Nowakowski said the ETIC will continue to work on next generation 9-1-1 and look at four bill drafts agreed to by the stakeholders.

Committee Questions and Discussion:

- 00:14:34 Sen. Keane asked if the \$10 million stranded fund will still be there at the beginning of the next legislative session. Ms. Nowakowski said it will be, but if the bill drafts move forward there will be one or two proposals to eliminate the fund.
- 00:15:13 Sen. Keane asked if there is consensus by the ETIC on which bills to move forward. Ms. Nowakowski said it will be decided at the meeting.
- 00:15:34 Sen. Phillips requested a copy of the information the ETIC received on the SUN project. Ms. Nowakowski said she has an overview of the project that was provided by Flathead Electric.

- 00:16:01 Sen. Ripley asked if the governor or the Department of Environmental Quality (DEQ) are continuing to work on the EPA's Clean Power Plan. Ms. Nowakowski said the DEQ indicated it would not work on the plan until a decision is made in federal court.
- 00:17:25 Sen. Ripley asked Ms. Nowakowski if Montana is still working with the Center for the New Energy Economy (CNEE) to construct its clean power plan. Ms. Nowakowski said she will find out. He also requested information on whether or not Montana is one of the 10 states still participating with the coalition of western states on cutting carbon dioxide pollution.
- 00:18:53 Sen. Brenden said he is a member of Flathead Electric Cooperative and was against the SUN project because of the number of cloudy days in the Flathead. He asked about the cost of the project and how long it will take to pay back the ratepayers. Ms. Nowakowski said participation in the project is voluntary. She said the cost for the panels is \$900 and \$3 per watt to construct and that pay back is based on electricity usage.
- 00:21:02 Rep. Curdy said he is a member of the Missoula Electric Cooperative and that its community solar program has been operating for approximately four months. He said most of the panels have been purchased and the cost is comparable to Flathead Electric. He said that Ravalli Electric Cooperative also has a program in the Bitterroot and the panels are in high demand.

MONTANA STATE PARKS REVENUE AND FEE STRUCTURE

- 00:21:51 Chas Van Genderen, administrator, Parks Division, Department of Fish, Wildlife, and Parks (FWP), presented information on revenue and development in state parks. [\(Exhibit 2\)](#)
- 00:25:10 Mr. Van Genderen discussed improvements made to the park system.
- 00:26:26 Mr. Van Genderen discussed revenue trends.

Committee Questions and Discussion:

- 00:33:19 Rep. Lieser said there is disparity between the needs of the park system and revenue. He asked Mr. Van Genderen about the budget request that Parks makes to the Governor's office for operations and capital.
- 00:34:49 Mr. Van Genderen said the EQC studied the park system under HJ 32 (2011). He provided information on the budgeting process and funding. [\(Exhibit 3\)](#)
- 00:37:45 Rep. Curdy asked Mr. Van Genderen for information on the number of days that parks are at full capacity and use at each park. Mr. Van Genderen said he can provide information on the use level at each park and a trend over time. Rep. Curdy said there is concern that parks, especially in western Montana, are consistently at full capacity in the summer and for ways to expand capacity.
- 00:39:53 Rep. Bennett asked Mr. Van Genderen about the difference between wild cave tours and cave tours. Mr. Van Genderen said wild cave tours are an off-route tour.
- 00:41:31 Rep. Bennett asked Mr. Van Genderen if plans for adding electricity in the future are considered when developing campsites.
- 00:43:42 Rep. Bennett asked Mr. Van Genderen about volunteers to help with park programs.
- 00:45:53 Sen. Ripley asked Mr. Van Genderen about the data comparing Montana state parks to state parks in other states.

- 00:47:29 Sen. Brenden asked Mr. Van Genderen about the time limit for camping at Thompson Chain of Lakes State Park. Mr. Van Genderen said the limit is 14 days in a 30 day period.
- 00:48:02 Sen. Brenden said he has received complaints about family members taking the same camping spot from another family member after 14 days. Mr. Van Genderen said it is something they will address as they work to improve the park system.
- 00:49:52 Sen. Keane said adding electricity has improved the number of stays and increased revenue in the parks. He asked Mr. Van Genderen if there are plans to increase the number of sites with electricity. Mr. Van Genderen discussed some of the projects where electricity has been added.
- 00:51:44 Sen. Keane asked Mr. Van Genderen about adding electricity at Missouri Headwaters State Park. Mr. Van Genderen said that although there is a significant demand for electricity, it is a primitive park and adding electricity is prohibited by statute.
- 00:52:58 Sen. Keane said more people may be interested in becoming camp hosts if electricity and a septic system were available. Mr. Van Genderen said camp hosts are provided with hook-ups for sewer and water. Sen. Keane asked if sewer and water hook-ups are available at Medicine Rocks State Park. Mr. Van Genderen said they are.
- 00:54:29 Mr. Aspenlieder asked Mr. Van Genderen about the deferred maintenance budget and how it is divided between parks. Mr. Van Genderen said it is used to improve public health and safety and enhance the most significant, relevant, and accessible parks first.
- 00:57:41 Mr. Aspenlieder asked Mr. Van Genderen about making a determination on which parks are viable and benefit the state, its residents, and the tourism industry and turning the rest into public lands that don't actively provide services. Mr. Van Genderen said that the State Parks and Recreation Board is working on the issue.
- 01:00:06 Mr. Van Genderen discussed the recommendations made by the Board.
(Exhibit 4)
- 01:06:37 Rep. Manzella asked Mr. Van Genderen about Hell Creek State Park.
- 01:11:09 Rep. Lieser asked Mr. Van Genderen about increasing staff and sharing responsibility with other agencies as a potential solution for campsites that are being monopolized by groups of people.
- 01:15:39 Rep. Ellis asked Mr. Van Genderen to provide information on funding priorities.

Public Comment: None

Committee Questions and Discussion continued:

- 01:17:00 Rep. Curdy asked Mr. Van Genderen if the agency has looked into a public relations campaign to target the 25% of motor vehicle owners who opt out of paying the state park fee with their registration.
- 01:19:07 Recess
- 01:37:38 Mr. Baker entered the meeting.

01:42:34 Reconvene

STATUTORY ADMINISTRATIVE RULE REVIEW

01:42:57 Helen Thigpen, staff attorney, Legislative Services Division, provided an update to the rule review memo that the Council received. [\(Exhibit 5\)](#)

Public Comment: None

Committee Questions and Discussion: None

DNRC FORESTRY DIVISION UPDATE

01:45:24 Bob Harrington, administrator, Forestry Division, Department of Natural Resources and Conservation (DNRC), gave an introduction and provided the names of staff members presenting information.

Forest Health Report

01:48:48 Amy Gannon, entomologist, Forestry Division, DNRC, provided information on forest insects and diseases and current issues in Montana's forests. [\(Exhibit 6\)](#)

Public Comment: None

Committee Questions and Discussion:

- 01:54:27 Rep. Lieser asked Ms. Gannon if the public is still able to get anti-aggregation pheromones from the DNRC.
- 01:56:05 Rep. Lieser asked Ms. Gannon about areas of state land that are at risk for long-term forest health. Ms. Gannon said that northwestern Montana is in the high to moderate range for risk from root disease.
- 01:57:39 Rep. Lieser asked Ms. Gannon about climate warming and if it has any influence on insect and disease populations. Ms. Gannon said that insect life cycles are very dependent on temperature.
- 02:00:19 Rep. Curdy asked Ms. Gannon if the DNRC collects its own research data or if it uses information from the U.S. Forest Service (USFS) bug surveys. Ms. Gannon said it uses both.
- 02:01:37 Rep. Curdy asked Ms. Gannon about the types of root disease present.
- 02:02:58 Rep. Ellis asked Ms. Gannon if root diseases are different types of fungi. Ms. Gannon said they are.
- 02:03:40 Rep. Ellis asked Ms. Gannon if the primary cause of damage to white bark pine is the bark beetle. Ms. Gannon said damage is also caused by white pine blister rust which is a non-native invasive disease.
- 02:05:04 Mr. Lindler asked Ms. Gannon about trees that survive a heavy infestation of mountain pine beetle and if they harbor certain characteristics that might be useful to preserve and if the characteristics are being preserved in timber sales.
- 02:07:19 Rep. Bennett asked Ms. Gannon about the origin of white pine blister rust. Ms. Gannon said it came from infected nursery stock from Europe and Asia.
- 02:08:52 Rep. Bennett asked Ms. Gannon about the mortality rate for the seeds planted on private land.

Fire Season Forecast

- 02:10:39 Michael DeGrosky, chief, Fire and Aviation Management Bureau, Division of Forestry, DNRC, provided information on the fire season forecast. [\(Exhibit 7\)](#)
- 02:14:49 Mr. DeGrosky discussed fire season preparations.

Public Comment: None

Committee Questions and Discussion:

- 02:17:41 Rep. Lieser thanked the DNRC for its participation in Whitefish for National Fire Preparedness Day. He asked about helicopter availability and if it will be an issue this year.
- 02:18:52 Mr. DeGrosky said the governor proclaimed May as Wildfire Awareness Month in Montana and there are several events planned for this weekend. He deferred the question regarding helicopter availability to Mr. Harrington.
- 02:19:37 Mr. Harrington discussed the issue of using state helicopters for initial attack on federal fire protection.
- 02:22:09 Rep. White asked Mr. Harrington about the governor's fire budget.
- 02:24:16 Rep. White asked Mr. Harrington about the amount of money owed to Montana by federal agencies. Mr. Harrington said he will provide a breakdown of the information and that it takes 2-4 years to reconcile the expenses and costs. He said FEMA declarations can take 2-3 years.
- 02:25:45 Rep. White asked Mr. Harrington if the trend is a three year wait for the federal government to reimburse the state for its costs. Mr. Harrington said it is a national issue that they are working on with the federal government.
- 02:28:17 Rep. White asked Mr. Harrington about how the money is dispersed once it is received from the federal government.
- 02:28:44 Rep. Curdy asked Mr. DeGrosky about arrangements the DNRC has with other agencies for additional aviation assets. Mr. DeGrosky said in addition to the aircraft the DNRC obtains through the interagency dispatching system it also contracts for call-when-needed aircraft.
- 02:29:59 Rep. Curdy asked Mr. DeGrosky about the types of contracts used by the DNRC. Mr. DeGrosky said they are generated using the contracting protocols.
- 02:30:45 Rep. Curdy asked Mr. DeGrosky about issues with ground to air communication.
- 02:33:26 Sen. Keane asked Mr. Harrington about plans for forest remediation projects. Mr. Harrington said it is still being worked out, but of the \$5 million in authority DNRC has from HB 354 (2013), \$3.5 million has been committed.
- 02:35:06 Mr. Harrington discussed department protocol for communication between ground and aircraft crew.

Forests in Focus Progress Report

- 02:36:25 Paula Short, chief, Forestry Assistance Bureau, Forestry Division, DNRC, presented information on implementation of the governor's Forests in Focus Initiative.
- 02:36:41 Ms. Short discussed the timeline for the evolution of the Forests in Focus Initiative. [\(Exhibit 8\)](#)
- 02:37:46 Ms. Short said the initiative has four key components. [\(Exhibit 9\)](#)
- 02:38:14 Ms. Short discussed the accomplishments in tribal, state, and private forests. [\(Exhibit 10\)](#)

- 02:39:58 Ms. Short discussed work with industry retention.
- 02:41:16 Mo Bookwalter, DNRC liaison for the USFS, presented information on how the DNRC is partnering with Region 1. **(Exhibit 11)**
- 02:43:04 Ms. Bookwalter discussed the projects that are being invested in with money from the state's wildfire suppression account.
- 02:48:06 Matt Arno, local government forest advisor, Forestry Division, DNRC, discussed HB 510 (2015) and said he is assessing what county commissioners are currently doing when interfacing with the USFS. **(Exhibit 12)** He said he developed a survey to help evaluate and create a discussion with commissioners in forested counties and will create a report of findings that he will share with the EQC.
- 02:49:53 Mr. Arno said to help build the capacity of local governments to be more effective in working with the USFS, the DNRC is planning a Montana Forested County Summit in October.

Public Comment:

- 02:52:35 Nick Gevock, conservation director, Montana Wildlife Federation, commented on collaboration with the USFS and Forests in Focus projects.
- 02:53:26 John Hagengruber, USFS liaison, thanked the state, on behalf of Leeann Martin, regional forester, for the assistance it has provided through the Forests in Focus Initiative to help Region 1 lead the rest of the country in getting Farm Bill projects planned or into the implementation phase.

Committee Questions and Discussion:

- 02:56:28 Rep. Bennett asked Mr. Arno to contact legislators to let them know when meetings are scheduled with county commissioners in their area.
- 02:57:10 Sen. Keane asked Mr. Hagengruber about collaborative projects in Jefferson County and if they involve construction of new trails. Mr. Hagengruber said he will find out.
- 02:58:42 Rep. White thanked the DNRC for its efforts in working with the Custer Gallatin working group on projects with money from the Forests in Focus Initiative. He asked Ms. Bookwalter about the Forests in Focus projects and how funding relates to the size of the projects. Ms. Bookwalter re-referred the question.
- 03:00:48 Ms. Short said the price per acre for the forest restoration projects varies by the silvicultural treatment, the distance from available markets, the operable ability of the terrain, and the methods that are used.
- 03:01:36 Rep. White asked Ms. Short if the projects are contract projects or restoration projects and about the difference in the benefit to the industry on the profitability of the project for a contract sale versus a restoration sale. Ms. Short said the majority of the projects will be contracted out to logging contractors.
- 03:03:06 Rep. White asked Ms. Short about the maps showing state and federal projects.
- 03:03:49 Rep. White asked Ms. Bookwalter about the federal projects and which ones are contract logging projects versus restoration projects. Ms. Bookwalter said she will provide a spreadsheet with the information.
- 03:05:06 Rep. Curdy asked Ms. Short about what is involved in a restoration project. Ms. Short said it depends on the landowner and the objective.

- 03:06:55 Rep. Curdy asked Ms. Short about roads after a restoration project is completed. Ms. Short said it depends on the forest plan and is project specific. She referred the question to the USFS.
- 03:08:32 Mr. Hagengruber said there is limited authority in the Farm Bill to construct new permanent roads and that any roads that are built have to be decommissioned at the end of the project.
- 03:09:17 Ms. Bookwalter said the Farm Bill's categorical exclusions (CE) do not allow for the creation of permanent roads or trails.
- 03:10:37 Rep. Lieser commented on the positive changes taking place as a result of collaboration and asked Ms. Bookwalter if any of the projects are being litigated. Ms. Bookwalter said that only the Greater Red Lodge project in Carbon County is being litigated.
- 03:12:04 Rep. Lieser asked Ms. Short if federal funds are still available for fuel reduction programs. Ms. Short said they are.
- 03:13:57 Rep. Lieser asked Mr. Arno about his work with the counties and if community wildfire protection plans are being updated. Mr. Arno said they are being taken into consideration and some have been updated.
- 03:15:39 Rep. Lieser asked Mr. DeGrosky about wildfire protection plans. Mr. DeGrosky said the DNRC assists communities on a case-by-case basis with updating their plans.
- 03:16:53 Rep. Ellis asked about the potential threat to forests from infestation and if states are regulating transportation of firewood. Ms. Gannon provided information on what some states are doing.
- 03:18:16 Rep. Manzella read a portion of a letter submitted by commissioners in Ravalli County supporting the proposal to invest \$1 million from the fire suppression account for forest management, but expressed concern about road decommissioning that goes along with vegetation management projects. She asked Ms. Bookwalter about the issue.
- 03:22:57 Mr. Harrington said that HB 354 provided the authority to invest up to \$5 million per biennium for forest restoration, fuel reduction, and fire equipment and does not preclude investing in projects that include road decommissioning. He said the projects the DNRC is investing in have a commercial component to them.
- 03:25:58 Mr. Lindler commented on his experience working with Mr. Arno as a private contractor.
- 03:26:53 Recess for lunch
- 04:31:37 Reconvene

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

None

ORPHAN SHARE REMEDIAL ACTION AND PETROLEUM TANK RELEASE SITE CLOSURE UPDATES

- 04:32:23 Jenny Chambers, administrator, Remediation Division, DEQ, gave an update on the petroleum release site closures and Orphan Share remedial action.
(Exhibit 13)
- 04:32:53 Ms. Chambers discussed the petroleum release site closures.

04:34:36 Ms. Chambers discussed the Orphan Share remedial action.

Public Comment: None

Committee Questions and Discussion:

- 04:38:21 Ms. Chambers said members of the EQC are invited to visit any of the project sites.
- 04:39:02 Rep. Bennett asked Ms. Chambers to let him know when work is done on the Wooden Residence site in Libby.
- 04:39:42 Rep. Curdy said he wanted to talk to Ms. Chambers about the Smurfit-Stone site later.

UPPER GALLATIN RIVER WASTEWATER SPILL UPDATE

- 04:41:29 Christian Schmidt, administrator, Water Quality Division, DEQ, provided an update on the spill that occurred from a storage pond at the Yellowstone Club in March. **(Exhibit 14)**
- 04:52:33 Tom Livers, director, DEQ, discussed the request for a public meeting made by Rep. White, Rep. Art Wittich, HD 68, and Sen. Jedediah Hinkle, SD 32.
- 04:56:57 Mike DuCuennois, vice president for Development, Yellowstone Club, via phone, discussed next steps as a result of the spill.

Public Comment: None

Committee Questions and Discussion:

- 04:58:17 Sen. Brenden asked Mr. Livers if the Yellowstone Club has been issued a fine for the spill. Mr. Livers said the DEQ will probably reach an Administrative Order on Consent involving a fine and possible public projects. Sen. Brenden asked Mr. Livers to keep the EQC updated.
- 04:59:53 Rep. Bennett asked Mr. Schmidt about the five fish that were found dead and if there was any scientific evidence that it was caused by the spill. Mr. Schmidt said the deaths were probably caused by sediment loading as a result of the spill.
- 05:01:34 Rep. White commented on concerns by people in the watershed and the letter that was sent to the DEQ requesting a public meeting and DEQ's response. **(Exhibit 15)** He said the DEQ approved the permit for Big Sky Water and Sewer to create a facility to treat water and sewer and asked Mr. Livers if DEQ is accepting responsibility for the design. Mr. Livers said he understands the concerns about the public meeting. He said there were two changes made to the original design that factored into the problem and that at the time the DEQ was not doing "as built" inspections.
- 05:10:49 Rep. Ellis asked Mr. Livers about the goal of DEQ's enforcement program and if the mitigation will make the stream whole and return it to the way it was before the spill. Mr. Livers said the main restoration will be repairs to the channel that was eroded immediately below the pond.
- 05:13:27 Mr. Lindler asked about other ponds in the state with a similar design that are at risk. Mr. Livers said the DEQ is looking into it, but said it is rare to have the same population, at the same elevation, and with the same slope.

- 05:15:31 Mr. Aspenlieder asked Mr. Livers about remediation and the property downstream from the spill.
- 05:16:53 Mr. Aspenlieder asked Mr. Livers if there was damage to active streams and tributaries or if the majority of the damage was at the head of the system. Mr. Livers said the biggest impacts were at the top of the system.
- 05:18:52 Mr. Aspenlieder said it is not the first time that a lagoon or wastewater system has had an unpermitted discharge into an active stream. He said the spill was an accident with no negligence or intent on the part of the Yellowstone Club and hoped that the DEQ will take that into consideration during the penalty process. Mr. Livers said the department will consider all of the factors involved.

DFWP PROGRAM EVALUATION: WILDLIFE MANAGEMENT

- 05:22:02 Hope Stockwell, research analyst, Legislative Services Division, thanked the FWP for its assistance in putting together the data for the wildlife management report. **(Exhibit 16)**
- 05:23:14 Ms. Stockwell provided a financial snapshot of the program.
- 05:24:49 Ms. Stockwell discussed FWP's wildlife management responsibilities.
- 05:26:03 Ms. Stockwell discussed wildlife management plans.
- 05:27:34 Ms. Stockwell discussed population monitoring.
- 05:33:35 Ms. Stockwell discussed hunting and trapping season setting recommendations.
- 05:35:08 Ms. Stockwell discussed the human dimension or "people" aspect of natural resource management.
- 05:35:35 Ms. Stockwell discussed management related research.
- 05:35:54 Ms. Stockwell discussed challenges that influence wildlife management.

Public Comment:

- 05:36:43 Nick Gevock, conservation director, Montana Wildlife Federation, commented on federal funding sources.
- 05:37:42 Jeff Hagener, director, FWP, said Ken McDonald, administrator, Wildlife Division, FWP, and Quentin Kujala, Wildlife Bureau coordinator, FWP, are in the audience and available for questions.
- 05:38:14 Ron Moody, Lewistown, commented on wildlife management.

Committee Questions and Discussion:

- 05:44:38 Rep. Manzella said she received input from sportsmen in her county about the report and asked Ms. Stockwell if the financial snapshot of wildlife management expenditures includes non-game and non-hunting species. Ms. Stockwell said it does not.
- 05:46:03 Rep. Manzella asked Ms. Stockwell if FWP encourages large predator control to meet the objectives of the full hunter harvest. Ms. Stockwell referred the question to FWP.
- 05:48:17 Mr. McDonald said the elk population decline is a combination of mountain lions and habitat.
- 05:49:32 Rep. Manzella asked Mr. McDonald about a special wolf season for areas with a declining elk population.
- 05:51:19 Rep. White asked Ms. Stockwell if Pittman-Robertson funding requires a matching fund. Ms. Stockwell said it requires a 25% match from non-federal sources.

05:51:53 Rep. White asked Ms. Stockwell if matching funds are included in the \$4.5 million Fiscal Year 2015 funding sources. Ms. Stockwell said they are.

05:52:43 Rep. White asked Ms. Stockwell for results of post-construction wildlife monitoring at the Spion Kop wind farm in Judith Basin County. Ms. Stockwell said she will provide any information that is available.

05:53:48 Sen. Brenden said that FWP is not enforcing state law and political decisions are leading to mismanagement of wildlife. He cited over population of deer and elk as an example.

05:57:49 Sen. Ripley asked Mr. Hagener about the 2000 performance audit and if FWP now has a comprehensive process to meet management objectives. Mr. Hagener said that the department has individual species management plans to meet the established objectives.

05:58:50 Sen. Ripley asked Mr. Hagener what part of the comprehensive process has been added since the followup to the audit in 2003. Mr. Hagener re-referred the question. Ms. Stockwell said she discussed the issue with Mr. Kujala and it is being done on a species by species basis and provided some examples.

06:00:46 Sen. Ripley said that FWP needs to continue to work on a comprehensive process for meeting objectives, especially in areas that are over objective.

06:01:46 Rep. White said he attended a meeting where a wildlife biologist from FWP said that some wildlife is managed on social acceptance and not science. He said that decisions made on the health of wildlife needs to be based on science.

06:03:11 Rep. Manzella asked if the EQC can have a discussion about supporting FWP in its grizzly bear delisting and management program. Mr. Kolman said it can be discussed at the meeting tomorrow.

DFWP ELK SHOULDER SEASON UPDATE

06:03:50 Quentin Kujala, Wildlife Bureau coordinator, FWP, gave an update on the elk shoulder season.

Public Comment:

06:09:21 Ron Moody commented on the elk shoulder season and the problem of over population of elk in some areas because of issues related to access from private landowners.

Committee Questions and Discussion:

06:13:00 Sen. Ripley said there are many problems related to over population of elk, not just access. He commented on the elk shoulder season.

06:15:32 Recess

06:32:01 Reconvene

GAME DAMAGE UPDATE

06:32:15 Alan Charles, chief, Landowner Sportsman Relations Bureau, Wildlife Division, FWP, provided an update on administrative rules related to game damage hunts and questions that were asked by members of the EQC at its last meeting.

Public Comment: None

Committee Questions and Discussion:

- 06:40:22 Rep. Curdy thanked Mr. Charles for the information. He said if FWP continues to have game damage hunts, it should also continue to collect data.
- 06:41:35 Sen. Brenden asked Mr. Charles if the Fish and Wildlife Commission made the determination that 25% of the people that participate in game damage hunts be made at the landowners request. Mr. Charles said the commission did approve the administrative rule.
- 06:42:08 Sen. Brenden commented on game damage hunts and allowing people from a list to hunt on private land. Mr. Charles commented on the rule and hunter selection.
- 06:45:51 Sen. Brenden said there have been instances when FWP has given extra permits and allowances for family members and said it damages FWP's credibility and should be stopped.
- 06:46:42 Sen. Ripley commented on the positive experience he had working with FWP on a game damage hunt last season.

BLOCK MANAGEMENT PROGRAM UPDATE

- 06:48:17 Alan Charles, chief, Landowner Sportsman Relations Bureau, Wildlife Division, FWP, presented an update on the FWP hunting access program. ([Exhibit 17](#))

Public Comment:

- 06:57:19 Nick Gevock, conservation director, Montana Wildlife Federation, commented on the Block Management Program.

Committee Questions and Discussion: None

Ms. Erb was excused from the meeting and left her proxy with Rep. Bennett. ([Attachment 4](#))

HJ13 STUDY

- 06:58:47 Mr. Kolman gave an overview of the study.

Summary FWP Study: Fall Elk Distribution, Missouri River Breaks

- 06:59:33 Quentin Kujala, Wildlife Bureau coordinator, FWP, discussed the study of elk distribution in the Missouri River Breaks. ([Exhibit 18](#))
- 07:04:54 Mr. Kujala provided an update on the elk harvest hunter survey.

Public Comment: None

Committee Questions and Discussion:

- 07:06:46 Rep. White asked Mr. Kujala about the number of miles of road included in the study.
- 07:09:07 Rep. Lieser commented on the nature of the Missouri River Breaks area and asked Mr. Kujala about comparing this study to elk management in other areas of the state.
- 07:14:14 Rep. Lieser commented on hunting pressure in the area over the last 10 years.

Overview of Draft Report

- 07:15:14 Mr. Kolman discussed the substantive changes made to the HJ 13 draft report by staff, Rep. White, and Mr. Lindler. ([Exhibit 19](#))
- 07:18:36 Mr. Kolman discussed the changes made to the timeline. ([Exhibit 20](#))
- 07:19:40 Mr. Kolman discussed the member suggestions and finding of recommendations. ([Exhibit 21](#))

Committee Questions and Discussion:

- 07:20:36 Rep. Ellis
- 07:22:37 Mr. Lindler
- 07:23:57 Mr. Kolman
- 07:24:59 Rep. White
- 07:25:54 Mr. Kolman
- 07:26:12 Rep. Curdy
- 07:26:47 Mr. Kolman
- 07:27:03 Sen. Keane
- 07:27:23 Rep. Lieser
- 07:31:28 Rep. Ellis
- 07:33:24 Mr. Aspenlieder
- 07:33:40 Mr. Kolman
- 07:34:17 Mr. Aspenlieder
- 07:36:26 Rep. Lieser
- 07:38:04 Mr. Aspenlieder
- 07:39:18 Rep. Lieser
- 07:39:58 John Hagenruber, liaison, USFS
- 07:40:28 Rep. Lieser
- 07:41:08 Mr. Aspenlieder
- 07:42:19 Rep. Curdy
- 07:43:57 Sen. Keane
- 07:44:36 **Motion:** Sen. Keane moved to send the HJ 13 draft report out for public comment.

Discussion:

- 07:44:50 Mr. Kolman
- 07:46:20 Sen. Keane withdrew his motion.
- 07:46:34 Rep. White
- 07:48:35 Sen. Keane
- 07:48:55 Sen. Ripley

Discussion on finding 1:

- 07:49:12 **Motion:** Sen. Ripley moved to accept finding 1 as amended by Rep. Lieser.

Discussion:

- 07:49:27 Rep. Ellis
- 07:49:40 **Vote:** The motion carried unanimously by voice vote of those present and voting.

Discussion on finding 2:

07:49:54 Rep. White

07:51:17 **Motion:** Rep. White moved to adopt finding 2 and 2(a).

Discussion:

07:51:27 Sen. Keane

07:51:39 Rep. White

07:51:47 Sen. Keane

07:51:59 **Vote:** The motion failed 8-8 by roll call vote with Rep. Curdy, Rep. Ellis, Rep. Lieser, Sen. Keane, Sen. Phillips, Mr. Lindler, Mr. Morris, and Sen. Vuckovich voting no. Ms. Erb voted aye by proxy. ([Attachment 5](#))

07:53:39 **Motion/Vote:** Rep White moved to remove finding 2(a) and adopt finding 2. The motion carried 12-3 by voice vote.

Discussion on finding 3:

07:54:40 Rep. White

07:55:33 Mr. Hagengruber

07:59:38 Rep. White

08:00:19 Rep. Lieser

08:01:32 **Motion:** Rep Lieser moved to remove "local management" and adopt finding 3.

Discussion:

08:02:00 Sen. Brenden

08:03:40 Sen. Phillips

08:04:01 Mr. Kolman

08:04:28 Sen. Keane

08:05:04 Rep. White

08:05:35 **Vote:** The motion failed 5-11 by roll call vote with Rep. Curdy, Rep. Lieser, Sen. Ripley, Mr. Lindler, and Sen. Vuckovich voting aye. Ms. Erb voted by proxy. ([Attachment 6](#))

Discussion on finding 4:

08:07:12 Rep. White

08:07:57 Sen. Keane

08:08:46 Mr. Lindler

08:09:24 Rep. White

08:10:35 Sen. Brenden

08:10:54 **Motion:** Sen. Keane moved to amend finding number 4 by removing "other lands by the Department of Fish, Wildlife, and Parks (FWP)" and adopt finding number 4.

Discussion:

08:11:21 Mr. Lindler
08:11:32 Sen. Keane
08:11:40 Mr. Lindler

08:11:49 **Vote:** The motion carried 11-4 by voice vote with Mr. Lindler, Rep. Ellis, Rep. Curdy, and Sen. Phillips voting no. Ms. Erb was excused.

08:12:38 **Motion:** Rep Ellis moved to adopt findings 5, 6, 7, 10, 11, 12, 13, and 14.

Discussion:

08:13:27 Rep. White

08:13:59 **Substitute Motion:** Rep Ellis made a substitute motion to adopt findings 7, 10, 11, 12, and 13.

Discussion:

08:14:18 Sen. Smith
08:14:44 Rep. Ellis withdrew her substitute motion.
08:14:53 Rep. White
08:15:42 Rep. Lieser

08:15:54 **Motion/Vote:** Rep. White moved to amend finding 5 by removing (a) and (b) and adopt finding 5. The motion carried 14-1 by voice vote. Mr. Lindler voted no. Ms. Erb was excused.

Discussion on finding 6:

08:16:31 Rep. White
08:17:27 Rep. Lieser

08:18:20 **Motion/Vote:** Rep. Lieser moved to strike "landowner" and insert "allowing roads to be built as needed" and adopt finding 6. The motion carried unanimously by voice vote. Ms. Erb was excused.

Discussion on finding 7:

08:18:56 Rep. White

08:19:29 **Motion:** Rep. White moved to remove the last sentence beginning with "because" and adopt finding 7.

Discussion:

08:19:46 Sen. Smith
08:20:20 Rep. Lieser
08:20:55 Sen. Smith
08:21:00 Rep. Lieser
08:22:40 Sen. Vuckovich
08:24:03 Sen. Keane

08:24:45 **Vote:** The motion carried 14-1 by voice vote. Rep Lieser voted no. Ms. Erb was excused.

Discussion on findings 10-13:

08:25:19 **Motion/Vote:** Rep. Ellis moved to adopt findings 10, 11, 12, and 13. The motion carried 15-0 by voice vote. Ms. Erb was excused.

Discussion on finding 14:

08:26:03 Rep. White

08:28:48 **Motion:** Rep. White moved to remove (a), (b), and (c) and insert "10%" of the total public lands and adopt finding 14.

Discussion:

08:29:00 Rep. Ellis

08:29:24 Mr. Kolman

08:30:36 Rep. White

08:31:22 Mr. Kolman

08:31:58 Rep. Lieser

08:32:06 **Substitute Motion:** Rep. White made a substitute motion to allow staff to adjust the percentage of inaccessible lands and adopt finding 14.

Discussion:

08:32:21 Rep. Lieser

08:33:19 Rep. White

08:33:41 Sen. Brenden

08:34:00 Sen. Ripley

08:34:20 **Vote:** The motion carried 15-1 by roll call vote with Rep. Lieser voting no. Ms. Erb voted aye by proxy. ([Attachment 7](#))

08:35:34 Rep. White

08:35:59 Rep. Lieser

08:36:08 Mr. Kolman summarized the action taken by the EQC on the draft findings.

Discussion on finding 8:

08:37:29 **Motion:** Rep. Lieser moved to adopt finding 8 and delete everything after "(2.9 billion nationally)."

Discussion:

08:37:57 Sen. Vuckovich

08:38:00 Rep. Lieser

08:38:14 Rep. White

08:38:51 Rep. Lieser

08:39:52 **Motion:** Rep. Bennett moved to amend the motion by striking "2.9 million nationally."

Discussion:

08:40:20 Sen. Keane

08:40:37 Mr. Kolman repeated the motion.

08:40:59 **Substitute Motion:** Sen. Ripley made a substitute motion to adjourn the meeting. The motion carried 11-5 by voice vote with Rep. Curdy, Rep. Lieser, Sen. Phillips, Mr. Lindler, and Mr. Morris voting no. Ms. Erb voted yes by proxy.

ADJOURNMENT

08:42:02 Sen. Vuckovich recessed the meeting at 5:41 p.m.

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