

# Montana Environmental Quality Council

June 29

# 2017

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*The EQC typically tackles a broad array of topics over an interim and always meets the mandated deadline to finish its work. This success is rooted in the thoughtful consideration members give to planning the interim workload. The draft work plan is integral to meeting the EQC goals.*

**Draft Work Plan  
for the 2017-18  
Interim**

DRAFT

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## Introduction

This is the draft work plan for the Environmental Quality Council (EQC or Council) for the 2017-2018 interim. This document includes:

- 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.

Copies of the assigned study resolutions and the draft EQC Work Plan Decision Matrix are attached.

## Committee Procedures and Public Participation

The EQC operates under the Rules, Procedures, and Guidelines for Interim Committees adopted by the Legislative Council.

As required by law, 10 day advance public notice will be given for all meetings and the public will be given an opportunity to comment on any matter that is within the jurisdiction of the Council. The Presiding Officer may establish time limits for public comments, if necessary. Interested persons may be added to the mailing list by visiting the EQC website and signing up for electronic meeting notifications. Agendas, memos, links, and other information are on the EQC website: [www.leg.mt.gov/eqc](http://www.leg.mt.gov/eqc).

## How the EQC Plans its Work

The EQC has a strong tradition of handling large workloads within its allotted budgets for staff time and money and completing its work prior to the September 15 deadline in the even numbered year.

During the legislative interim, the EQC typically focuses on one or more 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). With the passage of Senate Bill No. 82 in 2015, the Water Policy Interim Committee took over program review and rulemaking activities within those departments for issues that are related primarily to water quality or quantity.

The draft work plan helps Council members set priorities. Once the draft work plan is adopted, staff develops work plans and timetables for each major task. A draft timeline of the Council's work is presented at the end of this document.

In planning its work, the EQC considers studies requested by legislators through study resolutions, study bills, statutory mandates, and member issues. The study resolutions are ranked by the legislators and assigned to interim committees by the Legislative Council.

## The Draft Decision Matrix

The draft EQC Work Plan Decision Matrix is a way to look at topic options and estimated staff time. The matrix includes estimates for total staff time available to the EQC. But many topics also require meeting time for updates, panel discussions, and EQC debate. Most EQC meetings span two days.

### Resource Allocation

There is approximately **1 FTE of staff time (2,880 work hours)** available to conduct the work assigned to the EQC and the additional work the EQC votes to undertake. These priorities – and the amount of staff hours devoted to a specific topic – are determined by the Council using the Work Plan Decision Matrix, which accompanies this document. As you read the work plan documents, please bear in mind the basic equation:



#### Interim FTE Equivalentents

.05 FTE =	144 hrs =	18 days
.10 FTE =	288 hrs =	36 days
.25 FTE =	720 hrs =	90 days
.50 FTE =	1440 hrs =	180 days
.75 FTE =	2160 hrs =	270 days
1 FTE =	2880 hrs =	360 days

## Potential Work Plan Topics

### Study Resolutions assigned to the EOC by Legislative Council

#### 1. [SJ 5](#) – Study Threats to Mining and Burning of Coal and Consequences

**Legislative Poll Ranking:** 7

**Background:** Economic and environmental factors, as well as other considerations, are affecting coal production and use in Montana. All but a fraction of the coal mined in Montana is eventually converted to electricity, either in-state, out-of-state, or out-of-country. Coal's contribution to U.S. electrical generation, however, continues to decline from its position of once providing half of the nation's electricity. Taxes on coal, despite decreases from historical highs, remain a major source of revenue for Montana. Severance and gross proceeds taxes generated more than \$81 million to state and local governments in FY2016, according to the Department of Revenue.

**Study approach:** The study will explore the future outlook of coal markets and the coal industry in Montana. It also will investigate the consequences of reductions in the mining and burning of coal and related impacts. Staff will review changes in the energy industry and analyze use of coal related taxes. Further work could include economic impacts of reduced coal production, analysis of other western states, and exploration of alternative revenue options.

**Estimated staff time:** Staff time depends on the level of economic analysis required, comparisons to other states, and options for diversifying economy. Staff time could range from .05 FTE (144 hours) to .3 FTE (864 hours).

**Estimated EOC meeting time:** At a minimum, this would be an agenda item of at least an hour at two meetings. At most, it would be an agenda item at every meeting.

#### 2. [SJ 9](#) – Study of Chronic Wasting Disease (CWD)

**Legislative Poll Ranking:** 18

**Background:** CWD is a disease of the nervous system that can affect deer, elk, and moose, for which there is no known treatment, and that is typically fatal. CWD is found in all of the states and provinces surrounding Montana, except Idaho. CWD is contagious and can be transmitted freely within and among free-ranging populations, even by animals that are not yet clinically ill. CWD has an extended incubation period before the onset of clinical signs. Prevention is the best defense as managing CWD in free-ranging populations is extremely difficult.

The DFWP's previous CWD plans (2005, updated in 2014) gave broad direction for managing CWD, but no specifics. The DFWP formed an internal team that is almost finished developing specific, action-oriented surveillance and management plans to look for and

respond to CWD if it is detected here. The DFWP recently convened a 12-member citizen advisory panel to help review the plans and provide feedback, as well as to help predict and anticipate public sentiment and determine how to inform the public about potential CWD-oriented management actions.

**Study approach:** The study could include a review of the following:

- the presence and incidence of CWD in surrounding states and provinces and its proximity to interstate wildlife migration corridors;
- existing surveillance strategies and emerging technologies for detecting CWD;
- existing measures and emerging technologies to prevent CWD and protect Montana's ungulates;
- the potential impacts of CWD on deer, elk, and moose populations and on the Montana economy;
- the potential for transmission of CWD to humans and methods of prevention;
- best practices for management of herds that are infected with CWD to prevent its spread.

**Estimated staff time:** The amount of staff time depends in part on the willingness of state and federal agencies to provide data and specialized analysis. The EQC could choose to follow DFWP's development of the CWD action response plans and the work of the citizen advisory panel in reviewing the plans, which would require less staff time (.05 FTE or 144 hours). Or, the EQC could have staff conduct in-depth research and analysis up to .2 FTE (576 hours).

**Estimated EQC meeting time:** At a minimum, this would be an agenda item of at least an hour at two meetings. At most, it would be an agenda item at every meeting.

## Studies Assigned by Legislation

### [HB 661 –Study on MSU laboratories](#)

**Background:** This bill creates a subcommittee that includes two members selected by a vote of the EQC, two members of the Finance Committee, and two members of the Economic Affairs Interim Committee. Representatives are balanced between parties. The study is directed by the Finance Committee and must examine the long-term future of and possible efficiencies to be gained from state-supported labs on the MSU campus in Bozeman, including, the Veterinary Diagnostic Lab, the Wool Lab, the Wildlife Lab, and the Seed Lab. With a \$61,250 appropriation, the subcommittee shall develop and analyze at least three economically viable proposals for each lab including:

- necessary infrastructural changes and upgrades, their costs, and potential funding sources;
- organizational changes and any financial efficiencies they would create; and
- statutory changes needed to facilitate proposed infrastructural or organizational changes.

**Study Approach:** The legislation anticipates onsite visits to the labs and interviews with relevant state and university personnel and comparisons with and visits to labs in other states. Engineering and architectural consultants may be consulted. Costs may include staff and member training.

**Estimated staff time:** The bill directs the Finance Committee to administer the study and it is assumed fiscal staff would assume most duties. The Economic Affairs Interim Committee [studied the labs in 2009-2010](#). A [legislative audit was conducted on the veterinary diagnostic lab](#) in 2016. EQC staff time could be minimal up to .025 FTE (72 hours) or more involved up to .15 FTE (432 hours).

**Estimated EQC meeting time:** It would be anticipated that EQC members or staff would provide an update at each meeting following a subcommittee meeting.

## Other Issues Proposed for EQC Study

### 1. State Parks Program Evaluation

**Background:** This topic proposal grows out of ongoing legislative discussions about the solvency and management of Montana's state park system. The Parks Division at the DFWP is responsible for conserving the scenic, historic, archeological, scientific, and recreational resources of the state for public use and enjoyment. The division includes 55 parks and 13 affiliated lands. Other programs administered by Parks include motorized and non-motorized trail grants and local government recreation grants.

In the 2011-2012 interim, the EQC studied ways to improve the management, recognition, and coordination of state parks and outdoor recreation and heritage resource programs at the request of the Legislature (HJ 32, 2011). As a result, the [EQC proposed](#) and the 2013 Legislature approved the creation of a State Parks and Recreation Board (HB 24).

The Board subsequently adopted a 5-year state parks and recreation strategic plan, a lands policy, and a policy for the classification and prioritization of park resources, conducted a peer analysis of neighboring state park systems, and commissioned facility condition inventories that identified more than \$18 million in infrastructure needs.

Policy questions about the management of state parks persist, including about revenue and expenditures, reconciliation of financial encumbrances on park lands, and the status of the parks system within the organization and culture of the DFWP. In 2017, the Legislature considered two bills that would have restructured the administration of the parks system (HB 324, which was vetoed by the governor, and HB 454, which failed second reading). The 2017 Legislature also required that in 2019 the entire division budget, including the base, will be reviewed by the joint appropriations subcommittee on natural resources and transportation.

It is likely the Legislative Audit Division will examine these topics in a performance audit that is underway. Rather than duplicate this effort, the EQC could conduct a more comprehensive review of the Parks Division and the policy and strategy frameworks adopted by the Board, learning about individual programs and examining whether changes are needed to enhance their efficacy, efficiency, and coordination and collaboration with other programs in and outside of the DFWP.

**Study approach:** Given the number of individual programs within the Parks Division, the review would likely include one or more staff reports, a review of past and present work from the Audit and Fiscal Divisions, multiple presentations by staff and the agency, and input from affected stakeholders. The work product may include a staff report, recommendations, and legislation.



**Estimated staff time:** A minimum program evaluation may be done with .03 FTE (86 hours). A medium to full program review may range from .075 FTE (216 hours) to more than .15 FTE (432 hours).

**Estimated EOC meeting time:** At a minimum, this could be an agenda item of an hour or more at three to four meetings. At most, it would be an agenda item at every meeting.

## 2. Invasive Species Program Evaluation

**Background:** Three bills passed by the 2017 Legislature require reports to the EOC regarding invasive species. [HB 622](#) requires the newly-created Invasive Species Council and the Upper Columbia Conservation Commission to report annually to the EOC. [SB 363](#) requires the departments of Agriculture, Fish, Wildlife, and Parks, Natural Resources and Conservation, and Transportation to report at least biannually to the EOC on activities and expenditures related to implementation of aquatic invasive species laws. A report on [HB 434](#), which allows the use of Pittman-Robertson funds received by the DFWP to combat noxious weeds is required once every two years.

In addition to the reports, the EOC may want to examine Montana's approach to all types of invasive species.

**Study approach:** Given the number of agencies and entities involved in aquatic and terrestrial invasive species programs, the review would likely include one or more staff reports, multiple presentations by staff and the agencies, and input from affected stakeholders. The work product may include a staff report, recommendations, and legislation.

**Estimated staff time:** In addition to the reports, a minimum program evaluation of the AIS programs may be done with .03 FTE (86 hours). A medium to full program review, including other invasive species programs, may range from .15 FTE (432 hours) to more than .2 FTE (576 hours).

**Estimated EOC meeting time:** At a minimum, this could be an agenda item of an hour or more at four meetings. At most, it would be an agenda item at every meeting.

## 3. Study financial aid programs within DNRC Conservation and Resource Development Division and Department of Commerce

**Background:** This would examine two bureaus and several programs within the DNRC division. The [Financial Bureau](#) issues low-interest loans to local government borrowers and manages the financial administration of Montana's wastewater and drinking water State Revolving Loan Fund loan programs. It also coordinates the development of four Montana Regional Water Systems and prepares and manages the cash flow of the division's other grant and loan programs.

The [Reclamation and Development Grants Program](#) is designed to fund projects for planning, site assessment, and grant writing for cleanup grants. Projects include planning for cleanup of abandoned mines, brownfields, abandoned hazardous waste sites, and abandoned oil and gas wells.

The [Renewable Resource Grant and Loan Program](#) funds projects that conserve, manage, develop, or preserve Montana's renewable resources. Eligible projects include drinking water, wastewater, solid waste development, and improvement projects. Other renewable resource projects include irrigation rehabilitation, dam repair, soil and water conservation and forest enhancement. Grants are limited to \$125,000 per project; loans are limited by the applicant's debt capacity.

[Irrigation development grants](#) range from \$300 to \$20,000. They are available to private for profit, private nonprofit, governmental and Tribal entities and individuals. Projects may include irrigation efficiencies through conservation, expanding acreage, increasing production, improved management, and improved cooperation among water users.

The study would also examine the [Treasure Statement Endowment Program](#) (TSEP), a state-funded program designed to help address the "affordability" of local infrastructure projects by providing grants to lower the cost of constructing public facilities.

**Study Approach:** This would be within the program evaluation duties of the EQC. Given the number of programs, the review would likely include one or more staff reports, a review of recent work from the Audit and Fiscal divisions, and multiple presentations by staff, the agency, and the regulated community. The work product may include a staff report, recommendations, and legislation.

**Estimated Staff Time:** A minimum program review may be done with .04 FTE (115 hours). A medium to full program review may range from .06 FTE (172 hours) to more than .2 FTE (576 hours).

**Estimated EQC meeting time:** At a minimum, this could be an agenda item of an hour or more at one or two meetings. At most, it would be an agenda item at every meeting, and may include meetings of a work group or subcommittee.

#### 4. Study of wildlife corridors

**Background:** This study would examine general research on wildlife corridors as well as Montana specific data. Crossings that provide safe passage for animals can be in the form of highway and road overpasses, underpasses, or culverts. Corridors are large areas of undeveloped habitat that connect isolated habitat and allow for ecosystem and genetic connectivity for plants and animals. The study would assess the status of connectivity from functional and policy perspectives and may include recommendations for improvement.

**Study Approach:** At a minimum, the study would include a general overview of wildlife corridor science and an overview of policies or projects in Montana and other states. Presenters may include state and federal transportation representatives, state and federal fish and wildlife agencies, and interest groups. A specific Montana project could be identified as a case study and include a field trip. Possible funding options may be explored.

**Estimated Staff Time:** General background information and a panel discussion take about .025 FTE (72 hours). A more wide ranging study could take up to .2 FTE (576 hours).

**Estimated EQC meeting time:** At a minimum, the topic could be covered in one agenda item. A more thorough study that may include a report and recommendations, could include at least one field trip and an agenda item at several meetings.

## 5. Study effects of wolf harvest near Yellowstone National Park

**Background:** Hunting and trapping is allowed in three wolf management units bordering Yellowstone National Park. In 2015, 21 wolves were harvested in those areas out of 210 statewide.

**Study Approach:** Examine current FWP policy regarding harvest quotas for areas bordering Yellowstone and consider social and economic values related to harvesting of wolves in those areas. Staff would gather background information on policies and related studies. At a minimum, a panel discussion could include state and federal officials, area landowners, and interest groups.

**Estimated Staff Time:** General background information and a panel discussion may take up to .025 FTE (72 hours). Additional research and panel discussions could take up to .05 FTE (144 hours)

**Estimated EOC meeting time:** This could possibly be accomplished as an agenda item at one meeting or may extend to two or more meetings. Could include a meeting in the area.

## 6. Study ways to increase use of volunteers on public land

**Background:** In the 2013-14 interim as part of a study on federal land management, staff spent some time examining issues related to allowing the use of volunteers to maintain trails and roads on public lands. In 2016, the volunteer coordinator for Region 1 of the Forest Service presented an [update](#) to the EOC related to obtaining insurance and workers compensation for volunteers on public land.

**Study Approach:** The study could range from an agenda item limited to insurance and workers compensation issues or delve into other aspects of increasing the use of volunteers. Staff would provide information from state and federal land managers as well as other states. Panel discussions would likely include land managers, volunteer groups, and other stakeholders. The EOC may request a survey of selected state and federal agencies to examine volunteer policies and injury claims associated with volunteers.

**Estimated Staff Time:**

General background information and a panel discussion would be less than .025 FTE (72 hours). More background and research, a survey, and legislation could take up to .25 FTE (720 hours).

**Estimated EOC meeting time:** This could possibly be accomplished as an agenda item at one meeting. Other staff may be utilized for insurance and workers compensation issues. A more in-depth study.

## 7. Update on Black Butte copper project

**Background:** In May 2017, Tintina Resources submitted to the DEQ a second revision to a mine operating permit application. In June, the agency responded with a third deficiency notice asking for more information. The [Black Butte copper project](#) is about 20 miles north of White Sulphur Springs. The area is in the Sheep Creek watershed, a tributary to the Smith River, which is in turn is a tributary of the Missouri River. The Black Butte copper property consists of approximately 12,000 acres of both long-term mining leases on private ranch lands and 100%-owned federal mining claims. The copper-cobalt-silver deposits at

Black Butte copper occur in extensive shale-hosted bedded sulphide zones. Public attention is focused on the project due to its proximity to the Smith River State Park, a 59-mile stretch of river managed by the DFWP in central Montana. It is known for its scenery and fishing in a remote setting. Permits are required to float the river.

**Study Approach:** Staff would provide background on the Smith River State Park, the mine proposal, and possible options for river protection as directed by the EQC.

**Estimated Staff Time:**

General background information and a panel discussion would be less than .025 FTE (72 hours). More background and research and a possible field trip could take up to .1 FTE (288 hours).

**Estimated EQC meeting time:** This could possibly be accomplished as an agenda item at one meeting. A more in-depth study, a field trip, or a meeting in the area would take more time.

## 8. Fire-related topics

**Background:** The 2017 Senate Natural Resources Committee sent a letter to the EQC asking the council to examine the use of local resources in initial wildfire attack. The committee asked the EQC to:

- Review the findings of the 2007-2008 Fire Suppression Committee;
- Review agreements in other states, including Oregon, used to authorize local initial response to fires on federal lands;
- Compare and analyze initial attack success rates between state and federal fire agencies; and
- Review and analyze fire suppression fees in different geographic regions of the state.

A member requested updates on the good neighbor policy related to sustainable forest management required by [SB 342](#). There also is interest by a member in studying recruitment and retention of firefighters, including issues of pay and workers compensation. Another member expressed interest in how firefighters are dispatched and also requested general updates on rural and wildland firefighting issues. The Local Government Committee was assigned [SJ 21](#) which directs that committee to:

- assess the current emergency medical care and volunteer fire protection systems in Montana;
- examine statutory and nonstatutory training and education requirements for emergency medical service providers and volunteer fire protection providers;
- examine the size of the coverage areas and populations that local emergency medical providers and volunteer fire protection providers serve;
- identify areas of the state where personnel shortages, long distances to travel to an incident, insufficiency of equipment, and other factors are resulting in delayed response times and inadequate response;
- review adequacy of equipment, including vehicles, medical equipment, and communications equipment available to the providers;
- examine compensation, benefits, and incentives offered to personnel and explore alternatives to funding emergency medical and fire protection services; and
- identify and report on strategies for enhancing the viability and sustainability of the services.

Lastly, a legislator who is not a member of the EOC asked that the council consider issues raised during the session by [HB 587](#), which created a process for the DNRC to establish standards and a process for a nongovernmental representative to conduct a prescribed burn. A person conducting the burn according to standards would not be liable for damages caused, except in the case of negligence.

**Study Approach:** At a minimum, staff would compile information requested by the Senate Natural Resources Committee and organize a panel discussion. The good neighbor policy update could be accomplished as agenda items at one or two meetings. The local fire issues could be addressed through updates from the Local Government Committee staff on the SJ21 work. Background on prescribed burns and a panel discussion could be organized.

**Estimated Staff Time:** At a minimum staff time could be .025 FTE (72 hours). Depending on the scope staff time could be up to .25 FTE (720 hours).

**Estimated EOC meeting time:** All issues could be accomplished as agenda items at two to four meetings.

## 9. Study options to control brucellosis

**Background:** Brucellosis is an infectious disease that affects cattle, domestic and wild bison, and elk. In cattle, it can cause abortion, decreased milk production, weight loss, and infertility. Efforts to eradicate the disease in domestic livestock were successful, but the disease remains present in wildlife populations in the Greater Yellowstone area. The departments of Livestock and Fish, Wildlife, and Parks manage the livestock and wildlife in Montana that can carry the disease. Both agencies participate in a plan approved by federal, state, and tribal agencies to regulate bison. A recent [legislative audit](#) concluded that since 2011, the two state agencies spent \$7.5 million in federal and state funds to prevent the transmission of brucellosis from wildlife to livestock. The audit included recommendations for both agencies. A [report](#), released last month, from the National Academies of Sciences, Engineering, and Medicine concluded that efforts to control brucellosis should consider focusing on the transmission of the disease from elk.

**Study Approach:** A presentation of the 2017 legislative audit will be made at the June EOC meeting. The EOC may want to delve into the recommendations of either the audit or the national report. Staff would compile and present information as needed and coordinate with state, federal, and tribal entities.

**Estimated Staff Time:** At a minimum staff time could be .025 FTE (72 hours). Depending on the scope staff time could be up to .1 FTE (272 hours).

**Estimated EOC meeting time:** The issue may be an agenda item at two to four meetings. The EOC may choose to hold a hearing in an affected area depending on proposals.

## 10. Study Natural Heritage Program

**Background:** The Legislature in 1983 created the [Montana Natural Heritage Program](#) as part of the [Natural Resource Information System](#) (NRIS) of the Montana State Library. As defined in law, the program acquires information related to the flora, fauna, and biological community types in the state. The program works with DEQ, DNRC, FWP, the departments of transportation and agriculture, the university system, as well as the Forest Service, the Bureau of Land Management, the U.S Fish and Wildlife Service and the Natural Resources Conservation Service. Data acquired by the program are used in environmental reviews by

the private and public sectors for permitted activities including mining, timber sales, subdivisions, utility and pipeline corridors, oil and gas developments, and highway construction.

**Study Approach:** At a minimum, staff would provide an overview of the program and current issues with a panel discussion at an EQC meeting. The EQC may wish to compare similar programs in other states, review the mission of the program, or explore funding options.

**Estimated Staff Time:** At a minimum staff time could be .025 FTE (72 hours). Depending on the scope staff time could be up to .1 FTE (272 hours).

**Estimated EQC meeting time:** The issue may be an agenda item at one to four meetings.

## 11. Study the creation of a report on the status of Montana's Natural Resources.

**Background:** Montana law requires the EQC to:

- gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret the information for the purpose of determining whether the conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the legislature studies relating to the conditions and trends;
- review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which the programs and activities are contributing to the achievement of the policy and make recommendations to the governor and the legislature with respect to the policy;
- develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;
- conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality; and
- document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes.

The EQC meets these obligations in different ways. As always, how the EQC fulfills its duties is up to the members and their priorities, but in this case the availability of staff and staff expertise also plays a role.

As a matter of course in complying with the law, studies conducted by the EQC incorporate timely and authoritative information on trends. Past examples of study-specific trend gathering includes historic lumber prices and processing capacity; recycling and waste disposal rates; and an inventory of conservation easements.

However, at times in its history, the EQC documented trends beyond its study of specific issues and compiled baseline information in a hard copy report. In 1975, the EQC produced a 178-page report "[Montana Environmental Indicators](#)." The report included examinations of

population, energy production, water, minerals, forest and agricultural land, water and air quality, and wildlife. At the time, the EQC conceded that it was a major effort to assemble comprehensive baseline data, reported in a systematic format, on the current state of the Montana environment. Five staff members worked on the document. But the EQC was dedicated to a long-term commitment of refining the indicators and of issuing updated and revised summaries periodically.

It took another 20 years until the EQC attempted another comprehensive trend report. "[Our Montana Environment ... Where Do We Stand?](#)" was a 28-page document that examined many of the same issues as the 1975 report, but capitalized on conveying statewide information in maps, graphs, and concise summaries.

In May of 2014, the EQC approved the creation of an [online repository of trend information](#). That effort continued through the last interim and is included in the general statutory oversight section of the proposed 2017-2018 work plan.

**Study Approach:** The report on the status of Montana's Natural Resources would be in addition to, not a replacement of, existing efforts to fulfill the statutory obligations, including the online repository of trend information.

The EQC would decide what to include in the report. The report could document changes in the natural environment, including the plant and animal systems. The work could accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes.

Staff would compile existing reports specific to Montana that contain information pertinent to the proposed report. Research would be done on similar reports produced by other states or organizations to use as a template for the Montana report.

The EQC would decide what additional information is needed and whether staff or an outside organization would do that work. Much of the approach would depend on the work contributed by the outside group and more direction provided by the EQC.

**Estimated Staff Time:** Staff time would depend on contribution of any outside individuals or. Staff research and coordination could range from .1 FTE (288 hours) to .75 FTE (2,160 hours).

**Estimated EQC meeting time:** At a minimum, this could be an agenda item of an hour or more at one or two meetings. At most, it would be an agenda item at every meeting, and may include meetings of a work group or subcommittee.

## Possible EQC agenda items through the interim

These topics could be addressed through agenda item at one or more meetings with a minimum of staff time. However, the EQC could also choose to devote more staff time or meeting time to any of the items.

1. The 2017 Legislature passed [HJ15](#) supporting the delisting of Montana's grizzly bear population. The resolution requests specific actions from the U.S. Fish and Wildlife Service and the Montana congressional delegation. Agenda items would update the EQC on those requests.

2. The 2017 Legislature considered but did not pass [SB171](#), which dealt with the issuance of mule deer permits in certain areas where it was determined harvest should be limited. An agenda item would provide an overview of the issue and allow the EQC to determine if follow-up or action is desired.
3. The 2017 Legislature passed [HB507](#), which revised sanitation reviews for subdivisions. The bill requires the DEQ to report once to the EQC. Additional agenda items would update the EQC on progress prior to the annual report.
4. In 2015, the legislature created the Montana Sage Greater Sage-Grouse Stewardship Act. The law directs the [Montana Sage Grouse Oversight Team](#) to seek a depredation order from the United States fish and wildlife service under the Migratory Bird Treaty Act of 1918, as necessary, to control common raven (*Corvus corax*) or black-billed magpie (*Pica hudsonia*) to reduce depredation on sage grouse populations and their nests. An agenda item would update the EQC on implementation of the directive.
5. Echinococcus is a genus of tapeworm. Two species of Echinococcus (*Echinococcus granulosus*, and *Echinococcus multilocularis*) are known to exist in Montana wildlife. An article published in the Journal of Wildlife Diseases in 2009 describes the prevalence of *E. granulosus* in wolves and ungulates in Idaho and Montana. In 2010, the EQC discussed the tapeworm as an [agenda item](#) on wolf management. The DFWP will include the issue in its wolf management update at the June 2017 meeting. The EQC may decide more information is needed.
6. Several federal agencies oversee areas of interest to the EQC, including the Forest Service, the BLM, U.S. Fish and Wildlife Services, and the EPA. A different agency could be invited to each meeting to provide an overview of timely issues and to take questions.

## EQC Statutory Duties and Obligations

### EQC General Statutory Duties

**Source/authority:** Sections 2-15-1514, 2-15-1523, 75-1-201, 75-1-208, 75-1-314, 75-10-111, 75-10-743, 76-22-118, 77-1-801, 77-2-366, 77-5-301, 82-2-701, and 87-1-901, MCA

**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.

The 2017 Legislature approved the following additional statutory reports to the EQC:

- that the DEQ provide an annual summary of sanitation review procedures adopted under Title 76, chapter 4, and whether statutory changes are needed;
- that the FWP report specific information about mountain sheep harvested from the Tendoy Mountain herd by September 1 of each even-numbered year;



- that the FWP report on implementation of the Wildlife Habitat Improvement Act before September 1 of each year preceding a regular session;
- that the newly-created Invasive Species Council and the Upper Columbia Conservation Commission report their activities annually;
- that the Libby asbestos superfund liaison report by July 1 of each year;
- that the Department of Agriculture, FWP, DNRC, and MDT report at least biannually on their activities undertaken and expenditures incurred related to implementation of the aquatic invasive species laws.

The EQC prioritizes these duties as the need for specific oversight changes with interest, time, and circumstance.

**2-15-1514, MCA**, requires the 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.

**75-1-201 and 75-1-208, MCA**, state executive agencies are required to submit copies of environmental review documents prepared in accordance with the Montana Environmental Policy Act (MEPA) to the EQC. 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**, states the Departments of Environmental Quality, Agriculture, and Natural Resources and Conservation 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.

**75-10-111, MCA**, requires the DEQ to circulate solid waste management and resource recovery plans to the EQC for its review.

**75-10-743, MCA**, requires DEQ to report to the EQC before July 1 of each year regarding expenditures made and locations of facilities addressed through the use of orphan share funds for remedial action.

**76-22-118, MCA**, requires the Montana Sage Grouse Oversight Team to report annually to the EQC on activities undertaken, including but not limited to money and real property received, grants awarded, and compensatory mitigation activities.

**77-1-801, MCA**, requires the DNRC to report to the EQC on road closures and restrictions on state lands on or before September 1 of each year preceding a regular session.

**77-2-366, MCA**, requires that the DNRC submit a detailed report of the land banking program to the EQC by July 1 of even-numbered years. The DNRC must also provide a summary report to the EQC on or before July 1 of each year on sales of state land cabins or home sites.

**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.

**82-2-701, MCA**, requires the Montana Bureau of Mines and Geology to report to the EQC and the Education and Local Government Interim Committee on its investigation of the state's sand and gravel deposits within one year of starting its investigations.

**87-1-901, MCA**, establishes that the DFWP must report annually to the EQC on gray wolf management and conservation, including the tracking, hunting, trapping, and taking of gray wolves.

## EQC General Agency Oversight Statutory Duties

**Source/authority:** 2-4-402- 412, 5-5-202, 5-5-211, 5-5-215, 5-16-101 through 5-16-105, and 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 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 2-4-402 through 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.

The 2011 Legislature required all interim committees to review the statutorily established advisory councils and required reports of their assigned agencies and to make recommendations regarding the retention or elimination of those advisory councils and required reports.

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.

**2-4-402 through 2-4-412, MCA**, set out the administrative rule oversight powers and duties of the EQC.

**5-5-202, 5-5-211, and 5-5-215, MCA**, discuss the organization and duties of interim committees.

**5-16-101 through 5-16-105, MCA**, discuss the composition of the EQC.

**75-1-324, MCA**, 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.

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## EQC Educational Publications Obligations

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

**Background:** The EQC has historically used its broad statutory authority to produce high quality, easy to understand, objective, nonpartisan, educational publications in addition to the study reports produced during the 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.

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, others are more intensive.

The EQC has produced the following educational publications:

☆ *Montana Index of Environmental Permits (produced in 1976 and updated regularly)*

The [EQC Permit Index](#) is a complete guide to 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 is the EQC's longest-standing ongoing publication.

☆ [Our Montana Environment: Where Do We Stand?](#) (produced in 1996)

The EQC conducted its first comprehensive environmental indicators project in 1975. With the production of this publication 20 years later, the EQC revisited that effort to develop indicators to document changes in the state's environment over time. In 2013, the EQC directed staff to create an online repository for trend information. That effort started in 2014 and is continuing.

☆ [A Guide to the Montana Environmental Policy Act](#) (produced in 1998 and updated as needed)

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 and updated as needed)*

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 citizens better understand the state's eminent domain laws.

☆ [An informational Guide to State Debt](#) (produced in 2004)

At the request of the 2003-04 EQC Energy Policy Subcommittee, the State Bond Counsel compiled the information for this brochure to assist those with projects utilizing state bonding mechanisms. The brochure defines state debt, describes bonds, describes the types of state debt, and provides other related information.

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

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.

☆ *Conservation easements: 20 things everyone should know (produced in 2008 and updated as needed)*

This [brochure](#) was first produced as part of a study of conservation easements on state land. It provides basic information about conservation easements.

☆ [Permitting in Montana, DEQ](#): (produced in 2009 and updated in 2012)  
[Permitting in Montana, DNRC](#): (produced in 2012)

These reference guides provide a quick overview of six permitting processes that affect different types of projects ranging from power plants to gravel pits to oil and gas drilling and groundwater use. These guides include a series of flowcharts and summaries outlining the responsibilities of the applicant, the regulatory agencies, and the public within various permit processes in order to assist people in planning for a permitting process.

☆ [Pittman-Robertson Funding](#) (produced in 2014)  
[Dingell-Johnson Funding](#) (produced in 2014)

These reference guides summarize two federal excise taxes, one on firearms and other hunting equipment and one on sport fishing equipment. The brochures explain how the money is collected, how it is disbursed to the states, and how it may be used.

## Draft 2017-2018 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 29-30, 2017	<b>EQC Meeting.</b> Interim work plan prioritization and EQC organizational meeting. Selection of studies and topics.
September 27-28, 2017	<b>EQC Meeting.</b> Adoption of detailed work plans for each selected study or topic.
January 10-11, 2018	<b>EQC Meeting.</b>
March 14-15, 2018	<b>EQC Meeting.</b> 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 24-25, 2018	<b>EQC Meeting.</b> 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 26-27, 2018 meeting.
July 26-27, 2018	<b>EQC Meeting.</b> Decision on recommendations, any proposed legislation, final report contents.
September 13-14, 2018	<b>EQC Meeting.</b> Final approval of recommendations, reports, proposed legislation. Select bill sponsors. Develop strategy. Review agency bill draft requests.

**Council interim work must be completed September 15, 2018.**