



ENVIRONMENTAL QUALITY COUNCIL

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GOVERNOR STEVE BULLOCK
DESIGNATED REPRESENTATIVE
PATRICK HOLMES

HOUSE MEMBERS
WILLIS CURDY
STEVE GUNDERSON
BRADLEY MAXON HAMLETT
JIM KEANE
THERESA MANZELLA
KERRY WHITE

SENATE MEMBERS
PAT FLOWERS
STEVE HINEBAUCH
MIKE LANG
JP POMNICHOWSKI
CARY SMITH
GENE VUCKOVICH

PUBLIC MEMBERS
SCOTT ASPENLIEDER
JOHN C. BRENDEN
REX ROGERS
MATT VINCENT

COUNCIL STAFF
HOPE STOCKWELL, Research Analyst
JOSEPH CARROLL, Staff Attorney
NADINE SPENCER, Secretary
JOE KOLMAN, Legislative Environmental Analyst

MINUTES LOG

June 26, 2019
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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. From the homepage, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu, Meeting Minutes. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From here, use the calendar to select the date of the meeting you wish to view/listen to.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

REP. JIM KEANE, Chairman
SEN. MIKE LANG, Vice Chairman

SEN. PAT FLOWERS
SEN. STEVE HINEBAUCH
SEN. JP POMNICHOWSKI
SEN. CARY SMITH
SEN. GENE VUCKOVICH

REP. WILLIS CURDY
REP. STEVE GUNDERSON
REP. BRADLEY MAXON HAMLETT
REP. THERESA MANZELLA
REP. KERRY WHITE

MR. SCOTT ASPENLIEDER
MR. REX ROGERS
MR. MATT VINCENT

COMMITTEE MEMBERS EXCUSED

MR. JOHN BRENDEN

STAFF PRESENT

HOPE STOCKWELL, Research Analyst
JOE KOLMAN, Legislative Environmental Analyst
NADINE SPENCER, Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

The Environmental Quality Council (EQC):

- Adopted the rules, procedures, and guidelines for the 2019-20 interim;
- Elected Rep. Jim Keane as chair and Sen. Mike Lang as vice chair of the EQC.

CALL TO ORDER AND ROLL CALL

13:01:58 Rep. Keane called the meeting to order at 1:01 p.m. The secretary noted the roll.
(Attachment 3) Mr. Brenden was excused.

ADMINISTRATIVE MATTERS

Committee Member Introductions

13:02:20 The EQC members introduced themselves.

Staff Introductions

13:19:46 Joe Kolman, legislative environmental analyst, Legislative Services Division (LSD), introduced the EQC staff.

13:22:57 Hope Stockwell, research analyst, LSD, introduced herself.

13:23:54 Patrick Holmes, designated representative, Governor's Office, introduced himself.

EQC Budget Overview

13:24:45 Mr. Kolman presented information on the EQC budget.

EQC questions and discussion

13:26:14 Rep. Keane asked Mr. Kolman if money left over after this meeting can be rolled over into the 2019-20 interim budget.

Adoption of EQC Rules

13:27:37 Mr. Kolman said the Council received a copy of the rules, procedures, and guidelines for interim committees that were revised by Legislative Council.
(Exhibit 1)

EQC questions and discussion

13:28:25 Rep. White said the studies assigned to the EQC may require the appointment of a subcommittee and asked Rep. Keane if that is within the rules and under the authority of the EQC. Rep. Keane redirected the question to Mr. Kolman.

13:29:40 Sen. Lang asked Mr. Kolman about allowing proxies by email.

13:30:08 Rep. Manzella asked Mr. Kolman about allowing public comment by phone or teleconference.

13:31:38 Rep. Manzella asked Mr. Kolman if presentations by teleconference are part of the public record.

13:32:06 Rep. White asked Rep. Keane about allowing PowerPoint presentations.

Motion/Vote

13:32:23 Rep. White moved to adopt the rules, procedures, and guidelines for the 2019-20 interim as presented. The motion carried unanimously by voice vote of those present and voting.

Election of the EQC Chair and Vice Chair

13:32:53 Rep. Hamlett moved to elect Rep. Keane as chairman of the EQC. There were no other nominations and Rep. Keane was designated as chairman.

13:33:36 Rep. Keane commented on the way the meetings will be conducted.

13:34:09 Rep. White moved to elect Sen. Lang as vice chairman of the EQC. There were no other nominations and Sen. Lang was designated as vice chairman.

13:35:07 Sen. Lang thanked the Council for his nomination.

13:35:38 Rep. Hamlett thanked Rep. Curdy for carrying the aquatic invasive species (AIS) bill during the 2019 legislative session.

13:36:11 Rep. Keane said AIS and other issues that were brought before the EQC during the last interim can be included in the work plan discussion.

COUNCIL AND STAFF RESPONSIBILITIES

13:36:46 Mr. Kolman said Council members received a copy of *A Council Member's Guide to the Environmental Quality Council* and discussed the Council's responsibilities.
(Exhibit 2)

EQC questions and discussion

13:46:15 Sen. Pomnichowski asked Mr. Kolman about receiving updates from the Water Policy Interim Committee (WPIC).

13:47:54 Rep. White asked Mr. Kolman about the history of the trend on the Montana Environmental Policy Act (MEPA) training for state employees.

13:48:47 Ms. Stockwell provided additional information on MEPA training.

- 13:49:54 Rep. White asked Mr. Kolman if state agencies contribute any money to help offset the cost of MEPA training.
- 13:52:05 Rep. Keane commented on PowerPoint presentations at the EQC meetings.

STATUTORY ADMINISTRATIVE RULE REVIEW

- 13:53:48 Mr. Kolman said Joe Carroll, staff attorney, LSD, provided a memo on statutory administrative rulemaking. **(Exhibit 3)**
- 13:54:23 Mr. Kolman provided information on the rule from the Department of Fish, Wildlife, and Parks on AIS. **(Exhibit 4)**

Public comment None

EQC questions and discussion None

STATE LAB ADVISORY COMMITTEE UPDATE

- 13:56:23 Steve Baiamonte, administrator, General Services Division, Department of Administration (DOA), provided information on the State Lab Advisory Committee authorized under HB 586 (2019).

EQC questions and discussion

- 13:58:52 Rep. Keane said three members of the EQC are on the advisory committee and commented on the appointment of the other members. He encouraged the Council to work on the issue.
- 13:59:48 Rep. White said he attended a meeting today with Sen. Gordon Vance, SD 34, Rep. Hamlett, Susan Fox, executive director, LSD, and four representatives from the DOA and that they put together an outline for moving forward.
- 14:01:15 Rep. Keane commented on the importance of the labs for the health and safety of the citizens of the state and that it should be at the top of the EQC's priority list.
- 14:02:08 Rep. White said during the last interim the EQC sent a letter to Montana's Congressional delegation asking for funding for a testing facility and that he recommends sending another letter requesting an appropriation for infrastructure projects.
- 14:03:17 Rep. Hamlett said the EQC may want to consider taking a look at chronic wasting disease (CWD).
- 14:05:22 Sen. Pomnichowski asked Mr. Baiamonte about the goal of the advisory committee.
- 14:06:37 Sen. Pomnichowski asked Mr. Baiamonte about funding for a state lab.
- 14:07:10 Rep. Gunderson said he agrees with Rep. White about looking for funding for the lab from the federal government and commented on the spread of CWD.
- 14:08:21 Rep. Hamlett said he sponsored HB 586 and commented on exploring alternative ways to fund the lab and said Montana State University has land available for a building.
- 14:10:43 Rep. Keane said he agrees with sending a letter to Montana's Congressional delegation requesting funding.
- 14:11:14 Rep. White said staff can draft a letter and the Council can approve it at its meeting tomorrow.
- 14:11:28 Mr. Kolman asked Rep. White about the content of the letter.

14:11:47 Rep. Keane said the Council can approve the letter tomorrow and commented on testing for CWD.

14:13:47 Sen. Flowers asked Rep. Keane about receiving an update from the Department of Fish, Wildlife, and Parks (FWP) at the meeting tomorrow on the discovery of CDW in new locations.

14:14:22 Rep. Gunderson said the veterinarian from FWP will be at the meeting tomorrow to discuss the discovery of CWD in Libby.

14:14:50 Rep. Keane said he would like information about what other states are doing.

14:15:11 Mr. Rogers said he would like information about the plan for educating the public about CWD. Rep. Gunderson said he discussed best practices and safe handling of meat with representatives of FWP Region 1 and they will provide information at the meeting tomorrow.

14:16:27 Rep. Keane discussed the issue of cross contamination.

14:16:41 Rep. White said he recommends that the Council look at the SJ 9 (2017) final report.

14:17:56 Recess

14:35:55 Reconvene

AGENCY OVERVIEW PRESENTATIONS

Department of Natural Resources and Conservation

14:36:51 John Tubbs, director, Department of Natural and Resources and Conservation (DNRC), provided an overview of the agency and its divisions.

14:37:09 Mr. Tubbs discussed the Board of Oil and Gas Conservation.

14:38:52 Mr. Tubbs discussed the Conservation and Resource Development Division and introduced Autumn Coleman, the new bureau chief.

14:40:24 Mr. Tubbs discussed the Conservation Districts Bureau.

14:42:02 Mr. Tubbs discussed the Forestry Division.

14:43:02 Mr. Tubbs discussed the Trust Lands Management Division.

14:48:23 Mr. Tubbs discussed the deadline for exempt from filing claims.

EQC questions and discussion

14:49:04 Rep. Manzella asked Mr. Tubbs about the amount of acres of school trust lands and the amount of revenue generated.

14:50:28 Shawn Thomas, administrator, Trust Lands Management Division, DNRC, provided additional information.

14:51:10 Mr. Tubbs said the report is available online and updated annually.

14:51:18 Rep. Curdy asked Mr. Tubbs about the locations for fire mitigation grants.

14:52:15 Rep. Curdy asked Mr. Tubbs about the amount of money involved in the grants. Mr. Tubbs said he will provide the information before the end of the meeting.

14:52:39 Rep. Hamlett asked Mr. Tubbs about the issue of public access and county roads.

14:54:40 Rep. Hamlett asked Mr. Tubbs about the price a county pays to the state for an easement.

14:56:20 Rep. Hamlett asked Mr. Tubbs if any counties have made an argument about the benefit of having a county road to a state easement.

Department of Environmental Quality

- 14:57:10 Shaun McGrath, director, Department of Environmental Quality (DEQ), provided an update on the bills that were passed during the 2019 Legislative session.
- 14:57:30 Mr. McGrath discussed SB 343 – revising laws related to opencut mining.
- 15:00:06 Mr. McGrath discussed SB 201 – pension bonding for coal mine employees.
- 15:01:13 Mr. McGrath discussed HB 722 – allowing transfers of hard rock mining permits.
- 15:03:03 Mr. McGrath discussed HB 56 – Voluntary Cleanup and Redevelopment Act (VRCA).
- 15:05:02 Mr. McGrath discussed the transfer of \$1 million into the Petroleum Tank Cleanup program.
- 15:05:53 Mr. McGrath introduced Chris Yde, Coal & Uranium Prospecting & Mining supervisor, Coal and Opencut Mining Bureau, DEQ. He said Mr. Yde is retiring and thanked him for his service to the state.

EQC questions and discussion

- 15:06:50 Sen. Lang asked Mr. McGrath about the rules for naturally occurring radioactive material (TENORM) waste and requested he keep the EQC updated.

Department of Fish, Wildlife, and Parks

- 15:08:56 Paul Sihler, chief of staff, Department of Fish, Wildlife, and Parks (FWP), said that the department has designated Mike Volesky to be on the state lab advisory committee. Mr. Sihler discussed FWP's mission.
- 15:12:50 Mr. Sihler discussed the department's priorities.
- 15:17:15 Mr. Sihler discussed HB 608 – requiring mandatory AIS decontamination of vessels with ballast/bladders.
- 15:17:43 Mr. Sihler discussed SB 341– establishing a public land access act.
- 15:18:26 Mr. Sihler discussed HB 29 – revision to bird hunting dog laws.
- 15:18:59 Mr. Sihler discussed HB 695 and the purchase of a recreation easement at Big Arm State Park.

EQC questions and discussion

- 15:19:54 Sen. Flowers asked Mr. Sihler about the new automated licensing system.
- 15:22:16 Rep. White asked Mr. Sihler about implementation of HB 243 (2019) and HB 355 (2019).
- 15:23:29 Rep. White asked Mr. Sihler about the timeframe for the statewide comprehensive outdoor recreation plan.
- 15:24:24 Rep. Hamlett asked Mr. Sihler if FWP has done a cost analysis of CWD and the potential negative effects it could have on license revenue and demands for the department to do more inspections, sampling, and testing.
- 15:26:28 Rep. Keane asked Mr. Sihler to provide more information at the meeting tomorrow about implementation of IT.
- 15:28:12 Sen. Lang asked Mr. Sihler about Hell Creek State Park.
- 15:32:14 Rep. Keane thanked Mr. Sihler for his participation.
- 15:33:12 Mr. Vincent asked Mr. Sihler for an update regarding the Negotiated Rulemaking Rule process to manage recreational use on the Madison River.
- 15:35:48 Mr. Vincent asked Mr. Sihler to continue to provide the EQC with updates.

Public comment None

CABIN SITE LEASING

15:37:55 Shawn Thomas, administrator, Trust Lands Management Division, DNRC, presented the biennial cabin site sales report. [\(Exhibit 5\)](#)

Public comment None

EQC questions and discussions

15:45:00 Rep. Keane commented on the process and thanked the department for its efforts.

15:45:52 Sen. Flowers asked Mr. Thomas about acquisitions using the special land banking account.

15:50:01 Rep. Keane asked Mr. Thomas about unspent money.

INTRODUCTION AND REVIEW OF INTERIM WORK PLAN OPTIONS

Work Plan Option Matrix Introduction

15:50:48 Mr. Kolman provided information on the draft work plan. [\(Exhibit 6\)](#)

15:53:44 Mr. Kolman discussed the work plan decision matrix. [\(Exhibit 7\)](#)

Review of Individual Work Plan Elements

15:55:00 Mr. Kolman discussed the three studies assigned to the EQC.

15:55:37 Mr. Kolman discussed statutory duties of the EQC.

15:57:42 Mr. Kolman discussed the EQC agency oversight duties and said the Council received information for options for program evaluations. [\(Exhibit 8\)](#)

16:00:01 Mr. Kolman discussed EQC publications.

16:02:03 Mr. Kolman discussed member and emerging issues.

Public comment

16:03:14 Tammy Johnson, executive director, Montana Mining Association

EQC questions and discussion on the work plan

16:05:20 Rep. White

16:06:06 Mr. Kolman

16:06:13 Rep. White

16:08:11 Rep. Keane

16:09:36 Rep. White

16:11:38 Rep. Keane

16:14:39 Rep. Gunderson

16:14:44 Rep. Keane

16:15:09 Rep. Gunderson

16:16:14 Rep. Manzella

16:16:55 Sen. Flowers

16:18:50 Rep. Hamlett

16:20:41 Mr. Aspenlieder

16:22:50 Rep. Keane

16:23:05 Mr. Kolman

16:24:08 Rep. Keane

16:24:25 Sen. Pomnichowski

16:26:20 Rep. Keane
16:27:06 Sen. Pomnichowski
16:27:51 Rep. Curdy
16:30:02 Rep. Keane
16:30:11 Rep. Curdy
16:30:53 Rep. Hamlett
16:31:18 Sen. Pomnichowski
16:31:33 Rep. Hamlett

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

None

16:32:50 Rep. Keane recessed the meeting at 4:32 p.m.

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