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ENVIRONMENTAL QUALITY COUNCIL INTERIM COMMITTEE
67th Montana Legislature

SENATE MEMBERS	HOUSE MEMBERS	COMMITTEE STAFF	PUBLIC MEMBERS
Pat Flowers	Willis Curdy	Joe Carroll - Attorney	Scott Aspenlieder
Steve Hinebauch	Steve Gunderson	Joe Kolman - Legislative	John Brenden
Mike Lang	Bradley Hamlett	Environmental	Patrick Holmes, Gov. Rep.
JP Pomnichowski	Jim Keane	Analyst	Rex Rogers
Cary Smith	Theresa Manzella	Nadine Spencer - Secretary	Matt Vincent
Gene Vuckovich	Kerry White	Hope Stockwell - Research Analyst	

MINUTES LOG

May 28, 2020
Remote Zoom Meeting

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ROLL CALL

Members Present Remotely:

Rep. Jim Keane, Chair (D)
Sen. Mike Lang, Vice Chair (R)
Scott Aspenlieder, Public Member
John Brenden, Public Member
Rep. Willis Curdy (D)
Sen. Pat Flowers (D)
Rep. Steve Gunderson (R)

Rep. Bradley Hamlett (D)
Sen. Steve Hinebauch (R)
Rep. Theresa Manzella (R)
Sen. JP Pomnichowski (D)
Rex Rogers, Public Member
Sen. Cary Smith (R)
Matt Vincent, Public Member
Sen. Gene Vuckovich (D)
Rep. Kerry White (R)

Members Excused:

Patrick Holmes, Designated Governor Representative

Staff Present Remotely:

Joe Carroll, Attorney
Joe Kolman, Legislative Environmental Analyst
Nadine Spencer, Secretary
Hope Stockwell, Research Analyst

AGENDA (Attachment 1)

Call to Order/Roll Call

10:00:16 Rep. Keane called the meeting to order at 10:00 a.m.

Committee business

10:00:44 Rep. Keane asked staff to have the Department of Fish, Wildlife, and Parks (FWP) or the Department of Livestock provide information at the next meeting on the non-destructive test for chronic wasting disease known as RT-QulC. He asked if there is something the EQC can do to help get the test certified.

10:01:46 Joe Kolman, legislative environmental analyst, Legislative Services Division (LSD), said he will email the form for pay and reimbursement to Council members.

10:02:19 Rep. Keane asked about discussion on any other matters.

10:02:31 Rep. Manzella said she is having trouble participating in the meeting because of her internet connection. Hope Stockwell, research analyst, LSD, said it may help to use audio and not video.

10:03:24 The secretary called the roll. [\(Attachment 2\)](#)

SJ:30 Wildlife Location Data

10:05:20 Mr. Kolman provided an introduction. He said he met with stakeholders on two versions of a bill draft.

10:07:28 Mr. Kolman discussed the second version of the bill draft. [\(Exhibit 1\)](#)

Public comment

- 10:11:51 John MacDonald, Montana Newspaper Association.
- 10:15:11 Sen. Jill Cohenour, SD 42.

EQC questions and discussion

- 10:17:35 Sen. Pomnichowski asked Mr. Kolman about any restrictions on releasing information to people who have been formally charged or convicted of poaching offenses or otherwise might misuse the information.
- 10:19:00 Becky Dockter, chief legal counsel, FWP, said there is no prohibition for the release of information to someone formally convicted of a crime.
- 10:21:34 Rep. White asked Mr. Kolman about Section (1)(1) and who makes the determination of “unreasonable”.
- 10:23:24 Rep. White asked Mr. Kolman if it should be inserted in Section (1)(2) for consistency.
- 10:24:03 Sen. Flowers thanked the stakeholders for their involvement.
- 10:24:35 Rep. Hamlett asked about the time frame for releasing location data. Mr. Kolman said the language in the bill is not to give it in real time.
- 10:26:13 Ken McDonald, Wildlife Division administrator, FWP, said a time element was not included in the legislation.
- 10:27:51 Sen. Lang commented on the time frame and asked about adding “formal request” to Section (1)(1). He asked about FWP’s obligation to provide notification when they are tracking a predator on private land.
- 10:30:11 Mr. Kolman said he can add “upon request”.
- 10:31:34 Mr. McDonald discussed the time frame and the process the department follows when there is a request for information.
- 10:33:13 Rep. Keane asked Sen. Lang if that answered his question. Sen. Lang said it did and commented on FWP’s obligation to inform someone if there is a predator on their land.
- 10:33:48 Ms. Dockter said it depends on the circumstance, but there is no proactive requirement.
- 10:36:24 Rep. White asked about keeping a record of landowner requests for the department to notify them when there is a predator that could pose a danger to livestock or human life on their property.
- 10:37:13 Mr. Kolman said the statute refers to public records in possession at the time of the request. Ms. Dockter agreed.
- 10:39:30 Martha Williams, director, FWP, said as a matter of courtesy many game wardens and wildlife biologists tell landowners when there are certain species of animals near their property.
- 10:41:47 Mr. Aspenlieder commented on implementing statutory timelines for department requests.

- 10:44:05 Sen. Lang said there needs to be more discussion on protecting wildlife and making landowners aware when there is a dangerous animal on their property.
- 10:45:22 Sen. Flowers asked if the department has a record of the requests from the last several years and the response time. Mr. McDonald said they do, and it provides information on who it was routed to and when the information went out.
- 10:49:04 Mr. Kolman said there is already a statutory requirement for public notification when a predator is transferred, including onto private property. He said the public record statutes cover all state agencies and provide for getting information in a timely manner. He said he will make the changes in the language discussed by the Council and add it as a future agenda item.
- 10:51:26 Rep. Keane agreed.

Aquatic Invasive Species Update

Updates on statutory authority review and Upper Columbia Conservation Commission

- 10:52:12 Kate Wilson, commission administrator, provided an update on the Upper Columbia Conservation Commission (UC3). [\(Exhibit 2\)](#)
- 10:55:20 Ms. Wilson discussed the aquatic invasive species (AIS) statutory authority review undertaken by the UC3 and the Montana Invasive Species Council.

Final 2019 inspection season data and preview of 2020 season

- 11:01:25 Tom Wolfe, AIS Bureau chief, FWP, provided a summary of the 2019 AIS program. [\(Exhibit 3\)](#)

DNRC grant program update

- 11:08:30 Stephanie Criswell, grant manager, AIS Grant Program, Department of Natural Resources and Conservation (DNRC), provided an update on the grant program.
- 11:12:09 Ms. Criswell said she provided a list of the 2020 AIS grant cycle awards and projects. [\(Exhibit 4\)](#)

Public comment

None

EQC questions and discussion

- 11:13:33 Mr. Brenden requested a copy of where the grants went and the amounts. (see exhibit 4)
- 11:14:08 Sen. Lang asked Mr. Wolfe about cross checking to see if a boat purchased out-of-state was inspected when a resident applies for a registration at the county treasurer's office.

- 11:15:54 Rep. Keane said because of COVID-19 boaters from out-of-state are arriving earlier. He asked Mr. Wolfe about using the funds from Canyon Ferry Reservoir to expand inspections south and east and at night.
- 11:19:32 Rep. Curdy asked Mr. Wolfe about the program at Tiber Reservoir.
- 11:20:46 Rep. Curdy asked Mr. Wolfe about the out-of-state boats that were confirmed with mussels and the direction they came from.
- 11:22:03 Rep. Curdy asked Mr. Wolfe about increasing inspection hours in Dillon and Anaconda.
- 11:23:04 Rep. Hamlett said he recommends inviting Sen. Mike Cuffe, SD1, to the next EQC meeting to discuss changes in federal funding and how money will be distributed. Rep. Keane agreed.
- 11:23:56 Sen. Hinebauch said the people of Montana have been responsible responding to AIS.
- 11:24:31 Sen. Hinebauch asked Mr. Wolfe about the eradication of mussels from Tiber Reservoir.
- 11:26:20 Mr. Rogers asked Mr. Wolfe about issues with new boats coming into the state and eliminating temporary stickers.
- 11:28:17 Mr. Rogers said the EQC may be able to help close the loophole by doing away with temporary stickers.
- 11:28:59 Rep. Keane said it may be an opportunity.

Trapper Education Proposal

- 11:29:55 Mr. Kolman said the Council received a copy of the bill draft. [\(Exhibit 5\)](#)
- 11:30:19 Rep. White provided information on mandatory trapper education and said he proposes moving the draft legislation forward as a committee bill.

EQC questions and discussion

- 11:33:39 Sen. Lang asked Rep. White about excluding certain individuals.

Public comment

- 11:35:30 Robert Shepard.

Discussion on next steps

- 11:36:22 Rep. Keane asked Mr. Kolman about moving forward. Mr. Kolman said the proposal can be put into bill draft form and the Council can discuss it at the next meeting. Rep. Keane agreed to move forward without any objection by the EQC members.
- 11:37:37 Rep. White asked about needing to vote on requesting a formal bill draft. Mr. Kolman said the Council can vote at its next meeting or in September, after the proposal has been put into the bill draft format.
- 11:38:28 Rep. Keane said he recommends voting on the bill draft at the next meeting rather than in September.

Lunch

11:38:53 Recess for lunch
13:00:15 Reconvene

SJ20: Resources in Wilderness Study Areas

13:00:43 Mr. Kolman provided an introduction. [\(Exhibit 6\)](#)
13:02:31 Leanne Marten, regional forester, Northern Region, U.S. Forest Service (USFS), provided information regarding the USFS's perspective on wilderness study areas (WSA) and the types of activities that may occur.
13:05:47 Ms. Marten discussed the seven wilderness areas in Montana. [\(Exhibit 7\)](#)
13:11:27 John Metesh, director, Montana Bureau of Mines and Geology (MBMG), presented information on mineral resource potential in WSAs. [\(Exhibit 8\)](#)
13:27:43 Lisa Gerloff, citizen science monitoring program director, Wilderness Institute, provided information on monitoring wilderness character. [\(Exhibit 9\)](#)

Public comment

13:39:35 Karen Stevenson.
13:43:58 Jack Ballard.
13:47:16 Nancy Schultz, Bozeman.
13:50:37 Nancy Ostlie, Great Old Broads for Wilderness.
13:51:58 Clint Loomis, Lewistown.
13:52:00 The EQC also received additional written public comment. [\(Exhibit 10\)](#)

EQC questions and discussion

13:54:06 Rep. White asked Ms. Gerloff about additional studies and monitoring for airplane noise.
13:56:46 Rep. White redirected his question to Ms. Marten.
13:58:23 Rep. White complimented the work done by the MBMG.
13:58:58 Rep. Keane thanked the Montana Legislature for funding the data preservation program.
13:59:59 Rep. Keane said federal legislators are responsible for deciding how to use the information compiled. He asked about inviting Montana's Congressional delegation to the next meeting in order to find a solution.
14:02:55 Rep. Hamlett said he supports the idea. He asked about wildfire management for WSAs and if initial attack is allowed.
14:03:49 Ms. Marten said the USFS can do wildland fire suppression activity in WSAs.

14:04:38 Rep. White said he supports inviting congressional representatives to the next meeting. He said he would like to get information on timber resources.

14:06:50 Mr. Kolman said Julia Altemus, Montana Wood Products Association, is present in the meeting. He said he talked to the USFS about the resources on the WSAs including timber management.

14:07:16 Ms. Marten said part of the information the Council received on resources includes information on whether WSAs are suitable for timber production.

14:08:49 Sen. Lang said there are WSAs located in eastern Montana that are managed by the Bureau of Land Management and the USFS. He said he supports inviting Montana's congressional representatives to the next meeting.

14:09:36 Rep. Keane commented on compromising to find a solution.

14:10:26 Mr. Brenden said he recommends that the congressional representatives attend the meeting in person.

14:11:00 Rep. Keane agreed and said there needs to be support from the federal government.

14:11:53 Rep. Hamlett asked if the DNRC has definitive knowledge of the WSA wildfire policies and options, and if initial attack is possible.

14:12:56 Mike DeGrosky, Fire & Aviation Bureau chief, DNRC, said he did not know if the DNRC had a WSA within its fire protection. He said initial attack is possible.

14:13:34 Rep. Keane asked Mr. DeGrosky to find out if initial attack applies to WSAs.

14:14:10 John Tubbs, director, DNRC, said he did not know of any barriers for initial response in WSAs and wilderness areas.

14:15:44 Rep. Keane asked Mr. Tubbs for a copy of the agreement.

14:16:12 Rep. Curdy asked Ms. Marten to provide an outline of the overall fire plan for WSAs.

14:18:28 Rep. Keane said without objection he will direct staff to work with Montana's Congressional delegation for the next meeting.

14:19:23 Mr. Kolman said he has already been in contact with Sen. Steve Daines' office.

Good Neighbor Update

14:19:49 Mr. Tubbs provided an introduction.

14:20:20 Greg Archie, Good Neighbor Authority Bureau chief, DNRC, provided information on the Good Neighbor Authority (GNA) program. ([Exhibit 11](#))

Public comment

None

EQC questions and discussion

- 14:29:11 Rep. White asked about the increase in the total number of FTE and the percentage of increase in board feet produced or acres treated. Mr. Archie said there were no foresters on the ground that were funded by GNA until the legislature granted the 6.5 FTE.
- 14:31:46 Rep. Keane provided additional information about funding for the GNA program.
- 14:33:06 Rep. White said he supported the legislation and commented on the benefits of the program. He said it will be self-sustaining going forward.
- 14:34:11 Rep. Curdy asked about documentation on the number of state foresters and the amount of time they spend assisting GNA program foresters. Mr. Tubbs provided information and said he will get additional documentation. Mr. Tubbs commented on funding.
- 14:40:39 Rep. Curdy asked Mr. Tubbs about the decrease in the price of lumber due to COVID-19 and how that has affected the ability to sell timber. Mr. Tubbs redirected the question to Mr. Archie.
- 14:41:44 Mr. Tubbs said the department is getting the minimum bid on trust land sales.
- 14:42:21 Sen. Flowers commented on the program.
- 14:43:08 Sen. Flowers asked Mr. Archie about projections and planning for increasing the program.
- 14:45:05 Mr. Tubbs said they are also working with the USFS and the forest action plan to find additional tools.

Fire Season & Water Supply Update

- 14:47:41 Mr. DeGrosky provided information on the fire season.
- 14:52:21 Mr. DeGrosky discussed the U.S. drought monitor map. **(Exhibit 12)**
- 14:56:22 Mr. DeGrosky provided an update on the fire suppression fund.
- 14:56:58 Mr. DeGrosky discussed the impacts from COVID-19.
- 14:58:45 Michael Downey, Water Planning Section supervisor, Water Management Bureau, DNRC, presented information on the water supply outlook. **(Exhibit 13)**

Public comment

None

EQC questions and discussion

- 15:06:52 Sen. Pomnichowski asked Mr. DeGrosky about safety protocols related to COVID-19 for fire crews coming into and going out of the state.
- 15:09:23 Sen. Lang commented on recent damage that occurred at the Milk River project.

- 15:13:20 Mr. Tubbs said 70% of the flow of the Milk River and volume that is available for irrigation, municipal, and all uses in the Milk River valley is no longer in existence. He provided information on funding for repairs.
- 15:18:52 Rep. Keane commented on the consequences of not addressing issues upfront.

Agricultural Indicators

- 15:19:23 Mr. Kolman provided an introduction.
- 15:20:22 Bruce Maxwell, MSU director of the Institute on Ecosystems and professor of Agroecology, Land Resources and Environmental Sciences Department, presented information on agricultural indicators. **(Exhibit 14)**
- 15:31:44 Mr. Maxwell provided information on the Montana Climate Assessment.
- 15:39:09 Mr. Maxwell discussed indicator tools.
- 15:43:36 Mr. Maxwell discussed critical information needs to tie indicator monitoring to agriculture decisions.

Public comment

None

EQC questions and discussion

- 15:47:23 Mr. Brenden commented on technology and changes in agriculture.
- 15:52:59 Sen. Flowers thanked Mr. Maxwell for the information and said it provided a good summary. He asked about any significant changes in the overall climate indicators from the end of the period included in the 2017 assessment until today.
- 15:57:17 Sen. Lang asked Mr. Maxwell about the models used.
- 15:59:54 Sen. Lang commented on available data.
- 16:03:13 Sen. Pomnichowski asked Mr. Maxwell about reaching out to other entities that could be measuring the data that is needed and if there are models from other states that Montana could follow.
- 16:07:35 Rep. Hamlett said he appreciates all the information that can be provided.
- 16:12:15 Mr. Vincent said the Montana Climate Solutions Council is formulating a plan for Montana's future. He said Mr. Maxwell and Patrick Holmes are on the committee and that the Council may need to revisit the topic once the report is finalized.
- 16:13:28 Mr. Maxwell agreed and said Mr. Holmes is leading the Council and will be a good resource.

Public Comment on any matter not contained in this agenda and that is within the jurisdiction of the EQC

The EQC received written public comment. **(Exhibit 15)**

Other Business

16:14:19

Rep. Keane asked Mr. Kolman about the July meeting.

ADJOURNMENT

16:17:35

Rep. Keane adjourned the meeting at 4:17 p.m.