



ENVIRONMENTAL QUALITY COUNCIL

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GOVERNOR STEVE BULLOCK
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TIM BAKER

HOUSE MEMBERS
JERRY BENNETT
VIRGINIA COURT
ED LIESER
BILL MCCHESENEY
JEFFREY WELBORN
KERRY WHITE

SENATE MEMBERS
JOHN BRENDEN
JENNIFER FIELDER
BRADLEY MAXON HAMLETT
JIM KEANE
RICK RIPLEY
GENE VUCKOVICH

PUBLIC MEMBERS
SCOTT ASPENLIEDER
DEXTER BUSBY
MARY FITZPATRICK
ROY MORRIS

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

MINUTES LOG

Approved September 11, 2013

June 20, 2013

Room 172, State Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. JOHN BRENDEN, CHAIR
REP. BILL MCCHESENEY, VICE CHAIR

SEN. JENNIFER FIELDER
SEN. BRADLEY MAXON HAMLETT
SEN. JIM KEANE
SEN. RICK RIPLEY
SEN. GENE VUCKOVICH
REP. JERRY BENNETT
REP. VIRGINIA COURT
REP. ED LIESER
REP. JEFFREY WELBORN
REP. KERRY WHITE

MR. SCOTT ASPENLIEDER
MR. DEXTER BUSBY
MR. ROY MORRIS

COMMITTEE MEMBERS EXCUSED

MS. MARY FITZPATRICK
MR. TIM BAKER

STAFF PRESENT

JOE KOLMAN, Legislative Environmental Analyst
JASON MOHR, Research Analyst
SONJA NOWAKOWSKI, Research Analyst
HOPE STOCKWELL, Research Analyst
HELEN THIGPEN, Staff Attorney
ROGER LLOYD, Fiscal Analyst
NADINE SPENCER, Secretary

AGENDA & VISITORS' LIST

Agenda, [Attachment 1](#).
Visitors' list, [Attachment 2](#).

COMMITTEE ACTION

- The EQC adopted the 2013-14 committee work plan.
- The EQC adopted the 2013-14 meeting dates.

CALL TO ORDER AND ROLL CALL

- 00:00:01 Sen. Brenden, Chair, called the meeting to order at 8:00 a.m. The secretary called the roll, Attachment 3.
- 00:00:35 Sen. Brenden explained that staff was passing out the Montana Supreme Court decision on bison, [Exhibit 1](#).

AGENDA

CONTINUE REVIEW AND DISCUSSION OF WORK PLAN

HB 609 - Study of DFWP hunting and fishing licenses

- 00:02:23 Sen. Hamlett said the EQC will not have to put as much time into gathering information since the Department of Fish, Wildlife and Parks (FWP) will be holding hearings on HB 609 (2013). Therefore he said he was in favor of option B.
- 00:03:11 Rep. Lieser asked if there was flexibility in the FTE numbers. Sen. Brenden said he thought that there was flexibility in setting the FTE.
- 00:03:59 Sen. Ripley commented that the work plan was an just an outline to make it easier for the committee to work through the plan.

- 00:04:23 Sen. Fielder handed out a plan she had worked on that totaled 1.8 FTE, [Exhibit 2](#).
- 00:06:16 Sen. Keane said that since the HB 609 study was one of the major issues for the EQC he was not in favor of having only .05 FTE as suggested by Sen. Fielder's plan. Rep. Court said that she agreed.
- 00:07:36 Sen. Hamlett suggested splitting the difference between option A and option B and committing .25 FTE since the EQC will be getting information from FWP. Sen. Brenden said that he agreed.
- 00:09:09 Rep. White wanted to clarify the information FWP would be providing so there was no duplication with the EQC. He proposed increasing the FTE from .05 to .15.
- 00:10:23 Rep. Welborn agreed that a balance between option A and option B would be best and was in favor of increasing the FTE because of the complexity of the issue.
- 00:11:11 Sen. Fielder asked where HB 609 was in the legislative ranking. Mr. Kolman said that because HB 609 is a bill rather than a study resolution, it was not ranked. Sen. Fielder also commented that the federal land study will need more Council time. She said that unlike HB 609, there are no agencies willing to take on some of the work and that should be a factor when allocating staff time.
- 00:12:30 Sen. Brenden commented that as an oversight committee the EQC also needs to be independent from FWP.
- 00:13:02 Sen. Ripley said that he hoped the EQC and FWP could work together without any overlap. He also said that the more involved the EQC is in setting license fees the better chance there is of getting legislation passed during the next session. He indicated that he was in favor of option B.
- 00:13:56 Rep. Lieser said, in regards to the land study, that the state and federal Forest Service may be willing to hear about the issues and concerns and provide some assistance in gathering information. He thought option B was a moderate position.
- 00:15:35 Sen. Brenden suggested a hands vote to see how close the committee was to the 1.8 FTE.
- 00:16:03 **Motion:** Sen. Vuckovich moved to adopt option B for the HB 609 study.
- 00:16:45 Sen. Fielder said there is .4 FTE available for staff time under agency oversight that the Council could use for HB 609.
- 00:17:12 Sen. Keane disagreed saying that HB 609 is a study bill and oversight is a different issue.
- 00:18:41 Rep. White commented that if the Council wanted to bring about legislation then part of option A needed to be included in the study plan. He recommended reducing time on options B and C and including part of option A in the plan. Sen Brenden said he did not think any of the options would limit the Council from bringing forth legislation.

00:20:04 Rep. McChesney asked if the work plan had flexible parameters. Mr. Kolman responded by saying that the Council can always make changes to the plan. He added that the FTE in the work plan is for Ms. Stockwell's time. The Council can take as much time as it wants discussing the issues.

00:21:36 **Vote:** The motion carried by majority of those present and voting.

SJ 15 - Study of federal land management

00:22:53 Sen. Ripley asked if the Council wanted to make a motion on each individual topic or take a vote after all discussion is complete. Sen. Brenden said that the Council would vote at the end of the discussions.

00:23:30 Sen. Keane said that he supported option B, .3 FTE. Rep. Lieser said that he agreed with Sen. Keane.

00:25:24 Sen. Hamlett commented that this is an important issue for the state of Montana because of the amount of federal land in the state and because of the sage grouse issue. He felt that because there was existing research that the Council could rely upon, he agreed that .3 FTE would be adequate.

00:26:07 **Motion:** Sen. Fielder moved to adopt option B. The motion carried by voice vote with Rep. Court, Rep. White and Rep. Welborn voting no.

SJ 4 - A study of Virginia/Nevada Cities and Reeder's Alley

00:27:04 Sen. Vuckovich recommended option C saying this was an important issue that needed further study.

00:27:31 Rep. McChesney agreed with Sen. Vuckovich indicating that the state has already made a significant investment, but an in depth analysis needs to be made since these areas are in trouble.

00:28:42 Sen. Keane disagreed saying that he thought that option B, .15 FTE would be adequate since an in depth analysis has already been done.

00:29:44 Sen. Brenden agreed saying that option B is adequate indicating that a lot of work was done during the last interim.

00:30:14 Rep. Bennett agreed with option B and thought this might be a good topic for a subcommittee. Sen. Brenden agreed.

00:30:56 Rep. McChesney said that he felt strongly that the Council or a subcommittee needed to look at some of the properties in Virginia City because they are in need of a lot of work.

00:31:54 Sen. Brenden suggested setting .15 FTE for now and that the number can be adjusted after the Council has considered the rest of the work plan.

00:32:22 Sen. Hamlett agreed saying he felt it was imperative to get an in depth analysis of the properties and the artifacts. Sen. Brenden suggested requesting an inventory from the Montana Heritage Commission to expedite the process.

00:33:55 Rep. Court agreed and said she felt strongly about the future of the properties. She also clarified that Virginia City and Nevada City were purchased for \$6.5 million, but Reeder's Alley was donated to the state.

Water policy

00:34:36 Rep. McChesney said that he thought the recommendation by staff of option C was more than adequate having served on the WPIC for the last 3 interims and also said that the EQC can capitalize on the work that the WPIC will be doing. Sen. Hamlett said that he also agreed with option C.

00:35:54 Sen. Brenden agreed and instructed the Council to use option C.

EQC statutory duties

00:36:25 Sen. Keane suggested using option B. Sen. Brenden said since there were no objections the Council would select option B.

Agency oversight

00:37:18 Rep. Bennett indicated that this was one of the most important things that the EQC does and recommended option A, .4 FTE. Sen. Vuckovich agreed.

00:37:51 Rep. McChesney said that he agreed especially considering the bison controversy. He said that the EQC should receive frequent updates on the FWP's bison management plan.

00:38:30 Mr. Aspenlieder added his concern regarding the communities in eastern Montana and the veto of HB 218 (2013). He said that they are in a tough spot because of the administrative orders of consent and the lack of funding available and thought that it was important that the EQC work with the DEQ for solutions.

00:39:18 Sen. Brenden proposed that the committee use option A.

Carryover EQC issue: petroleum tank release fund solvency

00:39:37 Sen. Keane recommended .01 FTE since the 2008 subcommittee had already worked through several of the problems and thought the DEQ was getting a better handle on funding. He said that the sites have already been studied and just need to be closed and monitored. Sen. Brenden agreed.

00:40:54 Mr. Morris indicated that he is on the Petroleum Tank Release Compensation Board. He said the fund has paid back a couple of their large loans and the activity in the Bakken has added volume to the total amount of diesel fuel and gasoline that has

been sold which has added money to the fund. He did not think that a lot of oversight was necessary.

00:41:46 Sen. Brenden instructed the committee to use option C, .01 FTE. Mr. Kolman indicated the committee was at a total of 1.57 FTE for the topics that have been discussed so far.

EQC publications

00:42:32 Rep. McChesney said he thought it would only be necessary to update existing publications and did not see the need for any new publications. Mr. Kolman said that new publications would only be necessary if requested from the licensing study, the federal land study, or the septic system study. He said that updates to reflect current law is done anyway.

00:43:22 Rep. McChesney recommended option C, .04 FTE.

00:43:29 Rep. White asked if any of the publications were outdated and should not be given to the public or if inserts should be added to include new information. Mr. Kolman responded that publications are updated.

00:44:59 Sen. Vuckovich said he thought it was extremely valuable to update publications when changes are made and he preferred option B, .12 FTE.

00:45:41 Sen. Keane recommended a compromise between the options, .08 FTE.

00:45:51 Sen. Ripley asked if any staff time was allocated to update materials other than from the EQC budget. Mr. Kolman said no, but he did not include the permit index which is done by Maureen Theisen.

00:46:36 Sen. Keane asked if Ms. Theisen spent any time on updates not included in the FTE. Mr. Kolman indicated that she updated the permitting index and the content of the other reports is updated by the research analysts.

00:47:09 Sen. Brenden instructed the committee to use .08 FTE compromising between options B and C.

Septic system study

00:48:03 Sen. Keane said that the septic system rules vary by county and asked if the purpose of the study was to get a state rule for septic systems. He felt that it should be a county issue. Sen. Brenden agreed and thought it was better to keep control on a local level.

00:49:12 Rep. Bennett said he also thought it was a local issue and he liked option C. He indicated that studies on septic systems have been done by colleges and universities and the Council can save time by compiling the information from those studies.

- 00:50:39 Rep. Lieser said he also did not think that septic systems needed to be regulated by the state and indicated that it was a bigger issue around the Flathead. He would like to find out what other states have done and make that information available to the counties so they can be given some direction. He was in favor of using option C.
- 00:52:01 Sen. Brenden instructed the committee to use option C, .05 FTE, bringing the total FTE to 1.7. He said this will leave .01 FTE for the EQC to decide on using at a later date.

ADOPTION OF WORK PLAN OPTIONS

- 00:52:30 **Motion/Vote:** Sen. Ripley moved to adopt the draft work plan. The motion carried unanimously by voice vote.
- 00:53:14 Sen. Keane said that as other issues come up they can be included in the work plan.
- 00:53:33 Rep. McChesney said he would like an update on bison management and the sage grouse issue at every meeting.
- 00:54:35 Rep. White indicated that a new parks board will be created in July and he would like to see a presentation in front of the Council on the direction they will be taking. Sen. Brenden agreed.

ADOPTION OF INTERIM EQC CALENDAR

- 00:55:45 Mr. Kolman explained how the calendar was formulated.
- 00:56:59 **Motion/Vote:** Sen. Vuckovich moved to adopt the 2013-14 calendar for the EQC. The motion carried unanimously by voice vote.
- 00:58:38 Sen. Hamlett discussed a conflict that both he and Rep. McChesney have in January. Sen. Brenden indicated that not everyone will be able to make every meeting and that proxy votes will be accepted by the EQC.
- 01:00:13 Sen. Keane encouraged the Council members to have proxies available in advance of the meetings.
- 01:00:34 Sen. Brenden said that the Council can also make use of telephone conference calls.

DISCUSSION ON NEXT STEPS FOR EQC STUDIES

HB 609 - Study of FWP hunting and fishing licenses

- 01:00:56 Mr. Kolman said this was an opportunity for members to let staff know what they would like to put on the agenda for the next meeting and also time for public comment.

- 01:01:49 Ms. Stockwell, Research Analyst, gave the Council information about the next steps for the HB 609 study.
- 01:02:48 Rep. Lieser asked if there would be any updated information from FWP by September. Ms. Stockwell thought that there would be and agreed to keep the Council informed of any pertinent information.

Public Comment

- 01:04:05 Nick Gevock, representing the Montana Wildlife Federation (MWF), asked that the Council look at the way fee increases are implemented and to consider allowing the FWP Commission to make annual increases instead of legislative increases every 10 years.
- 01:05:27 Joe Perry, representing the Montana Sportsmen's Alliance (MSA), commented that out of state license fees have kept up with and are in the middle of the pack with western states. He said that resident licenses are a good bargain and increases in those fees need to be considered.
- 01:06:37 Jeff Hagener, Director, FWP, responded to Rep. Lieser's earlier question and said that by September they are hoping to have had two or three meetings and will have a lot of information to report back to the Council.

Questions and discussion

- 01:07:34 Sen. Keane said he would like to look at license fees and how they are directed into earmarked funds. Director Hagener replied that was the intention of the department.
- 01:08:44 Sen. Brenden reminded Director Hagener to provide the dollar amount for guns and ammunition sales to the EQC.
- 01:09:10 Sen. Fielder explained to Director Hagener that she thought it was important for FWP to coordinate the method of how license fees are set. She also discussed ballot initiatives and how they affect wildlife management. Director Hagener said that the department will be looking at those issues.
- 01:11:36 Sen. Brenden said there was no way to prohibit someone from starting a ballot initiative.
- 01:11:54 Sen. Hamlett asked Mr. Perry if the MSA had a position on special licenses for in-state hunters. Mr. Perry said they are trying to use other western states as a model in order to get Montana into a competitive spot.
- 01:13:03 Sen. Hamlett clarified that he was wondering about a special dispensation for certain individuals to get a lower license fee. Mr. Perry responded that they will be focusing on that issue.

SJ 4 - Study of Virginia/Nevada Cities and Reeder's Alley

- 01:13:53 Ms. Kurtz indicated that before the next EQC meeting she will try to obtain an inventory of Virginia City and gather information on the statutes that govern the Montana Heritage Preservation and Development Commission (MHC) and the Montana Antiquities Act and also provide information on funding. She said she will ask representatives from the MHC to come to the EQC meeting and talk about their business plan and also arrange for the Council to visit Reeder's Alley. Sen. Brenden said he will put it on the agenda for September.
- 01:16:09 Sen. Keane requested Virginia City financial and visitor reports in order to make a comparison to the prior year.
- 01:17:01 Rep. McChesney said he would also like a map of each area.
- 01:17:23 Sen. Hamlett wondered if there was a date set for a celebration of the 150th anniversary of Virginia City. Ms. Kurtz said she will find out and report back.
- 01:17:49 Rep. White asked for a comparison of Reeder's Alley to Virginia City and Nevada City. He said that Virginia City and Nevada City are considered destination cities, but Reeder's Alley didn't have the same draw. He also asked about the value of Reeder's Alley and if it could be sold and profits from the sale invested in the other two properties.
- 01:21:09 Rep. Bennett said he would like to have an assessment done of the buildings in Virginia City to find out what repairs need to be done and how much it would cost.
- 01:21:58 Rep. Court asked staff to contact the Historical Society and arrange for a tour of Reeder's Alley. She said that she would like the financial statements before the next meeting.
- 01:22:56 Sen. Hamlett added that when properties are donated, as in the case of Reeder's Alley, there may be contingencies put on the gift that it can not be sold.

Public comment None

Questions and discussion None

- 01:23:38 Sen. Brenden told the Council that he would be appointing a work group for SJ 4 and SJ 15 and if any members were interested in being on the work group to let him know.

SJ 15 - Study of federal land management

- 01:24:09 Mr. Kolman said that the survey of counties seemed to be of high importance to the EQC and may dictate the direction for the rest of the study. He needs to know how the committee wants to survey the counties. The resolution says to survey counties that have 15% or more of their land in U.S. Bureau of Land Management (BLM) or the Forest Service. He indicated that the EQC was given a list of public lands by

county, but it does not take into account some U.S. Department of Interior land which includes National Park land and Indian reservations.

Questions and discussion

- 01:26:06 Sen. Fielder said she had talked to several EQC members about getting the land study under way. She will be asking for a work group and indicated that she talked to the Montana Association of Counties to see if they would like to be involved in the study. She agreed that U.S. Department of Interior lands should be included in the study.
- 01:27:51 Rep. White said that he would like to serve on the work group. Sen. Brenden indicated that not all counties will need to be surveyed since some counties have very little federal land.
- 01:29:24 Sen. Keane reminded the EQC that the state is limited on what it can do on federal land. Rep. McChesney agreed with Sen. Keane.
- 01:31:10 Sen. Vuckovich said that there is a lot of federal and state land in Anaconda and Deer Lodge County and stated he would like to try and salvage the beetle-killed timber from the federal land. Sen. Brenden said unfortunately there are too many lawsuits involving logging projects on federal land.

Public comment

- 01:32:54 Bryan Lorengo, representing the Montana Logging Association, said that he attended a Timber Task Force meeting which was also attended by representatives from the Forest Service. Currently there is 215 million board feet (MMBF) tied up in litigation in Region One and a majority of that is in Montana. He said that Montana cannot continue to sustain the mill infrastructure it has with private and state lands alone and stressed the need to push the Forest Service into allowing logging on federal land. Sen. Brenden said that he agreed that it is a serious problem.
- 01:34:58 Keith Kubista, representing Montana Sportsmen for Fish and Wildlife (SFW), said that he participated in a natural resource policy development for Ravalli County which has over 76% federal lands. As part of the natural resource policy they developed a number of solutions and goals and said that this would be of benefit to the EQC prior to surveying the counties.
- 01:36:04 John Hagenruber, Forest Service liaison to the state of Montana, indicated that there are nine national forests comprising 40 ranger districts and almost 17 million acres of national forest system land in Montana and offered his assistance to the EQC, [Exhibit 3](#), [Exhibit 4](#).
- 01:38:09 Rep. White asked Mr. Hagenruber about trading section for section federal land with state land. Mr. Hagenruber thought that there might be some mechanism available to do this including land exchanges between the national forest system and the state of Montana.

01:40:54 Rick Hotaling, District Manager, BLM, Western Montana District, said that he was looking forward to working with the EQC on SJ 15, [Exhibit 5](#), [Exhibit 6](#), [Exhibit 7](#).

EQC statutory reporting requirement petroleum tank release site closure update

01:44:32 Ms. Stockwell gave a history of the EQC's work on the petroleum tank release site closure update.

01:46:16 Mike Trombetta, Bureau Chief, Hazardous Waste Site Cleanup Bureau, DEQ, gave an update on meeting benchmarks as set forth in HB 613, [Exhibit 8](#).

01:50:30 Rep. White asked if all work was completed at the resolved sites. Mr. Trombetta confirmed that "a no further action" letter had been sent, any monitoring wells have been removed, and the sites are back to their original condition.

Public comment

01:51:23 Terry Wadsworth, Executive Director, Petroleum Tank Release Compensation Board, DEQ, let the Council know that the Board is working with the DEQ on these program improvements and he is available for questions.

Questions and discussion

01:51:50 Mr. Busby asked Mr. Wadsworth about the status of the petroleum tank release fund. Mr. Wadsworth indicated that the fund was holding its own and there are no outstanding loans.

01:52:38 Sen. Keane asked Mr. Wadsworth for a financial report. Mr. Wadsworth said he would provide a report and give it to the EQC staff.

01:53:07 Ms. Stockwell asked if the committee would like a financial report at each meeting it receives an HB 613 report. Sen. Brenden said that would be a good idea. Mr. Wadsworth said he would work with Ms. Stockwell in getting the report to the EQC.

01:53:35 Sen. Keane stated that the EQC needs to make sure that the two agencies are coordinating their efforts in closing the sites and providing financial reports.

(BREAK)

EQC statutory reporting requirement wolf management update

02:12:28 Ms. Stockwell gave an introduction to the reporting requirements for wolf management indicating that with the passage of SB 200 (2013) the EQC will be asked at least once a year to look at the wolf management issue.

02:13:36 Director Hagener (FWP), gave an overview of the 2012 wolf hunting season and the proposed regulations for the 2013 season. He indicated that HB 73 (2013) liberalized their ability to deal with the wolves.

Questions and discussion

- 02:23:57 Rep. White asked about federal funding issues resulting from the budget sequestration and the U.S. Wildlife Services ability to remove problem wolves. Director Hagener discussed the reduction in funding and what the direction is for the department.
- 02:25:51 Rep. White asked how much FWP made on wolf tags and how the money is being allocated. Director Hagener said that in 2012 they sold 18,642 resident licenses and 247 non resident licenses with a total revenue of \$437,048. He said they are required by statute to allocate \$900,000 to wolf management and other issues each year.
- 02:27:28 Rep. Bennett commented on closing certain areas to trapping and set backs where people may be walking or children may be playing.
- 02:28:41 Sen. Fielder commented on having trapping bans in certain areas or banning certain types of traps. She also clarified the wolf archery season on the handout provided by Director Hagener. Quentin Kujala, Wildlife Management Section Chief, (FWP), responded saying that referred to the archery only season.
- 02:31:45 Director Hagener commented that wolf depredation policies were changed so that when there is a depredation U.S. Wildlife Services can make the call on trapping or lethal control of one, two, or the whole pack of wolves without having to get a determination from FWP.

Public comment

- 02:32:52 Kim Bean, representing Wolves of the Rockies, commented on the likelihood of wolves killing people, the wolf management units around Yellowstone National Park, and dropping the wolf quota.
- 02:37:47 Joe Perry, MSA, indicated that mainstream sportsmen's groups in Montana are largely satisfied with the direction the department has gone.
- 02:39:02 Keith Kabista, SFW, said that he supports FWP's wolf management proposal.
- 02:40:38 Nick Gevock, MWF, said that he also supports FWP's wolf management proposal..

Governor's Sage Grouse Advisory Council update

- 02:42:39 Ms. Stockwell gave an introduction to the Sage Grouse Advisory Council, created by executive order of Gov. Bullock in February, providing a course of action for conservation measures to preclude the listing of the greater sage grouse as a threatened or endangered species.
- 02:44:25 Director Hagener, FWP, gave an update on the progress that the department has been making in looking at ways to conserve the sage grouse and their habitat. He said that other states are looking at what Montana will do since we are rated as the

number two state for sage grouse population and the number one state as far as habitat stability.

Questions and discussion

- 02:48:23 Sen. Brenden asked what the hunting season and quota was on sage grouse. Director Hagener said there is a two bird daily bag limit and a possession limit of four and the season runs from September 1 until November 1.
- 02:49:01 Sen. Brenden asked why Montana didn't prohibit sage grouse hunting to satisfy the federal government. Director Hagener indicated that was also a concern of the Sage Grouse Advisory Council.
- 02:51:31 Sen. Fielder asked if the department was looking at natural predators of the sage grouse. Director Hagener indicated that they were looking at natural predators, but predation is not one of the primary threats.
- 02:52:57 Sen. Fielder asked if FWP staff was looking at the model project in Elko County Nevada. Director Hagener indicated that they are trying to accumulate as much of the scientific data that they can, including looking at what other states are doing.
- 02:54:30 Sen. Ripley requested a list of all the Sage Grouse Advisory Council members. Director Hagener handed out a list to the EQC, [Exhibit 9](#).
- 02:54:54 Rep. White asked how the plan created by the advisory council will fit in with the plan developed by the BLM. Director Hagener said that the BLM will incorporate the state plan into their plan.
- 02:57:28 Sen. Hamlett said this was an opportunity to put a plan in place that will change what happens down the road.
- 02:59:49 Rep. McChesney said that the efforts of the advisory council will be to ensure sage grouse are not put on the endangered species list.
- 03:02:15 Sen. Brenden asked Director Hagener for information on sage grouse hunting in surrounding states. Director Hagener said he will provide the information to the committee.

Questions and discussion

- 03:03:38 Rep. Court asked if the Tribes are included on the Sage Grouse Advisory Council. Sen Hamlett said that they are represented.

Public Comment None

Fire season/water supply

- 03:04:55 Roger Lloyd, Legislative Fiscal Division, gave a financial overview of the fire costs incurred in fiscal year 2013 and also talked about the funding sources to help pay for

the fire costs. He said that the two bills that will affect the fire suppression fund are HB 3 (2013) and HB 354 (2013), [Exhibit 10](#).

03:12:00 Bob Harrington, Forestry Division Administrator, Department of Natural Resources and Conservation (DNRC), gave an update on the fire season outlook for 2013, [Exhibit 11](#), [Exhibit 12](#), [Exhibit 13](#).

Questions and discussion

03:22:32 Rep. Lieser asked Mr. Harrington, since Montana has had a wet spring, if he saw any potential for savings by sending firefighters out of state. Mr. Harrington said there are 20 individuals assigned out of state and if the favorable conditions continue they can make more crews available.

03:24:50 Sen. Ripley asked for clarification on the expense sheet that was handed out. Mr. Harrington discussed in further detail some of the particular fires and expenses.

03:26:09 Sen. Brenden asked about reimbursement from the Federal Emergency Management Agency (FEMA). Mr. Harrington said that they were anticipating reimbursement from FEMA.

03:26:43 Sen. Ripley asked about outstanding expenses not yet reimbursed by FEMA and which account the FEMA reimbursements are going into. Mr. Harrington said that the department is reimbursed for all of the money they are entitled to from FEMA, but it usually takes 2-3 years to get the reimbursement. He said that he will let the EQC know which account the reimbursements are going into.

03:31:16 Sen. Fielder asked Mr. Harrington if the department is intensifying fuel reduction efforts in southwest Montana where conditions make the area vulnerable to fire. Mr. Harrington said that they are blocked from doing fuel reduction on federal forest lands because of the high litigation rates and that the market drives what happens on private and state lands. He said that they would be pre-positioning resources in the vulnerable areas.

03:35:56 Sen. Vuckovich asked about the possibility of a moratorium being placed on federal lawsuits and if there was anything the EQC could do to help. Mr. Harrington indicated that there are people working on a solution and that future legislation could help.

03:41:56 Sen. Keane said that since Canyon Ferry Lake did not fill completely due to the lack of moisture it has added to the problems in southwest Montana. He asked Mr. Harrington if the 2012 fire season costs were higher because the department had 100% responsibility for those fires. Mr. Harrington said that was correct because the majority of the large fires occurred on private land.

03:43:14 Sen. Keane asked Mr. Harrington to provide an explanation of where money will go now that new legislation was passed revising laws governing the fire suppression account. Mr. Harrington said he will have the information available at the next EQC meeting.

- 03:44:41 Rep. White asked Mr. Harrington to update a chart from *The Price of Flame* study. Mr. Harrington said he will provide an update for the Council.
- 03:46:48 Sen. Hamlett asked for clarification of what is a fire year. Mr. Harrington said that they account for expenses on a fiscal year, but a fire season is usually a calendar year.
- 03:47:19 Sen. Hamlett asked about the map showing that eastern Montana had burned more acres than western Montana. Mr. Harrington said that there is a tendency to have larger fires where they can spread through the sage and grassland.
- 03:49:35 Jesse Aber, Water Resource Planner, DNRC and staff for the Governor's Drought and Water Supply Advisory Committee, gave an update on the drought and water supply and handed out a surface water supply index map, [Exhibit 14](#), [Exhibit 15](#).

Questions and discussion None

Public comment on fire season water supply None

Public comment on any other matter None

Other business

- 03:58:38 Sen. Brenden appointed Sen. Fielder, Rep. White, Sen. Hamlett, Rep. Lieser, Vice Chair McChesney and himself to a work group on SJ 15 to develop the public land survey.
- 03:59:25 Sen. Fielder gave the committee her recommendations and ideas for the work group.
- 04:00:57 Sen. Brenden indicated that he will be the chair for the work group and Rep. McChesney will be the vice chair. Sen. Brenden also said that not every county will need to be surveyed.
- 04:01:47 Rep. Welborn indicated that Beaverhead County did a resource use plan with the federal government a few years ago and he will have the information available for the committee.
- 04:02:24 Sen. Brenden indicated that any member of the EQC could give their ideas to the work group.
- 04:02:45 Rep. White informed the EQC that he will be attending the Council of State Governments meeting at the end of August and will give the committee a report on the conference.
- 04:03:24 Sen. Brenden asked for volunteers for the study on Virginia City, Nevada City and Reeder's Alley.
- 04:04:04 Mr. Kolman gave a background on working groups and subcommittees. He indicated that subcommittees are subject to open meeting laws and impact the budget.

- 04:05:07 Sen. Brenden informed the EQC that anyone interested in being on the Virginia City workgroup should notify Mr. Kolman.
- 04:05:43 Mr. Kolman said anytime there is a subset of the Council conducting Council business, they should follow the open meeting laws.
- 04:06:16 Sen. Brenden asked if a work group had to follow the open meeting laws. Mr. Kolman responded that there is not much distinction between a work group and a subcommittee.
- 04:06:51 Sen. Keane stressed the importance of following the open meeting laws. Sen. Brenden indicated that the meetings should be scheduled through staff.
- 04:07:27 Mr. Busby asked Sen. Brenden who would chair the Virginia City study. Sen. Brenden appointed Sen. Keane as chair.
- 04:07:55 Sen. Fielder asked what would be required if the work group for SJ 15 only discussed ideas about putting together and mailing the survey. Mr. Kolman said that the action would require public notice.
- 04:09:10 Sen. Brenden indicated that a phone call one-on-one is not a majority and no public action needs to be taken.
- 04:09:37 Ms. Kurtz asked about a tour of Virginia City/Nevada City and Reeder's Alley. Sen. Keane said that anyone interested in being on that committee or anyone who wanted to go on the tour should give their name to Ms. Kurtz.
- 04:10:20 Sen. Vuckovich commented on open meeting laws saying that if you are meeting and have a quorum you are in violation of open meeting laws.
- 04:10:51 Mr. Kolman indicated that Ms. Kurtz will provide information on Virginia City/Nevada City and Reeder's Alley at the meeting in September and a subcommittee can be put together at that time. Ms. Kurtz said she will plan a tour of Reeder's Alley in September.
- 04:12:03 Rep. Lieser said he will work with staff and gather information from other states regarding the septic system study and have it available for the September meeting.
- 04:12:40 Mr. Lloyd responded to an earlier question regarding reimbursement from the federal government for fires. He said that the reimbursement is considered federal special revenue which goes into a federal account and can only be spent through a statutory appropriation by the Governor.
- 04:13:55 Sen. Brenden adjourned the meeting at 12:15 p.m.

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